Given the multi-disciplinary nature of the International Investigative Interviewing Research Group (iIIRG), the worldwide circulation of this Bulletin and practitioner focus, a wide range of articles will be considered for inclusion. These may include individual research papers in relation to the following specialist areas:

- investigative interviewing of suspects, witnesses or victims
- expert advice to interviewers
- interview training and policy
- interview decision-making processes
- false confessions
- detecting deception
- forensic linguistics

The list of topic areas is purely indicative and should not be seen as exhaustive. The Editor will also accept other papers including case studies, reviews of previous bodies of literature, reviews of conference or other specialist events, opinion papers, topical commentaries and book reviews. However, all articles, regardless of topic, should have either historic or contemporary relevance to Investigative Interviewing. All submissions must adhere to internationally recognised ethical guidelines. If you are unsure whether your article is suitable, please contact the Editor directly at david@larooy.net

As a general guide, articles should not exceed 5,000 words, although the Editor retains discretion to accept longer articles where it is considered appropriate. If you are an academic, it is expected that, prior to submission, your article will be formatted to the standards of the Publication Manual of the American Psychological Association (APA). If you are not an academic, there is no requirement for your work to conform to the format standards of the APA, however, you must reference your article (where appropriate) and the Editor will format it prior to publication (should it be required). Please do not use footnotes anywhere in your article.

The Editor retains the discretion to accept or decline any submitted article and to make minor amendments to all work submitted prior to publication. Any major changes will be made in consultation with the author/s.

Please make sure that all acronyms are clearly defined in brackets the first time they are used. The formatting of diagrams, figures, illustrations and other graphical data will be dealt with on a case-by-case basis. Please include contact information with all submissions, including name, affiliation and e-mail address. Please e-mail submissions to david@larooy.net

It is envisaged that the iIIRG Bulletin will be published bi-annually and contributions are expected (but not solely) to originate from the membership. Copies of the Bulletin will be freely available (electronically) via the iIIRG main website (www.tees.ac.uk/iiirg).
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The iIIRG shares a collaborative (working) relationship with the Association of Chief Police Officers Interviewing Group, both of which are committed to improving investigative interviewing and in ensuring that such improvements are underpinned by a robust evidence base.
Evaluation and effectiveness of investigative interviewing: A multi-disciplinary approach

22 – 24 June 2010, Norwegian Police University College Conference Centre in Stavern, Norway

This conference will be of interest to all professionals involved in investigative interviewing of suspects, witnesses or victims, those involved in interview training and policy, interview decision-making processes, detecting deception, and forensic linguistics.

Confirmed keynote speakers:

**Professor Laurence Alison**, Director of the Centre for Critical Incident Research, University of Liverpool

**Professor Ray Bull**, Professor of Forensic Psychology, University of Leicester

**Professor Pär Anders Granhag**, Professor of Psychology, Göteborg University, Sweden and Visiting Professor, Scottish Institute for Policing Research

**Professor Günter Köhnken**, Professor of Psychology, Christian-Albrechts-Universität, Kiel, Germany

**Professor Martine Powell**, Personal Chair (School of Psychology), Deakin University, Australia

For further details about the conference and masterclass visit: [www.tees.ac.uk/iirg](http://www.tees.ac.uk/iirg)

Investigative Interviewing of Child Witnesses Masterclass

20 – 21 June 2010

**Professor Michael Lamb**, University of Cambridge, UK, a renowned expert in the area of investigative interviewing of children. The masterclass will greatly assist practitioners who are currently working in the field of investigative interviewing, and will be of great benefit to academics/researchers currently working in this specialised area.

Places are limited, so book early to avoid disappointment.

The iIIRG shares a collaborative (working) relationship with the Association of Chief Police Officers Interviewing Group, both of which are committed to improving investigative interviewing and in ensuring that such improvements are underpinned by a robust evidence base.
I am pleased to present the second edition of the iIIRG Bulletin and I would like to thank the contributors for their time and effort. Those of you who attended our last conference will know that the initial ‘proposal’ was that we produce an informal newsletter for our members. However, the contributions we received have gone far beyond what was initially envisaged as a newsletter, and we took the decision to produce a more substantial publication – the Bulletin.

I would like our Bulletin to strive towards becoming a permanent internationally-recognised repository for research and commentary about developments in investigative interviewing with input from all members. To this end, I propose that articles in future editions should be peer reviewed. I would like to hear your thoughts about moving in this direction so please contact me with your views about how this process should work. I would, however, like the Bulletin to remain flexible as to the types of articles that are published so that it suits the needs of both practitioners and researchers.

Please keep sending me your articles.

Best wishes,

David La Rooy
Bulletin Editor
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Welcome to Volume 2, Issue 1 of the iIIRG Bulletin. The issue contains various articles from both academic researchers and practitioners from around the world and it is really great to see that a great number of members are fully engaging with submitting articles. Once again, I would encourage everyone to consider our Bulletin as an outlet to having your work recognised and read by a worldwide audience.

This year, the 2nd Annual Conference will be taking place between the 14th and 16th of April at the University of Teesside, and I would like to thank the University, in particular the School of Social Sciences and Law, for kindly allowing us to use their facilities. We have also been very fortunate in having various aspects of the Conference sponsored and I would like to thank Indico Systems, Willan publishing, NEAL, and Wiley & Sons, for their support in making the Conference a great success. All our sponsors will have stands at the Conference, so those attending will be able to take full advantage of their generosity.

Since the last Bulletin, I have been in discussions with the Interviewing Group of the Association of Chief Police Officers (ACPO) for England and Wales and we have now agreed on the following statement:

“The iIIRG shares a collaborative (working) relationship with the ACPO Interviewing Group, both of which are committed to improving investigative interviewing and in ensuring that such improvements are underpinned by a robust evidence base.”
These discussions have been ongoing for a period of time and it is great news what we have achieved with ACPO and I look forward in working closely with ACPO (and our other collaborators) in the future. I must thank Gary Shaw, from the National Policing Improvement Agency (NPIA) (and an active Steering Group member of iIIRG) for all his assistance in making this possible. I am sure you would also like to join me in congratulating Gary on the recent announcement in Her Majesty the Queen’s New Year’s Honours List that he has become a Member of The Most Excellent Order of the British Empire (MBE) for services to policing. This really is an outstanding achievement.

The iIIRG also has a new administrator. Kat Jamieson from the University of Abertay, Dundee, has very kindly agreed to take this role on in place of Letty Parkinson, who stepped down from this position. I would like to offer my thanks to Letty for her contribution in helping to make the group the overwhelming success it has become. If you need to contact Kat for any administrative aspect of the group, she can be contacted at k.jamieson@abertay.ac.uk.

Thank you once again for your continued support.

Gavin Oxburgh
Chair of iIIRG
g.oxburgh@tees.ac.uk
Membership has been very encouraging since the last edition of the Bulletin and we now have over 200 members from: Australia, Canada, Estonia, Finland, Germany, Ireland, New Zealand, Norway, South Korea, Spain, Sweden, The Netherlands, UK, and the USA.

As you will know from the last Bulletin, we now have three member categories: (i) academic researchers; (ii) practitioners; and (iii) students. Given the very specialist nature of investigative interviewing, we are introducing a fourth member category, that of Specialist Advisor. This new category is a result of many requests from those who operate outside of our area, but can offer specialist advice to the iIIRG where necessary. More details will be available soon.

The iIIRG requires active members and, to this end, we have decided that every members’ activity should be reviewed every third year. During this three year period, members should have contributed to the organisation (e.g. conducted research, published research findings, training police in the area, or in some other way) to continue their membership. In this way, iIIRG will remain a worldwide, leading organisation in the forefront of investigative interviewing.

To keep our main website up-to-date, could I ask all members to regularly update their biography and publication list. Please send the updates to Kat Jamieson (our new administrator) at k.jamieson@abertay.ac.uk, including any changes to contact details. If you are not a member and would like to apply to become one, an application form can be found via our main website at www.tees.ac.uk/iiirg.

Should you have any questions regarding membership, please do not hesitate to contact me directly. I wish you all a productive and prosperous 2009.

Trond Myklebust
Membership Co-ordinator
Trond.Myklebust@phs.no
The psychology of interview suggestibility: Individual differences and practical implications.

Kim Drake, School of Psychology, University of Leicester, UK
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‘Since shyness with strangers and anticipated worry/nervousness seem to lie at the root of interviewee suggestibility, any measures which target those factors may prove beneficial to protecting the reliability of information’

The notion that individuals could be suggestible first became apparent in the classical experimental work conducted by Binet at the turn of the 19th century (Binet, 1900) and was later corroborated by other researchers in the field (e.g., Stern 1910; 1939). At the time this pioneering research provided new empirical evidence indicating that certain people could come to accept misleading information – detrimentally affecting the accuracy of their memory for a witnessed event – when asked leading questions by an interviewer. Since that time much research effort has been expended in order to try and further understand factors influencing suggestibility levels (see Gudjonsson, 2003; Bruck & Melnyk, 2004), in an attempt to try to minimise its adverse effects. What seems to be lacking within the current suggestibility literature, however, is a comprehensive explanation of what causes interviewee suggestibility. If the psychology of suggestibility is understood in more detail, then effective counteractive strategies may be developed (tailored to the needs of individual interviewees) in order to minimise suggestible behaviour in interviews.

The concept of interview suggestibility centres on two main components: (i) vulnerability to leading questions, expressed in the acceptance of misleading information, and (ii) degree of susceptibility to the negative feedback/interview pressure from the interviewer. Across the academic and legal settings, the Gudjonsson Suggestibility Scale (GSS; Gudjonsson, 1984, 1987) is frequently used to assess both of these tendencies; the GSS procedure involves the interviewee being read a narrative, immediately being asked to provide a free recall of that narrative, and then subsequently being interviewed about its content. The interview consists of 20 questions – 15 of which contain misleading information. After the 20 questions are asked for the first time, negative feedback is administered by the interviewer, and the 20 questions are then repeated. Fundamentally, the GSS was originally designed to identify vulnerable individuals in need of protection from coercive or oppressive police interview methods.

The influence of life adversity

Quite recently, some new research was conducted into the link between the experience of life adversity and interview suggestibility (Drake, Bull, & Boon, 2008; Drake & Bull, in press). In this research, individuals reporting a high number of negative life events were found to accept the misleading information more readily and to change their answers in response to critical feedback more easily. The types of negative life events most associated with suggestibility on the GSS are those to do with: (i) work, e.g., employment difficulties, finding a job, (ii) school/university, e.g., bullying, failing
exams, iii) love and relationships, e.g., breakups, divorce, iv) family and close friends, e.g., death, illness, v) personal and social events, e.g., reduced social activity, and vi) being a victim of crime. Evaluated through the Gudjonsson and Clarke model (1986) of interview suggestibility, interviewees reporting a high number of negative life events (NLEs) face greater feelings of uncertainty combined with expectations of success when questioned, thus are more susceptible to misleading suggestion and sensitive to negative feedback. However, the link between the experience of life adversity and increased uncertainty (and therefore suggestibility) during an interview is not well explained.

Parents are a child’s first and most significant source of interaction. This parent-child synergy serves as a foundation, to a degree influencing how the child (and later adult) copes with life events and interaction with others. Attachment theory supposes that individuals develop early on an internal working model, based largely upon parental behaviour, which serves to guide behaviour, the interpretation of, and responses to events especially stressful and adverse events (or those perceived to be such) (Bowlby 1969; 1988). The internal working model, in a sense, can be considered to contribute towards the mindset of the individual. Attachment tendency might therefore influence the degree to which events are perceived as negative and the consequent reporting of negative life events, affecting resilience to negative feedback. Consider also that a dyadic interaction is fairly essential in order for the acceptance of misleading information and responsiveness to negative feedback to occur in the first place, which signifies that variations in both attachment anxiety and avoidance, observed as assorted degrees of emotional neediness/dependency upon others and/or avoidance of conflict and negativity, may contribute to both differences in suggestibility (see Quas, Qin, Shaaf & Goodman, 1997; Bruck & Melnyk, 2004).

To an extent this is what was found in one of my most recent studies (Drake & Bull, in submission); interviewees with a high degree of attachment anxiety (i.e., those scoring high on preoccupied-anxious attachment) tended towards a greater perception of life adversity (and thus the reporting of more intense negative life events), which then occasioned a greater sensitivity to the negative feedback, resulting in the acceptance of misleading information following negative feedback and changes answers. Individuals scoring high on preoccupied-anxious attachment tend towards emotional neediness, a lower self-regard, and generally speaking a more pessimistic and worrisome perception of events and situations, so finding that these individuals perceive and report more adverse life events and are more sensitive to negative feedback (so, interview pressure) greatly supports and furthers previous work.

A more noteworthy implication of these findings, though, is that it suggests that it is the interviewee’s perception of the investigative interview that matters the most; that is, an interview may not, factually speaking, be substandard but, nonetheless, interviewees may still express misleading responses affecting the reliability of their information. This could largely be because vulnerable interviewees may be more prone to negatively interpreting things that, to most, seem like neutral responses. This is very important to recognise, as it suggests that interview suggestibility may arise in part through vulnerable interviewees perceiving coercion or not feeling like they were given the chance to tell the truth (Jakobsson-Ohm & Nyberg, 2009), rather than whether or not the interview actually fell short of the requirements (PACE, 1984). When considering investigative interviews it is therefore essential to consider the interview from the vulnerable interviewee’s perspective. Could it be possible that any aspect of the interview may have been perceived as coercive or oppressive?

The findings of Drake and Bull (in submission) do not, however, adequately explain the psychological factors causing the acceptance of misleading information during the first round of GSS questions, before any negative feedback is given. Attachment style and the experience of adverse life events alone seem not to adequately explain interview suggestibility as a whole, but merely sensitivity to interview pressure.
The importance of personality

One hundred participants were subsequently recruited and interviewed on the GSS, their adverse life events as well as attachment style were assessed as before, and all completed the NEO Personality Inventory-Revised (Costa & McCrae, 1992; Drake, Bull & Egan, under review). Research shows that attachment avoidance is associated with a tendency to display greater distrust in others due to possibly a more suspicious mindset. During the first round of questions that suspicious mindset could detrimentally affect the interviewee’s ability to focus totally on the interview (i.e. the information in the GSS story vs. the information in the subsequent interview questions), as some of their attention would be directed towards watching out for misinformation and not falling for any anticipated interviewer deception (Lane, 2006). Interestingly, out of the participants interviewed in all of my studies to-date, those who claimed to be very familiar with misinformation experiments (and so were actively “looking out for” misinformation) actually emerged as the most suggestible on the GSS.

The findings nevertheless show that self-consciousness and trust were the personality traits most significantly associated with attachment avoidance and the acceptance of misinformation during the first round of GSS questions. Those participants scoring high on attachment avoidance tended to be more self-conscious during the first round of interview questions, because of this they were more trusting of the interviewer, and accepted the misleading suggestions more readily. It appears that self-consciousness may contribute towards a more negative mindset, which, in turn, affects how they cope in the presence of the interviewer and the interview situation itself (Gudjonsson & Clarke, 1986). An alternative explanation is that the self-consciousness prevents interviewees from trusting their own judgement of what they remember (through a fear of appearing unintelligent in the eyes of the interviewer), so they feel they may have a greater chance of performing successfully at interview if they trust and go along with the interviewer. In the light of these findings, it seems that the acceptance of misleading information during the first round of questions may be governed fundamentally by attachment avoidance plus self-consciousness and trust, and that sensitivity to interview pressure is related to the perception of the negative feedback; how it is interpreted and responded to, which is ultimately due to the (perceived) experience of adverse life events and attachment anxiety, that infuses interviewees with a negative perceptive tendency.

Throughout my research program, however, there have always been a significant minority of participants reporting relatively few adverse life events yet still proving highly responsive to negative feedback. Why are these adult interviewees suggestible? Children are another group of individuals who, due to their age, would not have experienced many negative life events yet nevertheless display suggestible behaviour. To understand this adult population then, it may prove fruitful to briefly turn our attention to children for an explanation.

Research shows that children are born with a (heritable) temperament, observed as a variety of characteristics (Cloninger, 1998). These characteristics may influence subsequent attachment (to others), so how the child responds to other people and their behaviour in situations (Calkins & Fox 1992; Mangelsdorf, Gunnar, Kestenbaum, Lang, & Andreas 1990). All children are born with a temperament, and it is this that may in part influence how they cope during interviews and how they respond to the interviewer, causing some to be more suggestible than others (see Bruck & Melyn, 2004). This suggests that certain adults may be open to misinformation and less resilient to negative feedback more as a result of the presence of certain temperamental characteristics, rather than a negative perception of the situation due to the experience of adversity. In my latest study (Drake, Bull & Egan, in prep) we therefore examined temperament, personality (measured by the NEO PI-R; Costa & McCrae, 1992), attachment, and negative life events. It emerged that susceptibility to misinformation on the GSS (pre and post negative feedback) may be explained by a temperamental
tendency towards anticipatory worry/pessimism (so, nervousness as to what may happen) and, more importantly, shyness with strangers; not self consciousness as it may have initially seemed (although it could be argued that shyness and anticipatory worry could possibly be misinterpreted by another as self-consciousness). This makes sense when one thinks about certain interviewees possibly feeling more apprehensive – due to being naive - as well as having to cope with being interviewed by a stranger; these findings therefore show that a proportion of interviewees may still end up being suggestible due to an inherent “harm avoidant” temperament, than the experience of life adversity. That said though, what also came out was a strong link between anticipatory worry and shyness, fearful avoidant attachment (so high attachment anxiety and avoidance), the reporting of negative life events, and suggestibility as a whole of the GSS.

For the majority of interviewees then, interview suggestibility may be explained by this: certain individuals are born with a harm avoidant temperament which may predispose them towards: shyness with strangers and, later (developing slowly after the age of 5/6 years old; Bruck & Melnyk, 2004) anticipatory worry. Both of these factors affect their subsequent attachment pattern; that is, how they behave and respond to others. Individuals who are shyer with strangers and experience more anticipatory worry tend towards anxious and/or avoidant attachment, which then encourages a more negative perception (captured in the reporting of more intense negative life events). The interviewee, on entering the interview room, brings all of these psycho-social factors to the table culminating in a more negative cognitive mindset at the start of and during interview. Further to this, due to their attachment pattern, a variety of behaviours manifest during interview (Bowlby 1969; 1988): (i) low self regard, (ii) eagerness to please, (iii) conflict avoidance, (iv) neuroticism (so trait anxiety), and (v) dependence. This negative mindset, in conjunction with these behaviours, interferes with effective critical evaluation of the information in the interview questions versus the information in the GSS narrative and enhances self doubt, increasing uncertainty and any expectations of success (Gudjonsson & Clarke, 1986) thus increasing suggestibility levels. False confessions could also be encouraged. The latter suggestion is supported by some very recent research by Gudjonsson, Sigurdsson and Sigfusdottir (in press; submitted) showing a link between the experience of (traumatic) adverse life events and reported false confessions.

What does this mean for the interviewing of vulnerable persons?

Armed with this insight into how interview suggestibility emerges, knowledge of how it may be minimised is subsequently gained. If suggestibility during interview is to be minimised, the interviewer needs to focus essentially on reconditioning the interviewee and boosting perception of their own ability. Research dating back to 1950 (Kelman, 1950) shows that success at a task prior to being questioned helps reduce suggestibility; this happens because the interviewee learns that their actions/contributions can lead to what they perceive as a positive outcome. The interviewer needs to therefore focus on boosting the interviewee’s perception of their own ability by being encouraging and providing constructive (positive) feedback in response to answers. By doing this another important thing is achieved: improving self-belief and briefing interviewees, so that they are aware of and prepared for what is going to happen to them, will decrease any anticipatory worry/nervousness and decrease their shyness (as interviewees will feel more relaxed, have a better rapport with the interviewer, and feel more in control), which in turn will prevent any detrimental attachment behaviours (cited in the above paragraph) from expressing themselves, improve their perception of the situation, and should ultimately reduce suggestibility. Since shyness with strangers and anticipated worry/nervousness seem to lie at the root of interviewee suggestibility, any measures which target those factors may prove beneficial to protecting the reliability of information.
It is consequently important that, within the UK, there are safeguards in place. Initially at interview, one such safeguard is the presence of an appropriate adult and a legal representative. At court, if the judge considers the information in interview was unfairly obtained, then it can be excluded under Section 76 and 78 PACE 1984. This of course is only two avenues of protection. The third is obviously the training of the interviewers, and is the area which is particularly sparse at present (research wise). Even when interviewers ask open-ended or open-specific questions this could still lead to misleading answers by the interviewee. Therefore the interviewer needs to consider their questioning strategy and how they may reduce the affects of interviewee vulnerability. The introduction and use of ‘ground rules’ are thus significant to protecting the reliability and credibility of the information. My research to date has identified the possible cause of suggestibility and has shed light on how to potentially rectify the problem. The next step in the chain is to actually investigate methods of overcoming suggestible, compliant and acquiescent behaviours. Such research would also be of great use to the practitioner.

References


Searching for truth or confirmation?

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‘the suspect's social and psychological vulnerability increased the asymmetry in the relationship between the interviewers and the interviewee.’

Overview

According to Swedish legislation, the principle of objectivity prescribes that both the circumstances speaking in favour of a suspect and circumstances speaking against a suspect must be taken into consideration in an investigation. Furthermore, it dictates that the investigation should be conducted in a broad and unprejudiced way. Research has found that presumption of guilt in police interviews activates a process of behavioural confirmation, where the interviewer tries to verify her/his belief. Research has also found that such persuasive interviews can elicit false confessions from innocent persons.

From the qualitative analysis of interviews in a homicide case, where the suspect is later proved to be innocent, we will describe the police interviewer’s actions, examining the suspect's possibilities – or lack of possibilities – to tell his own (true) story. This study shows that the interviewers try to influence the suspect to confirm their version of what happened, and that the suspect has a very limited opportunity to give his version of events. This led the suspect to doubt his innocence risking a false confession.

The case

T and N were a young couple in their late teens, living together in an apartment with their baby son M. They were unemployed and dependent on social benefits for their livelihood. Both had a problematic family background, but they seemed to function well together in their family life. In his early teens T had some problems in school and he was known to the police, due to his involvement in some minor criminal incidents.

One morning T is woken up by screams from N. He runs to the kitchen and there he sees an unknown man with a bloodstained knife in his hand. In panic T leaves the apartment and runs to his father's place, where he calls the police. Through the window he can see the perpetrator walk away. (Subsequent police investigation reveals that N had been stabbed to death.) When T tells the police what has happened, he is not believed. The police find his story improbable and believe he is the one who stabbed N. T is arrested the same day and is the prime suspect for six months. During that time, he is detained in custody, where he remains for two months. He is interviewed as a suspect on fifteen occasions.

After six months another woman is stabbed. A suspect is arrested and in the police interview this suspect soon admits that he also killed N. T is then freed from all suspicion and is now interviewed as a witness. He can, without hesitation, identify the man he saw in his apartment the morning of the murder. T’s original story is fully confirmed in the following investigation. This article deals with the interviews with T as a suspect.

Legislation governing how to conduct an investigation

According to Swedish legislation a police investigation should be guided by three principles: the principle of objectivity, the principle of consideration, and the principle of promptness. The principle of objectivity prescribes that both circumstances speaking in favour of a suspect and circumstances speaking against a suspect must be taken into
consideration in an investigation. The principle of consideration means among other things that no person may unnecessarily be subjected to suspicion of crime. The principle of promptness means that the investigation should be conducted as quickly as circumstances allow.

Furthermore Swedish legislation dictates that the investigation should be conducted in a broad and unprejudiced way. The interviewer should be open to alternative hypotheses and in a careful manner consider the suspect’s explanations. According to the law some interview methods are strictly forbidden. A police interviewer may not give false information, promises or false pretences of benefits to the interviewee or use methods like threats, exhaustion or other inappropriate actions in order to get a confession.

**Asymmetry in police interviews**

In institutional settings a professional person meets a non-professional. Research has indicated that conversation under these circumstances differs from conversation in everyday life in a number of ways (Linell & Jönsson, 1991, Jönsson, Linell, & Säljö, 1991, Drew & Heritage, 1992). The most outstanding feature is its asymmetry, where the professional part due to her/his role and familiarity with the situation has the social power. The institutional power is crucial when it comes to interviewing suspects. The interviewer has on one hand information that gives her/him a more or less well grounded idea of what has happened. On the other hand the interviewer should free herself/himself from that idea and be open to alternative explanations. This is a dilemma and there is an obvious risk that the interviewer will give priority to gathering information that points at the suspect’s guilt rather than seeking information in an open-minded and objective way. From their research on police interviews with suspects, Linell and Jönsson (1991) have shown how the institutional perspective dominates the interview.

From a study of police activity in some homicide investigations, Innes (2002) has found that the police organise the available information of the case into an account of what they believe “really happened.” In that process pieces of information are linked together and interpretations of their meaning are made. Information not supporting the constructed crime account is often excluded from the story. For areas where evidence is missing, inferences are drawn to fill the gap. The police produce an organised version of what happened. This version includes the notion of who is the offender and gives the investigators “a sense that they ‘know’ how the crime happened and who was responsible,” (Innes, 2002). The danger of such “knowledge” is pointed out by Wagenaar, van Koppen and Crombag (1993). They make a distinction between offence-driven and suspect-driven search for evidence. In offence-driven search the information seeking process takes its point of departure in facts related to the crime while suspect-driven search attempts to find evidence that links an identified suspect to the crime. Accordingly, suspect-driven search means that investigators have made up their minds beforehand about the suspect’s guilt, which they try to confirm in the interviews. Such an information seeking process may lead to miscarriages of justice.

In their study Kassin, Goldstein and Savitsky (2003) found that presumption of guilt in police interviews activates a process of behavioural confirmation, where the interviewer used more guilt-presumptive and confession seeking techniques compared to interviewers with a presumption of innocence. Ask (2006) has shown that prior expectations may influence interpretation and evaluation of ambiguous evidence in criminal cases. He conceptualises these findings as expressions of the phenomenon confirmation bias (Nickerson, 1998). Confirmation bias means that people tend to seek information that verifies their hypotheses and disregard information speaking against the hypotheses. Research has also found that persuasive interviews can elicit false confessions from innocent persons. Gudjonsson (2003) points out that false confessions may occur when the interviewer believes the suspect is guilty and therefore permits herself/himself to coerce a confession. The risk of false confessions is also related to individual factors, which makes the suspect vulnerable to interrogative suggestibility (Gudjonsson, 2003).
Aim

When a person is suspected of a crime, the police interviewer has an idea of what could have happened. According to earlier research it is likely that the interviewer at that time has formed a prior opinion of the suspect’s involvement in the crime event. In cases where the suspect under investigation is later proved to be innocent, the version constructed by the police is shown to be false. The suspect has of course known this all the time and has an own version of his activities. At the time of the interview, there are accordingly in these cases two versions of the crime event present in the interview room – the police version and the suspect’s version.

The aim of the study – and this article – is to explore how the police interviewer handles these two versions. What actions does the interviewer perform in order to make the two versions visible in the interviews? Since research has found that the police perspective tends to be dominating, the aim could also be described as examining to what extent the interviewer gives the suspect the opportunity to tell his own (true) story.

Method and material

From an ongoing study of a number of homicide investigations, conducted during the years from 2002 to 2008, with suspects, who are later proved to be innocent, this article presents analysis of interviews in one of those investigations. Data consists of police interviews from the investigation, documented as written dialogue. Additional data is the researchers’ interviews with the suspect carried out two years after the closure of the case. Interviews have also been made with one police officer familiar with the suspect, but not involved in the investigation.

In the analysis of the material an intentional model of action is used. This model is based on von Wright’s (1979) philosophical definition of action and has been further developed as an instrument to analyse data in qualitative research (Halldén, Scheja, & Jakobsson Öhrn, 2001, Jakobsson Öhrn, 2005). In the intentional model an action is regarded as meaningful and understandable by assuming that the actor has an intention for acting. To be able to understand the meaning of the observed behaviour, the researcher has to draw conclusions about the actor’s intention to act.

The suspect’s version of what happened as it appears in the interviews

In the beginning of the first interview the suspect is asked to tell the police what happened:

I: Then we will start with, to ask T to tell us what happened yesterday afternoon and evening. OK, T?

T: Yes. My dad came up to get my son M [...] [and] we were playing computer games [...] from four o’clock to, well, half past eleven [...]. Then my dad called and asked if M could sleep at his place over night and we said OK. Then we went walking with the dog about twelve. Yes and then N watched TV and I went on playing. About three o’clock in the morning [...] I went out with the dog one last time and N went to bed. [A little later] [...] I went to bed beside her [...]. Then I woke up ten minutes to ten [...] and heard N screaming: “no, no, stop it”. And I thought it was the dog [...] because he was a bit wild. I opened the door [...] and there a guy stands with a bloody knife in his hand looking at me. And (…) I panicked and ran down to my father [...] and called the police. [...]
I: Mm, but if we start by the door [...] was the door open?
T: I don’t remember, I don’t know.
T tries to give his story, but is interrupted by a question after ten seconds.

The police version of what happened as it appears in the interviews

The most obvious impression of the interviews is that the interviewers are trying to verify their own hypothesis of what happened. They seem to be quite sure of T’s guilt and give him very limited opportunity to tell his own story. In the interviews different strategies are used in order to confirm the police version of what happened:

- A communication strategy, which prevents the suspect from telling his story
- Presentation of motive
- Accusations and presentation of the crime scene
- Emotional pressure

Communication strategy

After the first and only true invitation to a free account the interviewers turn to closed questioning. T answers are short, often no more than four words. He gets no chance to evolve his answers and if he sometimes tries, he is quickly interrupted by a new question, like in the example above. Besides questioning the interviewers on several occasions claim that they know what has happened. One example from the third interview:

I: We claim that you and N had a quarrel. […]
I: We claim that you have a strong need to be in control […]
T: But it is wrong. […]
I: Why is it wrong?
T: Because I know that.
I: Well, we have also found things out.

T tries to defend himself and tell the interviewer that his statements are incorrect. The interviewer makes no effort to examine T’s objections by follow-up questions. Instead he ignores them and insinuates that he has information that supports his own belief.

Presentation of motive

Since the interviewers believe that T has stabbed N, they are searching for a motive. The motive they find plausible is that there has been conflicts and disagreements between T and N.

I: We claim that you and N had a quarrel.
T: But, we didn’t […]
I: You had a quarrel that night, you had some kind of conflict …

The interviewers strengthen their idea of a motive by referring to witnesses. In the sixth interview they claim:

I: It is like that, people have heard you quarrel during the night.
T: Me and her?
I: Yes.
T: We didn’t quarrel.

In the eighth interview, the interviewers say that they have received information from T’s brother:

I: Yes… he has heard you and N quarrel.
T: We have not.
I: Yes, but you have. So he says.
T: But I say we have not.

There is no evidence in other parts of the investigation of any witnesses talking about quarrels. They only exist in the interviewer’s questions. Instead there is contradictory information. One interview held by one of the first police officers at the scene of the crime contains a statement from a neighbour: “The guy says he was awake between seven o’clock in the evening and three o’clock in the morning and didn’t hear a sound.”

In the interviews the interviewers present a number of reasons for the conflicts. In the fourth interview they present a scenario in which N has thoughts of leaving T:

I: You have not heard that she wanted to change her situation and possibly move out … ?
T: No.
I: You are sure of that?
T: Yes.
I: She has not said that?
T: No.
In the sixth interview they claim that T was jealous and furious that night:
I: We claim that you have a large need of control. That you are jealous and unsure about your relationship.
T: But it is wrong. […]
I: You get furious that evening …
T: No.
I: She drove you crazy?
T: No.

In the eighth interview the interviewers present a scenario of their relationship:
I: She irritates you, you are irritated at one another. You irritate her. She is pissed off at you. She has insulted you. She thinks you are shit. She doesn’t like you. She is standing in the kitchen …
T: We haven’t even quarrelled.
I: She is fed up with you, you don’t do anything at home. You don’t tidy up, you just try to get out of your duties, you only sleep during daytime.
T: Yes, sure…(sarcastic)

The interviewers' argumentation is still more strengthened in the ninth interview, where they present a heavy reason for the supposed conflicts:
I: Are you unsure…have you ever doubted that you are M’s father?
T: We used to joke about that…but I know of course I am the father. […]
I: It was not serious?
T: No.
I: But if we claim that this could have triggered off … what happened…..
T: But, that is wrong.

The motive suggestions evolve through the interviews. From the beginning it was a statement concerning quarrels and disagreement, which later was blown up with alleged witness information and escalating proposals of reason. Consequently T rejects the interviewers’ descriptions and the interviewers ignore his objections. There is no evidence in the investigation that supports the interviewers’ statements.

Accusations and presentation of the crime scene

Besides presenting a supposed motive for killing N, the interviewers also directly accuse T of being the perpetrator and try to describe his actions at the scene of the crime. In the fourth interview the interviewer starts with a question:
I: We can start when you go from the bedroom and open the door to the kitchen. How did you see N on the floor?
T: Well, I don’t know if I even saw anything, when I think about it.
I: Don’t you even know if you saw anything?
T: Of her.
I: Mm…
T: I was stuck on the man with the knife and than ran.

The first step in describing T as the perpetrator is to prove that he had seen N lying on the kitchen floor. T seems a bit unsure. Still his answer corresponds to his first free account, where he says he had his focus on the man with the knife. There is no follow up to this answer. In the following interviews the interviewers continue their efforts to prove that T had seen N – not only lying on the floor, but also how she looked when being stabbed. They are still not interested in the man T saw. In the sixth interview T tries to evolve that theme, but as before the interviewers ignore his information.
T: But think for yourself, to open the door and see someone standing there with a knife.
I: (interrupts) But that was not what I asked. I asked about those hands she held in front of her. […]
T: But I don’t know if I saw her hands […] everything was chaotic. […]
I: You saw that. […]
T: No, I don’t want to talk to you when you keep on like that. […]
T: […] think for yourself, when you open the door and sort of see a man standing there with a knife.
I: Mm, that’s what you say.
T: Yes.
I: I don’t believe there was a man standing there with a knife.
The interviewer now states his opinion that it was T who had the knife. He insinuates that he has got evidence supporting his opinion.

I: I think you had the knife.
T: No
I: We have in fact some evidence.
T: Yes, but I haven’t done it.

The interviewer gives further strength to his opinion by adding:

I: It is you who make the blood splash on the wall.
T: No
I: It is you who make her die.
T: No.

In the eighth interview the interviewers talk as if T already has confessed.

T: When will you understand that I haven’t done it?
I: You have distinctly described how you saw her head, her arms and her body …
T: But I haven’t …
I: …and nothing more?
T: I haven’t seen her. […]
I: You have been standing leaning over her!
T: Leaning over her?
I: Yes you have said that too.
T: That I have been standing leaning over her?
I: You have been standing leaning over her, yes … looking at her …
T: I haven’t said that!
I: You said that she was lying on the floor and that you stood leaning over her. You see her lying on the floor.
T: What? That I have been standing leaning over her?
I: You look into her eyes.
T: What the hell, stop it… […]
I: But you have seen…
T: I haven’t seen her I tell you!
I: But we claim that you did. You told us before.
T: Yes, you claim a lot of things.

T sticks to his earlier statements – that he is innocent and that he has not seen N stabbed on the floor – and shows an upset astonishment at what the interviewer tells him. Like before T’s objections are ignored. There is no evidence what so ever that supports the interviewer’s statements.

**Emotional pressure**

In the sixth interview, when the accusations did not result in a confession, the interviewers try an emotional strategy with a more empathetic touch.

I: I mean… it must be hard for you to burden yourself with this.
T: Yes, but I haven’t done it.
I: It is very, very hard…
T: Yes, but I haven’t done it.
I: But, in this case you need help and all the support you can get.
T: Yes, but I haven’t done it.

This “empathetic” attitude returns in the eighth interview.

I: There are things you cannot admit to yourself. You have to tell the truth to be able to carry on with your life. You are going to live for a long time.
T: But, I haven’t done anything!
I: How can you be able to survive when you say that?
T: Yes, I told you, I haven’t done anything!

In interviews characterised by accusations and a refusal to consider T’s own account, this attempt to be understanding and caring seems to have as its only aim to make T confess. When also this strategy fails the emotional understanding turns to emotional accusation:

I: This bloodstained knife, those bloodstains on the wall and her lying in blood on the floor …
T: I haven’t…
I: It’s no beautiful sight.
T: But I haven’t done it. […]
I: You wish you hadn’t done it?
T: I haven’t done it, stop it.

The interview continues with accusations and T starts crying.
The suspect looking back on his experience of the interviews

Two years after the closure of the case T still suffers from the tragedy he has experienced; the traumatic loss of N and the suspicions and pressure he was exposed to during the investigation. In the police interviews T stuck to his story and seemed to resist the influence the interviewers exerted. When he recalls his thoughts and feelings afterwards he says that he perceived the interviews during the first two weeks as rather calm. He was convinced that the investigators in the end would believe what he told them and that they would realise that he was innocent.

After that period of time he lost hope. He also lost control over his existence and stopped counting the days. He found the interviews pressing and threatening and came to doubt his own memory of the morning of the murder. He said that he asked his lawyer: “Is it possible for a person to do terrible things without knowing”. The lawyers answered that such things might happen. T had painful thoughts about this, which made him worried and confused. A comparison with the time schedule for the interviews shows that the sixth interview starts after two weeks. From the quotations in the sections above it is clear that this interview contains a lot of pressure on the suspect.

Discussion

In the case presented in this article the suspect was detained in custody for about two months. During this period of time he had very few contacts with the outside world. He was not allowed to see other people apart from police officers, custody personnel and his lawyer. He did not have access to television or newspapers and he had no contact with his relatives. He was grieving the loss of his girlfriend and his son had been taken into care by the social services. In addition to all this he was suspected of killing his girlfriend. The police seemed to be convinced of his guilt and did not believe what he told them. Instead they tried to induce him to confess. In a short time the suspect experienced a series of traumatic events. The situation altogether contained several risk factors that could trigger a false confession (see Gudjonsson, 2003). In spite of that he did not admit anything he had not done. All the time he denied his guilt and objected to the interviewers’ statements. Still their behaviour affected him and made him feel confused and depressed and in his mind he had doubts about his innocence. The analysis of the interviews shows that the police version of what happened was dominating in the interviews (cf. Linell, & Jönsson, 1991). This version was made visible and the suspect’s version was placed in the background at an early stage. The interviewers seemed to be convinced of the suspect’s guilt and unable to recognise an alternative version, even though such a story was presented to them. This could be seen as an example of lack of objectivity in the investigation process.

The result of this study corresponds to the results of earlier research that show that prior opinions and guilt assumptions activate a confirmation seeking behaviour (Ask, 2006, Innes, 2002, Kassin, Goldstein, & Savitsky, 2003, Nickerson, 1998, Wagenaar, van Koppen, & Crombag, 1993). Throughout the interviews the interviewers’ intention can be described as a wish to confirm their story of what happened. What did they do in order to fulfil this intention? First, they tried to bring forth information that supported their own story. For example they directly accused the suspect of being the perpetrator. They also put the suspect under emotional pressure to make him give them the answers they wanted. Second, they made their own interpretations of what the suspect had seen and what his motive had been. These interpretations were not supported by any evidence and can be regarded as an effort to make sense of the story. Innes (2002) states that investigators tend to fill the gaps of missing information when they construct an account of what happened. Third, the interviewers actively prevented the suspect’s version from being visible. They used a communication strategy, which included interruptions and closed questions. They ignored the suspect’s attempts to object and they argued against what they
believed was incorrect in the suspect's statements. The interviewers' actions were carried out with the intention of confirming their beliefs. But why was this need for confirmation so strong? Why were they so sure of the truth of their version?

Innes (2002) gives a cue, which can contribute to the understanding the interviewers' actions. According to Innes about 70 per cent of homicide investigations are categorised by investigators as 'self-solvers,' while the others are categorised as 'whodunits' (ibid. p. 671). In the 'self-solvers' a suspect is identified at an early stage. The suspect often calls the police and reports the crime. There is also substantial evidence pointing at the suspect's guilt. In the case described in this article a woman is stabbed in her own home, where she lives together with her boyfriend and son. The boyfriend, who is in the apartment, calls the police telling them he saw an unknown man with a knife. From a statistical point of view this could appear to be highly improbable. There is also reason to believe that the man reporting the crime had low credibility in the eyes of the police. He lived in an unstable social situation and the police were acquainted with his prior crime history. It appeared that the suspect's social and psychological vulnerability increased the asymmetry in the relationship between the interviewers and the interviewee.

It is likely that the interviewers regarded the case as self-solved and didn't consider the possibility that it could be a 'whodunit' case. Those cases are more complex and require a more extended search for evidence. The distinction between these two ways of categorising homicide investigations could be related to the two different ways of seeking evidence identified by Wagenaar et al. (1993). In a case regarded as 'self-solved,' the search for information is likely to be suspect-driven, while a case regarded as a 'whodunit' case rather demands an offence-driven search for information. There is a great problem when an investigation – as in the case described in this article – is handled as if it was solved beforehand with use of confirmation seeking actions directed to the suspect. There is a great risk of miscarriages of justice. In an investigation conducted according to the principle of the rule of law, investigators have to be open-minded and prepared to recognise the unexpected for the sake of justice and humanity.

References


‘Although there is strong empirical support for repeated interviews, the field has not yet incorporated this knowledge into practice.’

The majority of cases where children are alleged victims of sexual or physical abuse have no external evidence that will determine if the alleged abuse did or did not happen. Therefore, most legal systems in the world contend with children being the single witnesses to their alleged abuse. Since the legal system needs to make crucial decisions based on the children’s testimony, it places demands on the children to report the traumatic event(s) in a detailed, rich, complete, coherent, systematic, and accurate way. Among numerous studies that have pointed to the ways in which investigative interviewers can contend with the children’s developmental barriers (memory, attention, and verbal), repeated interviews receive a lot of focus.

Many researchers have tried to identify the characteristics of a good repeated interview, one that will enhance the children’s reports and help interviewers obtain richer information without compromising their accuracy (see La Rooy, Lamb, & Pipe, 2009 for review). On the one hand, empirical findings clearly show that when repeated interviews contain leading or suggestive questions, and when there is pressure on the children to provide specific information, repeated interviews can be a strong factor in contaminating the children’s narratives. On the other hand, when the children are interviewed in a supportive environment using free recall questions, the children’s narratives tend to be rich and accurate with repeated interviews.

Researchers documented their findings and made clear assumptions that when the repeated interview is “good” meaning conducted in a supportive environment, contains open-ended questions, and a short time delay between the interviews, then it can help the children in the retrieval process. Those studies showed an interesting phenomenon called reminiscence, which means that the repeated interviews helped the children add new information about the target events to their reports without damaging their accuracy. Together with this finding, some studies found hypermnesia in the children’s reports, meaning that the second interview yielded more information than the first one. This finding gives strong support for future researchers’ assumptions that the children’s (and even adults’) first reports are usually not complete and therefore suggest employing the use of repeated interviews widely in the field.

Although there is strong empirical support for repeated interviews, the field has not yet incorporated this knowledge into practice. The use of repeated interviews in the field is limited, and the procedure is used only for specific reasons, such as when new information is revealed and there is further need to check this information with the child (Home Office, 2007, sections 2.13, 2.117 & 2.188; Law Commission, 1997, section 97; Scottish Executive, 2003, section 30; Scottish Executive, 2007, sections 7 & 155). Moreover, the legal system often treats cases of repeated interviews with suspicion regarding the accuracy of the new information, the information that was missing, and mainly towards contradictory information. Investigating why repeated interviews are not more widely used, I concluded, together with Professor Michael Lamb and Dr Irit Hershkowitz, that most of the studies that showed the positive effects of repeated interviews to the memory process were laboratory and applied studies. Perhaps this fact made it difficult for people in the field of investigative interviewing to apply the findings.
with children interviewed about alleged sexual or physical abuse.

One recent study conducted using real interviews with children aimed to understand the effects of repeated interviewing in the forensic context (Hershkowitz & Terner, 2007). In that study, 40 children who were alleged victims of child sexual abuse were interviewed about the alleged incident twice, with both interviews following the NICHD (National Institute of Child Health and Human Development) Investigative Interview Protocol closely (Lamb, Hershkowitz, Orbach, & Esplin, 2008). Both of the interviews followed the entire substantive phase of the Protocol and included all types of questions (e.g., invitations, directive, option-posing and, by mistake, suggestive questions). Every child was given a 30-minute break between the two interviews. The findings from this study clearly showed that the information that was obtained in the second interview was almost 25% new, and that both of the interviews were relying on open questions (average of 50%), which increases the likelihood that this information was accurate (Dent, 1982, 1986; Poole & Lamb, 1998; Waterman et al., 2000). The findings provided strong evidence for the value of repeated interviews in the children's retrieval process, emphasized that the children's first retrieval from memory is typically incomplete, and that repeated interviews are a good way to enhance children's narratives.

Analyzing this study and the subsequent feedback from the field (investigative interviewers and their managers in Israel) clearly showed a few problems when trying to conduct repeated interviews, as occurred in this study, incorporated into practical guidelines. According to the interviewers, the strongest drawback was the length of the interviews and the break between them. The interviewers who participated in this study systematically said that the interviews were very long, which made it difficult for them to focus and be good interviewers. The interviewers also mentioned that the break was too long for them (30 minutes), and their impression was that the long interviews were hard for the children and that children felt uncomfortable during the break. Another shortcoming of the study was that, because it was a field study, there was no option to check the accuracy of the children's reports. Furthermore, at times, the first interviews included misleading information, which makes it hard to measure how it affected children's reports, and the accuracy problem remained unsolved.

Following the theoretical and practical understanding gleaned from the mentioned study (Hershkowitz & Terner, 2007), we designed a more advanced procedure for examining the use of repeated interviews in the field (Katz & Hershkowitz, in preparation). In this field study, 55 children who were alleged victims of child sexual abuse were re-interviewed about the alleged incident using repeated open questions. The break between the interviews was shorter than in the Hershkowitz and Terner study (7-10 minutes vs. 30 minutes), and the only questions referred to the children before the second interview were open (vs. closed, leading, and suggestive questions in the previous study). Focusing only on open questions was planned to ensure that the interviews would not be contaminated in any way (not allowing suggestive questions by the interviewers). Because it was a field study, it was hard to measure the accuracy of the children's reports. That is why a contradictions analysis was conducted in order to explore this aspect of the children's narratives.

Children (n=55) were referred by the police to investigative interviewers following a complaint of a single incident of sexual abuse by an alleged perpetrator who was not a family member. The sample composed of 12 boys and 43 girls, from age 5 to 14 with a mean age of 10 years. The alleged incidents were 15 cases of exposure, 19 cases of touch on intimate body parts over the victim's clothes, 13 cases of touching on intimate body parts under the victim's clothes, and 8 cases of penetration. The time delay between the alleged incident and the investigative interview range from 1 day to 104 days ($M= 26.69, SD= 23.26$).

Children were interviewed twice by one of nine well-trained investigative interviewers in Israel; all interviewers shared the same professional background (bachelor degree in Social Work or Criminology and approximately seven years experience as an investigative interviewer with children). Interviewers were
given an individual and group training about the study procedure with the main focus on making sure that the interviewers followed the exact instructions and only asked open questions in the first interview.

All interviews closely followed the NICHD Protocol. The NICHD Protocol was conceptualized and written by a group of researchers in the National Institute of Health (NIH; Sternberg, Lamb, Davies, & Westcott, 2001; Sternberg, Lamb, Esplin, Orbach, & Hershkowitz, 2002). The Protocol’s main instruction to investigator interviewers is to rely mainly on open questions (e.g., “tell me everything that happened to you”, “and then what happened”), since those questions are the ones that tend to produce accurate information from children of all ages (Dent, 1982, 1986; Goodman, Quas, Batterman-Faunce, Riddlesberger, & Kuhn, 1996; Hershkowitz, Fisher, Lamb, & Horowitz, 2007; Poole & Lamb, 1998; Waterman et al., 2000). If there is a need to help children produce more information regarding the alleged incident, directive questions will follow the open ones (e.g., “when did it happen?”). Only when crucial information is needed are the investigative interviewers allowed to ask children option-posing questions (e.g., “did he touch you over or under the cloth?”). Suggestive questions (e.g., “he penetrated with his fingers right?”) are completely forbidden.

The first interview in this study followed the Protocol phases, starting from the pre-substantive phase and then getting the allegation about the incident of sexual abuse. After an allegation was made, the interviewer asked the child open questions aimed to learn as much as possible about the incident. When the interviewers perceived that there was no more information that could be obtained from open questions, they stopped the interview and asked the child to take a short break (7-10 minutes). During the break, the interviewer and the child remained in the room, and no one talked to the child about the incident. The interviewer offered the child a drink or an appropriate game to play (e.g., puzzles, bricks). After the break, the interviewer asked the child to sit in front of them again and provided an invitation to disclose again everything that had happened during the alleged incident.

Following the first narrative, the interviewer asked the child open questions as if he was hearing the incident for the first time. When the child indicated that he had nothing more to say in response to open questions, the interviewer then asked directive questions and, when necessary, option-posing questions.

All interviews were carefully transcribed by a well-trained transcribing company working with the investigative interview unit in Israel, and the transcripts were sent to the researchers only after all potentially identifying details were removed. All interviews were coded based on the NICHD codebook (Lamb et al., 1996), which aims to examine the quality of the interviewers’ utterances and the children’s reports. Interviewers’ utterances were categorized as invitations, directive, option-posing and suggestive questions.

The children’s narratives were analyzed in terms of counting the new details that children provided in the second interview in addition to the details that they provided in the first interview, the repeated details of information that children were consistent with throughout the interviews, and finally, the omitted details, meaning the details that the children provided in the first interview but omitted in the second interview. Besides coding details as being new, repeated, or omitted, details were also classified as being central or peripheral. By central, we meant information related to the core understanding of the event (e.g., central actions of the alleged perpetrator), while peripheral details were important but not crucial to the understanding of the abusive event (e.g., the color of the car of the alleged perpetrator). Contradictory details were also coded according to Orbach and Lamb’s coding system (Orbach & Lamb, 2001).

Inter-coder agreement was checked by having 15.2% of the transcripts independently re-coded by two experienced coders. Agreement was higher than 90% for both the classification of interviewer utterances and the identification and classification of details reported by the children.

Because this was a field study, the ethical approval was granted by the following individuals/organizations: the manager of the
investigative interview unit in Israel, the head of the youth department of the Israeli police, the vice president of the Israeli juvenile court, and the chairman of the University of Haifa's ethics board.

The quality of the interviews was remarkably good with interviewers referring over 87% of open questions (invitations, time segmentations and cued invitations) to children in the first interview, and no suggestive questions. In the second interview, the proportion of open questions was over 50%, and again, no suggestive questions were referred to the children.

In general, the total number of details in the second interviews was not higher than the total number of details in the first interviews. Nonetheless, we did find reminiscence, and the second interview yielded 58.50% new information, with 50.32% new information obtained from open questions, and 36.86% as central new information.

The repeated interview was found to be useful for both boys and girls and for children from all age groups. Furthermore, though the repeated interview was useful after a short delay, it was found especially useful when the time delay between the alleged abuse and the interview was longer (i.e., over a month). This finding is extremely important in the legal context, since the time delays between abusive events and the investigative interviews are often long (mainly due to the children's fears of disclosing, see Pipe, Lamb, Orbach, & Cederborg, 2007).

The results from this study clearly show that even with a single incident by a perpetrator who is not a family member (cases that are considered less complicated in the legal system), the use of repeated interviews helped the children's retrieval process. Following the second interviews, children obtained new forensically relevant details, details that helped the testimony become richer, more detailed, and more coherent.

It was also our interest to show what happened to the details that the child mentioned in the first interview- did the children repeat them in the second interviews, or they were omitted instead?

With regard to the repeated, or consistent, details (details that the child mentioned in the first interview and repeated in the second), we found that in the second interview children repeated 38% of the details that they produced in the first interview; 17% of the repeated details were obtained from open questions in the second interview, and 14% of them were central details (only 3% were peripheral). The percent of consistent details that children produced in the second interview in response to open questions was not affected by the children's age, gender, type of abuse, or the time delay between the abusive event and the interviews.

With regard to the omitted details (the details that the child mentioned in the first interview but did not mention in the second one), we found that in response to open questions, children omitted 61% of details that they produced in the first interview; 46% were central details and 15% were peripheral details.

It is also very important to discuss the results regarding the analyses of the contradiction details, or details that children mentioned in the first interview and later on contradicted in the second interview. No contradictions between the first and second interviews were found in the information that children provided from open questions. This finding suggests that there is a high probability that the information that children produced in response to open questions was accurate. Analyzing the contradictions has been found before as an indicative tool for the credibility of the testimony (Orbach & Lamb, 2001).

In summary, we can say that repeated interviewing, as used in this study, is an effective tool in the legal system and a safe one as well. While interviewing the children within a short time delay between the interviews, without allowing any contamination to their memory and referring open questions, children can provide rich, detailed, and coherent reports.

Currently, together with Dr Irit Hershkowitz and Professor Michael Lamb, I am investigating the effects of repeated interviews with children who are reluctant to disclose an allegation by an alleged perpetrator who is a family member. In this field study, which is currently being conducted in Israel,
investigative interviewers return for a repeated interview with children who did not make an allegation in the first interview. We are trying two different procedures: one which includes only open questions in the first interviews aimed to identify the allegations. If children do not disclose, the interviewers finish the interviews and return to the children for a second interview within 2-7 days. In the other condition, the first interviews are completed with interviewers using more closed questions (according to the NICHD Protocol) in order to identify allegations. If the children fail to make an allegation, the interviewers return for a repeated interview after 2-7 days. In both of the procedures, the repeated interviews include a rapport building phase and an identifying the allegation stage according to the NICHD Protocol. If the children do make an allegation, the interviewers return for a repeated interview after 2-7 days. In both of the procedures, the repeated interviews include a rapport building phase and an identifying the allegation stage according to the NICHD Protocol. If the children do make an allegation, the interviewers return for a repeated interview after 2-7 days.

In another series of studies that I will conduct with Professor Michael Lamb and Dr Lindsay Malloy, we will explore the effects of repeated interviews with children, adolescents, and adults who suffer from Autism Spectrum Disorders, Mental Retardation, or Down syndrome.

References


Achieving Best Evidence: The role of the Registered Intermediary in assisting vulnerable witnesses, police suspects and defendants to communicate their account to the police and the court.

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“When an intermediary is used as part of the interviewing process it adds a new dynamic to the interview room”

The Registered Intermediary is a professional who has the appropriate experience and qualifications to assess the communication needs of the vulnerable witness or vulnerable defendant. There are approximately 150 Registered Intermediaries located in England and Wales whose professional backgrounds include speech and language therapists, psychologists, teachers, social workers and nurses. They will have a detailed knowledge of the specific difficulties that vulnerable people have when trying to understand other people and the difficulties that vulnerable people may have in communicating accurately what they want to say to figures in authority. The Registered Intermediary role is an impartial one and the intermediary acts for the court and not the prosecution or defence.

Intermediaries are selected through an application form and interview process and then undertake a total of 5 days training organised by the Office for Criminal Justice Reform and the City Law School, London, where they learn about court personnel, court procedures and they practice their impending role through assessed role plays.

The introduction of intermediaries to the criminal justice system in England and Wales is a relatively new concept. The Youth Justice and Criminal Evidence Act (1999) established that a witness may be examined through an intermediary as one of the Special Measures available to vulnerable witnesses (Office for Criminal Justice Reform, 2005). You may note at this stage that the legislation does not refer at all to police suspects or defendants.

The legislative framework defines vulnerable witnesses as being:
• All witnesses aged under 17 years
• Any other witness whose quality of evidence is likely to be diminished because they have a:
  – mental disability or learning disorder
  – physical disability or physical disorder.

The needs of the witness are assessed by the Intermediary and Special Measures are applied for to the court as and when recommended (Office for Criminal Justice Reform, 2005). Other Special Measures include using screens in the courtroom, using a live link, allowing the witness to give evidence in private, requesting that judges and legal staff remove wigs and gowns, allowing video-recorded evidence in chief and finally using communication aids such as a symbol book.

In practice police investigators are informed: “It is more common for intermediaries to assist during the planning phase of an interview by providing advice on how questions should be asked and then to intervene during the interview where miscommunication is likely, by assisting the interviewer to rephrase the question...” (Ministry of Justice, 2007, p15).

The emerging benefits of the intermediary scheme have been evaluated following the roll out of the scheme to six pathfinder areas between February 2004 and June 2005 (Plotnikoff & Woolfson, 2007). Overall the scheme was evaluated as being beneficial to vulnerable witnesses and victims. One particular aspect raised as a result of this evaluation was that vulnerable witnesses benefited at trial from facilitated
communication, a process that ensured that witnesses understood the questions they were being asked (Plotnikoff & Woolfson, 2007).

**Referral to an intermediary**

In practice the investigating or interviewing officer needs to identify that the particular witness is vulnerable using the criteria outlined above. Having identified that the witness is vulnerable the officer will then make a faxed referral to the Intermediary Referral Board which is a department at the Ministry of Justice. The referral board will then try to match the witness's needs with a suitable Registered Intermediary and put the intermediary in touch with the police officer. For example, a police officer identifies that a witness appears to have difficulties in understanding the concept of time or what appears to be straightforward questions. The officer contacts the Intermediary Referral Board who in turn examines their list of suitably experienced intermediaries in that particular location. Once an Intermediary has been identified they will make contact with the officer and try and arrange a suitable date and location for an assessment to take place. The police officer should always attend the assessment with the intermediary as this protects the impartiality of the intermediary should the witness make a disclosure about the case.

The officer may want to arrange an Achieving Best Evidence (ABE) interview as a matter of urgency and it is possible to conduct the assessment in a morning and the ABE interview on the same afternoon. However, the vulnerable person's needs might warrant that the ABE is arranged on a separate day particularly if they have impaired cognitive functioning and tire easily. If the matter progresses to court then ideally the same intermediary will be used as they have already built up some rapport with the witness. The intermediary will write a full report of the witness's communication needs which will be used as supporting evidence if an application for Special Measures for trial is made.

**What about police suspects and defendants?**

The Prison Reform Trust published a report (Jacobson, 2008, p36) which concluded that there is an argument for providing legislative support for vulnerable suspects such as those with a learning disability. This report also suggests specifically that vulnerable suspects should be entitled to the use of the intermediary as a Special Measure in order to facilitate communication. There is a presumption here that the police are able to identify all vulnerable suspects as they enter the police station and further, that the Police and Criminal Evidence Act (1984) accommodates the need to delay suspect interviews in order to arrange for an intermediary to assess a suspect and to be available for the investigative interview. The practicalities may not be so easy.

I have attended court cases recently where the defence counsel have argued that evidence obtained in an investigative interview should be ruled as inadmissible where the police caution was not fully understood by a vulnerable suspect. This is the case even if a solicitor was present in the police interview. In some cases the caution will never be understood however hard the police and the intermediary try to explain its meaning. If the police interview could be delayed in order to obtain an assessment from an intermediary then the investigating officers may have some support in trying to conduct the interview. The intermediary must remain impartial to the case and must never take on the role of investigator and is there solely to facilitate communication. There is of course the question of who pays for all this and the answer quite frankly is the police, but perhaps the initial cost implications should be viewed in conjunction with the cost of having evidence excluded at a later date.

Even if an intermediary has not been used at a police suspect interview then it is possible the defence may ask a judge to consider authorising one for a trial. Indeed this is currently happening in various courts in England and Wales. The Registered Intermediary is either tasked only with standing with the defendant if the defendant gives evidence in court, or alternatively sitting
in the dock with the defendant throughout the trial and assisting the defendant to understand the court proceedings. This may be quite crucial if the defendant is assessed as being fit to plead but is confused on a daily basis about the working of the court and doesn’t understand the terms jury, defendant, victim etc.

Discussion

When an intermediary is used as part of the interviewing process it adds a new dynamic to the interview room. The investigating interviewer will need to feel confident that the trained and Registered Intermediary will not have a negative impact on the investigation, but rather, will assist the investigator to achieve best evidence.

As already noted the use of the Registered Intermediary has been established as a Special Measure for vulnerable witnesses through the legislation. To date the use of the Registered Intermediary with a vulnerable suspect or defendant is made at the discretion of the police or a judge. There is no mandatory legislation protecting the vulnerable defendant’s right to an intermediary to assist in communication. There is an inherent cost which must be met by the police service, the Legal Services Commission or the Court, and if funds are limited there may be occasions where a vulnerable defendant’s needs are not met.

Some people may argue that it is the solicitor’s role or the appropriate adult’s role to act on behalf of the suspect and to ensure that all communication is understood by the suspect. The key issue here is that neither the solicitor nor the appropriate adult is necessarily trained to assist the vulnerable suspect’s communication needs, and neither person is impartial to the case. I have recently observed a legal representative try to communicate with a police suspect who had already been identified as have having a learning difficulty. With the best will in the world the legal representative was not skilled in this area. Likewise when I have written reports for the Special Measures application and both counsel have agreed to refrain from using multiple questions in court, or to use simple vocabulary and simple sentence structure, in practice they find it incredibly difficult to question in this manner. I am not suggesting that they deliberately act in this way but rather it is a skill that really needs to be developed over time.

In the interests of justice, vulnerable witnesses, suspects, and defendants need Special Measures in the form of the Registered Intermediary. The use of the intermediary with witnesses is now becoming established practice in England and Wales. However, there are some emerging difficulties when the intermediary role is used with defendants. For example, if the intermediary’s role is of being totally impartial to the case where do they stand when they sit in on legal briefings which are subject to legal privilege? The majority of intermediaries are practising professionals in their other careers. How can they continue to manage that role and to attend lengthy crown court trials? Whilst the courts currently seem to be using their discretion to fund the intermediary for defendants what are the longer term funding implications?

There seems to be a clear argument for allowing the intermediary to assist in court when a defendant takes the witness stand. Indeed, it can be argued that in the interests of justice there is more likelihood that a vulnerable defendant may wish to testify in court if they feel that they can make themselves understood and they should not be excluded from this right due to cognitive impairment or mental health difficulties. However, it could be argued that a trained advocacy worker who deals daily with vulnerable people may be best placed to sit with the defendant at the whole trial. This may relieve some of the pressure on the public purse as well as pressure on the intermediary scheme which has been established solely to assist witnesses. Alternatively, the trained and impartial intermediaries may need to consider undertaking the role as a sole profession and the government may need to consider the funding implications further. Additional research is being undertaken to establish how the intermediary scheme is working in practice with police suspects and defendants.

The Intermediary Referral Board at the Office for Criminal Justice Reform can be contacted on 0207 035 8461
References


Investigative interviewing and Islamic extremism: The case of public safety interviews.

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‘The practical upshot of this legislation is that where there is a perceived threat to public safety and/or to the integrity of an investigation, interviews with terrorist suspects may take place without notification, without legal representation and in non-designated detention centres.’

In very general terms, the legislation provides all detained individuals with the right to have their arrest notified to another individual, the right to legal advice, and the right to be interviewed at a location designated for detention without unnecessary delay. Legislation exists however to suspend some of these rights under certain circumstances. The relevant legislation is Annex B Code H of PACE - Delays to interview under TACT Schedule 8. This legislation allows that Police may delay notification of arrest and/or access to legal advice and to carry out an interview in a non-designated place if the person detained has not yet been charged with an offence and if an officer of Superintendent rank or above has reasonable grounds for believing the exercise of the above suspect rights may result in one or more of the following:

- Interference or harm to Persons and/or evidence
- Serious loss or damage to property
- Alerting others
- Hinder recovery of property
- Interference with the gathering of information
- Risk of legal advisor passing information

In these circumstances the police may carry out a so-called urgent interview. These interviews must, however, cease once the relevant risk has been averted and/or the necessary questions have been put in an attempt to avert the risk.

The practical upshot of this legislation is that where there is a perceived threat to public safety and/or to the integrity of an investigation, interviews with terrorist suspects may take place without notification, without legal representation and in non-designated detention centres. The legislation requires that a record be made of the interview, where possible this should be in the form of a tape recording or contemporaneous notes, however where this is not possible it is allowable that notes made during the interview.
may be written up by the interviewer as soon as practically possible following the interview. It is important to note that, in the circumstances when an urgent interview is allowable, without the benefit of legal representation for the suspect, much of the onus to protect the rights of the suspect is in the hands of the interviewer. For the interviewer this may be a difficult situation, especially given the context in which these interviews take place. The next section will consider the context in which urgent interviews take place and will consider the psychological impact of terrorism and the threat of terrorism on individuals before moving on to consider how this might affect the interview process.

The urgent interview context

Terrorism is designed to achieve some political change by using fear as a weapon (e.g. Burleigh, 2008). Terrorist atrocities produce a wide range of emotions in those who observe them including fear, grief, anger, frustration, sadness, a sense of powerlessness, a desire for revenge and a strong desire to do something (e.g. Silke, 2003). As human beings, Police Officers involved in counter terrorism work are not immune from these emotions; indeed for Police Officers, as a result of their investigative duties these emotions might be exacerbated. For example, Police officers are typically exposed to details about a terrorist act way beyond the experience of most members of the public (e.g. precise details about victim injuries), Police officers may be a focus of great political and media pressure to obtain ‘results’ in the aftermath of a terrorist act and there is frequently fear that the terrorists are plotting another atrocity. Finally, there can be, in some quarters, little sympathy for a ‘Terrorist,’ suspect and a belief amongst some members of society that terrorists by dint of their actions forfeit their human rights (Burleigh, 2008). It is in this context that urgent interviews with terrorist suspects are carried out.

Urgent interview by definition are done when there is a need for information to be obtained from an individual very quickly. This need for urgency, when considered in the Psychological context described previously, may lead to a number of potential risks to the interview process. Anger, fear, feelings of powerlessness and a desire for revenge are powerful emotions that in the context of urgency may make the use tactics not normally associated with police interviewing such as threats, overt aggression and even, in extremis, torture seem more acceptable and even desirable to some. For example, some commentators have argued for the limited use of torture and other extreme approaches to terrorist interviewing (e.g. Levin, 1982). Levin’s argument is particularly applicable to urgent interviews. Levin cites a so-called ‘ticking bomb’ scenario in which the need to save lives in the face of a possible atrocity outweigh any of the human rights that would normally be accorded to an individual, thus arguing that investigators can and should use any means at their disposal to elicit information (e.g. Levin, 1982).

Threats and overt aggression all work on the basis that raising an individual’s discomfort is likely to make them more compliant as regards providing information, essentially the suspect is encouraged to trade information in return for an end to their discomfort (e.g. Rejali, 2007). However, such tactics frequently fail to obtain reliable information from suspects (e.g. Gudjonsson, 2001) and often do much damage to community and international relations (e.g. Rejali, 2007). This is notwithstanding the fact that some individuals who may have been considered suspects and who may be subjected to such treatment are innocent of any involvement in terrorism (e.g. Stafford-Smith, 2007; Sands, 2008).

From a Psychological perspective, so-called ‘robust,’ interview techniques, by dint of increasing an individual’s fear and anxiety, run the risk of increasing the vulnerability of the individual so that much of the material collected may be unreliable and potentially misleading. Threats and aggression increase anxiety, one of the effects of which is to increase an individual’s uncertainty and doubt about events they have experienced. In this state individuals are frequently very sensitive to the reactions of the interviewer - they are often looking for signals from the interviewer that their responses are acceptable and that their discomfort is coming to an end - and so are prone to tailor their answers to questions in order to obtain a favourable reaction from
the interviewer. Ultimately, the creation of high levels of anxiety and fear in an individual may serve to increase their suggestibility making it more likely that they will begin to accept information provided by the interviewer and to confabulate accounts of events based upon information provided by the interviewer leading to the production of unreliable information and potentially false confessions (e.g. Gudjonsson, 2001). These Psychological responses of the interviewee may be compounded as an urgent interview is likely to take place very soon after an arrest when the suspect may be already be in a state of high anxiety brought on by their fear of being arrested and the trauma of the arrest itself – arrests of terrorist suspects may involve large numbers of police officers and even armed police due to the need to protect police officers from potential threats.

Another problem with the use of ‘robust’ interview methods is that of the response of the community to the individual’s experience. Should an individual eventually be released from Police custody, they may take these negative experiences and emotions experienced back into the community from which they came, perhaps describing their experiences to friends, family and other members of their community, even the press. This can lead to damage to the public perception of Law enforcement and damage to community relations which may ultimately be counter-productive to the Police attempts to obtain intelligence about terror groups from these very communities. It is also possible that a suspect’s negative experiences may be seized upon by those who would make political capital out of them and may be used as a means of recruiting others to a terrorist cause (e.g. Sands, 2008).

Ultimately then, the emotive nature of the situation in which urgent interviews are carried out both for the interviewer and the suspect may increase the risk of interviewers utilizing robust interview approaches in their legitimate desire to obtain information quickly. As stated the use of such interview tactics is not without risks to the reliability of the information that can be obtained, to the welfare of the suspect and ultimately to the perception of the Police by the community. The next section will consider potential solutions to the problems raised above, ultimately can Psychology suggests ways of carrying out urgent interview that balance the legitimate needs of Police to obtain information quickly with minimizing the risk of unreliable information?

Interview issues

Urgent interviews in the context of counterterrorism are arguably one of the most difficult situations a Police interviewer may find him or her self in. Given the issues described above it is probably true to say that urgent interviews represent a powerful test of an individual police officers professionalism and integrity. If urgent interviews are carried out inappropriately there are many risks to the integrity of police investigations and to the rights of suspects. Ultimately urgent interviews inappropriately carried out could give rise to miscarriages of justice. In what follows various suggestions are made concerning how these interviews should be carried out.

Interview planning

As with any investigative interview, planning the urgent interview is essential. Relevant to planning the interview are issues such as who should carry out the interview e.g. gender, age, level of skill and experience, what topic areas need to be covered and the general approach of interviewers towards the suspect. Underpinning all of this it is essential that the aims and objectives of the urgent interview are clearly identified and communicated to the interviewers.

Due to the urgency of the interview situation there is a risk that urgent interviews can be carried out with limited planning, and limited consideration of the aims and objectives of the interview. When carrying out any interview, the interviewers need to be aware of what they are trying to achieve in order to judge the relative success of the interview. In the absence of these or if the aims and objectives are unclear or obscure, the interviewers are in a situation of great uncertainty. In addition, limited planning leads to a possibility that those selected to carry out the interview may not be well equipped to carry it out in terms of their skills and experience and in their
knowledge of the suspect and the situation. Ultimately the major risk here is that when faced with uncertainty and given the pressures of the interview situation those interviewers who may be ill-prepared and even ill equipped to carry out the interview may be more likely to become frustrated in this situation and perhaps rely upon aggressive approaches if they perceive that the interview is not achieving any results.

It is important to stress that clearly stated aims and objectives are the only way to reliably assess the success of the interview by providing a yardstick against which the product of the interview can be measured. This is not a trivial point as without a statement of what the interview needs to achieve it is not clear when urgent interviews should cease or when an urgent interview ceases to be an urgent interview as defined by PACE and moves into being a suspect interview. PACE clearly states that urgent interviews should cease when the relevant risk has been averted (see above) or where all relevant questions designed to avert that risk have been put to the suspect. Importantly PACE prohibits interviewing about matters unrelated to averting the risk. Without clear aims and objectives there is a possibility that interviewers, unsure of what they need to achieve, might continue to interview or carry out multiple interviews when the justification for them is unclear and/or interviewers may begin to ask questions of marginal relevance to averting the risk. For example questioning could stray into discussion of the suspect’s involvement in an offence or issues concerning his or her background and lifestyle, which are more properly covered in a full suspect interview, under caution and in the presence of a suspect’s legal representative. Within the terms of the relevant PACE codes it would appear to be difficult to justify long periods of urgent interviewing – can interviews be legitimately argued to be urgent if they have proceeded for four or five hours or if there were several urgent interviews carried out with the same person? – Also when multiple interviews or long periods of interviewing are used there is a risk of inappropriate and irrelevant questioning as defined by PACE.

Within planning the urgent interviews it is also important for the interviewers to be clear as to what broad questions they wish to put to the suspect so that time is not wasted during the interview and a clear end point to the interview can be discerned i.e. when the suspect has or has not answered the relevant questions. This means that planning needs to consider which questions are relevant and to identify topic and question areas that need to be avoided to keep the interview within the terms of PACE.

**Interview personnel**

Selection of personnel to carry out an urgent interview is important. To begin with, it is argued that urgent interviews should be carried out whenever possible by police officers who are the most well trained interviewers and who have the most experienced in carrying out counter terrorism interviews. Such individuals are most likely to be well equipped to deal with the pressure of the situation. It is suggested that, where possible, the interviewers should be trained to advanced suspect interviewers (tier 3) level as this training generally provides interviewers with advanced knowledge of interview methods, rapport building and knowledge of relevant psychological processes such as responses of suspects to anxiety, suggestibility and the impact of interviewer behaviour upon suspects.

There is a related training issue relevant for those who have to carry out interviews in a counter terrorism context. It is advised that interviewers would benefit from training in recognizing and dealing with their own responses to trauma and anxiety as these emotions are likely to be the motivators for the more ‘robust’ interview approaches described above and managing individual emotions may mitigate against their use.

Where possible it is suggested that in planning urgent interviews, investigators give consideration as to who is best suited to carry out the interview i.e. what interviewer characteristics do they consider will be most productive with a particular suspect. Some individuals might relate much better to a man or a woman or indeed to a younger or older
interviewer. The racial characteristics of the interviewer may be relevant as may be their regional accent, religion or physical appearance. Where investigators feel that such issues are relevant selecting an interviewer with the preferred characteristics might be beneficial in terms of building rapport and trust with the suspect.

**Suspect characteristics**

In planning an urgent interview, it is advised that interviewers should spend some time familiarizing themselves with everything that is know about the suspect prior to the interview, this includes issues such as their background, interests and any particular vulnerabilities such as mental health status, fears, anxieties etc. This will allow interviewers to begin to predict likely behavioural responses from the suspect during the interview and to consider possible interview approaches towards them. Essentially the argument here is that interviewers should tailor their approach to the specific characteristics of the suspect, to maximize the possibility that they can build rapport with them in order to maximize the amount of information obtained (e.g. Gelles et al, 2006; Roberts, 2008, 2009). It is acknowledged that this is more likely when an arrest is planned or when an interviewer is privy to intelligence and other information prior to an arrest. Clearly the amount of information about different individuals will vary and there is likely to be some individuals for whom limited information is available prior to an arrest.

The behaviour of the suspect during the interview should also be observed and recorded, as this is likely to inform interviewers as to the suspect’s attitude towards the police, attitude towards terrorism, their beliefs and feelings and to their attitude to being a suspect. This can help interviewers to further tailor their interview behaviour towards the suspect and may help planning for any subsequent interviews.

**Interviewer behaviour**

A large body of literature within the behavioural sciences points to the utility of so called rapport based interview approaches over those involving threats in obtaining reliable accounts from suspects during Police interviews (e.g. Ord, Shaw & Green, 2008; Milne & Bull, 2003). However, one obvious question is how can one develop rapport with an individual in the context of an urgent interview? The answer to this question is not easy or straightforward as this interview context is probably one of the most demanding upon the professionalism of Police interviewers.

Some suggestions present themselves, certainly following what is likely to be a traumatic arrest it is argued that the interviewer should not be perceived to have been part of the arrest team. The suggestion here is that the individual responsible for the urgent interview should not carry out the arrest nor should they be involved in searches of the suspect or their property, or other activities that appear part of the arrest process.

Threats or aggressive approaches towards the suspect as described above are generally counterproductive and do not enhance the likelihood of obtaining reliable information so these should be avoided. It is accepted that some suspects are likely to be hostile to the police, but adopting an aggressive approach to such individuals will only serve to increase their hostility.

An approach that aims to minimize the individual’s distress and that provides as supportive an environment as is possible is most likely to engender rapport with the suspect. Another possible pay off for the interviewer if they can affect a supportive environment for the urgent interview is that in all likelihood the suspect will be subjected to an interview under PACE later on and steps to develop rapport at the urgent interview stage are likely to make rapport easier to achieve during the full suspect interviews.

When developing rapport interviewers should attempt to consider what are the legitimate needs of the suspect during the urgent interview. They may well be fearful and uncertain, some individuals may have limited experience of law enforcement and others may come from other cultures in which Policing is not routed in liberal democratic values, and so
these individuals may well genuinely fear for their lives or expect that they will be subject to torture. Attempts to reassure them during the urgent interview are likely to help engender trust as these may allay some of these fears. In the case of Islamist extremists, taking some steps to be respectful of their religious needs, for example reassuring them that in police custody they will be accorded the rights to pray may help. Asking suspects how they feel and if they need anything is useful as again this shows some attention to them as individuals.

Importantly rapport building should not be the sole activity and it is important that interviewers ask legitimate questions during the urgent interview. Essentially these questions need to be focused upon the immediate situation and the need to alleviate risks as defined by PACE. It is advised that suspects be informed of the purpose of the interview and that direct questions concerning what they may know should be asked. Direct questions will illustrate the urgency of the situation, however suspects should be given time to answer the questions as quickly firing questions at the suspect and/or repeating the same question will increase anxiety and may be counter productive.

Interviewers should maintain a calm demeanor when addressing the suspect, as displays of anger and frustration are unlikely to result in a free flow of information. Instead calm reasoning is most likely to be production. If the interviewer can build rapport with the suspect and can show him or herself to be a warm human being it may be possible to present the suspect with a calm rationale as to why they should provide information, potentially if rapport building is successful the suspect may wish to work with the interviewer to protect others.

It is noteworthy that for many would-be terrorists, rather like sexual offenders, they often do not subject their attitudes and fantasies of terrorist violence, martyrdom and the impact of the activities on others to any real reality testing and they frequently suspend critical thinking in the context of the planning of a terrorist atrocity (e.g. Horgan, 2005; Rogers et al, 2007). Essentially thinking patterns that serve to minimize the suffering of others and justify the atrocity emerge from these individuals. These thinking patterns remain unchallenged by their colleagues until police apprehends these individuals when the would-be terrorist is frequently asked to account for himself or herself. When apprehended by police, some individuals they are now faced with an uncomfortable reality where the likely consequences of their actions become available to them. Fear and possibly guilt and remorse may be experienced by some of these individuals in the face of this reality and a rapport-based supportive approach from interviewers may provide the conditions in which these individuals are most likely to share information. Any other approach is likely to reduce the likelihood of this. In contrast, it is acknowledged that there are likely to be individuals who are focused upon their terrorist activities and who will, regardless of what approach is taken with them during the interview, not provide any information to the Police. However a priori, interviewers will not necessarily know who these individuals are and, through the use of a rapport based approach, where the suspect is given every opportunity to speak; the urgent interview may allow investigators the opportunity to identify such an individual.

Conclusions

The relevant legislation, PACE code H, allows for urgent interviews of terrorist suspects but is specific as to the purpose of the urgent interview, in particular that the interviews should cease when all questions relevant to ending a specific risk have been put to a suspect. Urgent interviews do not accord the suspect the same rights normally available to them in terms of legal representation and so the onus is on the Police interviewer to protect the rights and wellbeing of the suspect. Urgent interviews, however, are not without risks which are related to the context of the interview – one of fear, uncertainty and even anger following a terrorist atrocity, in which interviewers may find themselves under a great deal of pressure from others to obtain results. Threatening and otherwise oppressive interview tactics are a risk in these contexts with the problem that such approaches may lead to unreliable information, damage to the well being of the suspect and damage to the reputation of the police. In this context
adequate planning of the urgent interview is vital and clear aims and objectives for the interview need to be identified. A consideration of the characteristics of the suspect, selection of persons to carry out the interview, the approach they should take towards the suspect – one that is focused upon rapport and supporting the legitimate needs of the suspect - and the topics and questions that need to be covered form an important part of this planning process. Ultimately, even in the high pressure context of urgent interviews the principles of good investigative interviewing apply and it is with reference to these that investigators can hope to obtain the maximum amount of information from the interview and minimize the risks to the integrity of the Police investigation.

References


Investigative Interviewing vs Evidence-in-Chief.

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‘Interviewers must understand that their questioning style and overall approach to the structures and content of investigative interviews needs to meet the evidential standards that are required if they are to be considered suitable for use as evidence-in-chief.’

It has been well researched and documented that the cognitive interview approach significantly improves the quantity and quality of information that is obtained from witnesses who have experienced an event. Since 1993, operational police officers have been trained in the cognitive principles and techniques to enable them to conduct effective investigative interviews during criminal investigations. In the early stages of the training the practical exercises concentrated on co-operative truthful eyewitnesses who were independent of the victim or suspect. This was understandable as the new PEACE framework was introduced to a sceptical workforce who needed convincing in this new approach, therefore the less complicated the better.

As time has marched on, operational and training staff have come to realise that the cognitive interview in its purest form does not always fit the bill. Victims and witnesses are not always willing to assist and often they are not independent of the others involved in the event and therefore have a degree of information to provide which can assist in the investigation. However, the training has not sufficiently addressed the actual structure of the interview in sufficient detail to clarify the difference between these two phases. Similarly, the research that has been conducted has not looked at the police interview as a whole in that it is not simply about what the interviewee wants to say it is also about other relevant investigative issues.

The training was amended to ensure that the conversation management approach was also an essential aspect of the witness interviewing approach. An interviewer was encouraged to utilise whichever interview method was appropriate in the individual circumstances. However, there has been little or no assessment of the interview itself, as they were seldom audio/video recorded what actually was taking place was unknown. The scrutiny of the written statement was all that took place with little or no acknowledgement of the process that existed beforehand. For example, if an interview was unstructured in that perhaps it started asking a lot of questions about someone’s background instead of concentrating on the event or jumped from topic to topic this went, by and large, unnoticed. If an interviewer went over certain critical points on several occasions in order to assist the interviewee in remembering this was unseen. In the majority of cases the product of the interview was the written witness statement.

Although the audio/video taping of key witnesses has existed for the last decade the product of the interview was still the written statement, so if the interview itself was hard to follow it made little difference, as long as there were no inappropriate questioning techniques for the legal profession to criticise. In most instances the written statement would be a nice neat chronological account of the background of the interviewee leading up to the matter in issue. In disputed prosecutions the witness would be expected to attend court to give a verbal account of their evidence. One of the cornerstones of the judicial trial process has always been the opportunity for the jury to assess the quality of a witness’s evidence given from the witness box.

This age old, tried and tested system is now facing a huge challenge as legislation has now introduced the potential for a witness’s
account, obtained during a visual recorded interview, being viewed by the court as evidence-in-chief. The Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses and using Special Measures (2007 Revision) provides clear direction on the circumstances where the processes are applicable. The Guidance also provides advice on how to structure the interview process in order to maximise the opportunities in which to best gather the evidence. In addition to legislation national CPS guidelines allow for the option for the police to use transcripts of visual/audio records of significant witness interviews instead of witness statements. Although on the face of it the best evidence must surely be an accurate record of the account given by the witness, the way in which this is gathered and presented must be in a way that satisfies all parties involved in the judicial process.

It has become apparent that in certain circumstances the way that this is being undertaken is causing considerable problems for the prosecution team preparing the case. The main cause of the problem is that interviewers who are conducting investigative interviews, no longer turn these into written chorological statements, but the actual interview itself becomes the evidential product. The legal profession are in effect using the “raw data” of the interview, with all its imperfections, something which they have never turned their minds too before. If these new legislation and guidelines are to be effective then it is vital that all of those tasked with managing and conducting the investigation together with the members of the legal profession understand how each phase impacts on the other. This is an area which is ripe for research if the aim of achieving best evidence is to be achieved.

Traditionally, the information obtained from witness interviews would be put into a chronological sequence of events in the form of a written statement. This made it easier for the reader, however, it never showed how the account was given, how long it took, in what order and what questions were asked by the interviewer to assist in the provision of the account. As the actual interview itself is sometimes the only product that is now being presented the legal profession are being faced with lengthy accounts which do not always meet up to their expectations of a clear recollection of events in a chronological way. The way in which the evidence is produced especially in the form of several interview transcripts is raising cause for concern. As a direct consequence the witness interview process is starting to attract considerable criticism from not only those involved in the defence of suspects but mainly from those involved in prosecuting and also judging the quality of the evidence put before them.

The question that has to be asked is whether this criticism justified. Is it a “shock to the system” of the new process and the lack of understanding of what has been happening for decades behind the scenes that has contributed to this view being formed? In truth, the answer probably lies somewhere in the middle. Interviewers must understand that their questioning style and overall approach to the structures and content of investigative interviews needs to meet the evidential standards that are required if they are to be considered suitable for use as evidence-in-chief.

That said, the legal profession must understand that there is a major difference to conducting an investigative interview with a witness and that of writing a witness statement. The witness statement was the product of an interview and represented the considerable process that went before this in order to produce it. What is happening now is that for the first time, with adult witnesses, is that the legal profession are being exposed to the whole interview process. It would be completely problematic to conduct an investigative interview and then conduct an evidence-in-chief interview later. Therefore, the process has to meet the needs of all parties involved in the process. The question is how does the interviewer address these two, and at times, conflicting demands in the midst of an investigation.

**Investigation**

When investigators are conducting key interviews, they may often not be fully conversant as to what has taken place and the initial interview is essential to obtain a comprehensive picture of the full
circumstances. The investigative interview may not follow a chronological sequence of events as how witnesses remember and recount information may often be sporadic as details of the incident are recalled. There may well be other factors that are introduced by the witness surrounding the incident which may or may not be relevant. The witness may have difficulties in providing an accurate and reliable account or be uncooperative or hostile. It is apparent that, at times, not enough time and effort is being afforded within investigations to properly structure and plan interviews of essential witnesses, whether they are vulnerable, intimidated or significant. That is not to say that witnesses are not being dealt with professionally in being afforded what that are entitled to and having any individual needs attended. However, not enough attention is being given to the aim and objectives of the interview and how the information is to be obtained and then later presented.

The use of Interview Advisers in supporting both the management team and the actual interview team to develop appropriate and effective interview plans is still the exception rather than the rule. Information obtained from witnesses in the early stages can either make or break the investigation. This material can assist in proving the case, identifying significant lines of enquiry and contribute to the identification of the offender but the converse can also be true. Interviewers must realise that they have a major part to play in conducting a structured investigative interview which can meet the needs of both the investigation in the initial stages and stand scrutiny later when decisions are made concerning its use as evidence in chief.

An essential element of ensuring that these twin objectives are achieved is the planning that goes into structuring the interview. Considering clearly defined aims and objectives are vital to maximise the chances of achieving best evidence. Interviewers are being correctly trained and encouraged to probe accounts in order to obtain as much detail as possible to assist in the investigation. However, interviewers, irrespective of the interview model that they subsequently use to obtain and develop an account, must structure the process so that not only does it meet the needs of the victim allowing them to give an account, but also the needs of decision makers in the investigation and the subsequent prosecution team.

Information prior to the interview

There is a view that it is more productive that the interviewer is given limited information prior to conducting an interview to ensure that they cannot contaminate the interviewees account by introducing facts themselves. However, this does not mean that the interviewer is not provided with any information at all about the matter.

It would seem obvious that the witness would expect that the interviewer is aware of at least the allegation that is being investigated and other relevant information. Interviewers must be aware of certain information prior to the interview, however, this is not to say that they need to be aware of all aspects of an investigation and exactly what every other witness is saying about the event. The nature of the matter under investigation, where it occurred, how the person they are to interview has been identified, what category the witness is to be interviewed under, what the witness previously said, any relevant background information about the witness, what product is to be produced at the conclusion of the interview, are examples of what should be given to the interviewer. This will help in the approach and in the structure of the interview. After the initial phase of obtaining the account as described below, the interviewer, if not already aware, must be briefed fully about what aspects should be covered in the Investigative Areas phase (see below).

Rapport building

Every situation is different, are as individuals but there is a framework that can assist the interviewer in setting the scene as to what is required. Interviewers are allowed to speak to interviewees before they conduct the interview often as a matter of professional courtesy and this can greatly assist in rapport building. The full explanation of the options that are available to a witness by means of the
Achieving Best Evidence guidelines should be provided. On several occasions the investigator making the initial contact may well conduct the later interview. There may have to be an initial questioning phase to establish what the witness has said in order to assist in the determination of what is to happen next. This clearly should not go into an in-depth questioning of what has happened, but be sufficient to establish the outline of what has taken place. This will assist in deciding what category the witness is to be interviewed under as this in turn impacts on what product the interview is to be presented in.

If the interview is to be conducted by a person other than the initial contact person then this information should be provided to them. If the interview is to be visually/audio recorded, any rapport/discussion that took place previously can be outlined by the interviewer at the outset. If rapport has been established there seems little point in going into a “false rapport” stage merely to show to others that the interviewer is sticking to the model, as sometimes happens. In those rare occasions when an interviewer meets a witness for the first time in the interview room they should make a judgement based on what they have been briefed about as to whether a rapport phase is appropriate. For example the witness may well be eager to give an account as soon as possible and the rapport building attempt may indeed be unproductive. Rapport should be seen as the interviewer being professional, in dealing with the witness’s needs and concerns, explaining the process of what is to happen, continuing throughout the entire interview and not be viewed in isolation.

There has to be a purpose behind it which should be to create the best possible working environment to achieve an accurate and reliable account of what the witness has to say.

Incident

In too many instances, after the initial introductory phase, the interviewer at the start of the interview focuses on the history of the interviewee or the general background to the incident and some seem reluctant to deal with the main reason for the interview. In the majority of cases the interviewer should ask the witness to concentrate on the matter in issue, the incident which is subject of the investigation. In the situation where a witness has experienced an event either by being a victim themselves, or as a witness, this is what the interviewer should ask the interviewee to recall. The interviewer should have a clear aim that they after a full account from the witness concerning what happened. The interview model that the interviewer decides to utilise to focus and expand the account should be based on all of the circumstances.

If an evidence-in-chief application is to be made at a later stage it is this account that is likely to be played in court. Clearly, there maybe areas within it which may have to be edited out, but as long as the interviewers style of questioning or interaction is appropriate, the majority of what the witness states concerning the incident should be admissible. The interviewer must not err from the aim and start asking questions and introducing areas that detract from obtaining the incident detail. If the witness introduces areas that are not relevant to the incident they can be explored later if considered necessary. It may be a considerable time later that the interview record is viewed or a transcript is prepared, therefore, it is important to drive the investigation forward by providing key information to other investigators. Whilst the investigation is still “live” an urgent “lines of enquiry” summary can be provided to allow specific actions to be allocated and investigated. Once the interview has been completed a chronological “investigative” summary can be prepared to assist others involved in the investigation e.g., those in charge, suspect interview teams, and the enquiry teams to have a clear understanding of what was said. Later a Record of the Visual Interview (ROVI) can be prepared for use as a more comprehensive guide through the interview. The Achieving Best Evidence Guidelines provide a detailed account of what should be included.

Investigative areas

Once a comprehensive account has been achieved then topic areas which the interviewer feels are relevant to assist in the investigation can be introduced. These may include victimology, background, relationship
to others, knowledge of other individuals, discussions with others, and mobile phone usage among other things. In many circumstances this section of an interview may contain certain areas which may be inadmissible at court or not even prove relevant later but in the initial stages of an investigation may assist in identifying significant lines of enquiry. This may ultimately result in the suspect being identified and therefore is a crucial aspect of the witness interview. However, it should not be mixed together with the incident phase, because, if the interview is to be used as evidence-in-chief and requires editing it may prove impossible to do so coherently, and therefore, the possibility of playing the visual record is diminished. The process as described above in producing the product of the incident phase aspect of the interview can be adopted here too.

**Significant evidential omissions or significant evidential inconsistencies**

If after having completed the interview, an analysis is made of what was said and it appears that there are significant differences to what has been gleaned within the investigation, a decision has to be made as to if, when, and how, these are to be dealt with by way of a repeated interview. The points may be so significant that if they are not addressed then the investigation cannot proceed, or they may need to be addressed so that the enquiry can progress in an alternative direction. There may be a number of reasons why these may have occurred and careful consideration must be given as to how they should be approached.

**Presentation**

As decision makers have been operating with written witness statements when deciding on appropriate courses of action there is little wonder that when they are presented with lengthy transcripts or ROVI’s which are sometimes difficult to follow that they find this a daunting task. Interviewers must structure their approach within the interview so that the presentation of the content can be understood as easily as possible. The use of an accurate chronological “Investigative” summary to go with the ROVI or transcript will help others to have a clear picture of what exactly the evidence is that the witness can give. This will assist the SIO/IO in the investigation, the suspect interviewers when making decisions around interview plans and pre interview briefings with legal representatives. It will also assist in early discussions with the CPS as to the most appropriate course of action and any later “special measures” applications. It should also assist in ensuring that there are no later requests from other members of the legal profession to transfer transcripts into written statements.

**Summary**

In the transparent arena in which the police service now operates and the way in which evidence is obtained being open to the highest possible scrutiny it is essential that key witness evidence is recorded accurately. It is essential that if the introduction of the use of visually recorded evidence-in-chief is to be successful then the structure of interviews must meet the expectations of the legal profession. Similarly if the use of transcripts to replace witness statements is to be effective then the structure and presentation of the product must be capable of being easily understood. However the legal profession must come to terms with the fact that the days of chronological witness accounts are a thing of the past as they come to understand how the investigative interview process is undertaken. The service is and will continue to invest financially in acquiring suitable visual recording equipment and the training of investigative interviewers to ensure the best possible service is delivered. Therefore, it is crucial that this investment is not adversely affected by poorly planned or ineffectively conducted interviewing. Conversely the legal profession must understand that there will be a considerable difference to using the actual interview as the evidential product instead of the chronological witness statement.

Research into the many facets included within this process of obtaining accounts and later presenting them can only assist in the understanding of everyone connected to the investigative interview process.
PEACE comes to Canada.

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‘The general impression of PEACE was overwhelmingly positive, with the systematic and thorough nature of the approach being seen as a key selling point.’

In the November 2008 issue of BlueLine – a National Police Magazine in Canada – we wrote about an investigative interviewing training initiative that resulted from ongoing collaborations between the Royal Newfoundland Constabulary and the Bounded Rationality and Law Lab at Memorial University of Newfoundland. In that article, we critiqued the Reid model of investigative interviewing (a ubiquitous interrogation method in Canada), outlined the PEACE model of interviewing and discussed the benefits of this method, and proposed that Canadian police agencies take a serious look at implementing the PEACE model of interviewing; especially since there is very little training on investigative interviewing of witnesses and victims in Canada.

In that same month, the first author and Sergeant Patrick Roche (RNC) travelled to South Wales Police Agency to observe PEACE training being conducted by Detective Sergeant Martyn Hilbourne (also an iIIRG member) and Detective Constable Andy Hopkins. This was an invaluable learning experience and both Martyn and Andy were extremely generous in providing training materials (e.g., documents and videos) and discussing all practical and policy issues concerning the implementation of PEACE in Canada. Valuable advice regarding the initial challenges to implementing PEACE and training documents were also graciously provided by Ross Grantham (another iIIRG member) and Nina Westera from New Zealand Police Agency (with the assistance of Mary Schollum). Other members of the IIRG group, Rebecca Milne and Gary Shaw, also provided sound advice on the steps required to initiate our undertaking. These international collaborations will continue to have a positive impact on investigative interviewing training in Canada in the foreseeable future.

Between January 5th and 9th, 2009, the PEACE 'train the trainers' course commenced for six members of the RNC (see photo). As far as we are aware, these are the first six police officers to receive training in North America on PEACE. The 40 hour course was delivered to 5 constables and 1 sergeant. All but one officer who was selected to receive the training had over 20 years of policing experience. The research lab proved to be a good location for the training because it allowed non-interviewing trainers to view and critique interviews in situ and for the interviewing officers to receive feedback immediately. Typically, the mornings involved theory (e.g., information on memory, confessions, cognitive interviewing) and the afternoons involved applying the information learned in the morning sessions.

The PEACE model was well received by the trainers. The general impression of PEACE was overwhelmingly positive, with the systematic and thorough nature of the approach being seen as a key selling point. Other well received components were the planning and preparation of interview, inquisitorial nature of the interview process, the collection of detailed and accurate information, rapport building, note taking, the cognitive interview, conversation management, and learning to distinguish between appropriate and inappropriate types questions. In addition, there was a 24% increase in the amount of knowledge gained by the officers (based on pre and post course knowledge checks). The next phase of the initiative is to expand the training to another group of RNC members over the next 12 months and evaluate the effectiveness of the training.
Child forensic interviewing in New Zealand.

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‘With the new Police PEACE model of videotaped interviewing rolling out to all Police districts, there was initial concern that the forensic interviewing of children would no longer be perceived as a specialist task’

Legislative background

In 1989 New Zealand introduced legislation to allow evidence-in-chief by way of videotape for sexual abuse complainants who were aged younger than seventeen at the time of trial. Although live cross-examination was still a requirement at trial, application could be made for closed circuit television (CCTV) to be used. Common law precedence meant that videotaped evidence and CCTV were also allowed for children alleging physical abuse, and for children who had witnessed serious crimes such as homicide and domestic violence.

Responsibility for providing a child forensic interviewing service was given jointly to the Police and the statutory social services agency, Children, Young Persons and their Families Service (now Child, Youth and Family). Early forensic interviewing practice was guided by the Evidence (Videotaping of Child Complainants) Regulations 1990 and joint Police/Child Youth and Family Operating Guidelines. A review of these operational guidelines commenced in 2004 and an updated practice document was disseminated in 2007 (NZ Police and Child, Youth and Family, 2007).

Positive legislative change occurred by way of the Evidence Act 2006 and the Evidence Regulations 2007. The modes of evidence options were no longer limited to children, and applications can now be made to have the evidence-in-chief of any vulnerable complainant or witness heard by way of pre-recorded videotape, regardless of the age of the witness or the nature of the alleged crime. The New Zealand Police have implemented an adapted PEACE (UK) interviewing model and videotaped interviews with adult complainants and witnesses are now occurring (see Grantham, 2007). Data on how many adult videotapes are being admitted into criminal courts is not yet available, given the recency of the legislative changes.

Child forensic video units

The first Video Units were established in 1989, with a small group of Police and Child Youth and Family (CYF) personnel being selected for a national joint training programme on forensic interviewing. There are currently 23 Video Units operating, most staffed by full time Forensic Interviewers and some by Forensic Interviewers who also have responsibility for other work within their agency.

The video units are often co-located within Police or CYF offices, but can be staffed by Forensic Interviewers from either agency. Some units are located in stand-alone locations and one multi-agency centre (Puawaitahi) has been established in Auckland.

The geographical positioning of the units ensures that every Police and CYF office has a forensic interviewing service available to refer children to. However the design of that service may vary depending on how the interviewing service is perceived and managed locally, and the degree to which interviewer specialisation is encouraged. Areas that operate units staffed by fulltime Forensic Interviewers tend to have more credibility with their stakeholders, and referrals to these units tend to be of a higher volume. This in turn leads to increased competency, standardised interviewing practice, more robust peer supervision mechanisms, and ultimately better access to justice for children.
National training for child forensic interviewing

Training is limited to selected staff of the Police and CYF, and forensic interviews with children are not undertaken by any other individuals or agencies. Nationally the Forensic Interviewer practitioner group numbers less than forty at any one time, making training (and ongoing training) more cost effective, specialisation easier to achieve and practice standardisation more attainable.

Forensic Interviewing training takes place only once a year and is held at the Royal New Zealand Police College. Ten social workers from CYF and ten officers from the Police are selected following a national application process. Most trainees are women and most have a good level of experience within their agencies before applying. Attendance and successful completion of the course is mandatory before any live interviews can be conducted in the field.

The annual course is a two week residential programme that includes lectures on sexual abuse dynamics, child development (language, memory, recall and suggestibility), international best practice for forensic interviewing, New Zealand legislation and Regulations, sexual offender profiles, and stress management. The interview format is broken into small components and taught through role-play training tapes, live demonstration and role play practice. Experienced Forensic Interviewers then assess trainees while they conduct a live interview on videotape with an adult actor playing the role of a child alleging abuse.

The course is intended to be introductory, and in some ways it would be more appropriate to conceptualise it as a selection process rather than a licence to interview. For example some trainees are assessed as not being suited to the work and are never used in a Forensic Interviewer role. Others are assessed as needing a period of monitoring live interviews and further role play practice before progressing to “simple” live interviews under supervision. The most competent trainees are also advised to monitor several live interviews before conducting a live interview themselves, although sometimes local resource needs override this recommendation. This carries some risk, particularly in a geographical area that has limited interviewer specialisation and therefore less robust peer review processes.

Post-training practice review

In areas where a strong specialised Video Unit exists new interviewers receive regular feedback and critique from experienced Forensic Interviewers. This occurs through live monitoring of the new interviewer, peer tape critique after interviews, and recommended periodic external supervision with a psychologist. The Police have a mandated policy that their Forensic Interviewers attend psychological supervision at least every six months, and while this is not mandated for CYF Forensic Interviewers it does occur in many Video Units.

Forensic Interviewers have been proactive in establishing a practitioner driven infrastructure to ensure that a system of practice monitoring is in place. Most parts of the country now hold localised peer tape supervision days, and larger regional peer tape supervision meetings, two or three times a year. This allows interviewers to receive ongoing critique, support and advice from their peers.

Practitioners have also established a National Peer Review Conference which is held on an annual basis and hosted by different Video Units. At this two to three day meeting all Forensic Interviewers from New Zealand (both Police and CYF) come together to hear relevant speakers, discuss research developments and practice issues, and receive peer tape supervision in small supervisory groups. This Peer Review structure is designed to ensure there is some monitoring and standardisation of practice for all forensic interviews that are conducted in the country. It is hoped that these post-course review processes can minimise practice slippage and identify the peer support needs of practitioners working in isolation from other Forensic Interviewers.

In addition to all the above, a more effective structure for quality auditing could be achieved by designating an experienced Forensic Interviewer in each of the four regions to
monitor practice quality and standardisation. They could be mandated to review a random sample of videotapes for each interviewer in their region, making direct recommendations to Managers about competency levels and supervision needs, and providing infrastructure liaison between the Video Units, the national training programme and the Police and CYF national offices. These four quality auditors could report back to the full interviewer group at each national peer review meeting, and could meet regularly with the Forensic Interviewing national trainer to highlight practice strengths and deficits. This more formalised structure would ideally lead to a nationally recognised training accreditation framework for Forensic Interviewers, and a clearer career path that recognises the specialist nature of the role.

Entry criteria for a forensic interview

Children who have made clear allegations that abuse has occurred (or that they have witnessed third party abuse or a serious crime) are referred by Police or CYF to a Child Forensic Video Unit. The general age range is three to sixteen, although historically some of the older children have opted to make a written statement to the Police rather than a videotape. Although there is some regional variation, most Video Units also conduct videotaped forensic interviews for children who have made no allegations but are considered to be at high risk. The overall entry criteria can therefore be summarised as:

- the child has made clear (or unclear) allegations
- no allegation made but medical findings that substantiate abuse
- no allegation made but offender admission
- no allegation made but extreme and persistent sexualised behaviours
- no allegation made but contact with a known offender
- no allegation made but abuse witnessed by a third party

All interviews are videotaped and follow a set introduction format that covers the Regulation requirements for admissibility into the court setting. Once the invitational question is asked (ie. What have you come to talk about today?) the interview proceeds down an evidential pathway if a child makes an allegation, and an exploratory pathway (initially utilising transitional questioning) if the child makes no allegations or is reluctant to repeat a prior allegation. If an allegation is made at any point during an exploratory interview the questioning format reverts to an evidential one. Once completed all videotapes, whether or not they contain an allegation, are deemed to be forensic interviews and are subjected to the same legislated restrictions in terms of copying, viewing, secure storage and chain of evidence management.

The format of the forensic interview

Prior to a forensic interview the Forensic Interviewer conducts an interview with the child’s non-offending parent(s) or caregiver(s). The purpose is to provide information about the process, gain informed written consent, clarify background information relevant to the interview and to consider alternative hypotheses. Notes are kept to summarise the content of the adult interview, and these are sometimes admitted into court.

The child to be interviewed has a brief child familiarisation process prior to the videotaped interview commencing. This includes showing them the room and camera equipment, introducing the person who will be the monitor, and answering any questions they might have. A set format is followed and the Interviewer does not raise the reason for the interview with the child, or refer to any prior allegations that they may have made.

One interviewer is used for each interview and they are the only person in the interview room with the child. A monitor (either another trained Forensic Interviewer or the Police Officer in charge of the case) monitor the interview from a separate room via a closed circuit television link (without using ear pieces). They take summary (but not verbatim) notes of the interview and provide further questions to the Interviewer at the monitor’s break, which occurs towards the end of the interview.
The New Zealand forensic interview model is adapted from evidence-based international models such as the American National Institute of Child Health and Human Development (NICHD) model (Orbach, Hershkowitz & Lamb et alia, 2000), and the UK practice protocol for child forensic interviews, Achieving Best Evidence or ABE (Home Office, 2002, previously the Memorandum of Good Practice, 1992). Narrative elaboration on neutral events at rapport is used to familiarise children with the free narrative techniques used at the substantive phase (Sternberg, K., Lamb, M. et alia, 1997), and ground-rules are always covered and practised. A form of competency test (truth, lies and promises) is covered with all children and young people being interviewed prior to moving to the substantive phase of the interview. Table 1 outlines the current format followed in an evidential interview with a child who makes an allegation at interview.

Table 1: Summary of Forensic Interview Format

<table>
<thead>
<tr>
<th>Introduction</th>
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<tbody>
<tr>
<td>• Introductions and explanation of role</td>
<td><strong>Evidential Detail</strong></td>
</tr>
<tr>
<td>• Rapport/narrative elaboration training on neutral events</td>
<td>• Invite child to say why they are there</td>
</tr>
<tr>
<td>• Developmental check/concepts (for 5 year olds and under)</td>
<td>• Free narrative account</td>
</tr>
<tr>
<td>• Explanation and practice of ground-rules</td>
<td>• Establish range and frequency of alleged offending</td>
</tr>
<tr>
<td>• Competency test (truth, lies and promises)</td>
<td>• Detailed free narrative account of each alleged offence</td>
</tr>
</tbody>
</table>

Exploratory interviews diverge at the point a child says they do not know why they are there. In these cases Interviewers do not introduce prior knowledge, but invite free narrative on a range of topics that might provide relevant or clarifying information about the referral concerns.

The New Zealand format is reviewed annually prior to the national training course, and all interviewers in the country are sent an updated version of the training manual each year. Changes made may seem small, but can be of significant importance depending on new research developments or court precedents that have occurred.

The majority of interviews take between thirty minutes and an hour and activities within the interview are limited to play-dough and colouring in for a younger child, and a koosh ball (fidget ball) for older children. Interview aids are sometimes used within the interview and may include scene plans, body outline diagrams (without genitals), and clothed non-anatomical rag dolls to show positioning. These tools are only introduced if the children’s verbal accounts are unclear or confusing, and attempts to clarify their meaning verbally have been unsuccessful. Any diagrams or written materials are treated as potential exhibits for court and are labelled accordingly and held securely.

Once the videotaped interview has been completed a debriefing should occur with the child, and a separate feedback session should take place with the adults accompanying the child. Most Forensic Interviewers provide a written summary report to the Police and the social worker including recommendations for follow up interventions, such as medical examinations and counselling.

National Data on Forensic Interviews

Approximately 2,000 videotaped forensic interviews with children are conducted each year in New Zealand. For the past ten years every Video Unit has recorded statistical data after each interview, including the age, gender and ethnicity of the child, the reason for the referral, the relationship to the alleged offender and the type of offences alleged. This practitioner-driven initiative has resulted in whole-of-country data capture since 1998, with the national statistics sheets.
being collated annually at the Manuwai Video Unit, Hamilton. Reports and articles are written analysing trends, with the information being disseminated to stakeholders in published and unpublished reports (for a more in depth analysis of this data see Basher, 1999; Basher 2004; Wilson, 2007).

Although data analysis is limited by Excel capabilities, and by the fact that the allegations made may be substantiated or unsubstantiated, the information gathered is generally consistent from year to year and informs knowledge and practice. A three year sample (2000-2002) was analysed with a particular focus on the interviews conducted for sexual abuse concerns. In that three year period 5652 interviews were conducted with 5384 children, with 96% having a single interview. Overall 65% of those interviewed were girls and 35% were boys. Nine per cent were aged under five, 56% were between five and ten years, 25% between eleven and thirteen, and 10% were older than thirteen.

Seventy-five per cent of the children were referred for sexual abuse concerns, with girls making up 71% of this group and boys 29%. Sixty-eight percent had been referred after making a prior allegation to someone, and 32% for no prior allegation but high risk concerns. Of the children who had made a prior allegation, 88% repeated this at interview, with 12% exhibiting reluctance to report, or in some cases providing an alternative hypothesis for the initial reported concern. Of note was the high allegation rate at interview (33%) for children referred for contact with known sexual offenders (where no prior allegation had been made). Although the allegations were not always about the actual person of concern it does suggest there is efficacy in continuing to refer this group for forensic interviews.

Despite the same entry criteria to a forensic interview process, boys referred for sexual abuse concerns (prior disclosure and high risk combined) were less likely than girls to make an allegation at interview (57% as compared to 79%). Overall the allegation rate increased with age, with the under 5’s having the lowest rate (40%) and the 14-16 year olds the highest (88%). Seventy nine percent of those aged over eight made an allegation as compared to 47% of those under eight, which is indicative of referrals for the older, more verbal age group being made after a prior allegation, rather than for general risk concerns.

The alleged perpetrators of sexual abuse were 96% male and 4% female. Adolescent boys (12-16) were named in 17% of the allegations. Ninety-three percent of the alleged offenders were known to the child (53% intra-familial and 40% extra-familial) and 7% were strangers. Sexual violation (vaginal, anal or oral penetration) accounted for 35% of the allegations made.

For the past year two Video Units have piloted separate data collection on delay between the first occurrence of alleged abuse and disclosure, with qualitative information being recorded on the reason the child gave at interview for the delay. Although pilot data is yet to be fully analysed, all Forensic Interviewers in the country have now been recording this information on the statistics sheet since July, 2008. The information will be collated and reviewed in July, 2009.

Research has been conducted in the past on New Zealand children’s experience of the criminal justice system including their forensic interview (Davies, 1999). This research created momentum to establish New Zealand’s first multi-agency centre (Puawaitahi), and resulted in the implementation of a court education programme for all child witnesses prior to trial. It also highlighted the lack of national data capture on the modes of evidence permitted for child witnesses, and the outcomes at trial. A new research project is now underway (funded by the NZ Law Foundation, the Ministry of Social Development, the Ministry of Justice and the Police) to see what barriers still remain for child witnesses, and how their interaction with the criminal system can be further improved.

Moving forward

Conducting forensic interviews with children on videotape is a highly transparent and accountable task. Forensic Interviewers need to have confidence that their interviewing format is based on best practice models for children, and is informed by international research on language, memory, recall, and suggestibility. It is a potentially litigious area
of practice and a high level of competency is needed to ensure that children are interviewed appropriately, and that their videotaped interviews are legally admissible. More importantly the forensic interview has a child protection function and assists investigators and social workers to target resources appropriately to ensure children’s safety is maximised.

It is now twenty years since New Zealand introduced legislation allowing children’s evidence-in-chief to be given by way of pre-recorded videotape. Those twenty years have also produced a huge body of international literature and research on the best formats to use when interviewing children about alleged abuse. To keep the New Zealand forensic interviewing service current and credible it has been imperative that practice guidelines have kept up to date with these best practice recommendations. The small specialised nature of the Forensic Interviewer field in New Zealand has enabled national peer review processes to be established and maintained, and these continue to be an effective mechanism for facilitating practice standardisation and the dissemination of relevant information. A national interviewer group email list allows quick dispersal of relevant information outside of these peer review meetings.

However, there are future challenges for the field. While Police and CYF managers generally recognise the complex nature of child interviewing, there are still some areas that for various reasons have not established a strong Video Unit structure or designated full-time Forensic Interviewers. The infrastructure that does exist is largely practitioner driven and is reliant on pro-active individuals to maintain the review structures and momentum. Internationally practice slippage after initial forensic interviewing training is a recognised problem (Sternberg, Lamb, Davies & Westcott, 2001; Lamb et al, 2002) and a more top-down infrastructure in New Zealand would reduce this risk and ensure that succession planning is in place. Initiatives such as introducing a two tier training system (e.g., an initial selection course followed by a more in depth training course), and a national accreditation process, would be more achievable if driven from the higher levels of the two parent organisations.

With the new Police PEACE model of videotaped interviewing rolling out to all Police districts, there was initial concern that the forensic interviewing of children would no longer be perceived as a specialist task. It seemed that potentially police officers, not trained in forensic interviewing, could conduct videotaped interviews with child and teenage complainants, failing to recognise the need for a more specialist evidence-based interview format that is distinct from a cognitive interview with an adult. However, in recent discussions the Police have undertaken to ensure that any confusion is minimised, and that all children (sixteen and under) are referred through the Forensic Interview pathway when a serious crime has been alleged or witnessed. Older vulnerable witnesses, for example adults with special needs, may also be diverted to the forensic interviewing process on a case by case basis.

One suggested way forward has been to umbrella forensic interviewing under the leadership of the Police PEACE infrastructure, while clearly delineating it from the investigative interviewing models used for adults and suspects, and ensuring that it remains a specialist area of practice. If this occurs both Police and CYF would need to work together at the national level to ensure ongoing consultation and joint decision making continues. The benefits could be the standardisation of accreditation processes across all the investigative interviewing specialisations, and the formalisation of quality audit systems following training. The biggest risk over time would be that responsibility for forensic interviewing would default to Police personnel, and that the current joint agency approach would be lost. This would be a disappointing outcome after twenty years of joint service delivery that has focused on both criminal justice and child protection.
References


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