

INVESTIGATIVE INTERVIEWING AND CUSTODIAL INTERROGATION

Note:

The purpose of questioning is to obtain accurate, complete, and legally usable information. A confession is never a substitute for evidence, and no investigative objective justifies coercion or the violation of human dignity.

Chapter Orientation

Investigative interviewing is a disciplined method of obtaining and testing information from victims, witnesses, complainants, suspects, and other persons who may know facts relevant to an offense. Custodial interrogation is narrower and carries stricter constitutional and statutory duties because the person has been taken into custody, deprived of freedom in a significant way, or otherwise placed in a situation in which police questioning seeks an admission concerning the offense. The investigator must know when an ordinary inquiry has crossed that legal threshold.

This chapter treats interviewing as an evidence-gathering task. Good interviewing protects memory, reduces suggestion, develops reliable investigative leads, permits competing explanations to be tested, and creates an accountable record. Poor interviewing can contaminate recollection, traumatize a victim, produce false or unreliable admissions, expose officers to criminal or administrative liability, and make a statement inadmissible.

The chapter is for academic instruction and simulation. Investigators must use the current Constitution, statutes, Rules of Court, Supreme Court decisions, PNP operational procedures, agency forms, and prosecutor guidance applicable to the actual case.

Intended Learning Outcomes

After completing the chapter, the student should be able to:

1. Differentiate an investigative interview from custodial interrogation by purpose, status of the person, degree of restraint, and applicable safeguards.
2. Prepare an interview plan based on the case theory, known evidence, information gaps, legal risks, vulnerabilities, and recording requirements.
3. Conduct a structured, rapport-based, non-coercive interview using open-ended invitations, active listening, clarification, probing, verification, and closure.
4. Apply victim-, witness-, child-, gender-, disability-, language-, and trauma-sensitive practices without compromising neutrality.

5. Explain and observe the rights of a person arrested, detained, or under custodial investigation under Article III, Section 12 of the Constitution and Republic Act No. 7438.
6. Recognize prohibited conduct under the Anti-Torture Act of 2009 and explain why evidence-based interviewing is superior to confession-driven questioning.
7. Prepare accurate notes, written statements, recordings, certifications, and interview or interrogation reports while preserving integrity, confidentiality, and chain of custody.
8. Evaluate an interview for legality, reliability, fairness, completeness, and investigative usefulness.

Key Terms

Term	Working meaning in this chapter
Interview	A planned conversation intended to obtain an account or information relevant to an inquiry. The term does not imply guilt.
Interrogation	Focused questioning of a suspect or person under investigation, commonly intended to test an account or obtain information about involvement. When custodial, constitutional safeguards apply.
Custodial investigation	Questioning that begins after a person is taken into custody or otherwise deprived of freedom in a significant way and is asked questions tending to elicit an admission about the offense.
Admission	A statement acknowledging a fact or circumstance from which guilt may be inferred, but which does not necessarily acknowledge every element of the offense.
Confession	An acknowledgment of guilt for the offense, ordinarily addressing the essential elements of the crime.
Rapport	A professional working relationship that promotes communication, dignity, and cooperation without promising favors or surrendering neutrality.
Contamination	The introduction of information, assumptions, or suggested answers that may alter a person's memory or later account.
Free narrative	An uninterrupted account given in the interviewee's own words before detailed questioning.

Active listening	Attentive listening demonstrated through appropriate silence, minimal encouragers, neutral reflection, summarizing, and accurate follow-up.
Trauma-informed practice	An approach that recognizes possible effects of trauma, promotes safety and choice, avoids unnecessary re-traumatization, and does not presume that trauma proves or disproves an allegation.

1 Foundations of Investigative Interviewing

1.1 Purpose of an Investigative Interview

The primary purpose is to obtain the most accurate and complete account the person can provide. The investigator seeks facts, sources of knowledge, observations, actions, timing, relationships, and explanations. A useful interview also identifies other witnesses, physical or digital evidence, places to search, inconsistencies requiring resolution, risks to persons, and urgent protective measures.

The investigator should approach every interview with multiple possible explanations in mind. Confirmation bias occurs when an investigator notices information that supports an early theory while discounting information that contradicts it. A structured plan counters this risk by recording both inculpatory and exculpatory propositions. The proper question is not merely whether the person supports the investigator's theory, but what information can be independently checked.

Purpose	Questions the investigator must answer	Expected product
Account development	What happened, in what sequence, and how does the person know?	A detailed narrative with source-of-knowledge markers.
Lead generation	Who, what place, device, record, object, or transaction should be examined?	Specific and actionable investigative leads.
Corroboration	Which details can be checked against independent evidence?	Verification tasks and comparison points.
Risk assessment	Is anyone in immediate danger? Is medical, psychosocial, or protective intervention required?	Documented referral or urgent action.

Hypothesis testing	What alternative explanation fits the facts? What evidence would support or weaken it?	A revised case theory that includes contrary evidence.
Legal accountability	Were rights, voluntariness, counsel, recording, and documentation requirements observed?	A defensible record of the process.

1.2 Interview and Interrogation Compared

Dimension	Investigative interview	Custodial interrogation
Usual subject	Victim, witness, complainant, informant, or a person whose status remains open.	A person singled out as a suspect and questioned while in custody or significantly deprived of freedom.
Main aim	Obtain and clarify an account, identify evidence, and test reliability.	Obtain and test information about suspected participation while respecting the right to silence and counsel.
Tone	Neutral, respectful, information-gathering.	Still respectful and information-gathering. Custody does not authorize pressure or coercion.
Rights warning	Depends on the person's status and applicable law.	Mandatory rights advice in a language known and understood, with competent and independent counsel.
Participation	Generally voluntary, subject to lawful process.	The person may remain silent and may stop answering. Waiver rules are strict.
Primary danger	Memory contamination, suggestion, secondary trauma, incomplete documentation.	All interview dangers plus coercion, involuntary or uncounseled statements, exclusion, and liability.

1.3 The Evidence-Based and Non-Coercive Model

Modern investigative interviewing favors rapport, careful planning, open-minded inquiry, strategic presentation of evidence, and verification. The investigator obtains the person's account before revealing unnecessary case details. This protects hold-back information, reduces contamination, and permits later comparison between

the account and facts that were not publicly known. The United Nations Office on Drugs and Crime and the Principles on Effective Interviewing for Investigations and Information-Gathering promote non-coercive, rights-respecting interviewing as a means of obtaining reliable information and preventing ill-treatment.

A confession-driven model begins with a conclusion and treats resistance as proof of guilt. An evidence-based model begins with questions, records alternative explanations, and treats any admission as one item that must be tested. A reliable statement should contain details capable of independent confirmation and should not merely repeat facts disclosed by the interviewer.

2 Planning and Preparation

2.1 Case Review and Objectives

Preparation begins before the interviewee enters the room. The investigator reviews the complaint, blotter entries, scene documentation, medical findings, digital records, prior statements, timelines, and applicable offense elements. The review must identify what is known, what is assumed, what conflicts, and what remains unknown. The interview plan should be specific enough to guide questioning but flexible enough to follow relevant new information.

Planning field	Content
Interviewee profile	Role, age, language, literacy, culture, relationship to parties, possible vulnerabilities, communication needs, and current condition.
Legal status	Victim, witness, complainant, invited person, person of interest, arrested person, detained person, or suspect under custodial investigation.
Objectives	Facts to establish, information gaps, alternative hypotheses, urgent risks, and evidentiary leads.
Known evidence	Information safe to use for probing, evidence to hold back, and facts requiring authentication or explanation.
Topics and sequence	Broad account first, then chronology, people, places, actions, communications, objects, and verification.
Safeguards	Counsel, guardian or social worker, interpreter, support person, medical needs, privacy, breaks, and accessibility.
Logistics	Date, time, location, seating, safety, recording equipment, batteries, storage media, forms, and backup method.
Contingencies	Refusal, distress, disclosure of new crime, conflict of interest, interruption, equipment failure, or change to custodial status.

2.2 Interview Environment

The setting should support concentration, privacy, safety, and accurate recording. Noise, crowding, visible weapons, repeated interruptions, physical discomfort, and unnecessary displays of authority can inhibit communication. The room should be professional rather than punitive. Seating should permit comfortable eye contact without creating an intimidating barrier. Exits must remain safe, and custody requirements must still be observed.

For victims and witnesses, avoid interviewing within hearing of alleged offenders, companions who may influence the account, or other witnesses who could exchange details. Separate witnesses as early as practicable. For custodial interviews, document entry and exit times, persons present, breaks, food, water, medication, counsel consultations, and any interruption. The physical condition of the person should be assessed and documented.

2.3 Topic Guide and Question Design

A topic guide is not a rigid script. It lists subjects that must be covered while allowing the interviewee to narrate in his or her own manner. Questions should move from open invitations to progressively narrower clarification. The interviewer should avoid embedding unverified assumptions in the question.

Question form	Example	Use and caution
Open invitation	"Please tell me everything you remember from the time you arrived."	Best for the initial account. Do not interrupt merely to fill the investigator's preferred sequence.
Cued invitation	"You mentioned a motorcycle. Tell me everything you remember about it."	Uses the interviewee's own detail as a neutral retrieval cue.
Specific open question	"How did you recognize the person?"	Explores source of knowledge and conditions of observation.
Closed question	"Was the gate open or closed?"	Useful for a precise gap after free recall. May restrict the answer.
Multiple-choice question	"Was the bag black, blue, or another color?"	Use only when necessary and always allow "another," "I do not know," or "I do not remember."

Leading question	"He was wearing a red shirt, correct?"	Suggests the preferred answer. Avoid in investigative fact-gathering except where law and a protective need clearly justify it.
Compound question	"Where were you and what did you see and why did you leave?"	Avoid. Ask one question at a time.
Why question	"Why did you not report immediately?"	Can sound blaming. Prefer "What affected when you were able to report?"

3 Stages of the Interview Process

3.1 A Seven-Stage Structure

A practical structure consists of seven connected stages. The stages support consistency but do not eliminate professional judgment.

Stage	Main tasks	Control question
1 Introduction and welfare	Identify participants, confirm condition and communication needs, explain roles, address immediate safety or medical concerns.	Is the person able and willing to participate under appropriate conditions?
2 Ground rules and rights	Explain purpose, truthfulness, right to correct, "do not know" responses, recording, confidentiality limits, and custodial rights where applicable.	Does the person understand the process and applicable rights?
3 Rapport and orientation	Establish professional communication, use neutral topics briefly, explain that detail is useful, and set a respectful pace.	Has a safe working relationship been established without promises or manipulation?
4 Free narrative	Invite an uninterrupted account in the person's own words. Listen and note topics for later follow-up.	What does the person recall without suggestion?

5 Clarification and probing	Use cued invitations, chronology, source-of-knowledge questions, sensory and contextual probes, and issue-by-issue testing.	Which details need development, checking, or resolution?
6 Verification and challenge	Summarize, test inconsistencies fairly, seek explanations, and present evidence strategically where lawful.	Can the account withstand comparison with independent evidence and alternative explanations?
7 Closure and evaluation	Invite additions and corrections, explain next steps, provide contacts or referrals, preserve the record, and evaluate performance.	Is the account accurately captured and are follow-up tasks clear?

3.2 Introduction and Ground Rules

The interviewer states name, position, agency, and the general purpose of the conversation. Every person present must be identified, and unexplained observers should be avoided. Ground rules help protect accuracy: the interviewee may say that a question is not understood, may correct the interviewer, should distinguish personal observation from what another person said, and should not guess. These instructions are particularly useful for children and anxious witnesses, but they benefit adults as well.

3.3 Rapport Without Manipulation

Rapport is not friendship and does not require agreement with the person. It is a professional relationship marked by respect, attention, predictability, and procedural fairness. The interviewer uses the person's preferred form of address, speaks in an understandable language, avoids ridicule, acknowledges difficulty without affirming unverified facts, and follows through on procedural commitments. Rapport may increase cooperation, but its ethical purpose is to support communication rather than exploit trust.

Improper rapport includes pretending to offer legal advice, promising release or leniency, suggesting that cooperation guarantees a particular outcome, exploiting religion, threatening family members, or presenting false certainty about evidence. The interviewer must not trade rights for comfort or assistance.

3.4 Free Narrative and Active Listening

The free narrative should begin with a broad invitation. The interviewer resists the urge to interrupt. Silence gives the person time to retrieve memory and organize an account. Minimal encouragers such as "go on," a neutral nod, or "what happened next?" may support narration. The interviewer notes topics, not judgments.

Premature interruption can fragment recall and communicate which details the investigator considers important.

Active listening requires attention to content, sequence, source, and uncertainty. The interviewer observes nonverbal behavior only as a communication cue, not as a lie detector. Nervousness, eye contact, posture, delay, or emotional expression are influenced by trauma, culture, disability, personality, fatigue, and fear. Credibility should be assessed through the quality of the account and its relationship to independent evidence, not through stereotypes about demeanor.

Minimal encourager	"Please continue."	Maintains flow without adding facts.
Reflection	"You said the room became quiet."	Signals attention and permits correction.
Clarification	"When you say 'near,' what distance do you mean?"	Converts vague language into testable information.
Source check	"Did you see that yourself, or did someone tell you?"	Separates observation from hearsay or inference.
Uncertainty check	"How sure are you about the time, and what helps you estimate it?"	Records confidence and basis without demanding certainty.
Summary	"Let me check whether I understood the sequence correctly."	Tests the interviewer's understanding and invites correction.
Strategic silence	Pause after an answer.	Allows further recall and avoids rushing.

3.5 Clarification, Probing, and Testing

After the free account, the investigator returns to topics in a logical sequence. Each episode may be developed through people, actions, words, objects, location, time, direction, distance, lighting, duration, sensory conditions, and the witness's opportunity to observe. Questions about identification must explore prior familiarity, viewing distance, lighting, obstruction, duration, stress, and whether the witness discussed the person with others or saw images after the event.

Inconsistency is handled as an information problem. The interviewer identifies the two propositions neutrally and invites explanation. For example: "Earlier you said you left before 9:00 p.m. The camera record appears to show you at the entrance at 9:18 p.m. Help me understand the difference." Accusatory repetition may create

compliance without resolving the facts. A fair challenge gives the person a meaningful opportunity to explain.

3.6 Closure and Post-Interview Evaluation

Closure is substantive. The interviewer summarizes key points, asks for corrections, invites information not yet discussed, and records how the person may be contacted. Victims and witnesses should be told what can realistically happen next without promises. Safety plans, referrals, or protection concerns are documented and transmitted through proper channels. In a custodial session, rights, counsel participation, voluntariness, condition, breaks, and the disposition of any statement must be fully recorded.

Immediately afterward, the investigator separates facts from impressions, secures notes and recordings, identifies follow-up tasks, and evaluates performance. The evaluation asks whether questions were neutral, whether evidence was disclosed unnecessarily, whether alternative explanations were explored, and whether any legal or welfare issue requires supervisory or prosecutorial review.

4 Victim and Witness Sensitive Interviewing

4.1 Principles

Victim-sensitive interviewing seeks accurate evidence while reducing avoidable harm. It recognizes that a person may be frightened, ashamed, angry, numb, confused, or concerned about retaliation. Sensitivity does not mean assuming that every allegation is true. It means creating conditions in which the person can give the best account possible and is treated with dignity regardless of the eventual evidentiary assessment.

- Safety: identify urgent medical, protection, shelter, or retaliation concerns before detailed questioning.
- Choice and control: explain the process, permit reasonable breaks, and offer lawful options concerning timing, support, and interviewer gender when practicable.
- Privacy: restrict unnecessary observers and protect identifying and sensitive information.
- Neutrality: acknowledge the person's difficulty without confirming facts that have not been tested.
- Non-blaming language: ask what occurred and what affected the person's actions, rather than implying responsibility for the offense.
- Coordination: avoid unnecessary repeated interviews by planning with authorized investigators, prosecutors, social workers, medical personnel, and child-protection specialists.
- Accessibility: provide qualified interpretation and reasonable accommodation for disability, language, literacy, or communication needs.

4.2 Trauma and Memory

Trauma may affect attention, encoding, retrieval, sequence, and emotional expression. A person may recall central sensations but struggle with peripheral details or chronological order. Memory can also change through ordinary decay, discussion, media exposure, repeated suggestive questioning, or attempts to fill gaps. These possibilities require careful questioning and corroboration. They do not create a mechanical rule that inconsistency proves deception or that fragmented recall proves trauma.

Interviewers should permit pauses, use short and clear questions, avoid demanding a perfectly linear narrative at the outset, and return later to chronology. If distress prevents meaningful participation, the interview may need to pause while urgent care is arranged. The investigator documents the condition without offering a clinical diagnosis unless professionally qualified.

4.3 Child Victims and Witnesses

Children require developmentally appropriate language, shorter sessions, ground-rule practice, and strong protection against suggestion. The interviewer must determine the child's age, language, developmental and communication needs, relationship to accompanying adults, and whether a trained child interviewer or social worker should participate. The Rule on Examination of a Child Witness and child-protection laws guide protective procedures. Repeated interviewing by multiple adults should be minimized where coordinated specialist practice is available.

Questions should begin with open invitations and the child's own vocabulary. The interviewer should avoid praise tied to particular answers, repeated forced-choice questions, promises, threats, and introducing names or actions the child has not mentioned. Anatomical or demonstrative aids should be used only by trained personnel under applicable protocols. Every person present and every break must be documented.

Child-friendly ground-rule check

Ask the child to practice correcting an intentionally wrong statement and answering "I do not know." This tests understanding better than merely asking, "Do you understand?"

4.4 Gender-Based, Sexual, and Domestic Violence Cases

Interviews in sexual violence and intimate-partner violence cases require privacy, nonjudgmental language, safety assessment, and coordination with medical, psychosocial, and legal services. Delayed reporting, continued contact with the alleged offender, incomplete recall, or absence of physical resistance should be explored factually and never treated as automatic proof for or against the allegation.

The investigator asks about coercion, threats, dependency, digital communications, injury, access to money or transport, children, weapons, stalking, and escalating danger where relevant.

Questions about intimate conduct should be limited to matters relevant to the offense, defense, identification, medical care, or evidence. Avoid moral commentary and unnecessary repetition. Republic Act No. 9262, the Anti-Violence Against Women and Their Children Act, and Republic Act No. 11313, the Safe Spaces Act, form part of the Philippine protective context. Agency protocols and prosecutor guidance should be followed.

4.5 Witness Independence and Memory Protection

Witnesses should provide independent accounts before group discussion. Investigators should ask whether a witness viewed news, social media posts, photographs, CCTV clips, or other accounts and should document that exposure. The National Institute of Justice eyewitness guidance emphasizes open-ended recall, careful documentation, and procedures that reduce administrator influence. The interviewer records the witness's own expression of certainty at the time of an identification rather than translating it into stronger language.

5 Suspect and Person of Interest Interviewing

5.1 Status Must Remain Clear

"Person of interest" is an investigative description, not a category that removes constitutional protection. The decisive questions concern custody, restraint, the focus of suspicion, and the nature of questioning. If circumstances become custodial, questioning directed toward an admission must stop until the required rights and counsel safeguards are observed. Officers should document why the person was invited, whether the person was free to leave, how that was communicated, and when the legal status changed.

5.2 Obtaining and Testing the Account

A suspect interview should ordinarily obtain an uninterrupted account before detailed evidence is disclosed. The investigator asks the person to describe activities, locations, companions, communications, transactions, and reasons in sufficient detail to permit checking. Relevant evidence may later be introduced in a planned sequence. The objective is explanation and verification, not surprise for its own sake.

Investigators should preserve information known only to the perpetrator or investigators. If the interviewer supplies this information and the suspect later repeats it, the detail loses much of its diagnostic value. Contamination must be considered whenever evaluating an admission. The report should identify which details originated with the person and which were first introduced by officers, witnesses, media, or documents.

5.3 Indicators Are Leads, Not Proof

Verbal hesitations, posture, gaze, sweating, anger, calmness, or apparent confidence do not reliably establish deception by themselves. Interviewers may use changes in communication to identify topics requiring clarification, but guilt must rest on lawful evidence. Personal and cultural differences, medication, mental health, neurodivergence, language proficiency, fatigue, and the stress of police contact can produce the same behaviors often mistaken for deception.

6 Custodial Safeguards in the Philippines

6.1 Constitutional Foundation

Article III, Section 12 of the 1987 Constitution provides that a person under investigation for the commission of an offense has the right to be informed of the right to remain silent and to have competent and independent counsel, preferably of the person's own choice. If the person cannot afford counsel, one must be provided. A waiver must be in writing and in the presence of counsel. The Constitution prohibits torture, force, violence, threat, intimidation, and other means that vitiate free will, as well as secret detention places, solitary confinement, incommunicado detention, and similar forms of detention. A confession or admission obtained in violation of these protections is inadmissible.

Supreme Court jurisprudence explains that custodial investigation begins when a person is taken into custody or significantly deprived of freedom, is singled out as a suspect, and is asked questions that tend to elicit an admission. General fact-finding may precede that point, but investigators must reassess status continuously. A spontaneous statement not elicited by police questioning is treated differently from an answer obtained through custodial interrogation, although its voluntariness and accurate documentation still matter.

6.2 Republic Act No. 7438

Republic Act No. 7438 specifies the rights of persons arrested, detained, or under custodial investigation and the duties of public officers. The officer must inform the person, in a language known to and understood by that person, of the right to remain silent and the right to competent and independent counsel, preferably of the person's own choice. Counsel must be allowed to confer privately with the person. If the person cannot afford counsel, the investigating officer must provide competent and independent counsel.

An extrajudicial confession made during custodial investigation must be in writing and signed or thumbmarked by the person in the presence of counsel, or, upon a valid waiver, in the presence of specified persons under the statute. The statute also protects visits or conferences with immediate family, medical and religious professionals, and qualified nongovernmental organizations under its terms. Students must consult the full current text and operational rules before applying these provisions.

Safeguard	Operational meaning	Required documentation
Right to silence	The person may refuse to answer and may stop answering. Silence must not be overcome by pressure.	Exact advice given, language used, response, and time.
Competent and independent counsel	Counsel must be able to advise and assist without conflict or police control.	Identity, arrival, private conference, presence, and participation.
Comprehension	Recitation is insufficient if the person does not understand. Use a known language and check understanding.	Questions used to confirm understanding and any interpreter details.
Valid waiver	Rights cannot be waived casually. Waiver must meet constitutional and statutory form.	Written waiver, counsel's presence, time, and circumstances.
Voluntariness	No force, threat, intimidation, improper promise, prolonged deprivation, or other means that vitiates free will.	Condition, breaks, food, water, medication, requests, and persons present.
Exclusion	An admission or confession obtained in violation is inadmissible against the confessant.	Supervisor and prosecutor notification if a defect occurs. Do not conceal it.

6.3 Anti-Torture Act of 2009

Republic Act No. 9745 absolutely prohibits torture and other cruel, inhuman, or degrading treatment or punishment. Torture includes severe physical or mental pain or suffering intentionally inflicted for such purposes as obtaining information or a confession, punishment, intimidation, coercion, or discrimination when connected to a person in authority or agent. The law covers physical and mental or psychological forms and recognizes command responsibility under stated conditions.

A person arrested, detained, or under custodial investigation has rights concerning physical, medical, and psychological examination before and after interrogation under the law. Investigators must never treat these safeguards as paperwork. Visible injury, complaint of pain, impaired consciousness, severe distress, or an

allegation of mistreatment requires immediate lawful response, medical attention, preservation of evidence, and notification through proper channels.

Absolute prohibition

No emergency, pressure to solve a serious case, order from a superior, public anger, or belief in the person's guilt permits torture or cruel, inhuman, or degrading treatment.

6.4 Children in Conflict with the Law

Republic Act No. 9344, as amended by Republic Act No. 10630, establishes a child-sensitive juvenile justice system. From initial contact, law enforcers must protect the child's dignity, avoid unnecessary force and degrading language, inform the child of the reason for custody and constitutional rights in simple language, and observe the participation and referral requirements involving parents, guardians, counsel, and social workers. The precise procedure depends on age, discernment, offense, and current implementing rules. A child must not be questioned as though an adult safeguard checklist were sufficient.

6.5 Comprehension and Vulnerability

A rights warning must be understood, not merely recited. Intellectual disability, psychosocial disability, intoxication, language barriers, hearing or speech impairment, youth, illness, sleep deprivation, and medication may affect comprehension or voluntariness. The investigator should use plain language, qualified interpretation or accommodation, and a teach-back method. Ask the person to explain the rights in his or her own words. A "yes" answer to "Do you understand?" is weak evidence of actual comprehension.

6.6 Conduct of a Lawful Custodial Session

9. Confirm identity, legal status, basis and time of custody, physical condition, language, vulnerability, and immediate medical needs.
10. Identify all officers and other persons present. Activate authorized recording and state the date, time, place, case reference, and equipment used.
11. Give the complete rights advice in a language known and understood. Check comprehension without suggesting waiver.
12. Secure competent and independent counsel. Permit confidential consultation. Document counsel's identity and participation.
13. If the person invokes silence or counsel, stop questioning as required by law. Do not repackage the questioning as casual conversation.
14. If questioning lawfully proceeds, use non-coercive information-gathering methods. Provide reasonable breaks and attend to food, water, medication, fatigue, and dignity.

15. Document every interruption, request, complaint, break, entry or exit, and change in condition. Never conduct an unrecorded side conversation about the offense.
16. At closure, ask whether the statement was voluntary, invite corrections, follow the legal rules for written or sworn statements, and secure all records.

7 Information Gathering Techniques

7.1 The Funnel Sequence

The funnel begins broadly and becomes specific. A practical sequence is: open invitation, cued invitation, specific open question, necessary closed question, clarification, summary, and challenge. Starting with narrow questions risks fitting the account to the investigator's categories. Returning to an open invitation after a closed answer can restore detail: "You said the gate was closed. Tell me everything you remember about the gate at that moment."

7.2 Cognitive Support Without Suggestion

For cooperative adult witnesses, carefully used cognitive interviewing techniques may assist recall. These include mentally reinstating the context, reporting every detail without deciding in advance whether it is important, and using varied retrieval routes. Such techniques require training. Asking a witness to change perspective can invite speculation and should not be used as an instruction to imagine what another person saw. Accuracy remains more important than volume.

7.3 Strategic Use of Evidence

Evidence should be disclosed for a reason, at a planned time, and in a form that does not compromise other leads. Obtaining an account before disclosure permits the investigator to assess whether the explanation developed independently. When evidence conflicts with the account, present it accurately and invite explanation. Do not exaggerate forensic certainty, fabricate legal consequences, or use evidence presentation to create hopelessness or false promises.

7.4 Handling Silence, Refusal, and Emotion

Silence may reflect memory search, fear, anger, shame, confusion, legal advice, cultural communication, or exercise of a right. The interviewer may allow a reasonable pause and clarify the question. In custodial investigation, invocation of rights governs. Emotional expression should be acknowledged briefly and professionally. If the person becomes unable to participate, pause and assess welfare. De-escalation is preferable to argument.

7.5 Practices to Avoid

Practice	Why it is harmful	Better practice
Rapid-fire questioning	Overloads comprehension and discourages detailed recall.	Slow the pace and ask one question at a time.

Repeated question after a clear answer	May imply the first answer is unacceptable and produce compliance.	Explain why clarification is needed and vary only the retrieval cue.
Assuming guilt in the wording	Contaminates the account and closes alternatives.	Use neutral propositions and test competing explanations.
Minimizing moral seriousness	Can imply promised leniency or normalize conduct.	Remain respectful without excusing or bargaining.
Threats or promises	May vitiate voluntariness and create false information.	Explain only lawful process and avoid outcome guarantees.
Feeding case facts	Destroys the value of later matching details.	Protect hold-back information and document disclosures.
Demeanor-based truth judgments	Behavior is ambiguous and culturally variable.	Assess detail, source, consistency, plausibility, and corroboration.
Off-record questioning	Weakens accountability and may conceal rights violations.	Keep substantive questioning within the authorized record.

8 Documentation Recording and Statement Taking

8.1 Why Documentation Matters

Documentation permits supervisors, prosecutors, courts, defense counsel, and later investigators to evaluate what occurred. It protects the interviewee and the investigator. A report must show not only what was said but how the information was obtained, especially when rights, voluntariness, interpretation, support persons, or recording problems are relevant.

8.2 Contemporaneous Notes

Notes should identify the case, interviewee, date, time, location, persons present, start and end times, warnings or explanations given, significant questions and answers, breaks, condition, exhibits shown, and follow-up leads. Use quotation marks only for words recorded accurately enough to be presented as direct speech. Clearly separate the interviewee's words, the interviewer's observations, and later analysis. Preserve original notes according to agency policy even after a formal report is prepared.

8.3 Audio and Video Recording

Where authorized and available, complete audio-video recording is the best account of the process. The recording should begin before substantive questioning and continue through closure, subject to protected private consultation with counsel and lawful exceptions. At the start, identify all persons, announce date, time, place, case reference, purpose, and device. At every pause, state the time and reason. On resumption, restate the time and confirm whether anything about the case was discussed during the break.

The original file must be preserved. Create a working copy according to policy, compute or record integrity controls when the agency system supports them, restrict access, and maintain a transfer log. The report must disclose equipment failure, missing portions, interrupted power, or any unrecorded substantive exchange. Never edit the original to improve sound or remove irrelevant conversation.

Recording control	Minimum practice
File identity	Use a unique filename linked to the case and interview, not a generic camera filename.
Original preservation	Write-protect or secure the original within the approved evidence system.
Integrity	Record hash value or system-generated integrity data where available.
Access	Limit to authorized persons and log viewing, copying, export, and transfer.
Transcript	Treat as an aid. Verify against the recording and mark inaudible or uncertain portions.
Retention	Follow evidentiary, records-management, court, and agency retention requirements.
Privacy	Protect sensitive personal information and avoid unauthorized sharing or classroom use of real case material.

8.4 Written Statements and Affidavits

A written statement should preserve the declarant's meaning and language as faithfully as possible. The statement identifies the declarant, administering or taking officer, date, time, place, persons present, language used, and method of recording. It should distinguish questions and answers when that format is required. Corrections must remain visible and be acknowledged according to procedure. The

declarant should be allowed to read the statement, or it should be read and translated accurately when needed, before signature or thumbmark.

A statement is not reliable merely because it is signed. The surrounding process, capacity, comprehension, voluntariness, counsel, translation, and opportunity to correct remain important. For custodial admissions or confessions, the Constitution and Republic Act No. 7438 impose strict requirements. Officers must never ask a person to sign a prepared narrative that the person did not freely give and verify.

8.5 Interview and Interrogation Report

Report section	Required content
Administrative data	Case number, offense, unit, interviewer, interviewee, role or status, date, place, start and end times.
Authority and purpose	Reason for interview, how attendance occurred, custody status, and objective.
Persons and safeguards	All persons present, counsel, interpreter, guardian, social worker, support person, rights advice, comprehension, and waiver if legally valid.
Environment and condition	Room, privacy, injuries or complaints, impairment concerns, food, water, medication, breaks, and demeanor described objectively.
Recording method	Device, file identifier, start and stop times, failures, copies, storage, and evidence reference.
Account	Accurate summary organized chronologically or by issue, with carefully selected verbatim statements.
Evidence used	Documents, photographs, recordings, objects, or propositions presented and the person's response.
Inconsistencies	Neutral statement of differences and explanations offered.
Leads and actions	People, places, records, devices, protective measures, referrals, preservation requests, and verification tasks.
Closure	Corrections, additions, voluntariness confirmation where applicable, signature process, disposition, and next steps.
Attachments	Notes, rights form, waiver if valid, statement, recording media or evidence entry, interpreter certification, and related forms.

8.6 Model Report Writing Style

Reports use concrete attribution. Write “Ms. A stated that she saw the motorcycle stop near the gate” rather than “The motorcycle stopped near the gate” unless the latter fact is independently established. Describe behavior rather than interpreting it: “The interviewee paused for approximately 20 seconds and asked for water” is preferable to “The interviewee appeared guilty.” Record uncertainty: “He estimated the time as between 8:00 and 8:30 p.m. based on the end of a television program.”

Documentation rule

If an event affects legality, voluntariness, reliability, continuity, or interpretation, document it. Do not use the report to hide an error. A disclosed problem can be evaluated. A concealed problem damages the entire investigation.

9 Applied Examples

9.1 Victim Interview Scenario

A 20-year-old university student reports that a man followed her from a dimly lit transport stop and grabbed her bag near a campus gate. She is crying, has a minor abrasion, and repeatedly says she should have taken another route. The interviewer first arranges medical attention and a private location, explains the process, and uses non-blaming language. After a free narrative, the interviewer explores route, lighting, duration, prior familiarity, words used, direction of escape, nearby CCTV, phone records, and persons told immediately afterward. The interviewer does not ask, “Why were you walking there alone?” A more useful question is, “Please describe what affected your choice of route that evening.”

9.2 Independent Witness Scenario

A tricycle driver says he saw a man running from a store. Before showing any image, the investigator obtains the full description and viewing conditions. The report records that the witness saw social media posts about the robbery before the interview. The investigator asks what was learned from direct observation and what came from the posts. This protects the evidentiary value of the account and informs any later identification procedure.

9.3 Person of Interest Scenario

A barangay resident voluntarily comes to the station after being invited to clarify why his phone connected to a cell site near a burglary. He is told the purpose and that he is not under arrest and may leave. During questioning, officers obtain evidence that directly links him to stolen property and decide he is no longer free to leave. At that point, continued incriminating questioning requires custodial

safeguards. The status change and time must be documented. The prior voluntary label does not control the later legal reality.

9.4 Custodial Interrogation Scenario

A robbery suspect is arrested, brought to the station, and asked, “Where did you hide the firearm?” before counsel arrives. The question is designed to elicit an incriminating response while the person is in custody. The officer cannot cure the earlier defect simply by obtaining a signed rights form afterward. The proper approach is to provide the complete rights advice, secure competent and independent counsel, permit private consultation, and conduct any lawful questioning without coercion. Any public-safety or evidentiary issue must be evaluated under current Philippine law and prosecutor guidance, not assumed from foreign doctrine.

10 Classroom Simulation and Skills Laboratory

10.1 Simulation Protocol

Students work in teams of interviewer, interviewee, counsel or support-role actor where applicable, observer, and recorder. Use fictional facts only. No student should be required to disclose personal victimization or participate in degrading content. The instructor provides a sealed role brief and a common case packet. The interviewer receives preparation time, conducts a 12- to 20-minute session, completes a report, and participates in structured feedback.

10.2 Performance Rubric

Criterion	Exemplary indicators	Common errors
Planning	Clear objectives, alternative hypotheses, legal status, vulnerabilities, and evidence strategy.	Generic questions, no status analysis, no plan for contrary evidence.
Opening	Identity, purpose, ground rules, recording, welfare, and rights handled accurately.	Rushed warning, no comprehension check, unexplained persons present.
Rapport	Respectful, calm, culturally and linguistically appropriate.	Overfamiliarity, promises, moral judgment, intimidation.
Questioning	Open-first funnel, one question at a time, neutral follow-up, source checks.	Leading, compound, repetitive, accusatory, or fact-feeding questions.

Listening	Appropriate silence, accurate summary, follows significant details.	Interrupts, ignores answers, reads a rigid script.
Legal compliance	Recognizes custody, counsel, waiver, invocation, and vulnerability.	Continues questioning after invocation or treats the form as sufficient.
Closure	Corrections, additions, safety and follow-up, proper ending.	Abrupt end, promises results, fails to explain contact procedure.
Documentation	Complete, attributed, objective, traceable, and consistent with recording.	Opinion stated as fact, missing times, missing recording defects or attachments.

Chapter Synthesis

Investigative interviewing is a method of collecting, testing, and preserving information. Its quality depends on preparation, lawful status assessment, professional rapport, open-ended recall, active listening, careful clarification, fair testing, and accurate documentation. Victim- and witness-sensitive practice supports both human dignity and evidentiary quality. Suspect interviewing must remain evidence-based and open to alternative explanations.

Custodial interrogation is governed by strict constitutional and statutory safeguards. Rights must be explained in a language known and understood, competent and independent counsel must be present as required, waiver rules must be followed, and coercion is prohibited. A signature cannot repair an unlawful process. The strongest investigation does not depend on pressure or confession. It builds a verifiable account, preserves the integrity of every statement, and permits later review of how the information was obtained.

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