

# Insight Questions



## When People-Watching Isn't Enough

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If I were honest, I'd admit that I don't go to my local coffee shop just for the coffee; I go to watch the people. It's not exactly like going to a zoo, but it has its moments. As a self-described behaviour junkie, I love to observe the other patrons and staff as they go about their life. I watch facial expressions and body language, and have been known to eavesdrop when a conversation gets exciting. With my tablet as camouflage, I am often able to inconspicuously put these fellow beings under the microscope, and learn about them. I have been able to find out where they go to school, what they do for entertainment, and what their political bent is. I know if they're having affairs, in trouble at work, or about to have a baby. Being curious and snoopier made me a good police officer, and I haven't been able to shake the curse of always wanting to know everything about everyone. It's actually easier than it looks when I'm in an unofficial capacity, casually and innocuously satisfying my insatiable appetite for knowledge. Having said that, it often isn't as fruitful when I'm in a formal interview setting, where interpersonal dynamics of fear, anxiety, or mistrust may interfere. For this reason, I have come to rely on what are called *Insight Questions* or *IQs* to invite the interviewee to grant me a look inside him. They allow me to build the bridges of rapport, while fanning the flames of mutual respect, all with the hope of learning, amongst other things, the interviewee's agenda.

### What they should and should not be used for:

The goal of these questions is to prompt a response that might provide insight into the person being interviewed. The information might reveal clues about the person's character, values, and morals, as well as potential communication impasses. Depending on the question, it could also foreshadow, or predict, our interviewee's agenda, often described as what he wants to tell us and how he would like to tell it.

These questions, often help us understand what might motivate a person to talk to us, and what we could do to generate more conversation. That is their *raison d'être*.

They are not intended to help us detect deception, regardless of whether their wording appears similar to what we used to call *Behaviour Observation Questions* (BOQs) [J. Reid and Associates, Inc., 2016]. The question hasn't changed; the purpose for asking it has. If you were trained to use BOQs, you may have to force yourself to refrain from using them the wrong way, or risk ending up with a nasty case of confirmation bias, based on pseudoscientific speculation. Remember that, according to scientific studies, our ability to detect deception is about as accurate as flipping a coin [Bond, C.F. and DePaulo, B.M.; Individual differences in judging deception: accuracy and bias; *Psychology Bulletin*, 2008, July; 134(4): 477-492].

The insight gleaned from an IQ is not meant to aid development of minimization or maximization themes for later use in an accusatory interrogation. For example, if asked, "*What sort of person would touch a child for a sexual purpose?*", an interviewee might answer with, "*Someone who was abused as a kid*". In the prehistoric days of the BOQ, we would have taken that response and fed it back, subsequent to an accusation, to minimize the moral gravity of the act; thereby, offering a face-saving, confession-oriented theme. We might say, "*John, there's no doubt that you are the one who touched Erica, but I don't think you are a bad person. I think you were acting out because you were victimized yourself as a child. We all know that hurt people hurt people. If that's the case, people would understand and be able to forgive you.*"

Since the goal of an interview has matured from trying to obtain a confession to gathering information, we would no longer use the response in this way. We would simply listen, and prepare to possibly hear this agenda raised later in the interview. Forewarned is forearmed, and being prescient of an agenda would allow us to prepare how best to generate further detail, without having to carry the heavy cognitive load spawned by uncertainty. Remember, one goal of an IQ is to have the interviewee reveal information about himself, from which we could possibly anticipate an agenda. This could, then, be used to further develop a probing strategy that would lead to increased detail. It is not to be used as a ploy to provide us with a plan for an accusatory interrogation. Notwithstanding your views on accusatory interrogations, at least accept that an IQ should not be used to find a way to overbear an interviewee's will, or deprive her of the ability to choose whether to speak.

Although there are many IQs, this paper will be limited to the four most common: the *Purpose Question*, the *Responsibility Question*, the *Fear or Concern Question*, and the *Objection Prompter Question*.

## **The IQ in Action:**

### **The Purpose Question:**

The *Purpose Question* is our opportunity, early in an interview, to find out what was going on inside the interviewee's head. It gives the interviewee a chance to talk, and us an opportunity to listen. We might learn his agenda, if we're extremely lucky, the language he would prefer to hear from us, or the level of cooperation anticipated. The alternative approach, would be to tell him the reason for the interview, rather than posing a question. By telling; however, we miss the golden opportunity to get more than a yes or no response. For example, the interviewer would say something like, "*Bob, the reason I've asked you here today is to talk about an allegation that you sexually harassed Wanda in the lunchroom yesterday.*". If I asked you who was providing the most information, you would have to admit that it was unequivocally the interviewer. Aside from possibly introducing language and concepts that may never have been part

of the interviewee's vocabulary or memory, understand that choosing to tell the purpose would not be conducive to reaching our goals of obtaining information from the person who should be the most important player in the process.

Here's what the IQ process looks like:

### **Gaining insight into use of language**

Interviewer: *In your own words, tell me what you understand the purpose of this interview to be.*  
(or) *In your own words, tell me what we're here to talk about today.*  
(or) *In your own words, what incident are we here to talk about today?*

Interviewee: *It's because Wanda is saying I sexually harassed her.* [you may now use the term "sexually harassed" in the interview without fear of contaminating the account, as the interviewee has chosen to introduce it]

as opposed to

*It's because Wanda said I touched her inappropriately.* [which would dictate that you should not be the one to introduce the term "sexually harassed", as best practice would be to only use words that had already been provided by the interviewee]

### **Gaining insight into level of cooperation**

Interviewer: *In your own words, tell me what you understand the purpose of this interview to be.*  
(or) *In your own words, tell me what we're here to talk about today.*  
(or) *In your own words, what incident are we here to talk about today?*

Interviewee: *Wanda has accused me of sexually harassing her* [does not indicate he does not wish to talk about it]

(or)

*My lawyer said not to talk to you* [clearly less positive for you than the previous response]

(or)

Silence [definitely less positive for you]

By learning the cooperation level early in the interview, you might be able to predict that you would have to rely on an alternate plan to generate conversation, rather than simply being able to ask the interviewee to, "*Start at the beginning and tell me everything about this*". If this is the case, you should anticipate having to use the *Responsibility Question* or another conversation generator.

**Important:** If you word it in a way that appears to be asking for more than the type of incident, ensure you have covered off any legal obligations first. Sometimes, adding the words "*what type of incident?*", or, "*What type of event?*" would stop a potentially inadmissible utterance such as, "*It's because I touched Wanda's bum in the coffee room, yesterday*", or, "*Wanda*

*said I touched her, and I didn't!", from happening. You could also preface the question with, "I'm not asking if you did it or not, but would like to find out if we are on the same page about what we're here to talk about today. What incident (event) is this interview about?"*

## **There are two additional benefits to asking the Purpose Question**

### **Speak to jargon or legalese used in the response:**

Should the interviewee respond using words such as sexual harassment, bullying, robbery, or any other legal terms, it should prompt you to have him explain what these terms meant to him. This would avoid confusion over definitions later in the process. For example, should he say, *"It's because I'm being accused of assaulting some guy"*, it would be prudent to excavate further by asking what the term "assault" meant to him. This not only allows you to ensure the two of you are on the same page, it would provoke discussion; thereby training the interviewee to respond productively later on when you were probing for fine grain detail.

### **Ensure the suspect fully understands his legal jeopardy and segue into your role:**

When interviewing a suspect, one of the pre-conditions of admissibility in many countries, is being able to prove that he made an informed decision to speak. This means that your interviewee must have clearly understood what it is he is suspected of doing, and any choices that he has regarding whether to speak. For this reason, the Purpose Question is often an excellent launching pad for a meaningful discussion with the suspect.

Interviewer: *Jim, before we go any further, I'd like to make sure we're both on the same page about what were here to talk about today. In your own words, what event has brought us together?*

Interviewee: *I've been accused of assaulting some joker at the bar last night.*

Interviewer: *Thanks for answering that. We are definitely on the same page. Now, assault is a Criminal Code offence and that is what we'll be talking about today. Jim, I'm not sure if you've ever been interviewed by the police, so I'd like to take some time to let you know what my role is. I'm an investigator with the RCMP and have been asked to investigate, or look into, this allegation against you to see what, if anything happened. When I say investigate, I mean gather information and evidence, verbal and physical. Speaking to you would be an example of verbal evidence. Before we go any further, lets talk about your choices today.*

### **The Responsibility Question:**

This IQ is what is called a *Conversation Launcher* (Pitt-Payne, B & Carr, D) as its purpose is to motivate a suspect to choose to begin talking. On a question funnel, it would fall in the category of Closed Question, as it could be answered with either a yes or no. It; therefore, works best when paired with a follow-up, *Open Prompt* such as *"Tell me about that"* [for a yes], or, *"So, if you didn't do it, then, you were doing something else. Tell me what you were doing"* [for a no]. You could choose to use it following unsuccessful

attempts to obtain an account by using open prompts such as *“Start at the beginning and tell me everything about this”*. Additionally, the decision to use this IQ is often made following a Purpose Question that received a response indicative of sub-optimal cooperation.

### **The wording:**

As with much of what we interviewers do, there is no cookie-cutter approach to this. I have found it helpful to plan several variations, so the appropriate choice may be made after getting to know the suspect during the preliminary stages of the interview. The basic concept involves asking the suspect if he had committed the alleged act, using the wording agreed upon after the Purpose Question. For example, if the suspect answered the Purpose Question using, *“Bob said I bit him”*, you would insert some form of the verb *“bit”* into the Responsibility Question. Keep the format simple as the suspect must understand what it is you were asking for the response to give you valuable insight.

*“Did you bite Bob?”, or, “Are you the one who bit Bob?”, would be good examples.*

You may also choose to phrase this IQ with the words, *“Are you responsible for biting Bob?”*, if you anticipate the need to soften the terminology when dealing with a timid suspect. Keep in mind; however, that being responsible for an occurrence is semantically different than actually doing the act, and may end up receiving a confusing answer. A person, for example, who was being investigated for the theft of money from a company safe, might believe she was responsible, due to her role, and not because she was culpable of theft. Imagine the feelings of guilt that might be held when money was stolen from the office because the manager had forgotten to put it in the safe. She might feel responsible for the theft, even though she was not the thief. Moreover, asking if someone were responsible for certain offences might appear disingenuous. For example, it would be best to ask a person, *“Did you steal the chocolate bar?”*, as opposed to, *“Were you responsible for the theft of the chocolate bar?”*. Don't complicate what should be an easy question.

Certain acts may also diminish the insight available, if you were to ask if they were responsible? Some suspects might not even know if they had indeed been responsible for the outcome, even though they would be certain that they did an action. Let me explain this by using an example.

### **Shaken Baby Investigations:**

With some allegations, a suspect might know that he did a certain action, yet not realize the consequences of that action. In shaken baby investigations, the suspect might not understand or appreciate the nexus between the action and the resultant death, so, if asked, *“Were you responsible for your baby's death?”*, he might honestly answer, *“No”*. However, if he has been asked, *“Did you shake your baby?”*, he would be more likely to answer with either a yes or no. The rationale could also be found in a crowd control scenario where several police officers had fired rubber bullets into a large group of people, killing one person. Although they might not be able to honestly answer whether they were responsible for the death, they would all know whether they had indeed fired a gun.

### **The presentation:**

Sometimes it helps to present the Responsibility Question after an introduction aimed at decreasing the chance of it being perceived as accusatory.

Interviewer: *Jim, as an investigator I have always believed in being both thorough and fair. I will apply these characteristics to this investigation, so, if you were the one who touched Sally's breasts yesterday, the investigation will clearly show that. Having said that, being fair and thorough also means that, if you did not touch her breasts, the investigation would clearly show that as well. It works both ways. So, the most important question I could ever ask you is, "Did you touch her breasts yesterday?"*

**What they might tell you and how to launch conversation from it:**

**The Full or Partial Truth Agenda:**

Interviewer: *Jim, I pride myself on conducting a thorough and fair investigation, so if you did rob the Greasy Spoon Restaurant last Friday the investigation will clearly show that. On the other hand, because I am thorough and fair, if you didn't do it, the investigation would show that as well. So, what is really important today is, did you rob the Greasy Spoon Restaurant?*

Jim: *Yes, I did.*

Interviewer: *Thank you for being honest with me about that Jim. It tells me a lot about your good character. Now, I wasn't there, and I don't want to misrepresent anything about this as that would be unfair. The most important thing we could do now is to go over this and make sure you are happy with the way it is understood. I'd like you to start at the beginning and tell me everything about it.*

At this point, Jim would be able to tell you what happened in the way he would like to. This is what we refer to as his "agenda" and may contain rationalizations that save face by either minimizing the moral gravity or projecting whole or partial blame onto someone or something else. If we have evidence that is incongruent or inconsistent with this agenda, we could choose to clarify or challenge those segments later in the process by presenting the evidence and asking for an explanation. At this point, we could rest easy that we had obtained a platform from which further conversation could be launched, conversation that could excavated until we had the fine grain detail necessary to investigate the credibility and reliability of the agenda. You'll see that the principle followed appears closer to a martial art where the more skilled participant uses the opponent's momentum and strength to your advantage, rather than attempting to battle using an equal but opposite reaction.

Let's change it up a bit, and look at how the conversation would be managed had the agenda been a denial:

**The Denial Agenda:**

Interviewer: *Jim, I pride myself on conducting a thorough and fair investigation, so if you did rob the Greasy spoon Restaurant last Friday the investigation will clearly show that. On the other hand, because I am thorough and fair, if you didn't do it, the investigation would show that as well. So, what is really important today is, did you rob the Greasy Spoon Restaurant?*

Jim: *No, I didn't!*

Interviewer: *Thanks for having the courage to tell me that, Jim. That's why I always believe in sitting down with another adult who has become involved in an investigation. I don't have a side in this so, if you didn't do it, it is my job to help you prove it. So, if you didn't do this, then, we can show what you were doing instead. Let's go back to the beginning of that day, when you woke up, and tell me everything up until the point you fell asleep. Don't leave anything out as everything might be important. I want you to work hard and help me out by mentioning any evidence that would clear you. Did you talk to anyone? Were you ever in a place that had video cameras?*

### **The Technical Denial Agenda:**

There may also be other agendas presented to this Responsibility Question. You might receive a *Technical Denial*, where a specific detail is put forward to create a distracting argument. These are an example of a pseudo-denial as they are not a definitive expression of innocence. Let's look at a case where the technical denial relates specifically to the number of breasts grabbed as opposed to whether any were grabbed:

Interviewer: *Did you sexually assault Kim?*

Jim: *I did not grab her breasts!*

Interviewer: *Thank you for telling me that, Jim. I'm still a bit confused though. Did you grab even one of her breasts?*

Jim: *Yes, but just one*

Whether the truth or a minimization, you would now have the launching pad to follow up with, *"Okay, so it was only one. That's good to know. So, tell me everything about it then."*

Or, if could choose the respond using the following agenda:

Jim: *No, I didn't grab either.*

Again, whether this were the truth or a lie, you would be set up to launch further conversation by using something similar to the denial to the robbery above.

### **The Objection Agenda:**

Another pseudo-denial is what we call an Objection. These creatures present as a character reference that may, in fact, be true. Rather than argue the proposition, which would be pointless, we could pose the Responsibility Question again.

Interviewer: *Did you sexually assault, Kim?*

Jim: *I was raised to respect women!*

Interviewer: *I hear you on that Jim, and have no reason to disbelieve you when you say that. I'm still confused though; did you sexually assault her?*

Whether truthful or not, the launching pad has been set up to probe for more detail.

### **Offering an Invitation to Lie:**

An alternate conversation launcher would be to invite the suspect to lie to you, if he chose to. It would look similar to this:

Interviewer: *Jim, I'm confused. Are you simply trying to tell me that you didn't do this?*

Where the response is "yes" or "no", we again have been given a launching pad to continue with productive questioning. The beautiful part of this technique is that, although it is a suggestive question, the purpose is to lead to a denial. The subsequent excavation would allow an innocent person to clear himself and a guilty person to choose to lie.

### **The Rationalization Agenda:**

Listen for the "Yeah, but" agenda as well. These indicate a prosperity or desire to present a version, that although not a denial, would definitely fit into the minimization category. Here's what it might look like:

Interviewer: *Jim, the most important question I could ask you is, did you call Lulu a waste of skin?*

Jim: *Yeah, but I was only joking.*

Interviewer: *Thanks for explaining that, Jim. It's important to figure this out, so start at the beginning and tell me everything about what happened. Don't miss anything out as we don't want to miss something important and misunderstand this.*

### **The Fear or Concern IQ:**

The goal of this IQ is to find out if there were any communication impasses, so they could be resolved early in the process. By asking if the suspect has any fears or concerns about what would happen, you might be told about fears of not being believed, or concerns that you had already made a decision. You could also learn that the suspect's fears were based more on what his community or family would think if he admitted to the allegation, as opposed to the severity of punishment. Even a witness might feel he would be labeled a "rat" for talking. Having a frank, yet empathetic conversation about the fears and concerns raised, might enable you to assuage them; thereby, allowing you to move onto the account phase. If this IQ wasn't asked early, it could be posed later on, upon perceiving that there might be an understandable reason the interviewee was hesitant to engage.

### **The Objection Prompter IQ:**

This IQ might help you plan for your conversation launcher, because it often precipitates the objection that would be offered later on. The insight into the wording, would often allow you to predict the objection and prepare your probing strategy in advance. Here's how it would work for an allegation of sexual harassment:

Interviewer: *Jim, tell me why you're not the sort of person who would do this.*

Jim: *I was raised to respect women!*



Based on this insight, you could expect to hear the same objection later in the interview, and you would have been able to prepare for it by saying something like, *"Thanks for telling me that, Jim. I'm sure you were raised with those high morals. Are you telling me that you didn't do it?"*

From the response, you would be able to launch further conversation, which is the goal.

### **Conclusion:**

There are a multitude of questions that might prompt an interviewee, whether suspect or witness, to tell you more about herself. Good interviewers plan these questions in advance, and keep them in their tool belt until needed. A healthy conversation, one that produces copious information, cannot be scripted, yet preparation and planning is important to the development of rapport by creating a process unique to the individuals taking part. Whereas, an interviewer might be able to observe an interviewee's body language and use-of-words for helpful indications of emotional or cognitive processing, there is often much more beneath the surface that, if known, could be used to enhance the conversation. The leitmotif of getting information through productive questioning practices is alive and well. As long as you are disciplined enough to back away from the voodoo pseudoscience of deception detection, these questions might give you the insight to motivate your interviewee to help you achieve the goal of obtaining information that is complete and reliable. As an extremely wise man once said, *"Ask, and you shall receive."* [Jesus Christ]