



Supporting a Vulnerable Suspect with Appropriate Adults in High-Stakes Crime Investigations Managed by an Interview Manager

Do they really provide a safeguard in an investigative interview?



Martin Vaughan¹, Rebecca Milne¹, Gary Dalton¹, & Zarah Vernham²

¹ School of Criminology and Criminal Justice, University of Portsmouth, UK.

² Department of Psychology, University of Portsmouth, UK

Corresponding author: martin.vaughan@port.ac.uk

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ABSTRACT

Purpose: This study explored the performance of Appropriate Adults (AA) when operating in high stakes crime investigations involving suspects with a range of vulnerabilities, and whether the presence of an Interview Manager (IM) within the interview process enhanced the impact of the AA in this critical stage of the Criminal Justice System.

Method. This study examined 50 real-life interviews in England and Wales conducted by specialist interviewers between January 2016 and December 2019 (25 with an IM and 25 without) to establish what effect the IM had on the quality of an interview with a vulnerable suspect. Suspects were identified as vulnerable by means of mental health problems, learning and physical disabilities, as well as juvenile status.

Results. Overall, it was found that in every interview some form of assistance was deemed necessary, and the AA should have interjected. When sub-divided into the three key areas of safeguarding; (i) legal and procedural; (ii) communication; and (iii) welfare support, the most need was required

in the welfare support areas. When in need of the AA, this was missed by inaction. Even when the AA did appropriately interject, this was found to be inadequately conducted. There were more missed AA safeguarding opportunities during interviews conducted with an IM than without. When there was a required intervention which was missed by the AA, there was also no intervention made by the IM across all domains in any of the 25 interviews.

Conclusion. The presence of the IM had very little bearing on the activity of the AA across all areas assessed within this paper. There should be greater emphasis on working together between the IM and the AA. This would include a joined-up approach, to ensure the safeguards of legal, communication, and welfare are sufficiently met to maximise the protection of the vulnerable suspect and alleviate the potential for a miscarriage of justice.

Key Words: Appropriate Adult, Interview Manager, vulnerability, investigative interview.

Introduction

It is now 40 years since the Royal Commission on Criminal Procedure chaired by Sir Cyril Philips was published (1981) which was instrumental in the inception of the Police and Criminal Evidence Act 1984 (PACE). Over those 40 years, and in response to a series of miscarriages of justice, police interviewing has seen great change in the way vulnerable suspects are dealt with (Poyser et al., 2018). The introduction of the Police and Criminal Evidence Act (PACE) 1984 and its accompanying Codes of Practice, which came into effect in January 1986, made a significant impact on policing throughout England and Wales and has led to the professionalising of the investigative interviewing process (Milne et al., 2007).

In order to safeguard the vulnerable suspect through detention and interviewing, PACE Code C introduced the role of an appropriate adult (AA) (see Dehaghani, 2019). The role of the AA can be performed by either (i) a lay person, (e.g., parent or carer), or (ii) a dedicated practitioner (e.g., a social worker of a local authority or a trained volunteer of an appropriate adult scheme) (Bath, et al., 2015) and is acknowledged as an important safeguard for children and vulnerable adults in criminal investigations (Dent and O'Beirne, 2021). However, both trained and untrained AA's have received criticism in recent years especially in understanding the functions of their role. Notably, there is a lack of clarity in legislation and practice; lack of intervention when police are acting unfairly; and a failure to understand a suspect's characteristics and

their potential impact on the forensic interview environment (Cummins, 2011; Dehaghani and Bath, 2019; Jessiman and Cameron, 2017; Nemitz and Bean, 2001, Pierpoint, 2000; Richards and Milne, 2020).

Role of the Appropriate Adult

Guidance provided by the National Appropriate Adult Network (NAAN) outlines that AAs have a role in assisting children and vulnerable adults to (i) understand their rights, (ii) use their rights, and (iii) participate effectively in the interview (NAAN, 2022). Further, Medford et al. (2003) identified three areas associated with the role of an AA: (i) legal and procedural formalities; (ii) facilitating communication; and (iii) welfare. If an AA fails to intervene when required, then it heightens the potential of the vulnerable interviewee providing misleading and inaccurate information (Farrugia and Gabbert, 2019).

The AA is expected to navigate complex areas of law. Legally the AA role is to support, advise, and assist the detainee in accordance with PACE Codes of Practice. When the AA is present at the interview, they are not expected to act simply as a passive observer. The purpose of their presence is manifold: to advise the person being interviewed; observe whether the interview is being conducted properly and fairly; and facilitate communication with the person being interviewed (Home Office, Code C, 11.17, 2019). However, the Codes fail to provide any practical guidance on the AA's application of

advice in the interview room (White, 2002) especially surrounding the role requirement of ensuring the interview is conducted fairly (Dehaghani and Newman, 2019). The AA role is complex, demanding, and full of contradictions (Cummins, 2011; Pierpoint, 2006).

Research based evidence suggests that whilst the contributions of an AA during an interview is limited in respect of what they say and do (Farrugia and Gabbert, 2019) their presence appeared to influence a more considered and fair approach to the interview by the police interviewers (Medford et al., 2003). It should not be assumed that even trained appropriate adults can adapt to the specific communication needs of the suspect (Dehaghani and Newman, 2019). Research conducted by Jessiman and Cameron (2017) suggested a series of attributes an ideal AA should possess when engaged with two groups of vulnerable suspects—those with mental health problems or learning disability. These included being calm, caring, protective, kind, a good listener, good communicator and operating with confidentiality.

Consequently, following a Home Office commission on the role of AA, it has been recommended, but not yet implemented, that AA should receive mandatory training and that the service should be professionalised (Bath et al., 2015; Bradley, 2009; Pierpoint, 2011; Thomson and Darjee, 2007). This is a view supported by findings from research conducted with Interview Managers (IM) whose role it is to facilitate and manage

interviews with vulnerable suspects in high-stakes¹ crime investigations (see Vaughan et al., 2024).

Role of Interview Manager

The IM role was introduced following a national evaluation of the PEACE investigative interviewing training programme (Clarke and Milne, 2001) and forms part of the National Investigative Interviewing Strategy for the UK (NPIA, 2009). The IM should be someone who is highly trained and experienced in investigations and can provide interviewing advice during an investigation (Williamson, 2006). Managing, developing strategies, and planning and preparing interviews of vulnerable suspects in high stake cases is a complex task, requiring well-trained and knowledgeable staff (Cook, 2019). IMs are responsible for implementing effective and ethical processes for interviewing vulnerable suspects (see Vaughan et al., 2022).

Whilst not a legally required role, the IM is responsible for ensuring that all interview processes are conducted in compliance with PACE Act 1984 and Codes of Practice requirements (Home Office, Code C, 2016; 2018; 2019). The PACE Act sections 76 (oppression) & 78 (fairness) and Codes of Practice, provide the legal framework surrounding the fairness and admissibility of evidence obtained by interviewing. The Crown Prosecution Service of England and Wales (2023) suggest that unreliable confessions may stem from interview practices which include inducements; confessions obtained as the result of an

¹ 'High stakes crime' types include crimes that involve significant risk or serious consequences for either the victim, witness or suspect and includes

crime types such as, rape child or adult abuse, complex investigations, substantial financial crime, homicide, terrorism and fatal road traffic incidents.

inducement; hostile and aggressive questioning (e.g., *R v Paris, Abdullai and Miller* (1993) 97 Cr App R 99); failure to record accurately what was said; failure to caution; failure to provide an appropriate adult where one is required; failure to comply with the Code of Practice in relation to the detention of the accused; and failure of the Defence Solicitor or Appropriate Adult to act properly, for example, by making interjections during interview which are hostile to the defendant. Section 78 of PACE enables a court to exclude evidence which would otherwise be admissible against a defendant on the basis it would be unfair to adduce it. However, there is no definition of what is unfair (Gooch and von Berg, 2019). Guidance provided by the Crown Prosecution Service of England and Wales (2023) suggest successful challenges may be made as a result of breaches of the European Convention on Human Rights; breaches of the Codes of Practice issued under PACE; and evidence acquired as a result of bad faith on the part of the police. Thus, the IM must ensure the interview is conducted legally and fairly.

The role of the IM includes four main areas: (i) to provide strategic advice on interview processes; (ii) to co-ordinate interview processes; (iii) to monitor interview processes; and (iv) to evaluate interview processes (see Vaughan et al., 2023). IMs are generally called to the most complex cases involving the most vulnerable interviewees (Cook, 2019). The IM, in essence, assists a Senior Investigating Officer (SIO) by managing the interview process, including liaising with custody management and medical assessments teams to ensure vulnerability is considered at the Fitness to Interview stage of custody procedures (Home Office, Code C, para. 12.3, 2016; 2018; 2019)

and the relevant vulnerability is taken into account during the interview process. The coordination of the interview process requires the IM to produce a series of briefings to key stakeholders engaged in the interview which include, custody management teams, appropriate health care professionals, legal advisers, interpreters, and appropriate adults. The briefing should provide sufficient information to enable the stakeholder to effectively perform their role (Vaughan et al., 2024).

Working together

It is not expected that interviewers have, and maintain, detailed knowledge of different conditions that potentially make an individual particularly vulnerable. Nonetheless, a level of awareness regarding the different facets of vulnerability and how they can affect the quality of an interview should be attainable (Mattison et al., 2024). It is acknowledged that ‘although juveniles or vulnerable persons are often capable of providing reliable evidence, they may, without knowing or wishing to do so, be particularly prone in certain circumstances to providing information that may be unreliable, misleading or self-incriminating.’

Vulnerability can be connected to many different aspects of the individual (e.g., having physical or psychological health issues), the circumstances (e.g., having been exposed to a traumatic event), the interview situation (e.g., experiencing the interview process as stressful), or the interaction between these factors. Furthermore, vulnerability may manifest itself and influence interviewees in various ways and to different degrees, from mild to severe (Mattison et al., 2024). In other words, vulnerability is complex in both theory and practice, which could also be one reason there is no international agreement on the

definition of the term (Bull, 2010). Therefore 'special care should always be taken when questioning such a person, and the appropriate adult should be involved if there is any doubt about a person's age, mental state or capacity' (Home Office, Code C, para 11C, 2016; 2018; 2019).

Gooch and von Berg (2019) suggested that complex welfare needs associated with a juvenile's interaction with the criminal justice system affect their ability to provide a reliable and accurate account of matters under investigation. These complex issues include speech, language and communication needs; mental health problems; learning disabilities; attention deficit hyperactivity disorder; impaired intellectual and emotional functioning; delayed brain development and reasoning ability (Hughes, 2015; Mercurio et al., 2020; Steinberg, 2013; Talbot, 2010). Therefore, the IM and the AA should develop a constructive working relationship to ensure the vulnerable suspect interview is planned and conducted in accordance with the needs of the vulnerable suspect, legislation, guidance, and current procedures thereby seeking to safeguard the integrity of the interview process and ensure the right to a fair trial (Vaughan et al., 2023).

The planning process is a complex legal arena, multi-faceted and time consuming but a necessary process to ensure the integrity and legality of the investigation, especially with child suspects. Interviewers need to consider the above factors in relation to each individual child and not include assessments based on assumptions and stereotypes. In

addition, as Méndez (2021) identified, assessments must be ongoing and thus should constantly be subject to review.

Therefore, the role of the AA and IM are an important part of the safeguarding of an accused's legal rights during an interview process. This study thus sought to examine firstly the performance of an AA when operating in high stakes crime investigations involving suspects based on age and with a range of vulnerabilities. Secondly, and for the first time, significantly, this study examined the interaction of the IM and the AA and whether the presence of an IM within the interview process had an impact on the performance of the AA.

METHOD

Design

A purposive sampling method was used because of the features and characteristics of the desired group to be researched. Specifically, the interviews needed to be (i) visually recorded; (ii) concerning high stakes crime typology such as murder and rape; and (iii) all suspects must have been declared vulnerable as part of their fitness for interview assessment. The interviews were collected from two sample groups. Group 1 consisted of 25 interviews conducted by advanced interviewers (PIP 2/Tier 3²) and managed by an IM utilising an interview strategy in line with overarching Investigative Strategy written by the SIO. Group 2 consisted of 25 interviews conducted by another set of advanced interviewers (PIP 2/Tier 3), but these interviews were not

complex investigation. See the National Investigative Strategy (NPIA, 2009)

² PIP2/Tier3 is the level requirement in the UK for interviewing suspects as part of a serious or

managed by an IM. There is no separate guidance or legislative framework in the England and Wales based on whether the AA is a professional or lay person. Both are expected to perform to the same standard based on the Code of Practice requirements. Therefore, this study combined both lay and professionals together to examine performance.

Data

The police interviews available for analysis were provided by three police forces across England and Wales. Table 1 provides an overview of the data set subject of the analysis.

TABLE 1. Characteristics of data set

Data Characteristics	
Crime Typology	
Murder	19
Rape	15
Attempted murder	4
Death by dangerous driving	4
Assault	3
Sexual assault	2
Theft	2
Kidnapping	1
Appropriate Adult Characteristics	
Lay Person	17
Professional	33
Male	34
Female	16
Vulnerability Typology	
Juvenile	17
Mental Health Problem	28
Physical Disability	3
Learning Disability	2

Each interview had two police officers present, trained to advanced interviewer level (PIP2/Tier3), who acted as one interview team. The mean length of an interview was 2 hours and 10 minutes (shortest interview was 20 minutes; longest interview was 7 hours and 12 minutes). In total, 103 hours of police interviewing was analysed.

Procedure

Ethical approval was obtained from the Faculty of Humanities and Social Sciences ethics committee at the University of Portsmouth. The research was also registered with the College of Policing, UK. Access to the UK police was gained following an 'introduction' email which outlined the research, and this was sent to all England and

Wales Police Force leads for Interview Management. The email contained two documents (i) an organisational invitational letter which outlined the nature of the planned research and (ii) an organisational consent form. A nominated 'gatekeeper' was appointed by each participating force who had the responsibility for communicating with the lead researcher. Confidentiality was of utmost importance, therefore, an anonymity guarantee was provided for those who agreed to participate.

Once the force agreed to take part in the research, the gatekeeper was responsible for collecting the required sample from their respective interview databases before supplying these to the lead researcher. Care was taken to ensure that the sample interviews were not the subject of continued proceedings and that they did not have any appeal processes currently ongoing. Interview recordings were provided either on hard copy disks or electronically via a secure file sharing platform. All data was stored in an encrypted database.

Coding

Coding was conducted by the lead author and an independent researcher. The second coder was chosen based on previous work (see Clarke and Milne, 2001) and had to have (i) experience of teaching 'PEACE'³, (ii) experience of using PEACE during high stakes crime investigations, and (iii) experience of conducting research/ evaluating PEACE interviews. An additional requirement that they had to be trained as an IM was also included. A Coding Manual was created for coders to follow. As part of coding training, one interview was then selected at random

and was coded by each coder independently to make sure that (i) each coder fully understood the coding scheme and (ii) the coding was well calibrated across coders. This training exercise confirmed that coders were able to follow the manual appropriately (see inter-rater below).

There were 38 coded items that were aligned with PACE Code C and past research (see Farrugia and Gabbert, 2019 and Medford et al., 2003). The current paper examines 25 of these coded items and sub-divided into 3 sections: (i) appropriate AA intervention (made in accordance with their role requirement); (ii) missed AA intervention (intervention required but not made e.g., doubt as to whether suspect understood officer's question); and (iii) inappropriate AA intervention (beyond the role of the AA, purposeless or obstructive).

The behaviours observed were scored using Likert Scales (1 being inadequate, 3 being fit for purpose and 5 being highly accomplished). In addition, a series of 'yes' 'no' responses, where appropriate, were included to score whether a behaviour was witnessed or not (e.g., did the AA verbally answer questions on behalf of the suspect). A 'not applicable' category was included when examining items that were not relevant to the assessment and also to reduce a potential bias estimate (Holman et al., 2004). To establish inter-rater reliability, a selection of interviews ($n = 5$, 10%) were coded by an independent researcher. Cohen's Kappa showed there was an almost perfect agreement (see Altman, 1999) between the two coders, $\kappa = 0.93$, $p < .001$ [95% CI = .87 – .99]. (For copy of coding framework contact author).

³ PEACE – refers to model of interviewing adopted in UK in 1992 and is an acronym for Planning and

Preparation; Engage and Explain; Account; Closure; Evaluation.

RESULTS

The results will firstly present the findings relating to potential AA intervention points areas split into three domains (legal, communication and welfare) and whether across the 50 interviews with suspects, there was a need for an AA to intervene. At this stage the results will examine the contributions of lay and professional AA within all the 50 interviews. As the focus of this research is centred on the IM and AA, the results will then investigate the interventions of the AA as a combined group. Where it was deemed essential for the AA to intervene, the results will then outline if this was missed, or if the AA responded appropriately. If the AA responded, then the results will illustrate if this was done well (i.e., a quality assessment). The next section will examine inappropriate interventions by the AA before finally exploring the positioning of the AA within the interview room and whether their positioning allowed for observation and full assessment of the suspect.

Lay or Professional AA Intervention – Three Areas: Legal, Communication, Welfare

Safeguarding is a key element of the role of the AA when supporting vulnerable adults and

juveniles throughout the custody process. Table 2 highlights the type of intervention that an AA is expected to perform as per current guidance (legal, communication, and welfare) and whether they are a lay person or a professional AA. Across both role requirements there were three areas that required no intervention at all from the AA as these areas were considered appropriately covered by the interview team during the interview (i.e., explained interview process including use of legal advisor; assisted in the reading of a prepared statement; and assisted in requirements for signing documentation). Within the legal and procedural domain the majority of interviews require no intervention. However, when an intervention was required, there were more missed interventions than appropriate ones. The professional AA made more appropriate interventions. However, the professional AA missed more intervention than a lay person, especially in the domain area of welfare. The main areas an AA failed to support the vulnerable adult were, 'Enquired into the suspects physical and mental state' and 'Checked suspects ability to continue with the interview,' (41% conducted with Lay AA and 45% with professional AA in both areas).

TABLE 2**Type of intervention made by either Lay or Professional AA during interview**

Type of Intervention	Frequency					
	Lay (N = 17)		Professional (N = 33)		Missed	
	Not required	Appropriate	Not required	Appropriate	Lay	Prof
	Lay	Prof	Lay	Prof	Lay	Prof
Legal and Procedural						
Prompt officer to inform suspect of role and duties of AA	16	27	0	1	1	5
Explain interview process including use of legal advisor	17	33	0	0	0	0
Prompt officer to check suspects understanding of caution	11	20	0	2	6	11
Clarified use of legal adviser	17	31	0	0	0	2
Remind suspect of legal rights	17	28	0	0	0	5
Confirmed to the officers that they understood their role	0	0	17	26	0	7
Advised suspect of their right not to answer questions if they do not agree with them	13	23	0	2	4	8
Facilitate communication						
Clarified the meaning of questions	4	13	4	5	9	15
Challenged inappropriate questions	9	21	0	3	8	9
Ensured suspect understood officer's questions	4	15	4	6	9	12
Assisted in the reading of a prepared statement	17	33	0	0	0	0
Ensured officers correctly interpreted the suspect's reply	4	22	5	5	8	6
Ensured suspect had an opportunity to answer in an unhurried manner	16	32	0	0	1	1
Advised the officers not to interrupt the suspect during their response	15	31	0	0	2	2
Assisted suspect during presentation of evidence (e.g., CCTV, Phone Data, Medical Reports)	12	24	1	3	4	6
Assisted in requirements for signing documentation	17	33	0	0	0	0
Welfare						
Highlighted the suspect requires a break	11	17	1	5	5	11
Enquired into the suspects physical and mental state	8	8	2	10	7	15
Checked suspects ability to continue with the interview	8	12	2	9	7	12
Asked for break	12	16	1	5	4	12

An evaluation of the interventions made by both Lay and Professional AAs across all 50 interviews demonstrated, as shown in Table 3, that there was no significant difference in

contributions of either group with *inadequate* interventions across the three domains of (i) legal and procedural; (ii) facilitating communication; and (iii) welfare.

TABLE 3

Mean scores of evaluations of the intervention during interviews with Lay and Professional AAs (1 = inadequate, 3 = fit for purpose, 5 = highly skilled)

Type of Intervention	Lay (n =17)		Professional (n = 33)	
	M	SD	M	SD
Legal and Procedural	1.68	0.61	1.38	0.94
Facilitate Communication	1.31	0.89	1.44	0.94
Welfare	1.40	0.87	1.84	1.12

**Combined AA Intervention – Three Areas:
Legal, Communication, Welfare Interview
Manager or no Interview manager**

As can be seen in Table 4, in 17 areas, some form of assistance was assessed as being required by the vulnerable suspect. As can be seen, there was greater need of AA assistance by interview teams when an IM was involved especially in the welfare area of business.

When interjection was required by an AA, there were two possible responses: (i) inaction - missed opportunities, and (ii) appropriate interventions. There was a higher degree of missed opportunities (N = 214) seen as opposed to appropriate interventions (N = 77). In respect of the appropriate interventions, 56% (n = 43) were made during interviews conducted with an IM and 44% (n = 34) were made in interviews without the involvement of an IM. With regards to the missed opportunities, 66% (n = 142) were missed in interviews with the presence of an IM as opposed to 34% (n = 72) when there was no IM.

The results illustrated that the requirement for an AA to intervene was less likely during the *legal and procedural* element of the interview where they were only believed to be required in 20% (n = 54) of potential intervention incidences. However, when they

were required, they were more likely to miss the opportunity to intervene 91% (n = 49) rather than providing an appropriate intervention 9% (n = 5). Additionally, during this area, the AAs missed the opportunity to intervene on 59% (n = 29) of the required occasions when an IM was managing the interview compared to 41% (n = 20) of interviews without an IM. During the requirement to *facilitate communication* AAs were required to intervene on more occasions 37% (n = 128). In this area the AAs were more likely to miss the opportunity to intervene 72% (n = 92) as opposed to providing an appropriate intervention 28% (n = 36). Further, during this area, the AAs missed the opportunity to intervene on 53% (n = 49) of the required occasions when an IM was managing the interview compared to 47% (n = 43) of interviews without an IM. The most common area that required AA intervention related to *welfare* 55% (n = 109). During this area the AAs were more likely to miss the opportunity to intervene 67% (n = 73) as opposed to providing an appropriate intervention 33% (n = 36). However, during this area, the AAs missed the opportunity to intervene on 74% (n = 54) of the required occasions when an IM was managing the interview as opposed to 26% (n = 19) of interviews without an IM.

TABLE 4*Type of intervention made by AA during interview with an IM (n = 25) and without an IM (n = 25)*

Type of Intervention	Frequency					
	Not required		Appropriate		Missed	
	With IM	Without IM	With IM	Without IM	With IM	Without IM
Legal and Procedural						
Prompt officer to inform suspect of role and duties of AA	20	23	1	0	4	2
Explain interview process including use of legal advisor	25	25	0	0	0	0
Prompt officer to check suspects understanding of caution	16	15	1	1	8	9
Clarified use of legal adviser	23	25	0	0	2	0
Remind suspect of legal rights	22	23	0	0	3	2
Confirmed to the officers that they understood their role	21	22	0	0	4	3
Advised suspect of their right not to answer questions if they do not agree with them	17	19	0	2	8	4
Facilitate communication						
Clarified the meaning of questions	6	11	5	4	14	10
Challenged inappropriate questions	15	15	2	1	8	9
Ensured suspect understood officer's questions	9	10	4	6	12	9
Assisted in the reading of a prepared statement	25	25	0	0	0	0
Ensured officers correctly interpreted the suspect's reply	15	11	4	6	6	8
Ensured suspect had an opportunity to answer in an unhurried manner	24	24	0	0	1	1
Advised the officers not to interrupt the suspect during their response	23	23	0	0	2	2
Assisted suspect during presentation of evidence (e.g., CCTV, Phone Data, Medical Reports)	16	20	3	1	6	4
Assisted in requirements for signing documentation	25	25	0	0	0	0
Welfare						
Highlighted the suspect requires a break	9	19	4	2	12	4
Enquired into the suspects physical and mental state	2	14	7	5	16	6
Checked suspects ability to continue with the interview	3	16	8	4	14	5
Asked for break	9	19	4	2	12	4

Additionally, when there was a required intervention which was missed by the AA, there was also no intervention made by the IM across all domains in any of the 25 interviews.

Examples of Missed interventions include:

Int 6 – Suspect appears confused and highly emotional. No Intervention or support from AA.

Int 22 – Suspect asks AA if he could have a cup of water (suspect presents an empty cup to the AA) AA ignores suspect and does not interact with suspect.

Int 46 – Suspect yawning, leaning on table with head in hands. No AA interaction.

Int 50 – Suspect becomes distressed, crying, struggles to provides answers in response to ‘oppressive’ interview style. No support or intervention from AA.

Examples of Appropriate interventions include:

Int 15 – AA enquires several times about welfare of the suspect. Assisted in clarifying questions and ensured the interview team had accurately interpreted the suspect’s replies.

Int 16 – AA asked for a break in interview when suspected appeared tired.

Int 18 – AA checked if suspect was ok to continue.

Int 37 – Discussion re prescribed drugs. AA advises interviewer to rephrase the question. This was done and the suspect provided a response.

Quality of Appropriate AA Intervention

The quality of the appropriate invention of the AA in respect of the three areas of role requirement (i) Legal and Procedural; (ii) Facilitating Communication; and (iii) Welfare, are illustrated in Table 5. As can be seen from Table 5, no area was completed to a level considered *fit for purpose* across the three domains. Only one element (Confirmed to the officers that they understood their role), was considered to have been performed *adequately in some respect* in interviews either managed or not by an IM. In one area (welfare) two elements (Enquires into the suspect’s physical and mental state, and Checks suspect’s ability to continue with the interview) were considered to have been performed *adequately in some respect* in interviews without the presence of an IM as opposed to being performed *inadequately* in interviews managed by an IM

TABLE 5

Mean scores of evaluations of the AA Intervention during interviews with an IM and without an IM (1 = inadequate, 3 = fit for purpose, 5 = highly skilled)

Type of Intervention	Frequency			
	With IM (n =25)		Without IM (n = 25)	
	M (n)	SD	M (n)	SD
Legal and Procedural				
Prompt officer to inform suspect of role of role and duties of AA	1.60 (5)	1.34	1.00 (2)	0
Explain interview process including use of legal advisor	1.00 (1)	0	-	-
Prompt officer to check suspects understanding of caution	1.22 (9)	.67	1.20 (10)	.63
Clarified use of legal adviser	1.00 (2)	0	-	-
Remind suspect of legal rights	1.00 (3)	0	1.00 (2)	0

Confirmed to the officers that they understood their role	2.38 (24)	.92	2.52 (25)	.77
Advise suspect of their right not to answer questions if they do not agree with them	1.00 (7)	0	1.83 (6)	.98
Facilitate Communication				
Clarified the meaning of questions	1.47 (19)	.84	1.54 (13)	.78
Challenged inappropriate questions	1.40 (10)	.84	1.30 (10)	.95
Ensured suspect understood officer's questions	1.47 (17)	.80	1.80 (15)	.94
Assisted in the reading of a prepared statement	-	-	-	-
Ensured officers correctly interpreted the suspect's reply	1.50 (10)	.85	1.87 (15)	1.06
Ensured suspect had an opportunity to answer in an unhurried manner	1.00 (1)	0	1.00 (2)	0
Advised the officers not to interrupt the suspect during their response	1.00 (2)	0	1.00 (2)	0
Assisted suspect during presentation of evidence (e.g., CCTV, Phone Data, Medical Reports)	1.67 (9)	1.00	1.20 (5)	.45
Assists in requirements for signing documentation	-	-	-	-
Welfare				
Highlights the suspect requires a break	1.56 (16)	1.03	1.67 (6)	1.03
Enquires into the suspects physical and mental state	1.74 (23)	1.10	2.00 (11)	1.18
Checks suspects ability to continue with the interview	1.82 (22)	1.10	2.00 (9)	1.22
Asks for break	1.56 (16)	1.03	1.67 (6)	1.03

AA Inappropriate Intervention

As can be seen from Table 6, there were few inappropriate interjections made by the AA across the 50 interviews 4% (n = 9); the biggest issue was answering questions on behalf of the suspect, which happened in five

interviews (M = 1.90, SD = 0.30). All the inappropriate interjections were made by a 'Lay' AA. The presence of an IM had little impact on the behaviour of the AA in this respect.

TABLE 6

Type and frequency of inappropriate intervention by AA across N = 50 vulnerable suspect interviews

Intervention	Frequency			
	With IM (n = 25)		Without IM (n = 25)	
	Yes	No	Yes	No
Verbally answering questions on behalf of the suspect	2	23	3	22
Providing written replies for the suspect to quote	1	24	0	25
Adopting the role of the interviewing officer	1	24	0	25
Prevents or unnecessarily obstructs questions to suspect	1	24	0	25
Provides opinion on veracity of evidence	0	25	1	24

DISCUSSION

The role of an AA in the UK is to provide legal, communication, and welfare support to vulnerable adults and children throughout custody detention and the investigative interviewing in criminal cases. It is widely accepted that AAs provide an important safeguard in allowing the suspect to effectively participate throughout their investigative interview and thereby minimising the potential for a miscarriage of justice (Dehaghani, 2022) though not all AAs do this (Farrugia and Gabbert, 2019). However, it is suggested that the role of the AA has been under researched (Macdonald et al., 2021). This study was designed to explore (i) the performance of an AA when operating in high stakes crime investigations involving suspects with a range of vulnerabilities and (ii) importantly, whether the presence of an IM within the interview process had an impact on the performance of the AA. The findings concluded that there was no significant difference in the performance of the AA whether the role was performed either a lay or a professional individual. Overall, it was found that in every interview some form of assistance was deemed necessary, and the AA should have interjected. However, there was a high level of passivity of the AA throughout the investigative interviews and the IM's presence had no bearing on the AA performance at all. Missed opportunities were more prevalent than appropriate interventions which is a finding that supports previous research (Farrugia and Gabbert, 2019). The examination of the AAs involvement in an investigative interview illustrated a significant under performance which has the potential, through the failure to provide adequate support for a vulnerable

suspect, for a miscarriage of justice to occur (Gudjonsson, 2018).

When sub-divided into the three key areas of safeguarding, (i) legal and procedural; (ii) communication; and (iii) welfare support; the most need was required in the welfare support areas. The IM performs an important role in safeguarding vulnerable suspects. For example, the IM should ensure that an AA plays an active part in the interview and does not simply act as an observer, thereby reducing the potential for the evidence obtained during the interview being ruled inadmissible. When in need of the AA, in the majority of areas, this was missed by inaction. AAs missed opportunities to intervene especially in respect of the *welfare* areas (55%) and on more occasions when there was an IM involved (67%) than not (33%). Thus, the mere presence of an IM and AA did not necessarily provide a safeguard for the vulnerable suspect in these interviews.

The additional level of safety, the presence of an IM, failed in most cases. Was this attributable to the lack of the IMs ability to understand vulnerability per se and the role of the AA? Vaughan et al., (2024) found that IMs lacked the knowledge base underpinning the AA role and that IMs receive little if no training about suspect vulnerability. Thus, this finding should not be a surprise. Additionally, it has been identified that IMs fail to adequately brief AAs prior to interviews (Vaughan et al., 2023). Therefore, it would appear that the collective lack of understanding and appreciation of the role of the AA may have contributed to the failure of the IM to provide an extra level of

safeguarding in these interviews. There was little if any impact on the behaviour of the AA when an IM was present and thus there is a critical requirement for training for IMs regarding vulnerability, vulnerability management, AA role, briefings, and safeguarding considerations.

Even when the AA did appropriately interject, this was found to be inadequately conducted. However, one positive finding from the study revealed that inappropriate AA interventions were made in only 4% of the interviews, (similar to Farrugia and Gabbert, 2019; Medford et al., 2003).

This research supports the notion that the role of the AA is “ambiguous and contradictory” (Pierpoint, 2006), and additionally “complex and onerous” (Medford et al., 2003). The AA plays a significant role in safeguarding the vulnerable suspect throughout their time in custody. However, parents taking on the role of an AA find themselves in a complex legal and emotional environment with the potential of not effectively upholding the PACE safeguards (Kemp et al., 2023). To ensure a more professional role performance, explicit guidelines and training are required to assist the AA to operationalise their role and purpose in an investigative interview.

Limitations and future implications

This present exploratory study is the first to be conducted in the UK that examined the role of an AA in respect of interviews conducted in high-stakes crime investigations whilst managed with an IM. However, this study is not without limitations. Three police forces from across England and Wales took part in the research consisting of 50 interviews (25 with an IM –

25 without). Therefore, more in-depth analysis incorporating a larger number of police forces, to understand the context more fully needs to be undertaken in future endeavours. The research contained an analysis of AA performance during visually recorded interviews. Some AAs were trained. As there was no knowledge of the type of training, it was deemed inappropriate to examine training as an independent variable in this research. Future research should examine the best type of training that AAs require. Nevertheless, this is the first insight into interviews conducted with AAs in high-stakes crime investigations in England and Wales, whilst managed with an IM—a crucial area of investigative interviewing practice.

Conclusion

There is a raft of research that suggests that vulnerable suspects are not afforded the safeguard of an AA during the investigative interview even though their role is recognised as important in reducing and mitigating risks. The IM also plays an important role in ensuring that the interview with a vulnerable suspect is conducted fairly, ethically, and legally. Both these safeguarding roles should combine in a high stakes crime investigation to create an interview environment that promotes the rights to a fair trial for the vulnerable suspect. There should be greater emphasis of working together between the IM and the AA, a joined-up approach, to ensure the safeguards of legal, communication, and welfare are sufficiently met to maximise the protection of the vulnerable suspect. Thus, surely it is now time to rewrite the PACE AA legal requirements to ensure a professionally trained individual performs this much needed task.

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