

Investigative interviewing:
THE LITERATURE



Mary Schollum



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Any opinions expressed in this report are those of the author. They do not necessarily represent the views of the New Zealand Police.

“Society cannot afford investigative interviewing to be poor. This affects people’s perceptions of the criminal justice system. The guilty get away, the innocent are convicted, justice for children and vulnerable adults is inadequate. Poor interviewing is of no value to anyone; it is a waste of time, resources and money. No one wins. People will not come forward if they have no confidence in the quality of investigators’ interviewing techniques”.

From: Rebecca Milne & Ray Bull.
Investigative Interviewing: psychology and practice.
John Wiley and Sons Ltd: Chichester, 1999, p191.

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SUMMARY

This summary presents key points from the international literature about investigative interviewing

GENERAL

The information collected in an interview must be accurate, relevant and complete.

Research suggests effective interviewers are those who:

- have a knowledge of the psychology of interviewing and scientific experimentation
- have received a thorough grounding in a wide range of practical techniques to draw on in interviews as appropriate
- have had the opportunity for substantial practice in a learning environment, and
- are supervised and given feedback on their real-life interviews.

DEFINITIONS

- A 'witness interview' is the generic term for any interview with a victim, witness or complainant.
- Special attention needs to be paid to 'vulnerable', 'intimidated' and 'significant' witnesses.
- The usefulness of the term 'interrogation' for the questioning of suspects is outweighed by the negative connotations of the term, and doesn't take account of the possibility of a willing subject.
- The England and Wales training material has abandoned the term 'interrogation' in favour of 'investigative interviewing' to describe all interviews with victims, witnesses and suspects.
- There are increasing calls for police officers to be seen as 'investigators' from the start of their careers.

THE IMPORTANCE OF INVESTIGATIVE INTERVIEWING

- Investigative interviewing is the major fact-finding method police officers have at their disposal when investigating crime. They have to do it well.
- Quality investigations require quality investigative interviews.
- Officers must recognise that every interview is unique and potentially generates intelligence which can be used not only in the specific investigation but also in other policing activities.

- Interviewers need to appreciate the contribution made by the interview to the success of an investigation and that this success relies on the goodwill and cooperation of victims, witnesses and the community.
- Eyewitness testimony and confessions are considered the most persuasive forms of evidence.
- A large proportion of suspects readily make admissions. Interviewers should make sure they get as much information as possible and not close the interview prematurely.
- The vast majority of suspects who admit to wrongdoing do so early in the interview.
- Despite the best efforts of the interviewer, few suspects change their story once they have denied wrongdoing.

ETHICAL INTERVIEWING

- Interviews should be conducted with integrity, commonsense and sound judgement.
- Using unfair means to get a confession (*noble cause corruption*) is never justified
- Interviewers must avoid unethical behaviours such as making threats or promises or using coercive and oppressive tactics.
- Ethical interviewing involves treating the suspect with respect and being open-minded, tolerant and impartial.
- If offenders believe they have been treated well they are less likely to form a negative view of police or to communicate a negative view of police to others.
- Many miscarriages of justice have resulted from police malpractice.
- Police must be aware of why some people will make false confessions. These occur in different ways and for different reasons, including dispositional (eg age, personality characteristics, intellectual impairment, etc) and situational (eg isolation, confrontation and minimisation) factors.
- The seven principles of investigative interviewing developed by the Home Office in 1992 for use by England and Wales have stood the test of time and have been adopted by other western jurisdictions.

INFLUENCE OF PSYCHOLOGY

- **Memory.** The memory is made up of three sequential stores: the sensory store, the short-term store and the long-term store, and involves three distinct processes: encoding, storage and retrieval. A first attempt at recall usually reveals broad outlines but little detail. A lack of interruption by the interviewer, and instructions to concentrate and report everything will greatly help get the level of detail required.
- **Body language / Non-verbal cues.** Research has found that facial expression, voice tone, silence, body positioning, eye movements, pauses in speech, and others aspects of BL and NVCs all send messages. These may confirm, obscure, or contradict what is being said. Research warns against interviewers developing an over-confidence in their ability to 'read' the interviewee's BL/NVCs.
- **Deception.** There is no typical non-verbal behaviour which is associated with deception. Despite this, research has found that people (including both interviewers and interviewees) often hold stereotypical views about non-verbal behaviour which are incorrect. Thus, conclusions based solely on someone's behaviour in the interview room are not reliable.
- **Suggestibility.** Interviewers need to be aware that interviewees are vulnerable to a range of suggestive techniques that can affect their recall.

INTERVIEWEES

- The completeness and accuracy of the witness account is often the main factor that determines whether or not a crime is solved.
- The *Youth Justice and Criminal Evidence Act 1999* (England & Wales) encourages police to videotape interviews with 'vulnerable' and 'intimidated' witnesses but leaves it to the court to decide whether the tape will be used as the witness's evidence-in-chief.
- The suspect interview is pivotal to the process of case construction and disposition.
- Suspects are most likely to confess when they perceive the evidence against them as being strong (by far the most important reason), when they are sorry for their crime and want to talk about it and give their account of what happened, and when they are reacting to external pressure from factors such as the stress of confinement and police persuasiveness.
- UK police take a 3-stage approach to suspect interviews - the 'suspect agenda', the 'police agenda' and the 'challenge'.

- Police need to appreciate the many reasons why witnesses and suspects may not be cooperative in interviews, including fear of embarrassment, retaliation, loss to themselves, legal proceedings, harming someone else, self-disclosure and fear of restitution.

THE PEACE MODEL OF INTERVIEWING

The PEACE interviewing model provides a structure that can be used for all investigative interviews. The components are:

P - Planning & Preparation
E - Engage & Explain
A - Account
C - Closure
E - Evaluation

- The PEACE model was developed by police and has been used extensively by police both in the United Kingdom and other western countries.
- While theoretically based the PEACE interviewing model is also informed by the practical and pragmatic perspective of everyday policing.
- From 1993, the police service in England and Wales undertook a vast programme of PEACE training but by 2000 evaluations showed it had not lived up to expectations. Reasons include minimal support from management, lack of buy-in from supervisors, inconsistent implementation, and limited resources to develop and maintain the programme.
- A 2001 evaluation (Clarke & Milne) for the Home Office found poor transfer of information and skills from the classroom to the workplace. For example, the research found poor use of interviewing techniques for obtaining an interviewee's account, little evidence of routine supervision of interviews in the workplace, and misunderstandings about the PEACE model.
- The evaluation found that interviewing of victims and witnesses was far worse than that of suspects. This was thought to be mainly due to a lack of guidelines, the perception of a lesser 'status' for witness interviews and the distractions present when the person is interviewed in an environment unable to be controlled by police (e.g., the witness's home or work).
- Clarke and Milne strongly recommended the tape recording of all interviews with 'event relevant' victims and witnesses.

MAJOR INTERVIEW TECHNIQUES

COGNITIVE INTERVIEWING

- A dramatic increase in research and discussion of the cognitive interview (CI) and enhanced cognitive interview (ECI) in the late 1990s confirmed the ability of the techniques to improve both the quality and quantity of recall in interviews with willing subjects.
- Confusion has arisen as to the exact meaning of the 'cognitive interview' and 'cognitive interviewing', and the 'enhanced cognitive interview' and 'enhanced cognitive interviewing'.
- PEACE is the interviewing model of choice for police forces in England and Wales, with 'free recall' and 'conversation management' (see below) as the preferred interview styles for enhancing recall in the majority of interviews.
- In the 'account' stage of PEACE interviews with cooperative witnesses, officers do a free recall interview (Tier 1), a basic ECI (Tier 2) or an advanced ECI (Tier 3).
- All types of interview have a range of tactics that officers can draw on.
- The advanced ECI is used predominantly for interviews calling for specialist interviewing skills e.g., when interviewing vulnerable, intimidated and/or significant witnesses.
- Successful interviews require a mix of cognitive, interpersonal and social factors to facilitate memory retrieval.

As well as the ECI, the two other internationally recognised interview models for use within the PEACE framework are:

- **free recall (FR)** - considered one of the most successful and practical methods for obtaining reliable, full and accurate accounts from cooperative witnesses and suspects. The 'recall' interview is used predominantly by uniform investigators and detectives for volume crime interviews.
- **conversation management (CM)** - reliable and effective method for interviewing uncooperative witnesses and suspects. This model can be used across all crime types and at all levels.

GENERAL TOOL-KIT OF TECHNIQUES

The literature reveals a wide range of effective interview tactics/techniques. The number and extent to which any of them are used in any particular interview will vary according to the skill level of the interviewer, the cooperation of the interviewee, the nature of the offence/incident under investigation, and the type of approach being taken e.g., a recall interview, a conversation management interview or an ECI interview.

- Good first impression
- Personalise the interview
- Establish rapport
- Explain the aims and purpose of the interview
- Need for concentration
- Open-ended and probing closed questions
- Other types of productive questions
- Use of pauses and silence
- Not interrupting the interviewee
- Body language/non-verbal communication
- Good interviewer behaviour
- Interviewee-compatible questioning
- OK to say "Don't know"
- OK to say "Don't understand"
- No fabrication or guessing
- Initiate a free report
- Focused retrieval
- Activation and probing of an image
- Systematic probing of topics
- Echo probing
- Active listening
- Summarising
- Querying and clarification
- Mirroring / synchrony
- Sketch drawings and visual aids (e.g., maps, photos)
- Challenging
- Clarification of inconsistencies
- Seating arrangements
- Note-taking
- Mutual gaze / eye-contact
- Friendliness, patience and support
- Praising the interviewee's efforts
- Report everything (RE)
- Transfer control (TC)
- Context reinstatement (CR)
- Varied and extensive retrieval

- Change the temporal order (RO)
- Change perspectives (CP)
- Focus on all senses
- Memory jogs for names - common/uncommon, length, first letter etc
- Memory jogs for person information - appearance, clothing, characteristics etc
- Paralanguage
- Taking breaks
- Investigatively important questions

OTHER INTERVIEW TECHNIQUES

- Hypnosis. It is generally agreed that investigative hypnosis is risky, with the four main dangers being suggestibility, loss of critical judgment, confabulation or lies, and the cementing of a false memory.
- Polygraph. Despite its continued use in parts of the United States, polygraph testing is generally regarded as unreliable in detecting whether a person is telling the truth or lying.
- Statement analysis. The scientific examination of an interviewee's words by way of a variety of techniques is increasingly being taught to police officers. To be successful it requires a record of the person's actual words not a written interpretation of them.
- RPMs. These tactics (rationalising, projecting and minimising) are commonly used by American police - and supported by the courts - to get suspects to confess. They help suspects justify their actions, blame others and reduce the seriousness of the offence. They are not advocated by police in the United Kingdom.
- Other. Kalbfleisch's (1994) typology and the Reid Technique both set out a range of tactics for interviewing suspects. Although generally supported by American courts, many of these tactics are regarded in jurisdictions sharing the English common law tradition as manipulative and oppressive.

ACPO INVESTIGATIVE INTERVIEW STRATEGY

- A working group established by the Association of Chief Police Officers in England and Wales (ACPO) in 2001 to evaluate the state of investigative interviewing concluded that the PEACE model needed to be modernised, re-introduced and supported by proper structures and processes.
- With continuing support from ACPO and the Home Office, the Investigative Interviewing Strategy for England and Wales (and Northern Ireland) was established in 2003 with all forces expected to submit an implementation plan by end-2004.
- The strategy established a 5-tier training structure and recommended comprehensive training at each level as well as ongoing assessment in the workplace.
- The strategy reinforces good practice through the widespread adoption of the PEACE model, recognition that effective interviewing requires time, concentration and flexibility, and acknowledgement of the crucial role of supervision.
- Centrex (the national Central Police Training and Development Authority for England and Wales) developed and made available a package of training material around each tier in 2004.
- The strategy aims to create an environment in which inexperienced interviewers are able to request assistance in planning and conducting interviews from supervisors and more experienced peers, and additional support is able to be provided to serious cases by officers with advanced interviewing skills.

TECHNOLOGY AND INTERVIEWING

- Most western jurisdictions have accepted electronic recording as a practical and useful means of documenting police interviews with suspects.
- The *Police and Criminal Evidence Act 1984* made it mandatory for England and Wales police forces to record suspect interviews by electronic means. The recording of witness interviews is a much more recent phenomenon.
- Research shows that camera angle can have a profound influence on jurors' assessment of the voluntariness of confessional evidence.
- Recording equipment is changing rapidly. VHS will soon be out of date and unable to be supported. Police must prepare to change current videotape systems.

LOCATION OF INTERVIEWS

- Police should maintain as much control over the location of investigative interviews as possible. Both interviewer and interviewee need to concentrate, therefore the disruptions at a witness's home or work, or at the interviewer's desk in a busy office, are not conducive to an effective interview.
- Suspect interview rooms should ensure cameras are focused on all parties equally. Picture-in-picture technology (2 views of the interview room) is being increasingly used.
- Conversation tends to take place most comfortably at a 90° angle (or a ten-to-two position). A face-to-face orientation can be too confrontational.
- Interview rooms should have no distractions, have any tables kept to the side of the officer rather than between the officer and suspect, and have aide-memoires available to ensure legal and other requirements are met.
- Privacy and comfort for witness interviews are major considerations.
- In interviews with vulnerable, intimidated and significant witnesses, it is increasingly being regarded as vital to have two interviewers (one in the interview room with the witness and one in an adjacent room taking notes, checking the equipment is working, and communicating with the main interviewer about inconsistencies and things that may have been missed).

TRAINING

- Under the ACPO strategy, forces in England, Wales and Northern Ireland are implementing 5 levels of training - 1) probationers (first 2 years in police); 2) uniform investigators and detectives; 3) specialist interviewers (vulnerable, intimidated & significant witnesses, and suspects in major crimes); 4) supervisors; 5) interview advisers (small number of skilled interviewers called in to assist with the planning of major and/or complex interviews).
- The core skills needing to be developed in police interviewers are the ability to plan and prepare for interviews, the ability to establish rapport, and the ability to carry out effective listening and effective questioning.
- Interview training should: impart both a theoretical framework as well as technical competence; be a comprehensive mix of classroom instruction, simulated scenarios and role playing, self-monitoring, and workplace assessment; and be focused on whole-of-police and whole-of-career.
- The UK training allows one to three weeks training at each level, as well as ongoing assessment in the workplace. Specialist interviewing courses (e.g. advanced witness or suspect interviewing) have been designed to take three weeks.
- Monitoring and evaluation must be built into any implementation programme.
- Training must include supervisors and managers - their buy-in is crucial.
- Training needs to emphasise that any interviewer who does an interview without good planning first is merely "in a rush to get it wrong".
- The 5-tier interview structure established in 2003 is in the process of being incorporated into the Home Office/ACPO-led "Professionalising the Investigative Process" project (PIP). For example, interviewing witnesses and interviewing suspects are two of the three components for PIP Level 1 (which comprises 3 national operational standards for all 'investigators').

OVERVIEW

INTRODUCTION

The most important factor in a criminal case is the interview. This is the view of many commentators (e.g., Baldwin, 1993; Milne & Bull, 1999; Shaw, 2002) who emphasise the importance of information gained from a witness, victim or suspect. Interviews will differ in purpose, scope and content, but all of them have the same objective: to gather information (McGurk, Carr & McGurk, 1993).

Getting information that is accurate, relevant and complete is both demanding and complex, and must be carried out with care, subtlety and skill. Traditionally however, little time has been spent on this vital task (George & Clifford, 1992; Inbau, Reid & Buckley, 1986; Shaw, 1996a). Most police officers learn to interview victims, witnesses and suspects through a mixture of intuition, peer example and practical experience (Shepherd, 1993; Takitimu & Reid, 1994). The dangers of this are self-evident - officers can pick up bad habits or miss valuable information. Ultimately investigations can be damaged, disrupted or even destroyed.

Investigative interviewing is an important area of contemporary research. Whereas crucial matters like eyewitness testimony and the nature of memory have been explored for many decades as part of social science, it is only in the last 20 years or so that the implications for law enforcement have been appreciated (Yeschke, 2003).

Before this, little was known about the effectiveness of traditional interviewing techniques. The secrecy of the police interview (or 'interrogation') room led to widespread concern about the tactics used to extract confessions - things like intimidation, oppression, deception, and even physical violence (Leo, 1992). It has been shown that these tactics can lead to false confessions, in which case a double miscarriage of justice occurs - not only is an innocent person convicted but the true offender remains free (Gudjonsson, 1992).

The large body of scientific, academic and practical information now available on investigative interviewing has been used by policing jurisdictions to improve awareness of the pitfalls of inadequate interviewing as well as promote the systematic training of officers in good practice (see, for example, Bull & Cherryman, 1995; CFIS, 2004).

STRUCTURE

This review provides an overview of investigative interviewing within policing. It may also be of interest to anyone who uses this type of interviewing on the job including insurance fraud investigators, lawyers, and government departments.

The review outlines the efforts made by police and psychologists in recent decades to:

- convey the importance of investigative interviewing
- understand what happens in an investigative interview
- use psychological theories and research to find out what makes a successful interview
- examine the effectiveness of various skills and techniques
- find a basic framework and rationale to underlie investigative interviews
- produce guidelines on how to conduct interviews.

The headings are designed so readers can easily look up topics they are interested in. Not all topics are mutually exclusive. For example, there are separate sections on body language and deception. Yet one of the ways thought to help in detecting whether someone is lying is through interpreting body language. Thus there is overlap between these two topics, and of course many others.

LIMITATIONS

1. The contemporary literature associated with investigative interviewing is extensive. Inevitably, only a fraction is represented here. Readers are encouraged to use the references provided to broaden their knowledge.
2. Some topics have had to be left out or mentioned only briefly. Notable amongst these are areas of specialist interviewing (e.g., child abuse), the type of 'interviewing' carried out by control rooms (emergency calls to police) and at public enquiry counters, and discussion about legal requirements. These have not been dealt with because:
 - New Zealand Police are wanting to identify international good practice that can be used to develop a basic framework for investigative interviewing. Once fully developed, this information can be picked up by various groups and applied to specialist areas such as control rooms and the interviewing of children;
 - the law and legal matters relate to all policing and are therefore dealt with as part of general training rather than as part of interview training (although interview training needs of course to explain how the right to silence, cautions and so on are to be managed during interviews); and
 - the nonsworn reviewer's training is in research and criminology. Accordingly, aspects of this project relating to the law, sworn experience and psychology are reported from a lay perspective.
3. Because of the absence of much New Zealand research on police interviewing this literature search relies heavily on British and, to a lesser extent, American sources. This raises two important issues:
 - the review does not offer insight into police interviewing practices in New Zealand (a benchmarking exercise is being carried out as a separate part of the review to provide this information); and
 - conclusions based on non-New Zealand sources may not be generalisable to the New Zealand context due to differences in law, organisational policies and so on across jurisdictions.

Despite these issues the Anglo-American literature provides a solid basis from which further research and practice in New Zealand should proceed.

DEFINITIONS

As with any specialist area, it is important to foster a vocabulary around investigative interviewing which is founded on shared meanings (Shepherd, 1991).

INTERVIEW

At its simplest, an interview has been called “a conversation with a purpose” (Hodgson, 1987, p2), but in criminal cases, much more than conversational skills are required. Indeed, to get accurate, relevant and complete information from the interviewee, investigative interviewers have to put aside many of the characteristics that are features of everyday conversations, such as interrupting the other person and asking closed questions (Baldwin, 1993; McGurk *et al*, 1993; Milne & Bull, 1999). In addition, officers need to keep in mind that interviews also involve imparting information, e.g., explaining to the interviewee what is happening and why and keeping the person informed about what will happen next (NCPE, 2005).

VICTIM AND WITNESS

According to the Concise Oxford Dictionary 9th ed (1995), a victim is a person injured, killed or harmed as a result of an event or circumstance, and a witness is a person present at some event and able to give information about it. In terms of investigative interviewing, a ‘witness interview’ also includes:

- any interview with a victim. This is because a victim is a witness to the crime against him or her (CPTU, 1992a; Gudjonsson, 1992). Thus, much of the training material is set out so it deals with two types of interview only - witness and suspect. It is implicit that ‘witness’ interviews include those involving victims (CFIS, 2004).
- any interview with a person who has information about the alleged offence or the offender, even if they were not physically present at the event. This could include an alibi witness or an informant (Gudjonsson, 1992).

Vulnerable and intimidated victims and witnesses

Recent legislation in the United Kingdom - the *Youth Justice and Criminal Evidence Act 1999* (England and Wales) and the *Criminal Evidence (Northern Ireland) Order 1999* - has led to the extensive use of the terms ‘vulnerable witnesses’ and ‘intimidated witnesses’:

- vulnerable witnesses - victims and witnesses under the age of 17 at the time of the hearing, or vulnerable by reason of mental disorder, significant impairment of intelligence and social functioning, physical disability or physical disorder;
- intimidated witnesses - victims and witnesses who are in fear or distress about testifying. This may be by reason of: age, social cultural or ethnic background, domestic and employment circumstances, religious beliefs, political opinions, or behaviour towards the witness on the part of the accused, members of the accused’s family or associates of the accused.

Under the legislation, police can choose to produce a visual record of the interview which, depending on the decision of the Court, may be used as the person’s evidence-in-chief. This matter is discussed further in the section on ‘technology and interviewing’.

Significant witnesses

Many UK police forces have also recognised the need to visually capture the interview evidence of ‘significant’ witnesses (Milne & Bull, 2003). These include people who “may have been, or claim to have been, an eye witness to the immediate event ... or the witness stands in a particular relationship to the victim or has a central position in the enquiry” (NCPE, 2005, p87).

Heaton-Armstrong and Wolchover (1999, pp237-238) offer the following criteria for deciding who might be ‘significant witnesses’:

- the gravity of the offence under investigation (e.g., homicide and serious sexual assault)
- whether the witness is likely to make assertions that might be disputed in subsequent proceedings
- all those who are eyewitnesses to the serious/major incident under investigation
- witnesses who have had a relevant conversation with the suspect after the event
- hostile or potentially hostile witnesses
- any person who is known to have been the last to see the victim prior to the offence being discovered
- witnesses who discover bodies, and
- police officers who initially responded to a serious/major incident and either witnessed events or detained the suspect.

COMPLAINANT

When referring to a 'complainant' i.e. the person who brings a case against another in court, the term has a precise meaning (analogous to 'plaintiff'). However it also has a more general meaning when used to refer to those who bring a matter to police attention thereby instigating a police response (Gudjonsson, 1992). It could be equated to 'victim' or 'witness' although in some instances the complainant may not be the direct victim (e.g., a mother who reports suspected abuse of her child) or even a direct witness (e.g., someone who reports his/her neighbour missing).

In these types of instances, the police will interview the complainant as part of the investigation; yet there seem to be few references to 'complainants' in the literature on investigative interviewing. A notable exception is McGurk and colleagues (1993) who list complainants as a distinct group who are interviewed by police. From a technical perspective these interviews would be treated as another form of witness interview.

SUSPECT

A 'suspect' is a person suspected of having committed the offence under investigation. A suspect is also commonly referred to as the 'offender' or 'perpetrator', although the latter is primarily an American term (e.g., Kiley, 1998; Leo, 1992; Vessel, 1998). The increasing use of 'perpetrator' in New Zealand and the United Kingdom could be through the influence of American police programmes. A further, if somewhat extreme, term for an offender is found in Morgan (1999, p11) who refers to 'violators' - as in

"Later in this text, we'll look at some factors that may be applicable in a typical street encounter between an officer and a violator".

INTERROGATION VERSUS INTERVIEWING

The literature on investigative interviewing shows little consistency in the use of the terms 'interviewing' and 'interrogation', although the latter is only associated with the interviewing of suspects. For example, early material providing information on techniques that police could use to try to persuade a person to confess tended to use the term 'interrogation' (see for example Inbau, Reid & Buckley, 1986). Some observers clearly favour this distinction:

- "While the objective of an interview is to gain information, the objective of an interrogation is to gain a confession" (Meyer & Morgan, 2000, p2).
- "The goal of interviewing is to collect truthful data to be used for informed decision-making and just action-taking. An interrogation, on the other hand, is a face-to-face meeting with a subject with the distinct objective of gaining an admission or a confession in a real or apparent violation of law or policy" (Yeschke, 2003, p49).

Negative connotations

In recent years, the use of 'interrogation' has fallen out of favour, not least because of criticisms that some of the 'interrogation tactics' advocated could induce false confessions (Gudjonsson, 1992). The departure from the term is generally a response to the negative images arising from use of the word, particularly the image of people being subjected to unpleasant, unjust and uncaring physical and psychological tactics by those in authority over them (CFIS, 2004; Shepherd, 1991).

This type of negative image is captured in the term 'third degree'. Leo (1992, pp41-42) describes this as a catchall phrase for a variety of coercive strategies associated with interrogation. He makes an interesting case for "three ideal types of third degree interrogation":

- 'traditional' third degree - the direct application of physical violence, such as beating and whipping suspects until they confess - common during the late 19th and early 20th centuries;
- 'covert' third degree - physical torture that did not leave external signs of abuse, such as beating with rubber hoses, the use of blinding strobe lights or solitary confinement, food and sleep deprivation, and prolonged questioning by a series of officers - from around 1910 to the early 1930s;
- 'psychological' third degree - non-physical forms of coercion such as intimidation, duress, threats of harm, and promises of leniency.

Leo (1992) argues that the 'third degree' forms of interrogation have been replaced in recent decades by non-violent strategies based more on deception and manipulation. The most well-known examples of these are contained in the somewhat infamous "Criminal Interrogation and Confessions" by Inbau, Reid & Buckley (1986). One of the authors, Fred Inbau, has felt it necessary to defend his position on the tactics this book espouses:

"To protect myself from being misunderstood, I want to make it unmistakably clear that I am not an advocate of the so-called 'third degree', for I am unalterably opposed to the use of any interrogation tactic or technique that is apt to make an innocent person confess. I am opposed, therefore, to the use of force, threats, or promises of leniency - all of which might well induce an innocent person to confess; but I do approve of such psychological tactics and techniques as trickery and deceit that are not only helpful but frequently necessary in order to secure incriminating information from the guilty, or investigative leads from otherwise uncooperative witnesses or informants" (Inbau, 1999, p1403).

Still in use

The negative connotations of the term 'interrogation', however, have by no means led to its disappearance. It is still a strong feature of FBI and other American literature (e.g., Napier & Adams, 1998; Vessel, 1998; Walters, 2002; Yeschke, 2003). It could even be argued that it is a useful distinction. For example, Swanson, Chamelin and Territo (2002) remind us that

"of paramount importance are the myriad of legal requirements attendant to interrogations that are absent in interviews".

The usefulness of the distinction is also demonstrated by Morgan (1999), an experienced police officer who has designed an interviewing technique for 'field interviewing' (as opposed to structured formal interviews) which he calls 'Focused Interviewing'. In his book, Morgan defines a 'field interview' as

"an attempt to elicit information in a field setting which is non-confrontational in nature, compared with a 'field interrogation' which is an attempt to elicit information in a field setting which is confrontational in nature".

In this instance, 'interrogation' describes a confrontational situation whereas 'interviewing' is regarded as non-confrontational. Another American author, Don Rabon (1992) offers a simple distinction: interview equates to 'inquiry' and interrogation equates to 'persuasion'.

FBI Special Agent Vessel (1998, p3) makes a case for breaking suspect interviews into both interview and interrogation stages:

"Investigators must make a clear distinction between the two processes of interviewing and interrogating subjects. An interview should precede every interrogation. Through the interview, officers learn about the subjects and their needs, fears, concerns and attitudes. They then use this information to prepare themes or arguments to use during interrogation. During ... this non-threatening initial inquiry, investigators ... build rapport and find common ground with them".

Limitations of making a distinction

There are various limitations to using the two terms interviewing and interrogation. First, it encourages a view that interrogations are somehow more important than interviews. Shepherd (1991) explains this phenomenon in terms of how the two categories are viewed by police. Victim and witness interviewing is seen as low status, while interrogations are perceived as high status. This is because interviewing is perceived as "that form of conversation required when little ... resistance is anticipated or encountered", whereas the need for interrogation is thought to imply "a set of behaviour patterns, or strategies, [needing to be] enacted by the officer to overcome increasing, sustained or total interviewee resistance to the officer's management of information and the conversation" (Shepherd, 1991, p51).

Shepherd feels the key assumptions are that interviewing is easy and anyone can do it, while interrogation is difficult and requires great skill on the part of the interviewer. This leads, he says, to "muddled thinking and muddled practice" (1991, p56). He calls for the police to dispense with this "counterproductive terminological baggage" and "embark on some mental spring-cleaning. Goodbye interviewing versus interrogation! Hello, investigative interviewing" (1991, p56).

Second, it could be argued that the distinctions ignore the reality of many police interviews. 'Interviewing' implies a discussion with someone *willing* to provide information; 'interrogation' implies a discussion with someone *unwilling* to provide information. In practice, many victims and witnesses may be very *unwilling* to talk - and many suspects may be completely willing (Milne & Bull, 1999; Rabon, 1992). Distinctions which appear to be useful (Morgan's (1999) confrontation versus non-confrontation for example) make no sense in the face of an *unwilling* interviewee and a *willing* interrogatee.

A third limitation is the fact that the distinction between witnesses and suspects can become blurred. Sometimes 'witnesses' emerge as suspects (Yeschke, 2003). This is part of the argument put forward for audio- or video-taping witness statements, particularly for homicides and other serious offences (Heaton-Armstrong & Wolchover, 1999).

Although these days the term 'interrogation' is mainly found in the American literature, it does occasionally appear in the English literature (see, for example, Baldwin, 1994; Sanders, 1994; Sanders & Young, 2002; and Williamson, 1994a).

INVESTIGATIVE INTERVIEWING

In the early 1990s, Eric Shepherd (1991) advocated a move towards adopting the term 'investigative interviewing' to describe the questioning of victims, witnesses and suspects (Gudjonsson, 1992; Ord *et al*, 2004). This was to counter public perceptions of more 'persuasive' techniques and was implemented by police forces in England and Wales in 1993. It formed part of an integrated programme of training, research and development that resulted in the 'PEACE' package (Soukara, Bull & Vrij, 2002).

The mnemonic PEACE (which is explained more fully in later sections) provides the first letters of: **P**lanning and Preparation, **E**ngage and Explain, **A**ccount, **C**losure and **E**valuation. This interviewing model rejects the term 'interrogation' completely (see CFIS, 2004). All interviews, whether with victims, witnesses or suspects, are 'investigative interviews'.

INVESTIGATOR / DETECTIVE

Where crime investigation was once the sole prerogative of detectives (Maguire, 2003) the rise in reported crime from the mid-20th century onwards led to uniformed officers investigating so-called minor crimes such as theft, criminal damage and petty assaults. The 'serious' crimes were still left to detectives (Wright, 2002). According to Ede and Shepherd (2000, p111) however,

"as more and more officers become involved in proactive and reactive investigation, the traditional term detective is becoming less and less relevant. Numerically speaking, as forces change their policing emphases, increasing numbers of officers are engaged in detective work who do not have the descriptive title 'detective' before their rank. ... To add more confusion, many individuals with the title detective are not engaged in recognisably detective tasks!"

Wright (2002) uses the 'Yorkshire Ripper' case, in which 13 women were killed by Peter Sutcliffe, to argue that investigation should be seen as a whole-of-police activity. Whilst solving this case was the entire focus for an investigative (detective) team, the final arrest was by a sergeant and probationer on routine patrol. This challenges the use of the term 'investigator' as synonymous with 'detective'. Wright (2002) suggests that all police officers need to be investigators to some extent, and that competency in investigation should range from basic though to specialist.

Similarly, the training notes from the 'Foundation Course' of the Metropolitan Police Service (2001, p4) state:

*"As a uniformed police officer, you will nearly always be the first on the scene of a crime. In many cases you will be the only officer to attend the scene, and because of this it is your responsibility to actively investigate the crime. In other words **you are the 'investigator'**. Your aim should be: 1) to meet the needs of the victim, 2) to identify and preserve scenes of crime, 3) **to initiate an investigation that will provide the best prospect of apprehending the offender.**" [original emphasis]*

It could be argued, then, that anyone engaged in investigative work is an 'investigator' or as Ede and Shepherd (2000) recommend, a 'forensic investigator'. They support this term by citing a model spelt out by ACPO leader David Phillips (formerly Chief Constable of Kent) in 1999 which proposes that forensic investigators must fulfil the same professional criteria as forensic scientists (Ede and Shepherd, 2000, pp112-113).

- The forensic investigator must have the knowledge to do the job competently. ... [Otherwise] the ignorant forensic investigator is inherently engaged in self-deception and deception of others; and is a danger, whose lack of awareness is liable to produce blunders which lead to the conviction of the innocent and enable the guilty to remain at liberty.
- The forensic investigator must have the requisite technical skills, methods and techniques to collect, assemble, analyse and evaluate evidence - and to record fully and faithfully these processes and their outcomes.
- The forensic investigator must adopt a rigorous 'warts and all' scientific approach. It is not about setting out to confirm what an individual believes to be the case. ... The forensic investigator is obliged to hypothesise the suspected person to be innocent, not guilty, and to gather and examine a suitably wide spectrum of information to test this hypothesis.

- The forensic investigator must be open-minded. Like scientists, they have to resist becoming partisan, getting emotionally involved in a game that must be won. Should this happen, the real and growing risk is of the individual: rejecting all semblance of the required disconfirmatory stance; and selectively attending to evidence that buttresses the 'case theory' and attaches criminality to the suspect, at the expense of counter or equivocal evidence.
- It follows that the forensic investigator must be prepared to gather and to record honestly all emergent evidence irrespective of its status, whether pointing to the suspect's innocence (i.e. is disconfirmatory), to his or her guilt, or which is ambiguous.
- The forensic investigator's performance in all aspects of investigation must be subject to real, as opposed to nominal, quality control and quality assurance checks. Similarly, the forensic investigator whose personal performance is not monitored, is not checked, is not given feedback on errors of omission and commission, and is subject to no sanctions for an unprofessional performance is, in effect, told that quality does not matter.

These professional criteria can be applied just as easily to investigative interviewers as to investigators generally. Given the critical importance of interviewing to any successful investigation, there seems little doubt that they should be.

Key points

1. A 'witness interview' is the generic term for any interview with a victim, witness or complainant.
2. Special attention needs to be paid to 'vulnerable', 'intimidated' and 'significant' witnesses.
3. The usefulness of the term 'interrogation' for the questioning of suspects is outweighed by the negative connotations of the term, and doesn't take account of the possibility of a willing subject.
4. The English training material has abandoned the term 'interrogation' in favour of 'investigative interviewing' to describe all interviews with victims, witnesses and suspects.
5. There are increasing calls for police officers to be seen as 'investigators' from the start of their careers.

THE IMPORTANCE OF INVESTIGATIVE INTERVIEWING

TYPES OF INTERVIEW

Collecting information of one sort or another from people is an essential part of a wide range of jobs. For example, nurses, doctors, lawyers, social workers all have to take case histories from clients. The interview is indispensable when relevant information cannot be obtained by other means (Memon & Bull, 1999, piii). The police are no exception. Almost every facet of police work is concerned with the problems of people (Newburn, 2003). It follows that the ability to talk to people is crucial.

Situations involving police “talking” to people include:

- victims, witnesses and suspects involved in crime and crashes
- road side interactions (issuing tickets, assisting motorists, ‘turning over’ vehicles, administering breath tests)
- talking to the public informally (giving directions, answering questions, assessing crime prevention needs)
- interviewing prospective police applicants and their families and referees
- hostage negotiation (discussions between police and hostage-takers)
- talking to people threatening to commit suicide
- discussions between the public and control room / communication centre staff
- discussions between the public and watchhouse / public enquiry counter staff
- internal investigations (i.e. police interviewing police).

While all the above could arguably come under the umbrella of ‘interviewing’, only some count as ‘investigative interviewing’. This type of interviewing occurs when information is required as part of the ‘investigative process’ to find out what happened (Ord, Shaw & Green, 2004). Thus investigative interviewing tends to be confined to questioning by police of the victims, witnesses and suspects involved in crime and crashes.

WHY INVESTIGATIVE INTERVIEWING IS IMPORTANT

A recent article (Wilson & Fowles, 2005, p210) calls attention to the core role of police:

“The Home Office believes that the world in which the police service operates today has changed beyond all recognition. Technology has removed borders and barriers; changes in society have opened up new opportunities and challenges; increasing investment in public services and a growing consumer culture has led to rising expectations of customer service. The core role of the police service is, and will remain, the prevention, detection and reduction of crime, and protecting the public.”

Investigation is at the heart of carrying out this role. It is a process that the public and the criminal justice system entrusts to the police service and assumes will be conducted effectively and with integrity (Ede & Shepherd, 2000). As stated in the “Core Investigative Doctrine” (NCPE, 2005, p15):

“Where individuals have been the victim of crime or witnessed a traumatic event, they expect the Police Service to provide security, support and reassurance, in addition to an effective investigation”.

The investigative search usually includes several avenues including understanding and preserving the crime scene, the use of forensic science, the collection of real and documentary evidence, interviews, and so on (Maguire, 2003; Walters, 2002). In practice it has been estimated that “real and documentary evidence make up about 20 percent of all evidence presented in courts of law; testimonial evidence accounts for the remaining 80 percent” (Yeschke, 2003, p47).

This testimonial evidence usually comes from interviews with victims, witnesses and suspects. Euale and Turtle (1998) regard the collecting of information from suspects and witnesses as perhaps the most valuable and most elusive skill a police officer can develop. They emphasise how crucial it is that oral evidence is gathered and preserved at the earliest possible stage. Memories fade, stories alter, and originally willing witnesses sometimes change their minds.

According to Williams (2000) up to 90 percent of an investigator's activity involves gathering, sorting, compiling, and evaluating information. The investigator cannot function without information, and information cannot be obtained without help from the public and those involved. The testimonial evidence provided is usually given orally and might subsequently be recorded in written form. Some interviews, mainly those with suspects, are recorded electronically (Milne & Bull, 1999).

The literature reinforces that quality investigations require quality investigative interviews. For example, Maguire (2003) says that one of the most prominent features of both 'generalist' and major inquiry investigative work is its heavy reliance on interview evidence. Similarly, the famous 'Miranda' judgement describes the interview room as "the nerve centre of crime detection" (Miranda v. Arizona, 384 U.S. 436, 1966, p501).

Other commentators clearly share this view:

"The investigative task is the core aspect of policing today and what emerges from that core task is the key element of the ability to interview" (Evans & Webb, 1993, p37).

"Solid interviewing skills stand as the cornerstone in law enforcement's arsenal of crime-fighting weapons" (Einspahr, 2000, p20).

THE INTERVIEWER

Yeschke's view (1993, pxviii) is that police officers

"have no innate ability to conduct affective, effective, and proficient interviews. We are no more born with the skills to collect testimonial evidence than we are born with the innate ability to handle firearms properly or to provide first aid."

Others suggest that in most policing agencies, there are some officers who do seem naturally able to obtain detailed information from witnesses and good admissions from suspects. The majority however, struggle to do the same (Morgan, 1999; Shepherd and Kite, 1989). In any case, there is a strong perception that with the right instruction, most officers can learn to be effective interviewers (Baldwin, 1993; Gudjonsson *et al*, 1992; Memon *et al*, 1994; Ord *et al*, 2004; Williamson, 1994). On the whole, research suggests that without the benefit of proper training most police officers are destined to be poor interviewers (Milne & Bull, 1999).

Qualities in a good interviewer

There is much advice in the literature as to what makes a good interviewer. For example Swanson, Chamelin and Territo (2002) say the aim of interview training is to produce an interviewer who can make him- or herself easy to talk to through the appropriate use of vocal inflection, modulation, and emphasis; is able to convey appropriate emotional responses at various times as needed (e.g., sympathy, anger, fear and joy); is impartial, flexible and open minded; and knows how to use psychology, salesmanship, and dramatics.

Yeschke (1993, pxvii) contends that good interviewers need to demonstrate a strong sense of self-awareness, confidence, purpose, vision, dedication, and commitment to the highest professional standards.

Wicklender & Zulawski (2003) set out a more structured profile of a successful interviewer. They say the officer's attitude should be: objective, cordial and polite, even-tempered, sincere, interested and understanding. His or her posture should be: upright, frontally aligned, leaning forward on occasion, and open (no crossed arms). The officer should maintain eye contact when asking the suspect questions and when they answer, although casual breaks of eye contact are essential.

The authors acknowledge that the interrogation (US) or challenge (England and Wales) part of an interview requires other characteristics. They recommend, for example, a confident, persistent demeanor, a firm tone of voice (but not aggressive or angry), the use of hand gestures when talking (palms up, arms open), looking away when the suspect gives denials, and using softer or louder tones when making positive or negative points.

Core skills

The Centrex training material (NCOF, 2004) emphasises that the four core skills needing to be developed in police interviewers are the ability to plan and prepare for interviews, the ability to establish rapport, effective listening and effective questioning. These will take officers through any interview. More advanced skills are required of specialist interviewers and interview advisors.

Whilst it is possible to set out the characteristics of a good interviewer and the skills that person needs, some of the literature suggests a wide gap between this ideal and actual interviewers. For example Sear and Stephenson (1997, cited in Cherryman & Bull, 2000) found little relationship between the personality scores of officers and their interviewing style. Even those who scored highly for characteristics such as conscientiousness, agreeableness and openness were often found to display the same poor interviewing style as

many of their colleagues. Clearly, training alone is not enough to overcome the effects of other influences on interviewing style.

UNDERSTANDING FACTORS INFLUENCING INTERVIEWS

Interviews require a combination of art and skill that must be cultivated and practised. Not all people who possess information needed by the investigator are willing to share it (Yeschke, 2003). For example, witnesses may have various motivations and perceptions that could influence their responses during an interview. These may be based on either conscious choices or subconscious stimuli, or on the witness's positive or negative attitudes to police (Gudjonsson, 1992). In addition, gaining information from groups like the elderly and children requires special skills on the part of the investigator. Similarly, characteristics such as the time and place can hinder the interview (Heaton-Armstrong *et al*, 1999).

Each of these conditions must be dealt with. The most important task of the interviewer is to gather as much relevant and reliable information as possible (Gudjonsson, 1992). The successful interviewer, therefore, must understand the techniques of interviewing and know why people are willing or unwilling to impart information (Yeschke, 2003).

Given the complexities and variety of investigative interviews, the interviewer's own capabilities and limitations must also be recognised. Personality and the manner in which interpersonal communications are handled can greatly influence the quality and quantity of information obtained. Much of the literature describes the ideal interviewer as someone who can convey a range of emotions as well as empathy and sincerity at various times and as needed (e.g., Shepherd, 1991).

It is also important for the interviewer to keep an open mind. The interviewer must be receptive to all information, regardless of its nature. In addition, the successful interviewer must have an insatiable curiosity (Williams, 2000), and acquiring an accurate and reliable storehouse of information about human behaviour is a must (Gudjonsson, 1992).

Research in England and Wales in recent years has found little sign of the use of oppressive or otherwise negative tactics (Clarke & Milne, 2001). Rather, any criticisms are about a general lack of skill. Many police officers enter the interview with assumptions, expectations and hypotheses about the event they are investigating (Ede & Shepherd, 2000). If the officer's beliefs are well-founded, this may serve to focus the

interview on the essential issues. Problems arise, however, when officers approach the interview with unfounded or erroneous assessments of the incident in question. It is essential that interviewing training teaches officers to minimise the potential for bias (Baldwin, 1994).

WITNESS OR SUSPECT INTERVIEWS - WHICH ARE MORE IMPORTANT?

McGurk, Carr and McGurk (1993) found that the interviewing of witnesses and suspects were amongst the most frequent tasks in everyday policing. Moreover, their police respondents reported that taking statements, interviewing witnesses, and interviewing suspects were their three most important investigative tasks, with interviewing suspects rated as the most important of all.

This emphasis on the importance of suspect interviews is not surprising. In her research examining the management and supervision of interviews, Stockdale (1993) found that police officers tended to have a restricted view of 'interviewing'. At any mention of police interviews they would automatically take it as meaning only interviews with suspects. Mention of victim and witness interviews would only come when attention was specifically drawn to them.

Strongman (1994, p16) observed the same phenomenon in the New Zealand setting: "It as though, to a member of the New Zealand Police, 'interviewing' means 'interviewing suspects'". This emphasis however is not so evident in the training material produced by forces in England and Wales (see, for example, CPTU, 1992a; CFIS, 2004) which clearly spells out the equal status of all investigative interviews.

That is not to say that interviews with victims, witnesses and suspects are identical. There is a huge body of rules and rights that apply to suspect interviews but not to witness interviews (CPTU, 1992b; Maguire, 2003). Despite these differences, commentators agree that:

"In general, interviewing witnesses, complainants and victims is just as much a specialised practice as interviewing suspects, but it relies on different techniques" (Strongman, 1994, p17).

Some researchers go further. For example Milne and Bull (2003, citing in part Milne & Shaw, 1999) say:

“Professionals increasingly acknowledge that the investigative interviewing of witnesses / victims has equal, if not more, importance than the interviewing of suspects. If the initial interview with an event-relevant witness is not conducted appropriately then the entire investigation can fail. It is from that first interview that the whole make-up of a case evolves; defining the nature of the offence itself, outlining the possible suspects, creating the avenues for investigation, and so on” (p112).

This view is echoed by former Detective Superintendent Tom Williamson (cited by Mulraney, 2001, p22).

“In conducting an investigation we have to learn from past miscarriages of justice and not identify a suspect and then engage in activities in order to get that suspect to confess. What we have to do is develop interviewing skills and apply them to victims and witnesses so that we have a lot of information to put to the suspect. It is that that forms the basis of the investigative interviewing approach”.

EMPHASIS ON GETTING A CONFESSION

Much of the literature emphasises that eyewitness testimony and confessions are equally the most persuasive forms of evidence (e.g., Loftus, 2004). Many officers however, see suspect interviews as the more important of the two because to them getting a confession is the best possible result (Stockdale, 1993). It is a short cut to a conviction (Moston *et al*, 1992) and conserves resources (Ede & Shepherd, 2000).

Bull and Cherryman (1995) report an interesting study for the Home Office where separate groups of forensic psychologists (with expert knowledge of investigative interviewing) and experienced police officers listened to a large sample of audio-taped police interviews with suspects. They used a form assessing 28 interviewing skills. The within-group results were consistent: that is, the psychologists agreed with each other, and the police assessors agreed with each other. But the police evaluations did not agree with those of the psychologists. The main point of difference was that the skill assessments by police were strongly influenced by whether or not a confession occurred.

Morgan and Stephenson (1994) recognise the temptation of going for a confession:

“If there exists some, but limited, evidence against the individual, and the interviewing officer has been unable to find more evidence, yet ‘feels sure’ that the suspect is guilty of the offence, then this, together with the (perhaps misguided) belief that individuals will not confess to something that they have not done, may lead to the view that it is worth taking the risk of being oppressive”.

Interviewing suspects appears to be given higher status than interviewing witnesses for two reasons: one, because it is viewed as more difficult; the other, because of the value placed on a confession (Yeschke, 2003; Maguire, 2003). The first of these reasons (i.e. that suspect interviews are more difficult than those with witnesses) is not well supported in the literature. A large proportion of suspects willingly and readily make admissions, with research showing percentages ranging from 42 percent to 68 percent (Baldwin, 1992; Bull & Cherryman, 1995, 2000; Moston *et al*, 1992; McConville *et al*, 1991).

Moreover, the vast majority of those who admit to wrongdoing do so early in the interview. This frequently leads to the officer closing the interview quickly and thereby missing opportunities for securing corroborative evidence (Moston & Engleberg, 1993) and useful intelligence.

The literature is definite on the need for interviewers to concentrate on retrieving the best possible information. The “practical guide to investigative interviewing” (CFIS, 2004, p16) gives this advice:

“Evidence should always be sought within the interview that will help validate any confession that is made. Faced with an admission, you should seek further details to help confirm the account and not take the accuracy of what is said for granted. Later challenges to the truth or fairness of a confession can always be made. You should anticipate these challenges both by obtaining evidence from all other available sources and during the interview with the suspect.”

A final word on the importance of investigative interviewing comes from Milne and Bull (1999, p191):

“Society cannot afford investigative interviewing to be poor. This affects people’s perceptions of the criminal justice system. The guilty get away, the innocent are convicted, justice for children and vulnerable adults is inadequate. Poor interviewing is of no value to anyone; it is a waste of time, resources and money. No one wins. People will not come forward if they have no confidence in the quality of investigators’ interviewing techniques”.

Key points

1. Investigative interviewing is the major fact-finding method police officers have at their disposal when investigating crime. They must do it well.
2. Quality investigations require quality investigative interviews.
3. Officers must recognise that every interview is unique and potentially generates intelligence which can be used not only in the specific investigation but also in other policing activities.
4. Interviewers need to appreciate the contribution made by the interview to the success of an investigation and that this success relies on the goodwill and cooperation of victims, witnesses and the community.
5. Eyewitness testimony and confessions are considered the most persuasive forms of evidence.
6. A large proportion of suspects readily make admissions.
7. The vast majority of those who admit to wrongdoing do so early in the interview.
8. Despite the best efforts of the interviewer, few suspects change their story once they have denied wrongdoing.
9. Interviewers need to avoid asking questions early on that allow the suspect to deny the offence.

ETHICAL INTERVIEWING

INTRODUCTION

When interview rooms were almost totally closed to scrutiny - up to approximately the mid-1980s in the UK - oppressive tactics were often used (Leo, 1992). Over time, the courts (and the public to a lesser extent) have spelt out which tactics are acceptable and which are not. But in some instances (as in the R v Stagg (1994) case described by Maguire, 2003, p381), the court has acknowledged the lack of clear law. Despite this uncertainty there appears general agreement that physical or psychological abuse is unacceptable, even in the search for truth (Rabon, 1992; Williamson, 1994; Yeschke, 2003). This section explores the 'ethical interviewing' approach put forward by psychologists (e.g., Eric Shepherd, 1991; 1993; Shepherd & Milne, 1999). The term has since entered the lexicon of investigative interviewing (CFIS, 2004; Yeschke; 2003).

BACKGROUND

Early American literature points to grossly unethical interviewing behaviour by police there:

"Our police, with no legal sanction whatever, employ duress, threat, bullying, a vast amount of moderate physical abuse and a certain degree of outright torture" (E.J. Hopkins, 1931, cited in Leo, 1992, p35).

Scrutiny and judicial comment eventually led to the replacement of overtly aggressive tactics with those involving manipulation and deception (Leo, 1992). But more recent American literature has called the emphasis on deception into question. According to Yeschke (2003, p11):

"Throughout recorded history, one of the great problems we have faced has been the development of a system by which truth may be made known. Solutions to this problem have ranged from such extremes as the torture chambers of the middle ages to the unhesitating acceptance of the word of a gentleman in the eighteenth century. Neither extreme meets the requirements of today. We respect human dignity too much to permit physical and psychological abuse of an individual in the search for truth. Yet we recognise that our enemies will lie without hesitation, even under oath, if this will further their aims. The truth can be determined only after the evidence has been collected and analysed."

UNETHICAL INTERVIEWING

Yeschke (2003, p12) describes the following as unethical behaviours:

- using interrogation instead of interviewing
- treating each interviewee as though culpable, with little or no regard for the consequences where interviewees are blameless
- making threats
- making illegal promises
- using coercion and duress
- using force or the threat of force
- employing ruthless methods
- falsely imprisoning the interviewee
- not respecting the interviewee
- not maintaining the interviewee's dignity.

Other authors mention further unethical behaviours, including interviewers lying to suspects that they themselves have committed similar offences (Gudjonsson, 1992) and "using abusive or deceptive means in the interrogation of suspects" (Miller, 2004, p32).

Unethical tactics in the interview room are often based on expedience; the 'end justifies the means' argument (Morgan & Stephenson, 1994). As mentioned previously, one of the driving forces behind unethical interviewing is the desire to get a 'cough', despite observations like that of Lord Devlin (1979) that confession is not a short cut to justice. Legislation such as the *Police and Criminal Evidence Act 1984* (England and Wales) has been framed so as to preserve the rights of suspects and prevent unfair pressure on them to confess.

Shepherd (1991, p46) comments on the dangers of going into an interview with a fixed view:

"The relationship, the investigative process and emergent information in the interview is managed in a contrived manner to fit in with the unethical interviewer's frame of reference. It is a frame of reference in which thought and action are directed at eliciting and recognising responses which confirm preconceptions of facts of the matter, the situation, and the interviewee".

Shepherd (1991) also notes the dangers around many interviewees' disposition towards compliance and suggestibility.

"Compounding factors are desire to please, age, intellect, personality, psychological state of mind (apprehension, anxiety, fear, and depression) and level of arousal (elevated by the physical, perceptual, social and psychological isolation of being in custody)" (p47).

If these are not taken into account, the outcome for interviewees is that they can be: (1) forced to make choices they would not normally make; and (2) denied the opportunity to make choices they would normally make. The result is an account of 'facts' which range from the partially to the wholly inaccurate (Shepherd, 1991, p48)

ETHICAL INTERVIEWING

Maguire (2003) notes that significant changes have occurred - that the introduction of the *Police and Criminal Evidence Act 1984 (PACE)* and the implementations of recommendations arising from the *Royal Commission on*

Criminal Justice 1991 (RCCJ) appear to have changed officers' attitudes and practices to a great extent. As well as major changes to structures (including reductions in specialist CID squads), there has been a heightened emphasis on concepts such as 'ethical interviewing' which aim to teach officers to keep a more open mind and behave less aggressively towards suspects (Williamson, 1994). Notable investigative failures - such as the 'Yorkshire Ripper' and Stephen Lawrence cases - suggest there is still some way to go (Maguire, 2003).

What is ethical interviewing?

Shepherd (1991, p43) coined the term 'ethical interviewing' to describe an interview technique whereby the officer demonstrates a willingness to accept that the interviewee has "the right to be treated with dignity and the right to make free choices - to decide whether or not to engage in the exchange, and to evaluate and to respond to the content and the conduct of the exchange".

This makes the two parties equals - as opposed to the officer being in the dominant position - and conveys mutual respect. Shepherd describes the six principles of ethical interviewing:

Table 1: The six principles of ethical interviewing (Shepherd, 1991)

	Principle	Implication	Meaning
1. The prior investigation principle	I must be sufficiently aware of the breadth and depth of knowledge necessary to substantiate my assertions and arguments	I must be able to cope with you questioning my knowledge (content and quality)	I must know what I'm talking about: 'bullshitting' is unethical
2. The sincerity principle	I must select information and arguments fairly and present them fairly in the way I make assertions (statements, questions, observations and comments)	You are able to make fair judgements and choices as to the validity of my information	I must tell the truth, must not bluff, evade, confuse or use pretence
3. The disclosure principle	I must be open and tell the truth about where my knowledge comes from	You are able to make fair judgements as to the reliability of my sources and the existence of biases and prejudices	I must be prepared to disclose my sources
4. The open-mindedness principle	I must be non-judgemental in my approach to information gathering and processing prior to and during the conversation	The other person should be protected from my personal biases and prejudices	I must not have a closed mind
5. The tolerance principle	I must be able to acknowledge (though not have to accept) rejection of my information, arguments and sources	Tolerating your dissent from my view	I must cope with rebuttal and resistance
6. The integrity principle	In attempting to influence you to accept my information I must maintain integrity	The desire to change your thinking and responses does not remove the obligation to protect your dignity and continued freedom of choice	I must not allow my personal goals to blind me to my moral obligations

According to Shepherd (1991), abiding by these principles will ensure the quality of investigative interviews and in turn “lead to a greater degree of success in crime prevention, detection and conviction of guilty criminals” (p55).

Gudjonsson (1992) suggests that this view is somewhat naïve:

“Shepherd’s ‘social skills’ approach to interviewing is an appealing one on humanitarian grounds, but I remain unconvinced that we can, in effective outcome terms, entirely do without persuasive questioning” (p323).

Yet research suggests that interviewing in a quiet, reasonable and impartial way is much more likely to produce a fruitful response than using a more aggressive approach (Kennedy, 1989). For example, in a ground-breaking study of murderers’ and sexual offenders’ experiences of police interviews and their inclination to admit or deny crimes, the authors (Holmberg & Christianson, 2002) found that interviews marked by dominance on the part of the police interviewer (displaying impatience and a brusque and obstinate condemning approach) are most likely to be associated with denials. In contrast, interviews marked by humanity (displaying respect and a positive attitude towards the suspect as a human being) are most likely to be associated with admissions.

The most recent guidelines from the Association of Chief Officers in England and Wales (NCPE, 2005, p20) state:

“If [offenders] believe they have been treated ethically during an investigation they are less likely to form and communicate a negative view of police to others. They are also more likely to cooperate with investigations in the future, whether as a victim, witness or suspect”

Despite Gudjonsson’s (1992) view on the limitations of the ‘social skills’ approach, he does concede that the use of oppressive tactics to obtain confessions from suspects can have devastating effects. Even in places without the death penalty, ‘unethical interviewing’ can lead to miscarriages of justice whereby innocent people spend long periods in prison (Maguire, 2003).

MISCARRIAGES OF JUSTICE

Sir Ludovic Kennedy (1989) describes graphically how Gerrard Conlon, one of the ‘Guildford Four’, says he came to sign his confession. After relating how the police had spent some time calling him “an effing, murdering Irish bastard”, squeezing his testicles, hitting him in the kidneys and slapping his face, Conlon wrote:

“I was crying and frightened. Simmons said if I didn’t make a statement, he would ring Belfast first thing in the morning and I would never see my mother or sister again. The last of my resistance shattered when he said this. I was crying and shaking uncontrollably. I said my family hadn’t done anything. I fell apart. Simmons said what happened to my family was up to me. I said I would make a statement like they wanted, but it wouldn’t be true as I really didn’t do it” (Kennedy, 1989).

Asked his view, the late secretary of the pressure group Justice, estimated that at any one time between 200 and 300 of the prison population had been wrongly convicted (Kennedy, 1989). According to Kennedy (1989):

“On the whole, as any prison governor will tell you, guilty men come to accept their conviction and sentence. They do not have the motivation, the evidence or indeed the acting skills necessary to assert their innocence and go on asserting it year after year after year. Yet this is what innocent men do. They never let up, always searching for fresh evidence, always writing to those who they think might help them, always seeking to have their cases reviewed. I have no hesitation at all in saying that those cases which year after year, decade after decade, go on demanding to be reassessed, cases like those of Timothy Evans, James Hanratty, Patrick Meehan, the Confait case, the Luton case, the cases of the Guildford Four, the Maguire Seven, and the Birmingham Six, are all cases about innocent people. For in the end truth will out.”

The literature on miscarriages of justice (see, for example, Kassin & Gudjonsson, 2004; and Walker, 1999), highlights the role of coercion in obtaining confessions and the problem with convictions based solely or mainly on confessions. Using unfair means to secure a conviction is sometimes known as noble cause corruption (Maguire, 2003). That is to say, so strong is the desire to achieve a ‘correct’ conviction that any means to that end are justified. The adversarial process combined with the pressure for a quick result creates noble cause corruption.

During the 1970s there were a number of high profile convictions in the English courts which were later found to have involved considerable police malpractice. These included

- **Maxwell Confait** (1972) in which 3 boys were convicted of the murder and incineration of Maxwell Confait, a gay prostitute. The case was overturned on appeal in 1975 after new evidence had shown that Confait had died well before the fire. All the boys had low mental ages and the evidence was based solely on confessions. Also at issue was whether the evidence of time of death had in fact been altered.
- **Judith Ward** (1974) convicted for planting a bomb on behalf of IRA on an army coach which killed 12 people. She spent 18 years in jail before her conviction was quashed in 1992 when it became clear that, according to the court of appeal the trial jury should have been told of her history of mental illness which made her allegedly susceptible to confession under the conditions of police interrogation.
- **Guildford Four** (1975) jailed for life for bombing pubs in Guildford. The attacks left five people dead and over 100 injured. The four men spent 15 years in jail before the case was overturned in 1989 after a new police investigation had found serious flaws in the way Surrey police noted the confessions of the four: that the notes taken were not written up immediately and officers may have colluded in the wording of the statements.
- **Birmingham Six** (1974) convicted for an IRA bombing in Birmingham in which 21 people were killed and more than 160 injured. They were released in 1991 after 16 years in jail following a new police inquiry which used new forensic tests to show statements made by the Birmingham Six were altered at a later date. Scientists also admitted in court that forensic tests which were originally said to confirm two of the six had been handling explosives could have produced the same results from handling cigarettes.
- **Maguire Seven** (1976) when Annie Maguire, five members of her family, and a family friend were imprisoned in London for handling explosives, based on scientific evidence which was later entirely discredited. In the wake of findings on earlier cases, a report by former appeals judge John May persuaded home secretary David Waddington that there had been a similar miscarriage of justice in the Maguire case. In July 1990 the home secretary referred it back to the Court of Appeal and all seven of the convictions were overturned in June 1991.

IMPROVEMENTS

By the 1970s and 1980s in England and Wales it was clear that the legitimacy of the criminal justice system was at stake. Something had to be done. This became the focus of policy making. Such were the concerns that the *Royal Commission on Criminal Procedure* (1981) was set up, in turn leading to the passing in 1984 of the *Police and Criminal Evidence Act* (PACE) - a key piece of legislation to monitor, amongst other things, the integrity of evidence production (Maguire, 2003).

Through PACE (enacted 1986), police interviews with suspects were to be tape-recorded. This, it was hoped, meant the old regime of police investigations would be brought to an end (Lea, 2004). How effective the legislation and measures have been is debatable. On the one hand, McConville and colleagues suggested in 1991 that little of police interviews had changed especially in relation to 'interrogative suggestibility'. In other words, the tape recording of interviews had not altered the power relations in the whole interview process, particularly the fact that "Interrogation takes place in an environment which increases the vulnerability of the suspect and maximises the authority and control of the police" (1991, p78).

In contrast, Ede and Shepherd (2000, p109) seem in no doubt about the effect of tape-recorded suspect interviews:

"The courts reacted strongly to transparent evidence of the unethical persuasive questioning techniques ... [and] tape recording of PACE interviews led to a sharp decline in forceful interviewing and revealed the widespread ineptitude of police officers in the interviewing role".

Milne and Bull (2003) report the same view expressed by experienced police officers:

Since the 1986 introduction of PACE regarding audio-taping interviews with suspects, police interviews have become better planned, more structured, and the use of trickery and deceit has all but vanished" (p121).

In addition, Heaton-Armstrong and Wolchover (1999) acknowledge that "It is the momentous legacy of the *Police and Criminal Evidence Act 1984* that the questioning of suspects is now hedged about with a wealth of protective formalities" (p222). Their view of the efficacy of the Act relates to the record-making process which allows inspection and endorsement of the written record and subsequent validation of the taped interview.

The George Heron case (1993)

Some of the tightening up of interviewing procedures since PACE resulted from specific cases. The most famous of these is *R v Heron* (1993). George Heron was arrested and charged with the murder of a 7 year old girl, Nicki Allen, in 1992. The victim had been seen in the company of a man fitting Heron's description. Even though Heron was known by others to be acquainted with the victim, he initially denied this. After arrest, Heron was interviewed on five separate occasions, a task that used 12 audiotapes. On the later tapes he gave a full confession in which he provided details known only at that time to police and forensic investigators.

At Heron's 1993 trial, however, the judge (Mr Justice Mitchell) ruled that only the first four tapes (containing consistent denials) were admissible. He rejected the remaining tapes on the basis that the questioning was oppressive. It included questions on Heron's sex life and religious beliefs, suggestions that it was in Heron's best interests to confess, and a tendency by officers to pass comment rather than to question. Heron was subsequently acquitted, although in a later civil case taken by the victim's parents he was found liable and ordered to pay damages.

This case had major implications for the police force involved (Northumbria) and all others in relation to interviewing practice. It was used to inform thinking around the national implementation of the PEACE model (described elsewhere in this review) and was incorporated into police training material (Milne & Bull, 1999).

FALSE CONFESSIONS

Another reason why ethical interviewing must be pursued by Police is to avoid false confessions. As stated by Elizabeth Loftus:

"One goal of our legal system must be to secure convictions of the guilty, but another must be to minimise wrongful convictions, including those involving false confessions" (2004, pi)

Kassin and Gudjonsson (2004) describe the criteria used to determine that a confession previously given was false:

"Confessions may be deemed false when it is later discovered that no crime was committed (e.g., the presumed murder victim is found alive); when additional evidence shows that it was physically impossible for the confessor to have committed the crime ...; when the real perpetrator, having no connection to the defendant, is apprehended and linked to the crime (e.g., by intimate knowledge of the crime details, ballistics, or physical evidence); and when scientific evidence affirmatively establishes the confessor's innocence" (2004, p48).

The phenomenon of false confessions occurs in different ways and for different reasons, including dispositional and situational factors (Kassin & Gudjonsson, 2004):

Dispositional (i.e. personal risk factors)

- personality characteristics - people who make false confessions tend to be suggestible, compliant, anxious, lack assertiveness and have poor memories and low self-esteem
- youth - extremely vulnerable when faced with leading questions, repetition, disbelief and other tactics from figures of authority
- intellectual impairment - disproportionately represented in data on false confessions - mainly due to suggestibility and desire for approval, and an inability to understand the consequences of their actions
- psychopathology - the tendency towards false confession may be found in people with distorted perceptions and memories, a breakdown in reality monitoring, impaired judgement, anxiety, mood disturbance, and possibly a lack of self-control (Kassin & Gudjonsson, 2004, p53).

Situational

- physical custody - the extreme anxiety created in some suspects by being in unfamiliar surroundings and unable to escape can make a person willing to do or say anything
- isolation - many 'interrogations' go on for long periods, causing tiredness, fear and uncertainty e.g a study of documented false confession cases in America (Leo, 1996) found that 34% lasted 6 to 12 hours and 39% lasted 12 to 24 hours

- confrontation - the research is clear that a person can be induced to confess and to accept responsibility for something they didn't do by tactics such as strongly asserting they are guilty, interrupting denials, presenting false incriminating evidence, and saying they failed a lie-detector test
- minimisation - a process of providing or allowing the suspect to make face-saving excuses for the event - implies leniency will follow (e.g., being allowed to go home or get a lighter sentence).

A large body of research exists on this subject (see, for example, Gisli Gudjonsson, 1992) and false confessions have led to the conviction of many innocent people. The "Innocence Project" (a non-profit legal clinic at the Benjamin N. Cardozo School of Law, USA that handles cases where post-conviction DNA testing of evidence can yield conclusive proof of innocence) describes a case in point:

"The problem of false confessions has been further illuminated by the exoneration of five men - Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Santana, and Kharey Wise - who were wrongfully convicted of a brutal attack in New York's Central Park. DNA testing corroborated the confession of Matias Reyes. Reyes stated that he acted alone and that he did not know the five men that were convicted in what is now known as the Central Park Jogger Case. The five men, teenagers at the time, were picked up by police following a chaotic night in Central Park, marked by violence and what was termed "wilding". Their statements to authorities were quite damning. Each gave a detailed videotaped statement minimizing his own involvement in the crime but implicating the rest. What the jury did not see were the tactics used to elicit these statements, one of which came after over twenty four hours of interrogation. Despite the fact that their accounts varied greatly, these confessions were used to convict all five men, all of whom served out their sentences" (Innocence Project, 2001).

Researchers Saul Kassin and Gisli Gudjonsson (2004) provide many more examples of false confessions in their recent comprehensive literature review on the psychology of confessions. Their material makes it clear that police cannot ignore the results of research on why people confess to something they did not do.

PRINCIPLES OF INVESTIGATIVE INTERVIEWING

Yeschke (2003, p12) states that:

"It is time that those involved in investigative interviewing be specifically taught what is ethical and what is unethical, beyond what is legal and what is illegal".

It is clear that England and Wales had recognised and adopted the notion of ethical interviewing over a decade earlier than Yeschke's writing. Home Office Circular 22/1992 provides the following seven principles of investigative interviewing:

Table 2: The principles of investigative interviewing (HO Circular 22/1992)

1. The role of investigative interviewing is to obtain accurate and reliable information from suspects, witnesses or victims in order to discover the truth about matters under police investigation.
2. Investigative interviewing should be approached with an open mind. Information obtained from the person who is being interviewed should always be tested against what the interviewing officer already knows or what can reasonably be established.
3. When questioning anyone a police officer must act fairly in the circumstances of each individual case.
4. The police interviewer is not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.
5. Even when the right to silence is exercised by a suspect the police still have a right to put questions.
6. When conducting an interview, police officers are free to ask questions in order to establish the truth; except for interviews with child victims of sexual or violent abuse which are to be used in criminal proceedings, they are not constrained by the rules applied to lawyers in court.
7. Vulnerable people, whether victims, witnesses or suspects, must be treated with particular consideration at all times.

These principles have since been reconfirmed (e.g., NCF, 1996; NCF, 1998; NCOF, 2003; and CFIS, 2004). Any policing jurisdiction needs a similar list of principles, which in turn must be understood by all officers. They provide the foundation for ethical interviewing, and can make a striking contribution to public confidence in police.

Key points

1. Interviews should be conducted with integrity, commonsense and sound judgement.
2. Using unfair means to get a confession (noble cause corruption) is never justified.
3. Interviewers must avoid unethical behaviours such as making threats or promises or using coercive and oppressive tactics.
4. Ethical interviewing involves treating the suspect with respect and being open-minded, tolerant and impartial.
5. If offenders believe they have been treated well they are less likely to form a negative view of police or to communicate a negative view of police to others.
6. Many miscarriages of justice have resulted from police malpractice.
7. Police must be aware of why some people will make false confessions. These occur in different ways and for different reasons, including dispositional and situational factors.
8. The England and Wales seven principles of investigative interviewing developed in 1992 have stood the test of time and have been adopted by other western policing jurisdictions.

INFLUENCE OF PSYCHOLOGY

BACKGROUND

Police depend on interviewing as a principal means of finding facts and resolving questions. Reliance on interviewing, however, involves certain problems: ascertaining when a suspect or witness is telling the truth, evaluating how reliable a person's memory is, assessing and allowing for the physical and mental condition of a witness or suspect, and so on. These are areas that have been studied extensively by mainstream social and clinical psychology.

Despite the research findings being met in the US "with only a lukewarm reception by the legal-police community" up to the mid-1990s or so (Fisher, 1995, p758), the effect of psychological research was evident early on in material produced by English police (e.g., CPTU, 1992a).

This area of research has come to be known as "forensic psychology" (Memon & Bull, 1999) and some of the leading names in the field are:

Elizabeth Loftus	an American expert who has published widely on the psychology of memory, false memory, repressed memories, and eyewitness testimony
Amina Memon	false memory, investigative interviewing, vulnerable witnesses, face recognition, eyewitness testimony, child witness suggestibility, and jury decision making
Gisli Gudjonsson	forensic psychology, reliability of evidence, suggestibility, false confessions, psychological vulnerabilities during detention, motivation for offending, and attribution of blame
Rebecca Milne	all aspects of psychological theory, research and police practice relating to investigative interviewing, especially the use of the ECI for specialist witness interviews
Ray Bull	has published widely in books and academic journals on psychology, law and policing particularly the interviewing of child witnesses and on police investigative interviewing of adult suspects
Eric Shepherd	all aspects of forensic psychology including interviewing, police investigative behaviour and testimony
Aldert Vrij	international expert who has published widely on deception - how liars behave, what they say, how good people are at catching liars, etc
Julie Cherryman	ear witness (voice) identification, and police investigative interviewing of both suspects and witnesses - particularly witnesses with learning disabilities.

The work of any of these people provides numerous other excellent references. A particularly useful source of information is "Investigative interviewing - psychology and practice" (Milne and Bull, 1999), a book which places interviewing firmly within a psychological framework (pxi).

For example, Milne and Bull (1999, pp2-5) describe the influential study in the USA by Fisher, Geiselman and Raymond (1987) where the psychologists examined a sample of audio-recorded interviews covering a range of offences. The interviewers had an average of 10.5 years service and had received no standardised interview training. Although the interviewer typically sought a 'free narrative' from the interviewee i.e. "Tell me what happened", this narrative was, on average, interrupted after only 7.5 seconds. Despite the declared intention of getting the person's own account, the interviewer was in fact the one who imposed a structure and questioning sequence on the interview. The average interview contained 3 open-ended questions and 26 short-answer (closed) questions. The research found that interviewees adapted to the style of the interviewer, rather than the other way around. If the questions were short, the answers typically became short and superficial.

Fisher and his colleagues (1987) found little or no evidence of techniques used by interviewers to make it easy for witnesses to recall relevant details. They did however observe unhelpful questioning techniques. Amongst other things, interviewers tended to use jargon and a formal, stylised manner; they asked questions in a pre-determined way; they interrupted with delayed questions that followed up an earlier point; there was a high incidence of leading questions and so on. This type of interviewing proved disruptive to the interviewee and limited the amount and quality of the information given (Milne & Bull, 1999).

Although all the areas mentioned above have implications for investigative interviewing practice, this section of the literature review will concentrate on just three - memory, body language and deception, with a small discussion at the end on 'suggestibility'. Other sections will look at techniques that have arisen from psychological research, particularly the four techniques that form the 'cognitive interview' and those incorporated into the 'enhanced cognitive interview'.

MEMORY

The first experimental studies of memory were published in 1885 by German psychologist Hermann Ebbinghaus, and tens of thousands of memory studies have been conducted since (Loftus & Calvin, 2001). These clearly demonstrate that the human brain has the ability to retain a vast quantity of information and experience acquired over a lifetime. But memory is not like a video recorder that records everything it sees, or a computer that can retrieve everything stored on it. Instead:

“Human memory is cluttered. Memories don’t get lost so much as they become distorted or hard to find. We may like to say that we’ve lost something - but often, an hour later, it pops uninvited into our consciousness, where it has been lurking all along. The serious difference between computer and human memory is that we don’t pop out a pristine copy of the original event, the way a computer does. Instead, we reconstruct things as best we can from all the clutter. We guess. Often that isn’t good enough, especially for a fair judicial process. Or just one’s self respect; it’s embarrassing to be badly wrong and we’ll deny an error even to ourselves” (Loftus & Calvin, 2001).

Research

Much of the research has focused on identifying conditions that affect recall. For example, the pioneering work of Elizabeth Loftus provided strong evidence of the influence of ‘postevent contamination’ i.e. new information that people unconsciously incorporate into their previously stored memories (Davies, 1995; Wells & Loftus, 1984).

Her first study (Loftus & Palmer, 1974, cited in Davies, 1995) involved participants viewing a 10-second film of a traffic accident, then being asked questions which described the two cars as having either ‘smashed’ into or ‘hit’ each other. She found that the severity of the verb had a marked impact on answers about the speed and presence of glass. In her second classic study, volunteers were shown slides of a traffic accident which involved the presence of either a ‘Stop’ sign or a ‘Yield’ (give way) sign. Subsequent questions referred to the sign in either a consistent or inconsistent manner, with observers then being asked to select the slides they had seen originally. Where observers had been given misleading information, only 41 percent were able to correctly identify the original slides.

Loftus (1989) proposed three different interpretations of the ‘misinformation effect’:

- the ‘destructive updating’ or ‘alteration’ hypothesis, whereby the original memory representations are altered by later information and thus entirely new memories are created containing elements from both the original and the misleading information;
- the ‘supplementation’ viewpoint whereby the witness does not notice the vital detail in the first place but assimilates it into the original memory after being given the misleading information; and
- the ‘coexistence’ viewpoint whereby both the original and the misleading postevent information are taken in but the more recent memories are more easily accessible.

These different interpretations have been of practical importance because they influence the way attempts might be made to correct a memory that has been biased. For example, in successfully testing the coexistence theory, Bekerian and Bowers (1983, cited in Loftus, 1989) concluded that countering the effects of misleading postevent information is dependent on using appropriate retrieval techniques to access the original memory, such as by reinstating the original sequence of events.

Although carried out in laboratory conditions, using mostly students as the ‘eyewitnesses’, the findings of these and similar experiments have provided a large body of evidence confirming the contamination of memory. Some of this evidence was hotly debated, as witnessed by the legal controversy surrounding supposed ‘recovered’ memories of childhood sexual abuse (Lindsay & Read, 1994). However, one could speculate that if highly motivated and relaxed students display impaired memory performance, then an even worse performance could be expected of witnesses without such characteristics being interviewed in less than optimal conditions.

How the memory works

Given the fallibility of memory, it is vital that police interviewers understand how memory works, the ways in which errors and omissions arise, and how they themselves can influence what interviewees tell them (Cohen, 1999; Milne and Bull, 1999; CFIS, 2004). This understanding allows interviewers to judge more accurately how much witnesses can be expected to recall about a to-be-remembered (TBR) event and how much weight can be placed on the testimony they produce. For convenience, two diagrams from the literature are shown below. These illustrate and summarise the research findings on memory.

Three separate memory stores

The multi-store model of memory is shown in Figure 1 below:

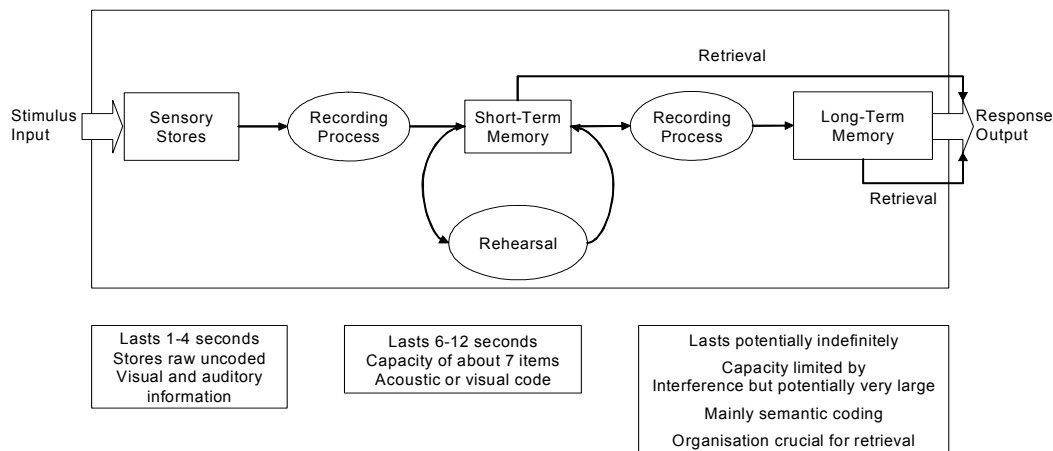


Figure 1: The multi-store model of memory (originally proposed by Atkinson & Shiffrin, 1968, cited in Cohen, 1999, p5).

Cohen's explanation of the model [in a slightly abbreviated form] is as follows:

1. The sensory store is believed to hold raw, uninterpreted information perceived by the sense organs (e.g., sight, sound, smell). Only a sub-set of the information that enters the sensory stores is selected and passed on to the short-term store.
2. Short-term memory corresponds to the current contents of consciousness i.e. what you have in mind at any one moment. It has a brief duration and a strictly limited capacity. It is also very fragile in that any distraction or new incoming information will cause items to be bumped out and lost. However, it is possible to maintain the contents by 'rehearsing' information either aloud or subvocally e.g., repeating a phone number you are about to dial. Only a proportion of information in short-term memory passes into long-term memory.
3. The duration and capacity of long-term memory is virtually unlimited, although information only becomes available to conscious awareness through an act of recollection. Some long-term memories cannot be recollected.

Memory processes

So what happens when people try to remember something? Milne and Bull (1999, p11) describe the three memory processes that form a sequence of stages: encoding, storage and retrieval.

"Encoding concerns the process through which information is entered into memory. A physical input, such as the appearance of a perpetrator, is transformed into a representation that memory receives. This perpetrator's appearance that has just been encoded is stored in memory. At interview, a few hours or days later, an interviewee may need to describe the perpetrator, therefore he or she attempts to retrieve this information from memory."

Errors can occur at the acquisition stage, or may be introduced at the retention (storage) stage, or they can occur during the retrieval or narration stage (Yarmey, 2003). An indepth exploration of the risks of corruption of memory caused by outside events, mental and physical disorder and illness, and the vulnerabilities of certain categories of witness can be found in "Analysing Witness Testimony" edited by Heaton-Armstrong, Shepherd and Wolchover (1999).

Influences on memory

Figure 2 below, demonstrates the effect of memory processes on an interview. As can be seen, there are numerous factors that can affect whether a person even notices an event, *let alone* stores it or is able to retrieve it. Some parts of the diagram are self-explanatory, or easily understood in light of the earlier explanations of how the memory works.

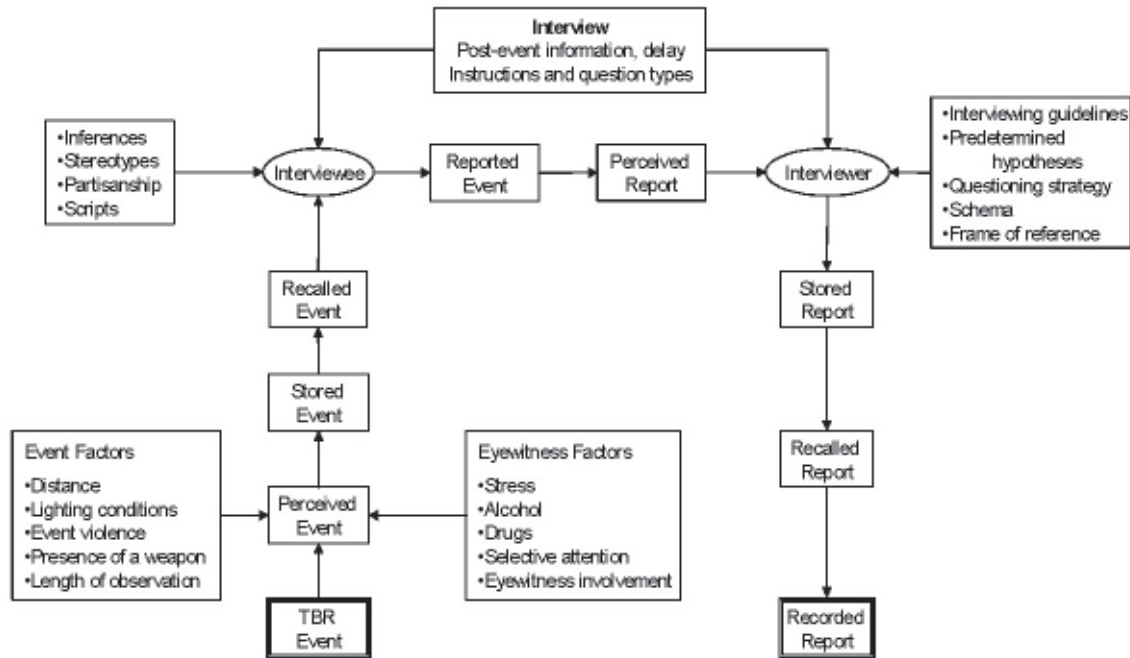


Figure 2: Memory theory and the interview process (developed from Koehnken, 1995, cited in Milne & Bull, 1999, p27)

Research confirms that the types of event factors and eyewitness factors mentioned in the diagram above can have a serious effect on memory of the TBR (to-be-remembered) event. Some of these are explored further below.

Presence of weapon

Research suggests the presence of a weapon can affect memory. Witnesses can describe the weapon but have little recall of peripheral matters. This phenomenon has been described as “channellised attention” (Gilmour, 1988) and is an indispensable adaptive function (Matte, 1996, cited in Morgan, 1999, p20). The witness focuses on the factors that present the greatest threat. This means that other information vital to the investigation, such as details about the offender or what was said, becomes difficult to recall.

Alcohol / drugs

In discussing the influence of “drugs” (any substance that alters brain function) on recall, Lader (1999) warns that memory is often profoundly upset and this has major implications for the provision of accurate testimony (see also, Yuille & Tollestrup, 1990, cited in Milne & Bull, 1999). It follows that people should not be interviewed whilst under the influence of drugs, and that care should be taken in accepting what they recall as being the ‘truth’.

Stress

Contrary to laboratory-based literature (where stress is often linked to poor memory performance), research has found that witnesses to real-life stressful situations have a high recall rate. For example, Milne and Bull (1999, p14) cite the following results from studies:

- Yuille and Cutshall (1986) found that witnesses to a homicide who indicated high stress levels had a mean recall accuracy of 93% when interviewed two days after the event.

- Christianson and Hubinette (1993) found a similar level of accuracy in their study of bank tellers and customers who had been actual witnesses of an armed robbery.

However, Milne & Bull (1999) note that studies consistently reveal that while the quality of what was reported was good, the quantity was not.

Attention

According to Milne and Bull (1999, p16)

“Selective attention depends on a person’s knowledge, expectancy, attitudes, past experiences, interests, training and what that particular person judges to be the most important information at that point in time. Thus different people will selectively attend to different parts of the same [to-be-remembered] event ... if five different people witness an event, five somewhat different versions of the event will result.”

This is an important finding for the police interviewer, not only for understanding how selective attention can affect interviewees but also how it affects himself or herself as well. Interviewers must guard against selectively attending to what an interviewee is saying i.e. focusing on what information confirms his or her own views on what occurred (Carson and Bull, 2003). This can be an unconscious process, but leads to what many authors call ‘confirmation bias’. This is where, starting from a premise of the suspect’s guilt, interviewers pay most attention to pieces of information (from both suspects and witnesses) that fit with their view of ‘what happened’ (Maguire, 2003; Williams, 2000). This matter is explored further in the section on ‘questioning’.

Stereotypes

Although they may be unaware they are doing it, people often stereotype others. When asked to recall details about a person they saw they may well combine stereotypical information with what was originally encoded (Milne & Bull, 1999). For example, people may expect all persons belonging to specific ethnic groups to have brown eyes so will recall that the person they saw had brown eyes even if they did not actually note the person’s eye colour.

Partisanship

Milne and Bull (1999) describe how recall can also be distorted by partisanship (i.e. the personal significance the event has for the witness). For example, in a fight between two rival gangs a witness who belongs to one gang is likely to believe the other gang was responsible for the worst violence; a witness who belongs to the other gang is likely to believe the opposite. Police interviewers need to take partisanship on the part of witnesses into account when listening to and probing their accounts.

Scripts

Research has confirmed that many of our actions, and recall of actions, are governed by internal ‘scripts’; for example, driving a car, eating in a restaurant, and so on. As described by Milne and Bull (1999, p18):

“Instead of having to remember and encode all the details of each new event we encounter, we can simply rely on the script we have in our memories and only encode new, distinctive information ... Recall of an event, however, can be distorted if the script used does not quite fit ... People tend subconsciously to ‘fill in the gaps’ in memory with information from their scripts”.

The Turnbull ruling (and ADVOKATE)

Because of the deficiencies associated with memory, an English court judgement - *R v. Turnbull and others* (1976) - recommended that all officers, during interview, must apply a set of criteria to the accounts given by witnesses. This was picked up by Police and the mnemonic ADVOKATE (as shown below) was devised to help in this process:

A	Amount of time under observation	How long did the witness have the suspect in view?
D	Distance	What was the distance between the witness and the suspect?
V	Visibility	What was visibility like at the time? (including time of day, street lighting, etc)
O	Obstruction	Were there any obstructions to the view of the witness?
K	Known or seen before	Had the witness ever seen the suspect before? If so, where and when?
A	Any reason to remember	Did the witness have any special reason for remembering the suspect? (e.g., a distinguishing feature or peculiarity, or the nature of the incident itself)
T	Time lapse	How long has elapsed since the witness saw the suspect?
E	Error or material discrepancy	Are there any errors or discrepancies between descriptions given in the first and subsequent accounts of the witness?

Table 3: ADVOKATE: the R v. Turnbull checks that England and Wales interviewers are expected to apply to witness statements. (Adapted from Ede & Shepherd, 2000, p72.)

Although police training documents since the Turnbull judgement (e.g., NCF, 1996; CFIS, 2004) require police to include all the ADVOKATE checks in the written statement, Ede and Shepherd (2000, p282) claim that "This is rarely done completely and very often not at all". They particularly criticise police for a failure to comply with the last criterion (i.e. check for any errors or material discrepancies):

"Given the fallibility of people's descriptions, compounded by all too many police officers' lack of skill or system in obtaining descriptions, it is the case that in many instances a description goes through a process of evolution with additions, subtractions and alterations to the first description. This process is obscured by the disinclination of officers to apply the final element of the ADVOKATE checks" (Ede & Shepherd, 2000, p138).

According to Cohen (1999, p16) the challenge for the interviewer is "to help the witness to access information that is in memory but is difficult to retrieve, and to do this without inducing false memories or inaccuracies by suggesting additional or alternative accounts".

Summary

The vast body of research on memory has been used by police forces in the United Kingdom to produce training material for interviewing. A recent example is the "Practical guide to investigative interviewing" produced by the Centre for Investigative Skills (CFIS 2004).

This guide explains the theory of memory and its application in the forensic setting in a comprehensive yet easy to understand manner. It explains such things as how memory is organised and retrieved, the various influences on memory recall and reconstruction, and so on. The information is summarised as follows (CFIS, pp36-37):

Memory: encoding and storage

- memory is not total: a person cannot remember everything
- a statement about past events may be truthful, but not always factual
- memory is reconstructed
- people organise the way they store information
- it is impossible to remember everything at once
- memory may deteriorate
- memory may be affected by trauma.

Memory: retrieval

- a first attempt at recall [usually] reveals broad outlines, but little detail
- people may add or miss detail in their first attempt at recall
- retrieval is aided by setting the scene
- the person must be allowed to give an uninterrupted account
- the way people remember varies
- confidence does not guarantee the accuracy of what the witness says
- the witness should be encouraged to focus and concentrate on the event, and to report everything.

BODY LANGUAGE OR NON-VERBAL COMMUNICATIONS¹

According to Einspahr (2000) Police officers are encouraged to:

“learn to evaluate the truthfulness of the information they obtain by ‘reading’ both the verbal and nonverbal indicators of the individuals they interview” (p18).

This encouragement is based on a number of decades of pure and applied research into body language (BL) or non-verbal communications (NVCs) (Strongman, 1994). Social scientists have found that facial expression, voice tone, silence, body positioning, eye movements, pauses in speech, and others aspects of BL and NVCs all send messages (Vrij, 2003; Walters, 2002; Zulawski & Wicklander, 2001). These may confirm, obscure, or contradict what is being said (Yeschke, 2003; Hodgson, 1987).

The same area of research (also known as ‘Kinesics’) has been able to show that when speaking to someone, there are underlying, unconscious mechanisms in people’s brains that enable them to evaluate both the NVCs and what the person is actually saying (Strongman, 1994; Walters, 2002). These studies suggest that during communication between two people:

- 55% to 65% of the message is nonverbal;
- 30% to 40% is done by the tone of voice; and
- less than 10% of communication is the result of the words that are spoken (Zulawski & Wicklander, 2001).

Despite this, people are less able to control how they act rather than what they say. In many situations a person has no recognition or understanding of the non-verbal messages his or her posture, movement, gestures, facial expressions, and eye contact are conveying. Thus it is easy to offend people of different cultures.

Usefulness to Police

The imbalance between verbal and non-verbal communication, however, has proved advantageous to police (Milne & Bull, 1999). In interviewing, the ability to observe and interpret NVCs plays an important part in establishing the climate of an interview (Yeschke, 2003). For example, NVCs may help the interviewer develop rapport with the interviewee (e.g., nodding as if in agreement) or may help in detecting deception.

Some early material was definite about how to “read” deception or truthfulness. For example, Inbau and colleagues (1986, p52) state:

“A lying suspect’s eyes will appear foggy, puzzled, probing, pleading (as though seeking pity), evasive or shifty, cold, hard, strained, or sneaky. On the other hand, a truthful person’s eyes will appear clear, bright, wide awake, warm, direct, easy, soft and unprobing”.

Strongman (1994) and others (e.g., Vrij, 2003) do not agree. Knowledge of this area of research can certainly provide insight into the person being interviewed, and a general understanding should therefore be included in any training programme. But many writers (e.g., Baldwin, 1992; Bull & Cherryman, 1995; Memon & Bull, 1999; Vrij, 2003) urge caution:

- first, because of the pitfalls created by vast individual and cultural (and subcultural) differences;
- and second, because there is no typical non-verbal behaviour that is universally associated with deception.

Thus they warn against officers developing an over-reliance on ‘reading’ the interviewee’s BL/ NVCs.

Two fairly recent American books (see Walters, 2002, and Zulawski & Wicklander, 2001) are less cautious. The writers express strong confidence in the practical advantages of teaching police officers to interpret verbal and physical behaviour. They supply information and techniques that take the interviewer from relying on a ‘gut feeling’ about the truthfulness of what is being said, to being able to reliably identify, interpret and articulate the subject’s behavioural clues. They argue that some current interview theories and practical steps ignore the value and insights of scientific study and research. For example, they criticise the ways some officers are left with the impression that all that is needed for good interviewing is the ability to ask “What, where, who, why, when, and how”.

Whilst many BL/NVC techniques are clearly reputable, some are also extremely sophisticated. As an example, Ekman and his colleagues developed a non-verbal technique which uses facial ‘micro-expressions’ as indicators of a person’s emotions, regardless of what they are actually saying (Ekman, 1991). The authors reported accuracy rates of up to 80% (i.e. by using micro expressions, they picked 80% of the truths and 80% of the lies). Given that micro expressions usually last for

¹ This section overlaps considerably with the next section on ‘deception’.

only 1/25th of a second, spotting and interpreting them is not an easy task (Memon & Bull, 1999). Because of this, commentators urge that training should only be given to advanced interviewers (Memon & Bull, 1999).

The methods promoted by Walters (2002) and Zulawski & Wicklander (2001) must also be treated with caution. Whilst they provide extensive information to support their belief in a person's ability to read BL/NVCs, it is clear that trainees would need plenty of time to both absorb the messages and put them into practice.

Further caution around NVCs relates to the possibility of police officers using them in an oppressive way. They might, for example, try to exercise power over a suspect through behaviours such as staring into a suspect's eyes for long periods of time, or slamming items down onto tables, or by standing up and leaning over the suspect (Strongman, 1994).

Overall there is sufficient evidence for police to be assured of the value of learning how, at a basic level, to note and interpret an interviewee's NVCs. The English literature in particular has consistently included or emphasised training in this area in material prepared for interviewers (e.g., CPTU, 1992a, b & c; Milne & Bull, 1999; CFIS, 2004). The Americans, too, see training in NVCs as one of the necessary ingredients of effective interviewing (Yeschke, 2003; Walters, 2002).

In addition, Yeschke (2003) suggests that a knowledge of NVCs will help to produce intuition, another necessary component of effective interviewing. He advises officers to:

"Trust yourself to understand what your intuition senses. Seemingly insignificant messages may help you develop the information you need. Bodily tension, flushing, excitability, frustration, evasiveness and dejection can either confirm or contradict the interviewee's words. Actively listen by drawing on your knowledge and the storehouse of experiences in your subconscious" (p44).

DECEPTION

Early literature suggested it was easy to tell if a person was lying (see for example, Inbau *et al*, 1986). Few studies however have produced consistently accurate results. Whilst some studies found accuracy rates of between 45% and 70%, the results from others were much lower (Kalbfleisch, 1994). Most commentators in recent years have suggested that only a small proportion of people can accurately distinguish deceptiveness from truthfulness (see Ekman, 1991; Vrij, 2003).

The difficulty lies in the fact that there is not a single behaviour - verbal or physical - that accurately reflects whether an individual is being truthful or deceptive. There is not even consistency within a single individual. Behavioural variations may be caused by the type of lie chosen, the time to prepare, the interviewer's strategy, past successes, or any number of other possible explanations (Zulawski & Wicklander, 2001, p107).

Despite this, there is a prevailing view that police officers can be trained to recognise liars through behavioural clues. Workshops are regularly held by, amongst others, the FBI and the US National Institute of Justice where the latest research on detecting deception and related psychological topics such as bias and event memory is presented (Adelson, 2004).

Ekman (an American expert in non-verbal cues) thinks such behavioural training may help authorities spot subtle cues that they might miss because they deal with so many liars. He believes there are no signs of lying *per se*, but rather signs such as a subject thinking too much when a reply should not require thought, or of emotions that don't fit what is being said (Ekman, 1991).

More recent American literature (e.g., Walters, 2002; Zulawski & Wicklander, 2001) draws on memory research to help detect deception. For example:

"The interviewer may ask the subject when was the last time he saw his wife alive. If that subject was responsible for the death of his wife, the last time he saw his wife alive may have been moments before he wrapped his hands around her throat in order to strangle her. The memory of that moment will be strong and therefore difficult for the killer to ignore ... [This] can create a great deal of stress for the individual" (Walters, 2002, p57).

Theoretical approaches

The leading UK expert on deception, Aldert Vrij, believes there are ways to improve lie detection and that these can be taught to investigative interviewers. For example, he says that “observers should continue with asking questions as soon as they suspect someone of telling a lie. To keep on lying will become increasingly difficult for the liar” (Vrij, 1999, p323). More recently, Vrij (2003, p68-71) discusses three theoretical approaches to interpreting ‘the behaviour of a liar’:

- i) the *emotional* approach, which proposes that deception can result in various emotions e.g., guilt, fear and excitement
- ii) the *cognitive* approach, which proposes that deception is a cognitively complex task e.g., liars are so busy thinking of plausible answers, not contradicting themselves etc, that they speak slower and pause more (and so on)
- iii) the *attempted control* approach, which proposes that liars will use the stereotypes of liars to control their behaviour e.g., if they think that liars look away, fidget and stutter, then they will try to maintain eye contact, keep still and try to speak smoothly.

Vrij cautions that teaching some of the ‘detecting deception’ techniques to police officers may be met with disbelief: “For example, police officers hold strong stereotypical views that liars fidget and look away ... and it would not be easy to convince them that such views are often incorrect” (2003, p75).

After analyzing hundred of taped interviews with suspects, Australian linguist Georgina Heydon (see Gibson, 2004) agrees with this view.

“There’s certainly a lot of rubbish perpetuated about lie detection and such issues - that you can tell when someone’s lying. Criminologists are concerned that a lot of beliefs among police are absorbed ad hoc - from an older officer to a new recruit, for example - and may be quite erroneous” [news release from Monash University].

Because of the perceived police mindset about the ability of officers to spot lies and identify guilt, and how that drives the interview process, Heydon contends that “the entire interview process needs closer examination” and hopes that her “research might prompt the institution to have a closer look at the kinds of beliefs police officers take into the interviewing room” (Gibson, 2004).

Clearly, the situation at present around non-verbal communications and the detection of deception is somewhat confusing for practitioners. Most conclusions offered are qualified. For example, Yeschke (2003, p25) says “Although there is no failsafe method of detecting deception in an interviewee, certain verbal, nonverbal, and physiological signs have generally been reliable”. Vrij (2003) goes further:

“I believe that the uncertainty about their accuracy does not justify the use of such truth and lie detection methods in court. If experts nevertheless present their outcomes in a criminal court, then they should at least point out the limitations of the method they use, and the uncertainty about its accuracy” (p83).

On the other hand, there is recognition (e.g., Yeschke, 2003, pp31-32) that psychology has helped people understand things like:

- the motives for deception (to save embarrassment, shame and punishment, or to try and outsmart the interviewer);
- the pathological liar (who lies even when it would be easier to tell the truth); and
- the psychopathic personality (supremely selfish people who are completely hardened to the rest of the world, even members of their own family. They appear self-assured and are cunning and convincing liars).

It appears that training police officers to assess cues to truth and deceit is a worthwhile pursuit, as long as the limitations are recognised and that the assessments are not relied on in isolation from other aspects of an investigation.

SUGGESTIBILITY

The term ‘suggestibility’ relates to “the degree to which an interviewee’s encoding, storage, retrieval and/or reporting of events can be influenced by a range of social and psychological factors associated with the interview process” (Milne & Bull, 1999, p91). In particular, suggestibility is when the response of the interviewee is influenced by what they believe the interviewer expects or wants them to say (NCF, 1996).

A great deal of psychological research (too much to be described in detail here) has been done on this subject (see particularly the work of Loftus, 1984; Gudjonsson, 1992; and Kassin & Gudjonsson, 2004). Findings suggest that the three components of suggestibility - uncertainty, interpersonal trust and expectation - can be easily manipulated by an interviewer.

Milne and Bull (1999, pp92-98) provide a range of suggestive techniques that can influence an interviewee's reporting of events:

- suggestive questioning (asking leading, misleading and non-neutral questions)
- other people (telling the interviewee that information has been received from another source)
- positive consequences (giving praise for having said something in particular)
- negative consequences (criticising the interviewee or giving the impression his/her report is inadequate)
- asked and answered (re-asking a question the person has already answered, thereby making them think their first answer was wrong).
- inviting speculation (asking for opinions on events not witnessed).

Even the way an interviewer is dressed can act as a suggestive technique for influencing how people respond to questions (NCF, 1996).

This area of research has more recently expanded the focus on the interviewer's demeanour and 'Interrogative Pressure' (IP), and the effect this can have on the interviewee (Baxter, 2004). Baxter suggests that interviewers who fail to monitor and control their demeanour risk applying inappropriate levels of IP. As a result "interviewers may bias witnesses' recall ... particularly by causing them to change answers which they would not have changed in the absence of IP" (Baxter, 2004, p305). Baxter suggests a way of reducing IP distortions is for interviewers to warn interviewees "to be vigilant and to think critically in responding to questions". This is similar to the advice given in UK training material for the 'Engage and Explain' part of PEACE interviews (e.g., NCOF, 2003) and in the 'enhanced cognitive interview' (Milne & Bull, 1999).

Baxter (2004) advocates the use of Gudjonsson Suggestibility Scales (see Gudjonsson, 1992, pp101-164 for discussion on GSSs) as an assessment and training tool in order to help eliminate any inappropriate pressure from interview practice.

"It must of course be left to the judgement of interrogating officers as to the amount of IP that may be appropriate to apply to a hostile witness or suspect whom police have sound reasons to believe may be deceitful or obstructive, but they should apply such IP with full awareness of what they are doing and in what manner, and of the attendant benefits and risks to the strength of evidence which they obtain as a result" (Baxter, 2004, pp306-7).

Baxter (2004) suggests further research is "needed to identify variations in IP arising from differences in the person styles which police interviewers may present, naturally or deliberately" (p307).

Key points

1. **Memory.** The memory is made up of three sequential stores: the sensory store, the short-term store and the long-term store, and involves three distinct processes: encoding, storage and retrieval. A first attempt at recall usually reveals broad outlines but little detail. A lack of interruption by the interviewer, and instructions to concentrate and report everything will greatly help get the level of detail required.
2. **Body language / Non-verbal cues.** Research has found that facial expression, voice tone, silence, body positioning, eye movements, pauses in speech, and others aspects of BL and NVCs all send messages. These may confirm, obscure, or contradict what is being said. Research warns against interviewers developing an over-confidence on their ability to 'read' the interviewee's BL/NVCs.
3. **Deception.** There is no typical non-verbal behaviour which is associated with deception. Despite this, research has found that people (including both interviewers and interviewees) often hold stereotypical views about non-verbal behaviour which are incorrect. Thus, conclusions based solely on someone's behaviour in the interview room are not reliable.
4. **Suggestibility.** Interviewers need to be aware that interviewees are vulnerable to a range of suggestive techniques that can affect their recall.

INTERVIEWEES

WITNESSES

A great deal of the research covering investigative interviewing emphasises the importance of statements from witnesses. For example, Milne and Bull (1999, p1) say “A major factor that determines whether or not a crime is solved is the completeness and accuracy of the witness account”. Similarly, Heaton-Armstrong & Wolchover (1999, p222) maintain that “The bedrock of adversarial process is the evidence of witnesses for the prosecution, not the confession of the accused”.

Sometimes the only evidence that police have to guide an investigation is what witnesses tell them. Ideally, all witnesses would be articulate and easily able to provide a coherent, reliable and accurate account that then leads inexorably to the offender’s apprehension and subsequent conviction. But this is not the case. Witness accounts can be unreliable or insufficient. In worst case scenarios, poor or mistaken witness accounts can lead to a wrongful conviction (Kassin & Gudjonsson, 2004) or cause the investigation to follow incorrect leads or even to founder (Maguire, 2003). Yet commentators continue to note things like the following:

“The concentration on obtaining and recording utterances by defendants contrasts very remarkably with the lack of attention paid to obtaining and taking statements from potential witnesses” (Heaton-Armstrong & Wolchover, 1999, p223)

Recognition of personal costs

A victim or witness may have no relationship to the criminal activity other than where he or she was at a particular time (Swanson *et al*, 2002). They may never have been involved with the police or criminal justice system before. Even so there continue to be criticisms about police being heavy-handed with witnesses (Milne & Bull, 1999). Police need to be sensitive to the fact that people usually have little to gain by agreeing to be a witness. Indeed the personal costs can be significant. For example, Ord, Shaw and Green (2004, p52) state the following:

“[Witnesses] may have to give up a significant amount of their personal time by being interviewed and providing a witness statement. They may later be required to attend a court or tribunal, often in such circumstances in which they may feel they have been given less consideration than the accused. Witnesses may [also] have to:

- *confront the accused person;*
 - *give evidence in the presence of the offender’s relatives and supporters;*
 - *face the accused, his or her friends or family after the proceedings are complete;*
 - *feel responsible for any subsequent punishment of the alleged offender”.*
-

Factors influencing success

Some witnesses may not be able to articulate what happened or what they saw. Therefore it is up to the interviewer to get the best possible information from them (Milne and Bull, 1999). And it must be done in a way that stands up to outside scrutiny and protects the integrity of the witness (Ord *et al*, 2004).

In particular, the interviewer must be aware of factors that can affect how successful a witness interview turns out to be (Gudjonsson, 1992; Milne & Bull, 1999; Ord *et al*, 2004; Strongman, 1994). These include:

- how much time is available for the interview
- where and when the interview takes place
- the witness’s involvement in the event
- the witness’s verbal skills
- the witness’s level of anxiety (e.g., if straight after the crime)
- whether the witness has consumed alcohol or drugs
- the nature of the event (e.g., violence present)
- the presence of other witnesses or curious bystanders
- the open-mindedness of interviewer (not starting from a pre-determined position)
- the attitude of the interviewer to the witness (particularly important in the case of informants and the ‘abhorrent’ witness)
- the interviewer’s flexibility (the need to be interviewer, counsellor, confidant).

Ord *et al* (2004, pp15-19) describe the key steps to ensuring a successful interview as:

- creating a good impression from the outset
- treating the interviewee as an individual
- understanding the feelings of the person being interviewed
- explaining the reason for the interview
- giving an outline of the procedures and the reason for them
- describing the format of the interview.

The research suggests that the attitude and energy brought to an interview is critical. It determines how the interviewer treats the interviewee, which in turn influences the interviewee's reaction to the interviewer.

VULNERABLE WITNESSES

As mentioned earlier, many people find the processes involved in being a witness stressful. Certain categories of witnesses have particular difficulties. These include children, the mentally ill, people with learning disabilities, those with physical and/or communicative disabilities, rape victims, and so on. Evans and Webb (1993, p37) warn that:

"These individuals are particularly at risk of having their interviewing responses affected adversely, distorted, and shaped by an unaware, unskilled interviewing officer".

In the last 15 years or so, most criminal justice systems around the world have demonstrated an awareness of the need to accommodate these 'vulnerable witnesses' at each stage of their involvement in the process (see CFIS, 2004; HMSO, 2002a & b).

Some of the specific efforts, however, have been less than successful (Milne & Bull, 2003). For example, while special measures to help certain child witnesses to give their evidence were introduced by the *Criminal Justice Act 1991* in England and Wales, other groups did not fare as well. One reason for this, according to Milne and Bull (2003) "...was the belief, at least in legal circles, that such people were not competent to testify ... Given this, police forces decided, in light of their other priorities, not to focus on improving their interviewing skill in this regard" (p117). This belief has since been proved erroneous.

Recent developments

Milne and Bull (2003) acknowledge that in England and Wales at least, the recent *Youth Justice and Criminal Evidence Act 1999* should go some way to overcoming difficulties. This "pioneering legislation" (p118) sets out 'special measures' that are intended to help vulnerable and intimidated witnesses - both children and adults - to give their 'best evidence' in criminal proceedings. These special measures include:

- allowing a video recording to be made of the witness interview and admitted as evidence-in-chief
- screening the witness from the accused, and
- giving evidence by means of a live television link.

Under the Act, witnesses are eligible for this special assistance on the grounds their vulnerability due to age or incapacity. They must be under the age of 17 at the time of the hearing, or the court must consider that the quality of their evidence is likely to be diminished because the witness suffers from mental disorder, or otherwise has a significant impairment of intelligence and social functioning; or has a physical disability or physical disorder.

Witnesses are also eligible for assistance on the grounds of their being 'intimidated' i.e. they are "in fear or distress about testifying". In these cases the court takes note of the nature and alleged circumstances of the offence to which the proceedings relate, the age of the witness, and other relevant matters, namely-

- the social and cultural background and ethnic origins of the witness
- the domestic and employment circumstances of the witness
- any religious beliefs or political opinions of the witness
- any behaviour towards the witness on the part of-
 - the accused,
 - members of the family or associates of the accused, or
 - any other person who is likely to be an accused or a witness in the proceedings.

Achieving best evidence

To accompany the Act, the Home Office prepared a document "Achieving best evidence in criminal proceedings: guidance for vulnerable or intimidated witnesses, including children" (HMSO, 2002b). Amongst other things, the document:

“gives advice and guidance on how to prepare for and conduct investigative interviews with vulnerable and/or intimidated witnesses. ... [T]he legal position as regard these witnesses is outlined, and advice given on how witnesses may be most effectively interviewed to obtain best evidence. Special guidance is provided on interviewing witnesses with sensory impairments, learning disabilities and mental ill health” (p6).

Mode of recording

In addition, there is guidance on making decisions about whether or not to conduct an interview, and whether the interview should be video-recorded or taken by written statement (HMSO, 2002b, p3). For example, the question of whether to interview on video will depend on the interviewing officer’s (or a senior officer’s) judgment about whether the quality of the witness’s evidence is likely to be “maximised” as a result. The police need to consider a range of factors such as the circumstances of the case and the state and views of the victim.

Whilst the recorded interviews are intended to be played in lieu of the witness’s evidence-in-chief, whether or not they are used in this way or not is decided by the court - taking account of a number of factors that include the likelihood that the use of the video recording might inhibit the testing of the evidence by any party. The police must therefore avoid giving the impression to a victim that making such a recording will automatically lead to it being played in lieu of evidence-in-chief (CFIS, 2004).

Since the Act, a number of police forces in England have established limited criteria - such as the seriousness of the incident - to decide whether to tape-record vulnerable witness testimony. Others, such as Northern Ireland, have taken the view that all interviews with people meeting the criteria of vulnerable and intimidated witnesses will be videotaped if at all possible and the witness agrees. At present the PSNI has only 3 portable video units for these types of interview but hope to get more in due course (*personal communication*).

How effective the Act and guidance are in overcoming previously acknowledged deficiencies in accommodating the needs of vulnerable witnesses will not be known for some time. In the meantime, the Centre for Investigative Skills (CFIS, 2004) has ensured that the advice and principles have been clearly incorporated into the recommended training for police interviewers under the new ACPO Investigative Interviewing Strategy (Association of Chief Police Officers, 2003).

SUSPECTS

The suspect interview is a critical stage in the process of case construction and disposition. It is therefore pivotal in most criminal cases (Baldwin, 1994; Williams, 2000, p209). But there is debate on the aim of the suspect interview. The two schools of thought until fairly recently have been: 1) the aim is to induce a confession, and 2) the aim is to reach the truth. A confession appears to ensure swift and sure punishment of wrongdoers. The truth ensures either evidence of guilt, followed by swift and sure punishment; or evidence of innocence, followed by release.

Some commentators however, suggest neither is accurate. For example, according to Baldwin (1993)

“...it is the current fashion in official police circles to identify the purpose of questioning as being a ‘search for truth’ or some neutral collection of information from suspects ... [but] it has to be remembered that running through all police interviewing is the expectation that, for any offence, there are a number of clearly defined features - or points to prove - which will need to be addressed” (p327).

Baldwin (2003) suggests it is “more realistic to see interviews as mechanisms directed towards the ‘construction of proof’” (p327). In other words, the objective of interviews is not to get at the slippery concept of ‘truth’ but to build an evidential case or establish that there is no evidential case.

Why suspects confess

An admission of guilt by a suspect has always been a crucial source of evidence for convictions. When obtained under formal interview conditions, it carries particular weight. Thus, interviewers should understand why suspects confess when interviewed. Research (reported in Gudjonsson, 1992) has found three broad reasons, the first of which is by far the most important:

- suspects are most likely to confess when they perceive the evidence against them as being strong (and denials are therefore futile);
- many suspects are sorry for their crime and want to talk about it and give their account of what happened;
- suspects react to external pressure from factors such as the stress of confinement and police persuasiveness.

Research on the topic also concludes that suspects who confess because of the first two reasons are much more likely to be satisfied with what has happened than those who confess because of the third reason (Gudjonsson, 1992).

An alternative view of how evidence of guilt is secured comes from Sanders (1994, p788), who says this can be from:

- suspects who simply and speedily confess (often those against whom police have plenty of evidence anyway)
- suspects who want to make a 'deal' (confessions in exchange for favours or reduced charges)
- suspects who are intimidated by the fact that they are being questioned on police (hostile) territory
- suspects who are informally interviewed before and after formal interviews [Sanders discusses this latter point at some length, providing references supporting widespread use of informal 'chats' with suspects]
- suspects who are coerced by dubious questioning techniques into making admissions
- suspects who are 'verballed' through having their words distorted (usually in written statements)
- suspects who make false confessions (howsoever they arise).

The majority of Sanders' points above suggest a degree of oppression. They ignore the fact that suspects may confess because of good interviewing.

Interviewing suspects

Ede and Shepherd (2000, p85) set out the three-stage approach taken by police forces in England and Wales to interviewing a suspect:

- the suspect's agenda - giving the suspect the opportunity to say what he or she wants to, or raise issues that he or she wishes to cover;
- the police agenda - informing and questioning the suspect about matters considered by the investigating officer to be material;
- challenge - confronting the suspect with anomalies and deceptions in the previous stages.

This approach, which occurs during the 'account' stage of the PEACE interview, is also advocated, albeit using different terminology, by recent American literature. For example, Walters (2002) claims that the fundamentals of productive suspect interviewing include:

- the narration phase - the 'listening' stage where the suspect does most of the talking (and can choose to tell the truth or engage in deception). This phase also includes any questioning interviewers do to clarify their interpretation of the suspect's account;
- the cross-examination phase - where the interviewer asks specific questions about statements made by the suspect in the narration phase, and raises and explores important points in greater depth and detail.

Both the American and English literature emphasise the need to impress on the suspect that the interviewer is listening. This increases the stress experienced by the suspect, especially when he or she is attempting to evade issues or lie. A focused and reasoned attack on the suspect's account during the challenge/cross-examination stage can wear down and eventually destroy the suspect's confidence in his or her ability to maintain their story.

JUVENILE SUSPECTS

Most police officers will have to interview a significant number of young persons suspected of committing crimes as part of their everyday policing tasks. Yet the interviewing of juveniles as suspects appears to have been given much less attention than interviewing them as witnesses. For example, an earlier section in this review outlined recent legislative measures to meet the needs of vulnerable witnesses, including children.

Evans and Webb (1993) carried out a study involving the analysis of 60 randomly selected tape recorded interviews from Merseyside Police in May 1990 with suspects aged 10 to 16. They found that: the interviews were short (an average of 7 mins 22 secs); interviewers spent almost 25% of the time stating "facts" as opposed to questioning (and much more so for those aged 10-13 compared with those aged 14-16); around half of all questioning comprised counter-productive and risky questions; and officers were typically directive in their approach (i.e. talking at the juveniles rather than with them).

Another study (Evans, 1993 cited in Milne & Bull, 1999) which was for the *Royal Commission on Criminal Justice 1993* found that: interviews with juvenile suspects were shorter than with adults; a higher proportion made quick admissions (77% compared with up to 68% for adults); there was widespread use of 'persuasive' tactics (such as saying to the juvenile that the truth will come out/you'll feel better for getting it off your chest); and that in the 23% of remaining cases where the juvenile suspects did not readily confess, half did eventually confess.

Evans and Webb (1993) suggest that interview training should involve practising with children. From the RCCJ study the crucial factor would appear to be around the high rate of quick admissions. If this is common, there should be little need for police to use tactics and questioning styles that may be seen as oppressive. General improvements in interview training whereby officers concentrate on engaging with the suspect and getting information that confirms the person's guilt or establishes his or her innocence should have spin-offs for the interviewing of child suspects.

RESISTANCE FROM INTERVIEWEES

Interviewees who resist attempts to get them to talk can be enormously frustrating for police. According to Shepherd (1993):

“Resistance can be defined as the verbal, physical and emotional behaviour of an interviewee which blocks an interviewer’s efforts to establish appropriate conversation to achieve the investigative aim, to establish a working relationship, and to establish the facts of the matter. Unfortunately, many police officers have a rudimentary understanding of who resists and why these individuals resist” (p6).

Understanding who resists and why

There are numerous reasons why someone will fail to cooperate in a police interview. Some have their roots in psychophysiology. For example, when a person is confronted by a “threat” - whether physical or psychological - the body has “fight, flight or freeze” mechanisms that automatically activate (Morgan, 1999). In these situations, a person’s pulse may race, blood pressure may rise, breathing may become shallow and quick, the mouth becomes dry, and so on. A great deal of energy is expended when an individual is faced with a “threatening” situation, such as a police interview.

Several writers (e.g., Yeschke, 2003; Zulawski & Wicklander, 2001) provide other reasons for resisting:

Fear of embarrassment	“Saving face” is considered a central need of many interview participants. Interviewees will act defensively to avoid being humiliated.
Fear of retaliation	Interviewees may be uncooperative because they fear reprisal from the guilty party or others. When interviewees fear for their own safety or that of a family member, their resistance to cooperating can be difficult to overcome.
Fear of loss to themselves	Interviewees may worry about the inconvenience and financial loss they face by cooperating with police.
Fear of legal proceedings	Interviewees may have had little contact with the criminal justice system or have a negative view of it and be afraid of what involvement could mean. In some instances they may fear callous or indifferent treatment from legal authorities.
Fear of harming someone else	Even a sense of civic duty to cooperate with an investigation may not be enough to overcome a strong reluctance to provide information that could cause harm to another.
Fear of self-disclosure	A reluctance to share their inner selves with strangers may lead some people to being defensive and evasive.
Fear of restitution	Some suspects will not confess because they feel they could not compensate the victim for the damage or loss their actions caused.

Table 4: Reasons why people may resist talking to police

Factors like these influence the interviewee’s comfort and create a vulnerability that must be understood and catered for by the interviewer. Although a police interview will always be an unnatural setting - the interviewer is not a friend, neighbour, or relative after all - Yeschke (2003) says that with training the interviewer “can exhibit human warmth and thereby psychologically comfort them enough to encourage temporary compliance” (p21).

What to do

As Williamson (1993, p58) says: "Resistance should be anticipated, but very often it leads police officers to panic, repeat the question over and over again or prematurely close the interview." The panic is felt most particularly when suspects say "No comment" or remain silent. Like other forms of resistance, such as hostility, lying, evasiveness, and non-cooperation, they put the interviewer's ability to cope on the line (Shepherd, 1993).

The simplest strategy for dealing effectively with resistance is to develop and practise a range of responses to be used when suspects say they will not answer a question or give a statement (TVP, 2004). On this matter the literature has much to say. A useful summary is made by Eric Shepherd (1993, p7):

"...requirements include: the rejection of a 'win-lose' mentality; detailed knowledge; forethought in terms of grasp of information and issues, detailed planning and detailed preparation including potential barriers to talk; and a balance of assertion and listening consistent with finding out facts and minding feelings i.e. respect for the person, empathy, supportiveness, positiveness, openness, a non-judgemental attitude, straightforward talk and a conversational style signalling a commitment to talk across as equals, not up-down or as pseudo-equals".

Interviewers can only apply appropriate strategies when they have received comprehensive training and testing in conversational and interpersonal skills and have a knowledge of human behaviour and cognitive processes (Milne & Bull, 1999; Shepherd, 1993).

Key points:

1. The completeness and accuracy of the witness account is often the main factor that determines whether or not a crime is solved.
2. The *Youth Justice and Criminal Evidence Act, 1999* (England & Wales) encourages police to videotape interviews with 'vulnerable witnesses' but leaves the court to decide whether the tape will be used as the witness's evidence-in-chief.
3. The suspect interview is pivotal to the process of case construction and disposition.
4. Suspects are most likely to confess when they perceive the evidence against them as being strong, (by far the most important reason), when they are sorry for their crime and want to talk about it and give their account of what happened, and when they are reacting to external pressure from factors such as the stress of confinement and police persuasiveness.
5. UK police take a 3-stage approach to suspect interviews - the 'suspect agenda', the 'police agenda' and the 'challenge'.
6. Police need to appreciate the many reasons why people may not be cooperative in interviews - reasons include Fear of embarrassment, retaliation, loss to themselves, legal proceedings, harming someone else, self-disclosure and fear of restitution.

THE PEACE MODEL OF INTERVIEWING

LEAD-UP TO THE PEACE MODEL

Up to the late eighteenth century, justices of the peace in England and Wales had both inquisitorial and magisterial responsibilities. When they lost their inquisitorial responsibilities, however, police by default collected the responsibility for this task. According to Williamson (1993, p57)

“As the new constabularies began to proliferate across England and Wales police officers began to question suspects prior to the judicial hearing. Some judges would allow reports of such conversations to be given in evidence whereas this was anathema to others. The Home Secretary referred the matter to the Judges and in 1906 the Judges Rules were published”.

Despite their new-found responsibility it appears that little guidance for police officers on how to conduct interviews existed anywhere until the mid-1980s (Milne & Bull, 1999). Indeed, concerns over the perceived ineffectiveness of the Judges’ Rules led to the *Police and Criminal Evidence Act 1984 (PACE)*. Stricter controls over police questioning were introduced, including tape recording of interviews with suspects (Williamson, 1993). These measures helped expose the gap in useful material on interview techniques and led to a surge in research.

DEVELOPMENT OF PEACE

In 1991 the Home Office set up a steering group on investigative interviewing, comprising members of the police service, the Home Office, and the Crown Prosecution Service to co-ordinate work on interviewing, including training (Baldwin, 1993). The steering group came up with an interviewing model aimed at offering a more effective and ethical alternative to persuasive interviewing. The model, shown in the diagram below, became known by its mnemonic ‘PEACE’. This stands for:

- P**lanning and Preparation
- E**ngage and Explain
- A**ccount
- C**losure
- E**valuation.

The PEACE model was designed as the framework for interviewing in any situation with any type of interviewee. The steps were fully explained in the two handbooks issued to officers: ‘A Guide to Interviewing’ (CPTU, 1992a) and ‘The Interviewer’s Rule Book’ (CPTU, 1992b). These were accompanied by a workbook (CPTU, 1992c) and guidance on the core principles of police interviewing (Home Office Circular 22/1992).

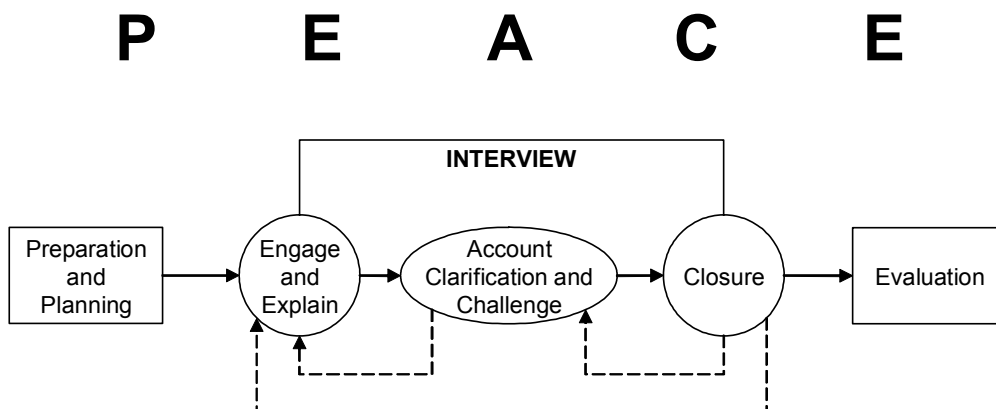


Figure 3: Diagram of the PEACE interviewing model

WIDE USE OF PEACE

PEACE is a model developed by and for police in England and Wales. There is debate as to whether problems are comparable enough in different countries to allow similar solutions to be used. For example, Bayley (1994) suggests that police in countries such as Australia, New Zealand, England, Canada and the US face a common set of problems related to their role and therefore can learn directly from one another.

Newburn (2003, p34) is more cautious, suggesting that

“The fact that changes to policy and practice in one country were successful is no guarantee that the same innovations can be successfully implemented, much less operate effectively, in another country. This is because police systems are closely embedded in the wider structure and culture of their societies”.

Despite this, the PEACE model has been embraced to one extent or another by other policing jurisdictions including parts of Australia, Canada, New Zealand and Europe. Some of these, e.g., Queensland, Australia, have based their own training material almost entirely on the material from England and Wales (personal correspondence). Others like New Zealand have only taken some of the basic ideas and sprinkled them amongst existing training material (see, for example, CIB Training Programme - Investigative Interviewing (CIB 005), Royal New Zealand Police College, September 2003).

DESCRIPTION

P - Planning and preparation

Few people have enough interviewing practice to be able to carry out first class interviews without putting time into preparing for them. The literature is absolutely clear that the first step to an effective interview is preparation (e.g., Hodgson, 1987; Meyer & Morgan, 2000; Ord *et al*, 2004; Shaw, 1996b). Without this, many interviews fail before they even begin. Shepherd describes it as the interviewer being “in a rush to get it wrong” (1991, p54).

According to the CPTU (1992a, p1 cited in Milne & Bull, 1999, p159) planning is “the mental process of getting ready to interview” and preparation is “considering what needs to be made ready prior to interview [including] such things as the location, the environment and the administration”. As asserted by Ord *et al* (2004, p57):

“The more information the interviewer has prior to the interview, the more able he or she will be to maintain control of the interview, ensuring it flows in the right direction. ... The time available may vary, but the time that is invested in preparation and planning will vastly improve both the confidence and ability of the interviewer, and in the long term, save time.”

Various commentators (e.g., McGurk *et al*, 1993; Milne & Bull, 1999; Ord *et al*, 2004) outline the crucial elements of good planning, which are–

- understanding the purpose of the interview
- obtaining as much background information as possible on the incident under investigation, including (for suspects) information on the person to be interviewed
- defining the aims and objectives of the interview
- understanding and recognising the points to prove
- assessing what evidence is available and from where it was obtained
- assessing what evidence is needed and how it can be obtained
- understanding the legislation and associated guidelines and considerations
- preparing the mechanics of the interview (attending to exhibits, logistics, venue, equipment functioning, seating, and so on).

Ord *et al* (2004, p3-5) advise investigating officers to follow the adage ‘investigate then interview’ rather than ‘interview then investigate’, and point out the main disadvantages of poor preparation and planning. They say that interviewers:

- may overlook important evidence
- may not identify inconsistencies and lies
- may need to take unnecessary breaks to obtain further information
- may need to carry out unnecessary additional interviews with the same person
- may lose control of the interview.

Whilst planning is a primary feature of the PEACE model and has been confirmed by English commentators (e.g., Milne & Bull, 1999; Shepherd, 1993; Williamson, 1994), it is also recognised by American commentators as a vital step in investigative interviews (e.g., Walters, 2002; Yeschke, 1997; Zulawski & Wicklander, 2001)

E - Engage and explain

This opening phase is crucial to the success of an interview. Officers must be aware that being interviewed by police can be a nerve-wracking experience for most people and that a 'warm-up' period is needed to help settle the person down. Interviewers do not have to be 'friends' with interviewees. They do, however, need to work on engaging them so a cooperative and relaxed relationship is established which lasts right through the interview (Ord *et al*, 2004).

This engage and explain stage is also known as 'establishing rapport'. It is described in both the English and the American literature as the most influential factor in ensuring the success of a interview, including interviews with suspects (Baldwin, 1992; Ede & Shepherd, 2000; Milne & Bull, 1999; Shepherd, 1991; Walters, 2002; Yeschke, 2003).

The following table summarises the crucial steps (adapted from Ord *et al*, 2004, pp15-19):

Creating a good impression from the outset	"Interviewers should be conscious of the old adage 'you catch more flies with sugar than you do with vinegar'. Courtesy, politeness and understanding cost nothing but can greatly contribute to a successful interview" (p16)
Treating the interviewee as an individual	"Interviewers who take the time to find out individual needs and concerns, and take steps to address them, are much more likely to succeed in interviews than those who either do not take the time to identify them or choose to ignore them" (p17)
Understanding the feelings of the person being interviewed	"Empathy [means] to understand how the other person feels while maintaining an objective stance" (p18)
Explaining the reason for the interview	"The importance of the interviewee's knowledge in assisting the investigation should be emphasised, in order for interviewees to identify their crucial role in the investigation and appreciate what is required of them" (p18)
Giving an outline of the procedures and the reason for them	"Once an interviewee understands that there are good reasons for the routines and accepts they must be followed to make best use of their information, their understanding can contribute to information of a higher quality" (p18)
Describing the format of the interview	[Tell them that] "... the interviewee will be invited to give an account in their own words of the matter under investigation; the interviewer will then seek to clarify the account by asking supplementary questions; the interviewee will next be asked to comment on individual matters which have not been covered or adequately explained; the interviewer will verbally summarise what has been said at regular intervals to check for correct interpretation" (p19).

Table 5: The critical steps to a successful Engage and Explain part of an interview.

The PEACE training material (e.g., CPTU, 1992a; NCOF, 2003) encourages officers to take their time over this stage of the interview and to use plain English. It is the time in which they need to show consideration by:

- being concerned for interviewees' welfare (do they want water, or to know where the toilet is)
- asking how they want to be addressed (e.g., christian name, or by title and surname)
- checking how long they've got (e.g., do witnesses have to be somewhere by a certain time, or are they on a parking meter)
- giving reassurance if the person seems nervous of the process.

Interviewers also need to establish certain ground rules (NCOF, 2003; Ord *et al*, 2004). For example, the officer should (amongst other things) tell witnesses:

- that what they have to say is important so they need to report everything they can and try their hardest not to leave anything out
- not to edit as they go even if they believe some information has no relevance to the matter being investigated
- that they will be working hard, because they are the ones with the information
- that they should feel free to say if the officer:
 - asks a question they do not understand
 - asks a question they do not know the answer to
 - misunderstands what the witness has said
 - asks a leading or otherwise inappropriate question
- that once they have given their account the officer may be asking questions to clarify things.

This stage acts as a 'training' phase in which the interviewer gets the interviewee used to what they expect of them later (Milne, 2004). It also allows the interviewer to assess the interviewee's communication abilities and modify his or her own language, sentence structure and length, etc to a level similar to that of the interviewee.

It will be more difficult to 'engage and explain' in some interviews compared with others. Interviews with people who are vulnerable in some way (e.g., because of age, disability, language) normally have well-defined processes that interviewers can follow. In the United Kingdom these are set out in "Achieving Best Evidence" guidelines and explained in various training documents (see, for example, CFIS 2004; NCOF, 2003).

But there will also be some interviews that present particular challenges for establishing rapport e.g., when interviewees are evasive, deceptive, unwilling to give information, or openly hostile. All of these are situations that can be handled better if the interviewer has made the effort to treat the person with courtesy, respect and professionalism (Ord *et al*, 2004).

A - Account

This stage is where the interviewer obtains the interviewee's full account of events. The three main steps are–

- obtaining the interviewee's own uninterrupted account
- expanding and clarifying their account
- when necessary (e.g., with suspects) challenging the interviewee's account (NCF, 1996).

Questioning skills are essential for the end account to be both accurate and reliable (Milne & Bull, 1999). It is important for interviewers to be aware that interviewees can move from being cooperative to uncooperative and vice versa, and be able to adjust appropriately (CFIS, 2004).

For cooperative victims, witnesses and suspects the interviewer will normally use the free recall technique for lower level interviews and enhanced cognitive interviewing techniques for advanced interviews. For uncooperative interviewees the interviewer will normally rely on the conversation management techniques. (These are explained in the section on 'major interview techniques'.) Being fully alert during the interview, the officer should be able to detect changes in the interviewee's language and behaviour and adjust his or her approach as required.

With suspects, the CFIS practical guide (2004) urges interviewers to ask all relevant questions even in the face of a 'No comment' response. This is so as not to leave any gaps that the defence might fill in at court. In New Zealand, comment from the court (see R v Halligan [1973] 2 NZLR 158) suggests this should involve no more than 4-6 questions.

After allowing the subject to give their account (with appropriate use of tactics such as regular summarising, encouraging repeated attempts to recall, the use of ADVOKATE to assess witness identification evidence and so on), the interviewer may need to clarify the witness's account or challenge the suspect's account. This could be because the officer is unclear about something the interviewee has said, or because the information is inconsistent with other evidence in the officer's possession (MPS, 2001).

The CFIS guide (2004) as well as others (e.g., NCF, 1996) emphasises the importance of the challenge phase of interviews with suspects. While the interviewing officer will be ready to challenge any inconsistencies in the account, challenges can also be planned as a result of holding back information in order to test what the person might say.

Police officers would do well to be aware of the strong advice offered by Ede and Shepherd (2000) to defence solicitors about dealing with “critical shortcomings” in the police’s handling of the questioning phase of suspect interviews. They say that actual practice does not reflect the ethical philosophy of the PEACE model, i.e. the need to be open-minded and so on. Instead, they say that interviewers are likely to be defensive, to engage in “dominant, constraining and coercive questioning”, and to be motivated by the desire for a ‘cough’ (pp145-148). They describe the features of interviews that can be challenged under sections 76 and 78 of PACE including officers who restrict the suspect’s ability to respond by suggestive questioning, interrogative assertions, reframing the suspect’s answers to fit with the officer’s beliefs, and misrepresenting something as a fact.

The frequent evaluations of police interviews in England and Wales (e.g., Baldwin, 2002; Milne & Bull, 1999; Clarke & Milne, 2001) have not found a great deal of evidence of the types of tactics described by Ede and Shepherd (2000). The fact, however, that courts continue to rule some interview evidence inadmissible suggests the use of such tactics can and does happen.

C - Closure

Evaluations have sometimes found that officers often rush the closing of an interview (Clarke and Milne, 2001). Yet the closing stage needs to be just as complete and effective as any other. Thought needs to be given to it even in the initial planning (Milne & Bull, 1999). The aim of effective closure should be to:

- ensure there is mutual understanding about what has taken place (by reviewing and summarising the account)
- verify that all aspects have been sufficiently covered (by checking that interviewees have given all the information they are able and willing to provide)
- explain what will happen in the future (by giving the interviewee appropriate information on the next stages of the process e.g., telling witnesses whether or not they will have to attend court)

- facilitate a positive attitude towards providing accurate and reliable information in the future (this will differ according to whether the interviewee is a suspect or witness) (CFIS, 2004; NCF, 1996).

E - Evaluation

This stage concludes the PEACE interview. It is where the interviewer–

- examines whether the aims and objectives for the interview have been achieved
- reviews the investigation in the light of information obtained during the interview
- reflects upon how well he or she conducted the interview and considers what improvements could be made in future (CFIS, 2004; MPS, 2001; NCF, 1996).

Milne and Bull (1999) question the likelihood or effectiveness of the third step given the strength of police cultures in preventing police officers from recognising their interviewing deficiencies or admitting they are less than confident. This scepticism reflects Baldwin’s (1992) findings that police officers are generally poor at evaluating their own interviewing abilities.

IMPLEMENTATION

The one-week PEACE training package developed in 1992 aimed to help police officers increase the relevance, completeness and reliability of the information obtained in interviews (Shaw, 1996a). It was a mixture of theory and practice, and included various teaching aids such as videotaped scenarios (e.g., robbery of a store), simulated crime scenes (e.g., reported burglary), and the use of actors to play suspects and witnesses. This gave students the opportunity to practise what they were being taught (Rigg, 1999). Initially the intention was to deliver the course to officers within the two to six-year service band. Having been well received and quickly proving its worth, however, the package was eventually extended to all operational staff.

DOES THE PEACE MODEL WORK?

Clarke and Milne (2001, p127) quote Roger Gasper, the manager of the development team responsible for introducing PEACE in England and Wales as saying "There [have been] few comparable exercises of a similar size". Given the magnitude of the undertaking, it is not surprising that in the first eight or so years following the introduction of the PEACE interviewing model, a relatively large number of both formal and informal research studies on the subject were carried out (Clarke & Milne, 2001).

The earliest evaluation (McGurk, Carr & McGurk, 1993) was largely positive, finding that interviewing knowledge and skills increased after training and that the improvements were still evident in a six-month follow-up assessment. Generally though, later evaluations tended to highlight a number of similar problems with the use of the model and its supervision (Milne & Bull, 1999). Whilst there was general agreement that PEACE offered an excellent framework for investigative interviews and that its principles were sound (Shaw, 2002), there was still widespread evidence of poor questioning techniques, deficient interpersonal skills, inadequate support for trainers, poor quality control of interviews and so on (Clarke and Milne, 2001).

An evaluation conducted in 1994 by the HMIC (Her Majesty's Inspectors of Constabulary) found a lack of consistency in PEACE training across forces. This was largely caused by differences in the duration and content of training, and other factors impinging on the interviewing process such as new legal requirements and judicial guidance (Shaw, 1996a).

As a result, a second project team was formed, which revised and updated the PEACE training package and reformulated its delivery (Shaw, 1996a). Amongst others things, the terms 'cognitive interview' and 'conversation management' were removed from the material to reduce the number of labels being used (Clarke & Milne, 2001). The enhanced programme was accompanied over the next few years by intensive ongoing efforts of trainers, groups such as the National Crime Faculty at the Bramshill police college, and published advice from experts such as Gary Shaw (see, for example, his 6-part series of articles in the Police Review 5 January-16 February 1996).

Not universally welcomed

PEACE was not universally welcomed. For example, psychologist Eric Shepherd (1996) expressed doubts about the wisdom or practicality of the "quasi-inquisitorial neutral role it assigns to investigating officers". However, his criticism of PEACE appears to be more a condemnation of shortcomings in the whole investigative process rather than interviewing *per se*. Amongst other things, he says:

"the Director of Police Training and official research have informed police management of facts unknown to the general public - investigative ability throughout the service is alarmingly low; unsystematic behaviour and poor time management are commonplace; basic systems are lacking to ensure professional standards of information gathering, evaluation and dissemination by officers. ... Actions by attending officers highlight embarrassing levels of ignorance in respect of securing scenes, searching, and in identifying and preserving evidence" (p14).

Legal advisers, too, were warned against PEACE. For example, solicitor Ed Cape (1995) produced a practitioners' guide to representing clients and handling breaches of PACE 1984 and the Codes of Practice. In this he suggested that legal representatives should intervene if the interviewer attempted to build rapport with the suspect by asking questions about the person's welfare, interests, family etc. He advised them to remind the officer that Code C, paragraph 11.1A says that the interview is for the purpose of questioning a suspect about an offence. Should the officer continue to use such tactics, Mr Cape suggested that solicitors advise their clients not to answer the questions (Rigg, 1999). This matter is not mentioned in the latest training material (i.e. NCOF, 2003) suggesting perhaps that the advice was not widely heeded or was found to be ineffective.

Later evaluations found that despite the effort put into implementing PEACE, the training most police officers received in investigative interviewing remained quite limited, with an accompanying limited effect on workplace performance (Milne & Bull, 2003). Officers in England and Wales, as in other jurisdictions were still expected to learn on-the-job or by watching or talking to experienced interviewers (Strongman, 1994; Walters, 2002). These experienced interviewers may have received no more training at the basic level than the new interviewer. As Walters (2002, p85) argues: "There is no real assurance that senior investigators' interviewing skills are better-than-adequate". In general, this approach seems to serve only to perpetuate bad habits and poor interviewing.

FAILURE TO LIVE UP TO EXPECTATIONS

By the late 1990s it was clear that PEACE had not been as successful as anticipated. Reasons include:

- minimal support and participation from middle and senior management (Gibbons, 1996)
- limited resources available to the National Crime Faculty to maintain and develop the programme (Smith, 2001 cited in Burbeck, 2001)
- inconsistent implementation of some of the most critical criteria - such as thorough interview training and extensive interview practice (Shaw, 1996a)
- trainers having to train others in the model, having only just completed a training course themselves (Milne & Bull, 1999)
- lack of consistency in training, with some areas downplayed and others over-emphasised (Shaw, 2001)
- the fact that PEACE training was originally designed as introductory only, but had been allowed to extend to more advanced levels without a coordinated structure around it (Burbeck, 2001)
- the police culture - which not only puts a higher value on 'getting a cough' than on finding out 'the truth' or all possible relevant information, but also values suspect interviews more than witness interviews (Rigg, 1999).

Concern about these issues led to the commissioning by the Home Office and the Association of Chief Police Officers in England and Wales of a full evaluation of PEACE training. This was carried out by Dr Rebecca Milne from Portsmouth University and PhD student PC Colin Clarke from the Metropolitan Police Service (Clarke & Milne, 2001).

2001 EVALUATION OF PEACE TRAINING

The Clarke and Milne (2001) evaluation was a major undertaking. The data were from six police forces across England and Wales (representing a mix of rural and urban areas) and included:

- an assessment of 177 taped suspect interviews and 75 taped witness interviews concerning both bulk and serious crime;
- information from a survey asking (amongst other things) whether the force had a supervision policy or not, and whether interviewing officers had been trained in PEACE; and
- information from recorded interviews with numerous groups and individuals.

Quality of interviewing - witnesses

Milne and Bull (1999) noted that apart from George (1991) and McLean (1992) few evaluations have included witness and victim interviews. To add to the body of knowledge, therefore, the Clarke and Milne (2001) evaluation included an assessment of witness interviews. They arranged for 75 interviews to be audio recorded (58 volume crime and 17 serious crime, including murder). Overall, they found the standard to be significantly lower than for suspect interviews, with little evidence of officers using the PEACE techniques for enhancing witness recall.

The average length of interview (including the statement writing stage) was 50 minutes (minimum 8 minutes and maximum 131 minutes). On average only a quarter of that time was actually 'interviewing' the person (p52). Only 16 percent of witness interviews were held in a police station; the remaining 84 percent were held in locations over which the interviewer had no control (the witness's home, business or other location). In these instances the interview was subject to numerous interruptions and distractions (p52). In relation to the overall outcome of the interview, only 29 percent of interviewers extracted a "comprehensive" account from the witness, 62 percent elicited a "partial" account, and 9 percent elicited a "brief" account. The assessors reported frustration at listening to interviews where better interviewing skills would easily have obtained more information (p53).

In relation to the quality of witness interviewing, Clarke and Milne (2001) report as follows:

- **P** (planning and preparation) - 19% showed no or little planning; none were rated as showing a good knowledge and understanding.
- **E** (engage and explain) - the specific behaviours required in this stage were handled poorly e.g., only 16% introduced themselves clearly and professionally (26% did not introduce themselves at all); only 5% explained the interview purpose well (32% gave no explanation); only 1.8% clearly explained what was going to happen (46% did not say anything about this at all); and 53% did not mention that the interview is an opportunity for the witness to give their account.
- **A** (account) - only 38% of interviewers made any real attempt to have victims and witnesses give their own account of the event; in almost half the interviews (47%) there was little topic development, and 43% of interviews were rated as not having covered the points to prove very well. Although neither technique was used well or very often, CM (conversation management) was used more frequently than CI (free recall and associated techniques).
- **C** (closure) - overall closure was rated low e.g., 59% of interviewers did not summarise what had been said; 62% did not ask the person if they wanted to add or alter anything; 83% did not explain what was going to happen next.
- **E** (evaluation) - the researchers only had access to the interview recordings, therefore could not assess the quality of the interviews 'evaluation' (E) stage.

The researchers noted the way many interviewers "steadfastly cling to the question and answer routine that [was] described as the standard police interview back in 1992 prior to the advent of PEACE" (p113). They also noted the adverse effect on victim and witness interviews of officers not having formal guidelines and aide memoires, and made recommendations to remedy this.

Recommendation to electronically record witness interviews

In addition Clarke and Milne (2001) recommend the "tape recording of all interviews with 'event relevant' victims and witnesses" (p111). This supports earlier calls from Rebecca Milne and others (see for example, Heaton-Armstrong & Wolchover, 1999; Milne & Bull, 1999; Shepherd & Milne, 1999) for police to electronically record interviews with witnesses. These writers have argued that:

- electronically recording allows the interview to flow in such a way as to facilitate the obtaining of significantly more accurate, reliable and detailed information than when the interview is merely recorded in written form
- the significance of a witness's account may not be apparent until he or she is actually being or has been interviewed; it is relatively common for people initially interviewed as a witness to emerge at a later point as a suspect and therefore the tape-recorded statement will allow closer assessment of what they said and of areas not covered originally by the interviewer
- the preparation and planning for suspect interviews relies heavily on the interviewing officer knowing what witnesses have said - a wholly authentic record rather than a constructed written statement is the best information available
- it would overcome the potential vulnerability of witnesses to the corrupting influence of ineffective or improper investigative methods.

This aspect is dealt with more fully in the section entitled 'Technology and Interviewing'.

Quality of interviewing - suspects

In relation to planning and preparation (P), and acknowledging the difficulty in assessing this from only viewing the recorded interview, the researchers report that "interviewers were often unaware of the full circumstances of the incident, did not seem to be aware of the points to prove an offence, and in a number of cases searched or read from statements during the interview" (p34).

In relation to engage and explain (E) they report that "interviewers generally conform to the legal requirements of interviews with suspects in a clear and professional manner, although checking the understanding of the caution still presents problems". They also say that interviewers provided little in the way of information about the purpose of the interview and what was going to happen, thereby "stifling the development of rapport" (p36).

The account (A) stage of the interview produced mixed results. Whilst the use of key PEACE techniques such as summarising, linking and challenging was considered poor, and questioning consisted mainly of open and closed questions, the interviewers were rated as "being self confident, having good communication skills, and good at keeping the interviewee to relevant topics" (p39).

In relation to the closure (C) stage, few interviewees gave a good summary of their understanding of what had been said, although three-quarters did offer the interviewee the chance to add to, alter or amend the summary given. Overall, only 16 percent of interviews were rated as “providing a clear and professional closure”, with a similar proportion being rated as “providing no obvious closure” (p39). The recorded interviews did not allow the researchers to assess the quality of the interviews ‘evaluation’ (E) stage.

Overall quality

Clarke and Milne (2001) concluded that the quality of interviewing overall had improved since the ground-breaking study by John Baldwin in 1992. “There was clear evidence” they say (p100) “that since the introduction of PEACE an improvement in the ethos and ethical approach to interviewing has taken place”. Despite this, they concluded that there was still much room for improvement, particularly in relation to witness interviewing.

EFFECT OF PEACE TRAINING

The interviews assessed by Clarke and Milne (2001) were carried out by officers who had been either trained or not trained in PEACE. The researchers recognised that even untrained officers would have had some exposure to the PEACE model.

In relation to victim and witness interviewing they found no significant differences in interview length, interview outcome, or the behaviours measured in the study. Both groups had about half rated as ‘in need of training’ and half as ‘satisfactory’. Only 2 interviewers were rated as ‘skilled’. Thus the fact that some officers had received PEACE training appeared to have had little discernible effect on their ability to interview witnesses.

In relation to suspect interviewing the picture was different, with 13% of the interviewers rated as ‘skilled’. Overall, Clarke and Milne (2001) did find some evidence of transfer of PEACE training. However, this related more to the meeting of legal requirements than to communication skills and interviewing techniques. They also found a difference in the length of interview (23 minutes for trained officers compared with 17 minutes for those who were untrained). This challenges the commonly cited view by officers that PEACE interviews take much longer than doing them in a more traditional way (although it might also reflect the fact that only a small proportion were rated as skilled interviewers).

The researchers also challenge the view that the PEACE model is inflexible. They say “It is the interpretation of PEACE that is the problem. It would appear that in order to explain the model, trainers have presented a fixed stage linear process rather than the flexible set of tools advocated in the [NCF 1998] “Practical Guide to Investigative Interviewing”” (Clarke & Milne, 2001, p98).

The researchers recommended a comprehensive revision of PEACE guidance, supervision and training. Their suggested way forward was a four-tier structure that would take a career-span approach to interview training:

- Tier 1 - for probationers (initial training and first 2 years)
- Tier 2 - ongoing development programme for all staff (uniform and detective)
- Tier 3 - specialist training (child witnesses, serious sexual offences, vulnerable witnesses, witness interviews requiring cognitive interviewing skills, and advanced suspect interviews)
- Tier 4 - interview advisors (skilled interviewers who advise and help plan interview strategies at a local level and during the investigation of major crimes).

SUPERVISION

Clarke and Milne (2001) found that improved interviewing was clearly associated with supervision, even when the supervision was on an ad hoc basis. This supported earlier research which recommended supervision as a crucial aspect of successful investigative interviewing. The major UK study on the subject had been undertaken by Janet Stockdale (1993), who started from the premise that the police would have stated aims relating to interviews. She imagined that as with any core function, police would need mechanisms for monitoring and improving the standard of interviewing (Williamson, 1994).

Stockdale’s study across five England & Wales forces found that the problems encountered by interviewers were exacerbated by the fact that supervisors did not routinely monitor, supervise or assess interviews. Moreover, many supervisors lacked credibility in the eyes of their staff and failed to demonstrate the skills necessary for effective supervision and quality control (Stockdale, 1993).

On the basis of her research, Stockdale specified that considerable organisational and cultural change was necessary. She identified performance indicators that could be used to judge interview quality and made specific training recommendations (Williamson, 1994). These were picked up by the Central Planning and Training Unit (Harrogate, England) and implemented in the mid-1990s as an adjunct to the general implementation of the PEACE interview model (*personal correspondence*).

Disclosure of supervisory reports

According to Clarke and Milne (2001, p11) "the police service had mixed views on the implementation of supervision due to perceived problems of disclosing supervision reports to the defence when a case goes to trial". Even though the authors and others argued that these concerns were outweighed by the advantages of a system that allowed police to identify any potential problems with an interview before the case went to trial, rather than being surprised in court, few forces implemented the supervision recommendations (Clarke and Milne, 2001).

Lack of buy-in

Other research continued to emphasise the importance of interviewers receiving ongoing support and guidance from supervisors (e.g., Collier & Styles-Power, cited in Clarke & Milne, 2001). By 2000, however, it was evident that the training for managers and supervisors that had taken place had barely registered on work-place performance and 'buy-in' (Clarke & Milne, 2001). Hence, it is not surprising that a survey in 2001 found that only 13 out of 43 forces had any supervisory training for interviewing at all (Shaw, 2001).

This aspect appears to have undermined the success of PEACE (Burbeck, 2001). As Shepherd (1991, p58) has said: "It all counts for nothing if practice does not marry up with declared policy and promises. ... The organisation must ensure appropriate behaviour is exhibited by leaders". Clarke and Milne (2001) caution that unless high priority is given to supervising interviews - including witness interviews - there are risks of policy being undermined, of techniques being misunderstood or distorted, of conflicting messages being given, and of officers doing things in interviews which are morally wrong in order to get results.

FORMAL ASSESSMENT

At the time of the Clarke and Milne (2001) evaluation there were various interview assessment forms in use by supervisors in England and Wales, including a 'Supervisor's Checklist' developed by the National Crime Faculty, Bramshill. The researchers, along with representatives from 33 English and Welsh police forces, developed a specific instrument which they named the 'Behaviourally Anchored Rating Scale' (BARS). This was tested using copies of 4 sample tapes and getting a selection of supervisors from six forces to use either the BARS assessment form (used by 85 officers) or the NCF supervisor's checklist (used by 84 officers).

Apart from planning and preparation and questioning, the inter-rater reliability (i.e. the agreement between those assessing the interviews) was generally good, although overall assessments for group headings (e.g., the 'account' stage) sometimes disguised significant levels of disagreement. A number of raters thought the example behaviours provided in the BARS allowed greater clarity and consistency, and that the scale became easier to use with practice. Most assessors, however, preferred the checklist to the BARS. The researchers concluded that "assessment across a whole event is a difficult skill to master and has been found to be problematic ... [and] some work is needed to improve the BARS' user friendliness" (Clarke & Milne, 2001, p94).

Other forces have developed assessment forms. For example, the Metropolitan Police Service has Form 4100 "Investigative interviewing: developing interviewing skills" which supervisors complete as they listen to an example of an officer's taped interviews. It takes a Yes/No tick-box approach and includes space for feedback to the officer and an action plan. Similarly, the Kent County Constabulary have a "videotaped interview evaluation form" which is used as part of their advanced interviewing course. This form has 20 factors able to be marked using a scale of 1 to 5 with 5 given when the interviewer completely demonstrates that factor (e.g., engaging the interviewee, probing, listening etc) and 1 being given when the interviewer fails to demonstrate it at all.

A table showing the performance indicators used in formal assessments from various studies and police forces is presented and discussed in the later section on 'training'. It is unclear whether there is any attempt underway to develop a national form.

BREACHES OF PACE

Those assessing the quality of suspect interviews for the Clarke and Milne (2001) evaluation were asked to indicate whether they felt that the interview might breach section 76 or 78 of the *Police and Criminal Evidence Act 1984*; for example instances of oppressive behaviour, failure to show appropriate consideration for the person's mental health or vulnerability, or failure to caution the suspect or explain legal rights. Ten percent of the sample interviews were identified as possibly breaching PACE. These all involved interviewers who had been rated as "in need of training" (p40).

WIDER APPLICABILITY

An important point made by Clarke and Milne (2001) is that PEACE provides a framework suitable for all interviews - either informal ones such as chats on the street, or formal ones in police stations or other locations. For example, any attempt at getting information will involve, however briefly, preparing for the discussion (P), making attempts to build rapport with the person so he or she is happy to talk (E), allowing people to freely express what they want to say and clarifying and challenging as necessary (A), closing the interview by summarising and checking the meaning of what was said and the person knows what will happen next (C), and reviewing the significance of any new information (E).

Key points

1. The PEACE model was developed by police and has been used extensively by police both in the United Kingdom and other western countries.
2. While theoretically based it is also informed by the practical and pragmatic perspective of everyday policing.
3. From 1993, the police service in England and Wales undertook a vast programme of PEACE training but by 2000 evaluations showed it had not lived up to expectations. Reasons include minimal support from management, lack of buy-in from supervisors, inconsistent implementation, and limited resources to develop and maintain the programme.
4. The 2001 Clarke and Milne evaluation for the Home Office found poor transfer of information and skills from the classroom to the workplace. For example, the research found poor use of interviewing techniques for obtaining an interviewee's account, little evidence of routine supervision of interviews in the workplace, and misunderstandings about the PEACE model.
5. The evaluation found that the interviewing of victims and witnesses was far worse than that of suspects. This was thought to be mainly due to lack of guidelines, the perception of a lesser 'status' for witness interviews and the distractions present when the person is interviewed in an environment unable to be controlled by police (e.g., the witness's home or work).
6. Clarke and Milne strongly recommended the tape recording of all interviews with 'event relevant' victims and witnesses.

MAJOR INTERVIEW TECHNIQUES

INTRODUCTION

Interviewing serves a variety of purposes - forensic, clinical, social and organisational - and each has its own techniques (Memon & Bull, 1999, piii). There is no such thing as a “one-size-fits-all” (Shaw, 2002). Research suggests effective interviewers are those who:

- have a knowledge of the psychology of interviewing and scientific experimentation
- have received a thorough grounding in a wide range of practical techniques
- have had the opportunity for substantial practice in a learning environment, and
- have the opportunity to do interviews in a real-life setting under supervision (Milne & Bull, 1999; Milne & Bull, 2003; Yeschke, 2003).

Much of the advice on interviewing techniques grew from research on interviewing generally. For example, Hodgson (1987, p2) advises that interviews in the work environment - such as those involving the selection, appraisal, counselling and disciplining staff - all have four main features:

- planning and preparing
- listening and observing
- questioning and probing
- assessment and decision making.

These are similar steps to those advocated for police interrogations in the US (e.g., Einspahr, 2000; Walters 2002) and investigative interviews in England and Wales (e.g., Shaw, 2002).

This section looks specifically at factors that been shown to achieve complete and accurate accounts:

- the role and nature of ‘questioning’
- the enhanced cognitive interview
- the free recall interview
- the conversation management interview
- a general tool-kit of techniques
- other techniques.

1. QUESTIONING

It is generally agreed that the type of questioning employed in an investigative interview, particularly the ‘account’ stage of the interview, is vital to the investigation (e.g., Baldwin, 1993; Holmberg, 2004; Moston & Engleberg, 1993). Thus interviewers must have a good understanding of:

- the basic rules of questioning
- the types of questions that are useful in an interview and when to use them
- the management of the information received from questioning
- the questions which are unsuitable for interviews (Ord, Shaw and Green 2004).

Basic rules of questioning

Many commentators offer advice on questioning. A succinct outline of the basic rules is offered by Ord *et al* (2004):

Vocabulary	The language used should be simple, unambiguous and jargon-free so all parties understand what is meant.
Relevance	Each question must have a purpose and not be used to fill time. A well-prepared interview plan accompanied by listening carefully to everything that is said should eliminate repetitive questioning.
Pace	The interviewee must be allowed time to understand the question, think what knowledge they have of the matter, formulate their answer and deliver it.
Interruptions	Interviewers must learn to curb any tendency to interrupt the interviewee as this will break the person's train of thought and stop the flow of information, potentially preventing important facts from emerging.
Control	If the interviewee strays from the point, direct him or her back firmly and tactfully e.g., “That’s very interesting, but before you continue, can you tell me what happened when you first saw the person acting suspiciously in the street?”

Table 6: Basic rules of questioning (Adapted from Ord *et al*, 2004, pp23-26)

Types of questions

Interviews typically include many different types of questions. Some are described below.

Opening questioning

How the first question in the 'account' stage of the interview is worded is vital to the usefulness or otherwise of the subsequent information. Research shows that some of the most common approaches are particularly ineffective. For example, Moston and Engleberg (1993) found that 43% of officers opened their suspect interviews with offence-specific questioning i.e. a question containing a direct accusation, a question seeking a confession, or by a question describing evidence signifying the person's guilt together with direct accusation. This tactic is regarded as particularly unhelpful as many suspects completely deny any knowledge or involvement. It leaves the interviewer and the interviewee with little room to manoeuvre (Baldwin, 1992) and, as explained earlier, will seldom lead to the suspect changing his or her story.

Open questions

In contrast, open questions are encouraged as these encourage people to give longer answers, which results in more information. They also allow the interviewer to gauge the person's intellectual ability, which in turn "may dictate how the interview should progress as well as indicate any support that may be necessary" (Ord *et al*, 2004, p28). The Thames Valley Police (England) training material (TVP, 2004) recommends the use of TED for open questions i.e.

Tell me
I'd like you to **E**xplain ...
Can you **D**escribe ...

The word 'what' can also be useful for framing open-ended questions, as in "What happened next?" (Milne, 2004).

Probing questions

Thames Valley Police, along with others, (e.g., CFIS, 2004; Milne & Bull, 1999; Ord *et al*, 2004) also advocate regular use of 'probing' questions i.e. those starting with **what**, **where**, **when**, **why**, and **who** (the '5 WHs') as these usually invite an explanation. Added to this list is the word 'how', again because it calls for more than a single word answer. The 'Evidential Interviewing' guidelines (New Zealand Police, 2004) recommend 'how come' instead of 'why' when talking to children and other vulnerable witnesses as it less accusatory. This approach would also be sensible with many adults.

It should be noted that American Stan Walters, a well-known expert on body language and communication, cautions against leading new interviewers to believe that interviewing is merely an exercise in asking the "who, what, where, when and how" questions:

"These concepts ignore the fact that human behaviour and human interpersonal communication are complex and multi-faceted, and that neither can be approached in a restrictive, structured manner" (Walters, 2002, p2).

Milne (2004, p33) uses the term 'specific-closed' for these types of probing questions. This is because they close down an interviewee's response, allowing only a relatively narrow range of responses e.g. "what colour was the man's hair?" She advises that they should only be used after an attempt to elicit the information by way of an open question has failed.

Productive/non-productive questions

Apart from open questions, and probing questions (the 5 Wh's and How), research suggests that questions for investigative interviews can be divided into good and poor questions (Bull & Cherryman, 1995; Milne, 2004; Milne & Bull, 1999; Shaw, 1996; Shaw, 2002; Yeschke, 2003).

Good (or productive) types of questions include the following:

- open (as above)
- probing (as above)
- echo probing
- closed - appropriate
- clarifying
- reinforcing
- summarising
- repetitive - appropriate
- linking
- parameter setting - appropriate
- neutral / non-judgemental
- reflective
- trailer
- short / concise
- logical
- singular (one question or one point at a time).

Using productive questions will produce the required information. In contrast, poor, risky or counter-productive question types include the following:

- leading (assumes or suggests the answer)
- closed - inappropriate
- multiple
- misleading / inaccurate
- hypothetical
- non-neutral / judgemental
- negative (e.g., “you don’t know his name do you?”)
- double negatives (e.g., “you don’t know that he was not there, do you?”)
- complex
- too long
- forced choice (e.g., “was it A or was it B”)
- multiple concepts (“What did they look like?”)
- accusatory
- assumptive (based on what interviewer thinks)
- repetitive - inappropriate
- parameter setting - inappropriate
- sarcastic / ironic
- sub questions (hooked onto main question)
- tag questions (“You did see the gun, didn’t you?”).

Managing the response to questions

According to Ord *et al* (2004, p32) a number of tactics will help interviewers control the interview and obtain the information they need:

- showing the interviewee you are listening and interested in what is being said;
- taking notes during the interview;
- probing for more detailed information;
- summarising what the interviewee says, [and] checking your understanding and accuracy of interpretation.

This type of advice is also recommended in other material, such as Milne and Bull (1999) and NCOF (2003), although Koehnken (1995) cautions that note-taking should be kept to a minimum so that the interviewer remains free to process what the interviewee is saying.

Milne (2004, p37) advises that being unable to answer a number of questions in succession may cause the interviewee to lose confidence. An adept interviewer will manage this by changing for a time to an easier line of questioning.

The American literature

American authors (e.g., Inbau, Reid & Buckley, 1986) noted the many deficiencies in police questioning: for example the lack of structure, the excessive use of rapid-fire, short-answer questions, and the overall poor retrieval of information. They set about devising techniques to overcome the deficiencies.

Amongst other things, they recommended the use of ‘normalising statements’ that offer a suspect a way out. They involve so-called magic words and phrases such as ‘accidents like this happen ...’, ‘anyone in this situation could have ...’, ‘everybody makes mistakes ...’, ‘teenagers can be difficult ...’ and so on (Napier and Adams, 1998, p11). As mentioned previously, this approach comes from the knowledge of the most common defence mechanisms used by suspects.

“Certain themes and arguments remain universally valuable in conducting successful interrogations. These concepts include minimising the crime, blaming the victim, decreasing the shamefulness of the act, increasing guilt feelings, and appealing to the subject’s hope for a better outcome” (Vessel, 1998, p3).

It is interesting that whilst this author (Vessel) talks about an interrogation being a means of persuading subjects to tell the truth, the advice given suggests investigators start with a fixed view of the subject’s guilt:

“First, investigators confront subjects, either forcefully or moderately, with the facts and issues surrounding the incidents, and usually accuse them of complicity in the crimes. Generally, subjects deny the allegations. Then, investigators begin to cut off or stop these denials. They must frustrate the subjects’ attempts to circumvent the truth by continually halting these denials throughout the interrogation process. Otherwise, subjects increasingly will believe that they can avoid confessing their actual involvement in the crimes” (Vessel, 1998, p4).

Vessel (1998) attributes this “effective, well-proven method of ensuring interrogation success” (p4) to the oft-cited and influential work of John E. Reid and his colleagues in the mid 1980s (see Inbau, Reid & Buckley, 1986).

Amongst other questioning techniques Inbau *et al* (1986) advocate include 'baiting' questions. These are

"non-accusatory in nature but presents to the suspect a plausible probability of the existence of some evidence implicating him in the crime. [Their] intended purpose is to induce a deceptive suspect to change, or at least consider changing, an earlier denial of guilt" (pp68-69).

These techniques were adopted widely in the US and by many police officers around the world. Yeschke (1993, p.xix) demonstrates the general feeling towards them:

"There is no exact blueprint for these techniques, although we [the psychological fraternity] are gradually formulating guidelines. We owe a debt to leaders like John E. Reid who, through personal example, showed us how to uncover the truth without using coercion."

Legally acceptable

Subsequent research, however, argued that these types of techniques were in fact oppressive and could encourage false confessions (see Gudjonsson, 1999; Kassin, 1997; Milne & Bull, 1999). Although this has led commentators and police forces in the UK to move to more 'ethical' approaches to interviewing, the US literature still refers to them and they are supported by the courts.

The Americans appear to find these techniques acceptable because they supply moral and psychological justification for a suspect's actions, but not a legal excuse. Accordingly, suspects remain accountable for what they have done (Napier & Adams, 1998). Similarly, if police sincerely believe that the suspect is guilty then it seems to be accepted that they can properly increase psychological stress and uncertainty by artifice, trickery and deception (Abney, 1986). For example, Vessel (1998) suggests that

"... officers can present face-saving questions which allow subjects to make an admission without losing their dignity. [These] questions include asking subjects whether they planned the crime or committed it on impulse, and whether they stole to support an addiction or to help their families" (Vessel, 1998, p4).

The England and Wales approach to questioning

Are things any different in England and Wales? Although changes in policy and practice since the introduction of PACE 1984 have certainly meant there are much tighter controls over police interview practice than was previously the case, recent evidence (e.g., Pearse & Gudjonsson, 1999, cited in Baxter, 2004) has shown that doubtful techniques are still in use. It cannot be said that the American approach to questioning is unacceptable to or not practised by some English police officers. Indeed, Milne and Bull (1999, Chapter 6) argue strongly that cases of false confessions and recovered memory can be attributed to inappropriate questioning and interviewing behaviour. Similarly, Sanders (1994) argues that poor questioning has resulted in suspects getting trapped into agreeing they have committed an offence (e.g., they have 'stolen') when "they in fact would put it in a different, exculpatory, way" (p789).

The clearest indication to date of what may or may not be permissible during the course of interviews with suspects is given by Mr Justice Mitchell in *R v Heron* (1993):

"The police, of course, are not prohibited from putting questions to a suspect merely because he chooses not to answer them. They are not required to accept any answer or answers a suspect chooses to give. Nor are they prohibited from being persistent, searching and robust in their questions. If they do not believe what they are being told they are entitled to say so. Persistence must not, however, develop into bullying; robustness must not develop into insulting or gratuitously demeaning questions, nor must robustness be regarded as an acceptable label for what, in truth, is no more than a repetitive verbal pounding ... Where the line is to be drawn between proper and robust persistence and oppressive interrogation, can only be identified in general terms. Furthermore, questioning, though persistent, searching and robust, must remain fair ... An assessment of any interview will have regard to the question of how the [overall] interview is best characterised. Was it essentially fair, or was it essentially unfair?" (cited in CFIS, 2004, p139).

Training material on question types

The Heron judgement (1993) coincided with the development of the PEACE model of interviewing and the commitment to enhanced interview training (CPTU, 1992 a, b, c). In their influential book *Investigative Interviewing - Psychology and Practice* (1999, p182) Milne and Bull warn that much of the research in this area has been on children and vulnerable adults, and students in a laboratory setting, rather than on “ordinary adults”. The more recent English literature (e.g., Ord *et al*, 2004) and training material on questioning (e.g., CFIS, 2004) is based on solid police experience. A crucial aspect of training in England and Wales is the opportunity of officers to practice. Their efforts are assessed by instructors and fellow students.

2. COGNITIVE INTERVIEWING AND THE ENHANCED COGNITIVE INTERVIEW

Background

Americans Ed Geiselman and Ron Fisher and their associates developed the ‘cognitive interview’ (CI) in the mid-1980s as a means of improving the completeness and accuracy of eyewitness accounts (Geiselman & Fisher, 1985). Although it has since been developed further, it is regarded by many as the single most important development in investigative interviewing techniques to date (e.g., Milne & Bull, 1999).

The theoretical basis for the CI was experimental research on memory which found that there are several retrieval paths to memory for an event, and that information not accessible with one technique may be accessible with another (Memon & Higham, 1999), and the ‘encoding specificity principle’ which relates to how close the encoding and retrieval environments are (Milne & Bull, 1999).

The practical basis was Geiselman and Fisher’s analysis of hundreds of tape-recorded police interviews. These revealed officers making frequent interruptions, asking too many short-answer questions, and sequencing their questions inappropriately (i.e. a predetermined or arbitrary order) (Gudjonsson, 1992).

Overall, the developers of the CI made some striking observations about police interviews, namely that police officers:

- varied considerably in their interview styles and techniques
- appeared to have little awareness of the limitations of their interviewing practices

- had no proper rationale or reasoning for the way they interviewed witnesses (Fisher, Geiselman & Raymond, 1987).

In addition they noted that interviewee accounts contained information that is often incomplete, hesitant, inconsistent, or what the person thinks the interviewer wants to hear. From this, they recognised the pressing need for a reliable investigative interview procedure (Milne & Bull, 1999).

What is the cognitive interview?

The name ‘cognitive interview’ is something of a misnomer because it is not an ‘interview’ i.e. covering the beginning, middle and end. Rather it is a set of four separate techniques designed to be used with cooperative witnesses while they are providing their account of what they saw, experienced or know (Geiselman & Fisher, 1985). The techniques can be used singly or together to produce better recall. In its original form, the CI focuses on guiding witnesses through the following memory-jogging features:

Report everything (RE)	The witness is asked to report everything remembered about the incident and all surrounding circumstances (no matter how fragmentary and regardless of apparent importance)
Reverse order (RO)	The witness is asked to recall the events in a variety of chronological sequences (e.g., beginning to end, reverse order, forward and backwards from particular points)
Change perspective (CP)	The witness is asked to consider the event from a different perspective (e.g., from the point of view of someone else present at the scene)
Context reinstatement (CR)	The witness is asked to focus his or her mind on the context surrounding the incident (e.g., features of the physical environment, his or her thoughts and feelings at the time, and so on).

Table 7: The four cognitive interviewing techniques (Adapted from Milne and Bull 1999, p185)

These techniques were designed to both facilitate memory recall and motivate the subject to cooperate with the interview (Gudjonsson, 1992). They may appear straightforward, but are in fact, relatively sophisticated. Interviewers need to be well-trained in using them correctly (Memon & Higham, 1999).

In the CI's early days, some police forces found the 'change perspective' (CP) technique to be problematic and removed it from their cognitive interview training (Gudjonsson, 1992). However, Milne and Bull (1999, p37) believe this was an unnecessary step. There is no evidence to suggest that, when used properly, the CP technique is not completely reliable. The important point, they argue, is that the cognitive interview techniques cannot be rushed. Interviewers must not only allow sufficient time to get the most out of them but must first explain exactly what they require from the interviewee (Milne & Bull, 1999). It is hard work for both the interviewer and the interviewee, and both must clearly understand this (Fisher & Geiselman, 1992).

Although the CI techniques were designed to be used with 'cooperative' victims and witnesses, Bull and Cherryman (1995) suggest they may also be useful with cooperative suspects i.e. those who willingly make admissions. The crucial aspect is that the subject must be willing to assist the interviewer.

ENHANCED COGNITIVE INTERVIEW (ECI)

The early CI work was based on laboratory tests. But real-life experiments found that crime victims and witnesses often experience more anxiety, display poorer communication skills, and confront more confusion about their roles in an interview than subjects in a laboratory setting. Over time, therefore, improvements to the CI were made, resulting in the development of the Enhanced Cognitive Interview (or ECI) (Gudjonsson, 1992).

This time, the process does cover the entire interview (unlike the CI) and is shown in Table 8 below (from Milne & Bull, 1999, p40).

Phase Activity	
1	Greet and personalise the interview Establish rapport
2	Explain the aims of the interview <ul style="list-style-type: none"> • focused retrieval • <i>report everything (RE)</i> • transfer control • no fabrication or guessing • concentrate hard
3	Initiate a free report <ul style="list-style-type: none"> • <i>context reinstatement (CR)</i> • open-ended question • pauses • no interruptions • non-verbal behaviour
4	Questioning <ul style="list-style-type: none"> • <i>report everything (RE)</i> • interviewee-compatible questioning • no fabrication or guessing • OK to say "Don't know" • OK to say "Don't understand" • concentrate • activate and probe an image • open and closed questions
5	Varied and extensive retrieval <ul style="list-style-type: none"> • <i>change the temporal order (RO)</i> • <i>change perspectives (CP)</i> • focus on all senses
6	Summary
7	Closure

Table 8: Structure of the Enhanced Cognitive Interview

Essentially the ECI still incorporates the original CI techniques, but this time not only covers the entire interview process but provides additional instructions to ensure that:

- (1) rapport is established
- (2) control is transferred to the witness
- (3) questions are compatible with the witness's own recall
- (4) the witness is encouraged to use focused retrieval, and
- (5) the witness is encouraged to use imagery (Kebbell *et al*, 1999; Milne, 2004).

Basically, the interviewer:

- sets the tone of the forthcoming interview, ensuring that the witness concerns about the time it will take, any potential future court appearances, intimidation from suspects, and so on are dealt with early on
- introduces him or herself properly to help overcome any stereotypical views the witness might have about police and police interviews
- encourages the witness to take an active role in recalling information rather than responding only to the interviewer's questions
- takes time to explain what is going to happen and what he or she needs from the interviewee
- uses a 'tool-kit' of techniques to get the best recall possible from the interviewee (Milne, 2004; Shaw, 1996c).

Investigatively important questions (IIQs)

Rebecca Milne has added an extra phase in between 5 and 6 above. She calls it 'investigatively important questions'. This stage was introduced because it was recognised that it may be necessary during the interview to introduce information that is important to the investigation but has not already been mentioned by the interviewee (Milne, 2004, p54).

The IIQs are asked at the end of the account stage for two reasons:

- because the interviewee has to first be given every opportunity to provide whatever information they think they have, and
- because IIQs are likely to be leading to some extent (the questions contain information that the interviewee may or may not already have).

Concentration

With enhanced cognitive interviewing, the interviewer also emphasises the importance of concentration (Gudjonsson, 1992; Memon & Bull, 1999). This involves:

- making the witness feel relaxed and comfortable
- ensuring there are no distractions
- encouraging witnesses to focus their attention on internal mental images
- letting witnesses know it is OK for them to say they "don't know" or "don't understand"
- ensuring there is no pressure on witnesses to rush their attempts to retrieve information.

It may also involve the use of specific cognitive techniques such as report everything (RE), context reinstatement (CR) and transfer control (TC).

Witnesses then describe what happened in their own words, and at their own pace, with no interviewer interruptions. Having obtained a recall of the event, and summarised the basic story, the officer may decide to ask the victim or witness to go through the events again. Each recall will provide more information. The interviewer continues to summarise throughout the interview to ensure his or her understanding of each part is correct. Care must be taken not to overdo the summarising - it can be interpreted by the interviewee as evidence that the interviewer does not believe him or her (Milne, 2004).

The interviewer then does a final summary at the end. This acts as a means of checking their own recall of what the witness has said, and provides the interviewee with an opportunity to add anything further (Milne, 2004; Shaw, 1996c).

The ECI has been found to improve substantially on the CI. In a study conducted by Fisher and Geiselman (1996), witnesses of a filmed, simulated violent attack remembered 50 percent more about it when interviewed by high school students trained in the enhanced procedure than when interviewed by experienced police detectives trained in the original cognitive interviewing techniques.

INTERVIEWING TRAUMATISED VICTIMS

During the mid-1990s reports surfaced of police officers being reluctant to apply cognitive interviewing techniques because of the fear of re-traumatising victims. It appears this may have led Shepherd *et al* (1999) to devise a modified CI procedure which they called 'spaced cognitive interviewing' (SCI) which relates to extended sessions conducted several days or even weeks apart. They argue that the SCI can elicit the necessary information about an incident without increasing anxiety or fear. They based this on the persuasive arguments of Memon & Bull (1991) that the CI had therapeutic potential.

The authors (Shepherd *et al*, 1999) claim that using the SCI to access and recall experience has the potential to achieve both therapeutic and forensic effects. They make it clear they are not suggesting the police officer take on the role of a therapist. Rather, officers should be aware they can achieve their need for information and evidence while acting in a manner which is therapeutic.

Shepherd and colleagues recognise that the interviewing must be done by someone well-trained and completely familiar with CI techniques. They are also totally committed to the view that CI interviews must be video recorded. This allows later analysis of both the verbal and non-verbal content of the interviews, an important aspect of understanding the "distortion" that can arise from the accounts of traumatised witnesses (Shepherd *et al*, 1999).

There appears to be no specific critique of the SCI or any mention of it in the recent police training material (e.g., CFIS, 2004). However, three points can be made:

- i) Phased interviews are already common e.g., most policing jurisdictions consider whether a particular interview needs to be spread over more than one session or more than one day, particularly when interviewing vulnerable witnesses (see NCOF, 2003).
- ii) In their intensely practical book "Investigative Interviewing Explained" Ord, Shaw and Green (2004) urge that "In some cases, it may not be in the interests of the witness's or victim's welfare to encourage him or her to relive the event. An example is if the person concerned has suffered severe trauma. Investigators should not hesitate to seek professional advice if they suspect this may be the case" (p66).

- iii) Ord and colleagues (2004) also suggest that it may be best to delay interviewing victims or witnesses of traumatic incidents "until the excitement or terror of the incident has subsided so that the witness can concentrate with a more stable mind" (p64). This differs from Shepherd *et al* (1999) who suggest carrying out a SCI as soon as possible to avoid the onset of post-traumatic stress disorder. From these differences in viewpoints, caution is clearly required around allowing non-specialist officers to use CI techniques on possibly traumatised witnesses.

According to Rebecca Milne (*personal communication*) the main considerations before deciding to interview a traumatised person are:

- investigative priorities
- the fact that the memory deteriorates rapidly in the first few hours then does not change a great deal after that (so if a few hours have already passed there is little to be lost in waiting a day or two or even longer)
- the victim's wishes (he/she should be involved in the decision)
- the risk of contamination.

RESEARCH FINDINGS

Both the CI and the ECI have been shown to have the potential to enhance the quality and quantity of recall in interviews with willing subjects. For example, in a study involving real-life witnesses and victims, Fisher, Geiselman and Amador (1989) found that detectives trained in the CI produced 63% more information than did detectives who used a standard police interview. Other experiments with police detectives trained in this demanding interview method found that they extracted nearly 50% more information from witnesses than before training, while error rates remained comparable (Gudjonsson, 1992).

Koehnken, Milne, Memon and Bull (1999) found that the CI increased the recall of correct information by approximately 35-45% for adult witnesses, and recommended it for use with children from the age of seven years and above (with the exception of the change perspective technique). Another study, by Brock, Fisher and Cutler (1999), used a double-testing procedure (interviewing witnesses 5 mins after they viewed a videotaped incident, then 2 weeks later) to compare the CI with a standard interview protocol. They found that the CI elicited approximately 70% more correct facts than the standard interview, and accuracy rates equivalent to earlier studies.

A further study reported in the same year, by Kebbell, Milne and Wagstaff (1999), surveyed 96 police officers trained in the ECI and 65 untrained police officers. Amongst trained officers the most useful and frequently used CI techniques were: establish rapport, report everything, encourage concentration, witness compatible questioning, and mental reinstatement of context. However, the CI techniques used less frequently and rated as less useful were: recall in different orders, imagery, change perspectives and transfer control.

It should be noted that Kebbell *et al* appear to refer to the CI and ECI as if they are interchangeable rather than two models with distinct differences. Their finding that some cognitive interviewing techniques are used more than others, echoed previous studies (e.g., Clifford & George, 1996). Two explanations are put forward by Kebbell *et al* (1999). One is that interviewers may just need more practice to gain in confidence. The other is that enthusiasm for a new technique wanes over time. Others suggest there may not be a need to use all CI techniques in all instances (e.g., Brock *et al*, 1999). Again, where reference is made to “CI techniques”, the authors seem to mean the wide range of ECI techniques rather than just the four CI techniques.

From the literature (e.g., Kebbell, Milne & Wagstaff, 1999), there seems little doubt that many officers believe that enhanced cognitive interviewing techniques are useful. They are seen to provide more detail than a standard interview, give police greater confidence in the information, help the wider investigation and avoid the need to go back to the witness for further information. The main consideration is for the interviewer to ask him or herself, “Is it appropriate in this interview to use a CI/ECI technique?” and if yes “Which one?”

ADOPTION OF THE COGNITIVE INTERVIEW

From the start, Fisher, Geiselman and Raymond (1987a, p185) emphasised the need for police to provide specialist training in the cognitive interview.

“A major change must be enacted at the institutional level, namely to introduce formal training in the science of interviewing cooperative witnesses. This should be done at both the entry level of the uniformed street police officer, and also as in-house training for the more experienced investigator”.

They recommended a minimum of 2 days CI training, including a thorough grounding in:

- the difficulties of eyewitness recall
- how memory works
- the stages of memory
- the principles of cognition
- how the CI helps to enhance memory
- how the CI enhances communication
- the core ethics and principles of guided retrieval of information
- specific techniques for inducing victims and witnesses to provide more information
- how to avoid mistakes (e.g., collecting incorrect information)
- how to judge when the CI or particular CI techniques are appropriate.

The creators (Fisher & Geiselman, 1992) and others (e.g., Kebbell *et al*, 1999; Memon & Highman, 1999) have argued that hearing, and even memorising, the primary principles is not sufficient. Officers need to be able to apply the techniques almost automatically in real interviews. Not only is significant supervised practice essential, but instruction must take a ‘building block’ approach where progress to each new skill only occurs when the earlier skills have clearly been mastered (Fisher & Geiselman, 1992).

Besides the length of training, Memon *et al* (1994) caution that effectiveness also depends greatly on the quality of the training, the background and abilities of the trainee, his or her attitudes towards training, and so on. Some advanced interview training, such as the ‘evidential interviewing’ of child abuse victims (e.g. RNZPC, 2005) clearly reflects these findings.

The early success of the CI led to the widespread establishment of in-house training programmes in many local and federal law enforcement agencies in the US, including the Federal Bureau of Investigation. Police in England and Wales also noted the effectiveness of the CI with cooperative witnesses in research settings, and incorporated it into the ‘account’ stage of the PEACE model (Memon & Bull, 1999).

The ‘National Interviewing Package’ (CPTU, 1992) put in place in England and Wales was to be delivered to both recruits and serving officers, and was to last five days. Two of these should have been devoted to the CI (Kebbell *et al*, 1999).

In reality, the time given to training in cognitive interviewing was much less than 2 days. In most instances it was around 4 hours (Memon & Bull, 1999). According to Memon and Higham (1999) that time was not enough for officers to understand the techniques and apply them effectively. This may be why Clarke and Milne (2001) found no evidence of the CI in 83% of the interviews they analysed for the Home Office PEACE evaluation. This point is explored further in sections on the PEACE interview and training.

LIMITATIONS AND PRACTICAL ISSUES

The studies involving the CI have advanced our understanding of the importance of cognitive strategies, and of the interplay of cognitive and social factors in facilitating retrieval (Kebbell & Wagstaff, 1997). Despite the positive results, however, limitations have been recognised (Milne & Bull, 1999, p184). These are that the cognitive interview:

- may only be *significantly effective* for events which are relatively rich in details
- may only be *significantly effective* in interviews conducted after a relatively short delay (although it has been found to be effective even after long delays)
- may not be equally effective for all individuals
- raises the possibility of re-traumatising a victim
- places high cognitive demands on the interviewer (requiring greater concentration and flexibility than more traditional interviewing)
- is thought to inspire an unacceptable number of memory errors in children, especially if used awkwardly by inadequately trained interviewers (inconclusive research on this point).

These limitations have been joined by a number of overlapping problems of practical implementation (Kebbell & Wagstaff, 1996; Kebbell, Milne & Wagstaff, 1999), namely:

1. officers report that the technique requires more time than is often available to them
2. the perception that a 'time-consuming' CI is impractical for 'ordinary' crimes
3. some officers argue that a CI is no different from a basic structured approach
4. officers do not use the technique in the way it is described by the creators.

1. Insufficient time

Many experts (e.g., Memon & Stevenage, 1996) warn that the use of the CI is often compromised by insufficient time put into it. As Yeschke (2003, p22) explains: "an interview is more of a marathon than a sprint". Yet various studies emphasise a perception by police officers that they are under pressure to get results, and that this 'lack of time' affects the quality of their interviews (Bull & Cherryman, 1995). Shepherd *et al* (1999) claim that officers want a quick statement that is to the point as they conceive it. Unfortunately, this means they can

"react negatively ... when there is insufficient detail of the kind the officer wants, when there are gaps in the account, when much of the material appears irrelevant, and when the individual talks too much at too great length" (p139).

This time pressure also seems to affect the ability of police officers to prepare adequately for their interviews - see for example, Baldwin's study (1992) which found that almost a third of officers complained of this.

In relation to detectives there is some evidence to support the 'lack of time' argument. Maguire has pointed out (1994) that CID tactics tend to be reactive and highly individualistic. They rely for results on the largely unsupervised initiatives of relatively junior officers. So short cuts in the name of expediency are common. Morgan and Stephenson (1994) similarly claim that:

"with few exceptions ... the organisation and culture of a typical criminal investigation department is not geared to routine, methodical investigations, either before or after arrest. For the most part, CID work is unpredictable, heavily bureaucratic and under-resourced. Officers are under continual pressures from mounting case loads, administrative changes, and senior colleagues, as well as from politicians and the media, to produce results" (p9).

Clarke and Milne's 2001 study found that the average suspect interview by officers trained in PEACE took 23 minutes compared with 17 minutes for officers not trained in PEACE. Thus, it is difficult to judge whether 'lack of time', particularly in preparing adequately for an interview, is real or merely an excuse. Certainly it is the case that a properly conducted CI takes longer than police have traditionally expected to spend on an interview, but as outlined below, the CI was not intended for the vast majority of witness interviews (Ord *et al*, 2004).

2. Practicability

Experience appears to have convinced many police that a 'time-consuming' cognitive interview is not necessary for 'ordinary' crimes (*personal correspondence with Thames Valley Police and Northumbria Police*). This view suggests that officers believe there is an expectation that they should always be doing 'cognitive interviewing'. If so, it demonstrates a poor understanding about the CI (or ECI). Memon and Bull (1999) suggest that officers need to be aware that the CI is a collection of techniques to be used during the account stage of more advanced interviews, and then only by fully trained officers. It is not advocated as the way all witness interviews should be carried out.

In outlining the core skills required by investigators, Ord, Shaw and Green (2004) - with 75 years policing experience between them - say that all that is needed for most interviews is a basic understanding of:

- how memory works
- the matters that may have a detrimental effect upon the recollection of events by a witness, and
- a knowledge of practical tactics which can assist an interviewee in recalling greater detail of incidents they have witnessed (p63).

The third of the points outlined above (Ord *et al*, 2004) relates to a wide range of "practical tactics", many of which are recommended in the ECI, such as establishing rapport, active listening, and effective questioning. The main technique advocated for the account stage is 'free recall'. This has some similarity to the CI's 'report everything' (RE) technique, but is not so much a complex psychological technique as a "highly successful and practical method of obtaining maximum information from a witness" (Ord *et al*, 2004, p66).

Put simply, free recall allows witnesses to give their account of what happened, in their own words and at their own pace, with no interruptions. Using free recall, it is normally appropriate to encourage the witness to cast their mind back and picture the incident is happening again (similar to the context reinstatement (CR) technique). The officer may also find it useful to get witnesses to make sketches of what they are trying to explain - like the layout of a room - or to encourage the person to concentrate a bit harder. Thus free recall is similar to parts of the CI but can be used for everyday interviews rather than just for ones calling for a more advanced approach to witness recall.

In certain cases, it may be beneficial to take the witness back to the actual scene (Ord *et al*, 2004). Caution is needed, however, to avoid traumatising the victim or contaminating the scene, or if the conditions have changed greatly (*personal correspondence*).

3. No more than a basic structured interview

The term 'cognitive interview' has certainly been applied to almost any interview that attempts to take a structured approach (Ede & Shepherd, 2000). Some commentators have even argued that forensic hypnosis is so similar to the enhanced cognitive interview that it should come under the "cognitive" umbrella (Kebbell & Wagstaff, 1997). Geiselman (1996), however, refutes this argument, claiming that the CI was partly developed as a means of avoiding some of the legal pitfalls that surround the use of hypnosis.

Whilst the CI (or more correctly the ECI) is certainly structured, it must not be confused with the 'free recall' and 'conversation management' structured interviews advocated by many commentators (e.g., Ede & Shepherd, 2000; Ord, Shaw and Green, 2004) and espoused by interview training material in England and Wales since around 1992 (e.g., CPTU, 1992a,b; NCF, 1996; CFIS, 2004). The true ECI and CI techniques require specialist training to be carried out ethically and reliably.

4. Changing from original design

Research suggests that some police who have received training (of whatever length) pick and choose which parts of the CI to use. Whilst many use the "report everything" part and some use the "context reinstatement" technique (Memon *et al*, 1994), it appears that officers seldom use the "reverse order" or "change perspective" technique (George, 1991). What is not clear, however, is whether these observations are made about specialist interviewers attempting to carry out 'proper' cognitive interviews or officers attempting to apply the techniques to the everyday type of interview. It is also unclear whether the criticisms relate to the original CI or to the later 'Enhanced CI'.

Whatever the case, Ede and Shepherd (2000, p474) are somewhat scathing in their view of the way many police officers use the term 'cognitive interviewing':

"Research shows that in the majority of cases, officers believe they are carrying out a cognitive interview when in fact all they are doing is:

- *exercising better listening skills;*
 - *asking more open-ended questions;*
 - *deluding themselves into thinking that they are applying memory-enhancing techniques when in fact they are not."*
-

This view is echoed by psychologists Amina Memon and Sarah Stevenage (1996) who argue that the much-touted advantages of the CI largely vanish when comparison groups consist of interviewers trained in establishing rapport and open communication without the use of specific memory-retrieval techniques. In other words, an interviewer who relates well to witnesses and picks up on their underlying thoughts and motivations may not need an arsenal of memory aids.

MOVE AWAY FROM CI TECHNIQUES FOR GENERAL TRAINING

In England and Wales, the interviewing model implemented in 1993 and re-confirmed through the ACPO Investigative interviewing strategy 2003 is the PEACE interviewing model. The training material and other key documents offer this 5-stage structured process as a framework for planning and conducting effective investigative interviews (CFIS, 2004), from basic through to the most advanced (see elsewhere in this review for an in-depth account of PEACE).

Over time, the England and Wales police, academics and other professionals have developed and implemented three distinct interview models for use within the PEACE interviewing model (CFIS, 2004; Milne, 2004; NCOF, 2003; Ord *et al*, 2004). These are:

- free recall
- conversation management, and
- enhanced cognitive interview.

The non-specialist levels of PEACE training - for recruits and uniform patrol, and for uniform investigators and detectives - emphasise the practicality and usefulness of applying 'free recall' and 'conversation management' techniques (see below) when getting the interviewee's account of events and are taught at Tiers 1 and 2. A basic 'enhanced cognitive interview' is also taught at the Tier 2 level. Officers are provided with a 'tool-kit' of techniques that they can apply within these interview models as appropriate.

The more sophisticated enhanced cognitive interview techniques, however, are only advocated for use in advanced interviews (e.g., major crimes) and specialist interviews (e.g., vulnerable witnesses), and are therefore taught at the more advanced level (see NCOF, 2003 - Tier 3 'Advanced Significant Witness Interviewing').

DISCUSSION

The term 'cognitive interview' is clearly part of the lexicon of investigative interviewing, and there is a plethora of books, articles and references to the cognitive interview and cognitive interviewing. But is often unclear what exactly officers, training material, and academic writers are referring to when they use these terms. It becomes even more confusing when considering the procedures that have evolved from the original model, particularly the enhanced cognitive interview (ECI). In many instances, an author will refer to the CI but be talking about the ECI.

The use of the word 'interview' is a major contributor to the problem. The CI is not an interview or even a model of interviewing; rather, it is a four-part "... series of memory retrieval techniques designed to increase the amount of information that can be obtained from a witness" (Memon, 1999, p343). Moreover, it refers to a series of advanced techniques that are just some amongst many that may be used in the course of specific interviews. The CI techniques do not include processes around the start and the conclusion of an interview. There is no such thing then as a cognitive interview. Instead there are 'cognitive interview techniques' that can be used during particular interviews. Replacing the term cognitive interview with 'cognitive interviewing techniques', and using this term exclusively, would go some way to lessening the current confusion.

And given that much of the enhanced form of the CI has been generally adopted for use in PEACE interviews, the individual tactics should perhaps be referred to as 'enhanced cognitive interviewing techniques'. This has the benefit of describing a state of affairs that allows officers to decide how many of the techniques they will employ. Unfortunately, the name is cumbersome.

Out of the information above, some general points can be made.

1. Confusion over the various CI and ECI terms has led to them being misunderstood and misapplied.
2. The cognitive interview (CI) is not an interview - it is four separate techniques designed to be used with cooperative witnesses, either singly or together, to produce better recall.
3. The CI is an advanced forensic tool designed to be used only by interviewers who have been fully trained.
4. The enhanced cognitive interview (ECI) grew out of the CI but takes in the whole interview. It incorporates modified CI techniques as well as other techniques such as building rapport, using open questions, urging concentration, and so on that can be used for everyday investigative interviews.

5. The interviewing model reconfirmed by the ACPO investigative interviewing strategy (2003) is the PEACE model. The ECI is a type of interview carried out within the PEACE framework (basic level at Tier 2 and advanced level at Tier 3).
6. At Tiers 1 and 2 (uniformed officers and detectives) the training concentrates on imparting basic interviewing skills such as rapport-building, listening, being open-minded and knowing how to draw on a 'tool-kit' of techniques as appropriate.

Key points

1. A dramatic increase in research and discussion of the cognitive interview (CI) and the enhanced cognitive interview (ECI) in the late 1990s confirmed the ability of the techniques to improve both the quality and quantity of recall in interviews with willing subjects.
2. Confusion has arisen as to the exact meaning of the 'cognitive interview' and 'cognitive interviewing', and the 'enhanced cognitive interview' and 'enhanced cognitive interviewing'.
3. The PEACE interviewing model is used for all investigative interviews in England and Wales, with 'free recall' and 'conversation management' as the preferred interview styles for enhancing recall in the majority of interviews.
4. In the 'account' stage of PEACE interviews with cooperative witnesses, officers do a free recall interview (Tier 1), a basic ECI (Tier 2) or an advanced ECI (Tier 3).
5. All types of interview have a range of tactics that officers can draw on.
6. The advanced ECI is used predominantly for interviews calling for specialist interviewing skills e.g., when interviewing vulnerable, intimidated and/or significant witnesses.
7. Successful interviews require a mix of cognitive, interpersonal and social factors to facilitate memory retrieval.

3. FREE RECALL

As mentioned above, the enhanced cognitive interview is appropriate for specialist witness interviews. However, the main technique for interviewing co-operative witnesses in the majority of situations is 'free recall' (CFIS, 2004). Free recall has been a feature of police interview training in England and Wales since before 1990 but the early style of getting a witness to give an uninterrupted account followed by direct questioning had limited success. It was typically accurate but incomplete (Milne & Bull, 1999).

Later training material (e.g., NCF, 1996) saw the term disappear, but the description of how to conduct the 'account' stage was free recall in all but name. For example, the guidelines on obtaining the account provide detailed instructions under the subheadings:

- don't rush - set the scene
- first obtain an uninterrupted account
- encourage repeated attempts at recall.

The 1996 guidelines then move on to 'expanding and clarifying the account' whereby interviewers are encouraged to break the questioning of the witness's account into manageable topics or episodes. This helps keep track of what has been covered and understand where any new information fits (NCF, 1996).

The latest guidelines (CFIS, 2004) draw on this earlier training material and more recent formal evaluations (e.g., Clarke & Milne, 2001) to outline the current approach. The term 'free recall' is back and this interview style remains the foundation stone to interviewing co-operative witnesses and suspects in most instances. But the material recognises the need for officers to draw on a range of practical techniques within the model to help interviewees retrieve information stored in memory. These are taught as part of Tier 1 training.

4. CONVERSATION MANAGEMENT

The other major interviewing technique used by England and Wales police is ‘conversation management’ (Bull & Cherryman, 1995). This was developed by psychologist Eric Shepherd specifically for use on unwilling interviewees, that is “interviewees who remain silent, who give ‘no comment’ responses, who are non co-operative, hostile, lying, evasive, etc” (Milne & Bull, 1999, p187). In these interviews the interviewer has to take control much earlier in the interview and manage it differently from interviews with willing subjects. He or she has to both demonstrate a strong understanding of the social psychology underlying two people meeting and interacting, and be able to produce a skilled interpersonal performance (George & Clifford, 1992).

It would be simple to assume that it is appropriate to do a free recall or enhanced cognitive interview with victims and witnesses, and a conversation management (CM) interview with suspects - the underlying assumption being that witnesses are “willing” to provide information and suspects are “unwilling”. Experienced police officers know that this is not necessarily the case. Victims and witnesses can often be unwilling to talk and suspects can often be willing.

The text of the most recent national English training material (CFIS, 2004) clearly advocates CM for interviewing any uncooperative subject whether witness, victim or suspect - see table 9.

At present, the CM diagram/flowchart set out in CFIS (2004, p101) is solely for suspects. It might be helpful (and avoid confusion) to provide separate diagrams and notes for dealing with the various types of CM subjects:

- uncooperative suspect
- uncooperative witness
- witness who is cooperative but struggling to give full and reliable account for some reason (greater management of the interview will be required).

The main difference between free recall (and the ECI in advanced situations) and conversation management is the extent of control needed to be exerted by the interviewer. As with free recall, a PEACE framework is used, but the interviewer has to be more acutely aware of the verbal and non-verbal behaviours of him- or herself, the interviewee and possible third parties (Milne & Bull, 1999; Shepherd & Kite, 1988). During the account stage of the interview, the interviewer must be able to manage varying levels of interviewee resistance.

Although CM was developed specifically for officers to elicit information from resistant and reluctant subjects, its use is not yet widespread. For example, when evaluating the effectiveness of PEACE training, Clarke and Milne (2001) found that only 36 percent of suspect interviews showed any evidence of the CM technique being used.

	WITNESSES		SUSPECTS	
	Cooperative	Uncooperative	Cooperative	Uncooperative
Tier 1	Free recall	CM	Free recall + legal	CM + legal
Tier 2	Basic ECI	Enhanced CM	Basic ECI + legal	Enhanced CM + legal
Tier 3	Advanced ECI	Advanced CM	Advanced ECI + legal	Advanced CM + legal

Table 9: Typology of interview styles within the PEACE interviewing framework

GENERAL TOOL-KIT OF TECHNIQUES

The literature gives a clear indication of 'best practice' interviewing techniques. These tools and techniques allow practitioners to rapidly establish rapport and trust, reduce inefficient interactions, obtain insight into the interviewee's motives and intent, reduce uncertainty, increase control in the interview, and reduce the influence of personal or cognitive biases. Practitioners learn to be more observant and more confident. Using a proven framework such as PEACE means that the reliability and validity of tactics that have previously been predominantly intuitive can be drastically increased.

The number and extent to which any of these techniques are used in any particular interview will vary according to the skill level of the interviewer, the cooperation of the interviewee, the nature of the offence/incident under investigation, and the type of approach being taken e.g. a recall interview, a conversation management interview or an ECI interview.

It also needs to be recognised that each of these techniques requires considerable explanation and practice to be used effectively.

- Good first impression
- Personalise the interview
- Establish rapport
- Explain the aims and purpose of the interview
- Need for concentration
- Open-ended questions
- Other types of productive questions
- Use of pauses
- No interruptions
- Body language/non-verbal cues
- Good interviewer behaviour
- Interviewee-compatible questioning
- OK to say "Don't know"
- OK to say "Don't understand"
- No fabrication or guessing
- Initiate a free report
- Focused retrieval

- Activation and probing of an image
- Systematic probing of topics
- Echo probing
- Active listening
- Summarising
- Querying and clarification
- Mirroring / synchrony
- Sketch drawings and visual aids (e.g., maps, photos)
- Challenging
- Clarification of inconsistencies
- Seating arrangements
- Note-taking
- Mutual gaze / eye-contact
- Friendliness, patience and support
- Praising the interviewee's efforts
- Report everything (RE)
- Transfer control (TC)
- Context reinstatement (CR)
- Varied and extensive retrieval
- Change the temporal order (RO)
- Change perspectives (CP)
- Focus on all senses
- Memory jogs for names - common/uncommon, length, first letter
- Memory jogs for person information - appearance, clothing, characteristics
- Paralanguage
- Taking breaks
- Investigatively important questions

Interviewing cooperative witnesses

The following table incorporates a number of the above techniques into relevant parts of the PEACE interviewing model. It relates specifically to interviewing co-operative witnesses. The use of mnemonics has been attempted as a means of helping remember the various steps.

Planning & preparation

- P **P**olicy, guidelines and the law - understand and follow
- L **L**ocate all information, detail and actions to date that are relevant to the case
- A **A**ssemble details of what points need to be established/covered during the interview (offender, act and setting)
- N **N**eed for a support person
- N **N**eed for an interpreter or other assistance
- I **I**nterview format - consider how it will be recorded, where it will be conducted, and whether it needs to be spread over more than one session
- N **N**ecessity for interviewer to keep an open mind throughout the interview
- G **G**reet and meet the witness in advance of the interview if appropriate - this can assist above areas.

Engage and explain

- R **R**ight impression and atmosphere from the start:
introduce yourself clearly; shake hands if appropriate; speak calmly and slowly; keep your language simple, unambiguous and jargon-free; ask how the witness wants to be referred to; use the person's name occasionally; find out the witness's needs and concerns, and take steps to address them e.g., do they know where the toilet is? do they want a drink of water, or a cup of tea or coffee; check whether they smoke (may need a break for a cigarette)
- A **A**nxiety for the interviewee is natural - endeavour to minimise (e.g., acknowledge the anxiety as natural)
- P **P**ersonalise the discussion with neutral topics to help the witness feel more comfortable
- P **P**rocedure - provide information of the format of the interview and how the statement will be taken
- O **O**utline the respective roles of everyone in the interview room (e.g., interviewer, interviewee and support person)
- R **R**elate what information is needed from the witness and why it is needed
- T **T**ell the witness the 'ground rules' (i.e. they have the information that's required therefore they have the central role and will need to concentrate hard and take an active part).

Account

- GENERAL TECHNIQUES - use throughout the account stage
- G **G**ive the witness every chance to speak - don't interrupt and don't rush to fill silences
 - E **E**very question you ask should have a purpose
 - N **N**odding, eye-contact, etc all help re-inforce the witness's efforts
 - E **E**verything the witness says is important
 - R **R**emember that the witness should do most of the talking
 - A **A**llow the witness time to understand each question, think about it, formulate their answer and deliver it
 - L **L**isten extremely carefully.

FREE RECALL

- F **F**ocus your entire attention on the witness
- I **I**nform the witness that you are now starting the main part of the interview
- R **R**emind the witness that you'll be taking brief notes to help you keep track of what's being said
- S **S**et the scene - use statements that encourage the recall of sensory information (e.g., "think about what you were doing at that time")
- T **T**ell the witness to provide an account of the relevant event(s) in his or her own words - use a 'trailer' and an open question to start (e.g., "You've come in today because you heard... Tell me what happened").
- S **S**ummarise your understanding of the witness's first account; re-inforce the value of their efforts so far
- E **E**xplain that you now want the witness to repeat what they've told you, adding anything else they may now remember, and that this time you may be taking a few more notes
- C **C**larification and probing of the account are the key aspects of this second recall attempt
- O **O**the **O**rders of the account may change (to focus on topics with greatest evidentiary value)
- N **N**ote down any additional information that needs expanding
- D **D**raw as much 'fine-grain' detail as possible out of the witness.

REMAINDER OF ACCOUNT STAGE - go through the account as many times as deemed necessary, checking and clarifying as you go, until you are satisfied that you have as much information as the interviewee can provide.

WRITTEN SUMMARY - convert your notes into a formal statement (or, if doing an audio- or video-taped interview, use your notes to brief or prepare a summary for the investigation team).

Closure

- E **E**nsure the witness is satisfied that the statement/summary has captured what happened
- N **N**ext steps: explain to the witness what's going to happen now
- D **D**etails: provide any information/advice they may need
- I **I**ndicate how much you appreciate the witness's efforts
- N **N**encourage interviewee to come forward with any further information in the future
- G **G**o back to neutral topics.

Evaluate

- Evaluate the following:
 - what information has been obtained
 - how the account given fits in with other available evidence
 - whether any action needs to be taken
 - what further enquiries need to be made
- Evaluate your own performance.

Table 10: Tactics for interviewing cooperative witnesses incorporated into the PEACE model

A similar approach to the above could be taken in relation to other interviews - for example, cooperative suspects or uncooperative witnesses and suspects - using information on tactics from other parts of this review.

TERMINOLOGY

Clarity is needed around the terms used in investigative interviewing:

- PEACE is the interviewing model - it is a structure covering the before- during- and after-interview stages.
- 'Free recall', 'conversation management' and 'enhanced cognitive interview' are all interview models that cover the interview stage alone (E, A, C). They exclude the before (P) and after (E) stages (CFIS, 2004; NCOF, 2003).

Key points

1. Research suggests effective interviewers are those who:
 - have a knowledge of the psychology of interviewing and scientific experimentation,
 - have received a thorough grounding in a wide range of practical techniques to draw on in interviews as appropriate,
 - have had the opportunity for substantial practice in a learning environment, and
 - are supervised and given feedback on their real-life interviews.
2. Three internationally recognised interview styles within the PEACE interviewing model are:
 - the enhanced cognitive interview
 - the free recall (FR) interview - cooperative witnesses and suspects
 - the conversation management (CM) interview - uncooperative witnesses and suspects.

OTHER INTERVIEW TECHNIQUES

This section looks at other major techniques, including hypnosis and the polygraph. The ability to interpret body language and non-verbal communications has been dealt with earlier.

1. FORENSIC HYPNOSIS

Investigative hypnosis has attracted considerable research. It has been widely used in the United States and other countries for enhancing the memory of witnesses and victims, and in some instances, cooperative suspects (Gudjonsson, 1992). The term hypnosis comes from the Greek 'hypnos' (sleep) because of the trance-like state of the subject. The hypnotised person is actually in a state of altered consciousness characterised by heightened awareness and deep relaxation. These in turn are believed to make memories more accessible (Reiser, 1980).

Widely adopted as entertainment, its uses include 'therapeutic hypnosis' (the treatment of many mental and physical conditions like phobias and smoking) and 'forensic' or 'investigative' hypnosis, where the technique is employed in the investigation of crime (Gudjonsson, 1992). The first attempted use of hypnosis in the criminal justice system dates back to the mid 1800's, with the second documented effort in 1894 (Reiser, 1980). But it was the Chowchilla, California school children kidnapping on July 15, 1976 that became the "catalyst case" which brought the use of forensic hypnosis by law enforcement into the spotlight (Olson, 1995). This case involved the abduction of 26 schoolchildren and their bus driver who were held for 36 hours in an underground chamber by three gunmen. Under hypnosis, the school bus driver was able to recall a licence plate number that led police to the abductors.

Since this time hypnotism has been used more frequently, including some high profile cases in the United States such as those involving serial killers Ted Bundy and the 'Boston Strangler' to help establish guilt, and the Sam Sheppard case to help establish innocence. In general, however, it has been met with great debate on the trustworthiness of the evidence gained (Reiser, 1984). Much of that debate is around the exact nature of hypnosis, including its benefits and risks (Gudjonsson, 1992; Wagstaff, 1999). Some consider it as a potentially valuable tool for uncovering accurate memories. Others consider it a liability because it produces inaccuracy, mainly through heightened suggestibility (Orne, 1979; Diamond, 1980 cited in Wagstaff, 1999).

Pros and cons

The benefits of placing a person under hypnosis include that hypnosis can help investigation, the evidence gained from hypnosis is often very detailed and specific, anxious witnesses can be prepared for giving evidence in court by different hypnotically related procedures, and hypnotised witnesses make convincing statements in court, and can sway juries with their convincing recollections (Olson, 1995; Reiser, 1980).

There has been passionate support both for and against the police use of hypnosis (Reiser, 1984). Over time, however, it has been generally agreed that investigative hypnosis is risky (Gudjonsson, 1992). The four main dangers are:

- suggestibility – a hypnotist could "suggest" a race, height, eye colour and so on which the subject accepts as truth;
- loss of critical judgment – under hypnosis personal beliefs and prejudices may influence how an event is interpreted during recall;
- confabulation or lies – a person who has a reason to lie may create lies while under hypnosis, or gaps in the memory may be filled in with false material that supports self-interest;
- memory cementing – a false memory seems so real to the witness that he or she develops false confidence in it.

Supporters of investigative hypnosis argue that the purpose of this interview tool is to gain an enhanced recollection of events, and they accept that testimony retrieved by hypnosis is just as fallible as retrieved memory generally (Reiser, 1984). Opponents to police use of hypnosis, however, have succeeded in having the technique linked in the minds of courts and the public with the polygraph. Because of the controversial nature of hypnosis, many states in the United States have enacted an exclusion rule, banning victims and witnesses who have been interviewed under hypnosis from giving evidence in court (Wagstaff, 1999).

Guidelines and conditions

The FBI and several US jurisdictions, including California, have taken a different tack, deciding that as long as hypnosis is conducted under very strict conditions by a trained professional who knows how to get information without leading a witness or accidentally implanting a suggestion or memory, it has the potential to benefit both the individual and the criminal justice system (Gudjonsson, 1992).

In some instances (e.g., Home Office Circular No.66/1988) jurisdictions have been provided with guidelines for the use of hypnosis in interviews. In others, legislation mandates minimum training standards, testing, and certification of police officers who use investigative hypnosis (e.g., Senate Bill 929 which was passed by the 70th Session of the Texas Legislature and became effective January 1, 1988). In places where hypnotically induced testimony is admissible, it has been left to the court to decide in individual cases whether the gathering of that evidence has met the required standards (Reiser, 1984).

In some cases, the use of hypnosis has proved problematic. Wagstaff (1999, p167) provides the case of *R v Browning* ([1995] Crim LR 227) as an example:

Browning has been convicted of murdering a woman by the M50 motorway. Some time after his conviction, it was revealed that the police had called in a hypnotist to interview a key prosecution witness to help him remember details of the event. However, when the evidence that the witness produced turned out to be, if anything, prejudicial to the prosecution case, the police failed to inform the defence or the court that this interview had taken place. When these events came to light, ironically the prosecution then attempted to construct a case for dismissing the evidence of their own witness as 'contaminated' by hypnosis. Browning's conviction was subsequently quashed on appeal, on the grounds that the jury might have decided differently had they known of this evidence".

Dr Graham Wagstaff (1999, p173) summarises the situation thus:

- a) Research indicates that the notion of hypnosis as having some special capacity or special status is outmoded and inaccurate. If anything, the evidence suggests that the addition of hypnosis can lead to inaccurate and distorted testimony.
- b) Any benefits that apparently accrue from hypnotic techniques arise from social and mnemonic factors that hypnotic interviews share with other interview procedures such as the cognitive interview. The cognitive interview may run less risk of producing distorted and biased testimony, and may lead to fewer problems when evidence is to be presented in court.

- c) Distortion is not inevitable and will depend on the particular circumstances. Nevertheless, the best advice that can be offered to the police on the use of hypnosis is: don't bother; use a cognitive interview instead.

2. THE POLYGRAPH

Another way to search for the truth is by using polygraph testing. The earliest mention of polygraphs appears to have been in 1730 in an essay penned by English writer Daniel Defoe, who suggested that "guilt always carries fear around with it; there is a tremor in the blood of a thief that, if attended to, would effectually discover him" (Ryder, 2003). Defoe proposed that "taking the pulse" could be a practical and humane way of identifying a criminal.

These ideas were extended further in 1908 by Harvard psychology professor Hugo Munsterberg, who suggested that deception could be established by means of the use of physiological recording devices. In 1915 a systolic blood pressure 'deception test' was built and used by American scientist William Marston. The FBI began purchasing more advanced versions of this 'lie detecting' machinery in the 1930's and used a device for the first time on an espionage case in 1938 (Holdstock, 2000).

The Concise Oxford Dictionary (1999) defines the polygraph as "a machine designed to record changes in a person's physiological characteristics, such as pulse and breathing rates, used especially as a lie detector." Polygraphs are designed to collect physiological data from respiratory activity, sweat gland activity, and cardiovascular activity. The polygraph instrument measures changes in these physiological activities. From the responses to questions, examiners infer a psychological state, namely, whether a person is telling the truth or lying (The National Academies Press, 2003).

Unlike DNA testing, which has withstood intense scientific scrutiny and been deemed valid and reliable (and therefore admissible as evidence), polygraph testing has not achieved the same success. Instead, there appears general agreement it is unreliable in detecting whether a person is telling the truth or lying (see The National Academies Press, 2003; Wen, 2001; McCarthy, 2000). In addition, a warning was recently issued on the risk of polygraphed false confessions (National Research Council, 2003).

Wide use by FBI and American policing jurisdictions

Whilst some commentators dismiss polygraphs out of hand (e.g., McCarthy (2000) labels polygraphs as “junk science”) others remain convinced of their benefits. In particular, it remains a tool for many police jurisdictions in the United States and the FBI. In some instances, the reputation of the polygraph is such that the person being tested believes that the polygraph machine will detect their lying and they confess to crimes rather than be ‘caught out’. A fairly recent example of polygraphs helping to convict an offender was in 1995 when the South Carolina Police had no evidence linking Susan Smith to the death of her two sons. The three polygraph tests she underwent consistently showed signs of deception. Police kept their focus on her and she later admitted she let her car roll into a lake, thus drowning her sons (Wen, 2001).

Future developments

Stephen Kosslyn, a Harvard University psychology professor who studies the brain scans of liars, believes it is only a matter of time before much better lie detectors are available (Wen, 2001). Rather than measuring the stress levels in the body, new technology is getting inside the brain itself, and measuring changes in brain waves and cerebral blood flow. So far as is known, these cannot be controlled.

Similarly, a neuroscientist in Iowa, Lawrence Farwell, has been working on “brain fingerprinting” technology and is convinced that it is accurate (Wen, 2001). This technique provides a “potential window into someone’s past visual experience”. For example, if a person is shown random pictures of weapons by police and no specific brain wave results, then the objects are said to be unknown to him. On the other hand, if the murder weapon is shown and the specific brain wave activates, then the person apparently has some experience or knowledge of that weapon (Wen, 2001). No reference was found to say whether this has been tested in court yet.

With all the criticism and lack of scientific evidence about polygraph testing, there does not appear much of a future for it. In 1994 (p11), Strongman concluded that “In general, the use of the polygraph and psychophysiological indices of deception are problematic enough to be avoided at present in the New Zealand context”. Nothing in the more recent literature suggests a different opinion should be heeded.

3. STATEMENT ANALYSIS

There are times when investigators have to rely on the initial interviewing efforts of others. For example, police profilers draw heavily on witness and suspect statements. One of the most persistent problems is that many of the interviewers’ methods and behaviours tend to contaminate the final product (Walters, 2002). Whilst trained analysts can usually find some value in the records of interviews, their work is greatly aided where the standard of interviewing is high and there is sufficient information to identify factors that increase or decrease the credibility of the statement (Walters, 2002).

Some statement analysis is relatively uncomplicated. For example, Zulawski and Wicklander (2001, pp210-212) describe the normal structure of an account and how two different variations can indicate untruthfulness.

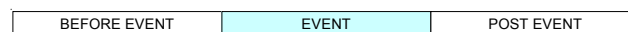


Figure 4: Diagram representing a truthful account

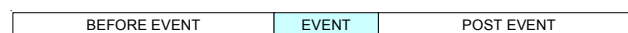


Figure 5: Diagram representing an untruthful account (insufficient detail of event)

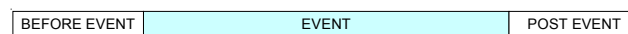


Figure 6: Diagram representing an untruthful account (too much detail of event)

According to this model, in a truthful story the three segments are about equal in words and content (see Figure 4). But when suspects attempt to lie, evade or distort the story of their part in the event, they might leave out information (see Figure 5) or provide far too much information (see Figure 6). Increasingly, research into an interviewee’s actual words has been put on a scientific basis (Vrij, 2003).

United States

One popular technique in the US and some countries in Europe to measure the truthfulness of verbal statements is the ‘Statement Validity Assessment’ (SVA). The technique was developed by Stellar and Koehnken (1989) and based on earlier work by forensic psychologist Udo Undeutsch (1967, cited in Vrij, 2003). It consists of three phases, the second one being the “Criteria-Based Content Analysis” (CBCA) tool - a list of 19 criteria to systematically assess the credibility of the statement:

“Trained evaluators examine the statement and judge the presence or absence of each of the 19 criteria. The presence of each criterion in the statement enhances the quality of the statement and strengthens the hypothesis that the account is based on genuine personal experience ... First, observers are looking for ‘unstructured production’. Liars tend to tell their stories in a more chronological manner, whereas truth tellers tend to give their account in unstructured and incoherent ways ...A second criterion is the number of details mentioned in a statement. It is hypothesised that liars include fewer details in their accounts than truth tellers do” (Vrij, 2003, p77).

The third stage of the SVA is an evaluation of the CBCA - the so-called ‘validity checklist’. Vrij (2003) reviewed 17 studies related to CBCA and suggests the accuracy rate is not high enough for the assessments to be used as evidence in court.

Other research has examined similar types of approach to determining truthfulness. For example, a recent FBI article outlines research in which 60 written suspect or victim statements taken during the investigation of violent crime and property crimes were analysed (Adams & Jarvis, 2004, pp7-12). Half the statements had been deemed by investigators to be truthful; the other half were deemed to be deceptive. Actual truthfulness or deception was determined through the conviction of the offender, overwhelming physical evidence, corroborated confession by the offender, or some combination of these.

The researchers found a number of relationships between truthfulness and features of the examined statements. These are summarised in the table 11.

The Adams & Jarvis study (2004) is interesting for two reasons: 1) the focus is much more on helping investigators to find signs of truthfulness as opposed to the normal focus on deception; and 2) the conclusions help to interpret responses to questions as well as written statements.

Feature	Truthfulness	Deception
1. The percentage of words in the part of the statement dealing with the criminal incident	The introductory part of the statement (which establishes the context of the crime) is much shorter than the criminal incident section (which says what happened, how it happened, where, who, when, etc)	A great deal of detail about events leading up to the incident, but little critical information about the criminal incident in question.
2. The inclusion of unique sensory details	Truthful statements are much more likely to contain detailed depictions of the five senses (e.g., what they smelt, heard, tasted, felt (touched), or saw). This is only significant in the criminal incident section of the statement as deceptive writers may include truthful sensory details in the introductory section.	The suspect's or alleged victim's account of what happened is usually lacking in sensory details. Filled with vagueness and equivocation (e.g., “someone” rather than “a tall man wearing a black ski mask”).
3. The inclusion of emotions (fear, anger, sadness, enjoyment, love, surprise, disgust and shame)	The concluding part of statements are likely to include emotional reactions (e.g., how scared they felt). The research found this relationship was much stronger in statements about homicides than less serious crimes.	An account of a created event is less likely to include affective information.

Table 11: Suspect statements - truthfulness and deception (Adapted from Adams & Jarvis, 2004)

The Adams and Jarvis findings could equally be applied to the Zulawski and Wicklander (2001) model:

BEFORE EVENT	EVENT	POST EVENT
Short recall section around the lead-up to event in question	Subject's account of what happened, how it happened, where, who, when, etc. Likely to be detailed depictions of the five senses (e.g., what they smelt, heard, tasted, felt (touched), or saw)	Likely to include emotional reactions (e.g., how scared they felt).

Figure 7: Diagram representing a truthful account

BEFORE EVENT	EVENT	POST EVENT
Long lead-up to event in question - lots of detail	Subject's account of the actual event contains little critical information	Less likely to include emotional reactions

Figure 8: Diagram representing an untruthful account

Unfortunately, the truthful account shown in Figure 7 (using Adams & Jarvis, 2004) now has a similar structure to the untruthful account in Figure 6 (using Zulawski and Wicklander, 2001). This demonstrates that caution is needed in applying simplistic models. The skilled interviewer will need to judge the content of the expanded 'event' description to determine whether it is likely to be truthful or untruthful.

Australia

A recent book by Australian linguist Georgina Heydon entitled "The Language of Police Interviewing" (published March 2005) takes investigative interviewing into the realm of interactional socio-linguistics and conversation analysis. Heydon's doctoral research involves looking at hundreds of recorded police interviews and exploring the beliefs behind police interviewing techniques and how these are translated into the language of interviewing (Gibson, 2004).

In her analysis, Heydon (2004) says that police interviewers often reformulate a suspect's narrative as a 'police version' which excludes contextual information provided by the suspect, introduces alternative versions which cast the suspect's actions as remiss or deficient, and emphasises the violent or otherwise socially undesirable aspects of the narrative. Heydon gives 'Do you agree that she would have been frightened?' as typical of 'policeseak' in an interview situation. The research attempts to identify the patterns and assumptions that drive interviewers' questioning with a view to recommending improvements.

United Kingdom

Ede and Shepherd (2000, pp139-143) provide advice on analysing statements prepared by police, and ways to do this manually or electronically. 'SE3R' is a graphic method for representing narrative detail in written or recorded texts to gain the best possible picture of "what happened".

Widely used by UK police forces, SE3R is a mnemonic specifying five steps that help get the most from a particular interview:

- **S**urvey - the document is skimmed i.e. read through once at a faster than normal pace
- **E**xtract - the document is gone through systematically, with fine-grain detail (using symbols, abbreviations, etc) being extracted and entered on an 'event line' (which becomes known as the 'SE3R' for ease of purpose)
- **R**ead - document is read at normal speed checking the text against the event line information and making any necessary corrections
- **R**eview - document is set aside and the event line and accompanying information is examined thoroughly for completeness, consistency, clarity and so on
- **R**ecall - the processes involved in producing the SE3R will have ensured much of the material entered the long-term memory, thus making it both familiar and easily recalled. If necessary, specific efforts can be made to ensure all of it is memorised.

According to Milne and Bull (1999), the SE3R is designed to:

- help officers collate witness and suspect accounts for evaluation as part of the investigation process
- act as an aide to planning further investigation and interviews
- be used as a reference in further interviews
- help compare one interviewee's account with that of another
- help identify gaps, contradictions and so on
- help evaluate the validity and reliability of the reported information
- help an investigator communicate the results of interviews or statements to key parties like supervisors and prosecutors.

Although designed originally for the police, in recent years the creator (Dr Eric Shepherd) has urged defence solicitors to use the method. This provides extra pressure on police to conduct interviews as well as possible, and certainly appears to support calls for electronically recording interviews. See Ede and Shepherd (2000, pp529-544) and Milne and Bull (1999, pp61-63) for more detail on SE3R.

Another author who talks about the implications of statement analysis for police practice is Professor Aldert Vrij. In his book on the psychology of lying and ways of detecting lies and deceit (Vrij, 2001) he highlights a number of techniques including statement validity assessment (SVA) as described above, and 'reality monitoring' which deals with the memory characteristics of actually experienced and imagined events. It implies that a truthful memory will differ in quality from 'remembering' a made-up event. The analyst will look at the clarity of the statement; perceptual, spatial and temporal information; affect; reconstructability of the story; realism; and so on.

Scientific content analysis (SCAN)

A Home Office research paper into scientific content analysis (SCAN) found it has the potential to discriminate between truthful and deceitful statement. It found that British officers trained in SCAN were able to correctly identify a minimum of 80 percent of truthful statements and 75 percent of deceptive statements (Mulraney, 2001). According to the Home Office research, however, these types of results depend on analysts having access to statements containing the actual words of the interviewee, rather than the common type of written statement that is the officer's interpretation of what the person said.

Experienced police commentators in England and Wales such as Professor Tom Williamson (former Deputy Chief Constable Nottinghamshire Police) and Detective Chief Inspector Gary Shaw (currently National Interview Co-ordinator), generally favour the concept of specialist analysis of statements. They suggest that once SCAN and other techniques have been subjected to "vigorous scientific research to see whether they can form the basis of future training" they could be included in advanced interview courses. They warn, however, that as with any advanced techniques, this training must be comprehensive, otherwise "officers with limited knowledge of these techniques will interpret things in the wrong way" (Shaw, 2001 cited in Mulraney, 2001, p22).

4. RATIONALISING, PROJECTING AND MINIMISING (RPMS)

Moston and Engleberg (1993, p236) advise against a common approach used by many police officers - directly accusing the suspect of an offence early on in the interview and laying out the evidence against them. The aim is clearly to get admissions rather than evidence.

"Essentially, suspects are being told they are guilty and then asked to confirm it. Suspects are not being asked to give their version of events ... Should the suspect fail to confess at this stage, responding instead with a denial or the use of silence, interviews frequently disintegrate ... This problem is often directly attributable to a lack of planning and the adoption of an accusatorial questioning strategy"

So how does the American literature suggest admissions should be obtained? Much of it appears to agree that police officers should be adept in using a variety of techniques to get suspects to confess. According to Napier and Adams (2002) investigators need to understand the following aspects of confessions:

- full confessions originate with small admissions
- guilty suspects seldom tell everything
- most offenders are not proud of their violence and recognize that it was wrong
- guilty suspects omit details that cast them in a harsh, critical light
- offenders usually confess to obtain a position they believe to be advantageous to them.

Taking this information into consideration, three particular tactics - known as the RPM techniques (i.e. rationalising, projecting and minimising) - are widely promoted (see, for example, the FBI literature such as Adams & Jarvis, 2004; Napier & Adams, 1998, 2002; Vessel, 1998).

“Investigators who can rationalise suspects’ actions, project the blame onto others, minimise their crimes, and provide viable reasons for suspects to tell the truth are well on the way to obtaining confessions” (Napier and Adams, 2002, p15).

Napier and Adams provide advice on how interviewers can deal with these defence mechanisms:

Defence mechanism	Interviewer’s response
R ationalisation (whereby the interviewee invents plausible reasons for actions or inactions in order to preserve their self-image)	Encourage interviewees to look at circumstances more optimistically, diminishing the negative aspects of the situation
P rojection (the suspect blames other people or the situation itself for their behaviour)	Subtly assist interviewees to project their blame onto others in their effort to save face
M inimisation (playing down the seriousness of the action or event e.g., through the use of ‘soft’ words such as ‘mistake’ or ‘accident’)	Accept the ‘soft’ words to create incentives for the suspect to confess - avoid ‘harsh’ words like ‘rape’ or ‘murder’

Table 12: Responding to RPMs (Adapted from Napier & Adams, 2002; Vessel, 1998)

Commentators (e.g., Leo, 1992) suggest that American jurisdictions see value in using these techniques to manipulate and persuade suspects so that, if guilty, they confess.

5. INTERROGATION TACTICS

As well as the RPMs mentioned above, the American literature presents a range of techniques for interviewing suspects. Many of these are based on psychological persuasion and deception and are contrary to the principles of investigative interviewing as set out in Home Office Circular 2/1992 and adopted by police forces in England and Wales since that time.

Kalbfleisch’s typology of tactics for interviewing suspects

In 1994, American Pamela Kalbfleisch used the literature to create a 15-part classification scheme of the known strategies, together with 38 interaction tactics. The strategies are shown in Table 13 below.

- i **Intimidation** (accusing the suspect of being a liar, laughing at him/her; exhibiting aggressive behaviour)
- ii **Situational futility** (trying to convince the suspect that continued denial only makes matters worse)
- iii **Discomfort and relief** (persuading the suspect that denial and lying only creates discomfort whereas confession will be good for everyone involved)
- iv **Bluff** (e.g., pretending you have more evidence than you actually have)
- v **Gentle prods** (convincing the suspect to reveal information by praising and encouraging him/her)
- vi **Minimisation** (playing down the seriousness of the action or event)
- vii **Contradiction** (using a firm but non-aggressive manner to point out any contradictions, lies or inconsistencies in the suspect’s account)
- viii **Altered information** (asking the suspect questions that contain incorrect information, in order to see whether or not he/she is telling the truth)
- ix **A chink in defence** (getting the suspect to admit lying about a small aspect and using this as a foothold to say the suspect is lying about the entire matter)
- x **Self-disclosure** (interviewer reveals things about him/herself to increase the suspect’s trust and willingness to talk)
- xi **Pointing out deception cues** (telling the suspect that his/her body language is indicating deception)
- xii **Concern** (showing empathy and understanding, and being concerned for the suspect’s welfare)
- xiii **Keeping the status quo** (telling the suspect to be truthful to retain his or her current status in life e.g., by appealing to their pride (in being a ‘good person’ etc) or by suggesting that their friends/family will think less of them if it is discovered they have lied)
- xiv **Direct approach** (the interviewer tells the suspect directly to tell the truth)
- xv **Silence** (the interviewer maintains silence after the suspect has said something, in order to make him/her feel uncomfortable)

Table 13: Typology of strategies for interviewing uncooperative suspects (Kalbfleisch, 1994, p473).

The aim of these strategies and accompanying tactics is to help elicit information from someone being uncooperative. Although not all of them involve tricks and deceit, subsequent commentary (e.g., Memon & Bull, 1999; Soukara *et al*, 2002) has found most of them to be oppressive. The main argument against them is that they all assume the suspect is guilty.

The same criticisms have been levelled at the 'Reid Technique'. John E. Reid developed this three-part process more than 30 years ago (Inbau, Reid & Buckley, 1986). It comprises: (1) factual analysis of information relative to a crime scene, the victim and possible subjects - to help determine the direction an investigation should take and offers insight to the possible offender; (2) the interview of possible subjects - using a highly structured interview format that is non-accusatory and designed to provide the investigator with verbal and nonverbal behaviour symptoms which either support probable truthfulness or deception; (3) the accusatory interrogation - used if the investigator believes that the subject has not told the truth during the non-accusatory interview.

It is the third stage that has proved the most controversial (Kassin & Gudjonsson, 2004). Reid divided the interrogation into the following nine steps:

Steps	Description
One	The direct positive confrontation. The interrogator firmly advises the suspect that the investigation clearly indicates that he is responsible for the commission of a crime. This may not be a true statement. However, to persuade a guilty suspect to tell the truth the investigator must often exaggerate his or her confidence in the suspect's guilt.
Two	Development of 'themes' that psychologically justify or excuse the crime. Using a monologue approach, the investigator offers moral or psychological excuses for the suspect's criminal behaviour. The theme is not designed to plant new ideas in the suspect's mind but merely to reinforce the justifications that already exist in the guilty suspect's mind (e.g., that it was an accident).
Three	Both 3 & 4 address statements the suspect makes during theme development. The investigator actively discourages (by forcefully interrupting) the suspect from offering denials or explanations for incriminating evidence.
Four	Interrogator keeps speaking - not allowing the suspect to offer any factual or emotional objections.
Five	Ensuring the suspect is paying attention to the theme (and doesn't withdraw). At this stage the investigator may move his chair in closer to the suspect's (a person who is physically close to another individual is also emotionally closer to that person). The investigator may also ask hypothetical questions designed to stimulate internal thoughts in the suspect.
Six	Responding to the suspect's passive mood. The investigator condenses theme concepts to one or two central elements and shows sympathy and understanding and urges the suspect to cooperate. Moves into the next step of the process designed to elicit the initial admission of guilt.
Seven	Presenting an alternative question. This is a question that presents two choices to the suspect concerning some aspect of his crime. The choices generally contrast a positive and a negative choice (e.g., "Have you done this many times before or was this just the first time?"). Accepting either choice, of course, results in an admission of guilt.
Eight	Developing the oral confession. Active persuasion stops and the investigator returns to the question and answer format used during the interview. Most suspects are reluctant to discuss their crime and the investigator must be patient in drawing out the information and details necessary to corroborate the confession.
Nine	Converting the oral confession into a court admissible document in which the suspect acknowledges personal responsibility for the crime including details only the guilty person would know.

Table 14: The 9-step Reid interrogation technique

Although regarded by many police forces in North America as the 'gold standard', the Reid technique has been blamed for producing false confessions (Leo, 1996). It relies heavily on the psychological manipulation of the suspect (Kassin & Gudjonsson, 2004), often with tactics ruled unacceptable by the courts in England and Wales. Amongst other things, some of the adverse outcomes may be because the technique is widely used on all suspects, not just those where police are certain of the suspect's guilt as advocated by Reid (Memon, Vrij & Bull, 1998).

Irrespective of the purported effectiveness of the Reid technique, there are many who have spoken out against it. According to Calgary criminal lawyer and former provincial court judge John James: "I don't think it should be allowed in Canada ... The technique is designed to break the individual down psychologically so that he repeats back to them what they want to hear" (CBC News, 2003).

Likelihood of suspect changing story

Whatever techniques are used, research calls into question the likelihood of being able to get a suspect who originally denies the offence to change his or her story. Milne and Bull (1999) found no published research to support the commonly held belief (by police officers and the public alike) that interviewers can persuade those who initially deny their involvement to admit their guilt. In fact, the research suggests the opposite. Baldwin (1993) examined 600 tape recorded interviews with suspects and found that only 20 suspects (3.3%) changed their story in the course of the interview and that of these only 9 could be said to have been influenced by the skills of the interviewer.

These findings have a number of implications for police practice. On the one hand, they suggest that officers should not feel defeated if they are unable to extract a confession. After all, the suspect has denied the offence and research says it is unlikely that the interviewer will be able to induce a change of story. Moreover, Baldwin's (1993) research suggests that interview training should focus on gathering the best evidence rather than on getting a confession.

This is not to say that securing a confession is not important. Indeed it can be crucial, particularly if it shortens the length of the overall investigation (Baldwin, 1993). Thus it seems likely that the emphasis on confessions in at least some jurisdictions will remain.

"Today - even with the presence of such scientific evidence as DNA profiling - RPMs and reasons to confess prove significant because investigators still must rely on confessions to solve many crimes"
(Napier & Adams, 2004, p15).

There are however caveats to this. Officers must be aware that no interviewer will succeed with every suspect. "At least 10 percent of subjects will not confess regardless of the investigator's talent or hard work" (Vessel, 1998, p5 [based on 10 years' research]).

In a similar vein, Inbau *et al* (1986, p166) say:

"It is not easy for anyone to 'own up' to wrongdoing of any kind [and] in a criminal case the suspect may be well aware of the specific serious consequences of telling the truth. ... No person should be expected to blurt out a full confession of guilt; the interrogator must ease the ordeal".

Thus, many commentators urge interviewers to concentrate on getting all the relevant facts rather than getting a confession (e.g., Milne & Bull, 1999 and 2003).

6. MUTT AND JEFF TECHNIQUE ("GOOD COP/BAD COP")

One ploy often used over the years (and still depicted in many television police shows) has been termed the "Mutt and Jeff" act - also known as "good cop/bad cop" or "friendly cop/unfriendly cop" (Irving & Hilgendorf, 1980).

"In this technique, two agents are employed. Mutt, the relentless investigator, who knows the subject is guilty and is not going to waste any time. He's sent a dozen men away for this crime and he's going to send the subject away for the full term. Jeff, on the other hand, is obviously a kindhearted man. He has a family himself. He has a brother who was involved in a little scrape like this. He disapproves of Mutt and his tactics and will arrange to get him off the case if the subject will cooperate. He can't hold Mutt off for very long. The subject would be wise to make a quick decision. The technique is applied by having both investigators present while Mutt acts out his role. Jeff may stand by quietly and demur at some of Mutt's tactics. When Jeff makes his plea for cooperation, Mutt is not present in the room."

The technique was based upon the strongly held assumption that such psychological ploys could not induce innocent defendants to incriminate themselves. Empirical and scholarly attention has shown this assumption to be quite wrong (Abney, 1986).

7. FOCUSED INTERVIEWING AND ANALYTIC INTERVIEWING

Other researchers have added to the body of knowledge around police interviewing. Two examples are:

- the 'Focused Interviewing' (FI) technique - see Morgan, 1999; and
- the 'Analytic Interviewing' (AI) technique - see Stubbs and Newberry, 1998.

These courses are both American and are offered through the internet for a fee. Though they may be entirely commendable, there seems to be no reference to the techniques in the mainstream literature.

CONCLUSION

The differences between the American and English literature on suspect interviews provide food for thought. The former is still clearly based on interrogation and obtaining a confession; the latter on interviewing and obtaining the facts. Many techniques are too complex or too unreliable or both. Whilst there are persuasive arguments for particular techniques, the plethora of scholarly evaluations of them over the years suggest a great deal of caution is required. Police interviews are not the place to try out new-fangled or untried methods. Yet innovation does have a place. It is hoped that psychologists, scholars, and police themselves will continue to carry out research on what works and what doesn't - first in a research setting and later in operation.

Key points

1. It is generally agreed that investigative hypnosis is risky, with the four main dangers being suggestibility, loss of critical judgment, confabulation or lies, and the cementing of a false memory.
2. Despite its continued use in parts of the United States, polygraph testing is generally regarded as unreliable in detecting whether a person is telling the truth or lying.
3. Statement analysis (the scientific examination of an interviewee's words by way of a variety of techniques) is increasingly being taught to police officers. To be successful it requires a record of the person's actual words not a written interpretation of them.
4. The RPM tactics (rationalising, projecting and minimising) are commonly used by American police - and supported by the courts - to get suspects to confess. They help suspects justify their actions, blame others and reduce the seriousness of the offence.
5. Kalbfleisch's (1994) typology and the Reid Technique both set out a range of tactics for interviewing suspects. Many are generally regarded as manipulative and oppressive.

ACPO INVESTIGATIVE INTERVIEW STRATEGY

INTRODUCTION

Acting on the recommendations made by Clarke and Milne (2001) on ways to improve interviewing performance and standards, the Association of Chief Police Officers in England and Wales (ACPO) established a working group under the chairmanship of Chief Constable John Burbeck (Warwickshire) to look at the problem. The group included academics, professionals and practitioners.

The working group's conclusions (from background paper for ACPO Cabinet meeting 13 Sept 2001) were that:

- PEACE represented a good model to provide a professional standard of interviewing and there is no better alternative
- PEACE had fallen into disarray due to inadequate support areas of concern had previously been identified but remained ignored
- PEACE needed to be modernised, re-introduced and supported by proper structures and processes.

RECOMMENDATIONS

The working group's recommendations were:

- that PEACE continued to be the service model for interviewing
- that a five-tiered structure of interviewing skills be developed as follows:
 1. probationers and uniform patrol officers
 2. uniform investigators and detectives
 3. specialist interviewers
 4. investigative interview supervisors/managers
 5. specialist interview advisers
- that a steering group headed by a chief officer be created within the criminal justice portfolio to provide a service lead
- that the development and coordination of PEACE would remain the responsibility of the National Crime Faculty [now NCOF - National Crime and Operations Faculty] with appropriate resources.

The strategy clearly reflects the Clarke and Milne (2001) findings and recommendations. However one addition and one amendment are of note.

Addition

Clarke and Milne (2001) had concluded that part of the problem was the lack of a single body in charge of the PEACE package. Without a coordinated approach, the potential for policy, management and training to become out of synch was high. Thus the strategy recommends a steering group headed by a chief officer to provide a service lead on investigative interviewing.

Amendment

Clarke and Milne (2001) recommended a 4-tier structure. The strategy introduces an additional layer. The difference is supervision. The working party appear to have noted the researchers concerns around this aspect of investigative interviewing and have included it as a separate tier. The subsequent training material (i.e. NCOF, 2003) recognises the need to brief and train supervisors and managers before rolling out the new strategy to staff. "This ensures that as staff are trained in new methods of working they have support and encouragement in the workplace to use their new skills and knowledge" (NCOF, 2003, Tier 4, p6). Of slight concern is the linear nature of the structure which suggests progression through the levels from probationer to expert adviser. Having supervisor and manager training as Tier 4 implies they are expected to be more accomplished than Tier 3 specialist interviewers. In reality, this is not the case. But this matter should be able to be explained adequately during training.

COMMITMENT

Through the ACPO investigative interview strategy, the importance of high-quality interviewing to the whole investigative process has clearly been recognised in England and Wales. Numerous appointments and actions (including the dissemination of the strategy, the appointment of a National Interview Co-ordinator, the preparation of training material by the National Crime and Operations Faculty (NCOF), and the requirement for all forces to submit an implementation plan within a year of the strategy's inception) suggest a total commitment to this area of business. This commitment at the highest level is in turn being reflected in the efforts of individual forces to bring about a real and lasting change. This is expected to occur through a combination of interview training and organisational development (*personal correspondence*).

NATIONAL TRAINING MATERIAL

Centrex (the national Central Police Training and Development Authority for England and Wales²) is responsible for defining, developing and promoting policing excellence. In this role, they were tasked with developing the core training programme for investigative interviewing (see NCOF, 2003 tiers 1-5). The package consists of detailed material around each tier. This can in turn be used by individual forces to guide their preparation of lesson notes and fit their local policing infrastructure.

The 5-tier package resulting from the strategy has been designed with a career-wide perspective in mind. To this end the training programmes are accompanied by national occupational standards to assist in assessing competence in the workplace (CFIS, 2004; NCOF, 2003). The training is intended to support both personnel development and the quality control of investigations, and to reach all police officers in England and Wales across their whole career.

This approach was previously advocated by various commentators (e.g., Shepherd & Kite, 1988). They argue that the ability to interview is not something that can be learnt on a once-and-for-all basis, or by watching others, or even through just doing it. To be seen as trained, officers need to:

- understand the theory behind the tactics
- have the opportunity to put concepts into practice
- experiment and develop confidence
- be assessed according to rigorous criteria
- receive regular and comprehensive feedback.

The 5-tier structure means that once officers have demonstrated competence at a particular level they will have the chance to progress to a more advanced level. Forces are implementing processes around interviewer accreditation and registration. In addition evaluations are already being carried out. For example, Becky Milne and Andy Griffiths (Sussex Police, Bramshill Fellowship) are currently examining the impact of advanced Interview training on the effectiveness of police interviewing and the investigative process.

FURTHER WORK

Although it is admirable that training material reflecting the ACPO decisions has so quickly been prepared and made available to forces in England and Wales, it is of concern that some aspects are signalled as in need of further consideration or validation. For example, implementation of the strategy is designed to start with supervisors but the Tier 4 material has a number of statements like the following:

“Most interviews with witnesses and victims are not currently recorded and may have to be assessed by direct supervision. How this is conducted without compromising the interview will need to be considered. ... When it comes to witnesses and victims only three rating instruments have been found and these are yet to be validated” (NCOF, 2003, p6).

This raises the possibility that forces will find their own way of working, rather than following something that is reliable, well-tested and consistent. Despite this, many forces have welcomed this renewed focus on investigative interviewing and have risen to the challenge of implementing the 5-tier structure (DCI Gary Shaw, *personal communication*).

CORE INVESTIGATIVE DOCTRINE

The National Centre for Policing Excellence has recently produced a document entitled “Practical Advice on Core Investigative Doctrine”. Through a slight negative reaction to the term ‘doctrine’ it is increasingly seen as the equivalent of ‘professional practice’ (personal communication, Peter Stelfox, NCPE). The doctrine arose because there was no single manual explaining all the philosophies, theories and body of knowledge underpinning the job of police investigation. Whilst not compulsory, the doctrine has been included in the HMIC template which means forces would need to explain why they were not following it.

² More recently renamed as the National Centre for Policing Excellence under the Police Reform Act 2002.

Key points

1. A working group comprising police practitioners and academics was established by the Association of Chief Police Officers in England and Wales (ACPO) in 2001 to evaluate the state of investigative interviewing.
2. The working group concluded that PEACE was the best available model to provide the required standard of interviewing.
3. The working group also concluded that the PEACE model needed to be modernised, re-introduced and supported by proper structures and processes.
4. With continuing support from ACPO and the Home Office, the Investigative Interviewing Strategy was established in 2003 with all forces expected to submit an implementation plan by end-2004.
5. Centrex (the national Central Police Training and Development Authority for England and Wales) developed and made available a package of training material around each tier in 2004.
6. Individual forces can customise the Centrex material to suit local conditions and resources.

TECHNOLOGY AND INTERVIEWING

INTRODUCTION

Technological innovations and improvements of the past three decades or so have touched nearly every aspect of our personal and professional lives. From an audio/visual equipment standpoint, sophisticated devices, projectors and high-speed internet access have all contributed to a richer, more immediate communication environment. Sullivan (2004) notes how electronic recording is accepted as a useful and efficient part of everyday life:

"[People] are now accustomed to being recorded in private buildings, government offices, toll booths, stores, warehouses, factories and airports, and during many of our telephone calls. Police cars are equipped with cameras to record traffic stops. Video taped depositions are now routine. We rely on video to resolve disputes in sports events, and to memorialize important occasions ... We do so because the recordings enable us to replay past events in real-time, and thus to have a far more accurate and complete understanding of what occurred than still pictures or oral recountings can provide" (p26).

The legal system, while steeped in history and tradition, was quick to adopt modern technologies to overcome problems and limitations. For example, before the introduction of recording equipment, what happened in interview rooms transpired in secret and procedures assumed both guilt and a quick result (Williams, 2000). By opening police interview rooms to scrutiny, the introduction of audio and videotaping of interviews has helped overcome at least the first of these.

UNITED STATES

Many police agencies throughout the United States have been using electronic recording methods for interviews with suspects for more than twenty years (Zulawski & Wicklander, 2001). They started with audio equipment but some quickly moved to video as the benefits of the medium became clear. Geller (1992) estimates that just over half of all law enforcement agencies in the United States videotape at least some suspect interviews. A more recent study (Sullivan, 2004), using a sample of 238 law enforcement agencies from 38 states, found that 89 percent use a combination of video and audio, 10 percent use audio only, and 1 agency uses video alone.

Interestingly, the largest agency in the sample, Los Angeles PD, uses audio only.

This is possibly because - like England and Wales - they adopted audio-taping very early on and have too great an investment in the equipment to justify its replacement just yet. Another possibility is that the continuing use of questionable interviewing tactics used by many American policing agencies (including the FBI) has made the use of visual records less attractive to them.

The Sullivan report (2004) into 'police experiences with recording custodial interrogations', acknowledges that the study involved a relatively small sample of US law enforcement agencies, and that state laws differ markedly. However, the findings offer some interesting insights into US practice. They include that:

- most departments have no written regulations or guidelines to govern when and how recordings are to be conducted
- most agencies leave the recording decision to the discretion of the officer in charge
- most departments record interviews only for 'major' and 'serious' felony investigations
- most agencies use video, or both video and audio, to record interviews - the general view is "audio is good, video is better"
- a range of camera angles are used - typically the camera is positioned behind the interrogator and focused squarely on the suspect; other agencies use multiple cameras from different angles or a single camera that shows everyone in the room
- some states allow police to record without informing the suspect; however most departments have the recording equipment in plain view and get the suspect's consent to be recorded
- many departments are moving to digital technology to improve picture resolution and lessen storage requirements
- interviews are usually recorded from when the Miranda warnings are given until the interview is ended [although the report comments adversely on the departments who record suspects' final statements or questions only and not the preceding questioning]
- despite initial apprehension, the majority of officers are in favour of electronically recording interviews with suspects

- in cases that go to trial, recordings are readily accepted and relied on by judges and juries
- various trial and appellate judges have criticised agencies who have suitable equipment but demonstrate low rates of electronically recording suspect interviews
- recordings are seen as being of great benefit for training and self-evaluation
- cost is not a concern to most departments (because savings outweigh expenses).

The Sullivan report (2004) concludes that “the electronic recording of police interviews with criminal suspects is an efficient and powerful law enforcement tool” and that police experiences of this recording medium “have been uniformly positive” (pi). Sullivan adds that “Jurors are coming to expect recordings when questioning takes place in police station interview rooms. When no recordings are made, defence lawyers are quick to argue that unfavourable inferences should be drawn” (p26). This has implications for the current policy followed by many jurisdictions of leaving the decision to videotape or not up to individual officers.

Effect of different camera angles

Some American commentators caution against concluding that videotaped confessional evidence is an unqualified success. For example, Daniel Lassiter and colleagues (e.g., Lassiter *et al*, 2002) have carried out research since 1986 that indicates that altering the perspective from which a videotaped confession is recorded influences assessments of the confession's voluntariness.

In the earliest study (Lassiter & Irvine, 1986) “jurors” (i.e. university students) in simulated trials were shown videotaped confessions obtained under a variety of conditions - where the camera was focused solely on the suspect, solely on the interviewing officer, or focused on both equally. Based on these three camera conditions, the results were as follows:

- focused solely on the suspect - majority of jurors said the confession was voluntary
- focused solely on the officer - majority of jurors said the confession was coerced
- focused equally on both - equal numbers of jurors thought voluntary or coerced.

The authors concluded that “... there is a pervasive tendency for people observing an interaction to perceive as the causal agent the participant who is most visually prominent or salient to them” (p269).

Given the unavailability of guidance from real juries or real trials, this research was the basis for the decision on camera angle made by New Zealand Police when introducing the videotaping of suspect interviews in 1991. The policy required the camera angle to be entirely neutral - with the interviewer and interviewee facing each other across a table and side on to the camera (Takitimu & Schollum, 1991).

Despite the limitations of mock-trial jury-simulation studies, Lassiter and colleagues have continued to show in subsequent research that the camera perspective bias in videotaped confessions is a reliable and replicable phenomenon, and one that is difficult to eliminate (Lassiter *et al*, 2002). For example, in a study where participants were told they would have to justify their decision to a judge, 75 percent of those who viewed the suspect-focus version of the videotape still judged the confession to be voluntary compared with only 42 percent who watched the equal-focus version.

Acting on criticisms (e.g., Bornstein, 1999) that the types of participants and settings used in the research do not represent the real world, Lassiter and colleagues have conducted research that uses more elaborate and ecologically valid methods. For example, in the study reported by Lassiter *et al* (2002), they used nonstudent jury-eligible adults (mean age 41 yrs), set up a videotaped trial simulation lasting 4-5 hours (a condensed version of an actual trial where the conviction was largely considered the result of a confession), ensured jurors received realistic instructions from a retired judge about fairness and voluntariness (under 3 separate conditions), and had two practising attorneys assume the roles of prosecutor and defence counsel.

This fact-based trial simulation once again demonstrated a strong camera-angle bias. The proportion of guilty verdicts given in the suspect-focus condition was significantly greater than in the equal-focus condition. The fact that this occurred despite judicial instruction and a more realistic trial context supports the authors' contention that “the influence of camera perspective on judgments is a generalizable phenomenon that is not easily overridden” (Lassiter *et al*, 2002, p871).

In a second part to the study, jurors saw the confession from either an interrogator-focus or an equal focus perspective. The results here were also consistent with earlier studies. The proportion of not-guilty verdicts given in the interrogator-focus condition was significantly greater than given in the equal-focus condition. In other words, when they saw only the officer, the majority of jurors felt the suspect had been coerced into confessing.

This research would appear to call into question the current practice of many American police agencies (and possibly elsewhere) of videotaping suspect interviews while having the camera focused solely on the suspect. The exposure of bias created by this practice should not be ignored.

FBI Interactive Computer Programme

The FBI has used technology for other interview-related purposes. Einspahr (2000) describes how in 1996 FBI instructors were training record numbers of new agents. They needed a system that would allow their students to practice interviewing skills and receive feedback yet did not require instructor-monitored practice sessions. They wanted a system that could also be used by veteran officers as a stand-alone training tool to improve their interviewing skills.

The FBI Academy and members of the John Hopkins University's Applied Physics Laboratory (APL) took up this design challenge - to produce something that was interactive, self-paced, user-friendly, and engaging enough to make students want to use it, and a computer "interviewee" that could reproduce the many different types of individuals that investigators encounter. In addition, students could not be allowed to "beat" or "trick" the computer.

The completed software was delivered in May 1998 and was known as "Mike Simmen" (i.e. simulated man). Features include Mike having four levels of difficulty - beginner, intermediate, advanced or professional - and being able to vary responses from one interview to the next e.g., helpful in one, defensive or even lying in another. Changes occur because Mike "remembers" the nature of the user's questions and statements and bases the responses on typical behaviour patterns related to the particular scenario (e.g., guilt or innocence) and the content of the interview.

Moreover, Mike's "brain" has both logical and emotional components. The logical component tracks the responses and keeps them reasonable and consistent, while the computer randomly selects the fluctuations of Mike's emotional state so the user never knows how Mike will respond from one interview to another (e.g., angry in one, upset and unco-operative in another).

To interview Mike successfully, the user needs to have a good understanding of interviewing skills, such as developing rapport and establishing a baseline of normal response patterns. The process includes the following:

"As the questions and Mike's responses appear in a portion of the computer screen, users see a full-body view of Mike seated in front of them and a close-up of his face in another part of the screen. At the same time, users hear their questions followed by Mike's responses. While Mike's "brain" determines his behaviour and responses, an actor presents the visual and audible responses in the video sequences. This simultaneous visual and aural presentation realistically simulates a lifelike interview" (Einspahr, 2000, p18).

According to Einspahr (2000) the interviewing software has been used to supplement classroom instruction of all FBI agent trainees since 1 Oct 1998, and early in 1999 copies of the software were provided to all field offices for use by field agents. Instructors report a notable improvement in the interviewing skills of those who have used it - although Einspahr does not go into detail as to how these improvements are measured. While nothing replaces interviewing a real subject, this programme appears to allow students to make mistakes and, more importantly, learn from their mistakes in a supportive training environment.

Whilst this was the only article found on this programme, and no evaluation of its effectiveness was located, it was considered interesting enough to be included. If effective, it would seem that the software or something similar could easily be used by police agencies. The set up cost could be high but likely to be offset by ongoing savings in training time and improved interviewing outcomes.

ENGLAND AND WALES

Police forces in England and Wales have been recording suspect interviews by electronic means since around 1986 when the audio-taping of suspect interviews became compulsory under the Police and Criminal Evidence Act 1984 for any persons under caution in relation to indictable offences (Ord *et al*, 2004). While this includes any conversation between the investigator and suspect, most forces (including most western policing jurisdictions who followed the England and Wales lead) have had to get around the lack of suitable electronic equipment for use in the field by confirming any prior events and conversation during the subsequent recorded interview (Ord *et al*, 2004).

As well as the major advantage of preserving the integrity of the person's evidence, recording an interview by electronic means also reveals the nature and skill of the interviewing (Milne & Bull, 2003). This feature makes it ideal for the assessment of further training needs and for

statement analysis by linguists (e.g., Adams, 2004; Heydon, 2004).

The availability of recordings means that the police interview room is now a reasonably well researched area. Although permission to listen to or view tapes is not lightly given, English researchers such as John Baldwin, Rebecca Milne and Ray Bull have been able to do so since around 1991. Until fairly recently, that research mainly involved suspect interviews. Although the Royal Commission on Criminal Justice which reported in 1993 (Lea, 2004) recommended that witness statements should also be tape-recorded, this has seldom occurred (Clarke & Milne, 2001).

VIDEO COMPARED WITH AUDIO

Visual recording is generally preferred over audio-recording because of its added benefit of allowing the observer to view the whole message communicated by the interview participants (Burbeck, 2001; Takitimu & Schollum, 1991). In other words, the visual recording shows the factual content of what is said, the actual manner in which things are said and whether these are supported non-vocally, and the non-verbal communications (with a wide range of 'leaked' messages).

Interestingly, given the many differences between the American and English literature, the American writing on kinesic interviewing (e.g., Walters, 2002, Zuwalski & Wicklander, 2001) also makes a compelling argument for video-recording interviews. Psychology has shown that an individual's speech relates to his or her nonverbal behaviours. Observation of both is therefore critical. A record of speech alone creates a strong risk of misinterpreting or missing the significance of something that has been communicated non-verbally.

Another argument for both relates to the analysis of the interviewee's 'paralanguage' i.e. the "loudness, timbre, rate, inflection, rhythm and enunciation of an utterance" - all the things aside from the actual words themselves that also convey meaning (Milne, 2004, p26). Whilst this can be done from an audio recording alone, the analysis will be greatly enhanced if the analyst can see the person's body language, facial expressions and so on as well.

ADMISSIBILITY

According to the Crown Prosecution Guidelines (England and Wales), video recorded evidence is admissible in evidence in the same way as photographic or audio-taped evidence is admissible. The *Youth Justice and Criminal Evidence Act 1999* has gone further by suggesting that interviews with all vulnerable witnesses should be videotaped so that, if agreed by the Court, the tape can be played as the witness's evidence-in-chief.

The NCOF (2003) guidelines for Tier 3 of the ACPO Investigative Interviewing Strategy outline the process to be used. In particular, they stress the role of decision-making. When deciding whether to interview a vulnerable witness on video, Police must consider "whether the quality of the witness's evidence is likely to be maximized as a result" (p28).

Similarly, in determining whether the video recording should be played, "courts are obliged to take account of the circumstances of the case, including the witness's views and the likelihood that the use of the video recording might inhibit the testing of the evidence by any party" (p28). Moreover, the guidelines stress that police must take care not to give the impression to vulnerable witnesses that video taping means they will not have to give evidence in court.

While there is no statutory obligation on police to interview vulnerable witnesses on video, the wording and provisions of the Act do mean that investigating officers need to look ahead to a possible prosecution when considering their interview strategy. This would seem a sensible approach to any investigative interview.

CONTINUED RELIANCE ON WRITTEN STATEMENTS

The increased use of video to record interviews with vulnerable victims and witnesses in the last few years has meant that more are being shown in court. This represents, however, only a tiny proportion of interviews overall. For the time being, Police still mostly rely on a written statement prepared during an interview or after the person has been interviewed. And research continues to find a pattern of poor practice when capturing in statement form the substance of what a person actually said. For example, in her analysis of witness interviews and statements, Daniell (1999) found that statements produced by even the best interviewers frequently distorted the information presented by the witness.

Similar deficiencies are reported in a study by Hooke and Knox (1995) which compared written summaries of suspect interviews prepared by either sworn or civilian police staff. In both cases the quality varied enormously, with many being totally unsatisfactory. The study did find, however, that summaries prepared by civilian staff were consistently of a higher quality than those prepared by sworn staff - both on specific points (such as coverage, accuracy, relevance, coherence and literacy) and on overall assessment.

Schollum (1996) commented that this reliance by everyone in the system - including police, defence solicitors and Crown Prosecution Service - on summaries that are known to be frequently misleading, distorted or of a generally poor quality is unacceptable and "does not meet the standards of openness and fairness that led to the tape-recording of interviews in the first place" (p743).

The deficiencies associated with written statements and summaries heighten the risk of both wrongful conviction and wrongful acquittal. In more recent years, lawyers have been strongly advised to view written statements or summaries with an extremely critical eye (e.g., Ede and Shepherd, 2000). Indeed, Milne and Bull (2003) have found much evidence amongst lawyers, police officers, judges and psychologists that they consider many written statements to be unreliable and not representing the 'best evidence'. A greater move towards recording statements and then showing them in court would potentially lessen this risk.

RECORDING WITNESS INTERVIEWS BY ELECTRONIC/DIGITAL MEANS

A small number of police forces in England have established limited criteria - such as the seriousness of the incident - to decide whether to tape-record witness testimony (Shepherd & Milne, 1999). This coincides with the arguments in recent years for the widespread adoption of audio or video recording to preserve an exact record of the original accounts of all eyewitnesses. For example, Milne and Bull (1999, p183) write that

"The necessity of tape-recording all interviews, be they with suspects, witnesses or victims, regardless of the age of the interviewee, cannot be over-emphasised".

Milne and Bull (2003) reinforce this in their criticisms of current practices around taking written statements from witnesses:

It is impossible to conduct an appropriate interview, concentrating on the verbal and non-verbal behaviour of the interviewee, listening to what the interviewee has to say, structuring the next question and so on, whilst simultaneously writing down all that the interviewee has said. Something has to give, and it seems to be that both the interviewing and the record of the interviewee's account that adversely suffer" (p115).

Dr Milne's strong feelings on this matter are even more evident in the following paragraph (Shepherd & Milne, 1999, p141):

"If tape-recording of witness interviews remains a matter of discretion, the vast majority will go unrecorded. Officers will continue to interview in the way they always have, safe in the knowledge that no one will ever know what really went on, the officer's performance and its effects, what the witness really said or was prevented from saying, and the fidelity of the statement constructed by the officer".

Milne and Bull (1999) argue that the reported deficiencies of police-produced statements can have a profound effect on the witness's credibility in court. Heaton-Armstrong and Wolchover (1999, p223) echo this view when they state that, in their view as experienced barristers, the discrepancy between the interview statement and the witness's recall on the stand "is frequently a direct cause of acquittal of the guilty".

Along with the others mentioned above, Heaton-Armstrong and Wolchover (1999) argue strongly for the electronic recording of all witness statements, saying that it would have immense benefits for justice. They support their argument with the following example about:

“... the dramatic outcome of a trial at the Central Criminal Court in February 1998, widely reported in the national press and broadcast media (see The Times, 4 and 6 February 1998). On being tried for rape, two 10-year-old boys, the youngest ever to be so prosecuted, were ordered by the judge to be acquitted because the alleged victim, aged eleven, had made no rape allegation during a 45-minute video-recorded interview with a woman police officer. When the questioning appeared to be over, the officer re-entered the room, and asked a question which the judge described as ‘both leading and wholly improper’ and which, she observed, in effect put words into the girl’s mouth. After this, it was held, the allegations of rape were tainted and it would not be proper for the charges to go before the jury” (p232).

WRITTEN STATEMENT STILL REQUIRED

Some commentators have suggested an electronic record would need to be accompanied by a written record of the interview. According to Heaton-Armstrong and Wolchover (1999) there are a number of ways this could occur, all with pros and cons (see table 15).

This approach by Heaton-Armstrong and Wolchover (1999) assumes that a formal written statement is required even though a recording of the interview has been made. This is a matter for debate. It could be argued that the recording itself is the witness’s ‘statement’. This, together with any subsequent transcript represents everything the witness said in the interview, in which case, there would seem no need for another statement.

However, investigations need rapid access to what was said in an interview and may not be able to wait for a transcription to be prepared. As outlined in the section on the PEACE interviewing model, it is considered good practice for interviewers to make brief notes during the interview so they can keep track of what the person is saying. During a PEACE interview, the officer would obtain a first account, followed by a second and even third account to get further detail. The recording would be the ‘statement’ but officers could either use their notes to prepare a summary for the investigative team, or the notes themselves could serve as the record of interview. Either way, the investigation could proceed without the delay of waiting for a transcription.

Statement	Advantages	Disadvantages
An ex post facto summary prepared by the officer	Officer could listen to the tape as often as needed to refresh his or her memory on the main points. Could be done at a time convenient to the officer.	Would require a follow-up session with the interviewee to get signature (and agreement to contents). Interviewee might want to add to or amend some aspect, necessitating the need for reviewing the initial interview and tape-cording any changes or clarifications by the interviewee, then adding to the written statement.
Prepared at the end of the recorded interview while the interviewee is still present.	The officer and the interviewee have the information from the interview fresh in mind. The officer can make the statement comprehensive and detailed, while free of repetition and digression, and can check with the interviewee as to its accuracy then and there. Any changes could be recorded on tape and included in the written statement.	May miss some of the finer detail that would be revealed through listening to or watching the interview again. Would add considerably to the time the interviewee would need to be present and increase their tiredness [although this is offset to some extent by the original interview taking less time than if it had been written from the start].

Table 15: Preparing a written statement after the witness interview

PRACTICAL ASPECTS OF RECORDING ALL WITNESS INTERVIEWS

Feasibility

Whilst the *Youth Justice and Criminal Evidence Act 1999* makes it clear that vulnerable witnesses should be video-recorded if it is felt that this would make the most of their evidence, there seems little widespread support amongst practitioners for electronically recording all witness interviews.

Even the strongest supporters (e.g., Heaton-Armstrong & Wolchover, 1999; and Milne & Bull, 1999) seem to recognise that this may not be feasible or indeed necessary. The police deal with huge numbers of recorded offences each year (e.g., 5.935m in 2003/04 for England and Wales; 0.426m in 2003/04 for New Zealand). Many cases are straightforward and able to be dealt with quickly and efficiently. The expenses associated with recording and storing all the relevant witness interviews would probably outweigh any savings and related benefits.

Even in major cases, such as homicides, it may not be practical to record every interview. With some murders, for example, police can interview hundreds of witnesses. These usually have to be undertaken over a short period of time - not only to obtain vital clues but also to limit the amount of memory contamination that can occur from potential witnesses talking to each other (Gabbert *et al*, 2004). This often requires large numbers of officers, with the majority of interviews being conducted away from police premises. Having to provide sufficient equipment to do all these interviews on video could be considered impractical. In the long-term, however, technological advances may overcome any difficulties.

Selection criteria

Heaton-Armstrong and Wolchover (1999, pp237-238) discuss possible criteria for deciding whether to record a witness statement, including:

- the gravity of the offence under investigation (e.g., homicide and serious sexual assault)
- whether the witness is likely to make assertions that might be disputed in subsequent proceedings
- the judgment of the individual officer or of a senior officer (e.g., Inspector rank)
- all those who are eyewitnesses to the actual incident under investigation
- witnesses who have had a relevant conversation with the suspect after the event

- hostile or potentially hostile witnesses
- any person who is known to have been the last to see the victim prior to the offence being discovered
- witnesses who discover bodies, and
- police officers who initially respond to a call and either witnessed events or detained the suspect.

Some UK police forces (e.g., Northumbria Police) have already implemented a system where officers use certain criteria to govern decisions about whether or not to record a witness statement (*personal communication*). As yet there do not seem to be any evaluations as to the effectiveness of this course of action.

The recently released "Core Investigative Doctrine" (NCPE, 2005) suggests that the video-recording of significant witness interviews should be considered in cases of: murder, manslaughter, road death, serious physical assault, sexual assault, kidnapping, robberies in which firearms are involved, and any criminal attempts or conspiracies in relation to this list. The doctrine also suggests that any police officer who has witnessed any of these types of offence should be considered a significant witness and video interviewed (p87).

Deciding which criteria to use, and ensuring that officers adhere to these, is clearly not a task to be taken lightly. Shepherd and Milne (1999, p141) caution that:

"So long as the decision to tape-record rests upon subjective perceptions of seriousness and post hoc judgments concerning witness significance and seriousness of offence, the quality of witness interviewing will continue to prejudice the effectiveness of police investigation".

If one accepts, however, that it is not feasible and not necessary to record all victim and witness interviews electronically, it is difficult to see how some level of subjectivity can be avoided.

Transcription

If a greater proportion of interviews with witnesses and victims are recorded, this will result in a lot more transcriptions. Various matters will need to be considered, including:

- the additional resources required (people and equipment)
- the need for interviewing officers to check the transcription against the tape (or whether this task could be done by civilian staff)
- whether the transcription or tape (or both) is used in court

- issues of disclosure e.g., whether the transcription can be withheld from the defence
- the need of the investigating team for a summary of relevant information as soon as possible after the interview is conducted
- the possible psychological effects on typists of constantly transcribing interviews with victims
- the time involved in editing the transcript to remove all inadmissible information (Ede & Shepherd, 2000; Takitimu & Reid, 1994).

Recording equipment

It may be timely to consider what equipment is necessary for witness interviews. Heaton-Armstrong and Wolchover (1999, pp240) argue that specialist equipment such as that used for suspect interviews is not necessary for the recording of interviews with witnesses. There would seem merit in this view, as interviews with witnesses and victims more often occur away from a police station, and it would be impractical to use a recording system the size of those currently used by many jurisdictions for suspect interviews. Even though some countries, New Zealand for example, have a limited number of portable video units which are used for hospital and other interviews (Takitimu & Schollum, 1991) smaller models still could easily be developed, especially as organisations move from audio- and video-tape to digital systems.

Ideally, all police stations would be equipped with dedicated rooms for interviewing witnesses and that a large proportion of witnesses would agree to be interviewed there. Clarke and Milne (2001) make the

interesting point that if witness interviews were conducted in police stations on videotape, that action may have the side effect of making the public more comfortable with entering police stations and providing information.

That possibility aside, some witness interviews will always need to be done away from stations e.g., on the street or at the person's home or place of work. Off-the-shelf equipment may serve police purposes. This could be something like a DVD-based digital camcorder (with a protective case and portable tripod) or a laptop with a camera fitted so both audio and visual aspects are captured. As mentioned previously, audio alone is generally regarded as unacceptable due to the limitations associated with missing the person's non-verbal communications and difficulties associated with transcription.

For anyone concerned at the possibility of the recordings being tampered with, it has been shown to be almost impossible to edit a tape so as to foil detection by an expert (Heaton-Armstrong & Wolchover, 1999). However, any policy around the recording of witness interviews could require an unedited 'master' copy to be preserved for scrutiny.

Cost

A major factor in the use of recording technology is the acquisition of the necessary equipment. The table below shows some of the advantages and disadvantages of purpose built versus off-the-shelf equipment. These would have to be considered when considering expanding the use of electronic equipment for interviews.

Devices	Advantages	Disadvantages
Purpose-built	<ul style="list-style-type: none"> • Constructed to meet exact requirements • Able to hide complicated circuitry and buttons • Can provide both a 'master' tape as well as one or more copies • Long-lasting 	<ul style="list-style-type: none"> • Expensive • Parts can quickly become hard to obtain or obsolete • May require special servicing arrangements • Can inhibit the ability to take advantage of better or cheaper technology
Off-the-shelf	<ul style="list-style-type: none"> • Can be easily and cheaply obtained and replaced • The decision to discard is easier to make if something much better comes on the market 	<ul style="list-style-type: none"> • May not be as robust as purpose-built • Would involve additional steps e.g., time to produce copies of the original product • Could result in inconsistencies across the organisation as people choose different makes and models • Officers may not treat the items with as much respect/care as purpose-built

Table 16: Pros and cons of purpose-built versus off-the-shelf recording equipment.

Besides the equipment, associated expenses (see for example Baldwin, 1992; Sullivan, 2004; Takitimu & Schollum, 1991) include:

- restructuring or providing new interview facilities
- training personnel in equipment use and interviewing techniques
- salaries of employees who transcribe the tapes
- storage of tapes and discs
- maintenance and servicing costs
- time and expense of personnel in:
 - retrieving tapes from storage
 - observing or listening to playbacks
 - editing inadmissible segments
 - preparing excerpts of recordings for courtroom use, and
 - making copies for the defence, courts and juries.

Savings

Consideration would need to be given to any savings and related benefits of the proposal to electronically or digitally record interviews with witnesses (Sullivan, 2004). These could include:

- some reduction in court time e.g., the cross-examination of witnesses about inconsistencies between statements and recollections
- stronger evidence for the prosecution
- saving the time and cost of lengthy contested pre-trial and trial hearings as to what the witness actually said
- reduction in risk of innocent persons being convicted or guilty persons being acquitted
- juries taking less time in returning verdicts when there is no argument over the veracity of the witness's statement.

Heaton-Armstrong and Wolchover (1999, p243) suggest that the costs involved (equipment, extra staffing, etc) would also be offset by "the avoidance of the need to pay out enormous sums in compensation to people whose convictions were subsequently quashed as the result of doubts over the reliability of traditional methods of recording interviews".

According to Sullivan (2004, p24) "most costs come on the front end, and they diminish once the equipment and facilities are in place and training has been given. In contrast, savings continue so long as electronic recording continues". In reality, things may not be so simple. Certainly the big costs of providing interview

rooms are only incurred once, and the appropriate equipment should only need to be replaced infrequently, but additional staff and training would be ongoing costs. Whether these are outweighed by the savings to police and court time, and by increases in guilty pleas and conviction rates, would need careful consideration.

ADMISSIBILITY OF DIGITAL RECORDINGS

With the shelf-life of videotape technology coming rapidly to an end, Police need to consider the impact of a move to digital technology (Sullivan, 2004). For example, does the use of the term 'videotape' in current policies, regulations and legislation affect the admissibility of confessions or admissions obtained by digital means?

In New Zealand, the document entitled Electronic Recording of Police Interviews Policy and Procedural Guidelines refers to "Electronic recording ... by videotape" but does not define the term. Certainly, the use of media other than magnetic tape (e.g., Compact Disc (CD), Digital Video Disc (DVD), flash memory, and solid state) is not mentioned. But in New Zealand, the Policy and Guidelines have no legislative status. The admissibility of confessional evidence is determined by the courts through the exercise of judicial discretion relating to fairness, voluntariness and public policy. Therefore, provided the courts are satisfied that recorded confessions or admissions meet the common law requirements, the technology used in the recording process would not seem to render the material inadmissible. This may also be the case in jurisdictions where legislation governs the use of videotape for police interviews.

WILLINGNESS TO BE RECORDED

A further consideration is whether witnesses would be likely to object to having their statements recorded. There appears little research on this matter, but information about suspects' reactions to being recorded offers some assistance. Whilst it was widely anticipated that suspects would resist being taped, this pessimism proved unfounded (Baldwin, 1992; Takitimu & Schollum, 1991). The police experience has been that the use of recording devices has not prevented officers from eliciting cooperation, admissions and confessions from suspects (Sullivan, 2004).

If suspects, who would seem to have a great deal to lose, are willing to be recorded, it is likely that many witnesses and victims would feel the same. One of the few evaluations of witness interviews on record, by Clarke and Milne (2001) as part of the Home Office evaluation of the PEACE interviewing model, involved equipping officers with recording equipment and asking them to record a number of their witness interviews. The final report does not indicate any difficulties with this change of practice.

GOING DIGITAL

VHS VCR recorders have lasted 25 years as a recording standard, and the HiFi VCRs that some police use (e.g., New Zealand Police) have been around since the late 1980s (Takitimu & Schollum, 1991). This technology is rapidly being replaced by DVD which is the new generation of optical disc storage technology. It has many advantages that are attractive for police purposes (e.g., can store 30 hours of VHS quality video; can hold up to 9 camera angles (with different viewpoints able to be selected during playback); uses on-screen menus; has instant search and rewind capabilities; is durable (no wear from playing, only from physical damage); is not susceptible to magnetic fields; is resistant to heat; includes 'programmability' (playback of selected sections in a desired sequence); has a player feature that allows digital zoom i.e. 2x or 4x enlargement of a section of the picture; and is compact and easy to handle and store (*personal communication* NZ supplier).

As well as advantages, DVD has proved to have shortcomings that need to be understood when considering DVD for evidentiary recordings. PC-based DVD recorders in particular have proved problematic - suffering from software crashes and a limited life expectancy for the hardware. In addition, optical recorders do not last in dusty environments.

Existing VHS systems will be obsolete in the not too distant future - some major electronic firms have already announced they will no longer support VHS machines. Knowing this, many police jurisdictions are starting to look for replacement solutions for recording investigative interviews.

The Australian Federal Police specifications (*personal communication*) require any new digital system to reflect the advantages above but must also be capable of storing interview recordings on a centralised server and stream them on demand, allow police officers to enter data relating to the interview into the new system before

recording starts, and apply some form of protection to the digital recordings to prevent any potential allegations of manipulation.

Whether the industry can meet these specifications is still not clear. It is an area, however, that any police jurisdiction with audio or videotape equipment must be aware of to safeguard their own ability to produce reliable recordings.

Other issues related to technology

This section has outlined some of the issues relating to the electronic recording of police interviews. Space precludes dealing with others in any depth. These would include a consideration of microphones (e.g., positioning and sound quality) and the storage and retrieval of recorded evidence.

Key points

1. US courts have accepted electronic recording as a viable means of documenting police interviews with suspects. Most US agencies leave the recording decision to the discretion of the officer in charge.
2. The Police and Criminal Evidence Act 1984 made it mandatory for England and Wales police forces to record suspect interviews by electronic means. The recording of witness interviews is a much more recent phenomenon.
3. Jurisdictions are increasingly videotaping at least some witness interviews.
4. Research shows that camera angle can have a profound influence on jurors' assessment of the voluntariness of confessional evidence.
5. Recording equipment is changing rapidly. VHS will soon be out of date and unable to be supported. Police must prepare to change current videotape systems.

LOCATION OF INTERVIEWS

INTRODUCTION

The location of the investigative interview is important because it affects the relationship that is established between those involved (Queensland Police Service, 2003). Police control over the location is perhaps greatest in suspect interviews - most are conducted in police interview rooms. It is more limited for witness interviews. Some occur at police stations but a large proportion are conducted in the witness's own home or place of work (Moston & Stephenson, 1993). The majority of informal witness interviews conducted by police can take place at anytime and anywhere (Szczyzny, 2002).

INTERVIEWING SUSPECTS

There appears no debate that suspects should be interviewed in a place of police's choosing. This is normally at a police station but out of necessity may sometimes be at other locations such as a hospital. According to Vessel (1998) officers should only conduct interviews when they can guarantee privacy and maintain control of the environment. In particular:

"A good setting is a small, controlled, sound-insulated room devoid of distractions. Investigators should avoid environments with [uncovered] windows, telephones, clocks, pagers, and intercom systems. A setting free from diversions forces subjects to respond only to the inquiries. It also gives investigators a much better opportunity to observe the subjects' verbal and nonverbal responses to the issues presented [so they know] these reactions result from the issues and not from any extraneous stimulus" (p2)

There is some debate, however, over the positioning of furniture within an interview room, as well as the presence and positioning of electronic equipment and aide memoires. This review does not have space to go into detail about the various views. Suffice to say that there appears no consensus of practice or policy. Some jurisdictions, for example:

- use armchair-style chairs, others use utilitarian chairs
- have a table between the suspect and interviewer, others have no table at all, and others again position a table to the side so that interviewers can take notes but not have a barrier between them and the suspect

- bolt the table (and even chairs in some instances) to the floor to prevent suspects using furniture as a weapon; others leave it up to individual officers to position the furniture as they like
- use aide-memoires to ensure the cautions and other responsibilities are taken care of correctly. Whilst influential researchers such as Clarke and Milne (2001) are convinced of the need for aide-memoires, others believe they have no place in an interview room
- have the camera equipment set up overtly; others have it hidden
- use a single camera that shows the suspect and everybody else in the room; others have a single camera focusing only on the suspect; and increasingly, two or more cameras are being used to create picture-in-picture perspectives (e.g., the large picture gives a front view of the suspect, and a back or slightly side view of the officer; the smaller picture gives a front view of the officer and a back or slightly side view of the suspect).

Orientation

Milne (2004, p25) offers advice on seating layout:

"Although cultural differences do occur, a side-to-side position indicates cooperation, and conversation tends to take place most comfortably at a 90° angle (or a ten-to-two- position). Confrontation tends to occur in a face-to-face orientation. As a result, positions in an interview room can affect the interview outcome even before any verbal interaction has taken place".

OPTIMAL FITOUT

The following table shows suggestions from the literature on how a suspect interview room should be set up.

Basic room

The room should be small (e.g., 8 feet by 10 feet), well-ventilated, painted in neutral colours, at least semi-soundproofed, and neither overly bright nor dark. Any windows should be shaded, and there should be some means of ensuring no interruptions - such as a red light indicating the room is occupied - although there should be no locks on the door (Wicklender & Zulawski, 2003).

Camera and camera angle.

Accurate judgments of the voluntariness and reliability of the information given requires all parties in the room to be shown equally - whether using one or more cameras (Lassiter *et al*, 2002).

Fixtures and fittings.

The room should be kept simple with no distractions such as telephones, office supplies, or notices on the wall (Vessel, 1998). Chairs should not have wheels or the ability to swivel and should be comfortable without being overly so. In addition, the suspect's chair should have its back close to the wall so he/she cannot move it excessively during the interview or move out of camera view (Wicklender & Zulawski, 2003). The seating arrangements must allow the interviewer and interviewee to completely engage in conversation (CFIS, 2004) and allow body language to be noted (Walters, 2002). There is support for the presence of aide-memoires to assist the interviewer (Milne & Bull, 1999).

INTERVIEWING VICTIMS AND WITNESSES

It is important to have a room that is perceived as comfortable to the victim or witness. Jordan's study of rape complainants (2004, p79) shows that while 49% described the atmosphere during interviewing and statement-taking as "warm and supportive", the remaining 51% had more negative impressions, including that it was "a cold, clinical environment" (23%) and "unreal, grotty or overwhelming" (28%). Contributing to the negative perceptions were interviews held in rooms full of police paraphernalia or subject to interruptions. Jordan (2004) stipulates privacy and comfort as amongst the most fundamental requirements.

Project Sapphire

These aspects have been given prominence by some agencies. For example, "Project Sapphire" set up by the Metropolitan Police Service in April 2001 shows how the drawbacks of current practice and settings can be overcome. The project involves special 'havens' where specialist teams made up of police, counsellors and psychologists, and specially trained NHS doctors and nurses take a 'one-stop-shop' approach to the investigation of sexual offences and care of victims (MPS, 2005).

The confidential service can be accessed whether or not the victim is planning to report the assault to police. At the Project Sapphire 'havens', nonsworn police work with

trained medical staff through the various procedures, including interviewing the victim, gathering scientific evidence and storing DNA samples. Hence, crucial material can be used in court at a later date. A full police investigation is only instigated if the victim gives permission.

Writing for the Guardian, journalist Raekha Prasad (9 Oct, 2002) outlines how the havens are revolutionising the way allegations of rape are investigated and victims are treated.

"Gone is the agonising wait, often for hours, for a forensic doctor in a cold, and frequently ill-maintained, rape suite in a police station - where victims are unable to wash, drink or urinate so that forensic evidence is preserved. Gone, too, is the added ordeal of reporting the details of rape to an officer with no expertise in investigating sexual offences and no special training - which has bred the common perception of police attitudes to rape victims as highly sceptical and bullying".

Whilst this approach to dealing appropriately with victims of serious sexual assault is spreading in England and Wales, it is unlikely that it will extend to victims and witnesses generally. With a large proportion of investigative interviews needing to be conducted at police stations, it is up to police to ensure they have facilities that make the experience as painless as possible, encourage cooperation, and elicit reliable information. At very least, that means privacy, comfort, and an interested and competent interviewer.

REMOTE MONITORING

Police interview rooms in western jurisdictions are increasingly equipped for video-taping and video-monitoring. Thus not only can the interview be recorded, but what is said and done in the interview room can be monitored from another location. Home Office Circular 50/1995 on the remote monitoring of tape-recorded interviews points out that suspects and their legal advisers must be able to tell when remote monitoring is occurring, and that police must ensure that there is no possibility of privileged conversations being listened to.

Despite the HO Circular, Shepherd (2004, p205) warns legal representatives to be particularly vigilant in rooms assigned by police for consultation:

"There is no guarantee that the police will not actually record consultations 'by accident' by switching on the microphone or the video-recorder, [therefore] you should always ask the Custody Officer and/or Investigating Officer:

- *to brief you on the remote monitoring facilities in the room;*
 - *to show you the location of the 'in operation' indicator light;*
 - *to confirm that your consultation will not be audio-monitored."*
-

This sort of warning is perhaps indicative of the relationship between police and defence solicitors in England and Wales. A similar warning has not been necessary in New Zealand. Interview rooms are routinely set up to enable interviews to be monitored while they are taking place (Takitimu & Reid, 1994). This allows advisers to help with complex cases, investigators to get vital information as quickly as possible, and supervisors to check the interviewing skills of their staff.

Monitoring by a second interviewer

The evidential interviewing of children requires a second person to monitor the interview from a room apart from where the interview is taking place. This person makes notes and ensures the main interviewer does not miss anything. Recognising that the main interviewer cannot write down everything while paying complete attention to the interviewee (Milne & Bull, 1999), police are increasingly adopting this approach for other interviews.

In Northern Ireland, for example, witness interview rooms are set up so that the main ('first') interviewer conducts the interview in one room while the 'second' interviewer monitors it from an adjacent room. The term 'second interviewer' is used to ensure officers recognise the importance of this role - not just to make sure the equipment works properly or to take notes, but to notice things like inconsistencies or omissions and bring these to the first interviewer's attention through the earpiece worn by the main interviewer (*personal correspondence Sgt Valerie Brady PSNI*).

This approach appears to be advocated only for interviews with vulnerable, intimidated and significant witnesses. Even when limited to these situations, having two rooms instead of one for witness interviews has resource implications for police. However it is increasingly regarded by some (*e.g., Dr Becky Milne and DCI Gary Shaw, personal communications*) as vital to achieving successful criminal justice outcomes i.e. greater satisfaction for the victim, better quality information for investigations, evidence that meets the requirements for a prosecution, earlier guilty pleas and so on.

Key points

1. Police should maintain as much control over the location of investigative interviews as possible. The distractions at a witness's home or work are not conducive to an effective interview.
2. Suspect interview rooms should ensure cameras are focused on all parties equally
3. The rooms should have no distractions, keep tables to the side of the officer rather than between the officer and suspect, and have aide-memoires available to ensure legal and other requirements are met.
4. Privacy and comfort for witness interviews are major considerations.
5. Two interviewers (one in the interview room with the witness and one in an adjacent room taking notes, checking the equipment is working, and communicating with the main interviewer about inconsistencies and things that may have been missed) are increasingly being regarded as vital in interviews with vulnerable, intimidated and significant witnesses.

TRAINING

TRAINING CONTENT

The following table is presented as a summary of the crucial elements that are recommended for inclusion in any training in investigative interviewing. These elements have come from the international research and have been identified and discussed in earlier parts of this review.

1. The importance and role of investigative interviewing

- Types of investigative interview
- Definitions: victim, complainant, witness, suspect, investigator, interviewing vs interrogation
- Principles of investigative interviewing
- Ethical interviewing
- Miscarriages of justice

2. The influence of psychology

- Communication and interpersonal skills
- How memory works
- Body language / non-verbal communication / deception
- False confessions / suggestibility
- Understanding resistance
- Interviewees – victims, witnesses, suspects
- Questioning
- Listening
- Understanding 'vulnerability'

3. The PEACE interviewing model

- Background
 - **P**lanning and Preparation
 - **E**ngage and Explain
 - **A**ccount
 - **C**losure
 - **E**valuation
- The 'free recall' (FR) interview
- The 'conversation management' (CM) interview
- The 'enhanced cognitive interview' (ECI)
- General 'tool-kit' of practical techniques

4. Legal knowledge and requirements

- Judges' Rules
- Rights
- Cautions
- Disclosure
- Dealing with lawyers
- Relevant case law

5. Practice and procedures

- How to:
 - conduct a 'street' interview
 - record a 'notebook' interview
 - write a complete, reliable and accurate statement
 - conduct an interview with a cooperative witness (FR)
 - conduct an interview with an uncooperative witness (CM)
 - conduct an interview with a cooperative suspect (FR)
 - conduct an interview with an uncooperative suspect (CM)
 - conduct a visual interview (with suspects, victims and witnesses)
 - write a synopsis of a visually recorded interview
 - recognise and deal appropriately with vulnerable interviewees

Table 17: Core elements of investigative interviewing as revealed by the literature

The table proposes a logical approach to training in investigative interviewing - from understanding why investigative interviewing is important and why it must be carried out in an ethical manner, to understanding the theoretical basis for good practice, through to how to actually do it. These foundation blocks would be built on as an individual's career progressed. As noted by Strongman (1994, p21-23):

"By the end of their recruitment training, officers should feel comfortable and confident that they could cope with most standard interview situations ... The later stages of formal interview training ... should simply be in the form of more subtle and advanced forms of their initial training, building on the interview experience that police officers will by then have had ... The emphasis all the time should be on acquiring skills not amassing knowledge."

PURPOSE OF TRAINING

The literature (as described previously in this document) suggests that interview training should:

- be a comprehensive mix of classroom instruction, simulated scenarios and role playing, self-monitoring, and workplace assessment
- impart both a theoretical framework as well as technical competence
- be focused on whole-of-police and whole-of-career
- provide a large number of well-trained generalist interviewers combined with a smaller number of specialist interviewers
- provide interviewers with the skills and confidence to deal with the wide range of situations they are likely to encounter
- ensure interviewers realise that different methods and approaches are necessary for the different types of individuals they interview
- ensure officers understand that the study of interviewing is an ongoing process - practising wherever possible is critical
- ensure interviewers develop a range of physical, social and psychological skills that they can carry over to all the types of interactions between police and public.

From a training perspective, it is also important to convey the message that the interview is a crucial part of a wider investigative process, rather than an isolated undertaking.

LENGTH OF RESIDENTIAL TRAINING

One of the reasons the original implementation of the PEACE interviewing model in England and Wales foundered was insufficient training (Clarke & Milne, 2001; Shaw, 2001). Now that the crucial components of effective interview training have been identified, every effort is being made to avoid making the same mistake. All forces are engaged in providing enhanced training (a mix of residential, distance and workplace learning) around the 5-tier structure established by the ACPO Investigative Interviewing Strategy.

The residential courses range from one to three weeks. The courses are based on the national guidelines provided by Centrex (recently renamed the National Centre for Policing Excellence) but the actual lesson notes are prepared by individual forces (*personal communication*).

The author of this review had the opportunity to sit in on parts of a number of representative courses in England, including:

Tier 1 - 2 weeks probationer (recruit) training in witness and suspect interviewing - Durham

Tier 2 - 1 week CID training in witness and suspect interviewing - Thames Valley Police

Tier 3 - 3 week suspect interviewing course - West Yorkshire Police.

Tier 5 - one day's attendance at a real-life planning session carried out by an interview adviser - advising a homicide team on how best to interview the main suspect - Durham

THE LAW

It should not be necessary and indeed would not be feasible to incorporate all the 'law' that interviewers need to know into interview training. Milne and Bull (2003) point out that there is tension between the need to include teaching the law associated with interviewing (including incorporating any new legislation), and the actual art of interviewing. They say the emphasis must be on delivering a skills-based course and that the legislation could be taught in other parts of training or as a distance learning module. This approach is reflected in "The Practical Guide to Investigative interviewing" (NCOF, 2004) which is sent to trainees in advance of attending a PEACE course.

VULNERABLE INTERVIEWEES

Particular caution is needed by officers when dealing with vulnerable interviewees, i.e. children under 17, those with a learning disability or other impairment, and so on. Inexperienced officers will rarely have the skills to interview these people effectively. A number of commentators (e.g., Gudjonsson, 1994; Leishman *et al*, 2000; Milne, 1999) have argued that inexperienced officers should have awareness training as opposed to specific interview training so they can correctly identify vulnerable interviewees but that the interviewing itself should be carried out by those who have received more advanced training.

ASSESSMENT OF TRAINING EFFECTIVENESS

New interviewing skills, like any others, take time to master. Regular practice, supervision, assessment, and feedback are required. While it is accepted that learning and change will extend beyond the delivery of a specific course or training experience, there is a wide array of factors (e.g., the “facilitators and barriers” described by Ottoson, 1997, p94) that affect the transfer of learning from the classroom to the workplace. These factors include programme design, work environment, level of engagement, an array of personal, social, economic and political influences, organisational structures, reinforcement from colleagues and supervisors, resources, authority to act, amount of practice time, culture, attitudes and prior knowledge.

According to Ottoson (1997, p94) these variables suggest five general sources of influence on people's post-programme experience:

- the programme itself
- the innovation or new ideas to be applied
- the predisposition of the learner
- characteristics of the environment that enable or hinder progress, and
- support or incentives for applying the learning.

This suggests that any approach which focuses only on imparting knowledge and skills, and fails to recognise the wider influences on practice, may not bring about real and lasting changes in practice. In addition, Strongman (1994, p20) argues that :

“For any system to be useful and flexible and to develop rather than stagnate, then there must be built into it a process of evaluation ... In general, what is missing is a systematic evaluation of individual interviews, the interviewing capability of individual officers, and the general efficacy of the training programme”.

It is vital therefore to put in place processes that not only enable the implementation of any new programme to be monitored on an ongoing basis but also to be evaluated at various intervals.

ANNUAL APPRAISAL PROCESS

Part of the monitoring process could include making assessment of interviewing skills a regular part of performance appraisal (Rigg, 1999). Clarke and Milne (2001) take this further by using research from organisational psychology to argue that if interviewing is a skill valued by police, it needs to be included in performance management at all levels.

This approach assumes, however, that managers are not only equipped to judge interviewing but that they are motivated to do so. A 2004 Home Office report on “Police leadership: expectations and impact” (reported in the Police Review, 7 May 2004) found that a large number of police line managers are ‘lazy, moody and unethical’ and do not deal with poor and unacceptable performance. If there is truth to this, then Shaw (1996f) and Stockdale (1993) are correct when they say that buy-in of managers is vital before attempting to implement a revised interviewing programme. All supervisors need to receive training that not only improves their own interviewing skills but teaches them how to monitor and supervise the interviews of others.

The need for active, knowledgeable and committed supervisors has been recognised by police forces in England and Wales. Two current chief constables, Peter Neyroud (Thames Valley) and Ken Jones (Surrey) have recently commented on the need to include this group in a more modern framework for policing. “By building work-place assessments into local and national training we can equip sergeants and inspectors with a portfolio of accredited skills and knowledge that would mean they are better at their job” (Police Review, 1 April 2005, p14).

TRAINING STAFF TO ASSESS THE QUALITY OF INTERVIEWS

In 1993, Baldwin (p327) expressed the view that “Police interviews can be assessed according to accepted standards of good practice, a subject on which an extensive literature now exists”. However, by the following year he was acknowledging that:

“The assessment of standards of interviewing is problematic. ... What constitutes a ‘good’ or an ‘effective’ interview is largely a subjective judgement, and questioning that, say, a psychologist would regard as overbearing or coercive might well be seen very differently by police officers, civil libertarians or indeed suspects” (Baldwin, 1994, p67).

Standards that Baldwin applied included: allowing suspects an unhurried and uninterrupted opportunity to state their position; listening to their responses; avoiding harrising, coercive and authoritarian tactics; and testing a suspect’s account with fairness and integrity (Baldwin, 1994).

A number of instruments for assessing the quality of investigative interviews have been developed by or for police forces in England and Wales. These aim to provide consistency, reliability and impartiality. All the forms identify specific features to be assessed and many provide scales for a mark to be assigned to each feature (e.g., 1 (never) to 5 (always)) and space for the assessor to write comments and record specific examples.

Table 18 summarises the main performance indicators used in eight separate studies to assess the quality of investigative interviews. Each performance indicator normally has up to ten components. Some of this table has been adapted from an unpublished briefing paper for the ACPO Investigative Interviewing Steering Group entitled “Investigative Interviewing: review of training needs analysis” (2001).

Dr Becky Milne (*personal correspondence*) makes the point that the assessment tools used for research purposes (e.g., assessing the quality of a selection of interview tapes) are necessarily more complex than those advocated for use by supervisors. The latter group needs something that is reasonably easy to fill out but ensures consistency amongst those using it. At present, there appears no such nationally agreed form.

USE OF A NATIONAL REGISTER

Although it seems there are few official means of recording the training received and standards achieved by police staff, a great deal of work is being carried out in England and Wales (e.g. by groups such as the National Centre for Policing Excellence and Skills for Justice) on a “standards approach to competence”. The work of Skills for Justice in particular has been directed in recent years towards establishing national operating standards (NOS) and a national competency framework. More recent work has been directed towards the establishment of a national “register” (*personal communication*).

According to Mr Richard Winterton (Chief Executive, SfJ) the police service in England and Wales has a number of registers e.g. firearms, but no specialist register that covers the whole of an individual’s police career from entry to exit. Key features of such a register would be that it is nationwide, based on skill not rank, and based on national operating standards.

The aim would be to have a competent, well-motivated workforce where the right person is in the right job. But Mr Winterton says the register must have validity and credibility:

“The register will only be as good as the last person who was not put on the register because they did not make the grade. The Police Service must acknowledge when someone hasn’t achieved the necessary standard and must get rid of deadwood” (lecture at “Improving Investigative Performance” seminar, Belfast, 18 October, 2005).

Author	Baldwin (1992)	Stockdale (1993)	McGurk, Carr & McGurk (1993)	Bull & Cherryman (1995)	Clark & Milne (1998)	Metropolitan Police Service Form 4100	Kent County Constabulary	BARS Clark & Milne (1999)
Skills	Preparation Explain procedures Even-handed Listening & responding Flexibility Retaining control Legal knowledge Calm disposition Patience Subtlety Confidence Social skills Communication skills	Planning & preparation Legal knowledge Questioning style Interview structure Fulfill evidential requirements Confidence and control Fairness & open mind Maintains integrity of investigation Ensures interview admissible	Planning Rapport building Questioning technique Communication skills Structuring interview Listening Covering points to prove <u>Suspect Interviews</u> Obtaining version of events Open-minded Establishing credibility Closing interview	Questioning style Conduct of interview Communication Interview technicalities Interview technique Officer's attitude Disclosure of info by officer	5-pt scale for each item Planning & preparation Engage & explain Account Use of cognitive interview instructions (RE, RC, CO, CP, witness control, imaging, concentration) Interviewer characteristics (confidence, open mind, flexibility, communication skills, active listening) Questioning skills Eyewitness data (ADVOKATE) Closure Overall ability	ENGAGE & EXPLAIN: Identifies self & others Explains: • Time/date/location • Rights • Caution • Reason for interview Attempts to build rapport ACCOUNT Interview techniques (as appropriate) • suspect agenda • police agenda • explore info • challenge • summarise • points to prove • exhibits QUESTIONING SKILLS LISTENING SKILLS CLOSURE	Planning Preparation Engage Legal requirements Reasons & routines Route map & expectations First account Topic selection Probing Questioning Summarising & linking Listening Conversation Language Flexibility Challenging Resistance Closure Effectiveness evaluation	7-pt scale for each item Legal requirements Introduction of the interview Questioning Listening skills Knowledge of incident/offence and points to prove Procedural knowledge (Codes of Pract, special warnings, ADVOKATE) Challenging Closing the interview Fairness Interviewer style

Table 18: Performance indicators used in formal assessments of investigative interviewing.

SPECIALIST INTERVIEWERS

Strongman (1994, p23) suggests that a “formal system should be established in which the best interviewers, in general or in particular areas are identified and used. This could occur at all levels from constable to whatever heights the system could stand”. A definition of specialist (or advanced) investigative interviewing offered by Cherryman and Bull (2001, p202) is that it is:

“the fair questioning or facilitative interviewing by a well-trained, experienced officer with in-depth knowledge of a specific area, of a suspect, witness or victim in offences of a special nature or in unusual circumstances. These may be complex, severe or sensitive offences requiring additional skills within the rules of evidence and in accordance with the principles of investigative interviewing, in order to obtain accurate, credible and reliable information to help establish the truth”.

Thus, an interview becomes specialist when it requires skill beyond the realm of every-day investigative interviewing. This can be because of the nature of the interviewee (e.g., a ‘vulnerable’ person), the specialist knowledge required, or the nature of the crime. Some researchers involved in assessing the quality of police interviews (e.g., Baldwin, 1992) have argued that specialist training should be given only to interviewers who have demonstrated above average abilities. The 5-tier structure put in place by police forces in England and Wales seeks to do exactly this. Two of the layers are aimed specifically at training a small number of specialist interviewers (Tier 3) and even smaller number of specialist interview advisers (Tier 5).

Key points

1. The core skills needing to be developed in police interviewers are: the ability to plan and prepare for interviews; the ability to establish rapport; effective listening and effective questioning.
2. Interview training should: be a comprehensive mix of classroom instruction, simulated scenarios and role playing, self-monitoring, and workplace assessment; impart both a theoretical framework as well as technical competence; and be focused on whole-of-police and whole-of-career.
3. Monitoring and evaluation must be built into any implementation programme.
4. Training must include supervisor and managers - their buy-in is crucial.
5. Training needs to emphasise that any interviewer who does an interview without good planning first is merely “in a rush to get it wrong”.
6. The 5-tier interview structure set up in 2003 is in the process of being incorporated into the Home Office/ ACPO-led “Professionalising the Investigative Process” project (PIP). For example, interviewing witnesses and interviewing suspects are two of the three components for PIP Level 1 - meeting the 3 national operational standards for all ‘investigators’.

CONCLUSION

For police, the establishment of facts is a paramount duty. The ability to ask questions and interpret answers is accordingly a vital skill in policing, both for the new officer and the experienced investigator. In the search for truth, the ability to interview well is necessary but elusive.

This review has only been able to cover a fraction of the literature available on investigative interviewing. Hopefully though there is enough to show that the requirements for conducting an effective interview are considerable. The police interviewer must manage not only the psychological and tactical aspects of interviewing, but also the legal requirements of the process. The combination of knowledge required by all three aspects is broad based and complex.

As revealed by this review, it was only relatively recently that police officers in many countries began to receive formal training in interviewing. Research and the introduction of audio- and video-taping showed the deficiencies in interviewing practices and procedures and the extent of change needed.

Most western police forces have risen to the challenge, with an integrated approach being taken involving training, research and development, and general guidance. Nowhere is this more evident than in the 2003 ACPO investigative interviewing strategy. Implementation of this strategy by all police forces in England and Wales and by Northern Ireland demonstrates a commitment to ethical, reliable and effective interviewing. The strategy reinforces good practice through the widespread adoption of the PEACE model, recognition that interviewing requires time, concentration and flexibility, and acknowledgement of the crucial role of supervision.

Because of the multitude of policing jurisdictions in the United States it is difficult to get an accurate picture of investigative interviewing practice in that country. However, the plethora of documentation on the subject, especially the FBI literature, gives confidence that the Americans place just as much importance as police in England and Wales on features such as pre-interview planning, establishing rapport and allowing interviewees to speak without interruption.

Overall, the Anglo-American literature suggests the ingredients necessary to produce an effective interviewer are as follows:

- first, a knowledge of the psychology of interviewing and relevant scientific experimentation (e.g., how to

improve a witness's recall, being aware of the possible effects of their own verbal and non-verbal communication on interviewees, dealing with vulnerable witnesses, and so on);

- second, a thorough grounding in a wide range of practical techniques to draw on in interviews as appropriate (e.g., building rapport and creating a good atmosphere, looking after the interviewee's welfare, urging concentration, letting the person speak without interruption, letting them tell it their way, keeping interviewees informed of what is happening and what the next steps will be, clarifying to ensure things are correctly understood, being open-minded and flexible, and so on);
- third, extensive practice in a learning environment (courses on investigative interviewing in England & Wales are now routinely 5 days or more - including recruits, detectives, specialist interviewers and supervisors); and
- fourth, the opportunity to conduct interviews in a real-life setting while being monitored and receiving constructive feedback (supervisors are expected to include the regular assessment of interviews as part of staff development and performance monitoring).

Implementing a regime that encompasses these ingredients takes commitment and courage. Following the England, Wales and Northern Ireland example clearly has resource implications for any like-minded jurisdiction. And it may not meet with universal approval. Some police interviewers may not be sufficiently adaptable and flexible in their style and personality to be able to use an enhanced interviewing model well. Others may not have the necessary motivation and patience. Even with good training, not everyone will become a good interviewer. A few people display a natural ability to interview. Others can be taught to reach a high standard. Some will never make the grade. While everyone can perhaps be allowed to carry out basic interviews, the United Kingdom example is that the most challenging interviews should be reserved to a trained elite group.

To maintain public confidence, police management is obliged to provide the resources to ensure that every officer is able to fulfil the core functions of policing. One of these core activities is talking to people and eliciting complete, reliable and relevant information. Interviews in their myriad forms are the contact points between police and public. Their importance must not be underestimated.

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