

Challenges of a “Toolbox” Approach to Investigative Interviewing: A Critical Analysis of the

RCMP’s Phased Interview Model

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Abstract

The Royal Canadian Mounted Police implemented the Phased Interview Model in Canada and has argued that it is a novel and productive way to interview suspects. We applaud the Royal Canadian Mounted Police for moving away from a purely accusatorial approach and recognize that Phased Interview Model contains several science-based practices. In this article, however, we evaluate the Phased Interview Model critically. In particular, we present compelling empirical evidence that three fundamental practices (minimizing culpability, mischaracterizing evidence, and asking leading questions) in the Phased Interview Model put the truth-seeking function of police interviews at risk. We also explore the challenges inherent in combining accusatorial and information gathering techniques into a hybrid ‘toolbox’ approach. We conclude that advocating for interview protocols that contain dangerous or untested practices may hinder the Royal Canadian Mounted Police’s ability to achieve their purported goals of obtaining voluntary statements and accurate information.

Challenges of a “Toolbox” Approach to Investigative Interviewing:

A Critical Analysis of the RCMP’s Phased Interview Model

More than two decades of scholarly research has documented the problem of involuntary confessions in criminal justice systems around the globe (see Gudjonsson, 2003), including the various causes and consequences of said problem (Kassin et al., 2010). In the wake of such scholarship, courts have begun to recognize the various factors that lead to unreliable confession evidence (see *R. v. Oickle*, 2000 in Canada; *People of New York vs. Thomas*, 2014 in the United States), and some law enforcement entities have begun to recognize the failures of accusatorial interrogation practices and their role in producing involuntary confessions (Snook, Eastwood, Stinson, Tedeschini, & House, 2010; Bull & Rachlew, 2019). Recently, scholars have identified effective alternatives to accusatorial practices – namely, science-based, information gathering approaches that include techniques for effectively developing rapport and trust, eliciting information from memory, and strategically presenting evidence (e.g., Geiselman, 2012; Meissner, Kelly, & Woestehoff, 2015; Shepherd & Griffiths, 2013).

The extent to which law enforcement agencies have embraced these science-based methods of investigative interviewing has varied considerably across countries (see Walsh, Oxburgh, Redlich, & Myklebust, 2016). Perhaps the most notable shift to ethical and science-based practices was seen in the United Kingdom. Several high-profile wrongful conviction cases in the UK (e.g., the Guilford Four, the Birmingham Six), along with research documenting unethical interviewing practices, resulted in widespread adoption of the PEACE model of interviewing (Bull, 2019; Clarke, Milne, & Bull, 2011). The fundamental elements of the PEACE model of investigative interviewing (e.g., active listening, open-ended questioning) have

begun to spread in other parts of Europe, such as Norway, and other countries, including New Zealand, Australia, and Japan (Bull, 2019).

In contrast, until recently, North America has largely resisted a move from customary interrogation practices that have long served as the foundation of training and practice (Kelly & Meissner, 2016; Snook, Luther, & Barron, 2015). Some would argue that modern accusatorial practices were originally developed on the continent by Kidd (1940) and later refined by Inbau and Reid (1962) into what is commonly referred to today as the Reid Technique. In both Canada and the United States, resistance to change has included such arguments as the perceived ineffectiveness of alternative approaches for eliciting a confession, the mistaken belief that techniques developed in other countries with different laws will not translate to North American systems, or the proposition that the accusatorial methods they continue to use are effective and do not, in fact, elicit false confessions (Snook, Eastwood, & Barron, 2014).

Recent efforts to document the effectiveness of information gathering techniques on the elicitation of true and false confessions in North America (e.g., Meissner et al., 2014) have begun to facilitate change in the practices of federal, state/provincial, and local law enforcement agencies. In fact, some police organizations have begun to enact training programs designed around evidence-based approaches to interviewing and interrogation (see Snook et al., 2010 and Fallon et al., 2020 for implementation of the PEACE model of interviewing by the Royal Newfoundland Constabulary and the Vermont State Police, respectively). Companies such as Wicklander and Zuluwski have purportedly moved away from training accusatorial approaches in favor of a non-accusatorial interrogation program (www.w-z.com), and even Reid and associates are offering a non-accusatorial Reid/PEACE training course to investigators across North America (www.reid.com).

At the same time, however, resistance to a complete shift away from accusatorial practices remains in North America, often leading to a ‘toolbox’ model in which investigators indicate a willingness to adopt science-based methods that suit their needs while retaining the use of existing accusatorial practices. This ‘toolbox’ model is evident when evaluating Canadian practices in investigative interviewing. When comparing the practices adopted by investigators in Canada with those of investigators in America, Europe, New Zealand, and Australia, Miller, Redlich, and Kelly (2018) found that Canadian investigators generally used an information gathering approach, but continued to retain some elements of an accusatorial approach to interviewing (e.g., using deception cues). In this way, the Canadian ‘toolbox’ approach to interviewing includes a host of accusatorial and information gathering techniques, leaving interviewers with the discretion of which techniques to use on any given suspect and in any given moment during the interview.

Such a reaction to change is quite understandable, as it is well-documented within the resistance-to-change literature (cf. Patalano, 2011). Individuals often retain prior strategies or skills because the mental effort of reforming behavior is significant (Egidi, 2002) and existing behaviors are seen as effective heuristics that are ecologically rational (Gigerenzer, Todd, & the ABC Research Group, 1999). Yet, a toolbox approach and the merging of interviewing epistemologies can also come at a cost – well practiced and routinized tactical approaches compete with newly learned, yet ill-practiced techniques gleaned from training, leading to a seemingly disorganized interview strategy that lacks conceptual coherence. Further, as we detail below, existing accusatorial practices are at odds with the ethos of information gathering approaches, may negate the gains made by using science-based approaches, and have been

demonstrated to produce problematic, non-diagnostic outcomes (Kassin et al., 2010; Meissner et al., 2015).

In the current article we reflect on one ‘toolbox’ approach that has recently been developed: The Royal Canadian Mounted Police’s (RCMP)¹ Phased Interview Model (PIM) for interviewing suspects. As we detail below, we believe that the merging of accusatorial and information gathering approaches is problematic as a policy or practice for interviewing suspects. In addition to the contradictory nature of a hybrid approach, we discuss three major concerning practices outlined in the PIM manual and outline compelling evidence that these practices put the truth-seeking function of justice at risk.

The Development of the Phased Interview Model

In an RCMP Gazette article, the PIM was described as a “hybrid approach of non-accusatory and accusatory-based interviews” (RCMP Gazette, 2017, p. 30), that was said to be influenced by the United Kingdom's PEACE Model of Investigative Interviewing (see Shephard & Griffiths, 2013, for review of the PEACE Model). Sgt. Darren Carr (2017), as the lead author of PIM, stated that the PIM is unlike the Reid Model of Interrogation (i.e., the most common interrogation method used by police officers in North America; Buckley, 2006; see Inbau, Reid, Buckley, & Jayne, 2013) because it does not include any form of body language assessments and it focuses on gathering information rather than obtaining confessions. The PIM is “all about getting the person talking, letting them say what they have to say [...] focusing more on things like provable lies and slowly dismantling the story” (RCMP Gazette, 2017, p. 30); as such, PIM presumably deviates from the typical accusatory approach.

At the 2017 Canadian Police Knowledge Network’s Stanhope Conference, Carr (2017) argued that the development of the PIM was necessary due to the identification of problems from

advocacy groups, the media, and researchers regarding the police's role in coercing suspects to provide false, unreliable, and involuntary statements. He also explained that the RCMP had been experiencing increased pressure to change their interview model following police malpractice in *R. v. Armishaw* (2011) and *R. v. Chapple* (2012), along with pressure to adopt the PEACE Model of Investigative Interviewing. However, the RCMP did not want to simply adopt the PEACE model outright. According to Carr (2017), the PEACE model lacked the persuasive tactics that he viewed as necessary to convince suspects to confess. In the face of mounting pressures, and concerns about the PEACE model, an interview model that worked within the confines of Canadian case law was developed. To assist him in this endeavor, Carr and his colleagues received training in the PEACE model (Tier 3) from the London Metropolitan Police in 2012. Following this training, PIM was developed by consulting interviewing experts from across Canada, and merging elements of the PEACE model with the persuasive tactics already available to police (RCMP Gazette, 2017).

It has been asserted that the newly developed PIM will enhance police officers' ability to obtain accurate information while minimizing the risk of obtaining false or unreliable information and confessions (Carr, 2015). In fact, it is stated explicitly that "the phased approach strives at all times to establish voluntariness and the reliability of information obtained during the interview" (Carr, 2015, p.106), and that the PIM has "proven to be highly effective at gathering complete, accurate, reliable, and voluntary information in, but not limited to, homicides including stranger-on-stranger homicides and serial homicides, organized crime investigations, national security investigations (HUMINT interviews), and sexual crimes" (Carr, 2017; slide 13). Since its development, the model has been endorsed widely by the RCMP, as evidenced through its use in many policing agencies throughout Canada (Carr, 2017), and the recent

comments by academics and legal professionals suggesting the development of PIM as a step forward (e.g., Bull, 2019; Public Prosecution of Canada, 2019). However, despite claims by Carr that the model is effective, the model as a whole has not yet been tested to substantiate such claims (but note that academics in British Columbia are said to be developing research projects to examine the model; Carr, 2017). As a result, we reasoned that a critical evaluation of the PIM is warranted.

The Phased Interview Model Training Manual

The PIM manual is a 282-page document that is divided into preliminary information and three major sections. Section one covers information pertaining to the role of the interviewer, the interviewer's core attributes (e.g., ethical, empathetic, open-minded), bias and prejudice, limits of deception detection, the importance of active listening, concerns about using fabricated evidence and trickery, the distinction between accusatorial and non-accusatorial interviews, the need to audio record statements, different types of false confessions, pathways to false confessions, suspect vulnerabilities, and the need to be mindful about the length of the interview. Section two covers the Canadian Charter of Rights and Freedoms (e.g., legal requirements pertaining to right to silence, detention, right to counsel, jeopardy), the difference between custodial and non-custodial interviews, pertinent case law (e.g., Canada's confession rule dealing with the voluntariness), and the Youth Criminal Justice Act.

The bulk of the manual, section three, outlines the structure of the PIM. The model consists of six key phases: (1) review, preparation, and planning, (2) introduction and legal obligations, (3) dialogue, (4) version challenge, (5) accusation and persuasion, and (6) post interview (Carr, 2015). In the PIM manual, investigators are encouraged to take a non-accusatorial approach in the first three phases, by asking open-ended questions and remaining

neutral in their attempt to understand what transpired, with the aim of not having to transition to the accusatorial phase. In the later phases, investigators are instructed to take an accusatorial approach where necessary, whereby they use persuasive psychological tactics to generate information.

In addition to reviewing some relevant literature on interrogations and pertinent case law, the PIM also contains several positive elements that align with best practices in ethical, open-minded, and fair interviewing practices (e.g., PEACE Model of Investigative Interviewing; see Williamson, Milne, & Savage, 2013; also see Bull, 2019, for information on the history of PEACE). First, the importance of conducting a thorough review and planning prior to an interview (e.g., review file materials, evaluate interviewee profile, outline interview objectives, create a structured plan) is emphasized throughout the PIM manual. Second, the use of open-ended invitations during the dialogue phase to gather an uncontaminated (i.e., pure version) statement – in other words, a complete and uninterrupted narrative from the suspect about the event in question – is encouraged. Third, PIM-trained interviewers are advised to check any information that the suspect provides against known facts and identify any inconsistencies. When inconsistencies are identified, interviewers are instructed to ask suspects, in a neutral and non-confrontational manner, to account for them. Fourth, in compliance with the common law confession rule (*R. v. Oickle*, 2000), interviewers are specifically instructed to avoid offering the suspect any overt ‘deals’ in exchange for their confession. Fifth, interviewers are urged to end the interview on a good note to preserve the relationship developed between the interviewer and the suspect. Finally, interviewers are encouraged to continuously evaluate and assess each interview and the information gathered from the suspect. The aforementioned recommendations

are conducive to administering an ethical and non-coercive interview (Brandon, Wells, & Seale, 2018; Meissner, Surmon-Bohr, Oleszkiewicz, & Alison, 2017; Milne & Bull, 2003).

The Aims of the Current Critique

The goal of the current paper is to evaluate the claims made throughout the PIM manual through the lens of science-based investigative interviewing research. Despite the positive features outlined above, some other aspects of the PIM provide reason for concern. When compared to the existing literature on best practice suspect interviewing, there are at least three major concerns with the PIM. In this critique, we present empirical evidence demonstrating that (a) the use of some forms of minimization tactics can increase the risk of false confessions, (b) mischaracterizing evidence can increase the risk of false confessions, and (c) the use of leading questions can cause individuals to report inaccurate information, and therein contaminate a purported admission or confession. The use of such risky techniques raises questions about the ability of PIM to achieve the purported goals of obtaining voluntary statements and reliable information. Although it may seem premature to evaluate a model that has only been implemented recently, the aim of critiquing the PIM at this point is to ensure that any problematic elements of the model can be addressed before they lead to major unintended consequences.

Issue 1: Use of Minimization Tactics

Minimization tactics (also known as ‘soft sell’ tactics or ‘theme development’) are designed to downplay the seriousness of a crime and minimize the perceived consequences associated with confessing (Kassin, 1997; Ofshe & Leo, 1997). For example, a police officer may suggest that they believe that the suspect committed the crime in question by accident or in

response to provocation, or suggest that ‘it would be better’ if the suspect confesses, thereby implying (without explicitly saying) that benefits will arise if the suspect complies.

The PIM manual. A range of minimization tactics that officers can avail of when interrogating suspects are outlined in the PIM, including (1) using less harsh language when describing the offence (e.g., caused the death of vs. murdered, set fire to vs. committed arson, had sex with vs. raped; Carr, 2015, p. 157), (2) rationalizing the crime, (3) presenting the suspect with face-saving excuses, (4) presenting the suspect with persuasive appeals, and (5) taking on a ‘counselor’ role. It is important to acknowledge that it is stated throughout the PIM manual that only moral and *not* legal minimization themes should be used. That is, it is stated that police officers can minimize the seriousness of a crime by offering face-saving excuses and rationalizations, but not by explicitly downplaying the legal implications associated with the crime (Carr, 2015, p. 216). The appropriate way to use minimization is illustrated in the PIM manual with an example from a fictitious investigation where an individual was accused of killing his wife (Carr, 2015, pp. 201-202). The exchange is presented as follows:

Suspect: “But I didn’t kill her!”

Interviewer: “Why wouldn’t you kill her Jim?”

S: “Because I loved her more than anything.”

I: “I do believe you loved her, I really do. But the fact is that sometimes it’s those that we love the most who make us the angriest. Susan sure made you angry at times, didn’t she?” [emphasis added]

S: “Yes.”

I: “They call it seeing red for a reason.”

Additionally, the delivery of appeals to persuade suspects to confess is recommended in the PIM manual. These appeals are described as themes that “rationalize the suspect’s actions, or those that appeal to the suspect’s conscience” (Carr, 2015, p. 205; cf. Reid Model of Interrogation Tactics regarding theme development; Inbau et al., 2013; Senese, 2005). According to Carr, appeals should be delivered:

“via monologues [that] focus on morally minimized reasons or excuses for committing the alleged offence” (p. 202; e.g., you “only touched... didn’t physically harm...”, “underestimated [your] strength”, “only stole [a small amount of money]”; p. 205).

The PIM manual (Carr, 2015) also stated that other types of appeals include: (1) blame-based appeals that “provide a means for the suspect to pass at least some of the responsibility onto someone or something else (e.g., the foster system, society, the victim, low wages), and permits the suspect to be viewed as a victim of circumstance” (p. 206); (2) excuse-based appeals that focus on “internalized reasons for committing the offence (e.g., biology, curiosity, pleasing or protecting others)” (p. 207); and (3) conscience-based appeals to convince the suspect to take responsibility for their actions so that they can be forgiven and move on with their lives (see p. 208).

Arguably, another form of minimization outlined in the PIM manual is the ambiguity regarding the role of the interviewer in the investigation (Carr, 2015). Interviewers are instructed “to take on the persona of a counselor who cares more about the suspect’s inner turmoil and conflicts than they do about resolution of the crime itself” (p. 208). In this way, “the interviewer is accompanying the suspect on a journey towards understanding, acceptance, forgiveness, and closure” (p. 208). It is argued in the manual that this approach is particularly useful with suspects

who are ambivalent, and those who have begun to accept responsibility for their actions (cf. Reid Model of Interrogation regarding the use of minimization on emotional offenders; Inbau et al., 2013; Senese, 2005). In taking on a counselor persona, interviewers are encouraged to draw the suspect's attention to how confessing to the crime could be an opportunity for "healing themselves", "dealing with inner conflicts", and allowing them to "embrace change" (Carr, 2015, p. 208).

The counselor approach sounds similar to Motivational Interviewing, a highly effective clinical interviewing method that encourages empathy and a lack of judgement from the interviewer, which in turn fosters respect, communication, and cooperation between parties (Alison, Alison, Noone, Elntib, & Christiansen, 2013; Miller & Rollnick, 1992; Rubak, Sandbaek, Lauritzen, & Christiansen, 2005). However, the PIM differs from Motivational Interviewing in that the latter approach frames the interviewer as a non-coercive, independent gatherer of information who does not promote any particular course of action for the interviewee. In contrast, the former approach focuses on having the interviewer use the counselor persona to convince the suspect that confessing will have positive consequences (e.g., forgiveness, acceptance, closure). This persona, while intended to lend support, could mislead a suspect by conveying a sense of security and false hope that the suspect will feel better and experience forgiveness if they confess; a promise that no police officer can keep or is allowed to make (see Fallon, Fahmy, & Snook, 2018, for a review of how such tactics may violate the confessions rule in Canada).

The scientific evidence. Some of the recommendations that were noted in PIM regarding minimization are consistent with practices advocated by the Reid Model of Interrogation (see Inbau et al., 2013; Senese, 2005). Research suggests that certain minimization tactics are highly

concerning and can be detrimental to innocent suspects (see Kassin et al., 2010). For example, Kassin and McNall (1991) first demonstrated the problematic nature of minimization tactics by having participants read an interrogation transcript and then indicate their sentencing expectations for the suspect. Results showed that participants expected the suspect to receive a more lenient sentence when they read transcripts containing either explicit leniency or minimization tactics compared to transcripts that did not contain any coercive tactics. The researchers reasoned that participants responded this way because they perceived minimization tactics the same as leniency, even though no explicit offer of leniency was made. That is, participants appeared to have read between the lines and equated minimization with explicit promises of leniency (i.e., pragmatic implication, see Harris & Monaco, 1978; also see Redlich, Shteynberg, & Nirider, 2019). Research has also shown that the use of moral minimizations – which is advocated in the PIM manual – also increases expectations of a lenient sentence (Luke & Alceste, 2019). It may also be the case that minimization tactics are employed by police as a way to circumvent rules prohibiting the use of explicit promises while achieving a similar result (Kassin, 2008). Generally, the empirical evidence suggests that minimization (implied promise of leniency) is perceived the same as an explicit promise of leniency.

Other experimental research has linked minimization directly to false confessions. In a seminal study, Russano, Meissner, Narchet, and Kassin (2005) developed a cheating paradigm to test the effect of minimization and explicit promises of leniency on eliciting true and false confessions. Participants – half of whom were induced to share answers with a confederate – were accused of cheating during a problem-solving task and were interviewed by the experimenter about the incident. During the interview, the experimenter used minimization tactics (including offering face-saving excuses, appealing to self-interest, and expressing

sympathy and concern), an explicit promise of leniency, both of the tactics, or neither of the tactics. Results showed that both tactics (on their own and together) increased the false confession rate dramatically and reduced diagnosticity (i.e., the ratio of true to false confessions) compared to when no tactics were used. These results further clarify the notion that minimization tactics – despite not offering leniency explicitly – tend to result in similar outcomes as explicit promises of leniency (e.g., increased risk of false confessions). Further research using the cheating paradigm has clarified the diagnosticity of minimization tactics. Across two studies, Horgan, Russano, Meissner, and Evans (2012) found that minimization tactics that manipulate a suspect’s perception of the consequences of confessing (e.g., minimizing the seriousness of the offence, offering face-saving excuses) led to a higher rate of false confessions and were less diagnostic, compared to those that did not manipulate perceived consequences (e.g., appealing to conscience, expressing sympathy).

Furthermore, in a recent field study, Kelly, Russano, Miller, and Redlich (2019) found that tactics that appeal to the suspect’s self-interest, appeal to their conscience, and those that offer rationalizations were not directly related to admissions, but rather are related indirectly to admissions through suspect engagement variables (i.e., crying, making excuses, and seeking information). However, it is important to note that Kelly and colleagues only examined the relationship between the aforementioned minimization tactics and true admissions of guilt (as determined by other pieces of evidence), and not false admissions. As a result, the relationship between the specific minimization tactics and false admissions, as well as diagnosticity of these specific tactics, remains unknown.

Guidelines in the PIM manual for the use of minimization tactics are ambiguous. The PIM manual contains warnings for interviewers to “exercise caution” when using minimization

tactics with vulnerable suspects (p. 217). Specifically, the PIM manual contains instructions to use appeals that are “clear and unambiguous” and those that do not offer any *quid pro quo* deals (p. 218). Recommending the use of minimization tactics regardless of how they are phrased leaves the door open for potential negative consequences. In fact, when surveyed on common interrogation tactics, the majority of experts in the field agreed that minimization tactics serve to imply leniency to suspects and can lead to false confessions (Kassin, Redlich, Alceste, & Luke, 2018). The caution within the PIM manual to ‘be careful’ while interrogating vulnerable suspects is insufficient for preventing problematic uses of minimization in interviews, especially considering that vulnerable suspects (e.g., young, minority males, people with mental illnesses) can sometimes be over-represented in the justice system (Leo, 1996). Furthermore, research has also found that police officers are often unable to recognize vulnerabilities in individuals or properly address them (see Gudjonsson, 2010; Pearse, 1995). Moreover, as demonstrated above, the use of certain forms of minimization (e.g., those that manipulate the perceived consequences of confession) on *any* suspect, vulnerable or not, can heighten the risk of obtaining involuntary statements.

The Canadian courts have generally indicated that implied messages are not the same as explicit messages in the context of police interviews. Specifically, it has been accepted widely by the courts for over a century that explicit threats of punishment and promises of leniency as interview tactics are problematic (see *Ibrahim v. the King*, 1914), and more recently Canada’s common law confessions rule stated that confessions will be deemed inadmissible if they were induced through explicit threats or promises (see *R. v. Oickle*, 2000). The confessions rule had made clear that implied forms of threats and promises will generally be permitted; a decision that seems to have guided the inclusion of minimization tactics in the PIM manual. Paradoxically, in

other legal contexts, the use of implied messages has been equated with the explicit version of the same message (see *R. v. Barros*, 2011). Although PIM was developed in accordance with case law, case law is not always consistent, is open to interpretation, and can change.

Issue 2: Presenting Mischaracterized Evidence

One of the most notorious police interrogation tactics is the false evidence ploy, which involves either completely fabricating evidence or exaggerating existing evidence to use against a suspect. Historically, police officers pressured suspects to confess by blatantly lying about the existence of forensic evidence (e.g., DNA), fabricating eyewitness reports, and falsely reporting that a co-offender implicated the suspect, among other evidence-related strategies (Kassin & Kiechel, 1996; Redlich & Meissner, 2009). In recent years, courts in North America have become stricter on the acceptability of using false evidence – in Canada, for example, the court has outlawed its use altogether since 2000 (*R. v. Oickle*, 2000). However, subtler, implied forms of evidence manipulation that are more readily accepted by the courts are also common in suspect interviews. For example, police officers may allude to the existence of evidence without explicitly stating that it is incriminating (i.e., the bluff technique, see Perillo & Kassin, 2010; e.g., “we found blood in the car and it’s on its way over to the lab now for testing”), or imply the existence of a hypothetical piece of evidence (i.e., the bait technique, see Luke, Crozier, & Strange, 2017; e.g., “is there a reason why security footage would show you at her house?”).

The PIM manual. Interviewers trained in PIM use evidence in a number of ways during an interrogation. With respect to forensic evidence in particular, PIM-trained interviewers are encouraged to foreshadow the types of evidence that *may* be revealed later in the interview. Specifically, it is stated in the PIM manual that foreshadowing “allows the interviewer to ensure that the suspect understands the nature of certain types of evidence before it is revealed to them

so that it is more meaningful and more impactful” (Carr, 2015, p. 188). For example, the interviewer is encouraged to discuss the way that DNA evidence is obtained, processed, and interpreted, along with discussing its importance within an investigation. Interviewers are instructed to ensure that the suspect understands all evidence before it is presented to them, regardless of the type of forensic evidence.

It is also recommended in the PIM manual that evidence be used to persuade a suspect to talk, particularly when the suspect is choosing to remain silent or is refusing to engage in case-related dialogue. According to the PIM manual, “a second way to tactically present evidence to a silent suspect with the view of generating dialogue is to present evidence that is uncertain, appears uncertain, or is thought to be inaccurate” (Carr, 2015, p. 170). For example, interviewers can use this tactic when they have “evidence that is open to numerous explanations such as contradictory witness evidence that relate to a suspect’s actions relative to an investigation” (p. 170). Presenting the two contradictory statements is thought to be useful, as it would encourage the suspect to “see the value in adopting the witness statement that portrays him as the victim” and that “presenting inaccurate or mischaracterized evidence may encourage dialogue with a suspect” (Carr, 2015, p. 170).

According to the PIM manual, interviewers should use evidence for creating Evidence-Connecting Questions (ECQs), which are “used to create a context where the suspect may choose to change, modify, or expand a previously provided version” (Carr, 2015, p. 189). As stated in the PIM manual, “the ECQ may lead the suspect to lose confidence in their ability to mislead the interviewer or withhold information as they must consider if contrary evidence is in the possession of the police” (p. 189). These questions serve to suggest the existence of evidence that is already available to the police or evidence that is not yet available but may soon be

available (e.g., DNA results). It is stated in the PIM manual that these questions are not meant as a bluff to trick the suspect, but rather should be used to encourage the suspect to talk about what happened or to transition them into telling the truth if they are suspected of lying (see p. 189).

The following is an excerpt of an example of how evidence is used in this way (p. 190):

“Jim, do you remember we chatted earlier about what the forensic guys do at a crime scene? It’s only fair that I tell you that they are processing your car right now. I can tell you Jim, that if Susan was in your car, there’s a good chance we will find something. Now, don’t get me wrong, there may be a reasonable explanation why she was in your car. I have to ask you Jim, will we find Susan’s fingerprints or DNA in your car?” [emphasis added]

When there is no available evidence to introduce through ECQs, PIM-trained interviewers are encouraged to imply that evidence *may* be found by investigators, as shown below (p. 191).

“Jim, there are a lot of video cameras around these days and our investigators will canvass the area of where Susan died for video, now don’t get me wrong, I’m not saying we have you on camera, and even if we did it only means you were in the area, which there could be numerous reasonable explanations for. So Jim, is there any reason that you would be on camera in the area of Susan’s house the night she was killed?” [emphasis added]

However, it is stated in the manual that ECQs must be used with caution, noting that “the ECQ in this context must not be linked to evidence that would ‘directly’ implicate [the suspect] in the offence such as implying that the suspect’s DNA was located on a murder victim’s body. This is too close to a fabrication and should be avoided.” (Carr, 2015; p. 191).

Detailed instructions on how and when to present evidence are also outlined in the PIM manual. Specifically, it is suggested that the interviewer should use evidence to encourage the suspect to lie (see Carr, 2015, p. 166). It is recommended that the interviewer “strategically frame evidence in such a manner that the suspect only knows the nature of it but not the scope” and in doing so to convince the suspect to “account for evidence as they don’t know the full extent of the police’s knowledge” (p. 165). Throughout this process, interviewers are instructed to ask negatively phrased questions when inviting a suspect to lie (e.g., “I’m right in assuming then Jim, that you never touched the receipt?”; p. 168). Additionally, it is stated that “even if the suspect later changes their statement to account for the evidence in some manner... the suspect will likely have damaged their credibility at trial” (p. 166).

However, PIM-trained interviewers are cautioned against relying too much on the information gained from this process. According to the manual, “it should always be remembered that the presentation of evidence is simply a tool used to persuade the suspect to provide information. To that end, the interviewer still needs to continue to utilize appeals, analogies, and stories during the presentation of any evidence and must continue to engage the suspect in dialogue” (Carr, 2015, p. 223).

The scientific evidence. Chiefly, the PIM manual recommends a Strategic Use of Evidence (SUE) technique (see Carr, 2015, pp. 161-169). The SUE technique involves evidence being withheld until late in the interview and then presented with the goal of eliciting explanations from the suspect regarding any inconsistencies between the evidence and their statement. The assumption is, if the suspect is innocent, they should easily be able to account for the discrepancies; if the suspect is guilty, then the presentation of powerful inculpatory evidence that is inconsistent with their story will be a difficult hurdle to overcome. The SUE technique has

been shown to be effective at distinguishing truth-tellers from liars in a police interview setting (Hartwig, Granhag, & Luke, 2014), and to facilitate disclosure by initially resistant research participants (Luke, Dawson, Hartwig, & Granhag, 2014). However, there are three recommendations made within the PIM manual that are misaligned with the SUE technique: (1) the presentation of inaccurate or uncertain evidence, (2) implying the existence of evidence that is not yet in the police's possession, and (3) using appeals and analogies, coupled with evidence presentation, to engage the suspect in dialogue.

Despite recommendations that PIM-trained interviewers use evidence in various ways, there is scientific research to suggest that these evidence presentation tactics are problematic. Although the PIM manual does not directly advocate for or encourage the use of fabricated evidence during interviews, it is recommended that officers occasionally use evidence that is "inaccurate or uncertain" to "generate dialogue" (Carr, 2015, p. 170). This recommendation runs counter to the SUE technique, where accurately presenting legitimate evidence is used to encourage suspects to tell their version of the story and explain inconsistencies (see Granhag & Harwig, 2014). It is important to discuss how the use of inaccurate or uncertain evidence may have the unintended consequence of eliciting false information from suspects.

False evidence ploys have commonly been divided into three categories: (1) *demeanour ploys* (e.g., telling suspects that their posture or nonverbal behavior are indicative of guilt), (2) *testimonial ploys* (e.g., telling the suspect that an eyewitness has implicated them), and (3) *scientific ploys* (e.g., presenting the suspect with fabricated scientific reports; e.g., fabricated DNA results; Leo, 2008). In the PIM manual, interviewers are instructed to avoid fabricating or tampering with any evidence (as per the confession rule; *R. v. Oickle*, 2000), but are permitted to tell suspects about evidence that they know is untrue, or at the very least is uncertain. In other

words, interviewers are warned against the use of scientific ploys, but are encouraged to use testimonial ploys. Moreover, some of the evidence ploys recommended within the PIM manual are essentially scientific ploys – for example, a bluff involving scientific evidence may not be an explicit fabrication, but it nonetheless implies the existence of major inculpatory evidence.

Such encouragement of testimonial ploys directly contradicts research findings. Specifically, experimental studies have shown that the mere mention of false or inaccurate evidence, without the presentation of fabricated evidence (e.g., fabricated video evidence or eyewitness reports), can lead to the elicitation of false confessions. For instance, Kassin and Kiechel (1996) conducted a study in which participants completed a computer-based task with a partner who, unbeknownst to the participants, was actually a confederate of the researcher. The participants were told to avoid pressing the ALT key because it would cause the computer to crash. When the computer crashed (which it was programmed to do automatically), the experimenter accused the participant of breaking the experimental rule, despite the fact that no participants actually pressed the ALT key. All participants were interrogated about the event and asked to sign a written confession admitting to pressing the ALT key. Among other variables, the presence of false eyewitness evidence given by the confederate was manipulated. Nearly all participants confessed in the false evidence condition, while only about half confessed in the absence of false evidence. Granted the high base rate of false confessions and issues with ecological validity (e.g., not a realistic representation of an interrogation or enduring any real consequences), this study provided the first empirical evidence that presenting false evidence can lead to the elicitation of false confessions. Replications of this research, along with studies using other novel paradigms, have provided further support for the effect of false evidence on false admissions (e.g., Horselenberg, Merckelbach, & Josephs, 2003; Nash & Wade, 2009; Swanner,

Beike, & Cole, 2010; Wright, Wade, & Watson, 2013; also see Kassin et al., 2018, for expert opinion on the use of false evidence).

In addition to studying the effect of explicit false evidence on false confessions, researchers have also examined the effect of subtler evidence manipulation tactics on false confessions. As mentioned above, the bluff involves implying that evidence exists without saying outright that it implicates the suspect (Inbau et al., 2013). Although it is stated in the PIM manual that the use of ECQs does not constitute a bluff, the tactic is entirely consistent with the aforementioned definition of the bluff technique. Again, the use of ECQs departs from the SUE approach, which involves asking suspects specific details about their prior statement and then only presenting (potentially conflicting) evidence that is *available* and could be *presented* (see Granhag & Hartwig, 2014). Perillo and Kassin (2010) tested the bluff technique using the ALT key paradigm. To simulate the bluff, the researchers had experimenters state that evidence existed showing the participant's keyboard activity (i.e., keys pressed during the experiment), but that the data was on a password-protected computer and was not yet accessible. The researchers discovered that the rate of false confessions elicited in the bluff condition was significantly higher than that of the condition with no tactics used. Moreover, the rates did not differ significantly between the bluff condition and the false evidence condition. Upon further examination of this tactic using a different paradigm, the researchers found that the use of the bluff increased false confession rates, significantly reducing diagnosticity.

Recent research has also assessed the memory distortion effects of the bait question (i.e., questioning the suspect about the existence of hypothetical evidence), a form of evidence presentation that is identical to the ECQs used in the PIM manual when evidence is unavailable. Across four studies that used an adapted misinformation effect paradigm (i.e., participants read a

police report and were later fed misleading information about what they read), Luke and colleagues (2017) showed that participants were more likely to misremember information that they were misled about via the bait tactic when compared with their accuracy for control items. Further, participants reported believing in the existence of more than half of the hypothetical evidence presented through bait questions. This research suggests that the bait technique may serve as a source of misinformation during police interrogations. More recent research has also shown that perceptions of a suspect's guilt is inflated when exposed to bait questions (see Crozier, Luke, & Strange, 2020). Although the bait tactic is given an alternate name in the PIM manual (i.e., ECQ, see Carr, 2015, pp. 189-190), it is clear that the practices described in the manual are identical to the traditional bait tactic. Given the available research, such a tactic could be considered problematic as it could result in less diagnostic outcomes.

In terms of forensic evidence, some of the types of evidence that are presented in the PIM manual as compelling forms of evidence (Carr, 2015, p. 188) – such as tire impressions, tool marks, and blood spatter analysis – are, in fact, unsupported by scientific research (National Research Council, 2009; see also Cediél & Bergman, 2012). Additionally, forensic psychology research suggests that case information has the power to taint the interpretation and integration of forensic evidence (e.g., Charman, 2013; Charman, Carbone, Kekessie, & Villalba, 2016; Dror, Charlton, & Péron, 2006; Kassin, Bogart, & Kerner, 2012; Kassin, Dror, & Kukucka, 2013). Moreover, reinforcing the infallibility of these tests in an interview (e.g., failing to mention the degree of error associated with each tactic, and using phrases such as “there is no doubt that you were there and kicked her front door open” [emphasis added]; Carr, 2015, p. 199) is a form of maximization used commonly in accusatorial interrogation models to accompany minimization themes (cf. Reid Model of Interrogation regarding certainty in guilt and theme development;

Inbau et al., 2013). Furthermore, the use of appeals, stories, and analogies is similar to forms of theme development used in accusatorial interrogation models. Again, these are obvious departures from the SUE technique, which involves using an open-ended approach to questioning that allows the suspect to shape their own responses without undue influence from the interviewer.

It is important to note that using real inculpatory evidence is known to be a powerful way to induce suspects to admit their involvement in a crime. For instance, research has shown that when incarcerated individuals who previously confessed to their crimes were asked to provide their reason for confessing, the primary reason reported was the perception that there was evidence proving their involvement (Gudjonsson & Petursson, 1991; Snook, Brooks, & Bull, 2015). Similarly, a meta-analysis of laboratory studies assessing participants' reasons for confessing found that evidence, or proof of guilt, was a significant predictor of truthful confession likelihood (Houston, Meissner, & Evans, 2014). Assuming that the evidence presented is legitimate, these studies suggest that using this evidence in interviews would be an effective way to encourage a confession. Therefore, police officers should certainly use evidence during suspect interviews. Specifically, it is recommended that, after obtaining a complete statement from a suspect, the interviewer may present existing evidence as a way to address inconsistencies between the statement and the evidence. Several strategic approaches have been put forth for framing the presented evidence during this stage of an interview (see Granhag & Hartwig, 2014). Importantly, only *factually in-hand* evidence should be used; bluffs, mischaracterizations, exaggerations, and outright fabrication of evidence are to be avoided. It is disconcerting that the PIM manual contains recommendations to use inaccurate or uncertain evidence.

Issue 3: Use of Leading Questions

Leading questions are those that suggest or imply a specific answer to the respondent (Loftus, 1979; Smith & Ellsworth, 1987). In a handbook on investigative interviewing, Griffiths and Milne (2006) categorized leading questions as a type of unproductive question, which results in a higher rate of incorrect responses and fewer details than productive question types (e.g., open-ended, probing). Consequently, most practitioners in the field of criminal justice are taught that leading questions are the most undesirable type of question to use in an interview. Instead, best-practice interviewing suggests that police officers should use open-ended questions (i.e., questions starting with tell, explain, or describe; e.g., “tell me about the encounter you had with your wife”), followed by probing questions (i.e., questions starting with who, what, where, when, why, and how; e.g., “How did your wife end up on the floor?”), when conducting suspect or witness interviews as these questions have been found to produce more detailed and accurate (i.e., uncontaminated) accounts (see Fisher & Geiselman, 1992; Griffiths & Milne, 2006; Milne & Bull, 2003; Snook, Luther, Quinlan, & Milne, 2012)

The PIM manual. It is asserted in the PIM manual (Carr, 2015) that the use of leading questions may be necessary to persuade silent suspects to speak and engage in dialogue. Specifically, five different types of leading questions could be used when trying to “commit” a suspect to a specific version of events (p. 160) and “to lead them to a specific answer” (pp. 158-159). These include: (1) negatively phrased questions (e.g., “Jim, you didn’t have the gun, did you?”; p. 158), (2) assumptive questions (i.e., “assuming that specific information is known by the suspect”; e.g., “Jim, tell me about Bobby’s vehicle”; p. 158), (3) casting a question as a statement (e.g., “Jim, I know for a fact that you never had a gun that night. Did you?”; p. 159), (4) qualifying questions (e.g., “Jim, I’m going to ask you a question that I already know the

answer to. I will know if you are telling the truth”; p. 159), and (5) presumptive questions (i.e., “a leading question which elaborates on information that was previously provided by the suspect”; e.g., “... I arrived at my buddy John’s apartment at around 1030 pm and stayed there for about an hour.” “Oh I see, then you must have seen Bobby there then?”; p. 159).

Furthermore, it is stated in the PIM manual that, “it is unlikely that the suspect will be able to answer an open-ended question such as asking them why they committed the offence. It is the responsibility of the interviewer to present the suspect with the reason why they committed the offence to assist them in making a decision to speak about the matter under investigation” [emphasis added] (Carr, 2015, pp. 237- 238; cf. Reid Model of Interrogation, especially Step Four of the Nine-Step Interrogation; Inbau et al., 2013).

Granted, PIM-trained interviewers are cautioned against excessively relying on leading questions and are instructed to use these questions only “in very specific situations” (Carr, 2015; p. 157) and “with specific strategic objectives in mind” (Carr, 2015; p. 158). However, the manual does not define these specific situations or objectives, leaving interviewers with complete discretion over when and how to deliver these leading questions or statements to suspects. Paradoxically, PIM-trained interviewers are encouraged “to strive to obtain versions that are free from leading questions and other forms of contamination” (Carr, 2015; p. 253).

The scientific evidence. The acceptance of leading questions as a tool to obtain information from suspects within the PIM is in direct contrast with research from forensic and cognitive psychology outlining the dangers of using such questions. One of the most widely studied concepts relating to the effect of leading questions is the misinformation effect, which refers to a change in reported memory as a result of receiving misleading information post-event (Loftus, 2005). In a seminal study, Loftus and Palmer (1974) demonstrated the power of the

misinformation effect. Participants were asked to describe a car accident that they previously witnessed on video, and their responses revealed that the word used to describe the crash influenced perceptions of vehicle speeds: participants who were asked the question using the word *smashed* reported faster speeds than those given another word to describe the accident (e.g., *hit*). Most interestingly, participants in the *smashed* condition were much more likely to report seeing broken glass than those in the *hit* condition – despite the fact that there was no broken glass at the scene (Loftus & Palmer, 1974). Subsequent studies using similar paradigms revealed that misinformation can also distort memory for the colour of an object and can cause participants to remember landmarks and objects that did not actually appear during the original event (Loftus, 1975, 1977). In the decades following this research, dozens of misinformation effect studies have replicated and extended the finding that misleading information can induce false memories (Payne, Toglia, & Anastasi, 1994; for a review, see Loftus, 2005; Zaragoza, Belli, & Payment, 2006). In fact, these findings are so robust that 100% of experts surveyed agreed that research on the misinformation effect is reliable enough to be presented in trial testimony (Kassin et al., 2018).

Misinformation is thought to be an issue in police interrogations with suspects, in that leading questions and suggestions have the potential to elicit false memories (Loftus, 2005). False memories for committing a crime have been elicited in experimental settings using suggestive questioning along with other techniques (e.g., false evidence; see Desjardins & Scoboria, 2007; French, Sutherland, & Garry, 2006; Hyman & Billings, 1998; Hyman, Husband, & Billings, 1995; Hyman & Pentland, 1996; Ost, Foster, Costall, & Bull, 2005). Beyond actual false memories and beliefs, leading questions are also used frequently to induce a suspect to agree with a minimized version of their involvement in a crime and, in turn, to confess to

wrongdoing. The PIM manual includes several examples that demonstrate what are referred to as Accusatory Justification Questions, which combine both leading and minimization elements (e.g., “Jim, it’s awful how you were treated by Mike but I don’t believe you ever wanted to hurt him. You simply wanted to burn down his business. Didn’t you Jim?”; Carr, 2015; p. 239).

When faced with a leading question during an investigative interview, a suspect may change their testimony to be more consistent with the response suggested by the question (i.e., what the interviewer wants to hear). Thus, asking leading questions in a police interview negates the purpose of getting the suspect to recall their version of events, and instead can result in unreliable and inaccurate testimony. Moreover, this type of question tends to facilitate short, incomplete, inaccurate, or unreliable responses from an interviewee and has the potential to contaminate the memory of the event in question (Westera, Zydervelt, Kaladelfos, & Zajac, 2017). In fact, Garrett (2015) examined 66 real false confession cases and found that 94% involved contamination of the statement by the interviewers, and this was often the result of leading questions related to information only the real perpetrator should have known (see Nirider, Tepfer, & Drizin, 2012, for details about contamination in the Brendan Dassey interrogation). It is concerning that leading questions are recommended in the PIM manual, especially since the stated goal of this interviewing approach is to collect complete, accurate, and uncontaminated information – it simply defeats the purpose of trying to learn what the suspect knows about the crime in question.

Other Problematic Assertions

Beyond the aforementioned problems associated with the use of minimization, false evidence, and leading questions, a number of other practices contained in the PIM manual could negatively impact the truth-seeking function of a suspect interview, or could potentially lead to

police misconduct and miscarriages of justice. For instance, as a training resource, the PIM manual, at times, does not offer sufficient guidance to police officers concerning when and how to apply specific tactics, when to transition from non-accusatorial to accusatorial phases, and how to build rapport and a positive working relationship with the suspect. For example, only a single page of the manual is dedicated to rapport building, which merely outlines how an interviewer should treat the suspect (e.g., be respectful and professional), but does not provide sufficient instruction on how exactly rapport should be built (Carr, 2015; see p. 146). The manual includes an example or two from hypothetical case transcripts to illustrate each tactic, and then warns officers to use the tactic only under “specific situations” (Carr, 2015, p. 157) and to “exercise caution” (p. 217) but does not define boundaries for use of these tactics. In this context, the cautionary instruction may be seen as liability protection, rather than guidance to officers on appropriate use of the model when interrogating suspects. However, the mere fact that the PIM manual includes these cautions and a review of the literature indicating problems suggests that the developers of PIM recognize the potential dangers inherent in using those tactics, and yet still include them in the manual.

Additionally, despite the assertion that PIM is unlike the Reid model, the PIM manual contains several recommendations that seem to have been taken directly from the Reid Model of Interrogation and have no basis in scientific research (see Davis & O’Donohue, 2004, for a discussion of the problems associated with the Reid model). For instance, both manuals recommend utilising a small, bare, windowless room for the interview, with the suspect backed into a corner (see Inbau et al., 2013, pp. 51- 52; see also Carr, 2015, p. 128, for a photograph of the interview room). Although this environment may be chosen to limit distractions while maximizing the safety of the suspect and interviewers(s) (Carr, 2015, pp. 128-130), it can induce

feelings of isolation. Such an environment has been found to increase stress, decrease cognitive functioning and decision-making ability, and increase the incentive to escape the situation (e.g., Baumeister & Leary, 1996; Kassin et al., 2010; Twenge, Catanese, & Baumeister, 2002). Such feelings may be further heightened by the physical contact that both manuals recommend. For instance, it is stated in the PIM manual that “the interviewer may also move closer to the suspect to be supportive, touch their shoulder, or shake their hand, etc.” (Carr, 2015, p. 246), while it is stated in the Reid Model that, “in appropriate instances, the supporting statement should be coupled with a gesture of understanding and sympathy, such as a pat on the shoulder.” (Inbau et al., 2013; p. 251). Friendliness in itself is not coercive; rapport can effectively be established by an interviewer who offers a non-judgemental and empathetic approach to interviewing (see Vallano & Schreiber Compo, 2015, for a review of research examining the effectiveness of rapport in police interviews). However, the physical contact outlined in the PIM manual may be unwelcome and intimidating to suspects, especially when considering the imbalance of power between the police officer and the suspect (see Sundstrom & Altman, 1976, for a review of research on the relationship between personal space and discomfort; also see Evans & Wener, 2007).

Beyond the proposed tactics that have been shown scientifically to be problematic, the PIM manual also contains some assertions that have not been tested empirically. For instance, the PIM recommended that the use of stories and analogies in the accusation and persuasion phase as a means to encourage suspects to engage in dialogue and potentially share self-incriminating information. The PIM manual encourages the use of “insightful questions (ISQs)” and the “contrarian view” in the rapport building stage of the interview (Carr, 2015, pp. 146-150). ISQs are personal questions that are intended to invite the suspect to talk about their beliefs

and values, judgements, and circumstances (e.g., their religion, sexuality, finances). Examples of ISQs include the following: “what type of person would commit an offence like this?”, “what is the nature of your sexuality?”, and “what should happen to someone who [name the offence]?” (see Appendix 3 in Carr, 2015; cf. Reid Model of Interrogation, especially the Behavioral Analysis Interview questions; Inbau et al., 2013). Relatedly, the contrarian view tactic asks suspects to assume the position of a guilty person and offer reasons why they may have committed a specific offence (e.g., an act of terrorism). It is unclear if either of these tactics would be effective in achieving investigative goals (e.g., encouraging dialogue, gathering information), or what unintended consequences may come from the interviewing officer’s interpretation of the suspect’s response (e.g., presumption of guilt and subsequent impact on questioning practices).

According to Carr (2017), two researchers are currently evaluating the effectiveness of the PIM; however, to our knowledge no results have yet been published. Given the current lack of research on the model as a whole and the issues outlined above, the fact that the PIM has already been adopted by nine police agencies (i.e., Vancouver Police, Abbotsford Police, BC Transit Police, Royal Newfoundland Constabulary, Peel Regional Police, Greater Sudbury Police, Edmonton Police Service, Saskatchewan Police College, Canadian Police College; Carr, 2017) seems premature. What is more, the Federal/Provincial/Territorial Heads of Prosecutions recently released a report that lists PIM as a viable option for interrogating suspects (Public Prosecution of Canada, 2019), despite the lack of scientific evidence to support the elements of the model, and consensus from both the empirical literature and expert opinion that certain techniques included in the PIM model should be avoided.

Concluding Thoughts

Our review of the *Phased Interview Model* and a contrast of its claims with the established and accepted empirical evidence raises questions as to whether the PIM as it currently stands is conducive to achieving the purported goals of the RCMP (i.e., obtaining complete and accurate information and voluntary statements). Overall, our review of the PIM suggests that although it contains many positive aspects that are endorsed in the scientific literature, it also retains elements from popular accusatorial models. For example, both the PIM and the Reid technique begin with a non-accusatorial phase, followed by accusatorial practices that seek to persuade suspects to talk and admit guilt. Both models use similar persuasive tactics, which have been explicitly warned against in the empirical literature. Ultimately, the continued use of a range of questionable persuasive tactics is in direct contrast to the ethos of information gathering approaches that are ethical and science-based.

We recognize that many challenges exist in attempting to change the current culture of police interviewing, and interrogation policies and practices. Both our conversations with practitioners about the virtues of a science-based approach and our efforts to offer training on such techniques often elicit a common refrain: “so when these new science-based methods don’t work, can I go back to using themes and minimization?” It is unsurprising that a hybrid approach might first be adopted by practitioners when introduced to alternative practices; many continue to believe in the efficacy of their past training and practices. It is during conversations with some practitioners that we frequently hear the ‘toolbox’ metaphor used, with investigators noting that science-based methods appear useful and that they will ‘add them’ to their proverbial toolbox. The PIM, in our view, is the literal manifestation of this toolbox approach – an attempt to blend the old problematic practices with the new, science-based practices.

We commend the RCMP for their efforts in trying to establish a science-based interviewing protocol and recognize that this is certainly not an easy task. It is imperative that policing is grounded in evidence-based practices to ensure that each police officer has the best available tools at their disposal to assist them in effectively collecting statements from suspects. We argue that there is no need for police officers to expose themselves to personal and professional liabilities simply by following customary practices that place justice at risk. Rather than walking the fine line of case law, where it is left to the judiciary to evaluate the appropriateness of police interview tactics, we propose the use of policies and procedures that are ethical and science-based (see Meissner et al., 2015) – practices that do not test the limits of permissible police behavior.

It would be easy for practitioners and supporters of PIM to dismiss our arguments by claiming that they are grounded in laboratory research that may lack ecological validity or fail to capture nuanced elements of real interrogations. Although we do agree that more field research is needed to inform best-practice interviewing, the available evidence has consistently shown that the aforementioned problematic practices put justice at risk. As such, we believe that there is room for improvement to the PIM as it currently stands. Specifically, we recommend that the problematic practices (i.e., minimization, mischaracterizations of evidence, and leading questions) be removed entirely from the model and that any untested practices not be used until they have been validated empirically. Taking such steps will likely assist the RCMP in their endeavor to achieve their purported goals.

More broadly, our critique raises concerns of a disconnect between research in the social sciences and practice, something that happens much less often in the natural sciences. For example, it is unlikely that a medical professional today would ignore scientific best practices. In

truth, this has not always been the case. In 1881, US President James Garfield was shot two times in a train station by a disgruntled citizen. His wounds to the arm and back were serious, but he did not die immediately. Instead, he was brought to a hospital where he would spend the next four agonizing months under the care of doctors. Despite the emerging research from Britain that urged physicians to use antiseptic during their procedures to protect against germs, American doctors refused to sterilize their instruments or even wash their hands because they did not believe in the existence of unseen germs at the time. Repeated exposure to unclean equipment led inevitably to serious infection, and President Garfield died in the hospital 80 days after the shooting (Ackerman, 2018; Cunningham, 2018). This incident was a preventable tragedy that could have easily been avoided with adherence to the most up-to-date scientific practices. In the same manner, we would not want disbelief in the importance of ethical and effective police interviewing practices, and the continued use of coercive practices therein, to result in tragic consequences that will be derided by experts and practitioners alike even a few years from now.

Although the PIM is purported to be an ethical and science-based interview framework, some elements of the model run contrary to what social scientific research tells us is the best way to interview suspects. Such an approach that melds customary and scientific practices in a ‘toolbox’ fashion is not uncommon. Our concern, nevertheless, is that the continued use of risky interrogation practices (i.e., minimization, mischaracterized evidence, leading questions) will lead to the collection of problematic evidence and miscarriages of justice. We believe that in creating and maintaining researcher-practitioner partnerships that a truly ethical and evidence-based interview protocol can become the standard.

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Footnotes

¹ The Royal Canadian Mounted Police (RCMP) is Canada's largest police organization, and the only federal police organization in Canada, with over 18,000 members. The RCMP provides contract services to provinces that require municipal or provincial policing with the exception of Ontario and Quebec, where they maintain a federal policing presence only. They investigate a range of crimes including major crimes, homicides, and undercover operations, and are responsible for border protection, ensuring the safety of civilians, investigating federal crimes and matters of national security.