

Interviewing Research Group

BULLETIN

Volume 1

Issue 1



ISSN 1758-8669 (Print)

ISSN 1758-8677 (Online)

www.tees.ac.uk/iiirg

SUBMISSION GUIDELINES

Given the multi-disciplinary nature of the International Investigative Interviewing Research Group (iIIRG), the worldwide circulation of this Bulletin and practitioner focus, a wide range of articles will be considered for inclusion in the iIIRG Bulletin. 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 david@larooy.net 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). Please do not use footnotes anywhere in your article.

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. The formatting of diagrams, figures, illustrations and other graphical data will be dealt with on a case-by-case basis. Please include contact information with all submissions, including name, affiliation and e-mail address. Please e-mail submissions to david@larooy.net

NOTE

It is envisaged that the iIIRG Bulletin will be published bi-annually and contributions are expected (but not solely) to originate from the membership. Copies of the Bulletin will be freely available (electronically) via the iIIRG main website (**www.tees.ac.uk/iiirg**).

CONTENTS

	Page
Note from the Editor	1
Note from the Chair	2
Note from the Membership Co-ordinator	4
Events	
2nd Annual Conference of the International Investigative Interviewing Research Group (iIIRG)	6
Forensic Linguistics Master Class in Investigative Interviewing: 2009	6
Reports	
Are police organisations suspending their disbelief in Scientific Content Analysis (SCAN)? <i>Georgina Heydon</i>	5 8
Investigative Interviewing in New Zealand. Ross Grantham	10
Recantation in Investigate Interviews with Children. Lindsay Molloy	13
Results and rapport: A police interviewer's dilemma. Harriet Jakobsson Öhrn	15
Modifying the Cognitive Interview. Coral Dando	21
Investigative Interviewing- The PRICE Model in Scotland. Neil Drummond	24
Novel procedure to collect witness statements. Kat Jamieson	33
Conference Round-up	
Inaugural Conference of the International Investigative Interviewing	35
Research Group (iIIRG), Derby, United Kingdom (March, 2008). Dave Walsh	
The 3rd International Conference on Investigative Interviewing, Nicolet, Canada (June, 2008). <i>Anthony McLean and Dave Walsh</i>	39
The 18th Conference of the European Association of Psychology and Law, Maastricht, Netherlands (July, 2008). <i>Kim Drake</i>	47







NOTE FROM THE EDITOR

The International Investigative Interviewing Research Group (iIIRG) was founded at the University of Teesside in collaboration with the Norwegian Police University College, Oslo and later, with the Centre for Forensic Linguistics, Aston University. It brings together academics and practitioners from around the world who research investigative interviewing of victims, witnesses, and suspects of crime. A major benefit of the group is that it promotes links between academics and practitioners, helping to focus research directly onto real-world problems and set research agendas. The iIIRG is open to all professionals involved in investigative interviewing who can contribute to this complex and intriguing area of research. Students conducting research in this area are also able to join. Membership is free.

This is the very first edition of the Bulletin of iIIRG and I would like to thank the contributors for providing articles on matters of interest and relevance to the group. I hope that the format of future editions of the Bulletin remains one which is very flexible towards publishing a wide range of articles that reflect the wide ranging interests and backgrounds of the membership. I look forward to receiving future contributions and suggestions for content. For now though, I hope you enjoy reading. Best wishes,

David La Rooy

Bulletin Editor D.LaRooy@abertay.ac.uk

NOTE FROM THE CHAIR

I would like to take this opportunity of welcoming you to the first edition of the International Investigative Interviewing Research Group (iIIRG) Bulletin, which has many insightful and extremely interesting articles written by members of the iIIRG and I would like to thank all contributors. However, I would like to encourage you all to submit an article for future editions (especially practitioners). If you are interested in doing so, please read the submission guidelines on the inside front cover.

The iIIRG was formed in April 2007, when a few of us gathered at the University of Teesside to discuss and present our ideas to each other. Since then, our growth and success has been overwhelming and I will leave Trond Myklebust, our Membership Co-ordinator, to explain more about the membership and to provide you with an update. To keep you up-to-date, the iIIRG has now formally collaborated with the Norwegian Police University College, Oslo, and, more recently, the Centre for Forensic Linguistics (CFL), Aston University. This collaboration is extremely important and highlights the strong multi-disciplinary and practitioner focus of the group. Through this collaboration, it is also planned to organize specialist workshops/master-classes in specialist areas specifically for members of the iIIRG.

The first master-class, which is on forensic linguistics and being run in conjunction with CFL, is scheduled to take place immediately following the 2009 Conference (for further details see the Conference website at www.tees.ac.uk/iiirg). We have also formed a Scientific Committee, chaired by Professor Martine Powell, Deakin University, Australia, whose role will include (amongst other things!) to review all abstract, symposium and poster submissions for the annual iIIRG conferences and to provide advice regarding the structure of conferences. The Scientific Committee is in addition to the iIIRG Steering Group, which collectively co-ordinates and organises all iIIRG activities. Full details of the Steering Group and Scientific Membership can be found via the main website at

www.tees.ac.uk/iiirg. We now have a generic e-mail address, so if anyone needs to send an e-mail to the group (including conference enquiries etc), it can be sent to iIIRG@tees.ac.uk. Preparations for the 2009 Conference are well underway and we are very pleased that Willan Publishing, and NEAL are sponsoring the event. If you plan to attend the Conference (14th – 16th April 2009), a quick reminder that there is an earlybird rate if you register before December (see conference website for further details). It has also been confirmed that the 2010 Conference will take place in the Oslo region, Norway – further details to be announced in the near future.

All in all, it has been an extremely busy, but highly successful first year for the iIIRG and I would like to thank all those involved in making this group an overwhelming success. If anyone has any ideas on how to shape the future of the group, or would like to suggest a venue for future conferences, please send an e-mail in the first instance to g.oxburgh@tees.ac.uk. I look forward to welcoming you to the 2009 Annual Conference to be held at the University of Teesside, Middlesbrough, UK.

Gavin Oxburgh

Chair of iIIRG g.oxburgh@tees.ac.uk

NOTE FROM THE MEMBERSHIP CO-ORDINATOR

Since our inception in 2007, our growth and success has been overwhelming. On the 15th of September 2008, we welcomed our 150th member, and the iIIRG has transformed into a worldwide organisation with members from Australia, New Zealand, USA, Canada, Japan, Belgium, England, Scotland, Wales, Estonia, Finland, Germany, The Netherlands, Norway, and Sweden. There is an excellent mix of academics and practitioners and, as we are all aware, strong interaction between academia and practitioners is a major mutual benefit of the iIIRG. The interest in iIIRG is demonstrated on Google's hit rate.

After much debate, it has been decided to introduce three membership categories: (i) academic researchers; (ii) practitioners, and (iii) students. Unfortunately, some applications that I have received recently do not have the academic or practitioner background required to become a member of the organisation. We really need active members in the iIIRG, and we have decided that each and every membership should be re-considered every third year. During the three year period, active members should have published papers (research or reviews etc), or contributed to the organisation in other ways to continue their membership. In this way, we hope to keep iIIRG as the leading organisation in the area of Investigative Interviewing.

We are proud to have some of the world's most eminent professionals as part of our group, all of whom continue to provide an invaluable and overwhelming amount of time and effort in helping the iIIRG become a worldwide success in such a short period of time. Being a member of the iIIRG has many benefits including access to our private and secure members' area. If any member has not yet enrolled on this area, please do so - a link to the new area can be found on our main website (www.tees.ac.uk/iiirg) - it only takes a few minutes! Thank you for your continued support.

Trond Myklebust

Membership Co-ordinator Trond.Myklebust@phs.no

You could earn an extra £117,000 for only one more year's study

Surprised? According to a recent economic impact report, a postgraduate degree from the University of Teesside is worth, on average, an impressive £117,000 more in lifetime earnings. We offer an impressive range of postgraduate courses including MSc Forensic Psychology (BPS accredited), MSc Criminal Investigation, MSc Contemporary Issues in Drug Use, MSc Criminology, LLM Criminal Law and MA Human Rights*.

You won't just surprise yourself, you could also surprise your bank manager So, go on, visit www.tees.ac.uk or call **01642 342308**.





EVENTS

2nd Annual Conference of the Investigative Interviewing Research Group (iIIRG) (14 – 16 April 2009)

This year's conference is entitled, 'Putting Theory into Practice: The Dilemmas of Law and Psychology' and will cover Investigative interviewing of suspects, witnesses, and victims; Expert advice to interviewers; Interview training and policy; Interview decision making processes; False confessions; Detecting deception; and Forensic linguistics. We have been extremely fortunate in being able to attract some of the world's most renowned and respected scholars in the area of investigative interviewing and forensic linguistics:

Professor Michael E Lamb:

Professor of Psychology in Social Sciences and Head of the Department on Social and Developmental Psychology, University of Cambridge, UK.

Keynote entitled: 'Conducting developmentally-appropriate interviews of young witnesses'.

Professor Aldert Vrij:

Professor of Social Psychology with the Department of Psychology at the University of Portsmouth, UK.

Keynote entitled: 'Detecting deception: pitfalls and opportunities'.

Professor Malcolm Coulthard:

Director of the Centre for Forensic Linguistics, Aston University, UK.

Keynote entitled: 'The problems of legal/lay communication in forensic settings'.

Professor Peter van Koppen:

Professor of Law and Psychology at Maastricht University and at the Free University Amsterdam. He is also the President of the European Association of Psychology and Law. **Keynote entitled:** 'Sweet interrogations: the role of interrogations in complicated police investigations'.

For conference details, including student bursaries and abstract submission, please visit the website at www.tees.ac.uk/iiirg.

Forensic Linguistics Master Class in Investigative Interviewing 16-17 April 2009

A master class following the 2009 iIIRG conference will involve an afternoon workshop analysing interview transcripts and witness statements, which will encompass examination of question types and functions applying discourse analysis and conversation analysis techniques and producing effective witness statements by taking account of narrative theory. To close the first day, there will be a lecture on the contribution of forensic linguistics to policing delivered after dinner at the Thistle Hotel, Middlesbrough.

The second and final day of the master class will be on interviewing with an interpreter. This will sensitise interviewers to the issues involved in public service interpreting and offer advice on how to manage interpreter-mediated interaction. The workshop will, on the one hand raise awareness of the role of interpreters and the nature of their work, enabling the participants to define their expectations for situations where non-English-speaking parties are involved. It will also provide relevant practical training, making use of role-playing activities and real-life case studies. See the iIIRG website for more details (www.tees.ac.uk/iiirg).

Early booking is strongly advised due to limited places!

CALL FOR PAPERS

Putting theory into practice: The dilemmas of law and psychology



2nd Annual Conference of the
 International Investigative Interviewing Research Group (iIIRG)
 14 – 16 April 2009, University of Teesside, Middlesbrough, UK



Abstracts of no more than 200 words should be submitted electronically to the conference organisers - **www.tees.ac.uk/iiirg**. Abstract submission deadline: **Monday 5 January 2009**.

The Organising Committee encourages submission of abstracts in the following general 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

Confirmed keynotes are:

Professor Michael E Lamb: University of Cambridge, and an expert in investigative interviews of child victims and witnesses.

Professor Aldert Vrij: University of Portsmouth, and an expert in deception detection.

Professor Malcolm Coulthard: Director of the Centre for Forensic Linguistics, Aston University and an expert in the analysis of spoken and written discourse.

Professor Peter van Koppen: Maastricht University and the Free University Amsterdam, and an expert in interviewing and interrogations.

For conference fee, programme and accommodation details visit: **www.tees.ac.uk/iiirg**.







Sponsored by



REPORTS

Are police organisations suspending their disbelief in Scientific Content Analysis (SCAN)?

Georgina Heydon, Monash University, Australia Georgina.Heydon@arts.monash.edu.au

'the marketing of SCAN strengthens the mythology of interviewing by promoting unproven or erroneous beliefs as commonsensical'

The human inability to detect a lie accurately and consistently, while having an important social function, remains one of the greatest barriers to effective policing. For a century, technological advances in deception detection, such as the polygraph device, have held out to law enforcement agencies the promise of a dependable lie detector, only to be challenged and ultimately dismissed as the evidence against their reliability and scientific validity became incontrovertible. While some success has more recently been claimed with cognitive approaches to the problem (see for instance Vrij, Evans, Akehurst & Mann, 2004), police agencies around the world are clearly more attracted by solutions that are delivered in short training courses, rather than scientific, peer-reviewed research papers. Thus, an intense market demand and lack of (reliable) supply has led to a situation where law enforcement agencies are prepared to compromise on the scientific validity of lie detection methods in favour of convenience and availability.

The method known as Scientific Content Analysis or SCAN was developed by Avinoam Sapir of the Laboratory for Scientific Interrogation and is taught by licensed SCAN training providers around the world. SCAN involves the application of linguistic analysis to written statements produced by the subject (typically a suspect or witness in a criminal case). It has been widely criticized by linguists (see below) and is incompatible with the Enhanced Cognitive Interview approach currently being adopted by policing organizations in Europe because it pre-empts the first crucial elicitation of a free-form verbal narrative in the police interview. Nonetheless, it remains a popular choice for police officers keen to give themselves a perceived advantage in the challenging and unpredictable world of interrogation.

As a sociolinguist, my interest in SCAN is two-fold. Obviously, I am interested in the assumptions that SCAN makes about the features of written texts, about language as a system, and about the way that people draw on the structures and rules of language to produce narratives. Surprising though it may seem, few linguists have properly examined the SCAN system and, to my knowledge, no researcher in the field has yet produced a comprehensive report on the relationship between the abovementioned assumptions and established linguistic theories of language use. I therefore consider it a high priority to conduct such an investigation and publish the results as soon as possible for the benefit of the policing community.

My other main interest in SCAN is related to the way that police institutional discourse may be influenced by the perpetuation of a mythology about police interviewing procedures (Heydon 2008, see also Heydon 2005). An investigation of the marketing of SCAN on the internet (www.lsiscan.com) demonstrated that such texts aimed at law enforcement professionals can contribute to, or form a part of, the network of beliefs, assumptions and understandings which constitute a mythology about police interviewing. More specifically, Heydon (2008) and my paper presented at the inaugural iIIRG conference in Derby in 2008 explored how the marketing of SCAN strengthens the mythology of interviewing by promoting unproven or erroneous beliefs as commonsensical.

These unproven or erroneous beliefs can be summarised as follows:

- that it is possible to detect when someone is being deceptive by examining their use of language;
- that to detect when someone is being deceptive is simple;
- that it is possible to be trained to detect deception in a person's language use;
- that it is possible to apply successfully a binary test to human behaviour that works as well as, for instance, a physical or chemical test;
- 5. that deception is a binary behaviour;
- that there is one objective version of events adequately represented by the police version or statement of evidence, and;
- that the suspect is guilty and behaving deceptively to cover up their involvement in the crime.

Moreover, in the case of the final item on this list, belief in the assumptions underlying SCAN contradicts the principles of ethical interviewing promoted by police organisations around the world.

The use of an empirically unproven system of lie detection represents an extremely dangerous risk to law enforcement agencies and governments, and a threat to civil and human rights. Nonetheless, lie detection

devices and systems continue to be used by law enforcement agencies even when they are shown to be unreliable by the academic community. Clearly, scholarly concerns have had limited impact on the law enforcement community in this particular area and it is important that an attempt is made to bridge the communication gap between researchers and practitioners so that both may cooperate in the service of the broader community. As a first step for linguistic research, it has been useful to consider how the use of lie detection systems by police organizations might construct, or be constructed by, the set of institutional beliefs held by members about the relevant practice (i.e., interrogation). The next step is the comprehensive analysis of the linguistic rules of SCAN and their relationship to established linguistic theory. I sincerely hope that when we meet again at the second iIIRG conference, I will be in a position to report positive steps in this direction.

References

- Heydon, G. (2005). *The Language of Police Interviewing: A Critical Analysis*. Houndmills: Palgraves Macmillan Inc.
- Heydon, G. (2008). The art of deception: myths about lie detection in written confessions. In L. Smets and A. Vrij (Eds.), Cahiers Police Studies: Special Investigative Interviewing Techniques: The Use of Written and Oral Analyses (pp. 173-186). Brussels, Politeia.
- Vrij, A., Evans, H., Akehurst, L., & Mann, S. (2004). Rapid judgements in assessing verbal and nonverbal cues: their potential for deception researchers and lie detection. Applied Cognitive Psychology, 18, 283 – 296.

Investigative Interviewing in New Zealand

Ross Grantham, Strategic Adviser, Detective Inspector, Investigative Interviewing Unit, Crime Services Centre, Police National Headquarters ross.grantham@police.govt.nz

'Make no mistake, all police officers are investigative interviewers, be they a Road Traffic Police Officer attending a motor vehicle accident, or a Detective about to interview a murder suspect'

The position of Strategic Adviser for Investigative Interviewing in New Zealand was created late last year and as a result of a police review of investigative interviewing conducted by Mary Schollum. In 2005, Mary Schollum, a researcher and academic employed as a nonsworn member of New Zealand Police, was asked by the Police Executive Committee to conduct an international literature review of investigative interviewing. The review was completed in September 2005 and reported to the police executive in a report titled, 'Investigative Interviewing: The Literature,' and can be accessed through the New Zealand Police website.

As a consequence of the review, in 2005, the Police Executive Committee asked Mary Schollum to further her research and benchmark the investigative interviewing ability of the New Zealand Police. Mary Schollum accepted the research project, however, being a non-sworn member of police she sought the inclusion of a project team of four police practitioners (of which I was one) and two psychologists, Dr. Ian Lambie of the University of Auckland and Dr. Rachael Zajac of the University of Otago.

The methodology used is detailed in the report titled, "The Current Situation Report," which was completed in October 2006. I anticipate this report being published and publicly available before the end of this year. The investigative interviewing framework, PEACE, was identified as international good practice and we used this as the "yardstick" to compare New Zealand police interviewing skills to.

The research included:

- a national survey of sworn staff
- an assessment of both suspect and witness interviews
- discussions with practitioner focus groups
- consultation with other internal parties (e.g., training, information technology)
- survey of police prosecutors, district court judges, and crown solicitors
- survey of police typists
- · a limited survey of youth aid officers
- consultation with government agencies and other external parties
- a review of case law from the last decade
- an assessment of official policies and documentation
- a pilot test of proposed investigative interview training

The results as detailed in the "Current Situation Report" show that adopting a model similar to the one used in the United Kingdom provides an opportunity to improve the current standard of our interviewing in New Zealand Police. Further, in considering this report it is important to understand we assessed ourselves against the United Kingdom model, not the model taught to New Zealand police officers. Based on our current understanding, New Zealand Police have conducted interviews professionally.

A report was then prepared, titled 'The Recommendations Report' which recommended adopting the framework 'PEACE' and recommends this as the way forward for New Zealand Police. The 'Recommendations Report' is yet to be published but I anticipate it will be available by the end of this year. The Police Executive has accepted the recommendations made by Mary Schollum and consequently my position as the national lead on investigative interviewing was established late 2007. It is my role to take ownership of investigative interviewing within the New Zealand police and to facilitate the recommendations adopted. I have a small team comprising of Senior Sergeant Nina Westera (MSc), National Advisor Training and Standards, and Julia Penney, National Advisor Business Strategy.

With the encouragement, support and generosity of Detective Chief Inspector Gary Shaw and his colleagues at the Centre of Excellence Training Centre (CENTREX) in England, New Zealand Police have utilised their Investigative Interviewing Good Practice Guide and Training Material and modified it to New Zealand conditions. The New Zealand Police also received assistance from Dr. Becky Milne of Portsmouth University who reviewed our Investigative Interviewing Doctrine.

The New Zealand Police in adopting the PEACE investigative interviewing framework have established four levels of interviewer. The four levels are:

- Level 1. The foundation level for all frontline police officers. All current frontline staff will be trained to this level which will take several years in order to back capture the 7,000 staff yet to be trained.
- Level 2. Training will be incorporated into the Criminal Investigation Branch (CIB) Selection and Induction course. All trainee detectives will be trained to this level. In addition, there will be a specific Level 2 course each year for the General Duties (GDB) staff who show aptitude and competence at investigative interviewing so that they can advance their skills.
- Level 3. Training will be provided to CIB and GDB staff that show competence and aptitude to become specialist interviewers. This level is aimed at victims and witnesses who require special consideration such as adult sexual-abuse victims, victims of family violence, or witnesses and victims who have intellectual disabilities. Also, specialist levels for suspect interviewing.

• Level 4. Training will be provided to experienced Level 3 interviewers so that they can become advisers to officers in charge of investigations into serious crime. Level 4 advisors do not conduct the interviews themselves. They assist in preparing a strategy for the interview of witnesses, complainants or suspects.

Supervisors play an important role at each level and will receive a separate training module.

As an investigator, this is a fascinating project to be involved with. We now have international best practice to improve our skills for the purpose of effectively and efficiently obtaining the most accurate, reliable, and complete account of what a person witnessed, or was involved in. It also gives the investigator an internationally recognised best practice for interviewing suspects. Make no mistake, all police officers are investigative interviewers, be they a Road Traffic Police Officer attending a motor vehicle accident, or a Detective about to interview a murder suspect.

To implement this change in New Zealand:

There is approximately 7,000 frontline staff that will be trained to Level 1. Of the twelve policing districts within New Zealand, two districts and two areas within one district, self initiated Level 1 training in late 2007. The results have been immediate and encouraging. Those trained so far have gained confidence in interviewing, more interviews are being electronically recorded, and the interviews have increased in length. The Criminal Justice Supports Units or Briefing Centres have noted an improvement in interviewing with better statements obtained from complainants and witnesses with improved suspect interviews. There have been positive comments from the Courts.

The remaining nine districts have recently trained Level 1 trainers and are in the process of establishing training programmes to backcapture their staff across their districts. Such training in the metropolitan areas is simple, one training centre is established and all staff travel to it. However, the rural areas have logistical issues to overcome. Training for Level 1 trainers has been with the United Kingdom expert Mr. Steve Croft (retired Chief Inspector Yorkshire Police). He is has achieved outstanding results with all trainers graduating enthusiastic about the training and imparting their knowledge.

Due to the findings from the Commission of Inquiry into police handling of adult sexual abuse cases, we have taken an unorthodox approach and selected nationally a small number of staff and trained them to Level 1, and two to three months later, trained them to Level 3 for adult witnesses. The standard of the interviews being conducted and the information being obtained has had a positive reaction from investigators and their managers. We have conducted two Level 3 programmes, one in 2007 and the second in 2008. Training in both programmes has been conducted by Mr. Steve Croft, the first being assisted by Dr. Becky Milne and the second by Dr. Maryanne Garry and her colleague

Dr. Matthew Gerrie, from Victoria University, Wellington, NZ. Training of Level 1 to all recruits will commence in October 2008.

Another project intrinsic to our success is the technology to electronically record interviews with suspects and witnesses. Since 1993, New Zealand police have been using VHS to record child evidential interviews and suspect interviews. New legislation also allows police to play interviews of a variety of other types of complainants/witnesses as their Evidence in Chief. VHS technology is no longer sustainable and we are moving towards video streaming, however, this is sometime away and an interim solution of DVD recording has been adopted. The Investigative Interviewing Unit manages this project along with a transcription solution for DVD and digital-video streaming. This is combined with national standards for interview rooms.

Investigative Interviewing is alive and flourishing in New Zealand!

Recantation in Investigate Interviews with Children

Lindsay Molloy, Cambridge University, UK lcm44@hermes.cam.ac.uk

'we found no evidence that cases involving recantations of abuse were less likely to be true'

Children's eyewitness testimony is critical for investigating crimes for which corroborative evidence rarely exists such as child sexual abuse. Overall, little is known about how children disclose the wrongdoing of known and trusted adults (who are most often the perpetrators of child maltreatment). My research focuses on understanding factors both in and outside of the investigative interview context - that can influence children's eyewitness testimony, with a focus on children's disclosures of maltreatment. If we understand factors that influence the accuracy and completeness of children's reports, then we can continue to improve techniques for interviewing children in forensic situations. My colleagues at the University of California, Irvine and the University of Southern California and I have examined factors that influence children's reports of adult wrongdoing both in studies of reals cases as well as experiments.

One question we have recently addressed is, what does it mean when children change their stories? For example, if a child claims that abuse occurred but later denies it. does it mean that abuse, in fact, did not occur? Or does it mean that the child experienced pressure, maybe external or internal, to deny the abuse? Perhaps abuse did occur but what happened after disclosure (e.g., removal from home, arrest of a parent, etc) influenced children's desires to take back (i.e., recant) the allegations. Recantation, which has been hotly debated in recent years, may have considerable implications for children's legal cases and lives such as whether a perpetrator is prosecuted or whether children return to abusive homes. Thus, it is very important to understand how often and why children may recant abuse allegations.

In a recent study (Malloy, Lyon, & Quas, 2007), we examined recantation in actual child sexual abuse cases. Cases that had been substantiated (or "deemed true") by the California Department of Children and Family Services were used to lower the chances of including false reports in our sample. We documented each interview that occurred with children during the investigation as well as key family and abuse characteristics (e.g., perpetrator identity, abuse severity). We also made note of whether the non-offending caregiver (typically the child's mother) was unsupportive when the child disclosed. For example, did the nonoffending caregiver express disbelief in the child's statements or behave in an unsupportive way such as kicking the child out of the home?

An interesting pattern of results emerged. First, just under a quarter (23%) of children recanted their allegations of sexual abuse in at least one interview during the investigation. This is a substantial number of children and a group worth understanding further. Second, younger children, those who were abused by a parent figure (e.g., biological parent, stepparent), and those who had unsupportive caregivers were more likely to recant. In other words, children who were more vulnerable to the influence of adult family members were more likely to claim that the abuse never happened after having already disclosed. Third, and finally, we found no evidence that cases involving recantations of abuse were less likely to be true. That is, recantation was not related to other evidence in the case (e.g., medical evidence, perpetrator confession) which suggests that children do not recant simply to take back a false report. Overall, this study highlights the importance of understanding the types of factors that can affect children's eyewitness testimony, including influences that may occur outside the interview context such as the role of family members. We took this knowledge about the importance of parent perpetrators and caregiver support and designed an experiment to further investihate these issues.

VOLUME 1 ISSUE 1

As mentioned, when child sexual abuse victims experienced negative consequences in the form of unsupportive caregiver reactions to disclosure, they were more likely to take back their allegations and claim that abuse had not occurred. But, what kinds of consequences do children expect for telling on an adult? Do they expect, for example, that their statements will be met with belief and support or disbelief and punishment? And do these expectations differ based on who children are telling on, their age, or their life experiences? The kinds of consequences children expect for telling on an adult may influence whether they tell or who they tell, for example. In our study, we read 4to 9-year-olds brief stories about a child telling on an adult who had done "something really bad." Half of the children in our sample had been removed from their homes due to experiencing maltreatment. In some of the stories, we asked children who they preferred to tell when a parent or stranger did "something really bad." Children could choose to tell either a family member or a police officer. Older children (6- to 9-year-olds) were more likely to tell a police officer when a stranger had done something wrong than when a parent had done something wrong.

Also, nonmaltreated children were more likely to protect parents from the police than were maltreated children. We also asked children to predict how caregivers would react to disclosure. For instance, would they believe children? Older children expected that children in the stories would be believed more often when they levied claims against a stranger than when they levied claims against a parent. This study highlights how children's concerns about telling on a parent may influence their reports, such as whether they are willing to make formal reports to law enforcement.

It is up to researchers and law enforcement to ensure that children are interviewed in the best possible manner taking into account children's capabilities as well as pressures that may exist both in and outside of the interview context. My forthcomming research, in colaboration with Michael Lamb and Carmit Katz, will highlight factors in the interview context that influence children's testimony and how these factors may specifically affect children with intellectual disabilities.

Results and rapport: A police interviewer's dilemma

Harriet Jakobsson Öhrn, Affiliation: Swedish National Police Academy, SE 170 82 Solna, Sweden. harriet.jakobsson-ohrn@phs.police.se

'How can the interviewer handle the complexity emanating from the different demands in the interview situation?'

In institutional settings a professional person meets a non-professional. Research has indicated that talk under these circumstances differs from talk in everyday life in a number of ways (Watson, 1990; Linell and Jönsson, 1991; Jönsson, Linell and Säljö, 1991; Drew and Heritage (Eds.), 1992). The most outstanding feature is its asymmetry, where the professional part due to her or his role and familiarity with the situation has the social power.

The police interview with a suspect person contains a series of dilemmas. The interviewer must protect society's interest in taking legal action against crime as well as the individual's interest in integrity and freedom. When interviewing a suspect the interviewer must gather information about the suspect's criminal actions and at the same time free her/himself from preconceived ideas of the suspect's guilt.

Furthermore, it is not at all certain that the suspect is willing to give information to the interviewer. People try to avoid talking about embarrassing and personal experiences, but on the other hand they have a wish to talk about themselves. To obtain co-operation it is therefore essential to establish a trustful relationship in the interview. Gudjonsson (2003) shows that, despite resistance, many suspects confess their guilt in police interviews.

An interview with a suspect person is a complex situation where different demands lead to dilemmas. These dilemmas that the interviewer must handle, could be described as a tension between getting results and establish rapport (Figure 1).

RESULTS

Institutional perspective: Protect society's interest in taking legal action against crime

RAPPORT

Individual perspective: Protect the individual's integrity and freedom

Figure 1. Two demands in the interview situation.

The earlier emphasis on confession in a suspect interview and methods such as the Inbau/Read/Buckley manual (Inbau, Reid and Buckley, 1962/1986), disregard the perspective of the individual and focus on the institutional need for results.

In investigative interviewing, where the aim is to gather information about what has happened rather than obtaining a confession (Milne and Bull, 1999), both demands are met. The interviewer approaches the suspect with empathy and respect, trying to create a good conversation climate. Studies have shown that a friendly and humane attitude leads to better results compared with a hostile and dominant attitude (Collins, Lincoln & Frank, 2002; Holmberg, 2004). Investigative interviewing can thus be described as the solution, since it takes both individual and institutional perspectives into account. It brings results and rapport together. From an institutional perspective it produces more reliable results and at the same time - from an individual perspective - shows respect for the suspect. Furthermore it has been shown that "telling the truth" gives the individual emotional relief.

Even then it is hard to ignore the conflict of interest between the institutional demand for legal results and the individual's need of integrity and freedom. So the dilemma still remains in the practical situation and has to be handled by the interviewer.

RESULTS

Institutional perspective: Protect society's interest in taking legal action against crime

RAPPORT

Individual perspective: Protect the individual's integrity and freedom



Figure 2. How to handle the two demands in the practical interview situation?

How can the interviewer handle the complexity emanating from the different demands in the interview situation? What can be done to achieve both investigative results and personal rapport when interviewing? I want to describe a police interviewer's actions, and show how he meets different demands in the interview situation.

Method and material

Data consists of a series of interviews with a man suspected of homicide. The interviews are documented in writing and on tapes/videotapes. I also conducted interviews with the interviewers.

In this study I have conducted a qualitative analysis of the interviews in the cases. As a tool for analysis I use an intentional model of explanation (von Wright, 1979) where an action is regarded as meaningful and understandable by assuming that the actor has an intention for acting. To be able to understand the meaning of the observed behaviour, the researcher has to draw conclusions about the actor's intention to act. I describe and analyse the interviewer's actions in terms of projects. A project describes intentional actions and states what an actor wants to accomplish by the action (Linell, 1998).

What does the interviewer do? The projects.

The interviewer (I) starts by asking the suspect (S) to tell his story:

- I: [...] I want you to tell me what you did that Thursday afternoon.
- S: Thursday?
- I: Mm.
- **S:** I have already said that. Am I supposed to say it again?
- I: Yes, I know, but I want you to...
- **S:** You want it one more time?
- I: Yes, yes please.
- S: OK, Thursday, I was at home with the family.
- I: Mm.
- S: You want to know what I did then?
- I: Mm.

The suspect's intonation is irritated and arrogant. The interviewer meets this attitude with calmness and kindness. This seems to affect the suspect and he tells his story. The interviewer lets him talk without interruption and encourages him to go on by 'humming'.

This can be regarded as an example of a Relation project. The interviewer wants to create a trustful conversation climate.

Later on in the interview:

- I: Did you and C talk to each other?
- S: No, we did not.
- I: In the kitchen?
- **S:** No.
- I: You did not?
- S: No.

A long silence follows.

Several witnesses had stated that the suspect had talked to another man – C – in the kitchen. This is an important piece of evidence, which needs an answer, but still the interviewer leaves the subject. He is not challenging the suspect with the witness statements at this point. This can be regarded as an example of a Future project. The interviewer is not in a hurry to get information. To lighten the strain on the suspect, the interviewer turns to a less threatening area of conversation:

- I: When you use drugs [...] how do you feel?
- S: Well, [...] not shy.
- I: What do you call yourself?
- S: Bad boy?
- I: Yes.
- S: Yes, that happens.
- I: That happens?
- [they laugh together]
- S: Yes, once, we ordered hamburgers and ran away and didn't pay. Silly things like that. That's why they call me bad boy.

The atmosphere of the interview has now changed. From being irritated and tense the suspect now with a little laugher – and with pride of being a bad boy – can tell the interviewer about the silly things he does when taking drugs. This can be regarded as an example of a Pendulation project. The interviewer pendulates from a threatening to a secure area of conversation.

The interviewer has by these three projects – Relation, Future and Pendulation – created a more secure interview situation and reduced tension in the interview.

What is the purpose of using the projects described? What does the interviewer want to accomplish? In our interview, the interviewer tells me that he wants to get inside the suspect. The story given by the suspect in the beginning of the interview contains several contradictions compared to witness statements. The interviewer seems to perceive that the suspect carries an inner image of what has happened and that he tries to hide that image behind an invented story.



Figure 3. The interviewer's image of the suspect.

By using the three projects – Relation, Future and Pendulation – the interviewer manages to get a larger amount of information from the suspect. He uses these three projects to get in contact with the suspect's inner image of what happened – the Contact project.

The ultimate goal of the interview is the Agreement project, which aims towards creating an agreed image of what has happened.



Figure 4. Creating an agreed image of what happens from two separate images.

The Agreement project can be regarded as the institutional goal of the interviews. This is the results the interviewer is aiming at. In the early interview described here the interviewer was successful. The agreed image became a great deal lager during the interview. The subordinate means to reach that goal was building rapport by using the Relation, Future, Pendulation, and contact projects. The relation between the projects can be illustrated in the following way:



Figure 5. The relation between the projects. The projects are hierarchically ordered.

Destroying the projects

Then – in the next interview – something happens that breaks this pattern. The interviewer tells me:

"When we came back and told the investigation team what we had accomplished, one of my superiors said that he wanted to participate in the next interview. He said that now we should put pressure on the suspect and force him to confess. I thought it was all wrong, but I let it happen."

In the interview the superior police interviewer leads the interview. He puts pressure on the suspect in order to make him confess. The result of this interview is that the suspect withdraws everything he earlier had admitted and he refuses to talk to the police anymore.

The interviewer tells me:

"I remember that I thought: 'Never again will I let this interviewer in my interview room'. And I went to my boss and told him: 'It's him or me'.

Repairing the damage

In the next interview the suspect is reluctant to talk and there is need for a new start. Though the interviewer returns to his earlier mode of interviewing the answers from the suspect are "no," or "I don't know".



Figure 6. The interviewer's image of the suspect.

So how to proceed?

A new project is now introduced in order to break the wall of silence:

- I: [...] It is a murder we are working with. S: Yes.
- I: A man got shot in his head with five shots.
- S: Yes.
- I: Everything indicates that you have done it.
- S: OK.
- I: Andrew, if it wasn't you, what can we do to help you?

The interviewer here leaves his earlier calm intonation. He now sounds upset and speaks in an emotional way. This can be regarded as the Emotion project. The interviewer is using an emotional language to establish contact with the suspect's inner image. With the introduction of the Emotion project, other dimensions of the Pendulation project appear. The conversation intonation pendulates between a calm and an emotional intonation. There is also a pendulation between accentuating the suspect's hopeless situation and offering help and empathy.

The Emotion project succeeds in breaking the wall of silence and the suspect starts to talk about his feelings. The interviewer gets inside the suspect's inner image as it comes to feelings.

S: I don't want to remember, [...] I am going to feel so bad [...] I would like to commit suicide [...] I don't want to be in prison for life. [...] That's why I don't want to remember. I don't want to feel inside that I have killed someone. I want to sleep at night. [...] I cannot talk any more.

Another project that is getting stronger in the interview series is the Help project. This means that the interviewer besides the goal of getting an agreement also aims at helping the suspect to feel better – now and in the future.

- S: I did not dare to talk about it
- I: Of course, I understand
- S: I did not dare. I don't know where to begin. It feels stupid, you know, it just feels stupid.
- I: You are not stupid.

I: You know what, Andrew [...] if we can help you in any way, just tell us what you want us to do. Talk to your lawyer and if there is anything you think we should do, then we'll do it.

Even though it is difficult for the suspect, his "inner image" of what happened eventually emerges and he gives an account which is in accordance with witness statements. The goal to reach an agreement is thereby achieved.



Figure 7. The relation between the projects. The projects are hierarchically ordered.

Summary

The two superior goals – the agreement project and the help project - correspond to the two demands of results and rapport. The subordinated projects serve both goals.



Figure 8. Handling the two demands in the practical interview situation.

The Pendulation project plays an important role as a tool to meet both institutional and individual demands. The project can be described as alternately acting between empathy and challenge. It means that the demands on the interviewee to give an account are not constantly assertive, but allows a relieving distance to his experiences. Through the interviewer's pendulation a corresponding pendulation will occur in the interviewee – a pendulation between on one hand protection from painful emotions, and on the other hand the need to speak out in order to get emotional relief.

The study shows that the projects used by the interviewer were successful from an institutional as well as an individual perspective. The mode of interviewing met both the demand for results and the demand for rapport. As has been shown in this case study, a pressuring mode of interviewing violated these demands.

References

- Collins, R., Lincoln, R., & Frank, M. G. (2002). The effect of rapport in forensic interviewing. *Psychiatry, Psychology and Law*, 9, 69-78.
- Drew, I. P. and Heritage, J. (1992). *Talk at work*. *Interaction in institutional settings*. Cambridge: Cambridge University Press.
- Gudjonsson, G. H. (2003). The Psychology of Interrogation and Confessions. New York: John Wiley & Sons.
- Holmberg, U. (2004). Police Interviews with Victims and Suspects of Violent and Sexual Crimes; interviewees' experiences and interview outcomes. Stockholm: Department of Psychology, Stockholm University.
- Inbau, F. E., Reid, J. E., & Buckley, J. P. (1962/ 1986). *Criminal Interrogation and Confessions* (3rd Ed.). Baltimore: Williams & Wilkins.
- Jönsson, L., Linell, P., & Säljö, R. (1991). Formulating the past. Remembering in the police interrogation. *Multidisciplinary Newsletter for Activity Theory*.
- Linell, P., & Jönsson, L. (1991). Suspect stories: on perspective-setting in an asymmetrical situation. In I. Marková and K. Foppa (Eds.) Asymmetries in dialogue. Hemmel Hempstead: Harvester Wheatsheaf.
- Linell, P. (1998). Approaching Dialogue. Talk, interaction and contexts in dialogical perspective. Linköping University. Amsterdam: John Benjamins Publishing Co.
- Milne, R. & Bull, R. (1999). *Investigative interviewing: Psychology and practice*. Chichester: John Wiley & Sons.
- Watson, D. R. (1990). Some Features of the Elicitation of Confessions in Murder Interrogations. In Psathas, G. (Ed.)
 Interaction Competence. Studies in Ethnomethodology and Conversation Analysis, No. 1, Washington, D.C.:
 International Institute for Ethnomethodology and Conversation Analysis & University Press of America.
- von Wright, G. H. (1979). The Determinants of Action. I Kohlenberger, H (Ed.) Reason, Action and Experience. *Essays in Honor of Raymond Klibansky*, pp. 107-119. Hamburg: Felix Meiner Verlag.

Modifying the Cognitive Interview

Coral Dando, University of Leicester cjd28@leicester.ac.uk

"... there is much to suggest that the CI is not regularly and/or fully applied."

The Cognitive Interview (CI) is one of the utmost researched and widely acknowledged interview procedures for enhancing eyewitness memorial performance and has been fundamental in shaping the prevailing approach to investigative interviewing in much of the UK, as well as many other countries (e.g., Australia, USA, and Canada). Indeed, the CI underpins the current UK investigative interview model and is taught to all police officers (recruits and expert interviewers alike). However, despite this and the fact that the CI was designed as a practical tool, in terms of its forensic application, there is much to suggest that the CI is not regularly and/or fully applied. For example, research has consistently indicated that both inexperienced (< 2 years service) experienced police investigators (> 10 years experience): (i) apply some of the individual CI components far more frequently than others (e.g. Dando, Wilcock, & Milne, 2008: in press; Longford, 1996; Kebbell, Milne, & Wagstaff, 1999; Wright & Holliday, 2005), (ii) some times do not apply the CI procedure at all (e.g. Clarke & Milne, 2001), and (iii) often poorly apply the componential instructions (e.g. Dando et al., 2008; in press; Clarke & Milne, 2001). Thus, the obvious question arises, why is such a widely researched and generally accepted method of enhancing witness recall appears to be so infrequently and/or incompletely applied by those tasked with using it?

Consideration of the literature, pertaining to both the development of the CI and the pressures encountered by police investigators, not only goes some way to answering this question but also provides much direction for future research. For example, the CI is viewed by some police interviewers as a time consuming and bulky procedure. Certainly it is

the case that a CI takes longer to conduct than the more traditional police interview and it is well documented that police officers experience considerable time constraints while on duty. Furthermore, it is acknowledged, that the procedure makes extensive cognitive demands on the interviewer (Fisher et al., 1987) and in light of the limited training provided to police officers this too may constrain its application. Fortunately, however, there is a considerable amount of empirical research currently being conducted, investigating various modifications of the CI and its constituent components, in an attempt to address some of the aforementioned problems while at the same time retaining the CI superiority effect. For example, I am currently investigating how the mental reinstatement of context (MRC) component of the CI might be adapted, specifically for some of the least experienced and least trained police officers (who conduct a vast amount of witness interviews, often on a daily basis) and for situations in which police officers are under severe time constraints.

The MRC technique encourages a witness to recreate both the psychological and physical environment that existed at the time of the tobe-remembered (TBR) event in an attempt to facilitate the feature overlap between the event and the retrieval environment. Currently, police interviewers are taught to provide a series of mini instructions/prompts each of which should be punctuated by a pause of at least several seconds to allow the witness enough time to recreate the context as instructed (see Milne & Bull, 2001). Furthermore, that these instructions should be presented slowly and deliberately in order that the witness can begin to recreate the context in his/her mind while listening to the interviewer. This technique is believed to be one of the most effective individual components of the CI procedure (Memon & Bull, 1991; Milne & Bull, 2002). Indeed, the beneficial effect of mentally reinstating the psychological and physical context within

VOLUME 1 ISSUE 1

which the TBR event was encoded is generally well established for eyewitness memory (e.g. Clifford & Gwyer, 1999; Milne & Bull, 2002). However, research has consistently suggested that the MRC component is one of the lesser applied techniques (Clarke & Milne, 2001; Dando et al., 2008; in press). Clearly in time critical situations an officer's application of this technique is likely to be constrained due to the time required to provide the instructions. Additionally, for less experienced interviewers, this technique may prove too demanding: it being necessary to carefully consider the suitability of the componential instructions in terms of whether they are both suitable (do not introduce post event information) and salient (as contextual retrieval cues).

With this in mind a Sketch MRC technique has been devised whereby, rather than employing the traditional MRC technique (as above), witnesses are instead asked to draw the TBR event. Furthermore, they are asked to include as much detail as possible and, importantly, while drawing witnesses are instructed to explain to the interviewer each item they draw, as they draw it. The instructions are non leading/suggestive and, therefore, allow the witness to decide what aspects of the event they may wish to sketch. The expectation being that a witness will intuitively draw and verbalise the most salient aspects of the event and as such these are likely to be some of the most powerful retrieval cues. Further, from an applied perspective, the Sketch MRC technique serves to lessen the interviewer's cognitive load: the officer has no involvement in this particular component on the CI procedure, the onus being on the witness to initiate their own retrieval cues (by drawing and verbalising) thereby allowing the interviewer valuable time during which to simply listen, make notes, and consider the forthcoming questioning phase.

Initial laboratory research (Dando et al., in press) investigating the efficacy of a CI comprising the Sketch MRC has provided some indication as to the merits of the technique. Mock witnesses viewed a staged crime event and 48 hours later were interviewed according to one of three CI interview conditions, namely a Sketch MRC CI, a traditional MRC CI, or a structured interview (SI) that excluded the MRC technique altogether. Participants memorial performance was assessed by measuring the amount of correct information recalled, the number of errors and confabulations, and percentage accuracy rate (the number of correctly recalled items divided by the total number of items recalled). Analysis of memorial performance revealed the Sketch MRC CI to be at least as effective (on all measures) as the traditional MRC CI and significantly more effective (on all measures) than a No MRC CI. Furthermore, the Sketch MRC CIs were, on average, 25% shorter in duration than the traditional MRC CIs. Thus, for some types of crime the Sketch MRC CI may be a viable, less demanding (for the interviewer) and less time consuming, alternative to the MRC currently taught to police investigators. All that remains is for the type of information elicited across conditions (person, object, action, and surrounding) and the relevance/importance of that information to the investigatory process to be analysed in order to conclude this initial evaluation. However, this is, without doubt, only the beginning of the empirical research process necessary to indicate whether, or not, the Sketch MRC technique is a robust and effective witness interview procedure. Further research is now needed (i) to replicate these findings, (ii) to address some of the well documented problems inherent in mock witness laboratory research, and finally (iii) to investigate the suitability of the procedure across various populations.

References

- Clarke, C. & Milne, R. (2001). National evaluation of the PEACE investigative interviewing course. London: Home Office.
- Clifford, B. R. & Gwyer, P. (1999). The effects of the cognitive interview and other methods of context reinstatement on identification. *Psychology, Crime, Q Law*, 5, 61-80.
- Dando, C. J., Wilcock, R. & Milne, R. (in press). The Cognitive Interview: The efficacy of a modified mental reinstatement of context procedure for frontline police investigators. *Applied Cognitive Psychology*.
- Dando, C. J., Wilcock, R., & Milne, R. (2008). The cognitive interview: Inexperienced police officers' perceptions of their witness interviewing behaviour. *Legal and Criminological Psychology*, 13, 59-70.
- Fisher, R. P., Geiselman, R. E., Raymond, D. S., Jurkevich, L., & Warhaftig, M. L. (1987).
 Enhancing enhanced eyewitness memory: Refining the cognitive interview. *Journal of Police Science and Administration*, 15, 291-297.
- Kebbell, M., Milne, R., & Wagstaff, G. (1999). The cognitive interview: A survey of its forensic effectiveness. *Psychology, Crime, & Law*, 5, 101-115.

- Longford, G. P. (1996). The use of the cognitive interview by police officers trained on the national investigative interviewing course. Unpublished masters dissertation. Institute of Police and Criminological Studies, University of Portsmouth.
- Memon, A. & Bull, R. (1991). The cognitive interview: Its origins, empirical support, and practical implications, *Journal of Community and Applied Social Psychology*, 1, 291-307.
- Milne, R. & Bull, R. (1999). *Investigative interviewing: Psychology and practice*. Chichester: John Wiley & Son.
- Milne, R. & Bull, R. (2002). Back to basics: A componential analysis of the original cognitive interview mnemonics with three age groups. *Applied Cognitive Psychology*, *16*, 743-753.
- Wright, A. M. & Holliday, R. E. (2005) Police officers' perceptions of older eyewitnesses. *Legal and Criminological Psychology*, 10, 211-223.

Investigative Interviewing – The PRICE Model in Scotland

Neil Drummond, Scottish Police College Neil.Drummond@spsa.pnn.police.uk

"Having considered the transcript of the interview, we are driven to the conclusion that some of the questions put by the interviewing police officer can only be described as outrageous."

(http://www.scotcourts.gov.uk/opinions/2008 HCJAC28.html)

Introduction

The Lord Justice General, Lord Hamilton's comments during Luke Mitchell's, appeal against his conviction of the murder of Jody Jones (2003) have no doubt brought focus on investigative interviewing in Scotland and with it an increase in interest in police interviewing from the Crown and Procurator Fiscals Service (COPFS).

The training in interviewing of victims, witnesses, and suspects has taken a dramatic turn since the early 1990s. Prior to that date there appears to have been little cognisance taken of what is a core skill for any police officer. Changes in legislation, the introduction of tape recording of suspect interviews and decisions from the courts have all influenced the development of interviewing over the years. In the early 1990s such training under the banner of the PRICE (Preparation, Rapport, Information, Confirmation and Evaluation) interview model became part of Detective Training Unit at the Scottish Police College (SPC) but it was not until 1996 that interview technique training was introduced to the probationary police constables courses. In comparison, building on work carried out by Merseyside Police (Shepherd, 2007), a national course called the PEACE framework (Preparation, Explain and Engage, Account,

Closure and Evaluation), had been developed and rolled out in England and Wales in 1993. The PEACE Training Course has been subject to evaluation on 2 occasions (McGurk et al. 1993; Clarke and Milne, 2001), however, no such research has been conducted in Scotland, and as such, there is a lack of knowledge about investigative interviewing in Scotland. This report seeks to address this issue and although this is not a comprehensive examination of the subject, it opens with a brief history of the development of investigative interviewing in Scotland (with the exception of specialist training e.g., the joint investigative interviewing of children), it will then detail the key points of the PRICE model prior to discussing the training of Investigative Interviewing at the SPC. Finally, a brief comparison of the two interview models used in the UK, namely PEACE and PRICE, will be discussed and relevant conclusions will be drawn.

Background

In January 1970, the then secretary of State for Scotland and the Lord Advocate appointed a committee under the chairmanship of the Hon. Lord Thomson. Terms of reference of the Thomson committee were to examine pre trial, trial, and appeal procedures in Scotland in relation to the prosecution of persons accused of crimes and offences; and having regard to the prevention of crime on one hand, and to the need for fairness to accused persons on the other, to report whether any changes in law or practice was required.

In the 2nd report of this committee published in 1975, it was recommended that police interrogation of suspects in police stations should be recorded on tape, in order "to provide safeguard for persons being interrogated in the privacy of a police station and also to protect the police against unjustified allegation". As a consequence of the Criminal Justice (Scotland) Act, 1980 which contained some of the Thomson Committee recommendations, ACPOS (Association of Chief Police Officers in Scotland) issued guidelines on the questioning of suspects in general (1982).

Following similar arrangements in England and Wales, in November 1978, a Scottish Home and Health Department (SHHD) working party with Crown Office, Procurator Fiscal and police service representatives, was established to explore the feasibility of tape recording police interviews on a limited basis. It was agreed that experimental tape recording of Criminal Investigation Department (CID) suspect interviews would start in May 1980 at Dundee and Falkirk. These were extended in May 1982 to Aberdeen and Glasgow.

Very few cases involving tape recorded interviews were subject to judicial scrutiny over this experimental period, with the exception of one case (HMA v McFadden), and in April 1987, the secretary of state for Scotland announced his intention to ask all Chief Constables in Scotland to introduce the tape recording of suspect interviews. A two year rolling programme was to start on 1st April 1988 (Crown Office circular No1961 1988). This was without doubt a key driver for the subsequent training in interview techniques.

History and development of investigative interviewing

The earliest reference to interview training found in Scotland during this research project was an archived 'Précis of Lectures' book written for the first detective training course held between the 21st October and 16th December 1960. The lecture entitled "Interviewing suspects and witness" was written by a Detective Superintendent from Glasgow City (Crawford, 1960). The lecture notes, however, concentrate solely on voluntary statements after a suspect has been charged with a crime or offence. It is interesting to note that the term 'interrogate' was used when describing a person detained in a police station and any subsequent use of voluntary statements.

On 17th August, 1981, the training of detectives within the Scottish police service was formally transferred from its then location in Ayr to the SPC and at that time encompassed three types of course namely, the Initial Training Course, the Advanced Course and two specialist courses i.e. Drugs and Fraud (SPC, 1981). Over the next few years, in an effort to develop the training, the division formed links with similar training establishments in England, Wales, and Northern Ireland thus ensuring a worthwhile interchange of information and ideas (SPC, 1985). It is unknown, however, how much interview training actually took place at this time and indeed what format it took. Reference to interview training can be found in the 1987 SPC Annual Report to the Board of Governors where Mr Thomas Whitson, then Commandant of the college wrote:

"I feel that insufficient emphasis is being placed on communication skills, interpersonal relationships and interview techniques." In this same year the SPC installed 3 interview rooms and a remote monitoring room to develop further the interview skills of detective officers. These rooms were equipped with CCTV for monitoring purposes. The detective division also at this time provided lectures to students within the road policing division on interview techniques.

In 1988, a tape recording instruction course was introduced to detective training (Her Majesty's Inspectorate of Constabulary for Scotland –HMIC, 1988) as a direct result of the implementation of the Criminal Justice (Scotland) Act 1987, and the Secretary of State's request for the tape recording of all CID suspect interviews, and in the following year the content of the initial detective training course was updated. In particular, the need for a structured approach to the training on interview techniques was identified. As such, staff from the division attended interview technique training courses at the West Midlands, Avon and Somerset Detective Training Schools and liased with the then Royal Ulster Constabulary. One week of the initial detective training was now devoted to this "primary skill of a detective officer" (SPC, 1989).

The following year, special constables were also utilised successfully as 'role players' on interview technique training adding a more realistic approach to the scenarios (HMIC, 1990).

One of the Investigative Interview Technique Training (IITT) courses seen by staff at detective training at West Midlands police taught the RIDES interview model (Rapport, Information, Development, Evaluation and Sensitivity) and was hosted by a Mr Peter Marshall, Psychologist, who was also used by the RUC (now Police Service of Northern Ireland) whose services were thereafter secured by the SPC. The training at the SPC, however, revolved around general interview techniques e.g., non-verbal communication, and question and listening skills, and lacked the structure of the future PRICE model. After some further development, the RICE model as it was, was introduced to the Initial Detective Training Course (now known as the Initial Investigators Course) in around 1993. This appears to have coincided with the introduction of the tape recording of suspect interviews and the 'PEACE 'model of interviewing in England and Wales. At some stage the letter 'P' for planning and preparation was added to the model making the acronym 'PRICE'.

The SPC's annual report in 1991 makes mention of the benefits of interview technique training to detectives, however, it is not mentioned again until December 1994 when in partnership with detective training, junior division staff (now probationary training division) underwent instruction in interview technique training (SPC, 1994). Following an ACPOS approved review of probationary training in autumn 1995, a teaching module was designed/developed and training towards witness interviewing based on the PRICE model and cognitive interview technique was introduced to basic training. This also covered the questioning of suspects for minor crimes (SPC Review of Central Training of Probationary Constables, December 1995). Further training was also recommended for the advance probationary training course concentrating on suspect interviewing and recap of the PRICE model and cognitive Interview technique. This training was

introduced in 1996 and Mr. Marshall acted as a consultant to the SPC in the development of the IITT package for probationary police officers (SPC, 2007).

In this year the college also provided a twoweek interview technique trainers course which allowed the eight Scottish forces to roll out interview technique training at a local level.

Interestingly, the term 'investigative interviewing' was seen for this first time in the HMIC Thematic Inspection of Crime in Scotland, 1995. The HMIC in England and Wales annual report 1994/95 also makes mention of the service recognition of the importance of the investigative interview technique and welcomed the introduction of a national training programme (based around the PEACE framework).

In 1999, following success in England and Wales, an interview advisors course was developed with a view to train officers to assist Senior Investigating Officers (SIO) to formulate interview strategies for both witnesses and suspects during serious and complex investigations. This role also supports investigative interview training as trained interview advisors are expected to support officers on a day to day basis regarding interviewing matters. Finally, in 2006, under the auspices of ACPOS an investigative interviewing forum was established following a request from the SPC (this author). All Forces are represented and the remit of the forum is to support and develop investigative interviewing in Scotland.

The PRICE model

The investigative interviewing model taught at the SPC is based on the mnemonic PRICE and is intended to show:

- 1. the value of a structured and organised approach to the interview process; and
- how interviewers can identify and evaluate information learned during the interview process and relate it to other known facts.

The use of the PRICE model is not an attempt to exercise control upon the interviewer, but rather to act as a guide to the interview process ensuring that accurate and quality information is gathered by the interviewer. The following is the model as it is applied to suspect and witness interviewing.

The structure of any interview process can be broken down into the following stages:

- Planning and Preparation
- Rapport Building
- Information Gathering
- Confirming the Content
- Evaluate and Action

The model can be applied to any interview, whether it is a suspect or witness. It is widely known across the legal community and is the expected model to be used during interviews. The following is a summary of the key points of the model as it is used for suspect interviews.

Rapport building

The establishment of relationships at the commencement of interview is an important ingredient in its success. The rapport building stage begins the moment the interviewer meets the suspect, whether they are arrested, detained, or simply calls at the police office.

Displaying a professional and competent manner, combined with a caring and animated approach, will at least give the right signals to the interviewee. Use of appropriate tone of voice, non-verbal communication and a friendly style will make the suspect more at ease and more responsive.

Information gathering

This stage should be pre-planned and helped on its way by good use of open questions. The interviewer should allow the interviewee to tell their story, get them talking, and keep them talking. Make good use of encouraging noises and, where appropriate, silence.

The interviewer should not interrupt or question unnecessarily. At this stage the information should be allowed to flood out. The sequence of events can be sorted out once the whole story has been recited from beginning to end. Detail should be encouraged because detail is where flaws might be found. This is also the area, in which topics of interest to the interviewer should be introduced and thoroughly exhausted. Beware of interviewer bias. The interviewer should not have preconceived ideas, it defeats the purpose of the interview. Never forget the suspect may be innocent.

Confirming the content

Having listened to the interviewee's explanation of events this is now the opportunity to expand and clarify many of the salient points. Detail should be insisted on because if the interviewee is lying, this will be the best method of finding out. The interviewer should then ensure that they get restatements of critical aspects of the case. They should not at this stage challenge lies, but allow them to be confirmed. The good interviewer should cut off escape routes so that there is no misunderstanding, no opportunity later to allege misunderstanding or denial of what has been said. The interviewee has now given an explanation and committed himself to it. Whether it is true or false there should be no doubt whatsoever as to what has been said. Consideration should be given to utilising the "YES/NO SPIRAL" using closed questions, causing the interviewee to re-affirm or deny all the important points, by repeating his/her original answers to seek confirmation or denial.

Evaluation and action

Now is the time to review the information given by the interviewee. The interviewer should examine it in the light of the other evidence available, present what has been said to the suspect, reiterate the evidence, and seek rational explanations for any discrepancies.

Should what the interviewee has said be inconsistent with the evidence, the interviewer should point the inconsistencies out. By pointing out mitigating factors at this time, it makes it easier for the interviewee to admit to lying or committing the offence. The interviewee must be allowed to give the explanation. It is not good interview practice to state what is believed to be true and expect the interviewee to go along with it. This may invalidate the whole interview.

Action

Having completed the logical interview sequence, counsel, charge, or progress the enquiry. Interviewing officers may find that the interviewee has presented enquiries that could be followed up. If possible make those enquiries before proceeding to charge or arrest. Having the fullest possible picture is more likely to allow the interviewer to choose the correct course of action (SPC, 2008).

Training

The following comments are based on this author's own observations and in no way represent the views of the Scottish Police College.

"Training is like the key in the ignition of a brand, strategy, or initiative and, while some believe that it needs only to be turned, the truly enlightened understand that the key requires a deft touch to work as well as it should," (Monarth, 2008).

At present, probationary police officers receive two-to-three days investigative interview training. This can be the last of such training unless at some point in their career they choose to specialise for example as a divisional Detective Officer (CID), a joint investigative interviewer (Family protection work) or as a Sexual Offences Liaison Officer (for adult victims of sexual assault). For those that attend the Initial Investigators Course, (the IIC-aimed at Divisional Criminal Investigation **Department and Family Protection Unit** officers), they receive two days training which incorporates suspect and witness interviewing. The cognitive technique is taught for witness interviewing. The students are also assessed on practical application of these techniques (over another two days).

The officers attending the IIC can have anywhere between five and 20 plus years service in the police and anywhere between twelve months and three years criminal investigation experience. As such, a select few believe they are confident and skilled interviewers and can be reluctant to accept advice or constructive feedback. The breaking down of bad interview habits can be a slow process. Common issues seen are poor questioning skills, failure to obtain detailed information and also to introduce and probe 'police agenda' topics thoroughly. One of the most common complaints from students is the lack of 'time' to plan their interviews. This issue is addressed through the training.

From a trainer's perspective, there appears to be a different attitude in some forces towards interviewing i.e., more senior peers not buying into the PRICE model or are not confident in its application, or pressure from senior ranking officers to get an 'admission' or information from a witness/suspect during investigations into serious crime. The different levels of experience/service amongst the course can also at times be a challenge with those who feel they lack experience not fully participating or remaining quiet in class. Many students also state they would like more interview training. This is supported by Bull and Milne (2003) who highlighted that one way to improve standards in interviewing is to have appropriate training in terms of quality and quantity. In an effort to address this, a recent addition to the IIC is of three suspect interviews carried out as part of a three day hydra based exercise in the last week of the course. It has been observed that some students appeared to have 'forgotten' their interview training (a week prior) and reverted back to old habits used in the work place. It has been suggested that some people, especially police officers, who know they are being evaluated improve their performance (Bull & Milne 2004). This may be an explanation of the differences seen in performance but also a glimpse of how some officers genuinely perform back at the work place.

The lack of monitoring of interviews by supervisory officers within force is another area which affects the impact of training. Supervisors are relied upon to evaluate the training in its effectiveness, ensure the skills learned are being put into practice and identify general skills gaps in practitioners' performance. Supervision also allows for quality assurance mechanisms to be in place that may play a role in appraisal and career development. That said, students regularly feedback that they receive no feedback from line managers on a day to day basis. Such feedback is an essential element of continuous improvement and without this poor techniques will inevitable creep back into the interview room. This is supported by the research of Clark and Milne (2001) who noted that interviews were of a better quality where an interview supervision policy in the work place was present.

The final observation is that of the trainers themselves. Prior to teaching investigative interviewing, staff at the college must complete the Investigative Interviewing Trainers for Trainers' course (IITT). This is an accredited one week course whose aim is to enable trainers to facilitate and deliver IITT to police officers and police staff. Its main focus is on the staff who will be teaching the probationary students and a large part of the course is about the facilitation of the training rather than the finer points of investigative interviewing. As many of the students on this course are uniformed officers, the levels of skill and experience in interviewing both witnesses and suspects can vary dramatically. Despite feedback from the occasional detective sergeant who completes this course, it has remained largely unchanged and the focus has been on probationary training (as of 28th July, 2008, the responsibility of this course transfers to detective training). As highlighted by Milne and Bull (2003) there needs to be effective training for trainers in these courses and it is

questionable in its current format if this is being achieved. These authors in their 1999 book on investigative interviewing also highlighted the problem of 'cascade' training of trainers. Some trainers were nominated by their line manager to take responsibility for this course and had no extra training or relevant experience in this field except for their own PRICE model inputs received during their probationary training. The training was done by 'shadowing' the previous course trainer. Milne and Bull warn of the danger of dilution of the training with this method. Although some trainers have had a little previous interview experience, Gilleard (1998) states that experience is not enough to add value to organisational learning, and given that the current trainers have been away from this arena for some time, and also due to time constraints in their own hectic training schedule, may not have had the opportunity to remain up to date with knowledge and current practices. This is not the case in the Detective Training Unit where a member of staff with extensive experience in investigative interviewing, coordinates interview advisor training at the college, sits on committees and forums on this subject both north and south of the border, liaises with training partners down south, and keeps up to date with current research.

PEACE or PRICE model?

The following is a summary of the key points of both models. The PEACE model is taken from the Practical Guide to Investigative Interviewing (2004) published by CENTREX (now the National Policing Improvement Agency in England and Wales) while the PRICE model is taken from the training notes found within the Detective Training Unit at the SPC.

PEACE	PRICE
Planning – timing• Order of interviews• Aim• Objectives• Location• Interview requirements	Planning – overall purpose• Aims• Objectives• Legal issues• Admin issues• Antecedents• Research
Engage and explain – establish relationship with Interviewee • Explain purpose • Rights of individual • Ground rules • Relevant procedures	Rapport – introductions • Explain purpose • Explain procedures • Caution and explanation of same • Develop working relationship • Understand concerns
Account – full account of events • Identify topics/episodes • Expand & clarify • Challenge when necessary account (see below)	Information – impact question • Full account of events • Expand & clarify • Introduce police agenda topics • Expand and clarify • No challenge (in suspect int.)
 Challenge – towards the latter part of the account stage Clarification seeking approach Ask for an explanation of discrepancies 	 Confirmation/clarification Clarify any issues Summary of interviewee's whole account, using 'yes/no spiral' to confirm content
Closure – review/summarise account Deal with any new info Deal with questions Give time interview finishes Code E (PACE Act 1984) requirements (copy/sealing of tape) 	 Evaluation – identify inconsistencies Consider order of delivery seek explanations robust & focused delivery fully probe further information charge or conclude interview (follow standard procedures) time/date/sealing of tapes etc.)
 Evaluation – the information obtained Aims & objectives The evidence in this investigation Interviewer performance 	Action – review information obtained • Aims & objectives • The evidence in this investigation • Interviewer performance

It can be seen that both models are very similar indeed and one could expect this given the origins of the PRICE model and the sharing of information between forces during the early 1990s. There are subtle differences in the account/information gathering stages but the overall aim in this section is identical. The main difference, if I can call it that, would be in the confirmation stage where in Scotland the use of the 'yes/no spiral' is encouraged to allow the interviewee to commit to their account 100% before introducing evidence/discrepancies in the evaluation stage. I am of the opinion that the clarification and confirmation stage could be expanded to include another 'C' which would be for 'challenge', leaving the evaluation section for just that, mirroring that of PEACE. Another slight difference is the manner in which the challenges are delivered. A more formal tact is encouraged rather than a clarification seeking approach. The practical guide to investigative interviewing states that the interviewer should ask for 'suggestions' as to how discrepancies have occurred and to use conversational techniques previously discussed. Training in Scotland encourages officers to seek explanation rather than suggestions. It is not encouraged to state that someone is lying but to make it clear (to a potential jury or prosecutor for example) by suitable questioning and summaries of evidence and discrepancies that the interviewee is not being truthful.

It should also be borne in mind the differences in the legal systems between England and Scotland. The cautions are different, solicitors have no legal right of access in Scotland and as such no pre disclosure takes place. The use of special warnings does not exist and decisions made by the courts on issues of fairness are different. These will no doubt shape the investigative interview scenario and it is difficult to say what impact this has when comparing the two models.

Conclusion

Having a structured approach to interviewing is without doubt crucial to its success and both the interview models discussed in this paper achieve that aim. It is acknowledged that this author has not seen the PEACE model being used or trained and some interpretations may not be 100% accurate. The questions that remain to be answered are why are there different models? Would a UK model of interviewing add strength to the interview process both in training and in practice? The PEACE investigative interview course has been subject to evaluation at the request of the Home Office in 1993, and found to be effective. In 1999, a second national evaluation of the course took place and overall an improvement was seen in interviewing behaviour when compared with previous criticisms, especially with regards to the provision of legal requirements and the use of questions. No such evaluations have taken place in Scotland. With criticism of police interviewing aired on national television recently, and an increase in interest from COPFS, perhaps it is time that an honest assessment of investigative interviewing in Scotland took place, and the lessons learned from the evaluations and research in England and Wales considered as part of that process.

References

Bull, R. & Milne, B. (2004). Attempts to Improve the Police Interviewing of Suspects. In
G. D. Lassiter (Ed.). Interrogations,
Confessions and Entrapment. New York.
Kluwer.

Clarke, C. & Milne, B. (2001). National Evaluation of the PEACE Investigative Interview Course. *Police Research Award Scheme (Report No. PRAS/149)*. Home Office. London.

Crawford, H. J. (1960). *Detective Training Course Précis of Lectures*. Scottish Police College, Fife.

Gilleard, J. (1998). Trainers need training too. Empowerment in Organizations, Vol. 6 No. 1, pp. 19-26. MCB University Press.

HMIC. (1988). HMIC report-Scottish Police College. Scottish Police College, Fife.

HMIC. (1990). *HMIC report-Scottish Police College*. Scottish Police College, Fife.

McGurk, B. J., Carr, M. J. & McGurk, D. (1993). Investigative interviewing courses for police officers: An evaluation. London: The Home Office. Police Research Series Paper 4.

Milne, B. & Bull, R. (2003). *Interviewing by the Police*. In D. Carson & R Bull (Eds.). Handbook of Psychology in Legal Contexts. 2nd Edition, John Wiley & Sons. Chichester.

Milne, R. & Bull, R. (1999). *Investigative interviewing Psychology and practice*. John Wiley & Sons, Chichester. Monarth, H. (2008). *Trainers: Superstars of the Organisation?* Training Journal, 4/08.

CENTREX (2004). *Practical Guide to Investigative Interviewing*. Central Police Training and Development Authority. England.

Scottish Home & Health Department. (1988). Crown Office Circular No 1961. Tape Recording of Police Interviews with Suspects. Scottish Home and Health Department, Edinburgh.

Scottish Police College (1981). *Annual Report*. Scottish Police College, Fife.

Scottish Police College (1985). Annual Report. Scottish Police College, Fife.

Scottish Police College (1989). Annual Report. Scottish Police College, Fife.

Scottish Police College (1994/1999). Annual Report. Scottish Police College, Fife.

Scottish Police College (1995). *Review of Central Training of Probationary Constables December*. Scottish Police College, Fife.

Scottish Police College (2007). Design Specification for Investigative Interview Techniques Trainers' Course. Scottish Police College, Fife.

Scottish Police College (2008). *Scottish Investigators Guide*. Scottish Police College, Fife.

Shepherd, E. (2007). Investigative Interviewing – The Conversation Management Approach. Oxford University Press. England.

Novel procedure to collect witness statements

Kat Jamieson, University or Abertay Dundee k.jamieson@abertay.ac.uk

"the quality of eyewitness statements, in terms of completeness and accuracy, is essentially time-critical"

Serious crimes frequently involve multiple witnesses, each of whom may hold potentially vital information regarding the incident in question and any descriptions of potential accused. Importantly this information may prove critical for the development of investigative lines of enquiry, future investigations and the subsequent detection and conviction of those responsible. In an ideal world these witnesses should be interviewed and their witness statements noted as soon as possible after the event before any vital information is forgotten. In reality, however, the heavy demands and pressures that are placed upon police resources and their time make this ideal notion somewhat less tangible. Unfortunately, during the time lapse between witnessing an incident and providing a full statement, the witness's memory is not only prone to decay, but becomes vulnerable to the distorting influence of post-event information (PEI) from other sources such as co-witnesses and media reports. Thus, for this reason the quality of eyewitness statements, in terms of completeness and accuracy, is essentially timecritical.

In direct response to the problem of obtaining high quality witness evidence quickly and efficiently a team of researchers comprising Dr Fiona Gabbert and Kat Jamieson (University of Abertay, Dundee), Dr Lorraine Hope (University of Portsmouth) and Professor Ron Fisher (Florida International University) have been funded by The British Academy to develop and test a new recall tool called the 'Self-Administered Interview' (SAI). The SAI enables witnesses to record their memories at the scene of an incident, or shortly after. Witnesses do this by following a carefully researched protocol of instructions and questions that have been proven to significantly boost accurate remembering and protect against forgetting. In addition to these benefits, the SAI frees up police time, and allows for numerous witnesses to provide evidence simultaneously and efficiently.

The SAI was developed in line with theoretical predictions within the psychological memory literature concerning how information is accessed in memory. It incorporates techniques known to aid memory retrieval, including selected components of the Cognitive Interview (CI). Findings to date indicate that the SAI facilitates the number of details that are available and accessible from memory. For example, the researchers have found that mock witnesses who viewed a simulated crime and completed an SAI reported 42% more correct details than those who were simply asked to freely report what they had seen. Furthermore, this recall advantage is found to persist over a long duration of time, suggesting that the SAI protects against normal forgetting. Recent findings show that mock witnesses who complete an SAI after witnessing a simulated crime remember more information following a delay of one month, than do control participants (who have not completed an SAI) after a delay of one week. Some of these research findings are currently 'in press' in the iournal Law & Human Behavior.

ACPO have recently endorsed the SAI, and will support field tests later this year. If you would like more information about the research, or to discuss opportunities to collaborate with field testing the SAI, please contact Fiona Gabbert by phone: 01382 308361 or e-mail f.gabbert@abertay.ac.uk.


KEY BOOKS

****FORTHCOMING TITLE** International Developments in Investigative Interviewing**

Edited by Becky Milne (University of Portsmouth), Steve Savage (University of Portsmouth) and Tom Willamson (formerly University of Portsmouth)

This book examines international developments in investigative interviewing. It analyses the cases and other factors leading to the paradigm shift in a number of countries. This book will be essential reading for practitioners designing and delivering investigative interviewing training programmes as well as academics and students studying international criminal justice.

> £38.50/ 9781843922766/ Hardback 272pp / March 2009

Handbook of

Criminal

Investigation

WILLAN

Dictionary of

Policing



****NEW EDITION**** Handbook of Policing (2e)

Edited by Tim Newburn (LSE)

'A major contribution to the study of policing in the UK ... authoritative, interesting and extremely wide ranging." Sir Ian Blair (Commissioner, Metropolitan Police)

£34.99 / ISBN 9781843923237 / Paperback £85.00/ 9781843925002/ Hardback 912pp / August 2008



Dictionary of Forensic Psychology

Edited by Graham J. Towl (NOMS), David P. Farrington (University of Cambridge), David A. Crighton (NOMS) and Gareth Hughes (Institute of Criminology)

This dictionary contains entries from leading academic and practising forensic psychologists on key terms and concepts with the forensic psychology field and is designed

to meet the needs of both students and practitioners. £22.99 / ISBN 9781843922957 / Paperback £55.00/ 9781843922964/ Hardback 256pp / June 2008



Understanding Criminal Behaviour Psychosocial approaches to criminality

David W Jones (University of East London)

This book aims to integrate psychological and criminological perspectives in order to better understand the nature of criminal behaviour. In particular it aims to explore the range of psychological approaches that seek to understand the signifi-

cance of the emotions that surround criminal behaviour. £19.99 / ISBN 9781843923039 / Paperback £50.00/ 9781843923046/ Hardback 336pp / January 2008



Investigation Edited by Tim Newburn (LSE), Tom Willamson (formerly University of Portsmouth) and Alan Wright (Keele University)

Handbook of

Criminal

Handbook of Criminal Investigation provides a rigorous and critical approach to not only the process of

criminal investigation but also the context in which this takes place, the theory underlying it, and the variety of factors which influence approaches to it. £32.99 / ISBN 9781843921875 / Paperback £85.00/ 9781843921882/ Hardback 728pp / May 2007



Edited by Tim Newburn (LSE) and Peter Neyroud (NPIA)

'This is the first time that the body of knowledge about Policing has been brought together in a single volume dictionary accessible to practitioner and member of public alike. It is a really welcome development.' - Paul Stephenson QPM

(Deputy Commissioner, Metropolitan Police Service) £23.99 / ISBN 978184392872 / Paperback £55.00/ 9781843922889/ Hardback 384pp / April 2008

Investigative Interviewing

Rights, research, regulation Edited by Tom Williamson (formerly University of Portsmouth)

The objective of this book is to review the position of investigative interviewing in a variety of different countries, with different types of criminal justice systems. The

book and consists of chapters written by leading authorities in the field, both academics and practitioners.

£38.50/978184392124046/Hardback 392pp / November 2005

To order any of our books please visit our website, alternatively please contact us:

Willan Publishing, Culmcott House, Mill Street, Uffculme, Devon EX15 3AT, UK. Tel: 01884 849085 Fax: 01884 840251 E-mail: sales@willanpublishing.co.uk



CONFEREN(ROUNDUP

Inaugural Conference of the International Investigative Interviewing Research Group (iIIRG), Derby, United Kingdom (March, 2008)

Dave Walsh, University of Derby, UK d.walsh@derby.ac.uk

"this first conference attracted many diverse papers concerning the interviewing discipline, some continuing to provide contested discussion!"

This two-day conference held at the University of Derby with the theme of 'Research-based Practice: Practice-based Research' attracted around 90 delegates. Reflecting this theme was the attendance of law enforcement professionals, academics from fourteen UK universities, and both undergraduate and postgraduate students. The international flavour was conveyed by way of nine countries being represented. The Chair of the iIIRG has presented in a separate paper (posted elsewhere on the iIIRG website) that the feedback from attending delegates was exclusively positive. This paper reviews the presentations themselves.

Day One

An opening address by the Chief Constable of Derbyshire, Mick Creedon, pointed to the progress made by the police in England and Wales following the introduction of the PEACE model in 1993, highlighting that its success had been measured in part by the matter that no miscarriages of justice attributable to poor interviewing had occurred in this jurisdiction since its implementation. Following this, the opening keynote address was delivered by Dr. Becky Milne from the Institute of Criminal Justice Studies at the University of Portsmouth. In her presentation entitled 'Investigative Interviewing: Harmonising research and practice', Milne offered a brief retrospective of suspect interviewing in England and Wales outlining why the practice needed to change, offering also a brief commentary and analysis of progress. She moved to discussing witness and victim interviewing where it was postulated that, in contrast to suspect interviewing (which she felt now needed less attention), these types of interviews required

VOLUME 1 ISSUE 1

much more research and liaison with professionals in order to enhance practice. Milne also pointed that in terms of victim interviewing an understanding of victimology was a crucial aspect. It would seem then from this point that victimologists or criminologists can also contribute towards enhancing interview practice.

Processes and Frameworks in Investigative Interviewing

Dr Harriet Jakobsson Öhrn of the Swedish National Police Academy (Results and Rapport - 'A Police Interviewer's Dilemma') presented, through a series of cases studies, material from a fresh perspective on managing the emotion (and emotional language) in the interview as (to paraphrase Jakobsson Öhrn) the mood in the interview pendulates. She argued that by managing these interview pendulations (and even influencing them) both rapport and better interview results would both be achieved. A fuller account of her research is included elsewhere in this newsletter. Then followed Dr Angi Shen from the University of Teesside, UK whose paper; Investigative Interviewing in the Chinese Criminal Investigation Process' supplied an insight into the institutional and cultural challenges in the criminal justice system in China that confronted those who wished for an increased humanitarian approach to investigation. It was clear that a great deal of work was needed and it would be unlikely to be in the short term that such a goal would be attained. The next session was in contrast to the foregoing academic perspectives, in supplying a practitioner's view in the presentation entitled 'Current Developments in Police Training in England and Wales'. The presentation, provided by Phil Stokoe and Jeff Boxer of the National Police Improvement Agency in the UK, set out details of the interviewing strategy in this jurisdiction referring to the much lauded 'Professionalising Investigations Programme' (PIP) and detailing the structured approach to tailored training in the police service.

A second keynote address was delivered by Dr. Tim Grant from the Centre of Forensic Linguistics, Aston University in the UK. Grant, given his linguistical background, supplied another angle on the police interview, also

examining language used in other legal contexts too. He noted that much of the 'conventional ways' of conversing are abandoned when it comes to forensic interactions with officers, for example, talking on tape in a manner that befitted a third party (i.e. the courtroom). This obviated at times (say, for the purposes of clarity in a trial) the need to ask apparently facile questions to which all those present in the interview already knew the answer. Amongst the other many interesting contributions that Grant discussed was the line of questioning in the case of the mass murderer, Harold Shipman, where he demonstrated that an apparent crass line of questioning by investigating officers enabled the arrogant Shipman to reinforce to himself the view that he was intellectually superior to the investigating officers. It was this interviewing strategy that in due course lead to Shipman becoming complacent and then, exposed, in his defences, which, in turn, lead to his 'loss of control' in the interview. Finally, Grant made timely reference to the challenging nature of interviews held with those whose first language is not English. His was not the only interesting linguistic contribution that the conference heard.

Detecting Lies and Deceit

Dr. Georgina Heydon (from Monash University, Australia) then followed and whose subject theme offered a very interesting linguist's perspective on detecting deception. Georgina supplies fuller details of her presentation and research elsewhere in these pages. Lie catching was also covered in a thought provoking review of Statement Validity Analysis in the presentation given by Dr. Bryan Tully.

Final session

Dr. Miet Vanderhallen, an academic teaching at two Belgian universities, supplied another approach to the conference theme in her research examining the investigations of private detectives in a range of settings such as the workplace (in a range of disciplinary contexts). Her reportage of a high rate of positive outcomes following these certainly engaged professional interest though her talk did not reveal as to what strategies were undertaken during the interview in these investigations. Private companies, for fear of such factors as losing customer confidence or allowing rivals to gain a competitive edge, are not prone to openness in the way that public organisations tend to be. It remains speculative therefore as to whether justice is being done in these investigations. The first day ended with a presentation by Dr. Sarah Krähenbühl who gave the first of what would eventually be two separate presentations (the other by David La Rooy, see below) on the subject of child witnesses. Krähenbühl reported that her experimental research has shown that accuracy of children's testimony tended to decline in light of repetitive questioning, reaffirming that prior rapport building and planning well thought out questions (that only would need the to be asked once) promises better opportunity to enhance completeness and accuracy of children's testimony.

Day Two

Dr. Mark Kebbell from Griffith University, Australia, entertainingly opened the second day of the conference with his presentation, "Improving the interviewing of suspected sex offenders" where he outlined the difficult challenges confronting those who interview sex offenders. He detailed the appeal of ethically obtained confessions in bringing more perpetrators to (swifter) justice. He showed from prior research the importance of evidence, where it was available, in persuading those to confess. Where evidence was not to hand, he also reported from his, and others', research that confessions may safely emerge, by the employment of a humanitarian or compassionate approach by interviewing investigators, helping overcome the suspects' own awkwardness that they may feel in making such admissions. Contrary approaches, on the other hand, may lead to stiffened resistance, Kebbell continued. This was a well received, compellingly argued presentation.

The next session looked at the barely examined, but highly topical issue of interviewing terrorists given by Dr. Karl Roberts from the University of Sunderland. He particularly highlighted that the skills as required in the PEACE model were not exactly a compatible fit when dealing with urgent 'public safety; interviews where time may be an important factor. and delays may have the most dire consequences Roberts pointed out that the stresses on investigators in such pressured moments meant that only the most highly skilled should be involved in interviewing suspects in these circumstances. He also noted that in certain circumstances the pressures on the suspected terrorist may also be peculiarly heavy. It was clear from this presentation that more research was required of how to deal effectively with these highly demanding situations.

Interviewer Competencies

Gary Shaw from the NPIA in the next session returned to the theme that Mark Kebbell had introduced earlier in the day in highlighting the importance of (prior) investigation in the investigative interviewing process. Shaw also noted the significant change in the aims of the PEACE model from the somewhat elusive concept of 'searching for the truth' to 'obtaining accurate and reliable accounts'. Shaw gave the conference the benefit of his experience and expertise in discussing appropriate approaches and challenges facing police officers today when interviewing suspects reminding us that assertive tactics were quite acceptable within the PEACE framework. Reinforcing Stokoe and Boxer's presentation from the previous day, Shaw discussed the continuing progress being made in England and Wales in order to raise further interviewing standards through re-structured training strategies.

The following session was presented by Lotte Smets, a PhD researcher from Ghent University, Belgium. Smets examined, from her developing research, whether there were personality types that were more associated with good interviewers. Her findings revealed that the more experienced her subjects were (being Belgian police officers) the less likely they were to be empathetic towards the suspects. Food for thought when thinking of Kebbell's earlier presentation in which he identified the importance of showing understanding in gaining suspect compliance.

The Efficacy of Interviewing

In the final afternoon of the conference Dr. David La Rooy, from the University of Abertay, Dundee returned to the theme of interviewing child witnesses. However, in contrast to the previous speaker on this subject, La Rooy felt that much more attention needs to be paid to the definition of what is a repeat question when studying this area. La Rooy also argued that applied research had shown that contradictions from previously stated testimony by children did not necessarily occur when questions were repeated, in contrast to the findings of some of the previous (experimental) research. Indeed, recognising the polemic nature of his presentation, La Rooy went on to show that applied research had shown that repeat interviews yielded more information, calling for more research of this nature but cautioning experimental researchers to include increased ecological validity when designing their studies.

Next, Dr. Coral Dando from the University of Leicester supplied a presentation based on her doctoral research which found that officers poorly applied certain aspects of cognitive interviewing when dealing with witnesses, locating that this problem was a product of time pressures on front line officers dealing with volume crime. Dando provided a solution by asking witnesses to draw sketch maps which, from her studies, were found to save on time but did not lose any completeness of detail and, interestingly, increased accuracy of testimony when compared to other established forms of eliciting witness testimony. This was an excellent example of research directly helping professionals in a highly practical manner!

Finally, the conference closed with the final session, given by Professor Tom Ormerod from Lancaster University who declared that his research had found that deductive reasoning and sound decision making in the investigative process was not always associated with the relative expertise of the investigator. Ormerod advised that investigators should retain a number of (competing) hypotheses when undertaking investigations which would allow them to overcome false positives and thus, increase opportunities for investigators to avoid jumping to wrong conclusions caused by the employment of erroneous judgements.

Overall, this first conference attracted many diverse papers concerning the interviewing discipline, some continuing to provide contested discussion! However, its undoubted success lay in the area of increasing better opportunities for interface between practitioners and researchers to continue to work together to achieve further progress in the field. Many of the presentation slides are on this website, supplying further information and insight into this successful conference.

The 3rd International Conference on Investigative Interviewing, Nicolet, Canada (June, 2008)

Anthony McLean, Executive Director, New Intelligence, Australia anthonym@intelligencedynamics.com.au

Dave Walsh, University of Derby, UK d.walsh@derby.ac.uk

"the conference did provide some fresh concepts, but as was commented on by members of the Scientific Committee, no real revolutionary or landmark research was presented"

The 3rd International Conference on Investigative Interviewing was held from16-18th June 2008 in the impressive surroundings of the École national de police du Quebec in Canada. The conference was limited to 270 delegates and the theme of 'The Search for the Truth' was specifically targeted at:

- investigators, civilian and police personnel from Quebec, Canadian, and international police forces;
- investigators from Quebec, Canadian, and international governmental organizations having the status of police officer;
- academics and researchers from fields closely related to investigations;
- and Crown Attorneys.

The purpose of this paper is to provide a review of the conference from a joint practitioner / academic standpoint. The authors will review the sessions they personally attended.

Pre-Conference Workshops

The conference was preceded by a one-day workshop aimed at the transference of skills to the workplace, providing a less informal environment in which to promote discussion in the areas of the cognitive interview, statement analysis, interviewing children, detecting lies and deceit, and suspect interview/interrogation.

The opening session attended was "Cognitive Interview" facilitated by Dr Ronald Fisher of Florida International University, and Dr Becky Milne from the University of Portsmouth in the United Kingdom. Fisher commenced by enlisting the assistance of one the participants to demonstrate how an inappropriate interview would be conducted complete with interruptions, inappropriate questions, and an interview dominated by the interviewer. He then repeated the interview using Cognitive Interview techniques. This was an effective practical demonstration for those participants who had not experienced the Cognitive Interview firsthand. Fisher then set about providing an overview of the Cognitive Interview, relying on his, and the research of others, to demonstrate the empirical basis of the technique, and importantly highlight that it was primarily a witness driven activity. Fisher made effective use of audio files to demonstrate his points. Milne supported the delivery by addressing factors such as memory contamination and highlighting why an effective search through memory was crucial for an investigation. Interestingly, the workshop concluded with practitioners and researchers agreeing that a well overdue change is required to recognise that witnesses often provide the crucial evidence required to prove a case, a fact that is certainly drawing more attention and attack from the defence legal teams in the UK.

After the lunch break the second workshops commenced. Jimmy Moffat from the Royal Canadian Mounted Police (RCMP) followed on from Fisher and Milne and addressed the Interview and Interrogation of suspects in Canada from a RCMP perspective. Whilst this workshop was not attended by the authors it certainly caused a large amount of discussion between delegates due to a lively debate between varying RCMP members and researchers such as Fisher.

VOLUME 1 ISSUE 1

Professor Aldert Vrij's workshop, entitled "Detecting Lies and Deceit: Pitfalls and Opportunities", commenced with an outline as to why lie detection is often undertaken poorly and from the outset it was noted that several practitioners in the room took umbrage at some of Vrij's assertions. The lively interjections and challenges continued especially when Vrij targeted polygraph and the use of Statement Analysis. The practitioners in the workshop allowed Vrij to present his findings, however they challenged the absolutes with which the statements were made. Vrij provided instruction on how to improve lie detection skills by employing his technique of increasing cognitive load and the principles of Strategic Use of Evidence (SUE). He was challenged a number of times from the floor regarding (i) his seemingly small sample size, (ii) the common problems of laboratory research failing to replicate real-life pressures, stressors and emotions, and (iii) the relevance of the case study used to demonstrate Vrij's points. Unflustered, Vrij finished with a piece of declared self-promotion by referring to his book and the 1100 references within as a solid baseline for practitioners upon which to base future deception detection.

The workshops certainly set the tone for the conference and at times a rival mentality was demonstrated from both the practitioners and the researchers.

Day 1 – Interviewing Suspects

Day One of the conference was dedicated to Interviewing Suspects and the conference began with a ninety minute presentation by an invited speaker; Chris Norris (of Wicklander-Zulawski & Associates, USA). Norris provided a presentation about non-confrontational interrogation and, other than providing anecdotal material of seemingly highly selected content, supplied little by way of any empirical value. After a brief introduction and delivery of otherwise unattributed Wicklander-Zulawski & Associates proprietary statistics, Norris introduced a series of persuasive tactics with only a cursory regard as to the emotional power and influence that these might have on vulnerable suspects. His use of a case study was adequate for the purposes that were being presented but many of the practitioners found

the link tenuous to their daily operational tasks. This concern was particularly demonstrated in the case study interview presented by Norris which lacked many of the legislative and procedural safeguards required to be followed in interviews with suspects. Norris went on to highlight how varying nonverbal responses indicated areas that require further probing because deceit was present, however these non-verbal cues possess no empirical backing when examined under rigorous methodology. It was interesting however, to count the number of instances of Norris' own facial grooming after he had mentioned that this could be a cue that may reveal areas for further interrogative probing of 'guilty' suspects! Norris may feel that his tactics of minimisation are more subtly persuasive and less confrontational than other attempts as seen, for example, in Inbau, Reid, Jayne and Buckley (2001) but nevertheless, they remain of great concern in inducing false confessions and have been shown in the literature to have adverse consequences (Gudjonsson, 2003). Further, there was no accommodation for the suspect to give their own account of events. Norris alternatively made recommendations to the contrary in the recommendation to withhold certain evidence (described as "protection of evidence") and in the employment of tactics designed to "take away hope" from the suspect before (at the appropriate stage) "giving it back" in efforts to gain compliance and confession from the suspect. The matter that the person being interviewed may be innocent does not appear on Norris' radar as the suspect is manipulated by tactics which have repeatedly been seen to be unethical. In short, this was a dispiriting beginning to the conference.

The next main speaker, John Tedeschini of the Edmonton Police Service, provided an interesting account of his attempts to modify traditional North American interrogation tactics with those seen as much more ethical and no less effective such as the investigative interviewing approaches used by the police in the United Kingdom. Tedeschini provided a personal, self critical assessment of his seventeen years of formal and on-the-job training, resulting in a realisation that his approach, which replicated that of many of his peers, needed drastic revision. Tedeschini's humility is refreshing in that he has been responsible for overhauling the Edmonton Police training programmes and supplies hope that others may follow in his footsteps, as he seeks, not with instinct, but with greater scientific insight to establish more credible and skilful ways of searching for the truth.' Tedeschini, in contrast to Norris, has recognised the need to incorporate research to develop a more soundly based approach to interviewing suspects. Tedeschini, a formally trained polygraphist, highlighted the need for interviewers not to become complacent in seeking the truth, but rather to complement existing legal practices, regardless of jurisdiction, with those derived from research and proven application. It is precisely in support of professionals such as Tedeschini, that the research community should continue to strive to supply the evidence to further drive reform in established training and operational practice.

Stephen Moston of Australia's James Cook University, continued the conference theme in the next observed presentation, "Suspect Practices: Police Interrogation in Australia" which concerned attempting to change established practices in Queensland. Speaking eloquently, Moston at first gave thought to the conference theme in declaring that we should be looking for truth but such a concept emerges from various places and if we are looking for unquestionable truth then this has much to do with the scientific process from which it is derived. In such a stance, Moston asked whether the PEACE model itself has been subjected to such scientific rigour, reflecting that whilst the cognitive interviewing element has had much review and test, in contrast, the other main component, 'conversation management' has had much less stringent examination. Nevertheless, Moston also showed through interview extracts that some of the Australian police tactics are direct and confrontational but, even where these tactics may have been revealed as unethical, they appear to have found no disfavour from the Australian public who seem to be satisfied with policing interview strategies provided they get a confession from 'guilty' suspects.

In order to learn what police officers themselves thought about such tactics, and

having been initially rebuffed by senior police officials from approaching current serving officers, Moston and his colleague, Weber; herself a serving police officer, enquired of retired police officers in Queensland. Whilst he recognised there may be limitations of such methodology, he argued that this supplied a range of vast experience. Moreover, the participants could talk freely being uninhibited from any institutional repercussions that might restrict serving officers, candidly stating their views and experiences. Interestingly, Moston's sample group, 67% of whom retired at or above the rank of Sergeant, and 58% having retired in the past five years, reflected a group that in operational terms may not have personally conducted, supervised or even attended an interview for a number of years, with some, perhaps, not undertaking any interviews since Royal Commissions and Inquiries had been conducted in that State.

Moston's slides which have been placed in the illRG's website show some worrying findings. They reveal, for example, that the survey respondents admitted to varying extents to (i) a discomfiting rate of guilt presumption when interviewing suspects, (ii) manipulation of suspects in getting them to confess, (iii) extravagant claims about their ability to detect deception and, (iv) depressingly, knowing that they had received false confessions from suspects. Moston and his colleagues show how much of a challenge there is in introducing a fairer interviewing style and from what Moston reports, in contrast to the UK, miscarriages of justice do not seem to fuel the necessary change.

Following Moston was another piece of current research from Australia "Suspect Interviewing in Australia: Police Officers Perceptions and Practices" presented by Jade Hill, a civilian police researcher, who is in the early stages of his doctoral research. He has had a phenomenal response in conducting his attitudinal survey with over 2,700 replies from police officers. Needless to say, he has a vast amount of data that he is currently working through under the supervision of Dr. Moston, some of which gives cause for optimism in police officers' stated desire for change. However, it appears that most of the responses have come from the junior ranks with very little interest in involvement apparently from those in supervisory, and therefore influential, positions.

Ray Bull provided the next main presentation, "Are Police Tactics/Skills Related to Suspects Confessing?" citing largely from work which he undertook with his then PhD student, Roula Soukara (in press), he showed how certain tactics were predominant in a sample examined of actual interviews with suspects by the British police such as (i) disclosure of evidence, (ii) open questions, (iii) leading questions, (iv) positive confrontation, (v) challenging of the suspect's account, (vi) emphasising contradictions, and (vii) repetitive questioning. Some of these were also present in the interviews where no confession was gained but this should be no surprise given that there would be expected to be efforts in shape of these tactics to test denials. Interestingly, Bull reported that in their research they found that where confessions did occur they appeared later in the interviews. This contrasts to the approach found in studies before the introduction of the PEACE model where confessions occurred largely early on in the interview. (E.g. Moston, Stephenson and Williamson, 1992; Baldwin, 1993). Does this show that those tactics recommended in the PEACE model produces confessions as it overcomes resistance? An alternate view might be that PEACE might increase suspect resistance (at least initially) or even delay confessions that might emerge earlier in a more confrontational style of interviewing. In trying to answer this question Bull and Soukara's research has attempted to examine suspect responses and reactions to the various interviewing strategies. As these researchers recognise this type of academic investigation is in its embryonic stages and as such their results are no more than tentative but building on amongst others' Holmberg and Christiansen's (2002) studies, Bull and Soukara found that suspect resistance was significantly and positively correlated with the interviewer's open-mindedness and rapport building. Their research has also found that a disinclination to co-operate by suspects was also significantly, though negatively, correlated with interviewer presumptions of guilt, and responsiveness to suspects. Bull and Soukara again attribute, what at first might appear in some of these

findings, unexpected associations between tactics and outcomes again to the extra efforts made as directed by the requirements of the PEACE model (for a more in-depth explanation, please see the relevant slides supplied on this website). There is much thought provoking material here concerning the means for a more progressive approach to better interviewing of suspects in a range of crimes.

Day 2 – Witness/Victim Interviewing

The second day of the conference commenced with a presentation by Elizabeth Loftus of University of California-Irvine on "Illusions of Memory". Loftus challenged the group with some compelling and well known cases in Northern America regarding wronglyconvicted persons based on eyewitness testimony. Loftus highlighted the essentials of eyewitness memory including:

- memory loss;
- memory construction;
- the misinformation effect;
- social influence; and
- confidence inflation

Loftus emphasised the potential for memory to be contaminated and distorted, yet those memories can be reported with great confidence by the interviewee depending on how they are interviewed. She went on to highlight the research that has been conducted into Memory Distortion including the Misinformation Effect and the planting of False Memories. The research demonstrated where memories were planted for actual events at a rate of 50%. Due to the criticism of the research the next step was to implant memories for fictitious events and these events were planted at a rate of 25% using factual information from the subjects past (Loftus & Pickrell, 1995). Loftus highlighted other similar research including that of Heaps and Nash resulting in up to 37% for plantation of false memories. Loftus demonstrated how some New Zealand researchers were able to increase this percentage through the use of digitally modified photographs including the subject (Wade, Garry, Read & Lindsay, 2002) and finished up where a false memory was implanted into American actor Allan Alda of the famous TV programme, M.A.S.H. which

then modified behaviour of the selection of foods at a picnic. Practically, the malleable nature of memory was clear and Loftus concluded with some practical advice regarding the engagement with eyewitnesses especially when participating in a line-up or suspect photoboard.

The next session attended, "Cognitive Interview: a Practical Application" was an intriguing account of how Michael (Mike) Bryant, Special Agent for the United States Department of Justice, became involved with a cold case murder investigation and conducted a Cognitive Interview with an eyewitness who decades earlier, as a small child, witnessed the murder of her mother. Bryant's understanding and application of the Cognitive Interview was thorough, methodical and a demonstration of where true professionalism enabled the facts to be retrieved without contamination. Whilst hamstrung somewhat due to the matter coming up for trial in the US courts, Bryant was able, without disclosing specific facts of the case, to demonstrate how when executed with a touch of innovation the Cognitive Interview can elicit astounding clarity and easily corroborated testimony even many years after the event.

Bryant addressed the interview setting, strategy, recording of information, evidence examination, the actual interview and the legal implications such as not video or audio taping the interviews that were conducted over six consecutive days, rather using three independent note takers to capture the information. He also discussed the implications of the defence legal team not understanding the complexities and research that sits behind the Cognitive Interview and how Dr Ronald Fisher was called upon to provide expert testimony in that regard. Whilst a great practical and contemporary example one of the key learning outcomes of the presentation was how Bryant so effectively on a number of occasions used context reinstatement to elicit critical, previously undisclosed yet now corroborated information from the witness that now appears central to the prosecution's case.

With five separate venues operating concurrently after lunch, selection of a topic was difficult. One observed presentation was

that of Dr Lorraine Hope of Portsmouth University on "Protecting Eyewitness Evidence at the Scene of a Crime: Testing the Efficacy of a Self-Administered Interview (SAI)". The research presented was funded by the British Academy and looked at the way in which evewitness evidence can be preserved when engaging with witnesses at crime scenes. The research indicated that because memory is prone to decay and vulnerable to influence through interaction and post event information, the early recall of information can protect against decay however the implications of contamination were great. The SAI was developed as a tool to limit susceptibility to influence and misinformation whilst still obtaining time critical information. The project found that in using the SAI the information retrieved was equal to or just below to that which was able to be recovered in a full cognitive interview. The practical issues of the impact of trauma and how the SAI was administered were addressed by the audience. Hope cleverly used these questions to ask for the assistance of the practitioners, stating that more work needed to be done on the SAI and one of the reasons for presenting the paper at the conference was to obtain the input of end users of the SAI to help in advising what considerations or potential problems may exist. This prompted a short and fruitful discussion on how the SAI could be used and some of the foreseeable problems in its application.

The next session attended was that of Charles (Andy) Morgan of Yale University concerning the "Impact of Misinformation on Memory for Highly Stressful, Personally Relevant Events". Morgan provided an interesting insight into how the US Military were testing the impact on memory in traumatic situations such as being taken prisoner during wartime and then recalling these events once the prisoner was repatriated. Morgan outlined the methodology of his research conducted in one of the US Armies training facilities for Special Forces personnel. He reinforced much of the earlier content regarding the danger of inserting false memories and misinformation and demonstrated how as a tactic this has been used very successfully in previous military campaigns to alter information reported postrelease. The implication for practitioners and

VOLUME 1 ISSUE 1

researchers was evident for those working in high stakes, time critical environments, where ambiguous information makes decision making and planning difficult, especially when eyewitness evidence cannot be fully relied upon. The linkages between Morgan's research and that of Hope and her SAI were evident in providing tangible academic support to the more difficult aspects of policing such as counter-terrorism related investigations.

Running concurrently with Lorraine Hope's session was a presentation made by Michel St-Yves; "False Rape allegations: Detection and Intervention". Whilst reminding the audience that all rape allegations were to be treated seriously, St-Yves, somewhat incongruously, provided controversial material supported by a range of largely North American research that purported to show that false allegations of rape varied from 15% to more than 50%. His slides on the iIIRG website provide details of where these figures are sourced from. Whilst supplying possible reasons for false allegations, St-Yves, also highlighted what were argued to be indicators of doubt as to the truthfulness of the rape complaint. As much of this material was delivered without any evidence it was a most dissatisfying presentation. For example, it was said that delays in reporting of the incident and the resistance to co-operate should be a 'red flag' to investigators of a possible false allegation. This is in direct contravention to the criminological literature that concerns rape victim reactions to rape in regard to shame, guilt, fear of repercussion, stigma and anxiety concerning the rigours of the (adversarial) criminal justice process that can be felt by victims leading them to delay reporting the incident (or not reporting at all). If such delay is advised to be treated with some element of caution by investigators we can also add possible police responses (such as asking complainants to undertake polygraph tests!) as a further inhibitor towards the efficient reporting of rape.

It was interesting to compare the foregoing session with the one which followed by Kim Drake, a PhD student from the UK. Drake's presentation, entitled, "Interrogative Suggestibility: Past Influences and Future Directions" showed, from her experimental research, that both anxiety caused by adverse life incidents and personality could make a person more suggestible in interviews. Drake argued that her model improves upon Gudjonsson and Clark's (1986) landmark model of suggestibility by accounting for personality differences particularly where these have associated with negative life events. One might consider, when referring back to the earlier presentation of St-Yves that being raped is one such event and that suggestion (overt or otherwise) by investigators of their disbelief of the complainant might in itself be sufficient to act as a further dissuader. This may be a sobering thought to St-Yves and his colleagues.

The final session of Day Two was a panel discussion on Witness/Victim Interviewing methods. The panel provided a good summation of the day's events and outlined the approaches being undertaken in various countries. Ultimately, the common theme was that eyewitness testimony was critical, especially if it was accepted (as Ray Bull asserted in his conference presentation) that confessions are easier to obtain if a great deal of evidence exists.

Day 3 – Lie Detection

As one of the presenters in the first section on Day Three, Anthony McLean's presentation "Non-verbal Communication – Behavioural Evidence or Behavioural Intelligence" addressed the concepts of evidence and intelligence. The delineation was made that evidence is something that is presented in court to prove a fact in issue and intelligence was simply something that promoted understanding by providing direction and focus to an action and in this case interviewing. McLean presented a concept of Behavioural Intelligence, where direction and focus is provided to the interviewer through observing all of the interviewee's communicative channels. This does not amount to Behavioural Evidence, i.e. the interviewer would not provide evidence that the interviewee was being deceptive because he engaged in grooming gestures, or hand movements, gaze aversion and so on. As the research has shown these cues exist but their absolute meaning or the ultimate Pinocchio's Nose does not exist. Rather interviewers need to focus on the development of Human and Technical Skills.

The technical skill of interviewing can be taught as has been demonstrated by many techniques across the globe. But just as the technical skill of interviewing can be taught, so can the human skill required of interacting effectively with the interviewee. These basic human skills are:

- Reading people
- Detecting and responding to emotion
- Building and testing of rapport
- Critical decision making
- Persuasion

The presentation concluded with McLean challenging the group with the following question – Think of the good interviewers you know and the really good interviewers you know, is the difference between them how they plan or ask the questions, or their ability to recognise when to ask the right question?

The next session attended was that provided by Sebastian Teicher from the University of Surrey on "From the Eye of the Beholder: Suspect's Verbal and Paralinguistic Behaviour in Police Interview". Teicher commenced by providing a brief overview of the academic and practitioner literature regarding a suspect's verbal and paralinguistic behaviour. He outlined his methodology for developing an understanding of real-world interactions in Police-Suspect interviews by examining the reality of verbal and paralinguistic cues to deception. The results demonstrated that truth-tellers provided longer responses, have more self reference and utilised more emotional language. It also showed that outright liars demonstrated more anger and hostility, repeated more questions they were asked, and provided more evasive responses. The research was repeated across a larger group and the findings concluded that truthtellers, subtle liars and outright liars show distinct verbal and paralinguistic response patterns that vary in relation to the relevance of questioning. Teicher then made the following conclusions:

- Truth-tellers provide long and detailed responses that reflect inner thoughts and emotions, in particular in high relevance responses.
- Subtle liars speak fast, utilising time-gap phrases to omit information and focusing

on irrelevant details to support their argument.

 Outright liars provide the shortest and most evasive responses, lacking details and emotions (in particular in high relevance responses) whilst displaying a hostile demeanour

The final session for the conference was a bilingual panel discussing "The Quest for Truth: How Far Can We Afford to Go?" Again, the panellists provided a global perspective with representatives from the RCMP, Canadian Crown Prosecution and Judiciary, UK Police, Researchers and others providing an interesting and diverse commentary that was augmented by comments from the floor.

In conclusion, the conference did provide some fresh concepts but as was commented on by members of the Scientific Committee no real revolutionary or landmark research was presented. This feeling may contribute to the fourth conference being held in three or four years time, rather than just two, allowing the research community to commence and then finalise current and future projects, allowing more time for the findings to be evaluated and then presented to the investigative interviewing community.

References

- Baldwin, J. (1993). Police interview techniques: Establishing truth or proof? *British Journal of Criminology*, 33, 325-351.
- Gudjonsson, G. (2003). *The psychology of interrogations and confessions*. Chichester: Wiley.
- Gudjonsson, G. H., & Clark, N. (1986). Suggestibility in police interrogation: A social psychological model. *Social Behaviour*, *1*, 83-104.
- Holmberg U. and Christianson, S. (2002). Murderers' and sexual offenders' experiences of police interviews and their inclination to admit or deny crimes. *Behavioral Sciences and the Law*, 20, 31-45.
- Inbau, F.E., Reid, J., Buckley, J.P., and Jayne, B. C. (2001). *Criminal interrogations and confessions*. (4th edition). Gaithersburg: Aspen.

- Loftus, E.F. & Pickrell, J.E. (1995) The formation of false memories. *Psychiatric Annals*, *25*, 720-725.
- Moston, S., Stephenson, G. M., and Williamson, T. (1992). The effects of case characteristics on suspect behaviour during police questioning. *British Journal of Criminology*, 32, 23-40.
- Soukara, S., Bull, R., Vrij, A., Turner, M., and Cherryman, J. (in preparation). *What really happens in police interviews of suspects?* Tactics and confessions.
- Wade, K. A., Garry, M., Read, J. D., & Lindsay, D. S. (2002). A picture is worth a thousand lies: Using false photographs to create false childhood memories. *Psychonomic Bulletin* and Review, 9, 597-603.

The 18th Conference of the European Association of Psychology and Law, Maastricht, Netherlands (July, 2008)

Kim Drake, University of Leicester ked6@leicester.ac.uk

"Professor Elizabeth Loftus, from the University of California, gave an inspiring keynote on her research pertaining to "rich false memories"

Twenty years after its inaugural conference, the EAPL returned to the University of Maastricht. Building upon the success of its predecessors, the conference brought together a large number of international delegates showcasing, over the four days, a diverse range of high quality research papers, symposia, and posters spanning Psychology and Law. Abstracts were encouraged by the Scientific Committee from a variety of areas; topics included: civil cases, decision making in forensic experts, eyewitness evidence, false confessions, forensic psycho diagnostics, juvenile delinguency, law and neuroscience, lie detection, malingering and deception, mental illness and offending, offender profiling, psychopathy, and rehabilitation of offenders.

Reflecting the diverse flavour of the conference, each day also saw keynote speeches from internationally recognised experts within psychology and law: opening the conference, Distinguished Professor Elizabeth Loftus, from the University of California, gave an inspiring keynote on her research pertaining to "rich false memories". Focussing on her research over the last 30 years on the malleability of human memory, she showed how easily memories for situations and events can become contaminated to the point where people can be led to recall entire memories for events that never actually occurred. An even starker finding was how similar true and false memories are, often

making it very difficult to distinguish between true and false memories.

The second keynote was delivered by Pär Anders Granhag, Professor of Psychology at Gothenburg University Sweden. Speaking on the topic of detecting deception, he put forward a convincing theoretical framework based upon the notion that psychologically informed mind reading could be a useful strategy in the art of improving the accuracy of detecting deception. Suggesting that this framework could enhance the ability to reliably detect deception, the presentation proved particularly noteworthy considering the importance – and implications – of being able to ascertain the credibility of statements within the legal setting.

Professor Wagenaar, on the afternoon of the second day, followed this with a dynamic talk on expert witnesses in international war crime tribunals. Since 1987, he has himself been asked to testify in a number of war tribunals. Consequently, this has shed light on the main bone of contention within such trials – person identification. The talk highlighted that, in the majority of cases, the accused was often acquitted based upon the fact that the tribunals judge felt that identity was not established. His presentation therefore highlighted serious flaws within the prosecution; if indeed the accused were in fact guilty, the failure to apply correct identification procedures and, if innocent, the sad reality that the accused would have been prosecuted for years in the face of no evidence.

Carrying on in similar vein to the preceding keynotes, on the third and final full day of the conference, stimulating keynotes were given by both Professor Friedrich Lösel and Dr. Pekka Santtila. Friedrich Lösel, based at the Institute of Criminology, University of Cambridge, and at the University of Erlangen-Nuremberg, on the topic of developmental crime prevention,

gave a thoroughly though-provoking illustration and overview of the field. Against the backdrop that, over 100 years ago, the Child Savers movement had a considerable impact upon the Juvenile Justice System of North America and elsewhere, he noted that present day research has very much led to the re-emergence of those old 19th century ideas on crime prevention policy. Presenting a series of crime prevention and meta-analytic studies on family and child-orientated prevention programmes as examples, he effectively discussed factors effecting and moderating the outcome and results of crime prevention programs. In the knowledge that many of the prevention programmes have indeed come across practical problems, he ended the talk with recommendations for more realistic and successful crime prevention strategies.

Pekka Santtila from Åbo Akademi University in Finland then, on the afternoon of the third day of the conference, gave the final keynote of the conference on the topic of crime linking; a domain associated with offender profiling. His presentation reviewed the "problems and promise" of behavioural crime linking, suggesting that, in most cases, using behavioural evidence as a means to link crimes may be just as valuable as the most commonly used physical evidence (e.g. fingerprints, DNA samples, etc). The keynote offered poignant implications for the improvement of crime investigation, seeing as behavioural aspects of crime have become ever more a part of it.

Following-up on the triumph of the previous days, on the last evening the conference reached crescendo with a conference dinner at the stately Kasteel Rijkholt. The evening was particularly memorable as it saw the reintroduction and distribution of the EAPL senior and junior awards. Professor Ray Bull from the University of Leicester was awarded the senior EAPL prize for his commendable work in the field of investigative interviewing. Throughout his career he has published extensively and was the deserved receiver of the award for his substantial contribution to changing the nature of investigative interviewing. Dr. Maria Hartwig from John Jay College of Criminal Justice, New York, was the other noteworthy prize-winner of the evening, receiving the junior EAPL award for her

illustrious early research career in the areas of detecting deception and interview and interrogation techniques.

Overall, the conference proved a great success; full of inspiring and quality research, it demonstrated how substantially the field of Psychology and Law has progressed over the decades and how much further we are in our understanding of a broad range of important topics. Yet, at the same time, it beneficially highlighted problems and issues which still need to be deliberated upon and resolved. Hosting a diverse range of high calibre research and providing good opportunity for discussion, the elegant city of Maastricht, and the University itself, was the perfect venue. The theme of the conference was "It was 20 years ago and it's getting better all the time" and it certainly is. We eagerly await next year's conference in Sorrento.

MSc Forensic Linguistics and other credit bearing courses.

1 200

The MSc in Forensic Linguistics is a programme aimed at police officers, lawyers and other investigative and legal professionals as well as those with an academic interest in forensic linguistics. On completion, graduates will have acquired knowledge about the application of linguistic insight and method into all aspects of the legal process including investigation and providing evidence for court. They will also have gained knowledge of theoretical frameworks that underpin forensic linguistics and the legal framework to which participants in the legal system are subject.

Routes through the programme are available for those with no linguistic background as well as those with a relevant first degree. Under University wide rules it may be possible to accept applicants with professional experience in lieu of a first degree. Under the Flexible Credit Accumulation scheme there are a variety of exit points to the course for those who do not wish to study the full MSc.

The MSc in Forensic Linguistics is delivered as a predominantly distance learning programme with optional short courses offered at Aston University. It is possible to study the programme entirely at a distance from anywhere in the world.

Short Courses

In addition to the credit bearing courses The Centre for Forensic Linguistics offers day courses principally designed for police and legal professionals. We offer these courses from time to time at Aston University, but will also by arrangement, offer courses in police forces and regional training establishments.

Our suite of short courses currently includes:

- Interviewing with an interpreter
- Forensic text analysis
- Courtroom linguistics

We are also happy to design courses to meet different requirements on request.



Centre for Forensic Linguistics Aston University, Aston Triangle, Birmingham B4 7ET 0121 204 5161 forensiclinguistics@aston.ac.uk www.forensiclinguistics.net

ANNUAL CONFERENCE



Putting theory into practice: The dilemmas of law and psychology

14 - 16 April 2009, University of Teesside, Middlesbrough, UK

Followed by a Forensic Linguistics Masterclass in Investigative Interviewing 16 - 17 April 2009



The conference will be of interest to all professionals involved in investigative interviewing of suspects, witnesses or victims, those involved in providing expert advice to interviewers, interview training and policy, interview decision-making processes, false confessions, detecting deception, and forensic linguistics.

Confirmed keynote speakers are:

Professor Michael E Lamb: Professor of Psychology in Social Sciences and Head of the Department on Social and Developmental Psychology, University of Cambridge, UK. Conducting developmentally-appropriate interviews of young witnesses

Professor Aldert Vrij: Professor of Social Psychology with the Department of Psychology at the University of Portsmouth, UK. **Detecting deception: pitfalls and opportunities**

Professor Malcolm Coulthard: Director of the Centre for Forensic Linguistics, Aston University, UK.

The problems of legal/lay communication in forensic settings

Professor Peter van Koppen: Professor of Law and Psychology at Maastricht University and at the Free University Amsterdam. He is also the President of the European Association of Psychology and Law. **Sweet interrogations: the role of interrogations in complicated police investigations**

Forensic Linguistics Masterclass in Investigative Interviewing 16 - 17 April 2009

This two-day masterclass at the University of Teesside will be run by the Centre for Forensic Linguistics and follows the conference. It applies linguistic research to different aspects of investigative interviewing. Through analysis of transcripts and witness statements, the masterclass will help practitioners improve their question formulation, produce convincing narrative witness statements and deal with interpreters in witness and suspect interviews.

Limited places available. Early booking strongly advised.

For details on the conference and the masterclass visit: **www.tees.ac.uk/iiirg**.







Sponsored by





CONTENTS

	Page
Note from the Editor	1
Note from the Chair	2
Note from the Membership Co-ordinator	4
Events	
2nd Annual Conference of the International Investigative Interviewing Research Group (iIIRG)	6
Forensic Linguistics Master Class in Investigative Interviewing: 2009	6
Reports	
Are police organisations suspending their disbelief in Scientific Content Analysis (SCAN)? Georgina Heydon	5 8
Investigative Interviewing in New Zealand. Ross Grantham	10
Recantation in Investigate Interviews with Children. Lindsay Molloy	13
Results and rapport: A police interviewer's dilemma. Harriet Jakobsson Öhrn	15
Modifying the Cognitive Interview. Coral Dando	21
Investigative Interviewing- The PRICE Model in Scotland. Neil Drummond	24
Novel procedure to collect witness statements. Kat Jamieson	33
Conference Round-up	
Inaugural Conference of the International Investigative Interviewing	35
Research Group (iIIRG), Derby, United Kingdom (March, 2008). Dave Walsh	
The 3rd International Conference on Investigative Interviewing, Nicolet, Canada (June, 2008). <i>Anthony McLean and Dave Walsh</i>	39
The 18th Conference of the European Association of Psychology and Law, Maastricht, Netherlands (July, 2008). <i>Kim Drake</i>	47





