



**FEMA**



## **National Fire Academy**

**R0208 – Fire Investigation: Interview and Testimony  
Version: 4th Edition, 1st Printing, September 2016**

**Quarter:**

**ACE Credit: In the lower division baccalaureate/associate or upper division baccalaureate degree category, three semester hours in fire science, criminal justice, fire management, or police science.**

**IACET Continuing Education Units: 7.0**

**Length of Course: 10 Days (66 hours 55 minutes, contact hours Monday – Friday)**

**Prerequisite: Yes**

**Curriculum: Fire/Arson and Explosion Investigation**

**Training Specialist: Lester Rich**

**Instructor:**

**Instructor email/phone:**

**Classroom: J-**

**Meeting Time: 8 AM – 5 PM**

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### **Course Description (Catalog)**

R0208 – *Interviewing-Interrogation Techniques and Courtroom Testimony*. This 10-day course will provide the necessary tools for fire/arson investigators to conduct sound, legally supported interviews and interrogations with witnesses and suspects in preparation for court testimony. The course also provides essential and critical skills for investigators in courtroom testimony preparation and presentation, with the intent that the trained student can provide expert testimony. The students participate in a mock trial activity where they are expected to defend their findings based on cases assigned in class.

## **Student Qualifications (Primary and Secondary Audience)**

Priority will be reserved for federal, state and local fire service and law enforcement personnel with full-time fire/arson investigation responsibility and/or prosecution. These personnel include fire/arson investigators, state fire marshals, criminal investigators, district attorney's staff, and members of arson task forces.

## **Course Scope (Goal)**

The "Fire Investigation: Interview and Testimony" (FI:IT) course, offered by the NFA, prepares fire service and law enforcement personnel to apply effective interviewing and interrogation techniques to obtain confessions, serve as expert witnesses, and present their cases in court. The goal of this course is to provide students with the knowledge and tools used for interrogation and courtroom testimony. FI:IT is a 10-day, intermediate-level course that addresses the critical skills essential to the effective detection and presentation of evidence in court.

## **Course Objectives (Course Learning Outcomes – TLOs)**

After successfully completing this course, you will be able to accomplish the following:

- Review components of the course not presented in the introduction section.
- Analyze reports to ensure complete and accurate information.
- Use tools and techniques in an interview that will solicit and develop truthful and accurate information.
- Use behavioral analysis (kinesics) tools and techniques in an interview that will solicit and develop truthful and accurate information.
- Use tools and techniques that increase ability to obtain accurate and legally admissible confessions.
- Conduct and apply interrogation techniques.
- Recognize legal constraints regarding interviews, interrogations and courtroom testimony.
- Present a prosecution report to legal counsel for a criminal case filing.
- Communicate effectively in legal proceedings and qualify as an expert witness.
- Testify as an expert witness with regard to voir dire.

## **Course Delivery Method**

The National Fire Academy (NFA) offers specialized training courses and advanced management programs of national impact in an academic classroom environment [on campus at the National Emergency Training Center \(NETC\) in Emmitsburg, Maryland](#). This classroom course is designed for the national level fire service officer from State and local fire service organizations. During this 10-day delivery, students will reside in dormitories provided on campus with classes conducted in classrooms designed for critical student/instructor interaction. All course materials are designed for interactive classroom environments, in either paper notebook or electronic formats.

## SCHEDULE

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<b>MORNING</b>	<p>Introduction, Welcome and Administrative</p> <p>Unit 1: Course Overview</p> <p>Unit 2: Report Writing</p>	<p>Unit 3: Interviewing Techniques (cont'd)</p>	<p>Sample Interview Videos</p> <p>Presentation From ABRAXAS</p>	<p>ABRAXAS visit</p>	<p>Activity 5.4: Interrogate a Suspect</p> <p>Unit 5: Conducting Reliable Interrogations (cont'd)</p>
<b>LUNCH</b>	Lunch	Lunch	Lunch	Lunch	Lunch
<b>AFTERNOON</b>	<p>Unit 2: Report Writing (cont'd)</p> <p>Unit 3: Interviewing Techniques</p> <p>Activity 3.1: Interviewing Witnesses</p>	<p>Unit 4: Behavioral Analysis (Kinetic Interviewing)</p> <p>Activity 4.1: Interview at ABRAXAS Center</p>	<p>Unit 5: Conducting Reliable Interrogations</p> <p>Activity 5.1: Theme Development</p>	<p>ABRAXAS visit</p> <p>Unit 5: Conducting Reliable Interrogations (cont'd)</p> <p>Activity 5.2: Interview Monologues With Videotaping</p> <p>Activity 5.3: Scenario Exhibits</p>	<p>Interrogation Videos, Sample Interrogation</p> <p>Note: dismiss at 2 p.m., so that the crew can set up the room for Monday</p>
<b>EVENING</b>	<p>Reading: "The Importance of Listening in the Interview and Interrogation Process"</p> <p>Reading: "Evaluating Truthfulness and Detecting Deception"</p>	<p>Individual Journal Questions</p> <p>Reading: "The Art of Investigative Interviewing"</p> <p>Reading: "Subtle Skills for Building Rapport"</p>	<p>Reading: "Interrogation"</p>	<p>Reading: "How the Guilty Reveal Themselves"</p> <p>Reading: "Detecting Deception"</p>	

	<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
<b>MORNING</b>	Activity 4.2 submitted Activity 6.1: Case Study Analysis Unit 7: Courtroom Testimony Activity 7.1: Qualifying as an Expert (Curriculum Vitae and Critique) Activity 7.2: Present to Legal Counsel	Case Presentations	Trial Simulation	Trial Simulation	Exam and Course Evaluation
<b>LUNCH</b>	Lunch	Lunch	Lunch	Lunch	Lunch
<b>AFTERNOON</b>	Case Presentations	Class Photo Qualifying as an Expert Witness	Trial Simulation	Trial Simulation	Graduation
<b>EVENING</b>	Individual Journal Questions Reading "Strategies to Avoid Interview Contamination"	Individual Journal Questions			

## Course Resources (Instructional Materials)

The required textbooks and other instructional materials are provided the first day of class.

### Required Readings

The student must complete required readings during the course to be able to thoughtfully participate in discussions and activities.

Miner, E.M. "The Importance of Listening in the Interview and Interrogation Process." Quantico: FBI Law Enforcement Bulletin. June 1984.

Holmes, W.D. "Interrogation." Fort Jackson: Polygraph, 24(4), 1995.

Holmes, W.D. "How the Guilty Reveal Themselves." Fort Jackson: Polygraph 6(4), 325-336, 1977.

Eckstein, Paul F. and Samuel A. Thumma. "Getting Scientific Evidence Admitted in Federal Court: The Daubert Hearing." Chicago: Litigation Magazine, Vol. 24, No. 2, Winter 1998.

### Suggested Reading/Resources

Suggested readings and resources are not evaluated, but may enhance the student's understanding, serve as additional sources for citation and promote discussion of course material.

None.

### Required Resources (Course Textbook)

Student Manual.

### Supplemental Resources (Supplemental Course Textbook)

None.

## Grading Methodology (Evaluation Procedures)

A minimum, total score of 45 is required for successful completion of this course. (45 points=80% or grade of B.) The total course score is derived from a written assignment and final exam:

Evaluation Method	Total Points Possible		Total Numerical Score	Letter Grade
Written Assignment	20 points		50-46	A
Final Exam	30 points		40-45	B
			44 or below	I/F

Final examinations will be administered for the purpose of gauging knowledge gained. Upon completion of the course, credit will be noted in the Federal Emergency Management Agency (FEMA) Knowledge Center.

## **Discussion/Activities**

Assignments are a combination of written exercises and group activities. The purpose of these activities is for students to demonstrate their overall understanding of the course content.

Each assignment/activity is evaluated by an instructor. When evaluating course discussion and/or activities, instructors will consider the following:

- Did the student comprehensively answer questions?
- Did the student demonstrate full comprehension of the objectives to satisfy the unit's purpose?
- As a professional, is the student writing and presenting at a collegiate level, analyzing, reflecting on, and evaluating subject matter using appropriate grammar, punctuation and spelling?

Students who do not complete the entire course will be awarded an Incomplete (I) grade. In accordance with National Fire Academy academic policies, an Incomplete (I) grade must be removed by the end of the next semester following the course, or it automatically becomes a Failing (F) grade.

If you fail an on-campus course, you will not be issued a stipend for that course. You can reapply for the failed course or any other NFA course and go through the random selection process. You don't have to successfully complete the failed course before attending another NFA course.

## **Course Outline**

### **Introduction (Day 1)**

#### **Objectives**

None.

### **Unit 1: Course Overview (Day 1)**

#### **Objectives**

##### **Terminal Objective**

The students will be able to:

- 1.1 Review components of the course not presented in the introduction section.

##### **Enabling Objectives**

The students will be able to:

- 1.1 Discuss administrative matters.
- 1.2 Review course outcomes.
- 1.3 Provide an overview of student expectations for the course.
- 1.4 Introduce course resources.

### **Unit 2: Report Writing (Day 1)**

#### **Objectives**

##### **Terminal Objective**

The students will be able to:

- 2.1 Analyze reports to ensure complete and accurate information.

##### **Enabling Objectives**

The students will be able to:

- 2.1 Explain how to prepare a preliminary, follow-up and prosecution report.

- 2.2 Explain the five steps in good report writing.
- 2.3 Identify sources of information.

### **Unit 3: Interviewing Techniques (Day 1)**

#### **Objectives**

##### **Terminal Objective**

The students will be able to:

- 3.1 Use tools and techniques in an interview that will solicit and develop truthful and accurate information.

##### **Enabling Objectives**

The students will be able to:

- 3.1 Define interviews.
- 3.2 Discuss the goals of an interview.
- 3.3 Explain the art of listening.
- 3.4 Explain the factors that influence an interview.
- 3.5 Prepare to conduct a proper interview.
- 3.6 Identify the types of questions to be used in an interview.
- 3.7 Explain the various methods of interviewing.
- 3.8 Use the **I**ntroduction, **R**apport, **O**pening statement, **N**arrative, **I**nquiry and **C**onclusion (IRONIC) method.
- 3.9 Identify steps used to establish credibility.
- 3.10 Identify the types of interviews and interviewees.
- 3.11 Identify people to be interviewed and their order.
- 3.12 Explain how to document the interview.

## **Unit 4: Behavioral Analysis (Kinesic Interviewing) (Day 2)**

### **Objectives**

#### **Terminal Objective**

The students will be able to:

- 4.1 Use behavioral analysis (kinesic) tools and techniques in an interview that will solicit and develop truthful and accurate information.

#### **Enabling Objectives**

The students will be able to:

- 4.1 Explain the principle of norming.
- 4.2 Identify the limitations of behavioral analysis.
- 4.3 Identify verbal communication indicators of stress or deception.
- 4.4 Identify nonverbal communication indicators of stress or deception.
- 4.5 Conduct an interview using behavioral analysis skills to determine deception.

## **Unit 5: Conducting Reliable Interrogations (Day 3)**

### **Objectives**

#### **Terminal Objectives**

The students will be able to:

- 5.1 Use tools and techniques that increase ability to obtain accurate and legally admissible confessions.
- 5.2 Conduct and apply interrogation techniques.

#### **Enabling Objectives**

The students will be able to:

- 5.1 Develop an interrogation strategy using bait and alternative questions.
- 5.2 Review the nine components of interrogation.

- 5.3 Apply themes to generate a confession.
- 5.4 Identify components of an effective interrogation setting.
- 5.5 Discuss credibility.
- 5.6 Define and apply proxemics.
- 5.7 Discuss methods of documentation.

## **Unit 6: Legal Considerations (Day 6)**

### **Objectives**

#### **Terminal Objectives**

The students will be able to:

- 6.1 Recognize legal constraints regarding interviews, interrogations and courtroom testimony.
- 6.2 Present a prosecution report to legal counsel for a criminal case filing.

#### **Enabling Objectives**

The students will be able to:

- 6.1 Discuss expert testimony constraints imposed by Federal Rules of Evidence (FRE) 701 and 702.
- 6.2 Discuss the impact of the Fifth and Sixth Amendments to the Constitution and Miranda.
- 6.3 Identify the legal issues that will affect a fire investigator's case.
- 6.4 Distinguish between a fact witness and an expert witness.
- 6.5 List issues and expert witness challenges.

## **Unit 7: Courtroom Testimony (Day 6)**

### **Objectives**

#### **Terminal Objectives**

The students will be able to:

- 7.1 Communicate effectively in legal proceedings and qualify as an expert witness.
- 7.2 Testify as an expert witness with regard to voir dire.

#### **Enabling Objectives**

The students will be able to:

- 7.1 Discuss courtroom demeanor.
- 7.2 Discuss the components in testifying (direct, cross, re-direct, re-cross).
- 7.3 Identify the critical components of how to be a witness.
- 7.4 Determine how to handle trap questions.

### **Policies**

#### **Class Attendance and Cancellation Policy**

##### **Attendance**

- You are required to attend all sessions of the course. If you do not, you may not receive a certificate, and your stipend may be denied.
- If you need to depart campus early and miss any portion of the course and/or graduation, you must make the request in writing to the NFA training specialist. The training specialist, in collaboration with the superintendent, may waive the attendance requirement in order to accommodate you with extraordinary circumstances as long as you complete all course requirements. If you receive approval for departing early, you must forward the approval to the Admissions Office so your stipend reimbursement is not limited.

## **Cancellations or No-Shows**

NFA's mission for delivery of courses is impaired significantly by cancellations and no-shows. It is very difficult and costly to recruit students at the last minute. Currently there is a two-year ban on student attendance for students who are no-shows or cancel within 30 days of the course start date without a valid reason. If you receive such a restriction, your supervisor needs to send a letter to our Admissions Office explaining the cancellation/no-show.

## **Student Code of Conduct Policy**

Students, instructors and staff are expected to treat each other with respect at all times. Inappropriate behavior will not be tolerated and may result in removal from campus and denial of stipends.

## **Disclaimer Statement**

Course content may vary from the outline to meet the needs of this particular group.

## **Academic Honesty**

Students are expected to exhibit exemplary ethical behavior and conduct as part of the NFA community and society as a whole. Acts of academic dishonesty including cheating, plagiarism, deliberate falsification, and other unethical behaviors will not be tolerated.

Students are expected to report academic misconduct when they witness a violation. All cases of academic misconduct shall be reported by the instructor to the Training Specialist.

If a student is found to have engaged in misconduct and the allegations are upheld, the penalties may include, but are not limited to one or a combination of the following:

- expulsion,
- withholding of stipend or forfeiture of stipend paid,
- exclusion from future classes for a specified period; depending on the severity it could range from 1-10 years, and/or
- forfeiture of certificate for course(s) enrolled in at NETC.

Refer to NFA-specific Standard Operating Procedure 700.1 – *Academic Code of Conduct and Ethics* for more information.