

INVESTIGATIVE INTERVIEWING

Research & Practice

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Pathways Forward



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A Note From the Editor



Welcome to the brand-new *Investigative Interviewing: Research and Practice*. Since its original inception as the iIIRG Bulletin in 2007, II:RP has established itself – and continues to do so – as an excellent outlet for academics and practitioners to share knowledge and collaborate to solve real-world investigative interviewing issues. Much of the credit for the success of II:RP has been largely due to the tremendous work and efforts by our previous II:RP Editors and Editorial Board members; I want to extend my deepest gratitude to them for making the journal the important outlet that it is today.

As I begin my tenure as the Editor for II:RP, I want to take this opportunity to share with you some changes and our aims that we have for the journal. In addition to maintaining the standard of producing high-quality and relevant articles, we will also be providing some new features. First, you will have likely noticed that the journal format has changed. Each issue is still filled with the high-quality research that you've come to know from II:RP, but with a sharper and modernized look. We want II:RP to stand out from traditional journals and we think this is a great start.

Second, II:RP is now an open access journal. We want the great work published in II:RP to be open and accessible for all. The articles published in II:RP are licenced under the [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 licence](#). This licencing means that you can republish our

content online or in print for free, as long as you credit and link to II:RP, and don't edit or sell the material.

Third, we are increasing engagement from early career researchers and practitioners. We are keen to have these groups more involved with the journal to help expand our reach and ensure the journal is relevant for diverse audiences. As such, we created Deputy Journal Editor positions for an early career researcher and a practitioner, as well as including a number of these individuals on the Editorial Board.

I am absolutely thrilled to take on the role of Editor for II:RP. Throughout my studies and early career, the iIIRG and II:RP have played a major role in my professional and personal development – providing opportunities to network with and learn from world-leading experts. These opportunities have been paramount to helping me achieve my goals. I am looking forward to giving back to the community who has provided so much to me.

I would love to hear any suggestions you have for improving II:RP – I am just a quick email away!
journal.editor@iirg.org

Kirk Luther

Editor
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Submission Guidelines

Given the multi-disciplinary nature of the International Investigative Interviewing Research Group (IIIRG), the worldwide circulation of this Journal and practitioner focus, a wide range of articles will be considered for inclusion.

These may include individual research papers in relation to the following specialist areas:

- Investigative interviewing of suspects, witnesses or victims
- Expert advice to interviewers
- Interview training and policy
- Interview decision-making processes
- False confessions
- Detecting deception
- Forensic linguistics

The list of topic areas is purely indicative and should not be seen as exhaustive. The Editor will also accept other papers including case studies, reviews of previous bodies of literature, reviews of conference or other specialist events, opinion papers, topical commentaries, and book reviews. However, all articles, regardless of topic, should have either historic or contemporary relevance to Investigative Interviewing. All submissions must adhere to internationally recognised ethical guidelines. If you are unsure whether your article is suitable, please contact the Editor directly at journal.editor@iiirg.org

As a general guide, articles should not exceed 5,000 words, although the Editor retains discretion to accept longer articles where it is considered appropriate. If you are an academic, it is expected that, prior to submission, your article will be formatted to the standards of the Publication Manual of the American Psychological Association (APA). If you are not an academic, there is no requirement for your work to conform to the format standards of the APA, however, you must reference your article (where appropriate) and the Editor will format it prior to publication (should it be required).

The Editor retains the discretion to accept or decline any submitted article and to make minor amendments to all work submitted prior to publication. Any major changes will be made in consultation with the author(s).

Please make sure that all acronyms are clearly defined in brackets the first time they are used. All articles must be submitted online via www.iiirg.org/journal/

The work of iIIRG members in the developing of investigative and intelligence interviewing directly impacts on the justice process and the safety of our world.

I'm excited to join the editorial team for this journal. During a career in the worlds of criminal investigation and counterterrorism that spanned over three decades, I became passionate about the importance of understanding the science behind what happens in the interview room. The role played by the iIIRG and this journal in promoting science-based practice in investigative interviewing is a cause worth supporting.

Right now, I am privileged to be involved in delivering and developing training in investigative and intelligence interviewing to a number of agencies around the world. It is a fascinating, worthwhile and thoroughly enjoyable way to spend my time. Fascinating because of the opportunities for learning from cutting edge academic researchers. Worthwhile because of the difference we can make to the justice process and the safety of our world. Enjoyable because of the friendships we make along the way.

Bringing together the worlds of research and practice, as this journal seeks to do, has always been a positive goal. I look forward to working with the iIIRG team and the wider membership, to disseminate best practice and contribute to the success of this journal and the iIIRG.



Wayne Thomas

Deputy Journal Editor (Practitioner)
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I am excited and honoured to play my part in the promotion, review, and distribution of cutting-edge research and articles in the field of investigative interviewing from both practitioners and academics.

Hello everyone! My name is Christopher Lively and I have recently been elected to serve as the Deputy Journal Editor (Early Career Researcher) for II:RP. I am really excited and honoured to be taking on this role and look forward to serving the iIIRG Executive Committee, members of the iIIRG organization, and my international colleagues in this capacity. I am up for the challenge and will commit to do my part to help promote the submission, review, and distribution of articles related to investigative interviewing from both practitioners and academics. I also expect to learn a lot in this position and am looking forward to working with a great editorial team consisting of Dr. Kirk Luther (Journal Editor), Mr. Wayne Thomas (Deputy Journal Editor – Practitioner), and our many expert reviewers.

I hope that you are all doing well during these unprecedented times. Globally, the COVID-19 pandemic has impacted many of us in both personal and professional ways. For the health and safety of all, many organizations have elected to move their annual conferences to be online. Indeed, much praise should be extended to those who have taken on the challenge to host an online conference in the recent months; it is certainly no small organizational task! While I have very much enjoyed attending these meetings virtually and being able to see and hear about the fantastic work being done by many of my international colleagues, I do sincerely look forward to the time when we can all meet together again in-person at an iIIRG conference in the (hopefully) not-so-distant future. Until then, please stay safe, healthy, and continue to research and practice the science related to investigative interviewing.



Christopher Lively

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What to Reveal and what to Conceal?

An Empirical Examination of Guilty Suspects' Strategies



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ABSTRACT

With Study 1 (N=140), we aimed to examine how different ways of disclosing evidence during an interview would influence guilty suspects' perception of interviewer's prior knowledge and elicit statement-evidence inconsistencies. Specifically, we wanted to understand how disclosing or withholding evidence regarding non-critical topics (i.e., preliminary activities leading to a central criminal act) would lead to different levels of statement-evidence inconsistencies regarding the critical topic (i.e., the central crime). We predicted that interviews with evidence disclosed would elicit low statement-evidence inconsistencies whereas interviews where evidence was not disclosed would result in high statement-evidence inconsistencies. The outcome did not support our predictions. Guilty suspects revealed crime-related information about non-critical themes and withheld information regarding the critical theme irrespective of evidence disclosure. We posited that this outcome occurred

because the information regarding the non-critical themes of the crime seemed less incriminating in comparison to information regarding the critical theme. We explored this unexpected finding in Study 2 (N=216), which was designed to understand if guilty suspects would reveal information regarding themes of the crime that are not incriminating in comparison to themes that were incriminating as observed in Study 1. We used the evidence disclosure tactics of Study 1 in Study 2 and also measured how these influence the suspects' perception of interviewer's knowledge. The outcome replicated findings from Study 1 that guilty suspects reveal or withhold information based on the cost of disclosing the information. This is a novel finding in the Strategic Use of Evidence literature.

Keywords: *Strategic Use of Evidence; statement-evidence consistencies; counter-interrogation strategies; perception of interviewer knowledge; disclosure cost.*

GENERAL AUDIENCE SUMMARY

Guilty suspects employ various strategies during interviews and interrogations such as avoiding the disclosure of critical crime-related information or denying their role in crime. These strategies can be influenced by how much evidence or prior information regarding their role in crime the suspect perceives the interviewer holds against them. For instance, a guilty suspect might provide vague information about their presence at a crime scene, or deny their presence entirely, based upon whether or not they believe that the interviewer holds prior information about their presence.

The study examines how different evidence-disclosure strategies employed by the interviewer could influence guilty suspects' verbal strategies. We investigated how certain evidence-disclosure strategies could elicit statement-evidence inconsistencies. Statement-evidence inconsistencies refer to the discrepancy between the suspect's statements and the evidence or prior information held by the interviewer.

In two studies, we examined how disclosing or withholding evidence regarding non-critical topics (i.e., preliminary activities leading to a central criminal act) would lead to different levels of statement-evidence inconsistencies regarding the critical topic (i.e., the central crime).

It was observed that guilty suspects revealed crime-related information about non-critical themes and withheld information regarding the critical theme irrespective of evidence disclosure technique used.

Based on the findings, we posited that suspects disclose crime-related information that they think would not incriminate them but withhold information that they think would incriminate them. That is, suspects disclose information based on the cost of disclosing the information. This novel finding in the Strategic Use of Evidence literature provides interviewers with a nuanced understanding of guilt suspects' cognitive strategies.

What to reveal and what to conceal?

An empirical examination of guilty suspects' strategies

INTRODUCTION

Past research regarding guilty suspects' strategies to convince the interviewer of their innocence (counter-interrogation strategies) has consistently found that guilty suspects actively manage the information they reveal to produce credible responses (Granhag, Hartwig, Mac Giolla, & Clemens, 2015a; Hartwig, Granhag, & Luke, 2014; Tekin, Granhag, Strömwall, & Vrij, 2016). Researchers have hypothesized that guilty suspects form a hypothesis regarding what information the interviewer already knows and enact a counter-interview strategy that fits their hypothesis (Hartwig et al., 2014). In essence, guilty suspects withhold information when they perceive that the interviewer does not have any information or evidence regarding their role in crime but shift to forthcoming strategies when confronted with evidence (Hartwig et al., 2014; Granhag & Hartwig, 2015). That is, guilty suspects tend to not reveal much true information about their activities; the withholding suspect does not reveal any true details (or reveal minimal details) about their activities and would either deny or provide false information to explain the evidence against them.

Serra Tekin and her colleagues (2016) showed that strategic interviewing (in their case, to confront the suspect with statement-evidence inconsistencies for *themes* introduced early in the interview) made suspects *reveal more of the truth* for a later, more *critical* theme. That is, by drawing on the suspects' perception of the interviewers' knowledge (making the suspect believe the interviewer to hold *more information* than was actually the case), the interviewer collected new information about a critical theme. The first of the studies we present here set out to examine the other side of the same coin. Here, we use the term *theme* to refer

to a specific crime-related topic of questioning. We adopted the term *critical theme* in our studies to indicate the central criminal activity (e.g., stealing important documents from an office). We also used the term *non-critical* theme to refer to crime-related activities that lead to the commission of the central crime (e.g., collecting tools required to carry out the theft). The aim was to interview strategically (in our case, to not confront the suspect with statement-evidence inconsistencies for themes introduced early in the interview) in order to make the suspect *reveal less of the truth* for a later theme. That is, to test whether playing on the suspects' perception of the interviewers' knowledge (to make the suspect believe the interviewer to hold *less information* than was actually the case), could result in an increased degree of statement-evidence inconsistency for the critical theme. Differently put, our aim was to examine whether different ways of disclosing the evidence (for non-critical themes) could result in different levels of statement-evidence inconsistency (for a critical theme).

In the sections below, we will provide an overview of what we know from previous research regarding guilty suspects' counter-interrogation strategies and shifts, and perception of interviewer's knowledge as an influence on these strategies.

Following this, we will discuss and summarize the findings from the two studies.

GUILTY SUSPECTS' COUNTER-INTERROGATION STRATEGIES

Counter-interrogation strategies refer to a suspect's attempt to convince the interviewer of their innocence and provide credible responses to questions (Granhag et al., 2015). These strategies

arise as an outcome of self-presentation (DePaulo, 1992) where a guilty suspect tries to create an impression of being innocent on the interviewer.

Previous research in the SUE technique found that guilty suspects avoid revealing or deny holding crime-related information (Hartwig, Granhag & Strömwall, 2007; Hartwig, Granhag, Strömwall & Doering, 2010; Hines, Colwell, Hiscock-Anisman, Garrett, Ansarra & Montalvo; 2010, Granhag, Clemens & Strömwall, 2009).

However, guilty suspects may shift their strategies to being more forthcoming with information when they are made aware of the information the interviewer already holds based on the evidence disclosed (Granhag et al., 2015; Tekin et al., 2016). There is evidence that guilty suspects adopt these strategies as a response to their perception of the interviewer's prior knowledge regarding the suspect's role in crime (Granhag et al., 2015; Granhag, Rangmar, Strömwall, 2015b; Luke, Dawson, Hartwig, & Granhag, 2014). The information disclosed by the interviewer guides the suspect to estimate the amount of prior knowledge held by the interviewer regarding his or her role in the crime, which in turn affect their verbal behaviour (Granhag et al., 2015).

PERCEPTION OF INTERVIEWER'S KNOWLEDGE

Based on the information or evidence disclosed, a guilty suspect might underestimate or overestimate the information held by the interviewer and choose a counter-interrogation strategy from this deduction (Granhag et al., 2015). For instance, if the interviewer questions whether the suspect was on the scene of the crime, the suspect might deny their presence. However, if the interviewer reveals that they have CCTV evidence showing the suspect's presence at the crime scene, the suspect might provide an explanation that fits the information the interviewer holds.

The interviewer can employ evidence disclosure and withholding strategies to influence a guilty suspect's inferences regarding the information held by the interviewer (Granhag & Luke, 2018). For

instance, if the interviewer mentions that a witness testified the suspect's presence at the crime scene, the suspect will infer that the interviewer already holds information regarding their presence at the crime scene.

If no evidence is disclosed, the fact that the interviewer has called the suspect in for questioning itself provides the context that the interviewer holds some information regarding the suspect (Granhag & Luke, 2018). The suspect's counter-interrogation strategies and the verbal response are an outcome of these inferences and can be altered by new information influencing the suspect's inferences through the course of the interview (Granhag & Luke, 2018; Hartwig et al., 2014).

Guilty suspects' perceptions regarding the interviewer's prior knowledge are malleable and can be influenced by the information disclosed by the interviewer. Previous studies have tested various evidence-disclosure tactics to influence suspects' perception regarding the information held by the interviewer (Granhag, Strömwall, Willén, & Hartwig, 2013; Luke et al., 2014; Tekin, Granhag, Strömwall, Mac Giolla, Vrij & Hartwig, 2015; Tekin et al., 2016; Tekin, Granhag, Strömwall & Vrij, 2017; May, Granhag, & Tekin, 2017). It has been found that guilty suspects tend to use avoidance and denial strategies when they are not confronted with evidence. If, on the other hand, they are confronted with evidence early in the interview, they tend to be forthcoming with information. However, guilty suspects shift from avoidance and denial strategies to being forthcoming with information when they are confronted with evidence gradually. If there is ambiguity in information or evidence disclosed it might result in guilty suspects being unsure of the specific amount of information held by the interviewer leading to highly withholding or highly forthcoming behaviour (Luke et al., 2014).

For instance, if the interviewer reveals that there is CCTV footage from the crime scene, it is not entirely clear what the exact content of the footage is. Guilty suspects may either withhold or be highly forthcoming with information if they

have ambiguous information disclosed by the interviewer. But if the interviewer states that they have CCTV footage showing the suspect committing an act, suspects tend to reveal information since they perceive that the interviewer already holds information the suspect is trying to withhold. However, if the interviewer asks a general question such as “Were you at place X last Thursday?” the guilty suspect may provide a vague response or deny being there. Then, if the interviewer says “We have CCTV footage showing you were present at place X last Thursday”, the suspect tends to shift from denial or avoidance to being more forthcoming with information.

GUILTY SUSPECTS’ INFORMATION MANAGEMENT STRATEGIES

As noted earlier, suspects actively manage the information they reveal or conceal based on their inferences of the interviewer’s prior knowledge. To maintain their goal of convincing the interviewer of their innocence claim, they must withhold incriminating information. However, to appear credible, they must also offer information to account for the interviewer’s prior knowledge. The critical aspect in this context is the process of how guilty suspects manage the information they hold and reveal.

Guilty suspects have to make complex decisions regarding the information they have to conceal and reveal through the course of the interview. They are motivated to conceal incriminating information and their decisions regarding this information is whether to say something about it, avoid talking about it or what parts of it to reveal (Hartwig et al., 2014).

For the guilty suspect, revealing crime-related information leads to an undesired outcome of incriminating self. At the same time, not providing any information will reduce the credibility of the suspect in the eye of the interviewer. This decision-making process is crucial for guilty suspects in order to conceal incriminating information and revealing certain details of the crime in order to appear credible (Hartwig et al., 2014). Other than evaluating the consequences and

the outcome of revealing crime-related information (Yang, Guyll, & Madon, 2017), suspects have also been observed to evaluate revealing or concealing parts of their activities.

STUDY 1

The premise of the study was to understand how various evidence disclosure tactics would influence counter-interrogation strategies of guilty suspects, which, in turn, would result in different degrees of statement-evidence inconsistencies, which served as the dependent variable. Statement-evidence (in)consistency refers to the degree to which the suspect’s statement matches the interviewer’s knowledge.

We specifically wanted to test four interviewing tactics within the SUE framework aimed to influence guilty suspects’ perception of interviewer’s prior knowledge and to elicit statement evidence inconsistencies. The mock crime (described later in the procedure) is carried out in three phases leading to three topics of questioning. Here, we use the term *phase* to refer to an individual crime-related activity carried out by the suspect and also to the parts of the interview, in which each activity was addressed. The first two, non-critical phases (first, taking the office keys left by an accomplice and, second, collecting information regarding the organization to which the documents belonged to) led into the third, critical phase, which involved the principal criminal activity (stealing documents from an office). The mock-crime was designed this way to observe the counter-interrogation strategies of suspects at each phase and measure inconsistencies in the critical phase of the interview (Phase 3).

The four interviewing tactics were *Early Disclosure*, in which evidence was disclosed early on in the interview. For example, “We have CCTV footage showing your presence in place X. Can you explain what you were doing there?” This condition is a comparison group to observe how suspects would be consistent with evidence when disclosed early on in the interview as observed in previous studies. *Strategic Disclosure*, in which evidence was disclosed strategically during the course of the interview.

For example, “Were you at place X?” If the suspect admits to being in place X, “Your statement matches with the CCTV footage we have.” If the suspect provides a vague response or denies being present, “We have CCTV footage showing your presence in place X. You are withholding information. Could you tell us what you were doing there?” The suspect would probably see this condition as a predictable pattern of questioning and might learn the pattern in the course of the interview reducing inconsistencies in their statements. A third tactic was *Non-Disclosure*, with evidence not disclosed throughout the interview. The suspect’s statements are collected to corroborate with evidence later. For example, “Were you at place X?” Irrespective of whether the suspect admits or denies being present in the location, the interviewer moves on to the next topic within the crime. This condition was designed to elicit higher statement-evidence consistencies in comparison to the other conditions. Finally, the fourth tested tactic was *Direct Questioning*, in which only the critical topic of the crime was addressed without asking questions regarding other, non-critical topics leading to the actual crime. The suspect was not confronted with evidence. For example, “Were you in the room where the stolen documents were stored?” This condition was a baseline condition to understand how suspects would respond when questioned only about the critical aspect of the crime without being confronted with evidence.

Based on the theory underlying SUE framework and previous SUE findings, we predicted that the Early Disclosure would elicit low statement-evidence inconsistencies in all the three phases in comparison to Strategic Disclosure and Non-Disclosure conditions. In the Strategic Disclosure condition we expected a shift of strategy from being withholding to forthcoming in the three phases with low statement-evidence inconsistencies. We predicted that the Non-Disclosure condition would elicit high statement-evidence inconsistencies in all phases of the crime in comparison to Early Disclosure and Strategic Disclosure conditions. We also expected that Direct Questioning condition would elicit high

statement-evidence inconsistencies in the critical theme in comparison to Early Disclosure, Strategic Disclosure and Non-Disclosure conditions.

METHOD

Participants. We recruited 140 participants from a general population in Gothenburg, Sweden, who were recruited from a participant pool managed by the University of Gothenburg. The participants were randomly assigned to one of the four experimental groups. seventy-nine identified themselves as male, 58 as female, and three as another gender. Participants’ ages ranged between of 18 and 65. They committed the mock-crime in the same manner, irrespective of experimental condition they were in.

Ethical approval. Both studies were conducted in accordance with relevant local regulations for research with human subjects.

Procedure. Participants were instructed that they would commit a crime and that they had to avoid any interactions with other people in the building. They were given an instruction sheet that contained the background story to place them in the context and immerse themselves in the role for committing the crime. The sheet also contained the steps and specific instructions to carry out the crime. They were asked to be discreet while carrying out the tasks. They carried out the tasks in three parts as explained in the sections below. Once they completed carrying out the mock-crime, they were instructed that they were under suspicion of carrying out the theft and an interview would be carried out. The experimenter informed them that they had to convince the interviewer of their innocence by withholding the truth and providing an alibi for their presence in the building and the specific activities they carried out. The experimenter also instructed them that everyone who were in the building at the time were being questioned about the theft and that the interviewer is not aware of their specific activities. The suspect was informed that they were not the sole person interviewed so that they would not infer that the interviewer already held information regarding their involvement in the crime. One

of the four interview tactics were carried out depending on the group the participant was placed in. After the interview was complete, participants responded to a post-interview questionnaire. They were then debriefed about the study and received compensation for their participation.

MATERIALS

The materials and the data for this study are available on the Open Science Framework (OSF; <https://osf.io/kwux3/>).

Demographic details and consent. Participants completed a form consisting of basic demographic details such as their gender, age, education, and ethnicity. This was followed by a brief description of the study and what their participation entails and instructions.

Mock crime. Participants read a narrative with a background story that placed them in the scenario of the crime. They were encouraged to immerse themselves into the role of the suspect. The narrative also consisted of activities the suspect carries out as part of the crime. The participants were asked to imagine that they were a part of a child rights' activists group and were to gain illegal access to documentation and evidence proving that a NGO, namely Bright Lives, were illegally using underage children for labor. The participants were asked to carry out this mock-crime in three phases. The three phases were all part of the same crime. However, each phase led to the next phase of the crime. The phases were designed this way to observe the statement-evidence consistencies during the interviews in the non-critical topics and the critical topic. The participants were asked to carry out all the phases in the given order.

Phase one. Participants came to the Psychology Department's first floor (the entrance level) where they had to collect a key hidden in the piano that was in a room next to the café. Here they: (a) walked towards the piano in the room next to the café (b) pulled the cover on the piano keys up to find the room key with a sticker labeled 536 on it (c) took the key unnoticed and (d) took the stairs/elevator

outside the piano room to the second floor. This phase generated the first piece of evidence namely the CCTV footage showing the presence of the suspect at the piano.

Phase two. After reaching the second floor, they walked along the corridor to the student-counseling center located next to the library to collect the pamphlet of Bright Lives that asked for volunteers and mentioned contact information. Here they: (a) looked through the brochures on the board about volunteering opportunities and courses (b) collected the pamphlet for volunteering in "Bright Lives" and (c) left the student services and took the stairs or the elevator near the library to the fifth floor. This generated the second piece of evidence, an eyewitness stating the suspect's presence in the student services.

Phase three (critical topic). After going to the fifth floor of the department, they had to find a room where they stole a memory stick and a document that contained evidence against Bright Lives. Here they (a) unlocked the room door using the key and entered unnoticed (b) opened the top panel drawer of a filing cabinet with a plant on it (c) took the memory stick and the key to unlock the cupboard from the drawer before closing it shut (d) unlocked the cupboard that was behind the door with the key they took from the drawer (e) took the envelope that was labeled Latest Projects on it and locked the cupboard (f) put the memory stick and the pamphlet of Bright Lives into the envelope (g) put the cupboard key back into the filing cabinet top drawer and closed it shut and, finally, (h) locked the room with the key before leaving.

Once they completed these tasks, they hid the envelope with the memory stick, the room key and the documents on top of a white cupboard outside the room in the basement corridor for the accomplice to collect later. Then they returned to the laboratory in the basement to meet the experimenter for further instructions.

Pre-interview instructions. After completing these tasks, participants returned to the laboratory where they were given new instructions. In these instructions, they were informed that they were suspected of committing a crime (helping a group of activists by gaining illegal access to data in the room of an employee) and they would be interviewed about it. The participants were informed that the interviewer was not aware if they were guilty or not and the goal of the participant was to convince the interviewer that they were innocent. They were instructed that it was important for them to convince the interviewer of their innocence and if they could not convince the interviewer, then they might have to be interviewed again. They were given ten minutes to prepare their alibis before the interview.

Interview protocols. Trained interviewers were provided with interview protocols with the four types of questioning tactics explained earlier. They were instructed to keep a neutral stance throughout the interviewing process. They also recorded the interviews and transcribed them verbatim.

Post-interview questionnaire. The participants were instructed that their role-playing was complete and were requested to complete a questionnaire about their experience of taking part in the experiment. Some of these questions were Likert ratings while others were open-ended questions. The self-rating questions covered (a) their level of motivation to carry out the tasks and convince the interviewer of their innocence (b) how much prior knowledge they thought the interviewer had regarding their activities in the critical phase (c) how much new information they thought they revealed to the interviewer (d) the level of difficulty of the interview, and (e) how friendly the interviewer was. The open-ended questions were regarding (a) the counter-interrogation strategies they employed to appear credible (b) any change or shift in the strategy and what the new strategy was (c) when in the interview they changed the strategy, and (d) the reason for the shift in strategy. These data were collected as exploratory measures.

Debriefing and compensation. Participants were debriefed about the premise of the study and paid.

Coding. The statement-evidence inconsistency was coded by taking the total number of pre-determined details of the crime-related activities that suspects revealed regarding their activities. The pieces of information were rated between 1 (inconsistent with the evidence) to 10 (consistent with evidence) where 1 indicated very low consistency and 10 indicated very high consistency between the suspect's statements and the evidence. To measure statement-evidence consistency, we analyzed statements for inconsistencies with the evidence the interviewer presented in Phase One and Phase Two. For Phase Three, because the interviewer did not present any evidence in any condition, this variable was coded for inconsistencies with the researchers' knowledge of the mock crime. Strictly speaking, for the third phase, this variable does not measure inconsistency with evidence, but it is measured on the same scale and is conceptually similar, in that it measures the mock suspects' tendency to stay close to the truth in their statement (without admitting culpability).

Both contradictions (statements that were not in line with the evidence) and omissions (statements that left out information in line with the evidence) were counted as inconsistent with evidence. Two coders coded a random 50% of the interviews with respect to the number of statement-evidence inconsistencies. Intraclass correlation coefficients (ICCs) were calculated showing high agreement for all phases: 0.77 for Phase One, 0.89 for Phase Two and 0.82 for Phase Three. Any disagreements between the coders were discussed and settled, and one of the coders then coded the remaining interviews.

RESULTS

Upon inspection of the descriptive statistics for statement-evidence consistency (see Table 1), we immediately found a stark discrepancy between the results and the hypotheses (and, indeed, with the previous literature on suspects' statement-evidence consistency). Previous research suggests that guilty suspects often provide vague responses about their activities or deny incriminating information when they are not confronted with existing evidence (Hartwig et al., 2010; Colwell et al., 2006; Granhag et al., 2009). However, in this study, the suspects were forthcoming with information regarding some of the crime-related activities regardless of whether they were confronted with evidence or not. Figure 1 displays the frequency distributions for statement-evidence consistency across each interview condition and each phase of the interview (corresponding to each part of the mock crime).

TABLE 1 Statement-evidence consistency by condition and interview phase, Study 1.

Interview condition	Phase	Mean	SD	n
Direct questioning	1			35
	2			35
	3	4.17	2.36	35
Early disclosure	1	8.60	1.03	35
	2	7.69	1.11	35
	3	4.46	2.48	35
Non-disclosure	1	8.15	1.02	35
	2	7.44	2.02	35
	3	5.26	2.48	35
Strategic disclosure	1	7.66	1.51	35
	2	6.69	2.62	35
	3	4.49	2.57	35

Note: Higher values indicate greater consistency with the evidence (or actual activities).

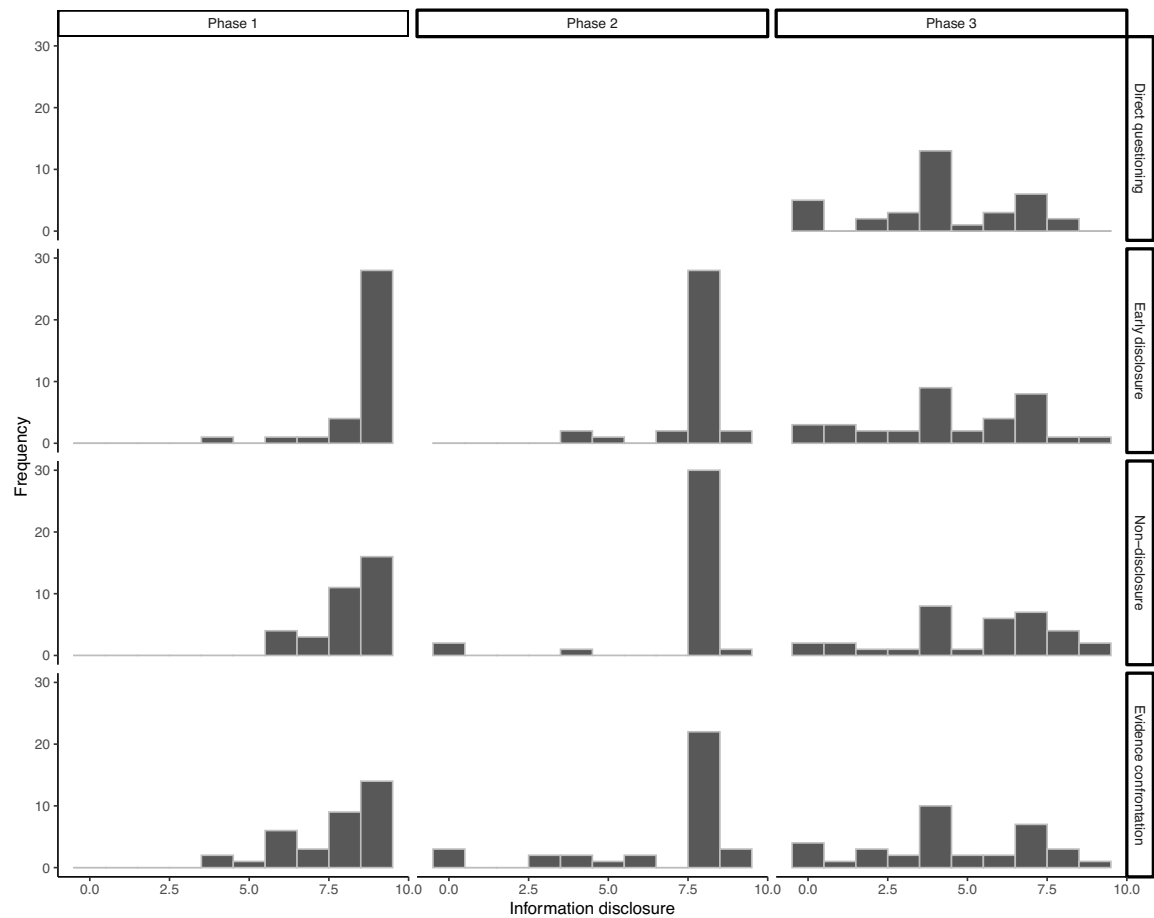


FIGURE 1 Distributions of statement-evidence consistency, across the interview conditions and crime phases (Study 1).

Note: Each row of panels represents an interview condition. Each column represents a phase in the interview. In each panel, the horizontal axis represents statement-evidence consistency (or information disclosure consistent with the facts).

We predicted what has reliably occurred in past experiments with similar methods: that participants interviewed with tactics that do not disclose evidence at all (i.e., the Non-Disclosure condition) would provide statements highly discrepant with the evidence. Here, we observed that participants in all interview conditions, including the Non-Disclosure condition, provided statements that were nearly perfectly consistent with the evidence in the first two phases of the interview. In the third (critical) phase of the interview, there was wide variation in participants' behaviour, with group means near the center of the scale. As these results were wholly unexpected and are clearly inconsistent with the hypotheses, we have eschewed inferential statistical testing of the hypotheses.

DISCUSSION

Study 1 was designed to examine how different interviewing tactics would elicit statement-evidence inconsistencies from guilty suspects regarding a critical aspect of the crime. The outcome of the study was unexpected and did not replicate previous findings in the SUE research. To understand the outcome, we explored our data and the design of the study. We found that irrespective of whether guilty suspects were confronted with evidence or not, they were forthcoming with information regarding the non-critical aspects of the crime and withheld information regarding the critical topic. This was probably because the non-critical aspects of the crime would not incriminate the suspect but revealing information regarding the critical aspect of the crime would incriminate the suspect. The suspect could view revealing information regarding less incriminating aspects of the crime as a way for the interviewer to view them as forthcoming and cooperative.

The implicit assumption in previous SUE studies was that guilty suspects are consistent with evidence only when confronted with evidence. Until now, researchers in the area of the SUE technique implicitly assumed that there was a direct relationship between statement-evidence consistency and perception of interviewer's prior knowledge. However, what was striking from the outcome of this study was that the guilty suspects' statements were consistent with the evidence in phases one and two of the crime, irrespective of the interview conditions. While we expected that they would conceal information in phase three, we did not expect that they would be as forthcoming with information regarding the other two phases of the crime. In trying to figure out why this was the case, it occurred to us that the information regarding phase one and two of the crime was not as incriminating as the information regarding phase three. It is probable that suspects managed their information disclosures in relation to the potential risks of those disclosures. That is, suspects evaluated which parts of the crime-related information would be less risky to reveal and what information would be costly to reveal (see Neequaye & Luke, 2018).

Although the non-critical phases were part of a (simulated) criminal act, it is possible that participants viewed disclosing information about them to be low risk and therefore chose to reveal that information. At the same time, the risk associated with revealing more critical information is high, leading to withholding strategies. Thus, perhaps it is not surprising that they were consistent with evidence regarding these two phases and inconsistent with evidence regarding the incriminating critical phase. Depending on how incriminating the information is within the crime, the risk of revealing the information increases. If the information is not incriminating, then the risk of revealing this information is lower.

Since this study was not designed to test this finding, we designed Study 2, an experiment to test if disclosure cost influences the relationship between statement-evidence consistency (SEC) and perception of the interviewer's knowledge (PIK).

STUDY 2

As discussed earlier, previous research in counter-interrogation strategies has shown that guilty suspects generally tend to stay away from the truth and contradict the evidence held by the interviewer or deny their role when questioned about the crime. However, they often employ forthcoming strategies when confronted with evidence by providing accounts that explain the evidence that exists against them in a manner that does not admit culpability.

This study was designed to test if the exploratory findings from Study 1 would replicate. In this study we intended to test if guilty suspects statements could be consistent with evidence irrespective of being confronted with evidence or not, if the information they hold is not incriminating in nature even though it is a part of the crime. We also wanted to test how different evidence disclosure tactics influence guilty suspects' counter-interrogation strategies as a function of the inferences they make about interviewer's prior knowledge. We tested three tactics adapted from Study 1, namely *Early Disclosure*, with – evidence disclosed prior to questioning the suspect about the crime-related activity, *Strategic Disclosure*, in which evidence was disclosed strategically based on the suspect's responses to questions, and *Non-Disclosure*, where evidence was not disclosed throughout the questioning irrespective of the suspect's responses.

The varying evidence disclosure tactics were aimed to influence suspects' perception of the interviewer's prior knowledge regarding their role in crime leading to varying counter-interrogation strategies. We measured this in terms of how close to the truth the suspects stay when they reveal information regarding their activities as level of Statement-Evidence Consistency (SEC).

We measured statement-evidence consistency by letting the suspect choose from one of four responses stated below that they believe would convince the interviewer of their innocence.

1. Stay close to the truth and reveal as much information as possible (high consistency with evidence)
2. Give a vague response close to the truth (moderate consistency with evidence)
3. Avoid giving a specific response to the question (low consistency with evidence)
4. Deny their role completely (not consistent with evidence).

HYPOTHESES

In Study 1 we found that guilty suspects may be consistent with evidence in their statements when the nature of the information was not incriminating. Based on that finding, we expected guilty suspects to employ forthcoming strategies and to be consistent with evidence irrespective of whether they are confronted with evidence or not if the nature of information is not incriminating.

Statement evidence consistency. The findings from Study 1 indicated that guilty suspects may be forthcoming with certain parts of crime-related information irrespective of whether they are confronted with evidence or not. This finding deviated from previous literature, which indicates that guilty suspects tend to be forthcoming with crime-related information only when they are confronted with evidence, but resort to avoiding crime-related information or denying their role in crime when they are not confronted with evidence. Based on the new findings, we predicted a main effect of level of incrimination on statement-evidence consistency such that suspects will be more consistent with evidence with non-incriminating information in comparison to highly incriminating information. We also predicted a main effect of Evidence Disclosure tactics on statement-evidence consistency such that a) Suspects would be more consistent with evidence in the Early Disclosure condition in comparison to the Strategic Disclosure condition, b) Suspects would be more consistent with evidence in the Strategic Disclosure condition in comparison to the Non-Disclosure condition, and c) Suspects would be

more forthcoming in the Early Disclosure condition in comparison to the Non-Disclosure condition. We did not predict an interaction between the levels of incrimination and evidence-disclosure tactics, but we included an interaction term in our analysis for exploratory purposes.

Perception of interviewer knowledge. Previous studies within the SUE literature indicate that guilty suspects tend to perceive that the interviewer holds more information regarding their role in crime when the interviewer presents the evidence held against them. However, they perceive that the interviewer may not hold evidence or prior information regarding their role in crime when they are not presented with existing evidence. Based on this understanding, we predicted a main effect of Evidence Disclosure on PIK such that suspects would show an increase in PIK in the Early Disclosure and Strategic Disclosure conditions compared to the Non-Disclosure condition. This is because suspects perceive that the interviewer holds a greater amount of crime-relevant information when the interviewer confronts them with the evidence held. Specifically, it was expected that suspects would rate a higher PIK in all phases of crime in the Early Disclosure condition in comparison to the Strategic Disclosure condition. We predicted that suspects would show a higher PIK in all phases of crime in the Strategic Disclosure condition in comparison to the Non-Disclosure condition. Finally, we expected that suspects would have low PIK in all phases of crime in the Non-Disclosure condition in comparison to the Early Disclosure and Strategic Disclosure conditions.

METHOD

The study was preregistered on OSF. The materials and data are available at <https://osf.io/gazdq/>

Design. This study used a 3 (Interview tactics – between subjects) x 4 (independent crime phases – non-incriminating and incriminating-within subjects) mixed model design. The crime takes place in four phases of which two are highly incriminating activities and two are non-incriminating activities. The activities were broken down into phases to

facilitate the observations we intend to make with regards to our hypotheses. The phases can be randomized in their order of presentation since they are not time-bound. We designed the activities thus so that we can randomize the order of presentation to reduce any biases that could confound the results of the study.

Participants and exclusion criteria. We recruited $N = 250$ MTurkers. Based on experience with similar procedures, we expected an estimated exclusion rate of 20%, which would result in approximately $N = 200$ (100 participants in each group) and a total of 800 observations (from four within-subjects measures of SEC). A power calculation indicated that this sample size was sufficient to detect an effect of $f^2 = 0.008$ ($d = 0.18$) with 80% power.

The study included an instructional manipulation check (IMC) to assess if the participant was paying attention through the study. The IMC consisted of a paragraph about an irrelevant topic that ends with asking the participants to ignore everything they read and insert a particular response in the box. If they have paid attention to the content of this paragraph, they would insert the response specifically mentioned. If they have not paid attention then they would choose one of the incorrect options provided below the question. The participants who failed this check were excluded. We also included five additional attention check questions regarding a specific detail of the narrative for participants to respond to. These questions were to monitor if the participant was paying complete attention to the narrative content and the interview questions while taking part in the study. Participants who had less than three correct responses on these questions were excluded. We had a total of 216 participants (108 male, 107 female and 1 other) aged from 20 to 69, after exclusions and a total of 864 observations.

Procedure. The study was administered online with the survey software Qualtrics. Participants completed a form consisting of basic demographic details such as their gender, age, education, and

ethnicity. This was followed by a brief description of the study and what their participation entails and instructions.

Participants read a crime narrative with the background story that placed them in the scenario of the crime. They were encouraged to immerse themselves into the role of the suspect. The narrative also consisted of activities the suspect carries out as part of the crime. The background story contained details about a revenge art theft that was carried out by the suspect in the house of the business partner. The suspect carried out all the activities related to the crime on the same evening of a party held in the house in four parts or phases. The activities consisted of: Highly Incriminating: (a) retrieving a key to the bedroom of the business partner (b) disable a motion sensor alarm system by unlocking the business partner's phone, and Not Incriminating: (c) explore the outside area from the bathroom on the same floor as the art piece to drop the art piece and retrieve it later (d) explore the view from the balcony leading to the parking lot to steal the art piece in the car. Carrying out these activities resulted in four pieces of evidence that the interviewer used to question the suspect. The pieces of evidence included fingerprints for phase one, eyewitness testimony for phase two and phase three, and a photograph placing the suspect at the scene for phase four. These activities were written such that they could be carried out in any order. We designed the activities in this way so that we could randomize the order of presentation between participants to reduce any potential order effects. They responded to attention check questions between these scripts.

After completing reading the crime narrative, the participants were asked to imagine that the police was questioning them. They read interview transcripts regarding the suspect's activities and the transcripts represented their interactions with the detective. In these transcripts, they were asked to make decisions on how they would answer questions by the interviewer. Their task was to choose a

response from four options that they thought would convince the interviewer of their innocence (SEC Scale), for example:

A witness informed us that you were seen handling Mr. Hamilton's phone on the evening of the party. Could you please tell me what you were doing with his phone?

YOU:

- a) *I took his phone mistaking it to be mine since we have the same brand and tried to access it with my code.*
- b) *I may have taken the phone mistaking it to be mine.*
- c) *It's possible I took his phone but I don't specifically remember.*
- d) *They must be mistaken. I did not take his phone.*

The options were based on mock-guilty suspects' responses at varying levels of statement-evidence consistencies and counter-interrogation strategies observed in previous laboratory studies, ranging between being forthcoming to avoidance and denial. The first option indicated high consistency with evidence and the last option indicated high inconsistency with the evidence. The two options in between indicated avoiding details and providing a vague response. We used a forced-choice response format (instead of an open-ended response, for example) to facilitate easier quantitative analysis. Other online experiments have successfully used similar procedures (see, e.g., Brimbal & Luke, 2019).

The interview transcripts consisted of questioning related to the topics, between the detective and the suspect. Every participant was presented with interview transcripts regarding all the activities the suspect carried out. The interview transcripts were presented after each topic, so a total of four interview transcripts were presented to each participant. Depending on the experimental group, participants received interview transcripts that contained interview questions in one of the three techniques used in the study. In the *Early*

Disclosure condition, the interviewer discloses the held evidence early on in the interview during questioning. For example, “We have CCTV footage showing that you were present at place X. Can you tell us what you were doing there?” In the *Strategic Disclosure* condition, the interviewer asks general crime-related question. If the participant chooses a response that is consistent with the evidence, the interviewer discloses the statement--evidence consistency. If the participant chooses a response that is inconsistent with the evidence, an interviewer discloses the statement-evidence inconsistency. For example, “Were you at place X?” If the participant chose a response consistent with the evidence, the interviewer responds with “Your statement is consistent with the CCTV footage that we have with us.” If the participant chooses a response inconsistent with the evidence, the interviewer confronts the participant with “We have CCTV footage showing that you were at place X. It is evident that you are withholding information.” In the *Non-disclosure* condition, the interviewer asks general crime-related question. The evidence held by the interviewer will not be disclosed in this technique. For example, “Were you at place X?”

After being interviewed, the participants filled out the PIK Scale: the suspect's perception of how much knowledge the interviewer had about the suspect's role in crime (1 = *Knew nothing*, 10 = *Knew everything*). Participants were then directed to the debriefing page where they were informed about the premise of the study following which; the payment for their participation was released.

RESULTS

Hypotheses-testing approach. To test the hypotheses we fit linear mixed effects models with Interview Condition and Level of Incrimination and their interaction terms as fixed effects. We also included random intercepts for each subject (nested in the order in which the phases were presented) and for each of the four crime phases.

Statement-evidence consistency (SEC).

As predicted, we found a significant main effect of level of incrimination on statement-evidence consistency, such that suspects were more consistent in low incrimination phases than high incrimination phases (see [Tables 2 and 3](#)). We also observed the predicted main effect of interview condition, such that participants in the *Non-Disclosure* condition were less consistent with the evidence compared to the *Early Disclosure* condition. One can see in the frequency distributions illustrated in [Figure 2](#) that in the *Early Disclosure* condition demonstrated a strong tendency to be consistent with the evidence in Low Incrimination phases, but in High Incrimination phases, they were nearly evenly split between being highly consistent and highly inconsistent. In stark contrast, participants in the *Non-Disclosure* condition also tended to be consistent with the evidence in the Low Incrimination phases but to a lower extent than in the *Early Disclosure* condition. However, in the High Incrimination phases, those in the *Strategic Disclosure* condition strongly tended to be inconsistent with the evidence.

There was no significant difference in consistency between the *Early Disclosure* and *Strategic Disclosure* conditions for the Low Incrimination phases, and comparing the coefficients for the *Non-Disclosure* and *Strategic Disclosure* conditions indicated that the *Non-Disclosure* condition tended to be significantly less consistent with the evidence, $z = -2.56$, $p = .005$. However, there was a significant interaction such that suspects in the *Strategic Disclosure* condition tended to be more consistent with the evidence compared to the *Early Disclosure* condition in the High Incrimination phases.

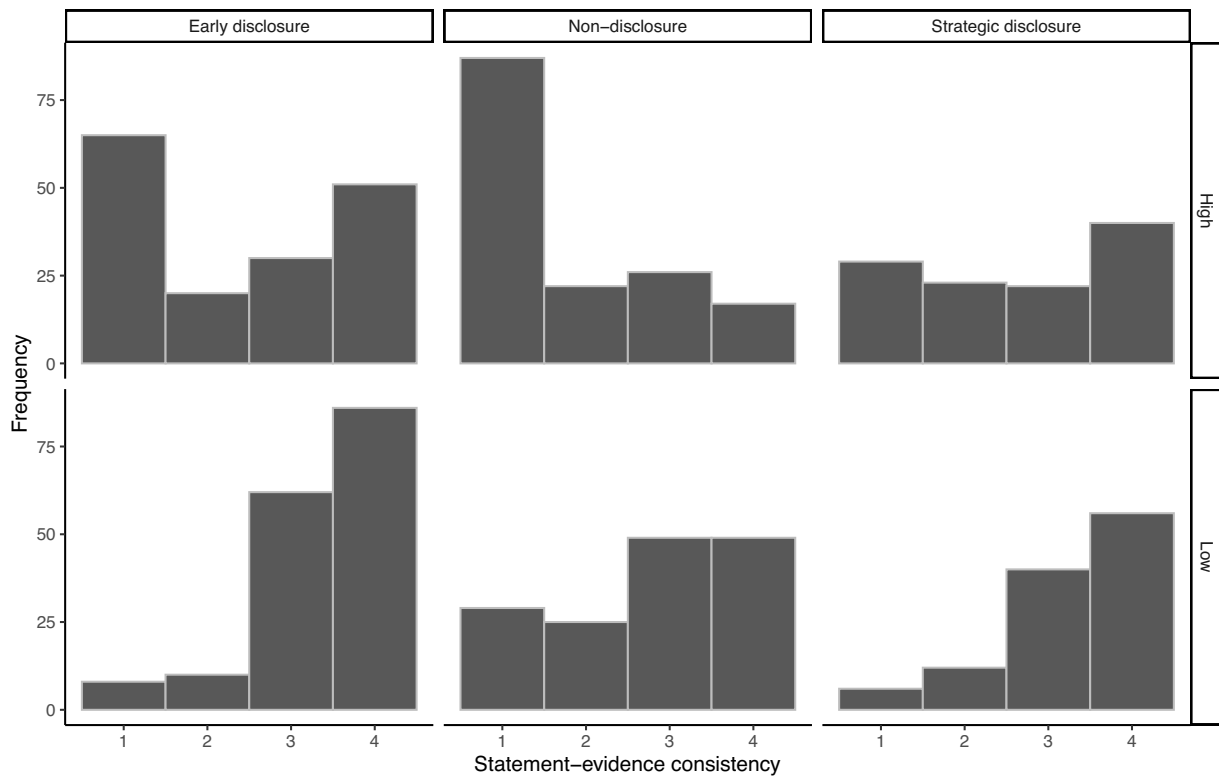


FIGURE 2 Distributions of statement evidence consistencies across interview conditions and levels of incrimination (Study 2).

Note: Each row of panels represents a level of incrimination (high vs. low). Each column of panels represents an interview condition. On each panel, the horizontal axis represents statement-evidence consistency.

TABLE 2 Descriptive statistics for statement-evidence consistency and perceived interviewer knowledge, Study 2.

Statement evidence inconsistency			
Interview Condition	Level of Incrimination	Mean	SD
Early Disclosure	Low	3.36	0.80
	High	2.40	1.28
Non-Disclosure	Low	2.78	1.10
	High	1.82	1.08
Strategic Disclosure	Low	3.28	0.86
	High	2.64	1.21
Perceived interviewer knowledge			
Early Disclosure	Low	4.45	3.29
	High	4.38	3.29
Non-Disclosure	Low	3.81	2.99
	High	3.68	2.98
Strategic Disclosure	Low	5.16	3.39
	High	5.01	3.29

Note: Higher values indicate greater consistency with the evidence or higher perceived interviewer knowledge.

TABLE 3 Mixed effects model: Statement-Evidence Consistency as a function of evidence Disclosure and Level of Incrimination, Study 2.

Fixed effects					
Term	b	SE	df	t	p
Intercept (Early Disclosure, Low Incrimination)	3.36	0.16	3.6	14.96	< .001
Non-Disclosure	-0.58	0.13	406.7	4.34	< .001
Strategic Disclosure	-0.08	0.14	406.7	1.63	.58
High Incrimination	-0.95	0.21	2.7	4.53	.025
Non-Disclosure*High Incrimination	0.004	0.15	643	0.03	.98
Strategic Disclosure*High Incrimination	0.32	0.16	643	2.01	.045
Random effects					
Term	SD				
Subjects nested in orders	0.54				
Phase	0.19				

$R^2 = .497$, RMSE = 0.846

Note: t-tests used Satterthwaite approximated degrees of freedom. Both factors use treatment contrasts. The reference group for interview condition is Early Disclosure, and the reference group for level of incrimination is Low Incrimination.

Perception of interviewer's knowledge (PIK). As can be seen in Table 4, there were non-significant trends in the expected directions, such that PIK in the Non-Disclosure condition was lower than the Early Disclosure condition, and PIK in the

Strategic Disclosure condition was higher than the Early Disclosure condition. There was no interaction between interview condition and level of incrimination.

TABLE 4 Mixed effects model: Perception of Interviewer's Knowledge as a function of Evidence Disclosure and Level of Incrimination, Study 2.

Fixed effects					
Term	b	SE	df	t	p
Intercept (Early Disclosure)	4.45	0.46	6	9.48	< .001
Non-Disclosure	-0.65	0.35	247	1.97	.069
Strategic Disclosure	0.70	0.38	247	1.84	.067
High Incrimination	-0.07	0.13	3231	0.54	.59
Non-Disclosure*High Incrimination	-0.05	0.19	3231	0.28	.78
Strategic Disclosure*High Incrimination	-0.08	0.20	3231	0.38	.71
Random effects					
Term	SD				
Subjects nested in orders	2.06				
Phase	0.79				

$R^2 = .499$, RMSE = 2.294

Note: t-tests used Satterthwaite approximated degrees of freedom. Both factors use treatment contrasts. The reference group for interview condition is Early Disclosure, and the reference group for level of incrimination is Low Incrimination.

DISCUSSION

Study 2 was designed to test if guilty suspects' statements will be consistent with evidence irrespective of evidence disclosure or not, if the crime-related information they hold is not incriminating in nature. We also wanted to test how different evidence disclosure tactics influence guilty suspects' counter-interrogation strategies as a function of the inferences they make about interviewer's prior knowledge. As predicted, we found that guilty suspects are consistent with evidence if the crime-related information they have to reveal is not incriminating in nature in comparison to when the information is incriminating in nature. We also found that perception of interviewer knowledge was higher in the two evidence disclosure conditions in comparison to the non-disclosure condition.

The results suggest that guilty suspects are influenced not only by their perception of interviewer's prior knowledge but also by how risky it is to reveal certain crime-related information in the interview. As we expected, the degree to which admitting to an activity is incriminating seems to influence guilty suspects' decision to be consistent with evidence. That is, suspects could be forthcoming with crime-related information if it is perceived less incriminating. Hence, the suspect would reveal non-incriminating information irrespective of the perception of information held by the interviewer against them since it is less costly, even though it is a part of the crime.

GENERAL DISCUSSION

In Study 1 we tested evidence disclosure and non-disclosure questioning tactics to elicit statement-evidence inconsistencies in guilty suspects. We expected that when guilty suspects were not confronted with evidence about any part of the crime, there would be high statement-evidence inconsistencies in comparison to when they are confronted with evidence. We observed an unexpected pattern in guilty suspects' behaviour

that was not in line with previous findings within the SUE paradigm (Hartwig et al., 2014; Granhag et al., 2015; TTekin et al., 2015, 2016, 2017).

Guilty suspects were found to be forthcoming with some parts of information related to the crime and withholding with others irrespective of whether they were confronted with evidence or not. On further exploration as to why these unexpected findings surfaced from the study, we realized that guilty suspects were forthcoming with crime-related information that was not very incriminating in nature while they withheld information that was incriminating in nature in all the interview conditions. To explore this unanticipated finding, we designed and tested this in Study 2 that replicated our findings from Study 1 shedding light on what produced the unexpected findings.

Previous literature in the SUE paradigm has demonstrated that the relationship between a guilty suspect's statement-evidence consistencies is directly correlated with their perception of interviewer's prior knowledge (Granhag et al., 2015; Granhag & Luke, 2018; Hartwig et al., 2014; Granhag et al., 2013; Luke et al., 2014; Tekin et al., 2015, 2016, 2017). In both the studies, we present new evidence that this relationship is influenced by a second factor, disclosure cost (see Neequayee & Luke, 2018). Guilty suspects are consistent with evidence irrespective of whether they perceive the interviewer to hold evidence against them, if the information is not risky to reveal. When the risk of revealing the information is higher, guilty suspects' statements become less consistent with the evidence. Although this finding was exploratory in Study 1, we found support for this in Study 2.

The SUE paradigm studies have produced robust findings regarding the relationship between guilty suspects' verbal strategies and their perception of interviewer's prior knowledge until now. The findings of the current studies in this paper are novel within the SUE literature. The aspect of disclosure costs explored and tested in this paper adds to the psycho-legal literature by providing interviewers and researchers a new direction to

understand information management by guilty suspects. It also suggests that the decision-making process of guilty suspects regarding the information they reveal in custodial interviews is more complex than our earlier understanding. This provides us with the insight that there may be other factors such as the physical setting of the interview room, or the way in which investigative questions are phrased that influence a guilty suspect's cognitive processes related to information management during police interviews.

The finding regarding guilty suspects being forthcoming with less incriminating information and withholding more incriminating information might superficially seem like an obvious outcome. However, while the implicit assumption has been that guilty suspects generally do not disclose crime-related information if they are not confronted with evidence, the findings suggest that suspects may disclose information about their criminal activities if doing so poses relatively few risks.

The findings could have important practical implications. One implication is that the elicitation of less incriminating details could assist in further investigation. Consider a situation in which investigators have circumstantial evidence against a suspect. In questioning that suspect, they might prioritize asking about less incriminating activities, in order to increase the likelihood of the suspect providing useful new information (if the suspect is guilty). The investigators could then follow leads from any new information disclosed. If subsequently they find stronger evidence regarding the suspects' role in the crime, they could potentially strategically use that evidence in a later interview.

The findings also suggest that the interviewer might be able to elicit more critical and incriminating information by inducing the suspect to talk about less incriminating activities. That is, the interviewer could start by questioning about the less incriminating details and gather a lot of "trivial" information and then make a shift to questioning about the critical details. Thus, when suspects provide a detailed account of the less incriminating

activities, it would be hard for them to shift suddenly to denial, since this would indicate high suspicion to the interviewer. Differently put, the guilty suspect has to maintain the impression of innocence that they have tried to establish with the interviewer and a sudden shift in this behaviour would affect the impression held by the interviewer.

LIMITATIONS AND FUTURE DIRECTIONS

As mentioned earlier, the exploration of the outcome of Study 1 led us to believe that one possible reason why the study could not test our original predictions was how the individual crime-related phases were designed. Although the outcome led us to test new findings, we still have to find a way to test our original predictions from the study. Secondly, in Study 2, we did not record the interviewee's reports regarding their decision-making thought processes that resulted in their specific response choices. This could be vital to our understanding of their mental processes. For instance, an explanation from the interviewee regarding why they chose a response that revealed less information regarding an incriminating topic would give us a clearer understanding about their thought process. Unlike in Study 1, participants in Study 2 did not actually commit the crime and had to respond on an online platform. This did not allow us to test other influences such as the behaviour of the interviewer and the interview set up.

Given that Study 2 was conducted online, one could argue that the behaviour outcomes from the study may not reflect real-life behaviours of actual suspects. However, we designed the study with careful methodological considerations in order to gather reliable outcomes. The results from this study were consistent with findings from past studies that were run in a laboratory (e.g., Tekin, 2016). A recent online study carried out by Brimbal and Luke (2019) with MTurk participants collected qualitative data regarding the participants' behaviour. They found that the participants had provided complex reasons regarding their behaviour, indicating the depth of their engagement with the study materials. The participants' responses were also consistent

with the findings from past literature on suspects' strategies (e.g., Granhag et al., 2009; Hartwig et al., 2007).

We also only tested evidence disclosure tactics during questioning to influence the interviewee's perception of the interviewer's prior knowledge. However, there could be questioning tactics that may influence the interviewee's perception of interviewer's knowledge even without evidence disclosure or corroboration. For instance, the content and context in which a suspect is interviewed might influence the suspect's inferences about what information the interviewer may already hold. Future studies could design and test these factors.

PRACTICAL IMPLICATIONS

The findings from the current studies give interviewers and researchers a new direction for understanding guilty suspects' information management strategies. As an interviewer, managing the cost of the information that needs to be disclosed is an additional consideration when questioning guilty suspects. The interviewer can consider what information might be viewed as costly to reveal and the information that is costly if not revealed during questioning to possibly elicit a self-interest dilemma in the suspect. By disclosing non-incriminating information regarding the crime, the suspect would have created a sense of credibility with the interviewer. Not revealing costly information when probed for such information could bring down this credibility. This plausible conflict is an interesting outcome for the interviewer to explore.

CONCLUSIONS

The studies presented in this paper provide new insights into the relationship between guilty suspects' statement-evidence consistencies as a function of their perception of the interviewer's prior knowledge and evidence disclosure. We have presented evidence that this relationship, which has been robust in the previous literature in the SUE framework, is influenced by another factor, namely disclosure cost. Guilty suspects not only assess the evidence or their perception of prior knowledge held by the interviewer to reveal or withhold information but also the cost of revealing certain information. The more incriminating the information, the cost of revealing this information is higher. Guilty suspects however would reveal information that has a lower cost (less incriminating). We believe that this finding gives us a better understanding of how guilty suspects make decisions about what crime-related information to reveal during police interviews and a new direction for research in this domain.

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Investigative Empathy:

Five Types of Cognitive Empathy in A Field Study of Investigative Interviews with Suspects of Sexual Offences



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ETHICAL APPROVAL

All procedures performed in the current study were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards. Data protection guidelines of the General Data Protection Act (2018) have been followed and all data remains anonymous. Informed consent was obtained from the police precinct in possession of the data.

ABSTRACT

Empathy in investigative interviews has increasingly become a focus in the recent literature on investigative interviewing as its implementation may aid in building and maintaining rapport. Displaying empathy in interviews is claimed to have positive impacts on the provision of investigation relevant information. However, the literature currently omits practically operationalizing empathy, which would provide a means of implementing it effectively in investigative interviews. As such, the present study examines empathic displays by interviewers employed in interviews with suspects of high-risk crimes such as sexual offences in order to see what types are applied as a step towards identifying and possibly defining/operationalizing empathy during investigative interviews in the future.

Nineteen audio-tapes of police interviews with suspects of sexual crimes in England and Wales conducted by experienced police interviewers were coded for their empathic displays and suspects' level of information provision throughout the interviews. Five different types of empathy were found to be employed. Interviews that had higher levels of suspect information provision involved all five types of investigative empathy, whereas interviews in which fewer types of empathy were displayed offered less or no information. Thus, the use of investigative empathy in investigative interviews can indeed be recommended.

Keywords: *investigative interviewing; rapport; empathy; interrogation; offenders*

GENERAL AUDIENCE SUMMARY

Since the development of the PEACE Model in England and Wales almost 30 years ago, increasing focus has been devoted to optimizing investigative interviews with methods that are not only research-based but found by research to be effective.

The main goal of investigative interviews is to gather relevant information. Research during the last two decades has highlighted the importance of rapport with not only witnesses and victims but also suspects. More recently, the possible role of empathy (which relates to rapport) is being discussed.

The current study examined (i) the types of empathy demonstrated by experienced, PEACE-trained interviewers in 'real-life' interviews and (ii) the relationship between these types of empathy and suspects' provision of investigation relevant information.

Five types of empathy were demonstrated that can be categorized in cognitive (rational) rather than affective (emotional) types of empathy. Furthermore, those interviews in which more types of empathy were demonstrated contained more information provision.

Our results imply that the use of empathy plays a vital role in achieving the objectives of investigative interviews and that the use of appropriate empathy should be focused on the training of those who interview suspects.

Investigative Empathy:

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INTRODUCTION

THE IMPORTANCE OF BUILDING RAPPORT AND EMPATHY IN INVESTIGATIVE INTERVIEWS

Due to the current popular media attention placed on police behaviour internationally, there has been, in several countries, increased criticism of police in interrogation/interviewing, in terms of not only its ethics, but also its effectiveness (Walsh, Oxburgh, Redlich & Myklebust, 2016). For suspect interviewing in connection with high risk crimes, such as murder, sexual offences, and terrorism, research has shown that humane styles of interviewing are positively associated with the gaining of information partly by enabling an environment where suspects feel comfortable and willing to cooperate (Alison, Alison, Noone, Elntib, & Christiansen, 2013; Holmberg & Christianson, 2002; Kebbell, Hurren, & Mazerolle, 2006; Leahy-Harland & Bull, 2016).

Humane interviews include the respectful treatment of suspects (Holmberg & Christiansen, 2002; Kebbell et al., 2006). Empathy can be seen as a separate construct than rapport building yet it may be seen as a contributing factor towards building rapport between two individuals (and may or may not work, perhaps depending on personality and interviewer characteristics as well – this can be examined in future studies). Both rapport building and empathy are considered necessary aspects of a humane interviewing style (Alison et al., 2013; Clark & Milne, 2001; Dando & Oxburgh, 2016; Dando, Wilcock & Milne, 2008; Meissner, Redlich, Bhatt, & Brandon, 2012). Walsh & Bull (2012) noted that rapport should not only be established initially with the interviewee, but should also be maintained thereafter for the duration of the interview. It has been argued that when interviewees feel there is an open, positive, and harmonious relationship between them and their interviewer, an atmosphere

develops where they feel inclined to speak more openly and freely (St. Yves, 2006). Particularly with regards to interviews with suspects of sexual crimes, Read, Powell, Kebbell, and Milne (2009) suggested that five elements should be considered in an investigative interview. Of these five elements, the first is establishing rapport. The remainder include (ii) introducing the topic of concern, (iii) eliciting narrative detail, (iv) clarification / specific questions, and (v) closure. Also studies involving terrorists have similarly found that employing a style of interrogation based on rapport and that also treats suspects with respect is effective in reducing their counter-interrogation tactics (Alison et al., 2013).

In England and Wales, up to the 1980s the police have had a long history of using coercive techniques; psychologists and experienced detectives stepped in to develop a new method of investigative interviewing in the early 1990's. This model became known as PEACE – an acronym for 'Planning and preparation', 'Engage and explain', 'Account', 'Closure' and 'Evaluation' (Clarke & Milne, 2016). A core element of this model is building and maintaining rapport with interviewees and is thought to begin during the 'Engage and explain' phase (Walsh & Bull, 2012). The development of PEACE signified a substantial shift in police mindset from coercive techniques aimed at producing confessions to an ethical means of interviewing in order to gain access to information. Since the development of PEACE, other countries such as Norway and the Netherlands have followed suit in developing their own methods of interviewing with a similar ethos based on rapport (Walsh et al., 2016). Further, in 2016, United Nations special rapporteur Juan Mendez recommended the development of a world-wide protocol for investigative interviewing

using non-coercive means, of which rapport is a core feature (United Nations, 2016). His 2016 report to the United Nations recognized the tendency for coercive means of interrogation to produce false confessions and inaccurate information (Meissner et al., 2014; O'Mara, 2015). Additionally, Jones (2019; United States Senate Torture Investigator who investigated the 'enhanced interrogation' methods of the CIA established after 9/11 in the United States) in a recent interview with BBC's *Hard Talk*, offered his opinion that "torture doesn't work as information gained is unreliable and untruthful [...] what works is rapport-building".

EMPATHY IN CROSS-DISCIPLINARY LITERATURE

Empathy also does not have a standardised definition in other domains either, but rather shows the dynamic and complex nature of empathy where various types of empathy are examined (such as psychotherapy; see Elliott et al., 2011; Hall & Schwartz, 2019). Despite this, the literature claims that empathy is an important influencing variable regarding dyadic relationships (e.g., Will & Kauffeld, 2018) – particularly the therapist and patient relationship. For the purpose of this paper, the focus is on the display of empathy rather than the thoughts of empathy. How can empathy displayed and employed in dyadic relationships? In order to answer this question, it is beneficial to understand how the literature (across disciplines) views empathy. Two main types of empathy have been distinguished by various authors these being *cognitive* and *affective* (Bull & Baker, 2020). Cognitive empathy refers to the intellectual understanding of another's mental state, or the ability of a person to construct a working model of another's emotional state without necessarily being emotionally affected. Affective empathy, on the other hand, refers to more of an emotional response, or the ability to vicariously experience the feelings and emotions of another (Davis, 1983; Hogan, 1969; Joliffe & Farrington, 2006; Lawrence, Shaw, Baker, Baron-Cohen, & Wheelwright, 2004; Mehrabian, Young, & Sato, 1988; Reniers, Corcoran, Drake, Shryane, & Völlm, 2011; Will & Kauffeld, 2018).

Observer measurement of empathy is increasingly being employed in the therapy (Will & Kauffeld, 2018). In such a setting Greenberg et al. (2001) observed therapists using empathy as a way to build rapport. Watson (2002) examined therapist empathy and found that this included: 1) communicating with interest, concern, and expressive tone of voice; 2) demonstrating levels of emotional intensity similar to the client's; and 3) reflecting clients' statements, nuances in meaning, or even implied meaning back to the client (Watson, 2002).

Cognitive empathy is well-recognized in clinical zones, and the confusion of empathy being too emotional is part of the reason it is a hard term to grasp and to teach. Empathy defined in clinical terms is mainly about being able to use one's imagination (Barrett-Lennard, 1981; Baron-Cohen & Wheelwright, 2004; Davis, 1983; Decety, 2012; Greenberg et al., (2001) and not necessarily feel anything for or with the other person and is rather incumbent on making cognitive effort to understand another's position in a rational, cognitive way. Particularly for practitioners, cognitive empathy can be considered an important tool as it helps them understand their interactions with patients (Gleichgerricht & Decety, 2012). Similarly, cognitive empathy can be useful for interviewers in investigative interviews.

EMPATHY RESEARCH IN INVESTIGATIVE INTERVIEWING

Despite the research that has been conducted on empathy in a variety of settings, few researchers have provided a comprehensive definition of empathy nor a means of quantifying or measuring it. Even fewer researchers have examined empathy investigative interviewing. The following literature has contributed in laying the foundation for determining useful types of empathy in investigative interviewing.

In England and Wales, in the PEACE method for interviewing, a cognitive definition of empathy is used when describing building rapport (Baker-Eck, Bull, & Walsh, 2020). Affective empathy may yield poor results and have potential drawbacks

such as burnout or emotional fatigue; where compassion fatigue may be a direct consequence of “encountering traumatic events through vivid and detailed descriptions of what the survivor has directly experienced, which may result in the emergence of secondary traumatic stress symptoms” (MacEachern, Dennis, Jackson, & Jindal-Snape, 2019, p. 166). This can also include police officers investigating child abuse (Levin, Kleinman, & Adler, 2014 cited in MacEachern et al., 2019). Allowing oneself to feel the emotion as the interviewee is experiencing it could contribute toward ‘compassion fatigue’ and may even cause a higher ‘burnout’ rate. Therefore, rational/unemotional (as best possible) cognitive types of empathy could be more useful for the protection of the interviewer as well in the investigative interviewing process, though more research in this area is needed.

Barrett-Lennard (1981) explained that the origin of empathy comes from the word *empathia*, “meaning affection and also passion, with a quality of suffering. The *em* means ‘in’ or ‘into’, and there is the idea at least of going into a strong feeling-connection with another (pp.91).” Barrett-Lennard (1981) examined the presence or absence of empathy in response to another person providing empathy opportunities and found it to include three forms: empathic opportunities, continuers, and terminators. Empathic opportunities are defined as moments where an opportunity is given by the interviewee to the interviewer to display empathy. Building on this, a fourth form of empathy was proposed by Oxburgh et al. (2014) – spontaneous empathy. Oxburgh, Ost, and Cherryman (2012) conducted a study on the relationship between empathy, question types and the amount of investigation relevant information (IRI) obtained. They found that the amount of IRI gained was not associated with police interviewers’ use of empathy (as defined by Oxburgh et al., 2012). However, empathy was not fully operationalized in this study (nor in many other studies). Empathy and question type were also examined by Oxburgh et al. (2014) who noted three aspects of empathy: spontaneous, continuers, and terminators. They showed that even in a ‘no comment’ interview, displays of spontaneous empathy occurred. Building

on this Dando and Oxburgh (2016) examined empathic opportunities and cooperation and concluded that empathy may be subcategorized into four types (i) spontaneous comfort, (ii) continuer comfort, (iii) spontaneous understanding, and (iv) continuer understanding.

Pounds (2019) conducted a study on the role of empathy in investigative interviews. The following behaviors were found: 1. Expressing understanding for the suspect’s feelings, 2. Demonstrating positive regard, 3. Face-enhancing expressions (which includes active listening), and 4. Un-empathic and face-threatening expressions. Expressing understanding of others’ feelings was found in the ‘Engage and Explain’ phase of an interview by stating that they “*appreciate that the interview is not a particularly nice thing to have to go through...*” (p. 10). Another empathic component that Pounds (2019) found was the ‘positive regard’ toward the suspect, such as a regard for the suspect’s interests as a means of establishing and maintaining rapport. Pounds (2019) has stated that not all types of empathic expressions may be useful or appropriate in investigative interviews with suspects. Similarly, Baker-Eck, Bull, and Walsh (2020) have taken this a step further to suggest that not all rapport building methods, such as empathy employed during interviews, may be appropriate for both the interviewer and the interviewee.

Pounds (2019) analysed the use of empathy as a method of building rapport, focusing on empathic responses as a means for establishing a channel for communication between interviewers and suspects. Listening to recordings of interrogations in the UK, she assessed the value of empathy, rapport, and face-saving techniques and utilized several definitions of empathy attempting to identify its use (combined with face-saving responses) to build a working relationship with suspects. That study forges a connection between empathic responses and face-relevant responses, concluding that rapport is enhanced.

Thus in a police context, it is recommended that police officers demonstrate empathy by understanding their interviewees, appreciating their emotions and distress, and communicating this to interviewees both directly and indirectly (Davis, 1983). Davis (1983) further stated that empathy is a multidimensional construct, rather than a single unipolar one (such as just either cognitive or emotional), showing how complex empathy is.

However, for investigative empathy Baker-Eck et al. (2020) discussed the importance of distinguishing between a cognitive or affective approach and they examine police officers' (across Europe) definitions of empathy and interview behavior. The police interviewers were asked if they employed empathy with suspects during their interviews, and then were asked for their definition of empathy. Most (92%) stated using empathy in such interviews and nine definitions of empathy emerged across the seven European countries. These definitions included "openness", "listening", "non-judgment", "understanding" (current situation), "working together", "changing perspectives", "building rapport", "understanding actions", and "appreciating emotions and/or distress." Baker-Eck et al. (2020) distinguished between cognitive and affective empathy and between direct versus indirect forms, as the affective/emotional type may not be conducive for investigative interviews, particularly because of the possibility of losing oversight of the current objectives. Cognitive empathy was described as a rational type of empathy allowing for understanding on a non/emotional level, whereas affective empathy was deemed emotional, such as experiencing similar feelings as the interviewee.

The complex nature of empathy found by Baker-Eck et al. (2020) could be an explanation as to why investigative empathy as a term has not been differentiated from other types of empathy and why many have not clearly defined investigative empathy, despite its recognition and importance (Oxburgh & Ost, 2011). In the current literature there are merely indirect definitions of empathy but a comprehensive, operational, and measurable definition is missing (see Baker-Eck et al., 2020; Bull and Baker, 2019; Bull & Cherryman, 1996; Oxburgh et al., 2014; Oxburgh, Ost, & Cherryman, 2012; Rollnick & Miller, 1995). The current study aims to examine the types of empathy employed in suspect interviews conducted by highly qualified and highly PEACE-trained investigators in England.

The present study was designed to: (i) see if police officers employed empathy as cognitive and/or affective empathy; (ii) evaluate the relationship between empathy and cooperativeness of the suspect and (iii) if a particular type of empathy is associated with suspects' cooperation.

METHOD

Field Data

Field studies are rare and challenging to achieve. Yet with their challenges, they have benefits that may outweigh other studies, as they are representative of the population being studied. Two recent examples of such hard to come by field research in the area of investigative interviewing can be seen in the research of Surmon-Böhr, Alison, Christiansen, and Alison (2020) and Kim, Alison, and Christiansen (2020). The interviews examined were conducted between 2011 and 2016 at four English Police Constabularies. Ethical approval was obtained from the relevant university and from the relevant Constabularies. The interviews varied in length, from the shortest interview of 70 minutes to the longest interview of 223 minutes. The crimes were all sexual in nature including: possession of indecent photograph, sexual activity with underage person, and rape. The 19 interviews were the audio tapes of 19 male suspects. In 18 of the interviews (94.7%)

two interviewers questioned the individual suspect, except in one tape where only one interviewer conducted the interview. Each interview involved different interviewers. It is unknown which interviewees may have consulted a legal advisor prior to the interview.

Coding Strategy

Of course, regarding empathy it is only the behavior of the interviewer that a suspect has available and therefore in the present study relevant behaviors/displays were coded rather than the interviewer's internal knowledge of whether the empathy was 'genuine'. Also, empathy was coded for not only as merely being present or absent, but also for the qualitative nature of its differing types. For the current study empathy was defined as having one or more of the following characteristics (Baker-Eck et al., 2020): (i) active listening, (ii) open demeanor, (iii) being non-judgmental, (iv) working together, (v) demonstrating understanding, (vi) appreciating emotions and distress, (vii) to sense the emotion of the other as he/she is experiencing it, and (viii) expressing the same affect as the interviewee. In Baker-Eck et al.'s study there was a ninth element: to understand/perceive internal frame (meaning the individual experiences of a person and their attached emotions) of the other with accuracy but this is very difficult to assess and therefore it is not analyzed for in the present study. The presence or absence of the types of empathy was noted (the types of empathic displays found are detailed in the results section of this paper). It was then analyzed when and how empathy was displayed, where five types of investigative empathy repeatedly emerged either across situations throughout the interview or in specific instances within the interview (see the results section).

The investigative relevant information (IRI – adopted from Phillips, Oxburgh, & Myklebust, 2012) involved information related to at least one of the following types: (i) person, (ii) action, (iii) location, (iv) item, and (v) temporal details. The present study will also add a sixth type of detail, labeled 'motivational' (or offering a motive). As for Phillips et al. (2012), the details gained will provide interviewers with

information on: "(i) who did what, (ii) how it happened, (iii) the location of where it happened, (iv) any items that were used, and (v) the time that it happened" (p. 46). The motivational detail will provide information to the possible motives for the alleged crime. Such motivational information may include anything relevant to the motive or the 'why' of the alleged crime, such as desires, or emotions. For example, 'I loved her very much', or 'I hated her for what she did to me'.

After empathy had been displayed, any IRI that was provided in the five minutes following the empathic utterance was noted on a six-point Likert scale (0 = *being non-informative* and 5 = *being highly informative*). Being highly informative included relevant IRI provided by the suspect and willing participation and meant that all questions were answered, whereas no cooperation meant that no questions were answered, or they were answered with 'no comment'. Cooperation included offering any IRI about the alleged incident in the answers to the questions provided. The current first author was the only researcher to whom the police organization gave permission to analyze these recordings. Coding of IRI and empathy was clear and no amendments to the coding procedure were needed once coding had commenced. There were no uncertainties and no coding drift for IRI and empathy as re-test reliability showed no deviation from the initial coding. This re-analyzing the data was conducted by going through the earliest recordings after completing coding to see if the codes were applied consistently. Re-test reliability was conducted via same researcher (first author) as other researchers were not privy to the interviews.

RESULTS

The following five types of empathy emerged:

1. Continuous Empathy (Demeanor) – CE
2. Indirect Empathy (Recapping/Repeating back) – IE
3. Current Situational Empathy – CSE
4. Retrospective Situational Empathy – RE
5. Empathic Reassurance – ER

Five types of cognitive empathy were found in different parts/times throughout the interview. *Indirect Empathy* was found after the free recall and after any suspects' statements; *Continuous Empathy* throughout the interview; *Current Situational Empathy* at the beginning of the interview and account phase; *Retrospective Situational Empathy* account phase; *Empathic Reassurance* at any point of the interview.

Continuous empathy (CE) was empathy shown consistently throughout the interview in utterances such as 'OK', 'Yes', 'Continue', or 'Uh huh'. This is similar to the therapist empathy that Watson (2002; see above) describes as a particular tone, utterance or communicating with interest, concern or expressive tone of voice. *Indirect empathy* (IE) included repeating back (or summarizing) to the suspect what they had just said. *Current Situational Empathy* (CSE) involved showing understanding for the current situation of the suspect such as 'I understand that you are a smoker, should you at any time in the interview need a break, please let us know and we will stop the tapes and offer you this break'; 'I know it's difficult to remember, but try.' This is similar to Pounds (2019) classification of 'Expressing understanding of others feelings'. In this case, it was classified as the understanding of their current situation. *Retrospective Empathy* (RE) involved empathy for the interviewee at the time of the alleged crime; for example utterances such as 'I understand you were drunk at this time

and cannot now remember, however, I would like you to try to remember as much as possible, and please take your time.' The difference between CSE and RE is that the former gives an empathic response related to the current situation the interviewee finds themselves in, such as anything related to them in the interview room, related to the arrest or anything else in their current state – whereas the latter (RE) relates to empathic responses given about the situation at the time of the alleged crime. *Current situational empathy* exists in a well-delivered police caution (given in England and Wales before suspect begins talking). Therefore it was only coded for if it appeared in the interview itself (and not as part of the caution, in which it always occurred).

Empathic Reassurance (ER) was coded as an empathic response to an empathic opportunity given by the interviewee. For example, one participant gave the investigator an opportunity to react empathically by saying: 'I don't quite know which language to use'. The investigator then replied empathically by saying 'Whatever language you want to use in here is fine, if I have questions, I will then just ask you' (interestingly, in this particular interview, not only did the suspect then offer information, but in the subsequent five minutes confessed). It was coined 'Empathic Reassurance' instead of empathic response as the empathic response is a general response.

Only one suspect was uncooperative throughout saying 'no comment' to every question asked, regardless of the types of empathy displayed. Suspect information provision was found to be highest in those interviews where all five types of empathy mentioned above were present (see [Table 1](#)). A Spearman Rho correlation was conducted between amount of interviewer empathy (how many of the five types) and suspect information provision. A significant positive relationship was found ($r_s = .543, p < .016$).

TABLE 1 Empathy Types and Suspect Level of Information Provision.

Audio Rec.	CE	IE	CSE	RE	ER	Empathy Amt.	SIP
1	X	X	X	X		4	3
2	X	X	X	X	X	5	5
3	X	X	X			3	0
4	X	X	X			3	3
5	X	X				2	1
6	X	X	X		X	4	1
7	X					1	1
8	X	X	X			3	4
9	X	X	X	X	X	5	5
10	X	X				2	4
11	X	X	X			3	3
12	X	X	X	X		4	5
13		X	X		X	3	2
14	X	X	X	X	X	5	5
15	X	X	X			3	5
16	X		X			2	5
17	X	X	X	X	X	5	5
18		X	X			2	2
19	X	X	X	X		4	5

*CE=Continuous Empathy; IE=Indirect Empathy; CSE=Current Situational Empathy; RE=Retrospective Empathy; ER=Empathic Reassurance; SIP = Suspect Information Provision.

All types of empathy found did not have an emotional component (i.e. affective empathy) and were thus categorized as rational, cognitive types of empathy. Continuous empathy, indirect empathy, current situational empathy, retrospective empathy and empathic reassurance do not require the interviewer to experience any of the same emotions that the interviewee might be experiencing. Each of these types can be seen as solely rational and therefore were categorized as cognitive.

DISCUSSION

The results demonstrate that these police interviewers employed empathy in a cognitive manner, similar to the definitions given internationally by police interviewers in Baker-Eck et al. (2020). Furthermore, five types of empathy were found in these interviews: *Continuous Empathy*, *Indirect Empathy*, *Current Situational Empathy*, *Retrospective Empathy*, and *Empathic Reassurance*. The more empathy types were present,

the higher the provision of information. Specifically in all the higher cooperative interviews *Continuous Empathy* was present throughout.

As none of the empathic displays involved an emotional/affective component, all types of empathy found in the present study were forms of cognitive nature. Indeed, Baker-Eck et al. (2020) contended that appropriate empathic types within an investigative interview should be cognitive rather than affective, and they found that all of the English interviewers defined empathy only in a cognitive way.

The present study found empathy to be positively associated with suspect information provision through the provision of relevant information. Possible reasons for this include that, suspects may feel they have been treated with respect, understood and not judged (see Kebbell et al., 2006; Holmberg & Christianson, 2002). The openness that comes with

empathy may lead to a less stressful environment that enables suspects to decide to cooperate and reveal relevant information. Although each of the 19 interviews had received extensive training in the 'PEACE' method that involves a 'challenge account' phase, no empathy was displayed during this 'challenge phase'. In theory, the challenge phase (as the name hints) requires a direct focus on the objectives from the interviewer and is deemed to clarify any contradictions in the account versus the evidence in hand. Therefore, it is difficult to determine if empathy has a useful role in this phase of the interview. More research on this particular topic is needed.

LIMITATIONS AND FUTURE STUDIES

One of the limitations of this study (similar to other field studies) was the small number of interviews made available for analysis. A larger sample could help to identify more meaningful patterns with regards to the employment of empathy in criminal interrogations, including those beyond violent and sexual crimes to include "white collar" crimes that may attract a different type of criminal, one who may or may not respond to empathy in the same way as found in the present, pioneering study. By nature, a violent attack, which causes physical harm is very different than a financial scheme that may cause other (indirect) harm to the victim. The differing motives could possibly have an influence on the effectiveness of empathic interviews, as might the pressures the varying punishments for the differing crimes may hold.

Given that rapport-building (and empathy) is growing in its recognition within the realm of investigative interviewing (as seen above regarding Professor Juan Mendez's report), and that the relevant literature is starting to consider empathy as playing a major role in building such rapport, a thorough understanding and definition of empathy is essential to move research and practice forward. However, decades of research from various disciplines (Psychology, Philosophy, Sociology, Medicine) on this topic have revealed that empathy is quite complex and not easily defined or measured and rather difficult to assess in practice (Pounds, 2019).

It is widely accepted that prejudices and stereotypes influence human interactions and may bias behavior. Police interviewers may experience biases towards particular individuals such as suspects of sex offences, due to the nature and gravity of the alleged crimes (Minhas et al., 2016). Such biases may hinder them from displaying the empathy needed to maintain rapport with the interviewee and to gain information. Indeed research has demonstrated that beliefs about a suspect's guilt can influence interviewer behavior toward the suspect (Adams-Quackenbush et al., 2018; Meissner & Kassin, 2002, 2004).

Additionally, Browne et al. (2013) suggested that some sex offenders may have a deficit that hinders their response to empathy, though this was not found in the present study. This deficit may (among other factors) have allowed the (alleged) crime to be committed. Thus, the types of empathy employed during police interviews with suspects of sex offences could be further examined furthermore.

In conclusion, this study developed potentially useful codes for different types of empathy and it found cognitive empathy to have a positive association with suspect cooperation. Other types of empathy (such as affective empathy) may prove to be counter-productive and therefore studies on such other 'types' of empathy and their effects on the cooperation of suspects may be worth researching in future studies where such types of empathy are used.

ETHICAL APPROVAL

All procedures performed in the current study were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards. Data protection guidelines of the General Data Protection Act (2018) have been followed and all data remains anonymous. Informed consent was obtained from the police precinct in possession of the data.

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Evaluating the quality of investigative interviews

Evaluating the Quality of Investigative Interviews
Conducted After the Completion of a Training Program



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ABSTRACT

A previous study conducted in Sweden showed that criminal investigators who participated in a 6-month course, including a systematic and extensive training program based on a flexible protocol and during which they received extended supervision, were able to reduce their use of option-posing and suggestive questions and used more open-ended questions at the end of the training. However, that study did not determine whether the participants continued to employ preferred interview techniques in the months after the course concluded. In the present study, therefore, we evaluated interviews conducted by 66 Swedish criminal investigators who were given the same training as the previous participants. They attended four different courses between the autumn term of 2013 and the spring term of 2015. The present study specifically focused on changes in interview quality from before the course started, to the final interview at the end of the course and

interviews subsequently conducted four months after the course was completed. The coding distinguished between open-questions (invitations, directives) and risky questions (option-posing and suggestive prompts). We found that, over time, the participants made increased use of recommended types of questions (invitations and directive questions) and reduced use of risky question types (option-posing and suggestive questions). This suggests that the training program enhanced the investigators' interview behavior and that they maintained their good practices after completing the course. This is an important finding because inappropriate interviewing can undermine the legal rights of both alleged victims and suspects.

Keywords: *Investigative interviews, training, increasing open questions, decreasing risky questions*

GENERAL AUDIENCE SUMMARY

We evaluated 198 interviews conducted by 66 Swedish criminal investigators who attended four different six month-long courses on investigative interviewing. The current study specifically focused on changes in interview quality from before the course started to the final interview at the end of the course and four months after the course was completed.

We examined the proportions of open (invitations, directives) and risky (option-posing, suggestive) questions across the interviews. Our results showed that, over time, the participants increased the use of recommended types of questions (invitations and directives) and minimized the use of risky question types (option-posing, suggestive).

Our results suggest that the training program enhanced the investigators' interview behavior and that they maintained their good practices after completing the course.

Evaluating the quality of investigative interviews conducted after the completion of training program

INTRODUCTION

Previous research has shown that most criminal investigators do not follow international recommendations about how best to interview children in order to elicit accurate and detailed accounts of experienced events (Cederborg, Orbach, Sternberg, & Lamb, 2000; Korkman, Santilla & Sandnappa, 2006; Lamb, Brown, Hershkowitz, Orbach, & Esplin, 2018; Lamb, Hershkowitz, Orbach, & Esplin 2008; Lamb, Hershkowitz, Sternberg, Esplin, Hovav, Manor, & Yudilevitch, 1996). This means that investigators who ask many option-posing and suggestive questions can elicit less forensically valuable information and also undermine the perceived credibility of the child witness (Cederborg & Lamb, 2006; Cederborg, Alm, DeSilva, & Lamb, 2013; Tubb, Wood & Hosch, 1999). Such findings underline the need for training programs designed to enhance interviewers' abilities and skills (Lamb, Orbach, Herschkowitz, Esplin & Horowitz, 2007b; Milne & Bull, 1999; Orbach & Lamb, 2000).

Previous studies have also shown that classroom based training can increase knowledge about best possible practice but that such training often has limited effects on the quality of the interviews conducted after the completion of training (Aldridge & Cameron, 1999; Lamb, Sternberg, Orbach, Hershkowitz et al., 2002; Warren, Woodall, Thomas, Nunnoi, Keeney, Larson, & Stadfeld, 1999). However, when interviewers participate in a systematic and extensive training program based on a flexible protocol and continuously receive supervision and feedback on actual forensic interviews or during role play simulations they are able to reduce their use of undesirable interview techniques (e.g., asking option-posing and suggestive questions) and to increase their use of recommended techniques

(e.g., asking open-ended questions) (Cederborg et al., 2013; Cyr & Lamb, 2009; Lamb, 2016; Lamb, Orbach, Sternberg, Aldridge, Pearson, Stewart, & Bowler, 2009).

In a previous study conducted in Sweden, Cederborg et al. (2013) showed that criminal investigators who attended an extended 6-month course of this sort used more open-ended and fewer option-posing and suggestive questions at the end of the training than they had done before. However, Cederborg et al. did not determine whether the participants continued to employ preferred interview techniques in the months after the course concluded. In the present study, therefore, we evaluated interviews conducted by 66 Swedish criminal investigators who attended four different courses between the autumn term of 2013 and the spring term of 2015 and specifically focused on changes in interview quality from before the course started until four months after they completed the courses.

THE TRAINING COURSE

The training program has been offered to forensic interviewers since 2007 at the Department of the Police Authority in Stockholm, Sweden. Its structure and content is inspired by research on best practice interview training (Lamb et al., 2008). The structure of the course is mainly based on the National Institute of Child Health and Human Development (NICHD) Protocol (Lamb et al., 2008, 2018). This protocol is a structured and detailed interview guide showing interviewers how to prepare children cognitively to be informative before asking them about the alleged event, ideally avoiding prompts that can adversely affect children's informativeness when doing so (Lamb et al., 2008).

The Swedish program is focused on key concepts embedded in the NICHD Protocol rather than on details of the Protocol (Cederborg et al., 2013) in an attempt to encourage children to provide as much accurate information about their experiences as possible. The Protocol incorporates knowledge of children's cognitive, linguistic, and social abilities, in recognition of the fact that these factors can all limit children's informativeness. It encourages investigators to structure their interviews systematically. In particular, the course embraces and explains the structure and the sections of the NICHD Protocol, as it was described at the time of the data collection period. Specifically, the course described seven sections in which the interviewer first presents her/himself and his/her role, thereafter gives an introduction to the interview procedure, followed by a presentation of ground rules for the interview (for example, "Just tell me what really happened" or "Correct me if I say something that is wrong"), and the episodic memory training (practice in narrating a neutral event by responding to open-questions). This is followed by the substantial phase of the interview in which the interviewer openly asks about the event(s) under investigation. In the sixth section the interviewer closes the interview by thanking the child for participation in the interview. Finally, in the seventh section, the child is briefly asked about a neutral topic before the interview is ended (Lamb et al., 2008).

Although the Swedish training program was largely informed by the NICHD Protocol it is also influenced by the Revised NICHD protocol (RP) (Hershkowitz, Lamb, & Katz 2014; Lamb et al., 2018). The RP (Hershkowitz et al., 2014; Lamb et al., 2018) emphasizes the use of emotional and social support to help reluctant or uncooperative children to disclose abuse that they have experienced. When the RP was introduced to our trainees in 2014, participants were encouraged to be emotionally supportive throughout the interview process both verbally and non-verbally, for example by expressing care and by acknowledging and exploring children's feelings (example: "Tell me more about your anger"). They were also taught how to show appreciation for

the children's performance (example: "Thank you for telling me how you feel"), positively reinforce their efforts (but not the content of their utterances "You have told me a lot about your feelings"), and to offer words of encouragement ("You can really talk about your feelings").

The structure of the program also included elements drawn from the PEACE model developed for British police (Milne & Bull, 1999). This model illustrates a conceptual approach to investigative interviewing via several key components. Input from the PEACE model (Milne & Bull, 1999) is mostly derived from the last of the five components (1. Plan and Prepare, 2. Engage and Explain 3. Account, 4. Clarify and Challenge, 5. Close and Evaluate) with participants encouraged to self – evaluate their performances during the course by evaluating their interviews. To this end, participants show and analyze some of their video-recorded interviews and receive comments from the other participants and the trainers. Evaluative skills are also taught through an examination project in which participants analyze their development as interviewers based on three coded interviews conducted during the course.

The content of the course

The 6-month long university-based courses analysed in this study were offered twice each year through three full days of lessons each month at the Department of The Police Authority. All the participants were actively investigating allegations of child abuse in Sweden.

The teaching was interdisciplinary and addressed developmental psychology, children with special needs, and legal issues. Lectures focused on investigative interviewing highlighted the fact that the types of questions asked can influence the accuracy of the reports and thus emphasized that interviewers should give priority to open-questions because such prompts elicit more accurate responses (see review by Lamb et al., 2007a). Outside lectures, the participants were assigned books and papers to read and projects to complete.

Most importantly, the courses included systematic training on how to interview children because previous research has shown that effective training needs to include repeated practice and systematic feedback such as monitored simulations and analysis of real forensic interviews (see for example Lamb, 2016; Lamb et al., 2002).

Therefore the participants simulated interviews with alleged children where they received verbal feedback on how to increase their use of open questions. To obtain feedback on real interviews, the participants had to submit transcripts of their interviews for assessment three times during the course. The first interview was conducted before the course began, the second was conducted in the middle of the course and the third at the end of the course. In order to pass the course, the participant had to achieve an acceptable standard on the third interview--using open-questions as much as possible, refraining from suggestive prompts, and structuring the interviews as recommended. Those who did not reach an acceptable standard were asked to conduct further interviews until they achieved the desired standard. In addition, the examination of the course implied that the participants analyzed their first, second and third coded interviews on which the instructors had provided feedback (Milne & Bull, 1999).

Instructors on the course repeatedly reminded participants that the accuracy of reports is dependent on the interviewer's ability to communicate effectively and on the children's abilities to remember and report their experiences (Saywitz, Nathanson, & Snyder, 1993). Instructors emphasized that, to help children respond accurately to their questions, interviewers have to adjust their language to the children's linguistic level (Carter, Bottoms, & Levine, 1996; Saywitz & Camparo, 1998; Korkman, Santilla, Drzewiecki, & Sandnappa, 2008) and should ask short questions because long questions can elicit short and non-informative answers when children are confused (Korkman et al., 2006). The investigators were also encouraged to refrain from rapidly asking many focused questions and were instead

encouraged to wait for the children's answers and to encourage them to describe as much as possible about experienced event in their own words.

During the course, instructors also emphasized that the participants had to consider that many developmental factors can influence children's abilities to remember and describe their experiences, for example their age, linguistic abilities, how many incidents have occurred, how they understood the events that happened, and the delay between the events and the interview. They should also be aware that younger children may report less information and be more suggestible than older children (see for example Ceci & Bruck, 1993; Nicol, La Rooy, & Lamb, 2017).

During each meeting with the participants, lecturers emphasized international recommendations about investigative interviewing, including the importance of interviewing children as quickly as possible after the allegation arose and of not interrupting children's reports. They were taught that open-ended questions are free recall questions because such prompts give children opportunities to provide more accurate and richer information than recognition based questions (option-posing and suggestive prompts) do (Lamb et al., 1996; Orbach & Lamb, 2000; Sternberg, Lamb, Orbach, Esplin, & Mitchell, 2001). This is specifically important when encouraging young children and children with intellectual disabilities to produce as much accurate information as possible (Brady, Poole, Warren, & Jones, 1999; Cederborg & Lamb 2008; Cederborg et al., 2013; Dent & Stephenson, 1979; Lamb & Fauchier, 2001; Milne, 1999; Orbach & Lamb, 2000; Westcott, 1993).

Course participants were taught to use open prompts whenever possible in the substantial part of the interview while asking as few option-posing questions as possible and avoiding suggestive prompts entirely. During the substantial phase of the interview, interviewers were similarly encouraged to use invitations (for example "Tell me why you came to me today") as often as possible, because such questions allow children to introduce

their experiences themselves and to freely recall information from memory without direction or contamination by the questioner. This maximizes the likelihood that the information provided will be accurate (Lamb et al., 2008). When children provide information, interviewers should try to follow the children's responses by asking further open-ended prompts ("You said he did X. Tell me more about that." Or "Tell me everything that happened" from----until----"). If children did not disclose spontaneously, interviewers were encouraged to ask non-suggestive questions that may become increasingly focused, although any reference by the child to possible abuse should prompt the interviewer to ask open-questions.

When more focused questions were necessary, interviewers were encouraged to ask open directive questions ("What colour was that shirt?"), which refocuses the child's attention on details or aspects of the event the child has previously mentioned but leave the respondent to choose a response freely (Cederborg, 2015; Cederborg et al., 2013). However, when they ask more narrowly focused questions, such as option-posing and suggestive prompts, interviewers demand that children choose among options provided by the interviewer ("Was that inside or outside your clothes?" or "Was it during summer or winter holidays?") or reveal the interviewer's hypotheses about what may have happened ("That must have hurt, right?"). When using option-posing questions, interviewers focus on details not previously mentioned by the child whereas suggestive prompts also highlight the expected response. As a result, both option-posing and suggestive questions bias children's responses and thus decrease the likelihood that the elicited information will be accurate, and so such questions should only be used when necessary and as late as possible in the interview to elicit essential information that the child has not mentioned spontaneously. When such questions were asked, the interviewers were told that they should encourage children to follow up with an open-ended question (e.g., 'Did he hit you?' 'Yes' 'Tell me all about that'). The participants were informed orally and

in writing how they could transform their use of option-posing and suggestive questions into a more open questioning style.

Interviewers were also encouraged to elicit information about specific incidents, both because such accounts tend to be richer and more detailed than generic accounts and because it is sometimes necessary to specify specific incidents for legal reasons. This is specifically important when children have been abused repeatedly, because the common elements may be remembered as scripts, with children providing answers about generic or typical events rather than specific details about particular incidents. Questions such as "Tell me everything that happened the first time that happened" focus on specific incidents from among a number that have been mentioned (see for example Lamb, Orbach Hershkowitz, Horowitz, & Abbott, 2007a; Lamb, Orbach, Hershkowitz, Esplin & Horowitz, 2007b) (see Cederborg et al., 2013 for further information about the content of the course.).

Because the aim with this study was to determine whether the participants had maintained an acceptable standard of interviewing, we asked the participants to submit a transcript of a fourth field interview four months after the courses were completed, which means they were not awarded a certificate of completion until they have sent an acceptable fourth interview. In the present study, we analyze the first (baseline), third (end of course), and fourth (delayed) (in one case the fifth, see under Participants) interviews performed by participants who attended the course between 2013 and 2015. We hypothesized that the criminal investigators would continue to conduct interviews of high quality because the training program included intensive training and on-going feedback (Lamb, 2016; Lamb et al., 2002).

ETHICAL CONSIDERATIONS

This study received ethical approval from the Ethical Committee at Karolinska Institute, Stockholm, Sweden (Dnr 2018/1921-31). The identities of the investigators and their personal details were not

included in the analysis of the data. The data are kept safe at the Department of The Police Authority in Stockholm, Sweden.

PARTICIPANTS

Seventy criminal investigators, 58 women and 12 men, participated in the four investigative interviewing courses that took place between autumn 2013 and spring 2015. Two women did not submit their third interview, one woman submitted only the first interview, and one man did not submit his fourth interview so the study involved 198 coded interviews conducted by 66 participants. One of the participants did not pass the quality assessment of the fourth interview but was approved on a fifth interview. When excluding this participant, the mean and median time between the third (end of course) and fourth interview was 122 days ($M=4$ months, $SD=27$ days), with a range of 61 to 183 days (2-6 months). For the participant who passed on the fifth interview, the delay from the third to the final interview was 244 days. We analyzed the data both with and without this participant and the results were identical. Therefore this participant was included when calculating the means for the delayed interviews.

The first, third and fourth videotaped interviews studied were transcribed verbatim by the police authorities where the participants worked. The transcribed interviews were then sent to the course administration for quality analysis. For ethical reasons, we did not have access to the complete case files, only the transcribed investigative interviews. Of the 198 children, 93 were boys and 104 were girls (the gender was missing in one case). The children's ages were known in 147 cases; these children averaged 10,3 years of age (range 3-17 years). In 20 cases, the type of crime was unknown, but most of the remaining children were suspected victims of physical (103) and sexual abuse (48) followed by gross violation of integrity (repeated offences against a relative including molestations, assaults and sexual offences) (14), unlawful threats (9), and robbery (4).

METHOD

Two trained coders independently assessed the quality of the questions asked in the substantive section of the interviews. The focus of the questions in this section are on the children's experiences of the alleged crime. The main coding was of the types of questions asked by the investigators with focus on the relative prominence of open (invitations and directive prompts) and risky focused (option-posing and suggestive prompts) questions, using definitions provided by Lamb et al. (1996, 2007, 2008).

Open Questions

Invitations

This type of utterance includes questions, statements, or imperatives that prompt free recall responses from the child (for example "Tell me everything that happened" or using details disclosed by the child as cues "You told me your father hit you. Tell me everything about that").

Directive utterances

This question type refocuses the child's attention on details or aspects of the event the child has previously mentioned and mostly request additional information by using Wh – and how questions ("How did he hit you" or "What did he say").

Risky questions

Option-posing prompts

This type of prompt focuses on details not previously disclosed by the child by asking the child to affirm, negate, or select an interviewer-provided option ("Was he angry?" "Did this happen on Wednesday or Thursday?")

Suggestive prompts

Such an utterance communicates what response is expected or assume details that has not been revealed by the child ("She hit you, didn't she?").

Coding

The first author of this paper was trained by experts at NICHD in Bethesda USA, until she achieved 95% inter-rater reliability with them. Since then she

continued to discuss and code alongside expert coders in USA and Israel. In this study, the question types in the substantive part of the interviews were coded independently by two other trained coders. The first author of this paper trained the second coder to code investigative interviews and she was deemed reliable when they reached 95% agreement. The second coder then trained the first coder of this paper to the same degree of reliability. The first coder coded all the interviews in this study and the second coder independently coded the question types in the substantial phase of every fifth interview in the data set. Any disagreements were resolved through discussion. When agreement was not possible, they discussed discrepancies with the first author of this paper. The coders interrater reliability was 93%. The second coder tabulated the results in an Excel file for further analytic processing.

RESULTS

To examine how the proportions of open and risky questions varied across the three interviews, we first summed the numbers of each type of question in each of the interviews, and divided by the total score. Mean proportions for each type of question across the three interviews are presented in Figure 1 (see Table 1 for means and standard deviations). The figure shows a general trend towards the increasing use of open and the decreasing use of risky questions from before to after training. To assess changes in the quality of the interviews (indexed by the types of questions asked) across the three interviews, four one-way ANOVAs were conducted using interview [first, third, fourth interview] as a repeated measures variable, and the proportion of each type of question as dependent variables in separate analyses. Bonferroni corrections were used to control for multiple comparisons in the simple contrasts.

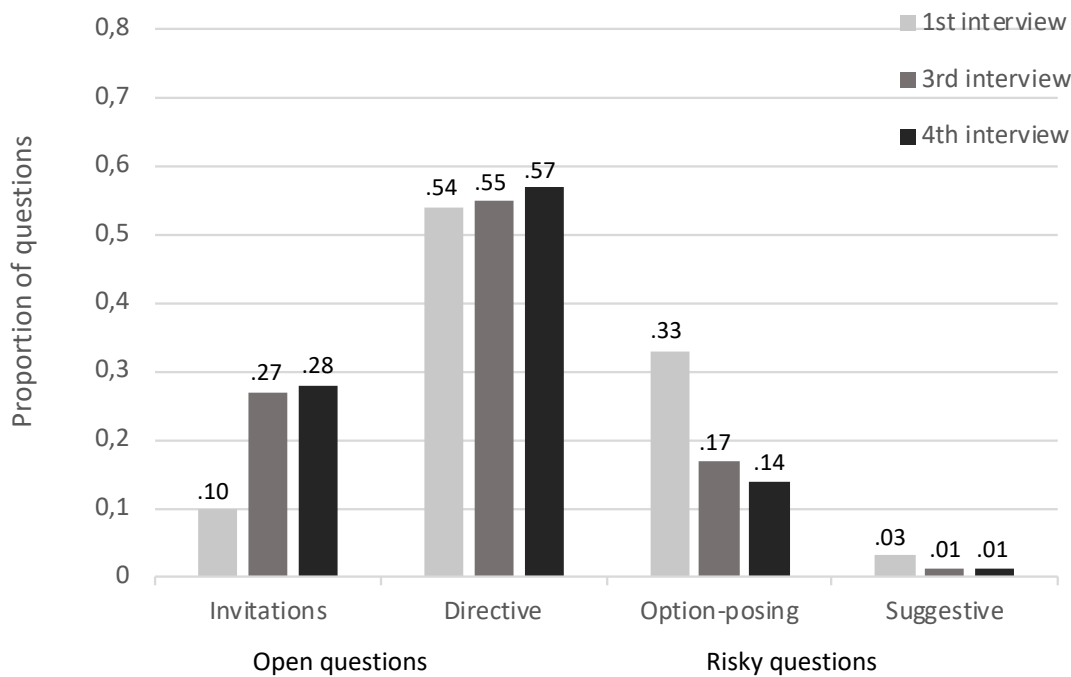


FIGURE 1 Proportions of open (invitations and directive) and risky (option-posing and suggestive) questions asked in the first, third, and fourth interviews (N=66). Proportions were based on the sum of the four questions examined in the current study.

The analyses revealed significantly larger proportions of invitations asked after than before training, $F(2,130)=60.6$, $p<.001$, $\eta_p^2=.48$. More invitations were asked in both the third ($p<.001$,

$d=1.82$) and the fourth ($p<.001$, $d=1.98$) interviews than in the first one. There was no difference between the proportions asked in the third and fourth interviews ($p=.10$). The proportion of directive

questions asked did not change significantly from the first to the third and fourth interview, $F(2,130)=1.55, p=.7, \eta_p^2=.02$. The use of *option-posing* questions decreased substantially across the three interviews, $F(2,130)=86.11, p<.001, \eta_p^2=.57$. Significantly fewer questions of this type were asked in both the third ($p<.001, d=1.31$) and fourth ($p<.001, d=1.16$) interviews than in the first. There was also a decrease in the proportion of *suggestive* questions asked across the three interviews, $F(1.67,108.80)=11.92, p<.001, \eta_p^2=.16$. Fewer suggestive questions were asked in both the third ($p<.05, d=.31$) and fourth ($p<.001, d=.49$) interviews than in the first one. There was no significant difference between the proportions asked in the third and fourth interviews ($p=.18$).

To compare the changes in question type usage at a more general level, we next combined the mean proportions of the two types of open questions (invitations and directive), and of the two types of risky questions (option-posing and suggestive), respectively (see Figure 1). Using these means, we conducted ANOVAs, again using interview as a

repeated measures predictor and the proportions of open vs. risky questions as dependent variables in separate analyses. All simple contrasts were Bonferroni corrected.

An analysis showed a sharp increase in the proportion of *open questions* asked across the three interviews, $F(2,130)=98.82, \eta_p^2=.60$. Simple contrasts analyses showed that the use of open questions increased from the first to the third ($p<.001, d=1.41$) and fourth ($p<.001, d=1.26$) interviews. There was no significant difference between the proportions asked in the third and fourth interviews ($p=.09$).

As expected (because all questions were coded as either open or risky), the analyses of risky questions mirrored analyses of the open ones. Hence, there was a decrease in the use of risky questions from before to after training, $F(2,130)= 98.82, \eta_p^2=.60$, with significantly fewer risky questions asked in the third ($p<.001, d=1.41$) and fourth ($p<.001, d=1.26$) interviews than in the first one. There was no significant difference between the proportions asked in the third and fourth interviews ($p=.09$).

TABLE 1 Proportions of open and risky questions asked in the first, third, and fourth interviews (N=66).^a

Question type	Open questions			Risky questions		
	Invitations	Directive	Open all	Option-posing	Suggestive	Risky all
1 st interview	M 0.10	0.54	0.65	0.33	0.03	0.35
	SD (0.07)	(0.12)	(0.13)	(0.12)	(0.03)	(0.13)
3 rd interview	M 0.27	0.55	0.82	0.17	0.01	0.18
	SD (0.16)	(0.16)	(0.12)	(0.12)	(0.03)	(0.12)
4 th interview	M 0.28	0.57	0.85	0.14	0.01	0.15
	SD (0.13)	(0.11)	(0.09)	(0.09)	(0.01)	(0.09)

^a Proportions were based on the sum of the four questions examined in the current study. Other types of questions asked in the interviews were not included.

DISCUSSION

The previous evaluation of the Swedish training program (Cederborg et al., 2013), the present evaluation, and other studies of the NICHD Protocol training (Cyr & Lamb, 2009; Cyr., Dion., McDuff, & Trotier-Sylvain, 2012; Hershkowitz, Ahern, Lamb,

Blasbalg, Karni-Visel, & Breitman, 2017; Lamb et al., 2002; Lamb et al., 2008; Orbach & Lamb 2000; Sternberg, Lamb, Orbach et al., 2001) have similarly shown that trained participants reduce their use of option-posing and suggestive questions and increase their use of open questions over the course

¹F – and df-values were corrected since the effects did not meet Mauchley's sphericity test.

of training. However, the Swedish program is unique because it involves a great number of participants who were trained not to use a detailed Protocol, but to structure their interviews in accordance with the NICHD Protocol. Compared to other NICHD training courses, the Swedish training program is longer and less detailed. It involves repeated meetings over a period of six months during which the participants are taught about the Swedish rules of evidence, recommended interview techniques, child development, psychmedical diagnoses, and their possible effects on the interview situation. However, both other courses and the Swedish program encourage participants to use evidence based interview techniques when interviewing child witnesses. The participants receive verbal and written feedback on role play interviews as well as on their actual forensic interviews. They are also shown how they can evaluate their own and other participants' interviews in order to elicit information from young interviewees that is as accurate as possible (see for example Lamb et al., 2002). Such systematic and extensive training has been shown to be most successful when training of interviewers (Cederborg et al., 2013; Cyr & Lamb, 2009; Hershkowitz et al., 2017; Lamb, 2016; Lamb et al., 2002; Lamb et al., 2009).

The results of the current study showed that, over time, interviewers made increased use of recommended types of open questions (first interview 65% – fourth interview 85% (invitations 10 % vs 28% and directive questions 54% vs 57%, respectively) and reduced their use of risky question types (first interview 35% – fourth interview 15% (option-posing questions, 33% vs 14% and suggestive questions 3% vs 1%, respectively). The criminal investigators were encouraged to use open invitations in place of the narrower directive questions that they appeared to prefer and to use directive questions when they wanted to elicit additional information about events that the children has previously mentioned. They were also encouraged to ask fewer option-posing questions and there was a large and significant decrease in the number of option-posing questions asked in the third and fourth interviews. As intended, the number

of suggestive questions also declined following training and the reduced usage was still evident as long as four months after the course ended.

These findings are encouraging because option-posing and suggestive prompts, compared to invitations and directive questions, can reduce the accuracy of children's reports (Dale et al., 1978; Dent & Stephenson, 1979; Lamb et al., 1996; Lamb & Fauchier, 2001; Oates & Shrimpton, 1991). It was especially gratifying that the investigators maintained their skills interviewing after completing the course as the quality of children's reports depends on how they are interviewed (Malloy, LaRooy, Lamb & Katz, 2011).

In Sweden, it is very important that the quality of forensic interviews is high because children under the age of 15 are not expected to testify in court. Instead, prosecutors and the court assess the quality of the interviews and assess the child's credibility based on their judgement of the interview. This means that lack of quality in the interviews can mean that cases are not prosecuted or that difficulties arise when determining children's experiences of abuse (Cederborg & Lamb, 2008; Cederborg et al., 2013). Unfortunately, we do not know how the prosecutors and judges assessed the interviews we studied.

Taken together, the present findings indicate that the training program influenced the criminal investigators' interviewing behavior, helping them to maximize the quality of the information elicited from the alleged victims (e.g. Lamb et al., 2000; Lamb & Brown, 2006), and that these improved practices were maintained after completion of the course. The training's effectiveness may be attributable to the extended provision of verbal and written feedback on simulated and actual forensic interviews.

One important limitation of this study was that there was no control group of investigators who did not undergo training, but conducted interviews across the same span of time. While an ideal design for this kind of intervention study should include such

group, it was not possible to do so with the available resources. The lack of a comparison group means that we cannot be certain that it was the training rather than some other factor that accounted for changes in the quality of interviewing over time. The findings are nevertheless important because they suggest that the improvements in interview practice were sustained as long as four months after the training had ended. These and similar previous findings (e.g., Cederborg et al., 2013) suggest the importance of further, better controlled, research addressing the role of interview training.

Another limitation is that we did not determine whether the children provided more accurate information as the quality of the interviewing improved. Moreover, this study did not determine whether the questions asked were developmentally and linguistically appropriate because we did not know whether the children had any intellectual disabilities or how old they were. However, regardless of children's ages and diagnoses, investigators should follow international recommendations on how to interview children. This study as well as the previous evaluation of the program (Cederborg et al., 2013) showed that the investigators' skills improved greatly over the course of the training.

A further limitation is that one participant took longer to achieve the expected degree of efficacy and so had more time to develop interview skills. On the other hand, most of the participants sent their fourth interviews to the course administration within the set delivery time, and were then awarded a certificate.

In addition, the four-month follow up interview was based on one self-selected interview, which means that this interview may not have been representative of the interviewer's typical skills and practices. The trainees knew that the interview was going to be reviewed and therefore may have selected their best interview rather than a representative one.

In spite of these limitations, the Swedish training program clearly benefited the majority of the participants and their improved interviewing style was maintained after the training ended (see for example Cederborg et al., 2013; Lamb et al., 2002). The participants convincingly showed substantial and sustained improvements regardless of possible differences in the characteristics of the interviewed children. This is an important finding because inappropriate interviewing can undermine the legal rights of both alleged victims and suspects (Cederborg & Lamb 2006).

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Psychological Persuasion in Suspect Interviews:

Reid, PEACE, and Pathways Forward



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ABSTRACT

The questioning of suspects is a vital part of many law enforcement investigations. The inherent hesitation of suspects to provide information when questioned, however, has meant that interviewing approaches such as the Reid technique have included psychological persuasion tactics to overcome this resistance (e.g., minimization and maximization). In recent years the negative outcomes associated with accusatorial Reid-based approaches (e.g. false confessions, voluntariness concerns) has led to the creation of a new information-gathering approach known as the PEACE model. Research has shown that following PEACE-based approaches can allow interviewers to gather more accurate information from suspects while largely avoiding the potential to cause false confessions. In the current paper we argue that (a) PEACE-based approaches continue to contain

a variety of psychological persuasion tactics and such tactics underly the success of the model, (b) the primary strength of PEACE-based approaches is the desired outcome of the interview process (information vs. a confession) as opposed to a lack of persuasion, and (c) that psychological persuasion is an inherent component of any effective suspect interviewing approach within our current justice system. We hope that presenting these arguments will help generate a more nuanced and critical discussion of the role of psychological persuasion within suspect interviewing.

Keywords: *Suspect Interviewing, Psychological Persuasion, Reid Technique, PEACE Model, Evidence-Based*

GENERAL AUDIENCE SUMMARY

The questioning of suspects is vital for the effective investigation of crime, as the suspect, if they did commit the crime, is likely to be the best source of information about the incident. An effective interviewing approach is one that allows the interviewer to generate extensive inculpatory information from guilty suspects and exculpatory information from innocent suspects - information that can then be used to make informed decisions regarding next steps in the investigative process (e.g., release, lay charges).

The inherent hesitation of suspects to provide information when questioned, however, has meant that traditional interviewing approaches have taken an accusatorial approach that includes several psychologically manipulative persuasion tactics to overcome this resistance (e.g., minimizing the seriousness of the crime).

Due to the negative outcomes associated with accusatorial tactics (e.g. false confessions, voluntariness concerns), new information-gathering approaches have been designed that avoid such tactics and instead rely heavily on rapport-building. While effective in eliciting information, we argue that (1) such approaches continue to contain a variety of psychological persuasion tactics and such tactics underly the success of the models and (2) psychological persuasion is an inherent component of any effective suspect interviewing approach within our current justice system.

We hope that presenting these arguments will help generate a more nuanced and critical discussion of the role of psychological persuasion within suspect interviewing.

Psychological Persuasion in Suspect Interviews:

Reid, PEACE, and Pathways Forward

INTRODUCTION

The importance of questioning suspects to the effective investigation of crime is well-recognized. It is the suspect who, if they did in fact commit the crime, is likely to be the best source of information about the incident (*R v. Singh*, 2007). The fundamental goal of a suspect interview is to generate as much detailed and accurate information as possible from the interviewee regarding his or her involvement, or lack thereof, in a crime. An effective interviewing approach should therefore generate extensive inculpatory information from guilty suspects and exculpatory information from innocent suspects – information that can then be used by individuals within the justice system to make informed decisions regarding next steps in the investigative process (e.g., release, lay charges). There are numerous reasons, however, why suspects are hesitant to cooperate with the interviewer and instead choose to provide no information or untruthful information (e.g. fear of legal consequences, embarrassment, anxiety; see Vrij et al., 2017). In recognition of this reality, interviewing approaches have typically included intentional persuasive interventions from the interviewer designed to overcome a suspect's resistance to providing the maximum amount of truthful information. The primary argument of the current article is that persuasion is an inherent component of any effective suspect interviewing model – including current best practice information-gathering approaches such as the PEACE model – and that a fuller acknowledgement of this fact will allow the interviewing field to move forward in a more productive manner.

PART 1 - OVERVIEW OF SUSPECT INTERVIEW MODELS

Historically, interviewer-initiated persuasive interventions often consisted of physical abuse and deprivation of necessities known colloquially as “third degree” tactics (see Leo, 2008 for a historical overview of suspect interviewing practices). Beginning in the 1930s, however, concerns surrounding their ethical nature and the reliability of obtained confessions slowly led physically-based persuasion approaches to be replaced with psychologically-based ones. To clarify, we define persuasion in this context as intentional actions undertaken by the interviewer that increases the likelihood that the interviewee will comply with requests for information. Chief among these new psychologically-based persuasion approaches was the Reid Technique (henceforth referred to as Reid; Inbau, Reid, Buckley, & Jayne, 2013), and it remains the best-known model in much of North America. The Reid questioning process consists of two stages: (1) an initial non-accusatory interview phase in which the suspect's verbal and non-verbal behaviour is assessed for signs of guilt and (2) a 9-step interrogation phase that is entered when the suspect is deemed to be guilty. The interrogation phase contains a variety of persuasion techniques designed to increase a suspect's compliance with the interviewer's request for truthful information (e.g., shutting down denials, alternative question). Given that only suspects deemed to be guilty in the opinion of the investigator move forward to the 9-step interrogative process, the pursuit of truthful information for those utilizing the Reid technique is synonymous with obtaining admissions of guilt.

Although more extensive critiques of Reid-based approaches can be found elsewhere (see Kassir et al., 2010), concerns with the approach have

centered on three interrelated components: (1) dubious deception-detection strategies that can allow innocent suspects to enter the 9-step interrogation process, (2) a single-minded focus on a confession once the 9-step process is begun, and (3) the use of psychological persuasion tactics – often categorized as minimization and maximization – designed to reduce the suspect's resistance to providing a confession [e.g., appealing to the suspects self-interest or conscience and providing rationalizations for their behaviour (minimization; see Kelly, Russano, Miller, & Redlich, 2019); emphasizing the futility of denying their involvement in the crime given the supposed evidence (maximization); see Inbau et al., 2013 for further examples]. These three components may interact to create the ultimate failure of the suspect interview process – a false confession from an innocent suspect. The propensity for Reid-style approaches to create false confessions has been demonstrated within both laboratory paradigms and real-world cases (see Kassin & Gudjonsson, 2004 and Kassin et al., 2010 for reviews).

Due to the aforementioned concerns with Reid and similar methods, a new approach to suspect interviewing known as PEACE was designed and outlined in the early 1990s in the UK (see Milne & Bull, 1999). Developed via a collaboration between experienced practitioners and academics, PEACE is an acronym that corresponds to the five stages of the interview process (Planning and Preparation, Engage and Explain, Account, Closure, Evaluation). The overarching process of the model is to build rapport with the suspect, have the suspect generate as much information as they are willing and able to give regarding the crime in question, compare the provided information against itself for internal consistency and against other case evidence, and then offer the suspect an opportunity to resolve any inconsistencies between his or her account and other evidence and/or to resolve any internal inconsistencies in their account (i.e., the challenge phase; see Snook, Eastwood, & Barron, 2014). Throughout the process interviewers should remain open-minded and non-accusatory and focus on generating dialogue – regardless of the veracity of

the content – as opposed to shutting down denials and only accepting information consistent with an admission of guilt.

Many experts in the field have argued that PEACE and similar non-accusatory information-gathering approaches accomplish the goal of suspect interviews more effectively than Reid-based approaches (i.e., obtain the maximum amount of detailed and accurate information from suspects; Snook et al., 2014; Vrij et al., 2017).¹ More specifically, PEACE allows interviewers to generate extensive inculpatory information from guilty suspects while largely avoiding the potential for false admissions from innocent suspects. Although extensive real-world comparisons are rare, laboratory research and smaller-scale examinations provide direct support for this assertion (see Meissner et al., 2014 for a review). As such, PEACE is largely considered the current best practice for questioning suspects, and PEACE-based interviewing models have been incorporated into law enforcement organizations across the world (e.g., New Zealand, Norway, Canada; see Snook, Eastwood, Stinson, Tedeschi, & House, 2010).

PART 2 - PEACE AND PSYCHOLOGICAL PERSUASION

A key differentiating feature of PEACE-based models is that they do not utilize the potentially problematic persuasion tactics that are contained within Reid-based approaches (e.g., maximization and minimization) and generally discourage direct attempts to convince the suspect to confess. While this has led to PEACE being criticized by some practitioners for limiting their ability to question uncooperative suspects effectively (e.g., McLeod, 2011), it has also led PEACE-based models to be characterized as less coercive and manipulative than Reid-based accusatorial approaches (Snook et al., 2014). Information-gathering approaches, however, operate under the same reality that all suspect interviewing approaches do – suspects will often be hesitant to cooperate and provide information freely during the interview. This raises the first question under consideration in the current paper: Do PEACE-based models allow interviewers to

effectively elicit diagnostic information without the use of psychological persuasion tactics designed to reduce this resistance?

The success of information-gathering approaches such as PEACE are contingent largely upon the suspect being willing and able to provide extensive information during the interview process. The primary means of ensuring the suspect complies with the interviewer's request for information is through the building and maintaining of rapport – defined broadly as a productive working relationship between the interviewee and interviewer (see Abbe & Brandon, 2013, 2014; Brandon & Wells, 2019; Vallano & Compo, 2015). While conceptualizations of rapport vary considerably between contexts, it is commonly acknowledged that establishing and maintaining rapport is essential to conducting an effective investigative interview (Bull, 2019). The rapport-building process within PEACE-based approaches involves a variety of interviewer-initiated behaviours – begun in the initial stages of the interview and continued throughout – including: (1) personalizing the interview (e.g., establishing preferred names, handshake), (2) meeting practical needs such as water, food, and bathroom breaks, (3) self-disclosure related to topics of mutual interest (often identified through the pre-interview research), (4) demonstrating empathy and understanding toward the suspect's individual circumstances, and (5) explanation of interviewee processes (e.g., recording of interview, route map; see Milne & Bull, 1999; Shepherd & Griffiths, 2013; Snook et al., 2010).

Many of the techniques that are designed to build rapport are related directly to well-established persuasion tactics (see Cialdini, 2001). For example, people are much more likely to comply with requests from people that they like (Principle of Liking), and one of the key predictors of liking is similarity – people like those that are similar to them. Self-disclosure and engaging in discussions of mutual shared interests during rapport-building capitalizes directly on this principle, as it changes the dynamic from stranger/police officer-suspect to two people with shared background and/or

interests. This newly established similarity in turn increases the probability that the suspect will be willing to comply with the interviewer's request for information later in the interview. People also feel compelled to repay in kind when given something, particularly when the giving is unexpected and unsolicited (Principle of Reciprocity). This principle is activated through various means during rapport-building, such as providing the suspect with food and water, meeting any specific individual needs, treating with them with respect, providing permission to use interviewer's first name, engaging in self-disclosure, and taking the time to articulate the expectations and routines of the interview. All these unsolicited prosocial behaviours can help create the psychological pressure for the interviewee to reciprocate by engaging in the interview process more fully when requested by the interviewer, and reciprocity has been acknowledged as a “major facilitator of conversation” in investigative interviews (Shepherd & Griffiths, 2013, p. 21).²

Of course these examples are not exhaustive, and additional actions such as having suspects commit to the interview expectations like telling the truth (Principle of Consistency) and stressing the unique contribution of their perspective on the crime under investigation (Principle of Scarcity) can also increase the probability of compliance with requests for information during the interview (see Cialdini, 2006 for further discussion of these and related techniques). Rapport-building, therefore, can be viewed as a strategic enterprise designed to increase the interviewee's compliance with the interviewer's request for information. The underlying motivation for utilizing rapport-building tactics may differ between interviewers, ranging from genuine concern for the suspect's well-being to using them for purely instrumental purposes. Given its strategic utility, however, investigators typically seek to develop rapport not because it is a desirable interactive state in and of itself but as a means to an end – creating an atmosphere in which the interviewee will want to talk to the interviewer (Brandon & Wells, 2019; Centrex, 2004). The successful creation of this atmosphere is in

turn dependent on the active and intentional usage of psychological persuasion techniques by the interviewer.

PART 3 – PSYCHOLOGICAL PERSUASION: OUTCOME AND PROCESS

Far from being free of psychological persuasion, PEACE-based interview approaches contain several well-established and highly effective persuasion tactics. As Shepherd and Griffiths have noted, interviewers have no choice but to exert influence if they wish interviewees to engage actively and collaboratively in conversation (Shepherd & Griffiths, 2013). The use of psychological persuasion, however, is not inherently inappropriate or unethical (see Hartwig, Luke, & Skerker, 2017 for a discussion of the ethicality of interrogation approaches). In fact, persuasive techniques are used routinely for ostensibly pro-social outcomes in many real-world contexts – ranging from charities offering free samples to increase donations to parents altering screen time privileges to ensure the consumption of vegetables (see Cialdini, 2006). Moving to the justice system specifically, it is in society's best interest for suspects to provide information during interviews regarding their involvement in a crime to allow investigations to be resolved successfully. Given the inherent hesitation of many suspects to provide this information, however, the use of persuasive tactics is unavoidable if this goal is to be achieved.

If all effective suspect interviewing approaches contain psychological persuasion, then this raises the second question addressed in the current paper – is the preference for PEACE-based approaches within the interviewing literature justified?

In short, yes. The fundamental difference between information-gathering approaches such as PEACE and accusatorial approaches such as Reid is not the presence or absence of psychological persuasion, but the end goal of the persuasion process.

As outlined above, interviewee guilt is assumed once the Reid 9-step process has begun, and therefore the desired outcome is a confession and persuasion tactics are geared solely toward generating an admission of guilt. Within PEACE-based approaches,

however, the interviewer ought to remain open minded and make no initial assumption of guilt, and therefore the desired outcome is simply information and persuasive tactics are geared toward the goal of maximizing information disclosure – regardless of the content or veracity of the information.

This fundamental difference in desired outcome has at least two important consequences for the interview process. Firstly, PEACE-based approaches can help mitigate the potential for confirmation bias and inappropriate assumptions about the suspect's behaviour by the interviewer. The interviewer is taught to remain objective and consider all provided information with an open mind as opposed to viewing it through a guilt-presumptive lens as occurs with Reid-based approaches. This in turn limits the potential for interviewers to apply high levels of overt pressure on the suspect in order to secure a confession as seen in Reid-based approaches (see Kassin, Goldstein, & Savitsky, 2003) – as no assumptions about guilt have been made prior to beginning the interview process – and ultimately greatly lessens the potential for the generation of a false confession.

Secondly, PEACE-based approaches encourage dialogue and information disclosure by the suspect, as opposed to shutting down denials and only allowing utterances consistent with the interviewer's assumptions as is seen in Reid-based approaches. Employing a dialogue-encouraging approach (1) helps avoid concerns regarding oppression and makes it more likely that any statement made will be admissible in subsequent judicial proceedings, (2) produces information that can be compared to other case evidence to allow culpability to be established in a more objective way as compared to traditional deception detection techniques (e.g., reading body language, see Vrij, 2008 for a review of the problems with these techniques), and (3) even if a full confession is not obtained, it creates the possibility of smaller admissions that can be used to help establish guilt or innocence as opposed to the confession-or-nothing outcome seen typically with Reid-based approaches.

PART 4 – FUTURE DIRECTIONS

Given that PEACE-based information gathering approaches have been recognized as the most effective way of questioning suspects (Madon, More, & Ditchfield, 2019; Russano, Meissner, & Kelly, 2019), this leads to the third and final question – why should we care that they include psychological persuasion techniques designed to maximize information disclosure from suspects? There are at least two important implications of this reality within the field of investigative interviewing.

First, the recognition of psychological persuasion within PEACE-based approaches creates a more complex and nuanced view of the ethicality of the interviewing approaches currently in use. Despite it being in society's best interest for suspects to provide information during a police interview, it is rarely, if ever, in the suspect's best interests to do so; even innocent suspects may unintentionally generate inculpatory information during an interview (e.g., provide an incorrect alibi due to memory errors; see Thompson-Cannino, Cotton, & Torneo, 2010 for an example). Any intentional action taken by the interviewer to increase the likelihood of a suspect talking – including the aforementioned rapport-building behaviours seen in PEACE-based models – is therefore inherently manipulative, as it involves persuading a suspect to do what they should not do because it is contrary to their legal interests. Furthermore, the covert nature of the persuasion techniques contained within PEACE-based approaches may make them more difficult to identify and therefore actively resist than the more overt tactics contained within Reid-based approaches (see Davoudi, 2015). For guilty suspects in particular – and innocent suspects who unintentionally provide inculpatory information – undergoing PEACE-based interviews may remain a relatively risky proposition.

Second, it allows for more productive discussions and future research opportunities related to the usage of psychological persuasion within suspect interviews. For example, the minimization tactics contained in Reid-based approaches (e.g., reducing

the moral seriousness of the crime, normalizing the criminal behaviour) have been criticized heavily for their propensity to cause false confessions (see Kassir et al., 2010). In all previous real-world and experimental contexts, however, these tactics have been connected with the firm assumption of the suspect's guilt and therefore directed solely toward obtaining an admission of guilt. What is not known is the relative effectiveness of these techniques within a non-guilt presumptive and information-gathering approach. Conceptually these tactics can be viewed as reducing the dissonance associated with taking ownership of a negative past event (see Festinger, 1957), and given the nature of many events under discussion in suspect interviews (e.g., child sexual assault, spousal abuse), would appear to be effective at increasing information provision for suspects involved in such behaviours.

A more nuanced view of these tactics raises an interesting research question: Would combining dissonance-reducing tactics – particularly those that do not suggest minimized legal consequences – with an open-minded and information-gathering approach lead to an even greater increase in diagnostic information from suspects (see Kelly et al., 2019)? For example, the interviewer stating they are not interested in false admissions if the suspect was not involved, but that given the circumstances (financial, personal, etc.) they could understand reasons why the suspect may have been involved, and they are just trying to understand the event from the suspect's perspective without prejudgment. There does not appear to be any *a priori* reason why tactics such as dissonance reduction should be deemed inherently unacceptable while others (e.g., reciprocity) are not. This and similar questions can only be raised and answered, however, if the propensity for a dichotomous and oversimplified view of interviewing approaches is avoided and a more critical and science-based view of the field is taken.

PART 5 – CONCLUSION

Within our current justice system processes – where law enforcement officers are tasked with the job of eliciting information from individuals suspected

of criminal acts – psychological persuasion is an unavoidable component of any effective suspect interviewing method (see Gudjonsson, 2003).³ The goal of suspect interviews, therefore, should be not to avoid the use of psychological persuasion, but to identify the techniques that lead to the highest amount of diagnostic information while respecting relevant ethical and legal guidelines. At present, PEACE-based information-gathering models would appear to be the best approach for accomplishing this goal, as they are in line with current jurisprudence related to voluntariness and have shown to be effective in generating detailed and diagnostic information from suspects while minimizing the potential for false confessions. That said, suspect interviewing remains a complex and challenging social interaction, and as with any behavioural procedure, there is always room for modifications and improvements. It is hoped that an open-minded discussion regarding the role of psychological persuasion within suspect interviews can assist in creating these improvements.

FOOTNOTES

¹We have purposely chosen to focus on the Reid and PEACE models because (a) they are arguably the most widely-known and used suspect interviewing approaches within the field and (b) they serve as prototypical examples of the two broad philosophical approaches to suspect interviewing: accusatorial and information-gathering, respectively (see Hartwig et al., 2017). We also recognize, however, that various other iterations of these two philosophical approaches exist, and that the exact way that the approaches are trained and implemented varies between countries and investigative contexts. We are unable to fully engage with all these iterations in the current paper, and instead have chosen to use the terms “Reid-based” and “PEACE-based” where relevant to make it clear when we are referring to the broad categories of accusatorial and information-gathering approaches, respectively.

²Note: These unsolicited prosocial behaviors are not tied to explicit requests for information, as this would constitute an inducement and likely

lead to any subsequent statements being ruled involuntary, at least within a Canadian context; see *R. v Oickle*, 2000.

³Although we cannot speak to every iteration of information-gathering approaches, we should note that proponents of an approach known as Motivational Interviewing (MI) have recently claimed that it is free of any form of persuasion and that persuasive tactics are antithetical to the approach (Surmon-Böhr, Alison, Christiansen, & Alison, 2020). MI is a questioning approach rooted in clinical psychology and substance abuse treatment that focuses on expressing empathy and limiting interviewee reactance by stressing their autonomy in the situation – deciding whether to answer the interviewer’s questions fully and honestly in this case. While we concede that there is no overt persuasion in MI in the accusatorial mold, and that there is much to commend the approach both ethically and empirically, we believe the same reality applies to it as does to all effective suspect interviewing approaches. The interviewer is purposely using an approach that they believe will decrease the interviewee’s ambivalence to engage in the interview process and make it more likely that the interviewee will comply with their requests for information. In other words, they are relying on psychological principles of persuasion and influence to accomplish the goal of creating behavioural change in the interviewee.

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