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Experiences from training and supervision in real (video-recorded) suspect interviews in Belgium: Pitfalls and opportunities

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Abstract

In 2010, awaiting the development and implementation of new Belgian legislation following the ECtHR Salduz case-law, judicial authorities advised to video-record the first suspect interview in serious cases. For Belgian police, this requirement was a major challenge with regard to both technical equipment as well as police officers' attitudes and skills. As a consequence, the chief of police of one of the local police stations decided to implement a project covering these three components. With regard to the required attitude change and improvement of interview skills a preliminary training and supervision trajectory was developed. The training and supervision (peer feedback and expert feedback) yielded some interesting experiences concerning routines as well as learning processes. Based upon the aforementioned practical implementation, some preliminary pitfalls and opportunities for supervision in practice are formulated.

Keywords: *Police training; video recording; supervision; peer review; follow-up*

Introduction

In 2008, the European court of Human Rights' (ECtHR) decision in Salduz vs. Turkey¹ led to the expectation that major changes needed to be dealt with in near future. In a first step to anticipate to this European Case Law, the prosecutor-general issued a new guideline concerning video-recording of the first suspect interview². This guideline served as a preliminary protection measure awaiting the development of new legislation concerning legal advice in investigative interviewing³. Video-recording of suspect interviews confronted the Belgian police with a major

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¹ Salduz v Turkey [2008] ECHR 36391/02 [Grand Chamber] (27 November 2008).

² General Prosecutor Service, Col 7/2010 and Col 15/2010.

³ Salduz Law, Belgian Law gazette, published on September 5th 2011, implemented on January 1st 2012.

challenge on various levels. Firstly, the majority of police stations were not equipped with the required infrastructure. Secondly, most police officers did not receive any training in video-recorded interviewing. Finally, until now it was unclear what really happens during suspect interviews. Transparency to colleagues let along to externals (judicial authorities, scholars, the public) was not common practice in police work. Thus, a major attitude change was needed.

Since the local Belgian police consists of 195 autonomous local police regions and the financial means are often limited, large differences in embedding new procedure and practice in accordance with the guideline could be identified, ranging from no initiative (take a wait and see attitude) towards a proactive mentality. With regard to the latter, the chief of one of the local police stations convinced the local authorities of the necessity to invest in the infrastructure. Subsequently, it was decided to install an 'audio-visual interview centre' designed for video-recording and monitoring of suspect interviews, taking into account already the possibility of future implementation of legal advice at the police station. The centre consists of a waiting room, an interview room with two cameras, and a monitoring room. In addition, the chief of police developed a long-term plan to tackle the attitude change and optimisation of interview skills. The focus of this contribution concerns a narrative on the aspects of attitude and skills. The aim is to describe and reflect on the implementation of training and supervision from a practical organisational perspective and on how supervision can best be delivered within a jurisdiction where scrutiny of interviews is not commonplace.

Framework for attitude change and skills improvement

The final aim of the chief of police with regard to attitudes and skills was to involve all police officers conducting interviews in order to develop an overall change and improvement of interview quality. For this purpose various strategies can be chosen. In this project it was opted for a small-scale in-depth approach in first instance, with a view to extend the acquired expertise towards the relevant staff in the long-term. The first in-depth phase of the project was developed by scholars, with expertise in investigative interviewing, in close collaboration with the management of the police station. In order to prepare the implementation of the project, several issues concerning the framework of a small-scale and in-depth approach had to be dealt with.

Small-scale approach

Current training programs often not incorporate continuous feedback after intensive training (Powell, Fisher & Wright, 2005). One of the reasons is that it is costly to organise intensive training and continuous feedback (Lamb, Sternberg, Orbach, Esplin & Mitchell, 2000). Therefore, it was decided to start with a small-scale approach on a short-term with extension to all interviewers in the long-term. With regard to the small-scaled approach, a small number of competent participants were selected. The following criteria have been put forward. All participants were required to have the certificate of the mandatory training for criminal investigators, which includes a two-week interview training. Furthermore, the selection was balanced along interview experience (inexperienced versus experienced interviewers in criminal investigation), type of crime (volume versus serious crime), additional advanced training (such as interviewing children, video-recorded interview training, advanced training in interview techniques, etc). To enhance participants' motivation participation was on a voluntarily basis. In terms of feasibility of an in-depth approach six interviewers were selected to take part.

In-depth approach

In order to realise sustainable change of attitudes and improvement of skills, training followed by supervision (including feedback by experts) has been put forward (e.g. Clarke, Milne & Bull, 2011; Crawshaw, Devlin & Williamson, 1998; Powell et al., 2005; Price & Roberts, 2011). Continuous supervision improves the accurate application of the structured interview protocol components acquired during training (Lamb et al., 2000; Powell & Steinberg, 2012). In the literature, a wide diversity in conceptualisation of supervision is found. For the purpose of this project, supervision is defined as: "Supervision is a working alliance between two professionals where supervisees offer an account of their work, reflect on it, receive feedback, and receive guidance if appropriate. The object is to enable the worker to gain in ethical competency, confidence and creativity as to give the best possible services to clients" (Inskipp & Proctor, 2001). On the basis of the state of the art within literature three additional decisions on the framework for the in-depth approach were made:

The use of real interviews in supervision. Training programmes systematically rely on the role-play exercises designed to consolidate learning (Lamb et al., 2000), whereas systematic evaluations concerning children's interview trainings as such do not reveal a significant impact on the quality of interviews conducted afterwards (e.g. Freeman & Morris, 1999; Warren et al., 1999). On the contrary, studies addressing supervision in which real interviews are used for learning purposes reveal improvement in subsequent interviews.

Peer and expert feedback in group. Looking at different studies which address the issue of how supervision should be modelled, various supervision types can be identified with regard to their design: (i) oral and/or written, (ii) group feedback and/or individual feedback, (iii) peer feedback and/or expert feedback, (iiii) ranging from 6 months until 1 year on a (approximately) monthly basis (Dommicent, Vanderhallen, de Wiest, Bastiaens, van de Plas & Vervaeke, 2008; Lamb, Sternberg, Orbach, Esplin & Mitchell, 2002; Lamb et al., 2000; Smets, 2012; Sternberg, Lamb, Orbach, Esplin & Mitchell, 2001).

Research on the effectiveness of individual versus individual feedback is equivocal. Some research reports a small positive effect of individual feedback (Dommicent et al., 2008; Smets, 2012) whereas other did not yield significant differences between individual and group feedback (Lamb et al., 2000)⁴. In this project it was opted for group feedback since it enables a combination of expert and peer feedback. Firstly, expert feedback is considered a core element of successful training programs (Powell & Steinberg, 2012). Secondly, in clinical supervision, group supervision is considered to be a good ground for supervisees to learn from their peers (Stoltenberg, McNeil & Delworth, 1998). Besides, participation in group feedback facilitates a culture of critical reflection on colleagues' as well as own performances and enables participants' skills to provide feedback to other colleagues. Training in providing feedback was in this project very valuable in relation to the long term goal of extending the acquired expertise of the target group involved in this first learning on the job trajectory towards all the relevant staff within the organisation.

External supervisors. In this project, the interview supervisors were two senior scholar and one junior scholar, with a background in psychology/criminology and a track record in advanced (police) investigative interview training in Belgium next to expertise as expert witnesses. With

⁴ However, it must be mentioned that the experimental group (individual) and the control group (no individual feedback) could not be compared as such, since the experimental group was trained in interviewing victims whereas the control group received training in interviewing suspects.

regard to the latter, the supervisors support/guide interviewers during the criminal investigation or assess the value of the written records or video-taped interviews before court. This expert witness' perspective was used as a framework to assess the supervision in this project and was helpful in establishing legitimacy since the supervisors were not in-house interview experts nor police officers. External supervisors are able to intervene from an outsiders professional point of view in a 'safe' environment, in line with what the trainees could expect when the videotaped interview would be shown in court. Their basic question was: "what elements will an expert look at when assessing the value of an interview/statement before court?" On the basis of this question, feedback was provided with a view to avoid the most common errors and to improve the overall interview quality. In this project the management was also sensitive for the need to split up the role of supervisors on the one hand and the role of experienced interviewers/team leader on the other hand in order to avoid a mixture of learning and evaluation. Within both the training and follow-up, (inter)national experienced police interviewers were involved in order to provide more identifiable role models. Their practical experiences exemplars of good practice, which are considered to be a key factor for successful training (Powell et al., 2012). At least one of the two senior scholar-supervisors was present in each of the activities in order to safe guard the continuity of the learning process and a safe working climate for the participants.

On the job learning trajectory: Objectives and procedure

The trajectory consisted of three major components: training, working visit and supervision. Two months after the official opening of the audiovisual interview centre, the project started with a two-day training program. Adjacent to this two-day training, a follow-up path consisting of six one-day supervision sessions was added. These sessions started two months after the introductory training and were spread over a period of eight months. A working visit to the UK was also organised after the second supervision session.

Training

The two-day training was aimed at (i) obtaining additional, specific knowledge regarding the video-recorded interview, (ii) acquiring additional skills (infrastructure and interview skills), and (iii) further improving existing interview skills. Among others, the following topics were addressed:

- getting to know each other in order to contribute to the development of a safe environment;
- information to the interviewers about the interview approach of the external supervisors;
- getting acquainted with the infrastructure and technical procedures;
- camera perspective bias;
- legislation and agreements with magistrates;
- pitfalls and opportunities related to: structured interview protocol, interview preparation, official notifications, trickery (minimisation, maximisation, etc),
- interpretation of information, skills monitoring room, note-taking and drafting an written record;
- providing and receiving feedback;
- self-reflection competences and techniques.

To get acquainted with infrastructure and technical procedures, a technical expert of the Belgian Federal Police was involved. In order to illustrate the opportunities and pitfall of video-recorded suspect interviews a highly experienced police officer from the Belgian Federal Police took part in the training. Throughout the training a combination of various didactic tools was used: theoretical explanation, round-tables (e.g. discussion exemplars of good practice), and (role-play) exercises. This training thus focussed on support and feedback regarding their technical skills for using the infrastructure, as well as their interview skills.

Working visit

The working visit enclosed a one-day training by UK interview experts from the National Policing Improvement Agency (NPIA) and a one-day site visit to a local police station to be introduced to the English infrastructure and procedures. The site visit comprised a round table discussion with local experts. The focus of the working visit was on video-recorded interviews as well as legal advice. Within the project, the working visit served both as a knowledge increase, a further challenge of the attitudes towards more openness through via video-recorded interviews, a good practice concerning the future introduction of legal advice, as well as teambuilding activity.

Supervision

The following objectives were distinguished:

- to reflect upon own interview behaviour;
- to acquire knowledge about pitfalls and opportunities regarding video-recorded interviews;
- to improve skills by receiving feedback;
- to facilitate supervision in the long term.

Sessions concerned collective follow-up. Each follow-up session provided peer feedback and expert feedback regarding an interview conducted by two of the participants. In total six one-day supervision sessions were organised. In each supervision session one interview pair received feedback on their interview. The composition of the interview pairs varied, however the aim was to provide extensive feedback to at least one interview executed by each of the participants. Videotapes of the relevant interviews were viewed beforehand, by the supervisors as well as (much as possible) by the peers. If applicable, the interviewers and advisor (who is situated in the nearby room monitoring the video of the interviewers) were asked to pose a question about a specific problem they were confronted with, f.e. experienced difficulties to build rapport with the suspect. Moreover, the interviewers needed to provide their preparation as well as their written record. The advisor provided a short note in which he described how he advised the interviewers.

The interview was analysed taking into account the individual learning points of the interviewers/advisor, the structured interview protocol and skills, and the written record. Each supervision sessions started by giving the floor to the interviewers and advisors to reflect on the interview, and more in particular their behaviour in the interview. Subsequently, peer feedback was provided and if appropriate complemented by expert feedback. Moreover, the written record was discussed. Finally, experiences of the other interviewers were also discussed. In order to add new input, an external expert from the Netherlands (Dutch Police Academy) attended the third supervision session to provide expert feedback. This gave rise to additional perspectives about which new discussions took place.

Experiences: Opportunities and pitfalls

Below the experiences of major importance will be discussed stemming from the impression of the supervisors which were communicated with the participants. This section will comprise out of participant motivation, attitude change, alternative scenario, interview techniques, written record as well as practical and organisational aspects.

Participant motivation

Participants in the project considered their participation a challenge in order to improve their interview skills. The supervisors observed a strong and continuous motivation of the participants, which was fostered and fed by different factors: the voluntary basis for participation, the 'active' support of the management of the Police Force, the explicit encouragement and actions to facilitate the project from the Regional Chief Prosecutor as well as the different components and various trainers together with the continuous presence of at least one of the senior supervisors. Afterwards, all participants believed they showed progression in their interviewing skills, including the most experienced ones, as mentioned in the evaluation at the end of the supervision project. This was exemplified by various interviewers stating that they improved in preparation of the interview and build rapport by thoroughly explaining the suspect's rights. Furthermore, they expressed a need for ongoing training and supervision.

Attitude change

It is agreed upon that attitude change is difficult, and hence time consuming. The overall trajectory took about 12 months. In general, one of the hampering factors for attitude change is a lack of attention towards resistance to change. The introduction of video-recording in police interviewing is not an exception (e.g. in Australia by Dixon & Travis, 2007; in US by Moston & Engelberg, 2011 & Sullivan, 2004). The decision of the management of the local police station to engage in a long term project aiming at attitude change reflects an open mindedness which is necessary to overcome resistance (e.g. anxiety to be exposed and evaluated negatively, hesitance about their skills, unfamiliarity with technical apparatus). The introductory training already led to a minor decrease of reluctance towards video-recorded interviews. This can be attributed to the familiarisation with the technical equipment, the fact that the positioning of tables, chairs and camera perspectives were adapted to their wishes, the experience that the video-recorded interview could be used to prepare the next interview or to show/convince the court of the high quality of their work and the simple fact that they 'survived' their first video-recorded role-play exercise.

A second marker in the attitude change dealt with interviewing suspects in terms of a full adoption of an information gathering interview style. The different perspective of an expert-witness contributed to this mentality change. Participants emphasized the additional value of a non police officers' view, in particular in relation to the presumption of guilt and tunnel vision which was stated already during the first supervision session.

A third crucial experience was the working visit. Being confronted with a sustainable approach of gathering information according to the PEACE model as well as a rich tradition of the legal advice showed that the Belgian reform was achievable. Finally, the supervision trajectory created a belief in a culture of feedback resulting in increased skills and interview quality.

Alternative scenario

Throughout the project, quantity as well as quality of the interview preparation increased. At the same time, participants made remarks about the importance of this preparatory work. The major challenge in the interview preparation was to develop alternative scenarios which could confirm the suspects' innocence. This was still a point of attention after concluding the project. The difficulty of falsifying a first -guilty- hypothesis was well demonstrated and served as an eye-opener with regard to the development and presence of tunnel vision. One striking example relates to the assessment of the suspect's intellectual capability. Interviewers tended to overestimate the suspect's intelligence and to interpret, for example, these difficulties as the suspect's 'unwillingness to cooperate'. This is in line with the study by Henshaw and Thomas (2012) demonstrating the difficulties interviewers experience when interviewing a person with intellectual disabilities.

Interview techniques

With regard to interview techniques, two learning curves are worth mentioning. Firstly, we will address the learning curve regarding rapport building, which is shown to be relevant for successful interviewing (Vanderhallen, 2007). Participants showed an increase in building rapport, when shifting towards a more information gathering interview style. This is not surprising, since research found both concepts mutually related (Vanderhallen, Vervaeke & Holmberg, 2011). Research also shows the importance of not only establish rapport at the start of the interview, but to maintain rapport throughout the interview in order to influence the overall interview quality and outcome (Walsh & Bull, 2012). On the other hand, a parallel declining curve could be identified: the better rapport was established and maintained, the harder participants struggled in moving towards the purpose of the suspect interview.

In line with the above, participants experienced more difficulties in introducing evidence when good rapport was established and more important maintained. Evidence was brought in without proper preparation (enclosing the evidence) and by use of a mitigated manner of questioning ("you did not see that woman that night?"). This was mostly the case with moderately strong evidence (for example statements from witnesses) or circumstantial evidence¹. These experiences indicate interviewers need to find a good balance between establishing and maintaining rapport and the introduction of evidence by becoming more experienced in being positive confrontational.

Written record

Research shows discrepancies between written records of the interview made by different interviewers (de Keijser, Malsch, Kranendonk & de Gruijter, 2011), or discrepancies between the watched videotape and the written record (Gregory, Compo, Vertefeuille & Zambruski, 2011). However, written records showed appropriate resemblance with the video-recorded interview in terms of the content but less regarding proceedings. Nonetheless, the written records required a lot of effort which was made possible for the purpose of the project. A similar effort is often not possible during daily police practice. The best quality was actually obtained when completing the written record on the basis of the videotape. Because of legislative requirements⁵, this is not possible in common practice. Therefore, alternative routes were chosen to draft the written record. The most adequate procedure was found to be a task division between interviewers in

⁵ See: Moston and Engelberg, 2011.

which one interviewer took the lead in posing questions and the second interviewer used these questions and summaries to complete the written record. This working method does require expertise from both interviewers. An illustration:

The lead interviewer must be able to carry out the interview according to the interview schema, though in a flexible manner, paying sufficient attention to use summaries. The second interviewer should make use the opportunities created by his colleague; besides he should distinguish relevant from less relevant information.

Unfortunately, objective insights concerning the results of different working methods are lacking. Thus, further research into best practices on how to edit qualitative written records is needed.

Practical/Organisational aspects

Through the course of the supervision sessions it became clear that participants were not always able to (completely) view their colleagues recorded interviews prior to the supervision session. In general, this was due to work load as well as the unpredictable nature of a criminal investigator's work with the local police. When the material was available, it was challenging to plan a session during which all participants could be present. Nevertheless, in order to build expertise, supervision is needed on a regular basis. Therefore, it is recommended to have supervision structurally embedded and supported by the police staff at different levels. Subsequently, supervision can be organised individually with in-house supervisors who are well selected and trained to be supervisors (for example trained in how to provide constructive feedback). Adequate selection is crucial since in-house supervisors must be considered as legitimate by other interviewers. This requires both interview skills as well as supervising skills. In order to create dynamical circumstances, diversification in supervisors or the involvement of external (police) supervisors could be considered. A final condition for in-house supervision being successful refers to the organisational context. Police should adopt a supervision policy which clarifies the structure of supervision (frequency, individual/group etc.) and procedures (selection of video-recorded interviews, supervision framework⁶ etc.). On a supra-organisational level, the implementation of a supervisors' network could contribute to continuous improvement of supervision. Within this network, supervisors can exchange experiences and (new) knowledge. Besides, the network could provide supervisors with monitoring themselves according to the state of the art.

Conclusion

Scientific research consistently demonstrates the importance of intensive training followed by supervision in establishing sustainable successful interview skills. At the same time studies show insufficient supervisory activities in daily police practice and literature on how supervision is implemented in practice remains scarce. This contribution produces a narrative about experiences from a practical perspective. Hereby, the authors hope to enhance the discussion on the added value of supervision not only among scholars and practitioners but also among policy makers and police managers. After all, for supervision to be effective, a number of deliberate and challenging decisions regarding practical issues (organisational embedding, identification of supervisors...) as well as content issues (mentality change, learning curves...) needs to be made.

⁶ The framework consists of the interview model, interview skills, specific issues such as video-recording, legal advice etc.

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