



Investigative Interviewing: Research and Practice

For full publication details, including instructions for authors and subscription information, please go to: <http://www.iiirg.org/journal>

Where is the Body? Investigative Interviewing Strategies in Missing Body Homicide Cases.

Nathan Ryan, Nina Westera, Mark Kebbell, Rebecca Milne and Mark Harrison

Please scroll down to view the above article

Terms and conditions:

Full terms and conditions can be found via: <http://www.iiirg.org/journal>

The above named article may be used for research, teaching, and private study only. Any systematic or substantial reproduction, redistribution, reselling, lending, sub-licensing, supplying, or distribution in any form to anyone is expressly forbidden, without the express authority of the Journal Editor (<http://www.iiirg.org/journal>).

The iIIRG (hereinafter referred to as the 'publisher') does not give any warranty, expressed or implied, or make any representation that the contents of the article will be complete, accurate or up-to-date. The accuracy of any instructions, statistics, tables, figures, or any diagrams should be independently verified with primary sources. The views expressed in this article are not the representative views of the 'publisher'. As such, the 'publisher' shall not be liable for any loss, actions, claims, proceedings, demand, or any costs or damages whatsoever, or however caused, arising directly or indirectly in connection with, or arising out of the use of this article, or any material contained therein.

Investigative Interviewing: Research and Practice (II-RP)

Published on-line at <http://www.iiirg.org/journal>



Where is the body? Investigative interviewing strategies in missing body homicide cases.

Nathan Ryan¹, Nina Westera¹, Mark Kebbell², Rebecca Milne³ and Mark Harrison⁴

Griffith Criminology Institute, Griffith University¹

School of Applied Psychology, Griffith University²

Centre of Forensic Interviewing, University of Portsmouth³

Australian Criminal Intelligence Commission⁴

Abstract

In some murder cases the location of the victim's body is unknown. In these circumstances, the information provided by the murderer can be the key to locating the victim's body. In this paper we report the findings of 11 semi-structured interviews with homicide investigators who have worked on missing body homicide cases. Investigators were asked about their critical decision points, and how interviews in these cases should be conducted. Four main themes were identified from the interviews. These were; (a) establishing rapport; (b) strategies for gaining information about the site location; (c) strategies for checking suspect veracity; and, (d) impediments to the interview process. This study provides a research base to inform how homicide interviews are conducted in these cases and suggests a lack of a direct evidence-base for interviewing in these cases.

Keywords: *Police; Body Dump; Deception; Hiding; Search*

Introduction

In some murder cases the location of the victim's body is unknown, but there is evidence to establish the crime has taken place and charge a suspect. Police may have information about the general location of the body deposition site but have been unsuccessful in locating this site. In these circumstances, the information provided by the suspect is essential to locating the victim's body and it may be in the best interest of the suspect to reveal the location of the deposition site. However, due to the length of time between the offence and the task of recalling the location or

***All correspondence to:**

Nathan Ryan

Griffith Criminology Institute, Griffith University, Mt Gravatt, Brisbane, Australia

Email: Nathan.ryan@griffithuni.edu.au,

Phone: +61 4262 8668

impediments to the encoding of spatial information at the time of the event, such as drug use, some suspects struggle to remember the location of the deposition site. Although there are procedures in place in some police organisations to deal with these specific cases (ACPO, 2006), these are general in nature and relate to the management of the interview process rather than the retrieval of a suspect's spatial memory that is required to remember a location. There has been much research conducted on investigative interview techniques that improve the amount and quality of information regarding other criminal events, for example assaults (Khönken, Milne, Memon & Bull, 1999; Memon, Meissner & Fraser, 2010), there has, to our knowledge, been no research on ways to improve the task of retrieving a murder victim's missing body.

There are many circumstances where a suspect may be motivated to disclose the location of a victim's remains such as, a reduced sentence, or in some cases immunity from further prosecution in exchange for disclosing the whereabouts of the victim's remains (Hodge, 2017; Layt, 2017). One example where a suspected murderer was offered immunity for disclosing the location of the victim's body was the Australian case of Michael Atkins. Atkins was charged with the murder of his boyfriend Matthew Levenson in 2009 however, he was found not guilty (State Coroner's Court of New South Wales, 2017). While Atkins has never admitted to the murder, he did admit to hiding the victim's body during a coronial inquest after he was offered immunity from further prosecution which was conditional on disclosing the location of the victim's body (State Coroner's Court of New South Wales, 2017). In total, three separate search attempts were conducted spanning six months, each of which included Atkins being interviewed on-site. Each site visit used a different interview technique to assist in Atkins's recall. The first interview was conducted in the early hours of the morning in a broad area of bushland identified by Atkins. During this interview three possible deposition sites were identified. The second was conducted with the aid of a psychologist using relaxation techniques, where one of the previous possibilities was eliminated. The final site visit, Atkins was required to engage in a complete re-enactment, driving from the murder site to the deposition site and moving a weighted manikin to where he believed the body to be buried. None of these methods resulted in an accurate indication by Atkins of the deposition site (State Coroner's Court of New South Wales, 2017). Although the Atkins case is an example where the suspect struggled to remember, there are cases where the suspect can locate the victim's remains accurately. One example is the case of Christopher Halliwell, a serial killer in the UK, who led investigators to the remains of two victims (Fulcher, 2017). The interview described by the lead investigator, involved an information gathering approach, establishing rapport, limiting interruption, allowing the suspect to take control of the interview and give directions to the deposition site (Fulcher, 2017). Cases like these raise issues fundamental to retrieving spatial memory information from suspects that are crucial in missing body homicide cases. Primary is the need for police to use and have access to evidence based interview techniques that will improve a suspect's memory of where the body was disposed.

Recent missing body homicide cases, like the Atkins case, have gained public interest worldwide and has motivated a push for legislation changes around the sentencing practices of convicted murderers (Hodge, 2017; Layt, 2017). In England and Wales 'Helen's law', or the *Unlawful killing (recovery of remains) Act (2017)* is currently before parliament. A key part of this legislation, if passed, is that homicide perpetrators who do not disclose the location of their victims will be ineligible for parole. Similarly, in Australia the Queensland Parole System Review (2016) has recommended that convicted murders who do not disclose the location of their victims will not be eligible for parole. These changes are designed to motivate offenders and to ease the ongoing suffering of victims' families (Layt, 2017). It is hoped that these legislative changes and recommendations may increase the number of perpetrators that come forward to disclose the

location of their victims' remains. With these possible changes it is important that investigators have access to robust evidence-based interview techniques relating to locating missing remains.

The investigative interview is a key component of any police investigation (Milne & Bull, 1999). Information retrieved from suspects and witnesses can feed the investigative process and add to a pool of evidence that can lead to the conviction of a perpetrator, or in the case of a missing body, the location of the victim's remains. The importance of evidence-based practice is clear. Evidence-based interview techniques such as the cognitive interview (CI) have been shown to increase the quality and quantity of information provided to investigators with 41% more detail correctly recalled when compared to a standard interview (Khönken, et al., 1999; Memon et al., 2010). In cases where a body is missing it is crucial to gain as much accurate information regarding the location of the victim's remains as possible.

The most current evidence-based interview technique that is available to investigators as a way of improving memory is the Enhanced Cognitive Interview (ECI), which is an extension of the CI and consists of the following eight phases (Fisher & Geiselman, 1992) (1) Establish Rapport, building the initial relationship with the interviewee (2) Focused retrieval, encouraging the participant to concentrate when attempting to recall information (3) Report everything, instructing the interviewee to give fine detail no matter the perceived relevance (4) Transfer of control, handing the interview over to the interviewee (5) Mental reinstatement, encouraging the interviewee to focus on the details of the scene such as smells, feelings, sounds etc (6) Interviewee compatible questioning (7) Varied retrieval, which includes: Reverse order, instructing the participant to recall events in a different order and Change perspective, instructing the participant to imagine the events from another position (8) a summary, closure and evaluation phase (Fisher & Geiselman, 1992). The CI fits well within the 'PEACE' method devised in England in 1992, which is being implemented in a growing number of countries and recommended by the United Nations (see https://digitallibrary.un.org/record/839995/files/A_71_298-EN.pdf)

Most interviewing research that has been conducted with the CI has focused on the retrieval of episodic memory, that is the memory for events (Tulving, 2002; Memon et al., 2010). In these cases, investigators are interested in who, what, when, why and how, with a limited focus on where, as the location is obvious in most cases – that is to say, it is known *where* the crime occurred. Meanwhile, experimental studies are usually laboratory based, and display a video of a crime event, and the accuracy of interview techniques are measured by the amount of correct information, incorrect information, and confabulations across various interview strategies (Odinot, Memon, LaRooy & Millne, 2013; Vinet & Verkamp, 2007). Research examines the impact of the CI on the quality and quantity of reports across detail types (i.e. descriptions of people, objects, actions and, but not specifically around locating objects in large scale environments, such as a forest).

Requiring a suspect to locate a deposition site is primarily a spatial memory task. Spatial memory is the memory of positions and relationships between objects in an environment (Hegarty et al., 2002; Tversky, 2003). There is a distinction between the scale of space being encoded and retrieved, and the cognitive processes used for navigating through a large-scale space that is unable to be perceived from a singular vantage point, to that of small-scale space, such as viewing a picture or video. Individuals encode these large-scale spatial memories in the form of landmarks and routes/roads (Thorndyke, 1981; Thorndyke & Hayes-Roth, 1982; Tversky, 2003). This is distinctly different from how people encode episodic memories. Furthermore, the retrieval of spatial memory is prone to biases, with errors displayed in estimations of distance, angle and order of landmarks along a route (Tversky, 2003). There is limited research examining the best

ways to enhance the accurate location of missing objects, and therefore, there is a lack of evidence to inform investigative interviewing practice.

The use of sketch plans and visual aids such as photographs within an interview are commonly used tools amongst investigators, with research showing 44% opting to use a sketch plan in an interview to facilitate recall of an event (Dando, Wilcock & Milne, 2009). Research has shown that the use of sketch plans and other visual aids, such as photographs, in an interview result in more correct and accurate information regarding events (Jack, Martyn & Zajac, 2015). Logically, in the case of a missing body the use of sketch plans or other visual aids such as information rich maps like Google maps should be a valuable tool for investigators. However, it is unknown how investigators use these tools in a missing body case and if there are issues associated with their use.

In addition, there are constraints around the use of some interviewing techniques. Memory is not the only issue with regards to recalling where a body is located. Many practical aspects of the interview process need to be considered by investigators. Not included in the CI is how to deal with the veracity of a suspect's statement. Although ways of testing the veracity of a statement vary in their effectiveness, there are strategies such as the strategic use of evidence (SUE) that, in addition to potentially detecting deception, prevent the contamination of a interviewee's statement as well as minimising the ability of the interviewee to mislead the interviewer with evidence that may be presented too early in the interview (Hartwig, Granhag, Strömwall, & Kronkvist, 2006). The SUE model restricts the evidence known to investigators from a suspect and works by allowing the suspect to believe that the investigators have very little, or no evidence to prove their guilt, therefore allowing the suspect to potentially make claims that contradict the evidence police have gathered (Hartwig et al., 2006). Investigators will not disclose any evidence until they have gained a full statement from the suspect that has been explored through strategic questioning to eliminate alternative explanations. Once this statement has been acquired the investigators will reveal the contradictory evidence and confront the suspect (Hartwig et al., 2006). The SUE may be particularly relevant in missing body cases as some memory retrieval aids – such as maps - provide a level of information that could contaminate a suspect's statement. Further, gradual disclosure of information across the course of an interview has been shown to increase the accuracy and strength of observers' judgements of deceit, as opposed to early or late disclosure (Dando & Bull, 2011; Dando, Bull, Ormerod, & Sandham, 2015).

Although the current interview techniques are successful in an experimental setting (Memon et al., 2010), practitioners have been reluctant to apply all aspects of these techniques (Kebbell, Milne & Wagstaff, 1999). The reason for this is largely due to the time constraints or external pressures faced by investigators, and the belief that some aspects of the CI cause confusion amongst witnesses (Kebbell et al., 1999). Practitioners claim that the CI in its full form is cumbersome and cannot be practically applied in many cases. Often the 'reverse order' and 'change perspective' mnemonics are not used due to these time constraints and witness confusion. Outside these issues with witnesses, and time, it is unknown what other restrictions are faced by investigators when interviewing suspects in missing body homicide cases. But some practical aspects may include the length of time between the suspect hiding the body and being required to remember the location, as well as, physical changes that may occur to the environment within this time.

The Current Study

To our knowledge, there is no research exploring how police apply investigative interviewing techniques in suspect interviews when specifically trying to locate a victim's body. For this reason, we sought to discover what challenges are faced by investigators when conducting these interviews and what solutions they may have used to overcome these challenges. To achieve this aim, we used qualitative interviews of homicide investigators with direct experience in missing body homicide cases. These interviews allow us to gain an understanding of the context within which the investigative interview must take place (Berg & Lune, 2014). Due to the relative rarity of these types of cases, investigators from around the world who had direct experience with interviewing suspects in missing body homicide cases were recruited and supplemented with two homicide investigators that interviewed offenders to help with the retrieval of a missing object of interest to the investigation.

Method

Participants

Snowball sampling was used to recruit a purposive sample of 11 police investigators who had experience in conducting interviews in homicide cases that required a suspect to assist in the retrieval of a missing body, or weapon that was central to the investigation. The two investigators who did not have direct experience in a missing body homicide case were included due to the central focus of the murder investigation being on the retrieval of the weapon. Seven investigators were from the United Kingdom (UK), two from Australia, one from Canada, and one from Iceland. Nine investigators had direct experience in a missing body homicide case and two had experience in homicide cases requiring the location of a murder weapon. All participants were experienced interviewers with a mean of 15.3 years in an investigative interviewing role. These roles varied in their description from each country, with six of the seven investigators from the UK being 'specialist investigative interviewing advisors', and one investigator from Australia being a 'tier five tactical interviewer'. The remaining five investigators included in the sample were experienced detectives. All investigators had experience in homicide cases.

Procedure

After ethical clearance was gained, participants were contacted and supplied with a brief overview of the research objectives. Each interview lasted approximately one hour and was conducted by phone or Skype. A semi-structured interview plan was used to guide the topics while also allowing the interviewee to elaborate on any issue they deemed relevant. Interviews were based on the critical incident technique which uses expert knowledge to identify critical components of a task and solutions or improvements to any task or issue that may arise from a task (Flannagan, 1954; Butterfield, Borgen, Amundson & Maglio, 2005). This interview technique is largely used in an organisational setting to gain expert knowledge to improve processes (Butterfield et al., 2005) and has been used in the analysis of high impact events such as suicide (Redpath, Stacey, Pugh & Holmes, 1997). The participants were requested to verbally give brief details of a missing body homicide case in which they interviewed a suspect. They were then asked to reflect on the interview process and identify any critical incidents in this process. Participants were asked questions like, '*what went well?*', '*what went wrong?*', and '*what they would improve on next time?*' to garner information during the interview. In addition, they were

asked, *'what advice they would give to another investigator who found themselves dealing with a similar case'*. All interviews were audio recorded and transcribed.

Analysis

An inductive approach, using grounded theory, was used to identify the themes in the transcribed interviews (Strauss & Corbin, 1990). A thematic analysis was conducted on the data using five steps. First the researchers familiarised themselves with the transcribed interviews. Second preliminary codes were assigned to the data to describe the content. Third, three researchers independently identified the main themes. The researchers then met to discuss the themes, and an agreement was reached regarding the final main themes. Fourth, a review of the main themes was conducted with the participants' coded statements allocated to the relevant theme. Fifth, subthemes were identified from these coded statements and all themes were labelled.

Results and Discussion

The analysis of the interviews revealed four main challenges regarding investigative interviewing. These were; (a) establishing rapport; (b) strategies for gaining information about the site location; (c) strategies for checking suspect veracity; and (d) impediments to the interview process. A summary of the main themes and subthemes are displayed in Figure 1.

All investigators demonstrated a knowledge of evidence-based interview techniques. Although, there was no consensus on strategies used for assisting suspects in recalling where they had hidden an object, most investigators applied a combination of evidence-based techniques, and practical experience to address the challenges faced in a homicide investigation. It was also identified that there is no training, or interview technique, that specifically relates to the problem of locating missing bodies or objects.

When interviewing at the police station, not at the deposition site, the investigators stated that they applied only some aspects of the CI to assist in object location, (reasons for this will be discussed in detail below). When interviewing on-site, most had no specific questioning strategy. The general practice, as reported by investigators, was to ask the suspect to guide them to the site. However, suggestions were provided by the investigators of how to test the veracity of the suspect's statements while on site and facilitate the retrieval of the suspect's memory of the deposition site.

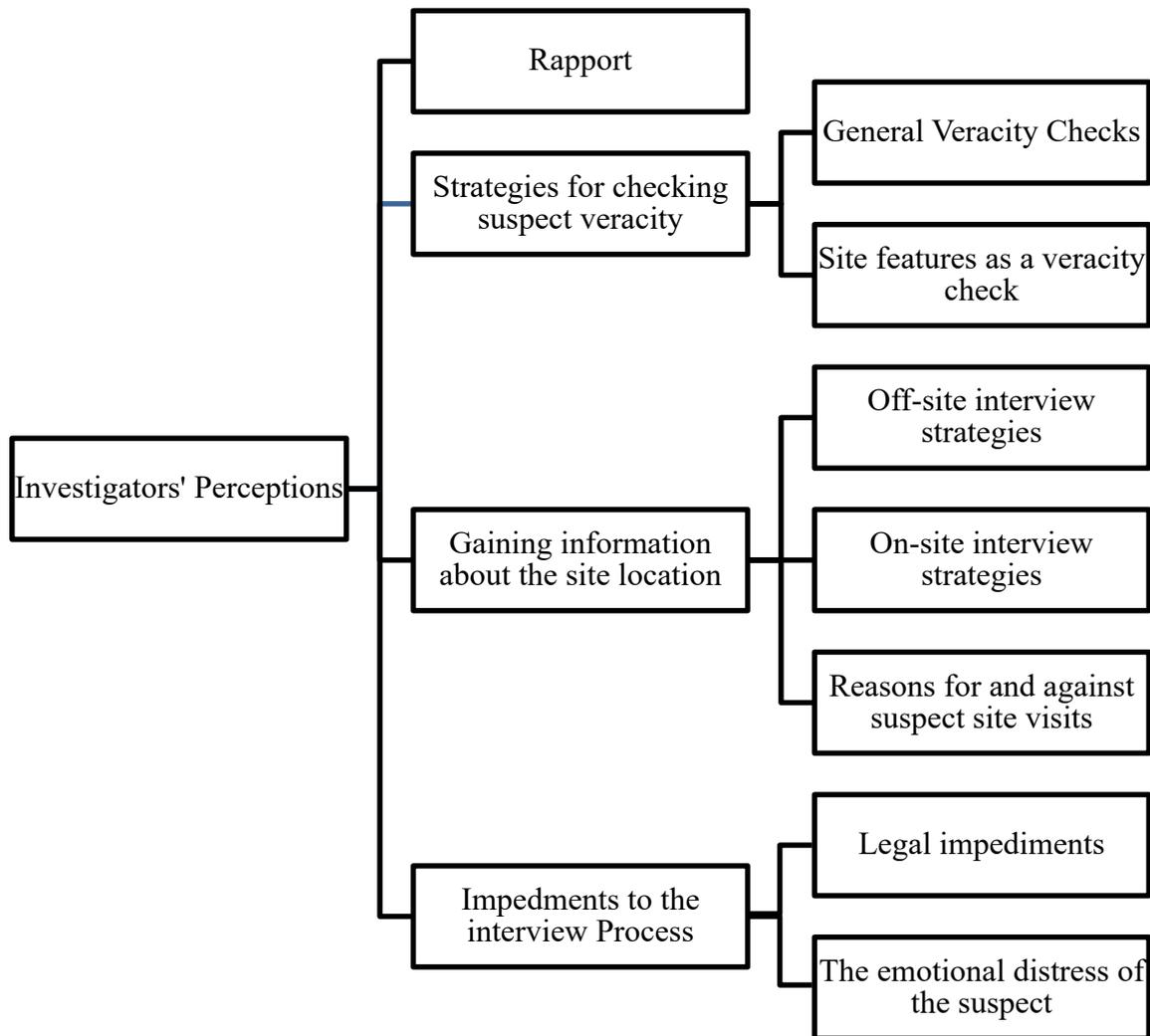


Figure 1. Main Themes and Sub-themes

Establishing Rapport

The first challenge identified by participants was establishing rapport. Consistent with the literature on rapport building (Walsh, & Bull, 2012) establishing a bond with the suspect early in the interview was deemed essential to assisting the quantity and quality of the suspect's statement regardless of the interview purpose. This includes finding common ground with the suspect and generally trying to make them at ease with the interview process, as described by Investigator 8 "... it's about a human interaction, it's about creating an environment, that if they so desire to tell their story, or so desire to tell the story as they know it, then you've got to create that environment".

Investigators stated that ultimately the decision to give information was up to the suspect, and that rapport building was only a way of facilitating an account from a suspect. Participants stated that it is not possible to make an unwilling suspect give information, but it is possible, through a dominant approach, to make a willing suspect unwilling to give information. Rapport-based information gathering interview style has been shown to reduce the chances of false confession while maintaining the ability to elicit confessions and true information when compared to accusatorial approaches (Meissner et al., 2014). While not mentioned specifically by the investigators, it is important to continue rapport building throughout the interview to maintain its

benefits (Walsh & Bull, 2012). The consistency between practitioners regarding rapport is encouraging as it suggests that practitioners have accepted and engaged in some aspects of evidence-based practice. Further, it should be noted that some PEACE method skills are relevant to assisting an 'unwilling' suspect to become 'willing' to provide information (Bull & Soukara, 2010).

Strategies for checking suspect veracity

The second challenge investigators identified was gauging veracity. Possible deception was a common consideration for investigators, and as such, they each had strategies to deal with this. Two subthemes were identified in managing deception. These were general veracity checks and using site features as a veracity check. Some of the strategies mentioned were dependent on whether the investigator chose to take a suspect to the site.

General veracity checks.

General veracity checks are those that are not specific to an interview focused on an object's location. The veracity of a suspect's statement is integral to investigators and approaches to determining veracity overlapped with decisions of whether to take the suspect to the scene. The main strategy used by investigators was the SUE, minimising or eliminating interviewer presentation of information that may be used to deceive an investigator (Hartwig et al., 2006). This is a sound approach in the interviewing process. The following quote demonstrates how investigators allowed specific details around the dismemberment of a victim's body to be disclosed by the suspect in the hope that the suspect would disclose information known only to the investigators and the perpetrator, thus, demonstrating the veracity of the suspect's statement.

...what you do is you tactically miss out stuff, that only the murderer would know, ...so we made no mention at all that the heart was missing....so if he turns round and we said to him "which bits did you remove?" and he says "I did this, I did that, I did the heart, I did this" and then later on he says "I only admitted it because I was frightened of the police , we would have it all recorded, written and saved that we never ever said anything about heart. (Investigator 5)

Site features as a veracity check.

Investigators used features of the site to test the veracity of the suspect's responses. This could be used in both on-site and off-site interviews. The strategy when interviewing the suspect on-site was to ask them to describe various features of the environment (i.e. landmarks) prior to moving to that location. This can be seen in the strategy used by one investigator in a case that involved the retrieval of a baby's remains x years after it was buried in a forest.

...step by step exactly recreating it as it was and how she had done all those years ago, and she was rediscovering these locations and she was describing that to me and verbalising what her next discovery point was, and I found that critical because the aim for me in the interviews is not just to locate what we're looking for, but it's as much as the veracity and methodology of it....I would've been very confident this lady had undertaken that journey

at some stage because of the of the challenge checks along the way, she wouldn't have been able to make that up...so that was part of my planning... it wasn't just 'could we find a small baby in a large forest five years down the track?' It was 'is this lady telling the truth?' (Investigator 2)

By getting the suspect to describe the next landmark in the journey, the investigator can discover whether the suspect has been to that site before, and in doing so determine that the suspect is being co-operative. If the suspect is correctly identifying the landmarks ahead of time, then the investigator can be sure that the suspect has been to this site before. However, this must not be misconstrued as confirmation that this is the deposition site, only that the suspect is being truthful about knowledge of that site.

When interviewing off-site, investigators can question the suspect about physical details about the site. This may include landmarks, but also more specific details such as, what sort of plant life is at the site, whether the terrain is rugged or smooth. This information as described by investigators become checkable facts that investigators can use to determine if the suspect has previously visited that site. This strategy is like that created by Nahari, Vrij and Fisher (2014) with the verifiability approach. In this approach, information that can be verified is encouraged so that the veracity of an interviewee's statement can be gauged.

Strategies for gaining information about the site location

The third challenge for investigators was how to get a reliable account from the suspect regarding the location of the deposition site. Two subthemes emerged as methods of attaining this information: off-site interviews and on-site interviews. However, whilst all investigators would conduct an off-site interview, three said they would not conduct on-site interviews.

Off-site interviews.

Off-site interview strategies generally followed the format of the CI. Investigators use focused retrieval, mental reinstatement, free recall and to a lesser extent reverse order. The interview process involved the use of a material timeline which is the process of building a timeline of events based on evidence gained from multiple sources, including interviews. The investigators can use this to identify where key information is lacking, which then enables them to focus resources in specific areas of need. The material timeline can also identify where the focus is required in an interview. When interviewing to locate a deposition site, three investigators mentioned the use of the material timeframe to divide an event into episodes, and link each of those episodes to a location narrowing down a search area as explained by Investigator 4:

What we're doing effectively is saying here's the timeline we divide that into ten chunks, you think he got rid of the knife somewhere between chunks seven and 10 so let's start at six again, then take you up to seven, right ok 'has he still got the knife? Yes' right so let's go from seven to eight, 'has he still got the knife? Yeah', eight to nine, 'Oh hang on a minute no he's not got the knife'. Right ok let's go back to seven and let's work through seven in more detail. (Investigator 4)

In addition to the use of the CI and material timelines, investigators used memory aids such as Sketch plans and maps such as Google maps. The use of sketch plans and maps were a key

component of the off-site interview in most cases. Many investigators had a specific preference for sketch plans while some were open to using either sketch plans or information rich maps. Investigators who preferred the sketch plan did so because a sketch plan contains no information that could contaminate the suspect's account as explained by one investigator. "If I gave you a map and said 'you went from a to b how'd you get there?' and you couldn't remember, you'd just look at the map and do the utmost most logical route" (Investigator 4). Investigators who had no preference were equally concerned about the possibility of contaminating the suspect's account, and would only introduce a map, or photographic memory aids after a topic had been fully explored during the interview process.

However, it is not known whether the information presented on maps provides any tangible assistance to search teams. In the spatial memory literature, the generation of sketch plans is prone to inaccuracy, with consistent errors in judgements of angle and distance among other things (Thorndyke, 1981; Thorndyke & Hayes-Roth, 1982; Tversky, 2003). It is also possible that an information rich map may not generate any helpful information from a suspect especially in situations where the victim has been hidden in a remote tract of bushland where there may be no significant landmarks and of course the usefulness of a map will be dependent on the amount and quality of information displayed in the map.

On-site interview strategies.

When on-site interviews were used by investigators they were always used after the application of an off-site interview had been performed first. Essentially the on-site interview is a separate interview, as the suspect must have admitted to the crime or some knowledge of the crime in a prior interview before this would be considered. There is no point in taking a person who denies knowledge of the location to seek it out. Therefore, the details of the crime would have already been addressed. The use of on-site interview strategies by the investigators was limited. Investigators used a free recall strategy with limited questioning. The suspect was generally taken to a starting point specific to the case. Some investigators took the suspect to the site of the murder, whereas, others started from the police station. Generally, there was no formal questioning strategy involved when conducting on-site interviews. The practice was to ask the suspect to direct the investigator to the deposition site while maintaining rapport. When conducting the interviews on-site, the use of the techniques such as the CI was generally not seen. This again indicates a need for research in this area. It is not clear what procedure for conducting an on-site interview is best for improving a suspect's memory retrieval when trying to locate a missing body. Although the strategy for on-site interviewing was limited, one investigator offered a technique to deal with a suspect who had become lost or had forgotten the next step in the route.

... So I said, 'ok let's stop' and said 'what I'd like you to do is I'd like you to walk, return to a location where you knew you were, so where you actually understand exactly where you are'. So she returned to a location and I said 'Right. So what I'd like you to do now in this location, cause you actually know where you are now, I'd like you' and I was using the four points of the compass and so I said... 'walk in that direction' which was north 'until or unless you either say to me, I'm now back on the track I know where I'm going or no this is the wrong way. If it's the wrong way [we] return back to this location we are currently standing in. (Investigator 2)

This strategy used by the investigator in this instance is trying to activate a memory trace by systematically allowing the suspect to explore the environment. The goal of this strategy is to facilitate recognition of the next landmark along the route and hopefully continue to the deposition site.

Reasons For and Against Suspect Site Visits

Suspect site visits were a point of contention across investigators. Three investigators stated they would never take a suspect to site, whereas six said they would always take a suspect to site if it was practical to do so. This difference of opinion revolved around practical constraints. Investigators who stated they would never take a suspect to the site believed the practical constraints, such as site contamination, could reduce the chance of a successful conviction. While most investigators believed that taking a suspect to site would be best for helping with memory retrieval, it was also believed that the perceived risk was not worth the potential benefit of improved memory retrieval had the interview been conducted on site

Reasons for a suspect site visit.

The justification given by investigators for a suspect site visit was the complexity of the deposition site. This refers to the size of the site, and the lack of easily identifiable landmarks. In most cases, the deposition site was in non-descript bushland or a rural environment. The difficulty for investigators in this situation is the inability of the suspect to verbalise any distinguishing features that would easily guide an investigator to the deposition site. It was stated by investigators in favour of suspect site visits that the deposition site would never have been located without taking the suspect to the site as explained by Investigator 8:

Now once we got to the front gate, he was able to direct us. We spent probably five hours there the first day, didn't do any good. We spent all day the next day, I put him in a chopper with me, we still couldn't find it. And the morning of the third day we found it, we found this massive rock.... Now from that, once we had that he was able to walk with me and point to this massive crevice, this crevice that went down about 12, 13 feet, and then showed me where the body was which had been covered up with sticks. Now, without his help we would have never, ever, found the body, impossible. (Investigator 8)

The practice of conducting an on-site interview in addition to an off-site interview is consistent with spatial memory research. The choice to take a suspect to the deposition site should be of more benefit to the suspect as the spatial cues would assist in the retrieval of spatial memory (Tversky, 2003).

Reasons against a suspect site visit.

As previously mentioned, the reasons for not taking a suspect to site were dictated by practical constraints. Primarily these constraints fell into three categories which were, site contamination, community impact and an increased risk to staff and suspect. Site contamination was a major concern for investigators deciding not to take a suspect to site. It was stated that the defence for the suspect could use this as a way of discrediting any DNA evidence presented at

trial. If the suspect's DNA was found on site, it may be attributed to the police taking the suspect to the site, rather than relating to the crime itself.

The community impact of taking the suspect to the site was seen to be another major factor. Typically, missing body homicide cases are high profile, and attract large amounts of media and community involvement. Often the community and the victim's family may be involved in searching for the victim or holding vigils in areas that may be necessary for the suspect to visit. Investigators stated that they believed that by taking the suspect back to the site, the risk of encountering members of the community who may realise that he/she is the suspect would be too great, and it would probably cause distress within the community and the victim's family.

The decision to not take a suspect to a site can also be justified by the risk to the suspect and police officers. There is an increased risk of harm to both the suspect and police officers when taking suspects to site that may come from disgruntled members of the community looking for retribution or associates of the suspect who may attempt to free them. This would result in an increased risk to police who have a duty to protect the suspect.

Although many missing body homicide cases are high profile and remain so for many years, it is possible that the community impact may lessen over time and in some prominent recent cases the time between the crime being committed and the interview to locate the victim's body may be years rather than weeks and days. In this situation it may well be that investigators no longer see this as a restriction to an on-site interview.

Impediments to the Interview Process

Legal impediments.

Another consistent theme that was found was the legal impediments investigators had to deal with regarding timing and application of suspect interviews. Investigators believed the CI would not be accepted by the suspect's legal representative. Although legal representation was recognised as necessary and legally required, it was suggested that the legal representative would be unlikely to allow an un-interrupted CI and would interrupt periodically to provide advice to their client. Any interruptions in a CI can warrant the process ineffective as it may disrupt the suspect's ability to focus, and therefore, disrupts the memory retrieval process. It was usually the case that investigators used the instructions around focused retrieval followed by free recall, and then some follow up questions, omitting the other less practical techniques of the CI such as reverse order. In addition to the legal representation, investigators were concerned about the acceptability of the evidence produced by a full CI.

Four investigators stated that the various mnemonics contained in the CI are unpalatable to jurors, lawyers, and judges. They believed jurors would not understand the science behind the interview strategy and would find the information confusing or doubt the evidence because of its presentation. Therefore, many investigators rarely chose to use reverse order, and none chose to use change perspective. This negates the effect of the multiple retrieval principle (Fisher & Geiselman, 1992). With less attempts and less variation in the attempts at retrieving information, there is less chance of activating the various memory traces. An alternative to the change perspective mnemonic is 'category clustering recall' which has been found to increase the amount of information generated and may be a more 'palatable' option (Paulo, Albuquerque, & Bull, 2016). The investigators' goal is to obtain a conviction and an interview method, although effective in theory, must be suitable for practical application and must not jeopardise the focus of the investigation. It must also be noted that in the circumstances of a search interview this may

not be applicable. At the point where a suspect has agreed to assist in locating the victim's body, they may have already admitted to the crime. Therefore, it is probable that the search interview could be conducted separately in addition to an interview that focuses on a conviction.

Investigators stressed the importance of the interview in gathering information. However, it was made clear that the interview can be only one aspect of the investigation and that the needs of the investigation influence the focus of the interview, rather than the interview operating in isolation. This means interviews will initially only focus on locating a missing body or object if the investigation requires it. Many investigators stated that locating the body was not always necessary for a conviction, and if so, the interview may initially focus on other aspects of the case. This is due to the time constraints placed on investigators during the investigation.

Interviews must be conducted within a limited time frame and the search for the deposition site may consume too much time without yielding a result. The focus of locating the victim's remains could resume after the initial investigation yielded a conviction. However, it was also stated that locating the victim's body was preferable within the initial stages as it made a conviction more likely and allowed return of the body to the victim's family promptly. The understanding of the impact on families and friends of the victims was clear among the investigators. "...you know people tend to forget, the victims that are left, there's the tragedy of someone being killed, buried and not found, but it's also the families, the friends, the knock-on effect of all that" (Investigator 7).

Time was the final constraint identified by investigators. In the period that the suspect can be detained, much more than just interviewing must take place, as explained by one investigator.

So a lot of it is enforced, so you know the police and criminal evidence acts in the UK says you must be interviewed at in the normal working day, so in daylight hours, they've got to take regular breaks for meals and refreshments, they've got to have 8 hours sleep, they've got to be allowed to consult with a solicitor, now sometimes these consultations can take 5-6 hours. And then you've got to, so I'm almost sat there with this sliding rule trying to work out when the best time is to take them to court. (Investigator 4)

Furthermore, forensic evidence may need to be collected, the suspect may have medical needs that have to be attended to, and there may be court appearances for the suspect. These time constraints make it difficult for an investigator to schedule large amounts of time to the interview process, and it is most likely that the interview will take place over multiple stages.

The emotional distress of the suspect.

Although not a dominant theme, two investigators stated the suspect was in a heightened level of distress. Essentially, they are affected emotionally by their own actions. This placed some restrictions on the interviewer in asking the suspect to recall details of the crime as these increased levels of distress as explained by Investigator 8.

So what you've got to remember with suspects is...they are going to be suffering from shock and trauma...the problem is if I took him through the offence and just really compounding the trauma he was displaying in the interview...that can appear oppressive, he's basically saying 'I don't want this to happen'. (Investigator 8)

The investigator in this circumstance is referring to the wellbeing of the suspect and the consequences of repeatedly reviewing the traumatic aspects of the crime. It was further noted by this investigator, that the legal representative present in the interview would be reluctant to allow the interviewer to continue if the suspect was becoming too distressed. As such, the emotional distress of the suspect, and focusing on the traumatic events of the crime, would impede the amount of information the investigator was able to retrieve from the interview process.

Furthermore, it was suggested that when interviewing to retrieve the location of the deposition site the interviewer should not focus on the details of the murder as this may increase the reluctance of the suspect to give information. Investigators avoided this by focusing on the suspect and avoiding the more detailed aspects of the murder. Through this it was hoped that the suspect would continue to disclose information regarding the whereabouts of the deposition site.

Limitations

The size of the sample in this study, and the large proportion of UK based investigators, may be a limitation. However, the rarity of cases where a suspect hides a victim and is perceived as willing to assist in the location of the victim limits the amount of investigators with relevant experience, but this is precisely the reason for the research – so others can be informed about what to do in these infrequently occurring – but high impact – cases. Countering this limitation is the substantial experience of the participants in this sample, some participants having been involved in several of these types of cases over their careers.

Conclusion

While there is an extensive literature to support the use of the CI (Khönken et al., 1999; Memon et al., 2010) this has focussed on memory of events rather than the spatial task that is finding a body. To date no one has researched how homicide investigators use investigative interviewing strategies for this task. Four main themes were identified from the interviews. These were; (a) establishing rapport; (b) strategies for gaining information about the site location; (c) strategies for checking suspect veracity; and, (d) impediments to the interview process. This study provides a research base to inform how homicide interviews are conducted in these cases and suggests a lack of a direct evidence-base for interviewing in these cases. Whilst missing body homicide cases are rare, the impact on the victim's families and loved ones means they have tremendous consequences. The strategies we have identified here may help in these investigations and provide template for future research that may help find more murder victims' bodies and allow their families and loved ones to find closure.

References

- Association of Chief Police Officers (2006). *Murder Investigation Manual*. Bedfordshire: ACPO Centrex.
- Berg, B. L. & Lune, H. (2014). *Qualitative research methods for the social sciences*. Harlow, Essex: Pearson
- Bull, R. & Soukara, S. (2010). A set of studies of what really happens in police interviews with suspects. In G. D. Lassiter and C. Meissner (Eds.) *Interrogations and confessions*. Washington: American Psychological Association; and Walsh, D., & Bull,

- R. (2012). How do interviewers attempt to overcome suspects' denials? *Psychiatry, Psychology and Law*, *19*, 151-168).
- Butterfield, L. D., Borgen, W. A., Amundson, N. E., & Maglio, A. T. (2005). Fifty years of the critical incident technique: 1954-2004 and beyond. *Qualitative Research*, *5*(4), 475-497
- Dando, C., Wilcock, R. & Milne, R. (2009). The Cognitive Interview: Novice police officers' witness/victim interviewing practices. *Psychology Crime and Law*, *15*(8), 679-696. DOI: 10.1080/10683160802203963
- Dando, C., & Bull, R. (2011). Maximising opportunities to detect verbal deception: Training police officers to interview tactically. *Journal of Investigative Psychology and Offender Profiling*, *8*, 189-202.
- Dando, C., Bull, R., Ormerod, T., & Sandham, A. (2015). Helping to sort the liars from the truth-tellers: The gradual revelation of information during investigative interviews. *Legal and Criminological Psychology*, *20*, 114-128
- Fisher, R. P., & Geiselman, R. E. (1992). *Memory-enhancing techniques for investigative interviewing*. Springfield: Charles C Thomas
- Flannagan, J., C. (1954). The critical incident technique. *Psychological Bulletin*, *51*(4), 327-358
- Fulcher, S. (2017). *Catching a serial killer: my hunt for murderer Christopher Halliwell*. London, UK: Ebury Press.
- Hartwig, M., Granhag, P. A., Strömwall, L. A., & Kronkvist, O. (2006). Strategic use of evidence during police interviews: when training to detect deception works. *Law and Human Behaviour*, *30*, 603-619. DOI: 10.1007/s10979-006-9053-9
- Hodge, M. (2017, February 3). Tell the truth: what is Helen's law, who was Helen McCourt and what does it mean for killers who won't reveal where their victims' bodies are? *The Sun*. retrieved from: [https://www.thesun.co.uk/news/2777695/helen-s-law-helen-mccourt-ian-simms/Jack, F., Martyn, E. & Zajac, R. \(2015\). Getting the picture: Effects of sketch plans and photographs on childrens', adolescents' and adults' eyewitness recall. *Applied Cognitive Psychology*, *29*, 723-734. DOI: 10.1002/acp.3156](https://www.thesun.co.uk/news/2777695/helen-s-law-helen-mccourt-ian-simms/Jack, F., Martyn, E. & Zajac, R. (2015). Getting the picture: Effects of sketch plans and photographs on childrens', adolescents' and adults' eyewitness recall. Applied Cognitive Psychology, 29, 723-734. DOI: 10.1002/acp.3156)
- Kebbell, M. R., Milne, R. & Flagstaff, G., F. (1999). The cognitive interview: a survey of its forensic effectiveness. *Psychology Crime and Law*, *5*(1-2), 101-115. DOI: 10.1080/10683169908414996
- Khönken, G., Milne, R., Memon, A., & Bull, R. (1999). The cognitive interview: a meta-analysis. *Psychology, Crime & Law*, *5*(1-2), 3-27. DOI: 10.1080/10683169908414991
- Layt, S. (2017, February 16). QLD beings in 'no body, no parole' laws. *News.com.au*. retrieved from: <http://www.news.com.au/national/breaking-news/qld-parole-shakeup-after-womans-death/news-story/7aa71805489e7a070fcab97678c3af41>
- Memon, A., Meissner, C., & Fraser, J. (2010). The cognitive interview: a meta-analytic review and study space analysis of the past 25 years. *Psychology, Public Policy and Law*, *16*(4), 340-372. DOI: 10.1037/a0020518
- Milne, R., & Bull, R. (1999). *Investigative interviewing: research and practice*. Chichester: Wiley.
- Paulo, R., Albuquerque, P. B., & Bull, R. (2016). Improving the enhanced cognitive interview with a new interview strategy: Category clustering recall. *Applied Cognitive Psychology*, *30*, 775-784
- Queensland parole system review (2016, November)
- Redpath, L., Stacey, A., Pugh, E., & Holmes, E. (1997). Use of the critical incident technique in primary care in the audit of deaths by suicide. *BMJ Quality & Safety*, *6*, 25-28

- Nahari, G., Vrij, A. & Fisher, R. P. (2014). The verifiability approach: Countermeasures facilitate its ability to discriminate between truths and lies. *Applied Cognitive Psychology, 28*, 122-128. DOI: 10.1002/acp.2974
- Odinot, G., Memon, A., La Rooy, D., & Millen, A. (2013). Are two interviews better than one? Eyewitness memory across repeated cognitive interviews. *PLoS ONE, 8*(10). DOI: 10.1371/journal.pone.0076305
- Thorndyke, P. W. (1981). Distance estimations from cognitive maps. *Cognitive Psychology, 13*, 526-550
- Thorndyke, P. W., & Hayes-Roth, B. (1982). Differences in spatial knowledge acquired from maps and navigation. *Cognitive Psychology, 14*, 560-589.
- Tulving, E. (2002). Episodic memory: from mind to brain. *Annual Review of Psychology, 53*, 1-25.
- Tversky, B. (2003). Body and mind. In C. Freska, W. Brauer, C. Habel, & K. F. Wender (Eds.), *Spatial Cognition III* (pp. 1-10). Berlin: Springer Berlin Heidelberg
- Unlawful killing (recovery of remains) act 2017 (UK)
- Verkamt, F., Ginet, M., & Colomb, C. (2014). The influence of social instructions on the effectiveness of a cognitive interview used with very young child witnesses. *Revue européenne de psychologie appliquée, 6*, 323-333. DOI: 10.1016/j.erap.2014.09.003
- Vrij, A. (2008). Nonverbal dominance versus verbal accuracy in lie detection. *Criminal Justice and Behaviour, 35*(10), 1323-1336. DOI: 10.1177/0093854808321530
- Walsh, D., & Bull, R. (2012). Examining rapport in investigative interviews with suspects: Does its building and maintenance work? *Journal of Police and Criminal Psychology, 27*, 73-84