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Motivational Interviewing in the Context of Police Investigative Interviews with Suspects

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Abstract

The field of police investigations has been gradually progressing from accusatorial approaches to inquisitorial approaches in the context of interviewing suspects. This article explores the utility of motivational interviewing, which was taken from the field of counseling and provides a structured approach to engaging individuals in moving from ambivalence to motivation to change, in the context of police investigative interviews with suspects. Motivational interviewing offers an ethically driven approach to rapport building and can be effective in many situations. This article highlights the contexts where motivational interviewing may be applied and where it is contraindicated. Implications for training of police investigators and for research will also be discussed.

Keywords: *Motivational interviewing, police interview, suspect, interrogation, rapport.*

Introduction

The field of police investigations has made great strides moving towards a more ethical and fundamental goal of increasing the quality and quantity of information from suspects, rather than the narrow focus on obtaining a confession of guilt (Milne & Bull, 1999; see Meissner, Kelly, & Woestehoff, 2015, for review of changes that emanated from the United Kingdom, e.g., Police and Criminal Evidence (PACE) Act of 1984). In order for the field to continue the advance from an accusatorial approach to an inquisitorial approach, there must be a schematic change that is ethically driven. Such a perspective was championed as far back as 1940 when W.R. Kidd, in his influential police manual, *Police Interrogation*, asserted, "The fact a man is suspected of a crime does not make him any less of a human being. He normally appreciates consideration; he

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Author note: The points of view expressed in this article do not necessarily represent the views of the Edmonton Police Service.

appreciates it more when his personal liberty has been taken away” (p. 105). Not surprisingly, a mainstay of many investigation models in the decades since Kidd’s declaration is the establishment of rapport with suspects (e.g., Reid model, Inbau, Reid, Buckley, & Jayne, 2013; PEACE model, Milne & Bull, 1999; KREATIV, Fahsing & Rachlew, 2009). This is evident in both accusatorial and inquisitorial procedures. An overarching reason for establishing rapport is that it is the ethical thing to do. Many of these models provide some rules or principles on what to include when building rapport with suspects, but less attention has been given to clarifying how the process of rapport should look and the stages of how rapport is developed.

This paper proposes that motivational interviewing (MI), which is a directive approach used in therapeutic settings and designed to help individuals build commitment and reach a decision to change and move forward (Miller & Rollnick, 1991), can be applied in police interviews, given its constructive and palpable approach to engaging suspects. It is further proposed that MI offers a structure to training police officers on developing rapport with suspects in criminal investigations. MI has clear components that are defined and guide this process (Miller & Rollnick, 2002, 2013) and has received empirical support in offender research on reducing recidivism (e.g., Anstiss, Polaschek, & Wilson, 2011). Hence, this paper will begin by examining contemporary approaches to interview engagement and the rationale for establishing a working relationship with suspects. Then an examination of how MI can be applied in the context of police investigative interviews is discussed with particular attention to the circumstances in which MI would be most useful and the circumstances where MI would be contraindicated. Implementing MI in the training of police officers and the importance of research will also be discussed.

Contemporary Engagement Practices in Policing

There has been much written criticizing the traditional confrontational approaches to interviewing suspects (Kassin & Gudjonsson, 2004; Meissner & Russano, 2003). Specifically, empirical research has shown that accusatory, coercive, and deceptive interview approaches with suspects can contribute to false confessions. For example, the Innocence Project has reported that 29% of DNA exonerations in the United States involved false confessions (see www.innocenceproject.org/dna-exonerations-in-the-united-states). Transitioning police practices towards inquisitorial approaches has been emphasized over the past few decades (Kassin, Appleby, & Perillo, 2010; Snook, Eastwood, Stinson, Tedeschini, & House, 2010; Williamson, 1993). This paradigm shift took a more constructive shape in the United Kingdom with the development of the PEACE model, in large part due to police questioning practices that contributed to high profile wrongful convictions (see Milne & Bull, 1999). The PEACE model includes five stages: Preparation and planning, engage and explain, account, closure, and evaluation (Gudjonsson, 2003). The goal of the second stage, engage and explain, is to engage the interviewee by personalizing the interview in order to facilitate an atmosphere whereby the interviewee will want to talk. Development of rapport in the investigative interview is necessary to build trust between the police interviewer and the suspect. Hence, contemporary policing practices in investigative interviewing are beginning to trend away from confrontational and antagonistic strategies to an information-gathering, less coercive treatment of suspects that ethically uses rapport (e.g., in training, Cleary & Warner, 2016; interviewing terrorist suspects, Alison & Alison, 2017; Borum, Gelles, & Kleinman, 2009; Dixon, 2010).

Rapport building serves many purposes, and the empirical literature offers support for its use in police interviews. Establishing rapport can be influential in increasing confessions. Holmberg and Christianson (2002) conducted an exploratory study in Sweden with convicted

murderers and sexual offenders and found that they were more willing to admit to the commission of their criminal behavior when police officers used more humane approaches with them. In another study, Kebbell, Alison, Hurren, and Mazerolle (2010) asked 43 convicted sexual offenders in Australia to read four different stories about sexual crimes and police interviewing techniques, and then rated the fairness of these techniques and the likelihood that they would elicit confessions. When the participants perceived the interviewing style as humane, they thought that confessions were more likely and that the interviews were fairer. By contrast, when the participating offenders perceived the interviewing as domineering, they believed that the offenders in the stories were less likely to confess. A similar study was conducted by Snook, Brooks, and Bull (2015) where they interviewed 100 incarcerated adult male offenders in Canadian prisons and found a greater likelihood that a detainee would confess when a humanitarian interviewing approach was used (e.g., being respectful, sincere). Of significance was that this humane approach was associated with a *fourfold increase* in the likelihood of an interview ending in a confession. In these studies, it is important to notice that offenders' opinions rather than those of investigators were examined. Consistent findings were found in a survey of 42 experienced military and intelligence interrogators conducted by Russano, Narchet, Kleinman, and Meissner (2014). They found universal agreement that rapport was an essential component to a successful interrogation. Other recent studies also support the use of rapport building and development of a relationship with the suspect to increase confessions (e.g., Wachi, Watanabe, Yokota, Otsuka, & Lamb, 2016a).

In addition to increasing the likelihood of confessions, building rapport has also been shown to increase correct information without increasing incorrect information. Oxburgh and his colleagues conducted a series of studies using transcripts of actual police interviews and coded the use of empathy and investigation relevant information obtained in those interviews (Oxburgh, Ost, & Cherryman, 2012; Oxburgh, Ost, Morris, & Cherryman, 2014). They found that the use of empathy alone did not have an impact on the amount of information obtained, but rather the use of empathy, along with asking appropriate questions in the interviews led suspects to disclose more information that was relevant to the investigation. Vallano, Evans, Compo, and Kieckhafer (2015) found that most police in their study perceived rapport building as a component of building a positive relationship with the suspect, although an equal number of officers viewed rapport building as beneficial (27%) and not beneficial (30%). Nonetheless, most of the 123 police officers surveyed in their study reported that rapport is used to facilitate a conversation for the purpose of increasing more accurate and/or incriminating information from the suspect. Hence, building rapport with a suspect serves several important functions; in particular, it increases confessions, encourages more correct information (without increasing incorrect details), and can lead to incriminating or exculpatory evidence.

Motivational Interviewing

The idea of building rapport with a suspect is not isolated to contemporary police interviewing, but it is well established in the therapy literature as a critical necessity to influence change. Concurrent to the changes in contemporary police investigations, the field of rehabilitation with offenders has also made the progression away from confrontational methods to motivational approaches (e.g., Jenkins, 1990; Kear-Colwell & Pollock, 1997). A strong collaborative approach draws in the offender and engages them in the process of treatment, making this process akin to being person-centered, partnership-like, recognizing autonomy, and avoiding an expert-recipient relationship. There is an attempt to evoke the offender to commit to

changing and become motivated to make change. It has been well established in the general counseling literature that the overall development of a working alliance to establish a therapeutic relationship with a client is a standard part of good practices that accounts for nearly 30% of improvement seen in psychotherapy patients (Asay & Lambert, 1999). Much has been written on defining and establishing rapport with counseling patients; in this domain, it has been shown to be the most important contributor to effecting change in therapy (see meta-analyses by Horvath & Symonds, 1991; Martin, Garske, & Davis, 2000). In fact, the U.S. Department of Justice has highlighted how important motivational approaches are in effecting offender transformation in their document outlining strategies to motivate offenders to change (Walters, Clark, Gingerich, & Meltzer, 2006). Simply put, MI offers a concrete perspective on “how-to” engage individuals and could be effectively implemented in the police investigative interview to engage suspects. Let’s discuss the principles of MI in the therapeutic setting first and then examine MI’s application in the law enforcement setting.

What is MI?

In their earlier book on motivational interviewing techniques, Miller and Rollnick (2002) outline their four key components that guide the process of engaging and motivating clients: (1) express empathy, (2) develop discrepancies, (3) roll with resistance, and (4) support self-efficacy. At a basic level, empathic listening skills, eliciting self-motivating statements (i.e., *change talk*), and responding to resistance are critical elements to develop and hone in establishing an alliance with an offender. However, in their revised edition, Miller and Rollnick (2013) were never quite comfortable with the concept of resistance, as it suggests that labeling a client as ‘resistant’ ignores the client’s internal processes that the therapist must work through.

In their most recent book, the method of MI is defined as “a collaborative conversation style for strengthening a person’s own motivation and commitment to change” (p. 29, layperson’s definition; Miller & Rollnick, 2013). It comprises of four overlapping processes, namely, engaging, focusing, evoking, and planning. Engaging is the process where the therapist and the client establishes a connection and a working alliance, which is a prerequisite for the following three processes. It is not merely being friendly and nice to the client but rather the connection should go both ways. Focusing refers to a focus on the particular agenda that, not only the client wishes to examine, but also the agenda of the therapist. The direction of the session is guided by this agenda, which is made explicit. Evoking involves having the individual voice the arguments for change and avoids the expert conundrum (e.g., where the therapist is the expert who assesses the problem and tells the client what is wrong). The goal here is to attempt to harness the client’s words and ideas, as often people talk themselves into making the change through their own means with some prodding. Last is the planning process where the individual may reach a point of readiness to change and may even commit to change.

In the context of a police interview, these four processes can provide guidance to the investigator who must establish a working alliance with the suspect, gain trust through identifying what his/her agenda is and the suspect’s agenda, evoke the suspect’s motivation to engage in the interview process and respond to questions, and collaborate with the suspect to gain investigative-relevant information. The confluence of these processes is not a linear progression, but rather they flow into each other, overlap, and even recur at times, according to Miller and Rollnick (2013).

Adopting MI also involves prerequisite skills for the proficient practice of motivating individuals in an interview. These include asking open-ended questions, affirming the suspect’s

strengths and intentions (includes respect and honoring the suspect as a person of worth), reflective listening (e.g., making a guess about the suspect's meaning), summarizing to show the investigator is listening, and informing and advising with permission (or if requested by the suspect).

Unlike current police training on rapport building, MI techniques may be more directive than merely promoting police to "build rapport" with the suspect. In the therapy literature, MI has a clear process in the development of the relationship, and this defined approach allows for specific training of police officers not familiar with this human approach. As shown in Vallano et al.'s survey of law enforcement officers (2015), investigating officers define and build rapport in varying ways in the real world. Over half of their sample of police interviewers reported using verbal techniques, such as discussing common interests and self-disclosure, and the nonverbal technique of displaying understanding to their suspect. Abbe and Brandon (2014) outline seven tactics and techniques to build and maintain rapport during an investigative interview: Immediacy behaviors (e.g., nonverbally communicating attentiveness and nonthreatening), active listening, mimicry (i.e., mirroring suspect's behavior), contrast (e.g., reciprocating behavior, display transitions in emotions), self-disclosure, common ground, and contact and persistence (i.e., working with same investigator). But there is a lack of procedural steps to engage a suspect, which makes this process neglectful of the skills lacking among neophytes trying to develop their role as police officers. Moreover, for those more seasoned officers, the varied approaches become inconsistent across police interviews and officers often fall prey to the availability heuristic (e.g., when an officer uses a less effective, traditional approach that is recalled more easily than a recently learned humane one because he/she has had more experience with them; Tversky & Kahneman, 1973).

In addition to the overall structure and focus that MI offers in establishing rapport and engaging a suspect, there are other benefits. One potential benefit that bears noting is that an MI centered interview approach may be less cognitively demanding for the interviewer, as seen in other similar ethical interviewing approaches that originate from the psychological counseling literature, such as the conversation management approach (Shepherd & Griffiths, 2013). Anecdotally, the first author, who has extensive experience employing both traditional (i.e., accusatory) and information gathering (humane) interviewing approaches with suspects, can attest to having to cope with significantly fewer cognitive demands when employing a humane versus an accusatory approach. For example, rather than engaging in a traditional prolonged and cognitively demanding monologue to deliver themes (e.g., as seen in the Reid Model; Inbau et al., 2013), his transition to a humane approach freed him up to focus on key tenets of MI, such as collaboration and active listening. Moreover, this transition also left him with a more intrinsically rewarding feeling by employing a humane approach in the interview room. Importantly, humanely conducted suspect investigative interviews can also lay a valuable foundation for future suspect-police interviews. In this regard, experienced investigative interviewers can attest to suspects expressing that their "fair" (humane) approach was not expected but greatly appreciated (in contrast to a confrontational approach employed by a previous police interviewer).

By providing structure and ease of use, MI has the potential to facilitate officers in employing motivational and inquisitorial approaches that could be beneficial to the investigation in terms of efficiency, content, and overall sense of fairness in the investigative procedure.

Adjunctive MI Considerations

In combination with application of MI principles, interviewers would do well to consider a

contextual factor that is largely under their control – the police interview room. Whereas the physical environment (i.e., the layout, furnishings, and wall decoration) of a psychologist's office is more likely to be constructed in a manner seeking to reduce stress and motivate patient change, the forbidding confines of a conventional police interview room is likely to have the opposite effect. Interestingly, little research has been published on the environmental contributors to effective police interviewing, despite the guidelines often offered in existing police models (e.g., Reid Model). A recent series of studies by Dawson, Hartwig, Brimbal, and Denisenkov (2017) revealed that spaciousness of the interview space (e.g., large room with windows, off-white walls) drove the increase in disclosure in interviews, but priming through the presence of objects (e.g., paintings, water jug) did not promote openness. Anecdotal examples have also been offered, suggesting that the environment where the investigative interview takes place plays a role in facilitating suspect disclosure and rapport (e.g., see the account of the post-arrest environment where mass murderer Anders Breivik was interviewed; Heyer & Traufetter, 2011). Meanwhile, O'Mara (2015) offers that, in the context of terrorist interviews, room design should go so far as to contemplate incorporating "a pleasant view so the interrogation becomes somewhere that the captive looks forward to being" (p. 267). In essence, due consideration should be given to disregarding traditional recommendations on police interview room design (i.e., be plain in colour and free of any distractions) and, instead, using contextual priming to create a physical environment, which relaxes a suspect and encourages dialogue.

Application of MI

So what would MI look like in the context of establishing rapport in a police investigative interview? To illustrate, the first author effectively employed MI principles with a suspect in a homicide case where several individuals were suspected of attacking the victim. After probing the suspect's criminal history and lifestyle, it was revealed that his past interactions with police were generally positive (e.g., marked by cooperation and respect) and that he had significant addiction issues with illicit drugs and alcohol. In the initial stages of the investigation the suspect, prior to being identified as taking part in the group attack, made an evoking comment to an investigator that strongly suggested he was tired of the lifestyle he had been leading. In the eventual suspect interview, the process of engaging involved the establishment of mutual trust and respect between the interviewer and the suspect with discussion around the suspect's upbringing, addiction issues, and possible solutions—both short term (e.g., counseling) and long term (e.g., return to his rural home away from the temptations of the city). Through the confluence of these processes of engaging, evoking, and even focusing (and making clear each other's agendas), the suspect ultimately admitted to his role in the attack and was also able to provide additional corroborating investigative information. Moreover, the establishment of mutual trust and respect between interviewer and suspect in the first interview contributed to the disclosure of additional corroborating information in a second interview conducted in prison a week later. It should be noted that while MI principles were employed in the first interview, so too was a strategic use of evidence (SUE) approach (see Granhag & Hartwig, 2014). In retrospect, this case example is, at least in part, reflective of the findings on interrogation best practices by the FBI-administered High-Value Detainee Interrogation Group (2016). Specifically, the report concluded that "an individualized, flexible, rapport-based, and information-gathering approach" (p. 2) is the most effective method of educating valuable information from a subject.

While there is an absence of empirical research on using MI in investigative interviewing of suspects, there is some recent research on using rapport-based approaches in the context of

eliciting human intelligence (i.e., information to police or military personnel on terrorist activities) (Hartwig, Meissner, Semel, & Bull, 2014). For example, results from two separate studies of interviews involving terrorist suspects found the use of adaptive, rapport-based behaviors by interviewers resulted in increased cooperation and information (Alison et al., 2014; Alison, Alison, Noone, Elntib, & Christiansen, 2013). Moreover, an association was found between the use of MI and a reduction in counter-interrogation tactics (i.e., deliberate strategies to resist cooperating with and providing information or intelligence to police) employed by the terrorists. Of note, the researchers determined that the interviewers in their study were, in some instances, not even aware they were employing MI skills, yet some were still using it implicitly.

Circumstances in which MI would be most Useful

It is not the intention of the authors to suggest that MI should, by default, be considered as an approach in investigative interviews with suspects. Rather, an MI-centered approach with suspects should be considered as a viable option in *select* cases and, as displayed in the above homicide interview example, employed as part of a broad-based and flexible approach. Based on the past research literature, an MI approach would be best applied with suspects who are alleged to have committed reactive crimes. Reactive offences tend to be impulsive and emotion-driven (Christianson, Freij, & Von Vogelsang, 2007) and may include acts of homicide, domestic violence, and even some sexual offenses.

In addition to taking into account the type of crime under investigation, the criminal history of the offender also warrants careful consideration. Specifically, the behavior of the suspect in prior contacts with police is an avenue to explore as police reports and recorded interviews can provide valuable insight into what interview approach(es) to consider. In light of the body of research linking offending to drug and alcohol abuse (see Andrews & Bonta, 2010), determining if there are any known addiction issues (e.g., drugs, alcohol), and whether they were present at the time of the offence should also be taken into consideration. In sum, numerous factors may be readily apparent *prior* to the suspect interview itself and should, therefore, be influential in the decision as to whether or not to employ an MI centered approach.

Circumstances in which MI would be Contraindicated

Just as the aforementioned factors should be considered when examining situations and contexts where one would apply MI, so too should they be considered when determining if MI should not be applied. Past research with offenders using MI suggests that a key mechanism of MI that leads to effective change is the push for building a strong sense of competency or self-efficacy in the offender (Anstiss et al., 2011), and therefore those who already have this sense of agency may be less likely to respond to an MI-based interview approach. Perhaps the most obvious example where MI would prove ineffective is with a psychopathic suspect. According to Quayle (2008), the use of rapport building techniques, such as establishing some degree of closeness, conveying emotion, and showing liking, are not only ineffective when interviewing a psychopathic suspect they could also prove counterproductive. Perri's (2011) examination of the police interview of Christopher Porco for the 2004 axe murder of his father and attempted murder of his mother illustrates the risks associated to a lack of flexibility in interview approaches. In this instance, the police did not take into account Porco's personality traits (nor it could be said did they recognize the clearly instrumental nature of the crime), which were characteristically psychopathic. Not surprisingly, the traditional interview approach adopted by investigators,

alternating between confrontation and moral appeals, yielded no confession, admissions or valuable investigation-relevant information. The ineffective use of empathy training with psychopathic offenders further exemplifies the unlikely effectiveness of the MI approach with these offenders (Roche, Shoss, Pincus, & Menard, 2011; Swogger et al., 2016).

Broader Implications for Law Enforcement

The discussion and proposed use of MI in the context of police investigative interviews of suspects offered in this paper has implications in its application in police training, in the improvement of community perspectives on law enforcement, and in the need for empirical research in this field.

Implications and Considerations for Police Training

As has been presented, rapport-based investigative interviewing approaches are now the rule rather than the exception in police investigations. To our knowledge, no definitive MI protocol has been explicitly incorporated in a police investigative interviewing training program; however, the increasingly widespread use of humane interviewing approaches provides fertile ground for the inclusion of MI. Thus, it would seem prudent to begin modestly and focus on education. That is, inform police officers about MI and what are the benefits associated when used in appropriate suspect investigative interviews. Ultimately, an end goal to training could take the form of implementing MI at the appropriate step(s) of the chosen protocol. For example, the PEACE model could see MI principles included at the Engage and Explain step.

Undoubtedly, the acceptance of new interview techniques requires motivated trainees who are open to new techniques and protocols (Fisher & Geiselman, 2010). Thus, it is important that the appropriate trainees are selected. This is particularly important because adopting MI may be perceived as an overly 'soft' approach by critics both within and external to policing (see Snook, Eastwood, & Barron, 2014, for a discussion around the PEACE model being seen as 'soft' by some critics). One might also raise the question whether engaging in rapport-building in investigative interviews is reflective of the individual police officer. Consistent with this point, Wachi, Watanabe, Yokota, Otsuka, and Lamb (2016b) found that police officers who have higher levels of empathy, perspective-taking, and altruism tend to exhibit more active listening and rapport building in their investigative interviews.

In terms of the training curriculum itself, collaboration between experienced police trainers and MI-trained psychologists, video examples of good and bad practice, and role-playing scenarios would all prove valuable training methods. Lastly, the adoption of broad and flexible interpersonal strategies, rather than specific, would be more advantageous in obtaining investigation-relevant information (e.g., Fisher & Geiselman, 2010), and as explored in this paper, the process of MI can help to achieve this goal more effectively.

The structure outlined by MI also permits some agreement on what constitutes rapport, as the current literature is diverse and vague in what police officers are attempting to achieve when building rapport.

Implications for Public Perceptions of Law Enforcement

With the extended reach of social media and the 24-hour news cycle, police-public interactions are continually evaluated. The watershed Commission Report by G. W. Wickersham in

1931 duly reflected the influence public opinion has on reforming how police interact with the public. In this instance, the report grasped the public distaste for “third degree” interrogation tactics and this finding contributed to a more professional approach to eliciting information from criminal suspects (see Kidd, 1940; Leo, 2008). More recently, public outcry stemming from televised clips of the police interrogation and confession of Brendan Dassey in the Netflix documentary series *Making a Murderer* contributed to a series of court appeals on his murder conviction (Ellis, 2017). Unfavorable public reaction to questionable police tactics and techniques, whether present day or decades prior, should not come as a revelation. Interestingly, when citizens were asked what makes a good police officer, effective communication skills, personable demeanor, and a sense of compassion were indicative of what was perceived to be positive police contact (Birzer, 2008). Broadly speaking then, the use of ethical interview approaches, such as MI, should lead to fewer problems (e.g., false confessions or the suggestion of a false confession) within an investigation. Correspondingly, the benefits associated to instilling and maintaining public and judicial confidence is immeasurable.

It is also important to mention here that although MI originates from a psychotherapeutic context, the authors are not proposing the use of therapy skills in the context of eliciting information in an investigation, but rather the *style* of being with people that is taken from the MI approach that is beneficial in improving the interaction between law enforcement and suspects.

Considerations for Future Research

As evidenced by the work of Alison et al. (2013, 2014), research on techniques aimed at eliciting human intelligence is critical in the post 9/11 world. However, there remains much room for growth. In the field of clinical interviewing and psychotherapy, much research is needed to further examine the effectiveness of using MI in these other counseling contexts (Terry, 1999), and this is particularly relevant in terms of the use of MI in police investigative interviewing as there is a dearth of research. Accordingly, a distinct opportunity exists, and we are hopeful this paper will, at minimum, begin to inform practitioners of the benefits associated to MI investigative interviews with suspects. Specifically, it is necessary that empirical research examines the utility of applying MI to the police context, particularly the effect of increasing investigation-relevant information and true confessions. Furthermore, Swanner, Meissner, Atkinson, and Dianiska (2016) have highlighted that principles and procedures examined in the laboratory must also translate to the police context; that is, MI should be empirically examined and replicated in the field. Therefore, the use of MI in police investigative interviews should be examined in *both* laboratory settings and subsequently examined in police practice.

Conclusions

This paper examines the use of MI in the context of police investigative interviews and proposes that successful application of MI principles will be contingent on application by an appropriate interviewer with an equally appropriate subject. Effective information gathering by police interviewers is most optimal when they possess appropriate personality characteristics (e.g., humane versus confrontational style), have appropriate training (i.e., outside the traditional norms of police training), and have a broad base of experience (i.e., exposure to a variety of major crimes investigations). In sum, a police interviewer who is flexible and recognizes “when to apply what” (e.g., MI) and “with who” will be more likely to produce an effective product. Conversely, the police interviewer who loathes to embrace different interview approaches (i.e., “one size fits

all” mindset), lacks training (and the will to train for that matter), and lacks experience will be ineffective. As noted, consideration of suspect characteristics, both personal and police related, are also crucial in terms of the efficacy of an MI-based interview approach. One particular consideration in the application of MI lies in one’s country’s legislation, which may pose a caveat in using the process of MI. Lastly, the concept around contextual priming has been discussed and investigators would be well served to recognize this is as contextual factor they have some control over.

As noted, there is a lack of empirical research pertaining to MI in the context of police investigative interviews. As such, one of the objectives of this paper is to increase awareness and consideration within policing for the appropriate implementation of this approach. In turn, we encourage additional research from within the academic community on turning theory into practice. Moving away from traditionally coercive interrogation approaches, which Gudjonsson (2003) suggests can result in feelings of humiliation, disappointment, offense and deceit, can lead to making gains and benefits to the investigator and the suspect in terms of providing a humane investigative interviewing approach. This discussion is particularly relevant for efficient investigative interviewing as it may solve an issue that often arises in police interrogations: When suspects are resistant or uncooperative towards the police, this often leads to a more authoritative approach by the investigator who most typically would engage in coercive interrogation methods. The implementation of MI in policing provides a style of being with people and provides specific processes that investigators may use to effectively engage and interview suspects in a humane way.

References

- Abbe, A., & Brandon, S. E. (2014). Building and maintaining rapport in investigative interviews. *Police Practice and Research, 15*, 207-220. doi:10.1080/15614263.2013.827835
- Alison, L., & Alison, E. (2017). Revenge versus rapport: Interrogation, terrorism, and torture. *American Psychologist, 72*, 266-277. doi:10.1037/amp0000064
- Alison, L., Alison, E., Noone, G., Elnib, S., & Christiansen, P. (2013). Why tough tactics fail and rapport gets results: Observing rapport-based interpersonal techniques (ORBIT) to generate useful information from terrorists. *Psychology, Public Policy, and Law, 19*, 411–431. doi:10.1037/a0034564
- Alison, L., Alison, E., Noone, G., Elnib, S., Waring, S., & Christiansen, P. (2014). The efficacy of rapport-based techniques for minimizing counter-interrogation tactics amongst a field sample of terrorists. *Psychology, Public Policy, and Law, 20*, 421–430. doi:10.1037/law0000021
- Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct (5th edition)*. New Providence, NJ: Andrews Publishing.
- Anstiss, B., Polaschek, D. L. L., & Wilson, M. (2011). A brief motivational interviewing intervention with prisoners: when you lead a horse to water, can it drink for itself? *Psychology, Crime & Law, 17*, 689-710. doi:10.1080/10683160903524325
- Asay, T. P., & Lambert, M. J. (1999). The empirical case for the common factors in therapy: Quantitative findings. In M. Hubble, B. Duncan, & S. Miller (Eds.), *The heart and soul of change: What works in therapy* (pp. 23-55). Washington, DC: American Psychological Association.
- Birzer, M. L. (2008). What makes a good police officer? Phenomenological reflections from the African-American community. *Police Practice and Research, 9*, 199–212.

doi:10.1080/15614260701797488

- Borum, R., Gelles, M. G., & Kleinman, S. M. (2009). Interview and interrogation: A perspective and update from the U.S.A. In T. Williamson, B. Milne, and S. P. Savage (Eds.), *International developments in investigative interviewing* (pp. 111-125). Cullompton, UK: Willan.
- Christianson, S. A., Freij, I., & von Vogelsang, E. (2007). Searching for offenders' memories of violent crimes. In S. Å. Christianson (Ed.), *Offenders' memories of violent crimes* (pp. 3-35). Chichester, UK: Wiley.
- Cleary, H. M. D., & Warner, T. C. (2016). Police training in interviewing and interrogation methods: A comparison of techniques used with adult and juvenile suspects. *Law and Human Behavior, 40*, 270-284. doi: 10.1037/lhb0000175
- Dawson, E., Hartwig, M., Brimbal, L., & Denisenkov, P. (2017). A room with a view: Setting influences information disclosure in investigative interviews. *Law and Human Behavior, 41*, 333-343. doi:10.1037/lhb0000244
- Dixon, D. (2010). Questioning suspects: A comparative perspective. *Journal of Contemporary Criminal Justice, 26*, 426-440. doi:10.1177/1043986210377107
- Ellis, R. (2017, December 9). Court upholds confession by Brendan Dassey of 'Making a Murderer'. Retrieved from <http://www.cnn.com/2017/12/08/us/brendan-dassey-confession-upheld/index.html>
- Fahsing, I. A., & Rachlew, A. (2009). Investigative interviewing in the Nordic region. In T. Williamson, B. Milne, and S. P. Savage (Eds.), *International developments in investigative interviewing* (pp. 39-65). Cullompton, UK: Willan Publishing.
- FBI-administered High-Value Detainee Interrogation Group. (2016). *Interrogation Best Practices: High-Value Detainee Interrogation Group*. Retrieved from the Federal Bureau of Investigation website: <https://www.fbi.gov/file-repository/hig-report-august-2016.pdf/view>
- Fisher, R. P., & Geiselman, R. E. (2010). The cognitive interview method of conducting police interviews: Eliciting extensive information and promoting therapeutic jurisprudence. *International Journal of Law and Psychiatry, 33*, 321-328. doi:10.1016/j.ijlp.2010.09.004
- Granhag, P. A., & Hartwig, M. (2014). The Strategic Use of Evidence Technique. In P. A. Granhag, A. Vrij, and B. Verschuere (Eds.), *Detecting deception: Current challenges and cognitive approaches* (pp. 231-251). Chichester, UK: Wiley. doi:10.1002/9781118510001.ch10
- Gudjonsson, G. H. (2003). *The psychology of interrogations and confessions: A handbook*. West Sussex, UK: Wiley.
- Hartwig, M., Meissner, C. A., Semel, M. D., & Bull, R. (2014). Human intelligence interviewing and interrogation: Assessing the challenges of developing an ethical, evidence-based approach. In R. Bull (Ed.), *Investigative interviewing* (pp. 209-228). New York, NY: Springer.
- Hartwig, M., Granhag, P. A., & Vrij, A. (2005). Police interrogation from a social psychology perspective. *Policing and Society, 15*, 379-399. doi:10.1080/10439460500309956
- Heyer, J. A., & Traufetter, G. (2011). The Breivik interrogations: Norway massacre suspect reveals all but motive. Retrieved from <http://www.spiegel.de/international/spiegel/the-breivik-interrogations-norway-massacre-suspect-reveals-all-but-motive-a-793923.html>
- Holmberg, U., & Christianson, S.Å. (2002). Murderers' and sexual offenders' experiences of police interviews and their inclination to admit or deny crimes. *Behavioral Sciences & the Law, 20*, 31-45. doi:10.1002/bsl.470.
- Horvath, A. O., & Symonds, B. D. (1991). Relation between working alliance and outcome in psychotherapy: A meta-analysis. *Journal of Counseling Psychology, 38*, 139-149.
- Inbau, F., Reid, J., Buckley, J., & Jayne, B. (2013). *Criminal interrogation and confession* (5th Ed.).

- Burlington, MA: Jones & Bartlett Learning.
- Jenkins, A. (1990). *Invitations to responsibility*. Adelaide, Australia: Dulwich Centre.
- Kassin, S. M., Appleby, S. C., & Perillo, J. T. (2010). Interviewing suspects: Practice, science, and future directions. *Legal and Criminological Psychology, 15*, 39-55.
doi:10.1348/135532509X449361
- Kassin, S. M., & Gudjonsson, G. H. (2004). The psychology of confession evidence: a review of the literature and issues. *Psychological Science in the Public Interest, 5*, 35-69.
- Kear-Colwell, J., & Pollock, P. (1997). Motivation or confrontation: Which approach to the child sex offender? *Criminal Justice and Behavior, 24*, 20-33. doi:10.1177/0093854897024001002
- Kebbell, M., Alison, L., Hurren, E., & Mazerolle, P. (2010). How do sex offenders think the police should interview to elicit confessions from sex offenders? *Psychology, Crime & Law, 16*, 567-584. doi:10.1080/10683160902971055.
- Kidd, W. R. (1940). *Police interrogations*. New York, NY: R. V. Basuino
- Leo, R. A. (2008). *Police interrogation and American justice*. Cambridge, MA: Harvard University Press.
- Martin, D. J., Garske, J. P., & Davis, M. K. (2000). Relation of the therapeutic alliance with other outcome and other variables: A meta-analytic review. *Journal of Consulting and Clinical Psychology, 68*, 438-450. doi:10.1037/0022-006X.68.3.438
- Meissner, C. A., Kelly, C. E., & Woestehoff, S. A. (2015). Improving the effectiveness of suspect interrogations. *Annual Review of Law and Social Science, 11*, 211-233.
doi:10.1146/annurev-lawsocsci-120814-121657
- Meissner, C. A., & Russano, M. B. (2003). The psychology of interrogations and false confessions. *The Canadian Journal of Police & Security Services, 1*, 53-64.
- Miller, W. R., & Rollnick, S. (1991). *Motivational interviewing: Preparing people to change addictive behavior*. New York, NY: Guilford Press.
- Miller, W. R., & Rollnick, S. (2002). *Motivational interviewing: Preparing people to change* (2nd Ed.). New York, NY: Guilford Press.
- Miller, W. R., & Rollnick, S. (2013). *Motivational interviewing: Helping people change* (3rd Ed.). New York, NY: Guilford Press.
- Milne, R., & Bull, R. (1999). *Investigative interviewing: Psychology and practice*. Chichester, UK: Wiley.
- O'Mara, S. (2015). *Why torture doesn't work: The neuroscience of interrogation*. Cambridge, MA: Harvard University Press.
- Oxburgh, G. E., Ost, J., & Cherryman, J. (2012). Police interviews with suspected child sex offenders: Does use of empathy and question type influence the amount of investigation relevant information obtained? *Psychology, Crime and Law, 18*, 259-273.
doi:10.1080/1068316X.2010.481624
- Oxburgh, G. E., Ost, J., Morris, P., & Cherryman, J. (2014). The impact of question type and empathy on police interviews with suspects of homicide, filicide, and child sexual abuse. *Psychiatry, Psychology and Law, 21*, 903-917. doi:10.1080/13218719.2014.918078
- Perri, F. S. (2011). The flawed interview of a psychopathic killer: What went wrong? *Journal of Investigative Psychology & Offender Profiling, 8*, 41-57. doi:10.1002/jip.128
- Quayle, J. (2008). Interviewing a psychopathic suspect. *Journal of Investigative Psychology and Offender Profiling, 5*, 79-91. doi:10.1002/jip.83
- Ricciardi, L., & Demos, M. (Writers/Directors). (2015). Indefensible [Television series episode]. In L. Ricciardi, M. Demos, L. Nishimura, and A. D. Deo (Executive producers), *Making a Murderer*. Los Gatos, CA: Netflix.

- Roche, M. J., Shoss, N. E., Pincus, A. L., & Menard, K. S. (2011). Psychopathy moderates the relationship between time in treatment and levels of empathy in incarcerated male sexual offenders. *Sexual Abuse: A Journal of Research and Treatment, 23*, 171-192. doi:10.1177/1079063211403161
- Russano, M. B., Narchet, F. M., Kleinman, S. M., & Meissner, C. (2014). Structured interviews of experienced HUMINT interrogators. *Applied Cognitive Psychology, 28*, 847-859. doi:10.1002/acp.3069
- Shepherd, E., & Griffiths, A. (2013). *Investigative interviewing: The conversation management approach* (2nd ed.). Oxford, UK: Oxford University Press.
- Snook, B., Brooks, D., & Bull, R. (2015). A lesson on interrogations from detainees. *Criminal Justice and Behavior, 42*, 1243-1260. doi:10.1177/0093854815604179
- Snook, B., Eastwood, J., & Barron, T. (2014). The next stage in the evolution of interrogations: The PEACE model. *Canadian Criminal Law Review, 18*, 219-239.
- Snook, B., Eastwood, J., Stinson, M., Tedeschini, J., & House, J. C. (2010). Reforming investigative interviewing in Canada. *Canadian Journal of Criminology and Criminal Justice, 52*, 203-218. doi:10.3138/cjccj.52.2.203
- Swanner, J. K., Meissner, C. A., Atkinson, D. J. & Dianiska, R. E. (2016). Developing diagnostic, evidence-based approaches to interrogation. *Journal of Applied Research in Memory and Cognition, 5*, 295-301. doi:10.1016/j.jarmac.2016.07.001
- Swogger, M. T., Conner, K. R., Caine, E. D., Trabold, N., Parkhurst, M. N., Prothero, L M., & Maisto, S. A. (2016). A test of core psychopathic traits as a moderator of the efficacy of a brief motivational intervention for substance-using offenders. *Journal of Consulting and Clinical Psychology, 84*, 248-258. doi:10.1037/ccp0000065
- Terry, A. (1999). Motivational interviewing. In A. Memon and R. Bull (Eds.), *Handbook of the Psychology of Interviewing*. New York, NY: Wiley.
- Tversky, A., & Kahneman, D. (1973). Availability: A heuristic for judging frequency and probability. *Cognitive Psychology, 5*, 207-232. doi:10.1016/0010-0285(73)90033-9
- Vallano, J. P., & Compo, N. S. (2011). A comfortable witness is a good witness: Rapport-building and susceptibility to misinformation in an investigative mock-crime interview. *Applied Cognitive Psychology, 25*, 960-970. doi:10.1002/acp.1789
- Vallano, J. P., Evans, J. R., Compo, N. S., & Kieckhaefer, J. M. (2015). Rapport-building during witness and suspect interviews: A survey of law enforcement. *Applied Cognitive Psychology, 29*, 369-380. doi:10.1002/acp.3115
- Wachi, T., Watanabe, K., Yokota, K., Otsuka, Y., & Lamb, M. (2016a). Japanese interrogation techniques from prisoners' perspectives. *Criminal Justice and Behavior, 43*, 617-634. doi:10.1177/0093854815608667.
- Wachi, T., Watanabe, K., Yokota, K., Otsuka, Y., & Lamb, M. E. (2016b). The relationship between police officers' personalities and interviewing styles. *Personality and Individual Differences, 97*, 151-156. doi:10.1016/j.paid.2016.03.031
- Walters, M. D., Clark, S., Gingerich, R., & Meltzer, M. (2006). Motivational interviewing for probation officers: Tipping the balance towards change. *Federal Probation, 70*, 38-44.
- Wickersham, G. W. (1931). *Report on the enforcement of the prohibition law of the United States*. Washington, DC: National Commission on Law Observance and Enforcement.
- Williamson, T. M. (1993). From interrogation to investigative interviewing: Strategic trends in police questioning. *Journal of Applied Social Psychology, 3*, 89-99. doi:10.1002/casp.2450030203