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Interview or Interrogation?: A Comment on Kassin et al. (2003)

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## Interview or Interrogation: A Comment on Kassin et al. (2003)

Our knowledge about police interviewing and interrogation in the United States is currently very limited. This lack of knowledge makes the study of police interviewing and interrogation an important and worthwhile endeavor. While the criminal investigations community clearly recognizes that interviewing and interrogation are separate (although related) processes, the academic community often fails to make this distinction. As a result, some research designs employ a procedure that is neither an interview nor an interrogation, but rather a mixture of the two. This mixture may resemble how police interviewing and interrogation is portrayed in popular culture, but it does not resemble what professional criminal investigators are trained to do. The study reported by Kassin, Goldstein, and Savitsky (2003) is one such design. This paper will demonstrate that the design utilized by Kassin et al. (2003) featured an interaction that was neither an interview nor an interrogation, and for this reason, the study is of questionable utility for enhancing our knowledge about either interviewing or interrogation.

*The Differences between Interviews and Interrogations*

Because Kassin et al. (2003) refer to it, and because it is the most commonly referred to interrogation manual in the literature, *Interrogations and Confessions* (4<sup>th</sup> ed) by Inbau, Reid, Buckley, and Jayne (2001) will be used to identify the differences between interviews and interrogations. While there are numerous characteristics that distinguish interviews from interrogations, in the interest of brevity, only the characteristics that are most pertinent to this paper will be discussed here.<sup>1</sup>

The first of these characteristics involves the presence or absence of an accusation during the interaction. An interview is non-accusatory. During an interview, the investigator is encouraged to adopt a neutral and objective attitude and is instructed not to accuse the subject of

wrongdoing. By contrast, an interrogation is accusatory. The interrogator will often begin an interrogation by directly accusing the suspect of committing the crime that is under investigation, and the entire interaction will revolve around that accusation (Inbau et al., 2001).

The second distinguishing characteristic is that the goals of the two processes are different (Inbau et al., 2001). The primary goal of an interview is to gather information that is relevant to the investigation. This information includes the who, what, when, where, why, and how of any criminal investigation and can also involve assessing the credibility of the source of the information. The goal of an interrogation is not to gather basic information regarding a crime and a suspect's potential culpability; rather it is to learn the truth about the details of the crime from someone who is suspected of committing the crime. This truth will often (but not always) involve the confession of the suspect who is interrogated.

A third distinction between interviews and interrogations is that interviews tend to be flexible and free flowing interactions, whereas interrogations are generally more tightly structured (Inbau et al., 2001). An interview is a dialogue between the investigator and the subject. It is a question and answer session in which both parties may ask questions and give answers. The investigator normally has several key points that he or she wants to cover, but these points may be altered as the dialogue unfolds. In contrast, an interrogation involves active persuasion on the part of the interrogator. As a consequence, the investigator will dominate the interrogation and the exchange will appear to be a persuasive monologue rather than a question and answer dialogue.

Some additional points made by Inbau et al. (2001) are also noteworthy. An interview can be conducted at any point during an investigation, but an interrogation should only be conducted when the investigator is reasonably certain that the suspect is guilty. Inbau et al.

(2001) additionally recommend that a non-accusatory interview should almost always be conducted before an accusatory interrogation is conducted. Also, a space of a least a few minutes should separate an interview from an interrogation.

Inbau et al. (2001) warn that an interrogation should not be the primary means for determining the truthfulness of a suspect; rather a non-accusatory interview is a more appropriate forum for assessing truthfulness. In fact, Inbau et al. (2003) make clear distinctions between behaviors that are suggestive of deception during interviews and behaviors that are suggestive of deception during interrogations. While empirical support for these profiles can be debated and is in some cases clearly lacking, it is important to remember that the deceptive interview profile is distinct from the deceptive interrogation profile, and that interviews are the preferred method for the detection of deception according to Inbau et al. (2001).

*The Kassin et al. (2003) Methodology*

Kassin et al. (2003) prepared their “interrogators” using four steps. First, the “interrogators” were told that their task was to (1) gain a confession from the suspect of a theft and (2) to make a determination of the suspect’s guilt or innocence. Second, the “interrogators” were given a one-page excerpt from Inbau et al.’s (2001) book. Next, the “interrogators” were asked to select questions that they would use during the interaction with the suspect from an “Interrogation Questions Checklist”. Roughly half of these questions were accusatory and half were not. Finally, the “interrogators” were asked to pick 6 items from an “Interrogation Techniques Checklist” which contained 13 items. These techniques were drawn from the interrogation tactics contained in the Inbau et al. (2001) manual and field observations made by Leo (1996). After the “interrogators” finished the checklists, they were given 10 minutes to prepare before conducting the interaction with the suspects.

*Comparison of the Kassin et al. (2003) Interaction to Inbau et al. (2001)*

The first point worthy of note is that Kassin et al. (2003) show that they do not clearly distinguish between interviews and interrogations by their almost interchangeable use of the two terms. The interaction is often referred to as an interview, but the investigators are referred to as “interrogators”. Additionally, the checklists both contain the word “interrogation”, but one of the checklists also contains interviewing questions. As was discussed earlier, Inbau et al. (2001) and the criminal investigations community do not use the terms interview and interrogation interchangeably. Each term represents a distinctive process. It is therefore critical that the correct terminology is used to refer to each process.

This brings us to the question of whether the interaction was an interview, an interrogation, or neither? Whether the Kassin et al. (2003) interaction was an interview or not will be addressed first. The “interrogators” were not told to conduct a non-accusatory interview prior accusing the suspect of committing the crime. Rather “interrogators” were told that their first goal was to gain a confession, and their second was to determine the guilt or innocence of the suspect. If the procedure was to qualify as an interview, it should have focused on making an assessment about whether or not the suspect was being truthful (innocent) or deceptive (guilty) rather than on gaining a confession. Additionally, it appears that most of the participants chose at least some accusatory questions from the “Interrogation Questions List” and used some of these questions during the interaction. Because one of the primary differences between an interview and an interrogation is that an interview is non-accusatory and an interrogation is accusatory, the interactions that the “interrogators” and suspects engaged in cannot be called interviews by Inbau et al. (2001) standards.

Because Kassin et al. (2003) were attempting to examine interrogations, it could be argued that it does not matter that the interaction in the Kassin et al. (2003) experiment was not an interview. This brings us to our second question. Was the Kassin et al. (2003) interaction an interrogation? The interaction occurred without the “interrogator” having any prior knowledge about the suspect. Recall that according to Inbau et al. (2001), an interrogation should be conducted only when guilt is reasonably certain. It could be argued that the information on base-rates of guilt fulfilled this requirement, but the base-rate information was not specific knowledge about the guilt of the suspect with which the “interrogator” was interacting. Additionally, the “interrogators” were instructed to choose both interview questions and interrogation tactics to use during the same interaction. Per the Inbau et al. (2001) recommendations, non-accusatory interview questions should be asked first, there should be a break, and then the accusatory interrogation should begin. It also does not appear that the “interrogators” were told to dominate the exchange with persuasive arguments when attempting to get the suspect to confess. For these reasons, the interactions in Kassin et al. (2003) cannot be called interrogations by Inbau et al. (2001) standards.

### *Conclusion*

The interactions featured in the Kassin et al. (2003) experiment were neither interviews nor interrogations. Instead, the interactions were a confounded mixture of the interviewing and interrogation processes that does not resemble what is taught to actual criminal investigators. As a result, it is not clear that the Kassin et al. (2003) findings apply to either interviews or interrogations as they happen in the “real” world. What the findings do suggest is that if investigative interactions were conducted in the manner of the Kassin et al. (2003) study, the interactions could lead to confirmatory bias and fundamental attribution error. What Kassin et

al. (2003) may have unwittingly succeeded in demonstrating are some of the reasons that underlie the decision of professional criminal investigators to separate the two processes.

While the Kassin et al. (2003) study can be criticized on other points such as: giving extremely limited training to the “interrogators”, conducting the interactions via audio mediation, minimizing the role of evidence in forming opinions of guilt or innocence, and an over reliance on the detection of deception findings of experiments that used weak evaluation materials<sup>2</sup>, such discussions are beyond the scope of this commentary. What this paper hopes to make clear is that Kassin et al. (2003) have confounded interviewing and interrogation in such a way that their results are applicable to neither. If the important gaps in our knowledge regarding investigative interviewing and/or interrogation are to be filled, future research must clearly distinguish between the two processes.

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Footnotes

<sup>1</sup> For a thorough discussion of the differences between interviews and interrogations see Inbau et al. (2001), Chapter 1.

<sup>2</sup> See Blair & McCamey (2002) and Horvath & Jayne (1994) for examples of detection of deception studies that feature actual criminal interviews and found detection of deception accuracies that exceeded 80%.