POLICE INTERVIEWING OF SERIOUS CRIME SUSPECTS

Thesis submitted for the degree of

Doctor of Philosophy

at the University of Leicester

By

Samantha Leahy-Harland, MA, MPhil

Department of Psychology

University of Leicester

2012

Abstract

The research in this thesis is the first of its kind to describe in a significant level of detail the actual police interviewing of serious crime suspects, with a specific focus on who is being interviewed. The principal information source was 407 real-life audio-tape recordings of interviews with 56 different suspects. Suspects were interviewed for offences that included murder (and attempted murder), sexual assault and serious assault. Tape recordings were obtained from 11 Police Services across England and Wales and were analysed using a specially designed coding frame that captured a range of interviewer and suspect behaviour. The research described how suspects respond during police interviews and examined the interactions between suspect response, interviewer behaviour and case characteristics. Finally, the research assessed the presence and contribution of legal advisors, Appropriate Adults and interpreters. Based on this novel research, the thesis brings out some key findings, highlights where the work is limited and where further exploration is needed, and suggests where interviewing practice might be strengthened. This research is intended to be of interest and practical value to both the research community and the police service.

Acknowledgements

List of Contents

List of Tables

List of Figures

Chapter 1: Introduction

The Background to this Research

In the past thirty years, police interviewing in the UK has advanced considerably. High profile miscarriages of justice (e.g. the Birmingham Six), legislative changes (e.g. the Police and Criminal Evidence Act, 1984), the introduction of formalised training packages (e.g. PEACE[1]), and some large scale studies of interviewing practice (Irving & Mckenzie, 1989; Baldwin, 1992; Moston, Stephenson, & Williamson, 1992) have all contributed to this. As a result, using manipulative and oppressive tactics in an interview or viewing the sole purpose of an interview as a means of gaining a confession is no longer considered acceptable.

Since 1986, when the recording of interviews with suspects became mandatory, the police interview finally became more accessible to the research community. One of the first influential research studies post-tape recording was that of Baldwin (1993) who examined in detail the way in which interviews with suspects were conducted in the late 1980s. He concluded that the majority of the interviewing officers he listened to "could not be described as good interviewers" (Baldwin, 1993, p. 350). Since then, much research has focused on the skills required by an effective interviewer (Bull & Cherryman, 1996; Cherryman & Bull, 2001; Walsh & Bull, 2010), the training of interviewers (Clarke & Milne, 2001; Clarke, Milne, & Bull, 2011; Griffiths & Milne, 2006), and an exploration of the questioning techniques or tactics used by interviewers during an interview (e.g. Moston & Engleberg, 1993; Soukara, Bull, Vrij, Turner, & Cherryman, 2009). However, there is limited research examining suspect behaviour

---

[1] PEACE is an acronym for a training model adopted by Police Services in England and Wales: Planning and preparation, Engage and explain, Account, Closure, and Evaluation. See Chapters 2 for more detail.

and, with the exception of Pearse and Gudjonnson's (1999) study (which examined a small sample of 18 interviews), no studies have focused specifically on serious crime suspects. Where suspect behaviour has been observed this is usually limited to whether the suspect confessed to the crime in question (e.g. Moston, Stephenson, & Williamson, 1992; Pearse & Gudjonsson, 1999; Holmberg & Christianson, 2002). Some research has examined the dialogue between the suspect and interviewer during an interview, but the nature of this enquiry has largely involved a case-study approach, thereby examining just one or two actual interviews (e.g. Baxter, Bain, & McAusland, 2007; Benneworth, 2009; Newbury & Johnson, 2006).

Scope of the Research

This aim of the research to be reported in this thesis is to describe in as much detail as possible the police interviewing of serious crime suspects, with a specific focus on *who is being interviewed.* It explores the nature of the suspect and interviewer exchange and the potential associations between this exchange and the characteristics of the case. The implications for how this knowledge might contribute to our understanding of an effective investigative interview with serious crime suspects is considered.

Focus on Serious Crime Suspects

This research focuses only on suspects in serious crime enquiries. Suspects in such enquiries have been selected for a number of reasons. First, these crimes cause a great deal of concern for both the police and general public. In terms of the police such enquiries can often be difficult to solve and consequently demand greater resources. In-depth and rigorous research is therefore crucial to improving the effectiveness and efficiency of such investigations. Secondly, due to their seriousness, such offences are likely to have resulted in a wealth of information that has been

recorded and retained prior to interview. In an effort to understand more about the processes involved in interviewing, these cases, whilst relatively rare, often offer much in the way of detailed information. Furthermore, interviews with serious crime suspects are likely to be more complex than in minor crime and will likely involve lengthier interviews. This allows therefore for a more detailed insight into the interviewing process.

The term 'serious crime' encompasses a number of different crimes including murder, terrorism, and sexual offences. For the purposes of this thesis, cases in which individuals have been interviewed as suspects for murder (or attempted murder), a serious sexual offence or other serious assault have been included. These crimes form the bulk of what is known as serious crime and therefore research into these will potentially have the greatest benefit.

Structure of the Thesis

The new research to be reported here draws on two key elements: views of practising police interviewers and real-life audio-taped serious crime suspect interviews[2].

The main part of the thesis opens with a discussion of what characterises an effective interview from the perspective of the police interviewers who conduct them (Chapter 2). It is intended that this will form a 'baseline' from which the findings from the actual interviews with suspects are compared. That chapter, along with most others, starts with a review of the literature and includes a summary of the methodology employed.

---

[2] Reference to the research sample of real-life audio-taped serious crime suspect interviews will, for brevity, be referred to as 'interviews' or 'taped-interviews' throughout the thesis.

Since the bulk of the research to be presented centres on analyses of real-life interviews, Chapter 3 has been dedicated to describing the approach to data collection and analyses of these interviews.

Chapters 4 and, 6 through 9 report on the findings from the analysis of these interviews. This includes chapters on: the procedures followed (Chapter 4); the behaviour of suspects (Chapter 6); the strategies employed to get suspects to talk (Chapter 7); the types of questions used (Chapter 8); and the contribution of third parties (Chapter 9). Chapter 5 is dedicated to a review of the literature associated with maximising the effectiveness of interviews, and thereby sets the scene for the bulk of the analyses that follow.

The concluding chapter (Chapter 10) summarises the findings, highlights key implications arising from the research and suggests areas that could benefit from further work. This final chapter also includes a discussion of the challenges associated with collecting data of this nature, which it is intended will be of use to other researchers in this field.

Chapter 2: The Characteristics of Effective Interviewing with Serious Crime Suspects

Introduction

Over 25 years ago, the Police and Criminal Evidence Act (1984) (PACE) introduced legislation governing, among other things, the police interviewing of suspects. It was introduced at a time when the police interviewing of suspects was the subject of much criticism due to a number of high-profile miscarriages of justice. Since then, at least in the UK, there has been an increasing focus by academics, practitioners, and policy-makers to ensure the standards of police interviewing are

improved. This chapter considers how police interviewing with suspects has evolved in the UK and concludes by reporting what police interviewers nowadays perceive as effective interviewing.

The History of Investigative Interviewing

The Royal Commission on Criminal Procedure arose as a result of false confessions obtained from youths in a murder and arson case (Fisher, 1977, cited in Milne & Bull, 1999). A number of studies were subsequently commissioned on the police interrogation of suspects in the UK. One of these was by Irving (1980) who undertook a field study of interrogation practices in order to describe in detail what actually goes on in the interview room. This research was limited to observing police interview practices in one basic command unit over a period of six months. A total of 76 interviews were observed involving 60 suspects. All interviews observed were conducted by CID officers. The majority of suspects were interviewed in relation to property crimes ($n = 45$), a small proportion were for crimes against the person ($n = 15$), with only three suspects interviewed in relation to a rape or murder. The tactics observed by Irving included:

- asserting the authority of the interviewer – for example, through control over refreshment breaks etc.;

- exercising police discretion – the exercise of police powers either in favour or to the detriment of the suspect;

- presenting the interviewing officer as a source of expert knowledge – for example, providing insights for suspects in terms of the consequences of keeping silent or confessing;

- influencing the suspect's assessment of the advantages and disadvantages of confessing (e.g. emphasising the social consequences or feelings of relief or guilt associated with confessing or of staying silent); and

- emphasising that "there is no decision to be made" – suggesting the apparent inevitability of conviction.

He also observed that the choice of tactics was not particularly finely tuned to the suspect, with officers tending to favour a certain set of tactics regardless of the suspect. In addition to the different tactics that officers employed, Irving also commented on the different personal styles of the interviewers. Irving examined the interviewing officers' approach to the interview and was able to describe the prevailing style or mix of styles used by officers in 47 interviews out of 60. In the remaining 13, no one particular style emerged. The different styles fell into the following categories:

- business like and professional where interviewers tended to be brusque and matter of fact ($n = 16$);

- overtly befriending, including attempts to be understanding, sympathetic and concerned. Interviewers adopting this stance were mostly warm and personal ($n = 8$); and

- authoritative and dominating in which the interviewer was aggressive, suspicious and cynical ($n = 13$).

Irving identified that the authoritative and domineering style was always used with aggressive suspects, while the friendly understanding manner was reserved largely for those who appeared initially to be overtly frightened, anxious or very guilty.

This Royal Commission was a major catalyst for the changes that were about to happen to police interviewing in England and Wales (Cherryman, 1999); changes that started with the introduction of PACE which (together with its Codes of Practice) contained new rules regulating the questioning of suspects in custody (these will be discussed further in Chapter 4). A potentially unintended consequence of this was that what really went on in the interview room was finally (possibly) open to wider scrutiny and something which a limited number of researchers were able to take advantage of. As Cherryman (1999) commented, "an interest in the topic of investigative interviewing had been sparked" (p. 16) and research continued relatively quickly after implementation of the new laws and procedures.

Despite the advances of PACE, oppressive interviewing still persisted (e.g. the Birmingham Six). This led to another Royal Commission in 1991 (on Criminal Justice) that was charged with examining the effectiveness of the Criminal Justice System in securing the convictions of the guilty and the acquittal of the innocent. One of its findings was that police officers had too often made assumptions of the suspect's guilt and subsequently treated the suspect's account with scepticism. Undue pressure was also observed on occasions (RCCP, 1993). A new code of practice published in the following year set out the new 'Principles of Investigative Interviewing' (Home Office, 1992), which included that:

- the role of the police is to obtain accurate information from suspects;

- interviews should be approached with an open mind;

- the interviewing officer need not accept the first answer given; and

- even when the suspect exercises the right to silence the interviewer still has a right to ask questions in order to try and establish the truth (so long as the questions are relevant and not repetitive).

Williamson (1993) described this as the start of attempts to promote confidence in the concept of 'investigative interviewing', the purpose of which was, "to obtain accurate and reliable information from suspects, witness or victims to discover the truth about matters under police investigation" (p. 98). This ethos is in marked contrast to the previous over-reliance on confession evidence: the findings of a 1980 publication by Baldwin and McConville identified that 13 percent of cases they reviewed would have failed to meet accepted standards without confession evidence and estimated that a further four would have probably been acquitted.

The principles of investigative interviewing described in the Home Office circular of 1992 were developed into a standardised framework for ethical interviewing known as PEACE (Shawyer, Milne, & Bull, 2009) and endorsed by a later Home Office circular in 1993. PEACE describes the five key stages of an interview: planning and preparation, engage and explain, account, closure and evaluate, and was informed by psychological principles and theories and effective police practice (Milne & Bull, 1999). Two booklets were issued to all police officers describing the new model, followed by a national training effort where all police officers in England and Wales were subsequently trained in the model.

The essential principles of PEACE are related to fairness and openness, encouraging interviewers to avoid assumptions of guilt, to keep an open mind and to seek the truth (Shawyer, et al., 2009). The model encourages effective planning prior to the interview, using open questions, active listening and rapport building. A national evaluation of the PEACE model (Clarke & Milne, 2001) showed that many elements of the model were successfully embedded in practice, although there remained areas for improvement (more detailed results from Clarke & Milne's (2001) evaluation are included throughout this thesis). Essentially PEACE marked the move

away from the traditional coercive and potentially oppressive interrogation practices towards the more ethical methods of investigative interviewing. PEACE was and continues to be seen by the police in England and Wales as the basic building block of a successful interview.

Although PACE had outlawed the use of oppressive interviewing tactics, confusion persisted about what was and was not allowed. Cherryman (1999) described the National Crime Faculty's attempt (1996) to explain what kind of police behaviour might be oppressive. This included the following instructions to police officers:

1. Never use abusive language.

2. Never raise your voice.

3. Try not to interrupt a suspect – it may be oppressive if it prevents the suspect from completing his/her explanation of events.

4. Do not repeatedly call the interviewee a liar – instead point out the differences in facts.

5. If the interview becomes heated then immediately end the interview or hand over the interviewing to someone else.

6. Do not get angry, or at least, never show you are angry.

7. Adapt your interviewing style according to your interviewee e.g. a hardened criminal can be dealt with more firmly.

8. Avoid the temptation to be familiar in interviews with 'known' suspects.

9. Allow an upset suspect the opportunity to take a short break to recover. Should the police officer consider that the crying is a sham, then he should put this directly to the suspect to give him/her a chance to answer.

10. It is not necessary to repeat questions and it may become oppressive if there is repeated questioning throughout the interview.

Whilst this is clearly a helpful aide memoir, Cherryman (1999) commented that these descriptions offer only guidelines that in some cases may require a degree of interpretation.

Although the introduction of PEACE marked a step change in police interviewing, some individual forces identified that the 'one size fits all' approach of PEACE was not sufficient to cater for all needs (Griffiths & Milne, 2006). Specifically, Griffiths and Milne described that "serious crime demanded a higher level of interview technique" (p. 171) and there remained a need to develop further effective interview methods. As a result, the National Investigative Interview Strategic Steering Group developed a five-tier strategy of interviewing according to the skills and experience required, and the potential complexity of the interview. This five tier strategy underpinned the most recent National Investigative Interviewing Strategy published in 2009 by the National Policing Improving Agency. The specialist (or advanced) interviewing of serious crime suspects represents a specific category (PIP Level 2: Suspect Interviews[3]) and involves a three-week advanced interviewing training course. Griffiths and Milne (2006) provided a summary of the key elements of the training course and described how it built upon the principles of PEACE through "furthering students' knowledge of questioning, interview planning and legal matters" (p. 173).

In summary, the period from the early 1980s through to the later years of the 2000s saw police interviewing in England and Wales move firmly away from the coercive and oppressive interrogation tactics linked to false confessions through to the ethical and non-coercive techniques advocated in PEACE.

---

[3] See Chapter 4 for more detail on PIP.

The next section will illustrate the impact of these developments on the practice of police interviewing in the UK, by presenting the findings from two key studies commissioned by the government.

The Characteristics of Effective Suspect Interviewing

Baldwin (1992, 1993) carried out one of the first large scale research studies designed to examine the quality of interviews post-PACE. Although he acknowledged the inherent difficulties and possible lack of consensus on what constitutes an effective interview, he adopted the following standards as the basis of his assessment:

- allowing suspects an unhurried and uninterrupted opportunity to state their position;

- listening to their responses;

- avoiding harrying, coercive or authoritarian tactics; and

- testing a suspect's account with fairness and integrity.

His assessments of the 400 interviews in his study (which constituted a range of less and more serious crimes) revealed four key areas of concern including: a general ineptitude (lack of planning and no real structure); an assumption of guilt (evidenced by leading and repetitive questioning); too much pressure exerted; and poor interview technique (e.g. frequent interruptions and loss of control of the interview). Through an examination of the competent interviewers in his sample, Baldwin (1992) identified the following as important characteristics of effective suspect interviewing:

- good planning and preparation including knowledge of the law, the case and a plan for how best to structure the interview itself;

- careful explanation of procedures so that suspects understand what will happen during the interview and their rights and entitlements;

24

- maintaining an even-handed approach and challenging fairly and professionally;

- listening and responding in an unbiased way;

- flexibility in the style of interviewing and use of techniques, tailored to the individual suspect; and

- retaining control of the interview even in the face of abusive or aggressive suspects.

Whereas Baldwin's study made no distinction in the skills required for different crime types, another study commissioned by the Home Office (Bull & Cherryman, 1996) explored the skills specifically associated with specialist interviewing (that is, interviews with suspects, victims or witnesses in complex or serious crime enquiries). First, they examined via questionnaires from 93 police officers the skills police officers considered were required for specialist interviewing and to what extent these skills were present in existing specialist interviewers. Table 2.1 summarises the findings.

Table 2.1: The perceived skills required by specialist interviewers and those considered generally missing

Skills required for specialist interviewing	Skills missing in specialist interviewers
- listening - preparation - questioning - communication - rapport - open-mindedness - patience - flexibility - knowledge of suspect - empathy	- preparation and planning - knowledge of law - having sufficient time

Second, Bull and Cherryman analysed 69 audio-tape recordings of interviews for the presence or absence of 29 interview characteristics (including questioning skills, the manner in which the interview was conducted, communication, and interview technicalities). In addition to these ratings, an overall assessment of whether the interviewer was 'highly skilled', 'skilled', 'average', 'less skilled' and 'poor' was also made. They found that disclosure of information and interview technicalities were generally performed appropriately with communication skills also in evidence. However, they found a number of skills missing including: development of rapport, flexibility, appropriate use of pauses and silence, empathy and compassion, and avoidance of leading questions. In their overall rating of 'skilled' and 'less skilled' interviews, they found that the following skills were significantly associated with skilled interviews: communication skills, empathy/compassion, flexibility, open-mindedness, interview has structure, and open questions.

Regardless of what the reality of police interviewing might have been during the 1990s, these two studies, along with the national rollout of PEACE, typified the changing attitudes in England and Wales towards the purpose and principles of police interviewing of suspects. The remainder of this chapter provides an updated picture of the beliefs of police interviewers, focusing specifically on what they perceive characterises an effective interview with serious crime suspects.

Method

Police interviewers' beliefs concerning the effectiveness of interviewing serious crime suspects were obtained via two sources: semi-structured interviews and a questionnaire. The approach for undertaking the semi-structured interviews will be presented first, followed by that for the questionnaires.

Semi-structured interviews. Forces were initially approached via the ACPO Homicide Working Group[4] and asked if they wished to take part. Participating forces were asked to nominate up to five individuals to take part in a face-to-face interview, lasting approximately 45 minutes. The purpose of the interviews was to undertake an initial exploration of the key elements of serious crime interviews from the perspective of those who undertake them (see Appendix A for a copy of the interview schedule).

A grounded theory approach was taken towards the collection and analysis of the interviews. Grounded theory, as described by Glaser and Strauss (1967, cited in Silverman, 2001), involves three stages: (i) an attempt to develop categories which illuminate the data; (ii) an attempt to saturate these categories, that is, continuing with the process of data collection and analysis until new data does not add more; and (iii) developing these categories into more general analytic frameworks. Consequently, field notes were written up after each interview and broad themes were identified as each interview was undertaken. When the themes saturated, data collection was brought to an end.

In total, 30 semi-structured interviews were undertaken between 2005 and 2007 in 12 forces (ten English forces and two Scottish forces). Interviewees were experienced serious crime interviewers and had on average in their career to date

---

[4] The Association of Chief Police Officers (ACPO) is an independent, professionally led strategic body which, in partnership with the Government and other public bodies, leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland. ACPO represents the police service on a range of issues and has established a range of working groups to lead on the development and implementation of policing policy. The Homicide Working Group and Investigative Interviewing Working Groups are made up predominantly of senior level police personnel along with some government and academic membership.

undertaken 17 interviews per officer (the range extended from a minimum of four serious crime interviews to a maximum of 35).

Questionnaires. The questionnaire, which was designed to explore further the views identified through the semi-structured interviews, was issued to all English and Welsh forces via the ACPO Investigative Interviewing Group National Coordinator in the autumn of 2010. Many of the questions used in the semi-structured interviews were adapted for inclusion in the questionnaire, with additional questions added as a result of the findings from the interviews. To broaden the scope of the questionnaires, two questionnaires were designed: one for interview advisors[5] and one for interviewers. Both questionnaires asked similar questions although they were adapted depending on the specific role (Appendix B contains a copy of the interviewer questionnaire). A total of 13 Police Services participated. There were 20 interviewers from six Police Services and 25 interview advisors from 12 Police Services. The 45 respondents had an average of 22 years of service (advisors = 25 years and interviewers = 18 years).

Findings

The focus of this chapter is on what police officers consider to be the key constituents of an effective interview with serious crime suspects. The key findings identified through the semi-structured interviews are presented alongside a quantitative analysis of the questionnaires[6].

---

[5] In more serious crimes, interview advisors coordinate the interview process and provide strategic advice to interviewers

[6] Other findings from the semi-structured interviews and questionnaires are included in later chapters.

Strategies to get the suspect to talk. Getting the suspect to talk and give an account, even if that account was a lie, was highlighted as the primary purpose of an interview by eight officers interviewed. It was felt that if the suspect talks then checkable facts are provided which can help build a case for or against the suspect. Over two-thirds of questionnaire respondents (69 percent, $n = 31$) said they employed particular strategies to avoid a no comment interview (the particular strategies used will be discussed later in this thesis).

The qualities of an interviewer. During the semi-structured interviews, officers were asked to consider the qualities that an interviewing officer should have and were identified as follows:

- detailed knowledge of the case and points to prove ($n = 18$)

- adaptable to suspect's needs, character and demeanour ($n = 17$)

- good interpersonal skills, able to communicate well ($n = 12$);

- ability to develop rapport, even with those accused of serious crimes ($n = 9$);

- control over interview or interviewee ($n = 8$); and

- effective listening ($n = 1$).

In reference to detailed knowledge of the case, three officers recommended that interviewers should ideally be fully engaged in the enquiry. This detailed knowledge can help speed up the preparation phase, as one officer put it:

If you are involved in the enquiry from the outset you are much more involved so that when a suspect is apprehended and interviewed you know the case inside out simply by being part of it.

Via the questionnaires, officers were asked to rate the qualities of an interviewer on a five-point scale, with five being most important and one being not important at all. The findings are shown in Table 2.2.

Table 2.2: Mean scores for qualities rated by interviewers and interview advisors

Interviewer quality	Interview advisors' mean score (n)	Interviewers' mean score (n)	Overall mean score (n)
Good interpersonal skills	4.80 (25)	4.80 (20)	4.80 (45)
Flexibility	4.64 (25)	4.70 (20)	4.67 (45)
Ability to develop rapport	3.96 (25)	4.40 (20)	4.16 (45)
Good listener	4.60 (25)	4.95 (20)	4.76 (45)
Detailed knowledge of the case	4.56 (25)	4.35 (20)	4.47 (45)
Involved in enquiry from outset	3.76 (25)	2.95 (20)	3.40 (45)
Other	4.40 (5)	3.60 (4)	4.44 (9)

Thus, all of the qualities identified by the officers during the interviews were found to be ranked highly in the subsequent questionnaires. All qualities, except 'involved in an enquiry from the outset' were given a mean ranking above four, so in other words, they were all considered important qualities for an interviewer to possess.

A total of nine respondents identified an alternative quality (by choosing 'other') in their ranking. These qualities can be summarised as: (i) professional knowledge and capability to deal with the process; (ii) remaining calm and in control; and (iii) ability to assimilate detailed information.

Characteristics associated with effective interviews. During the semi-structured interviews, officers identified a range of characteristics which they associated with an effective interview. Then other officers were asked via the questionnaires to rank these different characteristics in order of how well they were associated with an effective interview; those receiving a rank of one would be considered to be the most important. A weighted average ($N = 42^7$) was calculated for each characteristic which revealed that both interviewers and interview advisors ranked the same factors in their top five (although not in the same order):

- a good interview team;

- enough time to prepare;

- good knowledge of the case;

- maintaining control of the interview; and

- developing good rapport with the suspect.

An observation made by six officers in response to this question (via the questionnaire) was that every interview and every suspect is different. Whilst the characteristics above are indicators of an effective interview, they warned that even if

---

[7] Three interviewers did not complete this question and so were excluded from the analysis.

you have all of these (and more) in place it does not guarantee that the interview will be effective. As one officer said:

> There have been those individuals [suspects] who refuse to talk to interviewers no matter what situation they are in and nothing will change their stance. This does not necessarily reflect on the interviewer's ability to interact with individuals.

Conclusion

The perceptions of good quality suspect interviewing reported above are very much in line with the principles of investigative interviewing described earlier in this chapter: officers continue to regard the principle purpose of an interview as a means of obtaining an account from suspects; and the qualities of an effective interview like adequate planning, developing rapport and demonstrating flexibility appear to be highly valued by those surveyed. These findings, whilst reassuring, are perhaps not unsurprising given the efforts of recent years to standardise the training and professionalism of police interviewers in the UK. The real issue is whether these perceptions are reflected in the real-life practice of suspect interviewing: the subject of the remainder of this thesis.

Chapter 3: Accessing Real-life Suspect Interviews

Introduction

As described in Chapter 1, the aim of the new research to be presented in this thesis is to describe, in as much detail as possible, the actual police interviewing of serious crime suspects, with an increased emphasis on the behaviour and influence of the suspect. The principle means through which the research objective will be achieved is through the examination of real-life audio-taped suspect interviews. This

chapter sets out the methods employed in identifying the sample required for the study, the tools designed to prepare the information for data analysis, and the procedures adopted to analyse the data. The chapter concludes with an overview of the characteristics of the study sample and how this compares to existing research.

Research Approach

This thesis presents the largest and broadest study of UK serious crime suspect interviewing to date and it was intended that the findings would support further development in both the policy and practice of these types of police interviews. As a result, this research can be considered as 'applied' which Ritchie (2003) described as:

> ...concerned with using the knowledge acquired through research to contribute directly to the understanding or resolution of a contemporary issue. As such, its objectives are usually set or shaped by specific information requirements or by the need to gain insight into an existing problem. (p. 24)

As a result of the limited amount of relevant research evidence and consequently theory regarding the police interviewing of serious crime suspects (see Chapters 4 through 9 for a review), the new research to be presented in this thesis is largely exploratory and inductive in nature. Unlike deductive reasoning which would start with developing hypotheses against which to test theories, inductive reasoning starts with the data. Inductive logic then seeks to produce generalisations about the patterns and connections between these data which in turn might lead to generating hypotheses and theories that could be explored further (Blaikie, 2003).

Research Questions

The inductive and applied nature of this research has informed the development of the overarching research objective which is: to describe the *nature* of the

interviewer/suspect exchange and explore the associations between this exchange and the characteristics of the case. To address this objective a number of specific research questions were formulated:

- What are the behaviours and responses of suspects during interviews?

- Do suspects' responses vary according to case characteristics?

- What is the pattern of interviewer questioning and what are suspects' responses to such questioning?

- What strategies do interviewers use for getting suspects to talk during interviews? What is the relationship between these strategies and the suspects' response?

- What is the role of third parties in the interview? How do suspects respond and behave in their presence?

The information requirements. Given the aims and objectives of the research, it was important that this research drew on naturally occurring data. The principal data requirement therefore was for real-life police interviews with serious crime suspects. Whereas some studies might feasibly draw on written transcripts of interviews, actual audio-recordings of real-life interviews were the required unit of study for this research. In contrast to written transcripts, audio-recordings allow for greater insight in to the exchange by allowing tone of voice, for example, to be analysed.

Audio-recording of interviews is standard practice for all police interviewing in the UK and was introduced in PACE (1984). Video recording of interviews does take place but this tends to be limited to interviews of vulnerable witnesses or children (in line with the Criminal Justice Act, 1991 and Youth Justice and Criminal Evidence Act,

1999). Whilst video recordings are the optimum resource for research purposes (as they allow the full range of audio and visual behaviour to be observed) the potentially small numbers of video recordings of suspect interviews (at the time of data collection) precluded this as a viable option for the present study. Instead, audio recordings were chosen as the principal information source.

The sampling strategy. Although the principal source of data for this study (the audio-tapes) is qualitative in nature, it was intended that the data would be treated in a largely quantitative way, thereby allowing for statistical enquiry and potentially for application to the wider population of serious crime interviewing.

Due to the nature of the required sample and the associated difficulties with gaining access to the information, a truly randomised sample selection process (or other form of probability sampling) was not considered feasible. Instead, a mix of purposive (homogenous) and convenience sampling methods were adopted. Table 3.1 includes a brief description of each method (drawn from Ritchie, Lewis, & Elam, 2003) and summarises how the sampling method was applied in the current study.

Table 3.1: Sampling method chosen and application in current study

Description of sampling method chosen	Application in current study
Purposive: The sample units are chosen because they have particular features or characteristics that will enable detailed exploration and understanding of the research objective.	Specific features of interviews were identified as: • audio-taped police interviews • serious crime suspect interviews • closed cases • selected from at least ten Police Services in the UK that included a mix of rural and urban forces.
Convenience: Chooses sample according to ease of access.	Sample population was identified using Police Service contacts from within the ACPO Homicide Working Group and Investigative Interviewing Group

It is recognised that these approaches have limitations and that there is a potential for bias in the sample. Because of the chosen sampling strategy it is acknowledged that it will not be possible to generalise to all interviews with serious crime suspects. However, by employing quantitative analytical tools to the relatively large sample of data collected it is possible to reliably (i.e. statistically) say whether a phenomenon has occurred beyond chance *within the present sample*, which in turn allows for notions to be generated about the wider population of interviews in England and Wales, albeit with caveats.

In terms of selecting the appropriate sample size, it should be large enough to permit statistical enquiry but not too large as to render the collection and analysis of data unfeasible. Although it is acknowledged that there are no firm rules to determining sample size Israel (2009) described five factors that should be considered:

1. The <u>purpose of the study</u> can influence sample size. If findings are to be generalised to the wider population a large sample is required; also if certain analysis, like Chi-Square, is to be undertaken, a minimum sample size is required.

2. The <u>size of the population</u> itself is important as very large populations might require larger samples. However, a large population does not always merit a large sample and the issue of diminishing returns is relevant here, as any gains made from having a large sample might decrease as the sample size increases (Blaike, 2003).

3. The <u>level of precision, or sampling error</u>, refers to the range in which the true value of the population is thought to be. Blaike (2003) suggested that sample size can be influenced by how much sampling error can be tolerated, in other

words, if the consequences of being wrong are serious then the sample size should be larger.

4. The <u>confidence or risk level</u> means when a population is repeatedly sampled, the average value of the attribute obtained by those samples is equal to the true population value.

5. The <u>degree of variability</u> refers to the distribution of attributes in the population. The more heterogeneous a population, the larger the sample size required to obtain a given level of precision. The less variable (more homogeneous) a population, the smaller the sample size.

A key issue with selecting the appropriate sample size for the present study is that no other study has yet examined serious crime suspect interviews in any depth, which means that it is not possible to determine sampling error or the degree of likely variability in the population.

It is generally acknowledged that the representativeness of the sample is as important, if not more, than sample size itself. As Hagan (1997, p. 139) put it: "...without a representative sample, sample size becomes irrelevant". A key principle underpinning sample selection in the present study therefore was that audio-tapes were selected from a range of Police Services across England and Wales. By ensuring that audio-tapes were obtained from a range of forces, rather than just one or two, meant that findings could potentially be generalised to other forces in England and Wales. In terms of the spread of forces that these cases should be drawn from (including consideration of the feasibility of access within individual forces) it was decided that suspect interviews should be drawn from a minimum of ten forces across England and Wales (representing about a quarter of the total population of forces). Due to the

particular sensitivities with regards the identities of police officers in Northern Ireland, the Police Service of Northern Ireland was excluded from the sample population. Scottish forces were also excluded from the present study on the grounds that their legal system differed in some fundamental respects to that of England and Wales at the time of data collection. For example, although suspects in Scotland now have the same rights to legal advice as those in other parts of the UK, this was only introduced last year as a result of a ruling in Cadder v Her Majesty's Advocate (Scotland) (2010).

As mentioned earlier, another key consideration in determining the sample size is that it must be large enough to allow statistical enquiry. Blaike (2003) stated the rule of thumb for nominal level data is that the cells of a cross-tabulation must include an average of ten cases. As the audio-tape analysis was likely to include nominal level data, it was determined that the sample should therefore include a minimum of 50 serious crime suspects. More detail on the unit of analysis is covered in the next section but for now it should be noted that the proposed minimum sample of 50 suspects was likely to include several separate interviews of the same suspect. The unit of analysis might therefore range anywhere from a minimum of 50 (based on 50 separate suspects) to a maximum of 250 (assuming an average of five interviews per suspect). As a consequence, it was decided that a minimum of 50 suspects would, depending on the precise unit of analysis, enable appropriate statistical tests to be employed. This approach is further strengthened by a previous study undertaken by Pearse and Gudjonsson (1999) which employed factor analysis in the analysis of police tactics using a sample of just 18 serious crime interviews.

Defining the Unit of Analysis

Before moving on to describing how the information was obtained it is important to set out the definition of an *interview* used in the present study. In serious

crime cases it is very unlikely that a suspect is interviewed on only a single occasion. In part this is dictated by the complexity of serious crime cases: even where the suspect might admit the offence, the police still need to gather a vast amount of information to support any prosecution. Suspects also have certain rights including entitlements to breaks and rest periods. Additionally, interviewers themselves might purposefully plan to break an interview after certain topics have been covered to allow further enquiries to be made.

Most interviews of serious crime suspects therefore run over many days (and in some cases even months). Identifying though where one interview started and another ended was not straightforward. This was in a large part due to the practice of analogue audio-taping, which means that a period of questioning *has* to come to an end after 45 minutes (the maximum tape length). Within this 45 minute period however a number of different scenarios can emerge:

- questioning can be concluded early (say 20 minutes in to the taping period) as all the relevant topics have been covered;

- questioning could be suspended at the request of the legal advisor or suspect;

- questioning may run to the end of the tape, new tapes are then inserted and the questioning is continued immediately; and

- questioning may continue for the full 45 minutes at which point it is decided to use the tape change as a natural break point, even though more questions on a similar topic may need to be asked later.

Due to the range of different potential scenarios, it was not possible to definitively say when one interview started and another ended. For these reasons, the present study

defines a single *interview* as a single audio-tape, which in some instances might be only five minutes long or alternatively the full 45 minutes.

Identifying and Accessing the Sample

As described above convenience sampling methods were adopted and initial contact was made with the ACPO Homicide Working Group and the ACPO Investigative Interviewing Working Group. A letter was sent to each group setting out the research proposals, the requirements for data, and the security measures in place to protect the data. A request was made for each group's endorsement of the research as well as participation from individuals on the groups. Although not all forces are represented on each of these groups, in line with the approach identified above, there was sufficient representation across the two groups.

Through this process a number of forces agreed to participate and in each a single point of contact was provided. This tended to be an interviewer in the major crime department or similar. Contact was then made directly with the named individual and further discussions took place around the information requirements. Each force was asked for:

- audio copies of interviews with serious crime suspects from closed cases[8] that had occurred in the last five years (which at the time of data collection included interviews from 2000 onwards);

- written plans or strategies prepared for the interviews; and

- brief case details.

---

[8] Closed cases are those that are considered solved by the police although this does not necessarily mean a conviction has been achieved.

Once relevant interviews were identified, a visit was made to the force to collect the data and sign the data protection protocol (see Appendix C)[9].

It should be acknowledged that those forces who agreed to take part, and the interviews that they subsequently selected for inclusion in the study, may not represent the full range of interviewing practice and may be biased towards those interviews that forces deemed as effective practice. However, as the study is not seeking to make comment on how well (or poorly) serious crime interviewing is being conducted across the UK, the potential bias in selecting cases was not considered a significant drawback. Rather, it is argued that although the study of serious crime interviews may be restricted to a sample of *effective practice* interviews, this in itself might be considered extremely useful for investigative interview practitioners and policy makers.

Analysing the Interviews

To enable the systematic capture of the required information, it was decided that content analysis would be employed. Neuendorf (2002) defines content analysis as the systematic, objective, quantitative analysis of message characteristics. In the context of the present research, content analysis was used to measure a number of pre-defined characteristics of suspect interviews, which following Pearse and Gudjonsson (1999), were broken down into five-minute time segments[10].

---

[9] The research has also been approved by the Ethics Committee of Leicester University.

[10] Given the maximum time limit of audio-tapes is around 45 minutes, tapes were broken down into a maximum of nine time segments as follows: time segment one = 0 to 5 minutes; time segment two = 5:01 to 10 minutes; time segment three = 10:01 to 15 minutes; time segment four = 15:01 to 20 minutes; time segment five = 20:01 to 25 minutes; time segment six = 25:01 to 30 minutes; time

Content analysis can be conducted manually (known as human coding) or by a computer. Computer coding was not suitable for the present study for a number of reasons. Principally, computer coding is designed for text analysis and is more suited to identifying frequencies and patterns of use in single words or phrases. In contrast, the present study relied on a more complex analysis of audio-recordings: for example, coders were required to observe intonations in speech and identify whether empathy or sympathy was evident. Consequently, operationalising these concepts for use in a computer package was not considered feasible or appropriate.

In addition to the principles underpinning content analysis, the coding frame also drew on elements of conversation analysis and discourse analysis (for definitions see Ritchie, 2003). In the present study, the concept of examining overlapping talk, for example, draws on conversation analysis principles whereas analysis of the question/answer exchange between interviewer and suspect links to methods of discourse analysis.

Developing the Coding Frame

The coding frame was developed in two stages. First, an initial coding frame was developed that drew on previous research involving the analysis of police interviews (see Appendix D for a full summary of the literature included). In addition, the relevant literature on discourse and conversation analysis was also considered (see Chapters 6 and 8 for further reference). This coding frame was then tested by the current author against a large sample of interviews ($n = 100$) and subsequently refined. The coding frame went through a number of iterations during this stage. Once the

---

segment seven = 30:01 to 35 minutes; time segment eight = 35:01 to 40 minutes; and time segment nine = 40:01 minutes and over.

current author was broadly content with the coding frame the second stage involved carrying out inter-rater and intra-rater reliability checks.

Testing the coding frame for reliability. In any study, reliability and validity of the findings are paramount. As Silverman (2001) described (specifically with reference to content analysis):

> the crucial requirement is that categories are sufficiently precise to enable different coders to arrive at the same results when the same body of material is examined...in this way, content analysis pays particular attention to the issue of reliability of its measures – ensuring that different researchers use them in the same way – and to the validity of its findings – through precise counts of word use. (p. 123)

A combination of methods to test reliability was employed at different stages during the development of the coding frame. In the earlier stages the current author (Coder A) and a masters level student (Coder B) trained in the coding frame separately coded 20 five-minute time segments each. A range of time segments were selected from different interviews so as to increase the variety of interviews included. At this stage a simple percentage test comparison using total observed frequencies and total matches were undertaken for each code. Anything yielding less than 75% agreement was examined further; at this point some codes were subsequently removed whilst for others definitions were strengthened. Appendix E summarises the principal changes and Appendix F contains the final coding frame subsequently adopted.

In the second stage of inter-rater testing, the current author (Coder A) and a different masters level student (Coder C) coded a further 50 time segments. As the coding of all interviews would be undertaken by a single coder (the current author),

intra-rater reliability was also extremely important. Therefore, a total of 50 time segments were subject to repeated coding by the current author.

Stemler (2001) described that one way to measure reliability is to measure the percent of agreement between raters (i.e. simply adding up the number of cases that were coded the same way by the two raters and dividing by the total number of cases). He highlighted that the problem with a percent agreement approach is that it does not account for the fact that raters are expected to agree with each other a certain percentage of the time simply based on chance (Cohen, 1960, cited in Stemler, 2001). Stemler (2001) suggested that a means of addressing the limitations of percentage agreement is to use Cohen's Kappa. Essentially, a Cohen's Kappa result close to 1 suggests that coding is perfectly reliable and a value closer to 0 suggests that there is no agreement other than what would be expected by chance. Although there is a measure of disagreement over what levels of reliability are acceptable, Banerjee (1999, cited in Neuendorf, 2002) suggested that the following criteria can be applied to interpretation of Cohen's Kappa:

- 0.75+ indicating very good agreement beyond chance

- 0.40 to 0.75 fair to good agreement beyond chance

- below 0.40 poor agreement

Similar recommendations were made by Landis and Koch (1977, cited in Stemler, 2001).

Both percentage agreement and Cohen's Kappa were applied to the data. For brevity, Table 3.2 (next page) only includes the results for those codes that did not receive *perfect* (i.e. 100% or a Cohen's Kappa value of 1.00) agreement on the inter-

rater or intra-rater reliability checks (the full list of codes can be found in the coding

framework in Appendix F).

Table 3.2: Results of inter-rater and intra-rater reliability checks (for non-perfect agreements)

Code	Inter-rater		Intra-rater	
	Percentage agreement	Cohen's Kappa	Percentage agreement	Cohen's Kappa
Explains grounds for arrest	94	0.63	96	0.73
Explains purpose of interview	90	0.57	94	0.74
Explains routine	94	0.37	96	0.48
Closed question	86	0.85	90	0.90
Open question	96	0.59	98	0.74
Closed question with open elements	94	0.74	94	0.74
Negative question	92	0.79	94	0.84
Multiple question	94	0.91	92	0.88
Statement question	74	0.60	78	0.66
Repetitive question	98	0.94	98	0.94
Interruptions by interviewer	92	0.73	94	0.79
Interruptions by suspect	86	0.74	90	0.81
Overlapping talk	92	0.64	94	0.70
Building rapport / showing empathy	90	0.65	92	0.72
Situational futility	94	0.63	98	0.85
Interviewer explicitly asks suspect to give their account	96	0.89	96	0.89
Interviewer presents evidence of what happened	82	0.79	86	0.84
Interviewer challenges the suspect	92	0.84	94	0.88
Suspect's response is relevant	86	0.85	90	0.89
Suspect's response is challenging	94	0.77	96	0.84
Suspect's response is no comment (or silence)	94	0.91	96	0.94

As might be expected, generally stronger agreement was found for intra-rater reliability than inter-rater reliability across all codes. This might be due to the inherent limitations of repeat coding but it might also indicate that the author had more opportunity to become familiar with the coding frame and her performance was enhanced as a result.

Following Banerjee's (1999) guidelines, the majority of codes show acceptable levels of agreement, beyond that would have been expected by chance. The exception was the code 'explains routine' which showed poor inter-rater agreement; findings concerning this code should therefore be treated with caution. There were a number of codes which had higher but nevertheless still moderate results (under 0.75) and again some caution is recommended when interpreting the findings associated with these codes.

An Overview of the Study Sample

The remainder of this chapter describes the characteristics of the interviews that form the study sample. Where relevant, comparisons are made to existing research.

Number and type of interviews, suspects and victims. Over more than a two-year period of endeavour a total of 407 tape recordings were finally obtained from ten forces across England (representing a mix of urban and rural forces) and one force from Wales (including a mix of rural and urban areas). In these a total of 56 different suspects were interviewed representing 45 different cases. Of these 45 cases, 41 involved a single victim (91%), three involved two victims (seven percent), and one case involved four victims (two percent). In total therefore there were 51 victims. All

interviews took place between 1999[11] and 2006, with the majority (76%, $n = 309$) occurring between 2004 and 2006 inclusive.

The fewest number of interviews (i.e. tape recordings) conducted per suspect was two and the greatest was 24, with a mean of seven per suspect. It should be highlighted that not all of the interviews carried out with a particular suspect were supplied (for three suspects). However, since the primary unit of analysis was single interviews this was not considered a problem for the research. Where relevant these few incomplete series of interviews were excluded from elements of the analysis.

Type of crime and outcome for suspect. The majority of suspects were interviewed for the offence of murder (82%, $n = 46$), with a further three suspects interviewed for attempted murder. Three suspects were interviewed for a serious sexual offence and four interviewed for a serious assault. The outcome for 49 suspects was identified: 39 suspects (80%) were subsequently convicted of murder, attempted murder or manslaughter; three suspects (six percent) were convicted of rape, and seven suspects (14%) received another conviction. For seven suspects it was not possible to determine the outcome.

Persons present during the interview. Table 3.3 shows that two interviewers were present in the vast majority of the interview sessions, with less than one percent of the total number of interviews ($n = 3$) having only one interviewer present. Bull and Cherryman (1996) found a similar pattern in their sample of serious crime interviews: 83% had two interviewers present. However, two other studies that included analysis of both serious and less serious crimes identified smaller proportions: Soukara (2004)

---

[11] Although the original request to forces was for interviews after 2000, it was decided that the interviews occurring in 1999 were close enough to the rest of the sample to permit inclusion.

found 66% of interviews had two interviewers present and a much earlier study by Moston and Engleberg (1993) found that in three-quarters of interviews two police officers were present.

Table 3.3: Persons present during interviews

Persons present	Number present (%)	Number not present (%)
Two interviewers	404 (99)	3 (1)
Legal advisor	397 (98)	10 (2)
Appropriate Adult	92 (23)	315 (77)
Interpreter	20 (5)	387 (95)

The finding that legal advisors were present in the vast majority of interviews in the current study (98%, $n = 397$) is also different from earlier work: Baldwin found that legal representatives were present in around a third (30%) of interviews and Bull and Cherryman (1996) found that 67% of interviews had a legal advisor present. However, a more recent study by Soukara (2004) found that a legal advisor was present in 84% of interviews.

Further analysis of the ten interviews *without* a legal advisor revealed that these were spread across four different suspects, with only one suspect declining their right to a have a legal advisor present in every interview conducted with them. It is worth pointing out that this suspect remained silent in every single interview. For the other three suspects, whilst a legal advisor was absent in some interviews conducted with a suspect, in the majority of interviews a legal advisor was present. For example, one suspect was interviewed ten times and a legal advisor was present in six of these

interviews; in the other four interviews (which were the first four interviews conducted) a legal advisor was not present, although an Appropriate Adult (AA) was.

Table 3.3 also shows the frequency with which an AA or an interpreter was present. An AA was present in just under a quarter of interviews, with an interpreter present in less than five percent. In contrast, Bull and Cherryman (1996) found that 12% of their interviews had an AA present with a similar finding by Soukara (2004). Chapter 9 goes into more detail on the presence and role of legal advisors, AAs, and interpreters in interviews.

The majority of interviewers were male: 82% of both primary ($n = 333$) and secondary interviewers[12] ($n = 335$). Similarly, the majority of suspects were also male (95%, $n = 53$). The mean age of suspects was 32 years ($n = 55$), with the youngest person interviewed age 16 and the oldest 67. A similar pattern emerged for the alleged victims: they had a mean age of 35 years ($n = 48$). However, the age range was much wider for victims than suspects: the youngest victim was a one-year old and the oldest victim was 92 years of age. Additionally, there was a much more even spread with regards victim gender. Out of the 51 victims, 27 (53%) were male and 24 (47%) were female.

With regards to suspect characteristics, Baldwin (1993) found that the vast majority of suspects were also male, as did Moston et al. (1992) who found that only 13% of suspects were women. Moston et al. (1992) also found that the majority of suspects were aged between 22 and 31 years (36 per cent) followed by suspects aged

---

[12] Primary interviewers were defined as those who opened the interview and who (usually) took the predominant role in questioning. Secondary interviewers were those who (usually) took less of a role in questioning, and who initially spoke after the primary interviewer.

17 to 21 years (29%). This is broadly consistent with the current study: 22% were aged 16-21 and 26% were aged 22 to 31.

The pattern of which interviewers spoke during the interviews was also analysed. Unsurprisingly, the opening stages of an interview (time segment one), was overwhelmingly dominated by the primary interviewer: in nearly four out of five interviews the primary interviewer was the sole speaker during this time segment (79%, $n = 321$). Again, as one would expect, this was replicated, albeit to a lesser extent, as the interview progressed. In only a few of the five-minute time segments ($n = 17$) neither interviewer spoke. Further analysis revealed this was due to two main reasons: (a) the suspect providing a lengthy account, free from interviewer interruptions, or (b) the presentation of evidence (like a visual recording) that spanned time segments.

The timing and duration of interviews. Table 3.4 describes the time of day that interviews were conducted ($n = 407$)[13]. It shows that the majority of interviews took place in the afternoon (44%) and in the evening (42%) with only a small proportion taking place overnight (6%) or prior to midday (8%). This is broadly similar to Baldwin's (1993) study which identified that 60% of his interviews started in the day-time (between 8am and 6pm) and a further 20% before 10pm.

---

[13] If the time of day that an interview was conducted spanned across time periods, then the time the interview concluded was used to specify time of day. For example, if an interview started at 11:45 and ended at 12:25, then this would have been coded as occurring in the afternoon.

Table 3.4: Time of day that interviews were conducted

Time of day	Frequency	Percentage
Morning (08:00 to 11:59)	34	8
Afternoon (12:00 to 16:59)	180	44
Evening (17:00 to 21:59)	170	42
Night (21:59 to 06:59)	23	6

Due to the analogue tape recording procedure interviews should not last longer than 45 minutes. The start and end time was recorded for each interview and this revealed that 11 spanned 50 minutes or longer, with the longest being for one hour and 19 minutes. However, each of these interviews was paused part-way through the recording to allow for a break; instead of changing to a new set of tapes, the interview was re-started using the same tapes. As the duration of the break was also recorded, it was possible to arrive at the actual duration of these interviews. Subsequent analysis of duration revealed that the shortest interview lasted just two minutes with the longest running at 49 minutes. The mean duration ($N = 407$) was 30 minutes.

Baldwin (1993) found that most interviews in his four hundred strong sample were fairly short. He also found that 89% of suspects were questioned on only one occasion and almost three-quarters were concluded within half an hour (Baldwin, 1993). These findings are in contrast to the current sample where all suspects were interviewed on at least two separate occasions with a mean of seven interviews per suspect. Although the mean duration of single interviews in the present study was 30 minutes, when the total time each suspect was interviewed was calculated (excluding incomplete series of interviews) the mean duration was three hours and 44 minutes (*n*

= 53). The shortest total length of interviewing for an individual suspect was 35 minutes and the longest was 15 hours and 12 minutes. This is much longer than the findings of Bull and Cherryman (1996) who found the average length of interviews in their sample of serious crimes was 33 minutes, with the shortest about two minutes and the longest almost four hours.

If a break was requested during an interview, this was recorded along with who requested the break (see Table 3.5, below).

Table 3.5: Person who requested a break during the interview

Person	Frequency	Percent*
Legal advisor	35	9
Suspect	39	10
Police	15	4
No break requested	318	78

*Due to rounding, percentages do not add to 100

Table 3.5 reveals that in over three-quarters of the interviews a break was not requested and the interview ran without interruption in this way. In the remaining interviews, the suspect was the most frequent requester of a break (10%) followed closely by the legal advisor (9%). In a small proportion of the interviews the police suggested a break. When breaks were requested by the legal advisor or suspect, this tended to be for a private consultation. On a few occasions the police also suggested to the suspect that they might wish to have a consultation with their legal advisor. For the most part though when the police suggested a break it was because the suspect was very upset and a comfort break was recommended.

Clearly there are some consistencies and discrepancies in the comparison of the findings from the present study with that of earlier work. The studies presented above span a fairly wide period with the earliest relevant study published in 1992 and the most recent in 2006; it is perhaps therefore unsurprising that given the different study samples (only Bull and Cherryman focused on interviews of serious crimes) and the changing legislative landscape, that some variation in practice both across those studies and with the current sample were observed.

Conclusion

This chapter has set out the approach to collecting and analysing the principle component of this research study: real-life suspect interviews. The challenges associated with collecting this kind of information and the dearth of similar studies (either in scope, focus or method) resulted in a lengthy period of both data collection and development of an appropriate analytical tool. However, the sample obtained represents one of the largest and most recent of its kind. The present chapter provides an initial snapshot of the characteristics of these interviews, which the remainder of this thesis will build upon.

Chapter 4: The Legislative and Policy Requirements for Interviews with Serious Crime Suspects

Introduction

The failure to carry out the necessary legalities during suspect interviews might limit the validity of any information obtained, which in turn might jeopardise the entire prosecution. It is essential therefore for interviewers to carry out interviews in line with legislative requirements.

In addition to the legislative requirements in the UK, the police service, government departments and other agencies have produced a range of policy and guidance documents on the interviewing of suspects. Whilst this practice advice may not be covered by legislation, interviewers would nevertheless risk criticism if they did not adhere to it.

This chapter opens with a summary of some of the key legislative and policy requirements governing police interviews with suspects. It presents the existing research evidence on how interviews meet these requirements and concludes by reporting the findings from the current research.

Legislation Governing the Conduct of Suspect Interviews in England and Wales

The Police and Criminal Evidence Act (PACE, 1984) (and associated Codes of Practice) is the key framework of police powers and safeguards for the police interviewing of suspects. PACE Codes C (Home Office, 2008) and E (Home Office, 2010) set out a number of requirements for the interviewing and audio-recording of suspect interviews; the most relevant of which for the present study are summarised in this section.

Probably the most significant development arising from PACE was the introduction of a statutory requirement to provide an audio-recording of an interview with a person suspected of being involved in a criminal offence (Home Office, 2010). With regards to the commencement of an interview with a suspect, PACE also makes a number of other requirements, specifically that the interviewer shall:

- give their name and rank and that of any other interviewer present;

- ask the suspect and any other party present (e.g. a legal advisor) to identify themselves;

- state the date, time of commencement and place of the interview;

- state that the suspect will be given a notice about what will happen to the copies of the recording;

- caution the suspect;

- remind the suspect of their entitlement to free legal advice; and

- put to the suspect any significant statement or silence.

Two important elements of opening an interview are worthy of expansion, namely the caution and the significant statement (both included in Code C, Home Office, 2008). First, a caution must always be given to a person suspected of an offence and that person must be cautioned before any questions about that offence are put. The caution is as follows:

> You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence.

PACE Code C (Home Office, 2008) states that minor deviations from these words do not constitute a breach provided the sense of the relevant caution is preserved.

After cautioning the suspect the interviewer should then put to the suspect any significant statement or silence which occurred in the presence and hearing of a police officer (or staff) before the start of the interview. A significant statement is one which appears capable of being used in evidence against the suspect, in particular a direct

admission of guilt. The suspect will be asked whether they confirm or deny the earlier statement (or their silence if they said nothing), and if they want to add anything (Code C, Home Office, 2008).

Finally, PACE Code E (Home Office, 2010) also sets out the requirements for what should happen at the conclusion of the interview, namely that the interviewer shall:

- clarify anything he or she has said and asked if there is anything they want to add; and

- record the time.

In addition to PACE, the Criminal Justice and Public Order Act (1994) introduced provisions for inferences that may be drawn from a suspect's failure to answer questions or account for the presence of some evidence linking them to the offence. This is known as a special warning. PACE Code C (Home Office, 2008) includes guidance on this and states that during an interview if a suspect fails to answer certain questions then a court or jury may draw inferences from this silence or failure to answer. For an inference to be drawn the suspect must first be told in ordinary language:

- what offence is being investigated;

- what fact they are being asked to account for and that this fact may be due to them taking part in the commission of the offence;

- a court may draw a proper inference if they fail or refuse to account for this fact; and

- a record is being made of the interview and it may be given in evidence if they

   are brought to trial.

National Policy and Guidance on Interviewing Suspects

In addition to the legislative requirements outlined above, the last 20 years or so have seen a strong push by both the government and the Police Service to improve the standards of police interviewing in England and Wales.

In 1991 the Home Office, Police Service and Crown Prosecution Service set up a steering group to establish the standards and improve the quality of police interviewing practice (Baldwin, 1993). This was the starting point for the approach which later became widely known as investigative interviewing. One of the first key developments of this group was the design of a national training model called PEACE launched in 1992 (and described earlier in Chapter 2) with a revised version published in 1996 that included an increased focus on the interviewing of suspects. A national evaluation of the PEACE model (Clarke & Milne, 2001) resulted in a number of recommendations which were later developed by the police into a five-tier training strategy that spanned introductory training for new recruits to the specialist interviewing of serious crime (Griffiths & Milne, 2006) (also described in Chapter 2).

The most recent National Investigative Interviewing Strategy was published by the NPIA in 2009. The strategy describes how the investigative interviewing tiers have been incorporated into the Professionalising Investigation Programme (PIP) (designed and implemented jointly by ACPO and NPIA to improve the competence of all staff conducting criminal investigations). As part of PIP, a set of National Occupational Standards for interviewing were developed, a summary of which is provided within the strategy (NPIA, 2009). These National Occupational Standards (Skills for Justice,

2008) provide specific performance criteria on interviewing officers' knowledge and understanding of the current and relevant legislation on the conduct of interviews including: the rights of suspects, the cautions and warnings given to suspects, and how to record the interview.

How Legislation and Policy is Reflected in Practice

The previous section outlined the key legislative requirements and guidance for the police interviewing of suspects. This section will move on to examine the extent to which existing research evidence suggests this has been reflected in police practice.

One of the first large-scale evaluations of police suspect interviews was carried out by Baldwin (1992, 1993) (see chapter 2 for more detail). In terms of the introductions and required formalities at the start of the interview, Baldwin noted that these tended to be "delivered hurriedly and perfunctorily" (Baldwin, 1993, p. 336). He also described the "casual manner" in which cautions were delivered by many officers which in his opinion rendered them almost "devoid of all meaning" (Baldwin, 1993, p. 337).

A later study by Bull and Cherryman (1996) examined the skills of specialist interviewers (those responsible for interviewing serious crime suspects) through an analysis of sixty-nine real-life audio-recordings of suspect interviews (also introduced in Chapter 2). A number of different skills were rated by the researchers, which included whether the interviewers carried out interview technicalities correctly (specifically issuing the caution, explaining the tape process and purpose of interview). Bull and Cherryman (1996) found that on average this was more often present than not.

Clarke and Milne (2001) conducted a national evaluation of the PEACE training model, part of which included a specific assessment of suspect interviews (for crimes ranging in seriousness). Six forces in England and Wales participated and a sample of thirty interviews was selected per force. They developed a specially constructed framework to assess the extent that requirements were met. This included using a scale of one to five to rate the quality of performance, with a score of five meaning that the requirement was clear and professional and a score of one meaning that the requirement had not been met. When assessing the opening phase of the interview, they found:

- the date, time and place of interview were omitted in less than one per cent of the interviews assessed;

- the interviewers usually introduced themselves in a clear and professional manner with less than three per cent of the sample being rated below the median (in other words a score of three on the rating scale);

- the persons present at the interview were identified in all but three percent of the interviews;

- officers generally presented the caution in a clear and professional manner with only 5% being rated below the minimum;

- the majority of officers (90%) also explained the interviewee's right to a copy of the tape at this stage;

- where no legal advisor was present this right was explained in a clear and professional manner by 67% of the interviewers and legal advice via telephone was offered in 68% of the interviews;

- 70% of interviewers examined why the interviewee did not require a legal advisor; and

- significant statements were put to the interviewee in 15% of the interviews.

Clarke and Milne (2001) also evaluated the closure of the interview and found that:

- when closing an interview only basic summaries were provided (the mean score was two);

- an opportunity for the interviewee to add, alter or correct what had been said occurred in 75% of the interviews;

- a notice explaining how to obtain a copy of the tape was clearly done in 67% of the interviews;

- only 18% of interviewers provided the date, whilst 93% provided the time; and

- overall, 16% of interviews were rated as providing a clear and professional closure, with an identical number being rated as providing no obvious closure ($M = 2.5$). A total of 52% of interviews were rated as being below the median.

Griffiths and Milne (2006) examined sixty interviews carried out by fifteen police officers who had completed the advanced interviewing training course. The advanced training course is a three-week course aimed at training students to interview suspects for serious offences. They assessed, pre- and post-training, the ability to deliver and explain the caution or right to silence. Their research found that even before training the level of performance for *delivering* the caution was high, with an average score of 4.2 (with a score of 1 representing poor performance and a score of 5 representing excellent performance) increasing to 4.6 after training. The *explanation* of the caution initially fared less well, albeit still within acceptable standards: officers prior to training received a mean score of 3.8. This increased after training to an almost perfect score although when officers returned to the workplace this score

declined to nearer 4.5[14]. Griffiths and Milne (2006) asserted that the ability to explain the caution properly is important in building trust and rapport with a suspect and suggested that the different ways in which a caution can be explained might account for this deterioration in performance over time.

Findings

The remainder of this chapter reports on how well the legislative technicalities and practice advice were reflected in the present sample of interviews.

Opening the interview. As described earlier in this chapter, legislation dictates that a number of activities must occur at the start of an interview. Table 4.1 summarises to what extent these took place within the first five minutes of the interview (i.e. time segment one).

Table 4.1: The frequency (and percentages) of opening requirements met in the first five minutes

Type of requirement	Requirement met in first five minutes (n = 407)	
	Frequency	Percentage
Introduce persons present	355	87
Time, date and location recorded	367	90
Caution given	384	94
Right to legal advice explained	284	70
Right to copy of tape	194	48
Grounds for arrest	93	23

---

[14] Note that the precise scores are not included in Griffiths and Milne (2006) study and figures have been inferred from graphs.

The results were somewhat mixed. The caution, introductions, and the time, date and location of the interview were provided in the vast majority of interviews. The grounds for the arrest however was explained in less than a quarter of interviews (23%) and the suspects right to the copy of the tape explained in under half (48%). The right to legal advice was explained in 70%. Analysis of the first ten minutes of the interview, as opposed to the first five minutes, did not lead to any particular improvement in the frequency of the above requirements.

Given that the study sample involved multiple interviews with the same suspect, it is possible that interviewers might have already met these requirements in earlier interviews with a suspect and so did not repeat them in later interviews. Analysis of the first interview[15] with every suspect was therefore undertaken to see whether a different pattern emerged. The findings are reported in Table 4.2.

Table 4.2: The frequency and percentage of opening requirements met in the first five minutes of the first interview with each suspect

Opening requirement	Frequency and percentage of requirements met (N = 53)	
	Frequency	Percent
Introduce persons present	51	96
Time, date and location recorded	53	100
Caution given	52	98
Right to legal advice explained	38	72
Right to copy of tape	48	91
Grounds for arrest	34	64

---

[15] For three suspects it was not possible to obtain the first interview conducted and so taped interviews for these suspects were excluded from the present analysis.

In comparison to Table 4.1, the proportion of requirements met increased across the board, with the date, time and location now given in every single interview. The caution was given in all but one interview. Further analysis of the interview in which the caution was not given in the first five minutes revealed that the caution *was* given but that it occurred in the second time segment (i.e. within the first ten minutes). In this particular interview there was a lengthy period setting out the purpose of the interview before the caution was given.

Introducing those present now occurred in all but two interviews. In one of these interviews the suspect was upset and incoherent and the interview was quickly called to a close whilst an AA was called and medical attention arranged. It is therefore understandable that the introductions did not take place. In the remaining interview, there did not appear to be an obvious reason for why introductions were not made.

Whilst suspects were made aware of their right to a copy of the tape in 91% of cases, the right to free legal advice was still only given in 72% of interviews. Chapter 3 revealed that a legal advisor was present in all but ten interviews and so it may be that interviewers felt that if the right was taken up by the suspect then it need not be explained. Although based on small numbers, the findings go some way to support this. Interviewers did inform suspects of their right to free legal advice in nine out of the ten interviews where a legal advisor was *not* present. A review of the one exception showed that the suspect in this interview had volunteered to be interviewed and subsequently confessed to a murder in the opening five minutes. The interview was then brought to a close and in subsequent interviews a legal advisor was present.

It is worth noting that of the ten interviews where a legal advisor was not present, in only three interviews did the interviewer offer telephone legal advice as an

alternative. It was also found that the reason for not having a legal advisor was not explored in any of these interviews.

A total of 21 interviews involved a significant statement being put to the suspect. Across these 21 interviews a total of 32 significant statements were identified, the vast majority of which occurred in the first 15 minutes of the interview (83%, $n = 29$). The remaining significant statements ($n = 3$) were provided within the first 30 minutes although it should be emphasised that these three occurrences all took place in the same interview and were themselves preceded with other significant statements during the earlier part of the interview.

Ord and Shaw (1999) recommend that an important means of facilitating rapport in the opening phase of the interview is to explain the reason for the interview and describe the format of the interview (or 'routine' as it is sometimes referred to). Restricting analysis to the first interviews conducted with suspects ($N = 53$) it was found that in 45% the purpose of the interview was explained and in around a third (32%) the routine was explained. However, caution should be exercised when generalising from these findings as this measure received low inter- and intra-rater agreement (see page 66).

The special warning. A special warning was issued 22 times across 11 different interviews (some suspects received several special warnings during a single interview). This represents less than three percent of all interviews in the study sample. Each of these special warnings were issued in line with PACE legislation and covered all five requirements: explanation of the offence under investigation, what the suspect is being asked to account for, that the interviewer believes they are involved in

the offence, that an inference may be drawn and that a record is being made of the interview.

As part of the questionnaire described earlier in Chapter 2, participants were asked to estimate the proportion of interviews they had been involved in where a special warning had been used. A total of 33 participants responded to this question and on average they reported that special warnings were used in approximately a third of all serious crime interviews, a much higher figure than found in the present study sample. It is not possible to say why the special warning was used so infrequently in this sample, especially when one considers that just under a third of all interviews were predominantly no response interviews (see Chapter 6 for further detail). The caution was reiterated 33 times (across 25 interviews) and it could be that in these instances, where the interviewer felt it necessary to reiterate the caution, a special warning *might* have been applicable.

Via the questionnaires, officers were asked for their views on how useful the special warning was. In total, 18% ($n = 8$) thought it was very useful with a further 41% of responders ($n = 18$) thinking it was of some use. However, six responders (14%) considered it to be of no use at all, whilst 27% ($n = 12$) thought it was of little use[16]. These perceptions of its limited use may go some way in explaining why it was so infrequently used in the present study sample.

When examining officers' reasons for considering it to be of little or no use there were generally two: either (i) that it was not used enough by the courts and so there was little point in applying it, or (ii) that it had no impact on the suspect's behaviour. A similar finding also emerged during the semi-structured interviews: officers

---

[16] One respondent did not answer this question.

described that although the special warning was intended to help mitigate no comment interviews, in reality, negative inferences are so rarely drawn at court that many legal advisors continue to advise clients to say nothing. This view was in sharp contrast to those who thought the special warning *was* useful:

> If it is properly delivered with sound investigative questions around the area requiring special warnings then inferences will be drawn, it is usually weak questioning that results in inferences not being drawn.

Despite the contrasting views of the usefulness (or otherwise) of the special warning one respondent argued that it should be used by interviewers because:

> To complete a special warning takes a small amount of time within an interview, it is worth doing to ensure that we have taken every opportunity to gather evidence from the interview process, regardless of its weight in court.

Special warnings are examined further in Chapter 7.

Closing the interview. The closing stages of the interviews were analysed across all interviews ($N = 407$) and the results are shown in Table 4.3.

Table 4.3: The frequency and percentage of closing requirements met

Closing requirement	Requirement met	
	Frequency	Percent
Issues tape notice	160	39
Asks suspect to add / alter	120	30
Records time	400	98

The two key closing requirements laid down in PACE are that the time should be recorded and suspects asked whether they wish to add to or alter anything that has been said in the interview. Whilst the time the interview was concluded was recorded in almost all interviews (98%) in the study sample, asking suspects to add to or alter what had been said was observed in less than a third of all interviews.

Ord and Shaw (1999) advise that the suspect should be given a notice explaining how to get a copy of the tape; however this happened in only 39% of all interviews in the sample. Earlier in this chapter it was identified that the right to a copy of the tape was explained to suspects in the majority of first interviews (91%) and so it could be that in practice this is considered sufficient.

Discussion

The findings on the opening and closing stages of the interviews in this sample appear to be broadly in line with those found by Clarke and Milne (2001) in their evaluation. Both their study and this found that many of the requirements in the opening phase of the interview (the caution, introductions, right to copy of the tape and the time, date and location) were found to occur in the vast majority of interviews, with the closing requirements of the interview occurring less frequently.

Whilst one could argue that the absence of introductions, as found in one interview in the present study, is unlikely to have devastating consequences, the implications of a caution not being given is arguably much more serious. It is encouraging therefore that a caution was given in every opening interview with a suspect. However, concerns remain over the frequency with which suspects are cautioned in *every* tape recorded interview. This potentially becomes a matter of definition over what exactly constitutes an interview and whether each separate tape-

recording equates to a separate interview. Nevertheless, PACE is clear on this: even after a break in interview (whether the same tapes are left in or not) the caution should at least be reiterated. It is therefore noteworthy that in 23 tape recordings in the present sample, the caution was not given (either in full or part) at the start of the interview.

The findings indicate that improvements are needed in the closing stages of the interview. The rationale for adhering to the necessary legalities is clear, but the implications of an inadequate closing to an interview could be more far-reaching, as Ord and Shaw (1999, p. 96) put it: "the interview may be one of a series...[and] how the suspect feels on parting company with the interviewer will dictate the relationship on any future meeting".

The use of special warnings may also merit further attention by both legal and police practitioners. Although some respondents thought that special warnings were not always correctly applied, that was not supported by the findings here. All the special warnings that were given were done so in accordance with legislation. However, it is possible that a special warning could have been given in more interviews than it actually was and that the reluctance to employ this tool may be down in part to perceptions of its limited usefulness. How special warnings are subsequently used in court is outside the scope of this research, although establishing to what extent they are really applied would appear to be a useful area of further enquiry. For example, if special warnings were shown to have impact in the court setting, then this might mean that their current under-use is a missed opportunity by police interviewers.

Chapter 5: Research Evidence on Maximising the Effectiveness of Serious Crime Suspect Interviews

Introduction

Chapter 2 introduced the concept of investigative interviewing and summarised some of the historical developments that influenced it. It also set out the key features of an effective interview with suspects, both from the perspective of existing research evidence, and the views of officers surveyed as part of the current research. Chapter 4 then introduced the technical requirements laid down by law and policing policy, and examined to what extent the current sample of interviews adhered to these. What these prior chapters show is that the approach to effective interviewing advocated in England and Wales is characterised by trained interviewers pursuing an ethical search for the truth where the rights of suspects are protected.

The present chapter explores in more depth the specific opportunities for maximising the effectiveness of suspect interviews within this ethical interviewing context. In particular, this chapter examines what the contemporary research literature tells us about the tactics currently used, which are deemed permissible, and those most effective. It also highlights where gaps in understanding remain, setting the scene for the rest of this thesis.

Tactics Designed to Encourage Suspects to Confess

McGurk, Carr, and McGurk (1993) suggested that the ultimate objective of a police interview is to obtain accurate, relevant and complete accounts from the subject of the interview. Chapter 2 introduced the idea that accuracy could be affected by oppressive and manipulative tactics, which were subsequently outlawed by PACE. Before moving on to discuss the tactics that are allowed by PACE, and advocated in

PEACE, it is worth pausing to examine what is not allowable in England and Wales and why.

In 1967, Inbau and Reid published a manual which described a set of tactics to be used by interviewers (or interrogators as they called them) with suspects whose guilt was certain. This has since become known as the Reid Technique (Buckley, 2006) and will be referred to as such throughout the present thesis. At the time it was considered to be one of the most influential of all those produced, as judged by a range of police personnel (Irving, 1980). It comprised a two-stage process involving: (i) an interview to (try to) determine if suspects were lying (through an analysis of non-verbal cues, many of which have since been proven invalid, e.g. Vrij, 2008); and (ii) if the interviewer decided that the suspect was lying then a nine-step interrogation was undertaken. In their 1986 edition, Inbau, Reid and Buckley described this nine-step approach to the (alleged) effective interrogation of suspects. It explained how to apply a range of interrogation techniques and tactics, primarily aimed at getting (assumed guilty) suspects to confess.

The Reid Technique of interrogation is probably one of the most long-standing and well-known of its type, with recent editions published in 2004 and 2005. Its influence can be seen in other more recent publications. For example, in 2002 a former police officer, Holmes, published a book which was described as a book in which you will learn how to obtain confessions "not by asking the suspect questions, but by convincing a suspect to confess by the use of persuasive interrogational arguments" (back cover). Later, in 2005, an FBI instructor (Boetig) maintained that "…interrogations are less of a conversation than a monologue by investigators in which they provide suspects with acceptable reasons to confess" (p. 13/14). Boetig suggested that there were three reasons that could encourage a suspect to confess (i)

rationalisation of the crime by suggesting that anyone else would have done the same; (ii) projection of blame on someone other than the suspect (e.g. their family, peer group); and (iii) minimisation through making the suspect feel less guilty, perhaps by suggesting their genetic predisposition to offend. These strategies all echo those recommended in the Reid Technique.

A study by Leo (1996) (which analysed 182 real-life interviews in three police departments in the US) also found that detectives employed many of the tactics encouraged by models such as the Reid Technique, including:

- appeal to the suspect's self-interest in confessing (88%);

- mention the importance of the suspect co-operating (37%);

- offer moral justifications or psychological excuses (34%);

- confront suspect with false evidence of guilt (30%);

- use praise/flattery (30%);

- mention the detective's expertise (29%);

- minimise the seriousness of the offence (22%); and

- appeal to the suspect's conscience (22%).

Another study by King and Snook (2009) specifically examined the use of the Reid Technique in North America through an analysis of 44 video-recorded police interrogations of suspects in criminal cases. Results showed that, on average, interrogators used 34% of the components of the nine-step Reid Technique, suggesting that officers were selective in what components of the model they employed. Most of

the additional guidelines and suggestions were however observed in the interrogations, such as having an evidence folder in hand upon beginning the interrogation (89%), and making sure not to shake the individual's hand upon meeting him or her (80%). The authors also divided tactic use into influencing tactics and coercive tactics. The most commonly observed influencing tactics involved confronting the suspect with existing evidence of guilt (82%), offering moral justifications/psychological excuses (64%), and using praise and/or flattery (57%). By contrast, the influencing tactics that were never observed included exaggerating the nature or purpose of questioning, the facts or nature of the offence, and the moral seriousness of the offence. It was also found that at least one coercive strategy was observed in 27% of the interrogations. The failure to read the suspect his or her rights to silence and legal counsel was the most frequent coercive strategy observed (21% of interrogations) although the authors point out that this might have occurred prior to the recording being started and so concede it may be an overestimate. King and Snook (2009) also examined the impact of the Reid Technique on the outcome of the interrogations and found that those ending in partial and full confessions contained a greater proportion of core Reid component use than did those ending in no comment or denial. Similarly, interrogations ending in partial and full confessions contained more influence tactics and more coercive strategies than did those ending without a confession. They suggested that the increased application of the Reid Technique and other influence and coercive strategies appear to be effective in obtaining confessions.

A few studies in the United States have also sought to identify use of tactics by asking interviewing officers what they use and how effective they perceive these to be. Kassin et al. (2007) looked at self-reported usage of various tactics (by 631 officers in the US). They asked officers to estimate on a 1-5 point scale the frequency with which

they used each of 16 techniques in trying to get suspects to confess. In descending order of frequency these techniques were:

- isolating suspect from family and friends;

- conducting the interrogation in a small private room;

- identifying contradictions in the suspect's story;

- establishing rapport and gaining the suspect's trust;

- confronting the suspect with evidence of his/her guilt;

- appealing to the suspect's self-interests;

- offering the suspect sympathy, moral justifications and excuses;

- interrupting the suspect's denials and objections;

- implying or pretending to have independent evidence of guilt;

- minimising the moral seriousness of the offence;

- appealing to the suspect's religion or conscience;

- showing the suspect photographs of the crime scene or victim;

- expressing impatience, frustration or anger with the suspect;

- threatening the suspect with consequences for not cooperating;

- having the suspect take a polygraph and telling him/her he/she failed it; and

- physically intimidating the suspect.

More recent information concerning US police use of techniques while interviewing suspects comes from a survey of interviewing/interrogating officers' by Reppucci, Meyer, and Kostelnik (2010) who identified the percentage of respondents who endorsed the following tactics:

- observe body language to detect deception - 92%;

- observe speech patterns to detect deception – 57%;

- suggest what may have happened – 46%;

- discourage denials – 29%; and

- false evidence - 27%.

Together these studies illustrate that the use of many elements advocated in the Reid Technique is fairly widespread in the US. However, the model (and others like it) have been widely criticised by both academics and practitioners in the United Kingdom, as well as by those in North America (Zimbardo, 1967; Meissner, Russano, & Narchet, 2010; Yeschke, 2003).

Recently Snook, Eastwood, Stinson, Tedeschini, and House (2010) observed that in Canada, "…training on suspect interviews is limited to the much-maligned Reid Technique" (p. 216). They summarised three key concerns with the Reid Technique: first, that police officers do not have the ability to detect deception at greater than chance levels and, in any case, tend to be more biased towards a judgement of guilt than non-police officers; second, they pointed out the lack of empirical research evidence to support claims of effectiveness; and, thirdly, many of the techniques advocated in the model are overly coercive in nature, and risk persuading people "both innocent and guilty, to provide information that they would not normally give freely" (p. 219). They suggested that this, in combination with assumptions of guilt, might lead to a false confession.

Manipulative Tactics and False Confessions

Despite both the Royal Commission and PACE being a consequence of high profile cases where confessions were subsequently deemed to be false; before 1984 there was a dearth of research evidence on false confessions and it was not a well

understood phenomenon. For instance, in 1985, Mirfield described how a judge will tend to assume that a suspect will not easily be persuaded to confess to a crime he did not commit.

Despite the intuitive difficulty in understanding why a suspect would confess to a crime that they did not commit, evidence shows that this does happen, and, arguably, all too frequently. Although it is difficult to estimate the actual frequency of false confessions (see Kassin & Gudjonsson, 2004 for a fuller discussion of the limitations and estimates), Kassin, Appelby, and Torkildson Perillo (2010) identified that false confessions were a contributing factor in 20% of the post-conviction DNA exonerations reported by the Innocence Project[17] in the US. They suggest that this is likely to represent a minimum figure.

In the UK, Gudjonsson (2010) reviewed 34 cases occurring from 1989 to 2009 where convictions were overturned and involved disputed confessions. In reviewing the judgements he found that in the majority of cases (68%) the conviction was overturned on the basis of psychological vulnerability. In a further ten cases (29%), there was police/procedural impropriety, including, for example, fabricating evidence and oppressive interviewing. In Gudjonsson's view, the key to the unreliable confessions was the inability of the person to cope with the police and custodial pressures.

In 1985, Kassin and Wrightsman published a study that differentiated false confessions into:

---

[17] The Innocence Project is a US organisation aimed at exonerating wrongfully convicted individuals through DNA testing. See www.innocenceproject.org for more information.

- voluntary false confession - where innocent people confess without much prompting or pressure from the police (Leo & Ofshe, 2001);

- compliant false confessions – individuals are induced through police interrogation to confess to a crime they did not commit; these individuals are complying in order to escape the interrogation, or to avoid some other threat or achieve something promised to them (Gudjonsson & MacKeith, 1990); and

- internalised false confessions – innocent but vulnerable suspects come to believe they have committed the crime in question, as a result of highly suggestive interrogation tactics (e.g. leading questions, presenting misleading information) (Ofshe, 1989; Gudjonsson, 1992).

Gudjonsson (2003) later suggested some modifications to the above by distinguishing between these three types of false confession (voluntary, compliant and internalised) with three different sources of pressure (internal, custodial and non-custodial). McCann (1998) added a fourth type called the reactive false confession, which is where a person is pressured to confess by somebody close to them, like a spouse.

What is most relevant to the present study is how interviewers might, through the use of persuasive tactics, induce a suspect to falsely confess (namely the compliant and internalised false confessions described above). Kassin and McNall (1991) suggested that the approaches recommended by Inbau and colleagues could be distinguished into two main types, maximisation and minimisation, both of which, they hypothesised, might well lead to innocent people confessing to crimes they did not commit. They described maximisation as where the interviewer tries to frighten the suspect into a confession by exaggerating the strength of the evidence, the magnitude of the charges and the likely negative consequences of the case going to a

full trial; and minimisation as where the interviewer lulls the suspect into a false sense of security by mitigating the crime, making excuses for the suspect, or blaming the victim. In their first experiment, students read transcripts in which an interrogator used one of five methods to elicit a confession: a promise of leniency; a threat of punishment; minimisation; maximisation; or none of these. Participants then reported their impressions of the interrogator and the interrogation situation, and sentencing expectations. It was found that students who read the maximisation transcript expected the suspect to receive a harsher sentence which supported the authors' view that maximisation "communicates by pragmatic implication a threat of punishment" (p. 247). However, the same participants did not view the case against the suspect as stronger.   Another of their experiments focused on minimisation and examined the possible impact on 'juries' of confessions elicited by this technique. They found that participants fully dismissed confessions brought on by threats (this was borne out in terms of their assessment of the voluntary nature of the confession as well as their judgement of guilt or innocence of the defendant). However, participants only partially dismissed confessions that were prompted by an explicit promise; for example, they found that 47% of participants who judged a confession involuntary in the minimisation category actually still went on to vote that individual guilty. Kassin and McNall suggest that these results provide support for the hypothesis that when an interviewer uses minimisation techniques, it is assumed that the interviewer must have some evidence to presume the defendant's guilt. They tentatively conclude that minimisation and maximisation ploys have the potential to coax innocent people into confessing to crimes they did not commit.

Other research has since built on these findings (e.g. Gudjonsson, 2003; Russano, Meissner, Narchet, & Kassin, 2005) and the now extensive body of work on

false confessions clearly shows that certain interrogation tactics like prolonged isolation, presentation of false evidence and minimisation can "cause even ordinary innocent suspects to confess" (Kassin et al. 2010, p. 44). It is also well accepted that some people are more vulnerable to manipulation (and hence false confessions); Kassin and Gudjonsson (2004) describe in detail how dispositional (e.g. personality characteristics) and situational (e.g. the location and timing of the interview) factors can influence an individual's susceptibility to making a false confession.

Whilst criticisms of the Reid Technique are now well documented (Gudjonsson, 2003; Kassin & Gudjonsson, 2004), when they published their first manual in the late 1960's there was very little empirical research on the practice of interrogation. When the Royal Commission began its study in the late 1970s, Irving (1980) wrote:

> the main potential source of information about interrogation practice is contained in the writings of experienced interrogators such as those by Inbau and Reid (p. 14).

The implications of this model for interviewing in the UK can be illustrated by a Home Office research study conducted by Softley in 1980. He observed initial police interviews of suspects in four Police Service areas and found that in 111 cases (which was 60% of the initial interviews conducted with suspects) at least one tactic was employed to encourage a suspect to impart information and that these tactics included:

- pointing out contradictions;
- stressing the overwhelming evidence against the suspect;
- creating a relaxed and friendly atmosphere;
- bluffing or hinting that other evidence would be forthcoming;
- belittling the offence or the suspect's part in it;

- hinting that the suspect would be locked away for a long time; and

- telling the suspect that if they helped the police, then they would help themselves.

It is clear that many of the tactics observed in Softley's study were those later to become outlawed by PACE (e.g. hinting that the suspect would be locked away for a long time would nowadays be considered 'maximisation', a technique now condemned in England and Wales). A number of protections, introduced by PACE, exist to mitigate the risk of false confessions, including tape-recording of interviews, provisions for regular breaks, and avoiding interviewing during the night. PACE also introduced the requirement to have available an independent third-party (an Appropriate Adult) during interviews with vulnerable and young suspects (see Chapter 4 for more detail). Chapter 2 also showed that, at least in England and Wales, the drive for achieving a confession has been replaced with a search for the truth, and later studies post-PACE have found little evidence of such manipulative or coercive tactics, (Baldwin, 1992; Moston & Engelberg, 1993) a finding reinforced by more recent studies by Bull and Soukara (2010), and Soukara, Bull, Vrij, Turner, and Cherryman (2009).

Broadly speaking the research evidence summarised above provides fairly good indications of what we know is *ineffective* in police suspect interviews. Two key questions remain however: (i) to what extent have these strategies been rejected in the practice of modern police interviewing; and (ii) what strategies are available that maximise opportunities for identifying the guilty but at the same time protecting the innocent. Exploring these two questions will be the subject of the remainder of this chapter.

The Strategies Used in the Post-PACE Era of Suspect Interviewing

We saw earlier how PEACE marked a step-change from the 'interrogation' of the past and the 'investigative interviewing' of the present. This section will start by reviewing what PEACE considers ethical interviewing tactics and examines what the research evidence tells us about the tactics actually used in suspect interviewing.

Clarke, Milne, and Bull (2011) summarised how PEACE focused on developing officers' abilities to employ a number of specific skills including:

- engaging a suspect in conversation by introducing all those present and explaining the purpose and format of the interview;

- appropriate use of questions;

- obtaining an initial account for subsequent exploration in a structured manner; and

- closing the interview.

Planning and preparation along with the importance of evaluating the interview afterwards are also key elements of PEACE. Effective planning and preparation is widely recognised by officers as a critical indicator of a good interview. Soukara, Bull, and Vrij (2002) found that experienced interviewing detectives rated planning and preparation as one of the most important aspects of interviewing with officers claiming that an uncooperative suspect is more likely to talk when he/she is faced with a well-prepared interviewer.

The importance of developing rapport (during the 'engage and explain' phase of PEACE) was emphasised in the National Crime Faculty's (1996) document on investigative interviewing. This warned police officers against using stereotypical

information such as culture, clothing and speech in responding to the interviewee; it recommended instead that empathy should be used where appropriate and an interest in the individual's circumstances should be shown in order to provide an environment in which the suspect would feel free to talk. Although McGurk et al. (1993) found that interviewing officers rated rapport building as the fourth most important interviewer skill, Moston and Engelberg (1993) found that it was rare to find evidence of rapport building at the beginning of interviews, a finding echoed by Clarke and Milne in 2001. Milne and Bull (1999) suggest that this might be due to the fact that since PACE, legal advisors are increasingly challenging the relevance of such "chat" (p. 162).

With regards to the issue of empathy, Oxburgh and Ost (2011) argued that the national guidance on using empathy is unclear and incomplete. They highlight, for example, that the Achieving Best Evidence Guidelines (Ministry of Justice, 2011) associates sympathy with empathy but do not explain what empathy is (and how it differs from sympathy) and nor do they explain how to communicate empathy effectively. Oxburgh, Ost, and Cherryman (2010) examined the use of empathy in transcripts of 20 real-life interviews with suspected child sex offenders. They coded for 'empathic opportunities', which is where a suspect might reveal some kind of information like "I am finding the whole process extremely difficult" to which the interviewer might then respond with "That's OK, I completely understand how difficult it must be...". They defined this response as an 'empathic opportunity continuer'. In contrast, an alternative interviewer response might be "I don't care how difficult the question is, just answer it...". They classified this as an 'empathic opportunity terminator'. Oxburgh et al. subsequently found that only ten (out of 20) interviews contained any empathic opportunities. In seven of these interviews, the response was a mix of empathic opportunity continuers and terminators, although

there were significantly more continuers used. In the other three interviews, only one empathic opportunity was identified but the response in each interview was an empathic terminator. Clearly, this study is based on a rather small sample and as it was only undertaken with suspected sex offenders it is limited in its applicability to the wider population of suspects. Nevertheless, the preliminary indications are that despite training guidelines recommending the use of empathy by interviewing officers, this was not observed very extensively in the cohort of interviews examined by Oxburgh et al..

A central feature of PEACE is that suspects should be given the opportunity to provide a full account of what happened. In a preliminary study of around 400 audio-taped suspect interviews (carried out with the Metropolitan Police), Moston and Engelberg (1993) identified that interviewers typically began an interview by adopting an information gathering (inquisitorial) strategy or a confession (accusatorial) strategy, with an information gathering approach being the favoured strategy in the vast majority of cases they analysed. In a related study, Stephenson and Moston (1994) examined over 1000 audio-recorded suspect interviews and reported that, in contrast to the indications in the earlier study, in many cases the suspect was confronted with the accusation against them at the very outset of questioning with no attempt to establish rapport or invite the suspect to give an alternative version of events. Similar findings were observed by Leo (1996) who sat in on 122 interviews (involving 45 detectives) in one US police department and watched video recordings of a further 60 interviews conducted by two other police organisations. He found that detectives usually began by confronting the suspects with evidence suggesting their guilt, using true evidence (observed in 85% of interviews) and also, more worryingly, false evidence (observed in 30% of interviews).

It should be emphasised that the two UK based studies (Moston & Engelberg, and Stephenson & Moston) both analysed interviews obtained in the late 1980s, after PACE but before PEACE had been launched. A later evaluation of PEACE by Clarke and Milne (2001) found that although officers' interviewing skills improved after training, a number of problems persisted. They rated 14 separate behaviours during the account phase and found that 'encouraging an account', 'keep to relevant topic', 'deals with difficulty' and 'structure and sequence' were rated at above the median level (so deemed as showing adequate skill). However, a number of skills were found to be less than adequate, namely: 'exploring account'; 'topic development'; 'using summaries and links; and a technique called 'conversation management'. Whilst this suggests an improvement in the account phase of the interview over that observed by Moston and Engelberg, skill levels were still less than ideal.

At this point, it is worth introducing conversation management as one of two methods developed by academics (in parallel with PEACE) aimed at helping to structure interviews in order to maximise the information gained. The cognitive interview, developed by Fisher and Geiselman in 1992 was aimed primarily at cooperative interviewees, which in the most part would be victims or witnesses, although the technique could also be used for suspects (for a full summary, see Schollum, 2005). Conversation management (Shepherd, 2007), on the other hand, was designed to be more useful for interviewing the more resistant interviewee and therefore is mainly used with suspects, but again it can also be used with unwilling victims and witnesses.

Conversation management, in line with the PEACE framework, advocates that the suspect is first given the opportunity to tell his/her side of the story and provide an account of what has happened. The interviewer will probe and summarise, but not

challenge, the suspect's account to gain a full picture and clear understanding of what has happened, according to the suspect. Once this stage is complete, the interviewer can proceed with the 'police agenda' which includes the points to prove, evidence known from other sources and so on. The final stage is then the challenge phase where the interviewer presents inconsistencies in evidence and seeks to resolve and account for these differences. Although the PEACE framework is followed, a key distinction within conversation management is that it is the interviewer who manages and retains control over the conversation. Despite conversation management being a well-recognised technique and included on many police interviewing training courses, Clarke and Milne (2001) found that only 36 percent of suspect interviews showed any evidence of the (entire) conversation management technique being used.

The presentation of evidence is common in police interviewing of suspects in England and Wales. Pearse and Gudjonsson (1996) examined tactic use in 161 audio-taped suspect interviews (from two police stations in London) and the most common tactic they observed, occurring in 79% of cases, was introducing evidence. Similarly, Soukara et al. (2002) asked officers from English forces to describe the tactics they used and, in particular, what tactics they employed with suspects who refused to speak at all. Evidence presentation played a key role; it was the tactic reported to be used more than all the others.

Both PEACE and Conversation Management advocate that the suspect is invited to provide a full uninterrupted account (which might include introducing evidence) before any challenges are made. Dando and Bull (2011) tested an alternative information gathering technique which involved revealing information (both incriminating and otherwise) throughout the questioning stage, as opposed to revealing all of the evidence at the beginning or end of an interview. Using a complex mock

suspect paradigm, 151 'suspects' were subsequently interviewed by experienced police officers, using one of the three techniques described. Results revealed that tactical interviewing, that is the gradual release of information at opportune moments during the interview, enhanced interviewers' ability to detect those suspects who were telling the truth and those who were lying. In addition to these improved veracity judgements, interviewers were also more confident in their judgements.

The presentation of evidence as a means of challenge has intuitive appeal, but few studies have looked in any depth at the different ways in which interviewers challenge suspects. Although a study by Alison, Kebbell and Leung (2008) found that Hong Kong officers rated 'pointing out inconsistencies' as the most important interviewing tactic in serious crime interviews, Hakkanen, Ask, Kebbell, Alison and Granhag (2009) claim that most previous research has shown that investigators often fail to challenge suspects at all. They cited Baldwin (1993) who found that no challenge was made by the interviewers in almost 40% of the cases and Moston et al. (1992) who also found an inability of officers to effectively challenge suspects. A later study by Pearse and Gudjonsson (1996) did examine use of challenges and found that challenging a lie or an inconsistency was present in around a fifth of cases but that other challenges occurred less frequently, including: confronting suspect with information from accomplices (8%); raising past bad behaviour (4%); and emphasising the seriousness of the offence (8%). More recently, a study by Soukara et al. (2009) examined the use of challenge in police interviews with suspects and found that 'emphasising contradictions', 'challenging the suspect's account', and 'positive confrontation' were found in at least half of the 80 suspect interviews they analysed, with 'emphasising contradictions' and 'challenging the suspects account' being among the most common tactics used in confession interviews. Further analysis revealed,

however, that these two categories of challenge were used more in interviews where there was *less* of a shift from denial to admission. They reflected that this finding should not have been entirely unexpected as interviewers may well persist in the use of tactics with suspects who continue to deny (rather than with those who confess). Thus, prior research indicates a somewhat mixed picture of interviewer challenge and emphasises the need for further research.

Although the focus of police interviews in England and Wales is no longer on gaining a confession, a good deal of research on tactic choice (illustrated by Soukara et al. and Pearse and Gudjonsson, above) does nevertheless focus on the link specifically between tactics and confessions. Extending this, some studies have explored officers' attempts to overcome a suspect's resistance to talk. For example, Moston and Engelberg (1993) examined a total of 133 cases where the right of silence was used. They identified that the following techniques were used by officers when initially faced with silence:

- avoidance – about 7% of officers refused to proceed;

- downgrading – changing the topic to something neutral in order to get the suspect to say something, even if trivial (observed in only 2% of interviews);

- upgrading – presenting hard evidence that implicates the suspect (used in about 39%);

- persistence – repeating the same or a similar question was observed in 38% of cases; and

- rationalisation – good reasons are given for cooperating in a real conversation. This occurred in about 13% of interviews, but at times this was observed as bordering on inducement or coercion.

They observed that most officers had a single preferred strategy and showed limited flexibility in dealing with a non-co-operative suspect. They concluded that although examples of coercive techniques had largely disappeared, confrontational styles of questioning were now more prominent: that is, suspects were directly accused of an offence at the outset of an interview and then informed of the evidence against them. A strategy, they say, more designed at gaining a confession than building a picture of what actually happened.

In 1999, Pearse and Gudjonsson published a study that focused specifically on those suspected of serious crime, one of the few of its type. They also sought to identify and measure the type of tactics used by police officers in attempting to overcome the resistance offered by a reluctant suspect. They identified a total of 39 tactics that fell into the following six themes:

- intimidation;

- robust challenge;

- manipulation;

- question style;

- appeal; and

- soft challenge.

One feature of the cases in this small sample ($N = 18$) was the large proportion that was dismissed by the courts for the use of oppressive or coercive interviewing tactics. They concluded that the study confirmed that in serious criminal cases, where there is an initial resistance to confess, police officers appear to have resorted to manipulative style tactics to overcome resistance and secure a confession.

Walsh and Bull (2010) compared both the quality and frequency of tactics used and whether the suspect confessed or not. Their findings suggested it was not only the frequency of tactics that were related to whether a suspect confessed but also how well those tactics were used. For example, they found that disclosure of evidence and regular summarising, when used well and often, were linked with a shift from denial to admission. The authors concluded that it is insufficient just to consider what interviewers do in an interview, but that what is important is how *skilfully* and *regularly* they undertake certain tactics. Walsh and Bull's study was based on non-police interviews (i.e. with benefit fraud suspects) and so may have limited applicability to the subject of the present thesis. Nevertheless, their research provides helpful pointers about the approach that could usefully be employed in studies of police interviews.

Although many studies focus on the link between tactic use and confessions, a study by Leo (1996) looked beyond whether the suspect confessed or not, to include whether the suspect provided incriminating information during the interview. He found that in around two-thirds of the interviews, suspects revealed some kind of incriminating evidence (which included unintentional provision of information as well as a partial or full confession). The only factors that he found to be associated with such revelations was interview length and the number of tactics used; this led him to conclude, "that the effort and energy expended by officers is one of the most important factors in explaining successful interrogation outcomes" (p. 262). Leo also explored whether different tactics were linked to the suspect providing incriminating information and found significant associations for:

- identifying contradictions (91% of the interrogations in which this tactic was used);

- offering the suspect a moral justification or psychological excuse (90%);

- praise/flattery (91%); and

- appealing to the suspect's conscience (97%).

Some researchers have attempted to ascertain the views of offenders themselves. A study undertaken by Holmberg and Christianson (2002) surveyed convicted prisoners (who had been found guilty of serious crimes) on the style of interviewing they had received. This identified two major styles: humane and dominating. Analysis revealed that more prisoners who remembered having a humane style of interviewing admitted to the offence during questioning.

Kebbell, Alison, Hurren, and Mazerolle (2010) explored sex offenders' perceptions of how the police should interview suspected sex offenders to facilitate confessions. Forty-four convicted sex offenders (and a control sample of 20 violent offenders) from two Australian prisons completed two questionnaires: one questionnaire dealt with the prisoners' own experience and the other asked questions about what they thought an ideal interview would entail. Participants identified that more evidence presenting strategies should be used to elicit a confession (which is very much in line with studies mentioned earlier). Participants also suggested that confessions would be more likely if more ethical strategies were used by the police. Supporting this was the fact that confessors perceived their interviewers to have used more ethical strategies than deniers. Using Holmberg and Christianson's humanity and dominance descriptors, participants in Kebbell et al.'s study, also said that a sex offender would be more likely to confess if the interviewer exhibited more humanity than dominance. They also found that an increased understanding of sex offenders' cognitive distortions (which the authors describe as a sex offender's attempt to

minimise the seriousness or justify the offence) was also perceived as increasing the likelihood of a confession. Sex offenders did not associate the tactics of minimisation and maximisation with increased likelihood of confession. In comparison with the control group of violent offenders, there was a marked difference with violent offenders rating dominance as more effective and ethical approaches as less effective than did the sex offenders.

A study carried out in India by Alison, Sarangi, and Wright (2008) compared offenders' views of interviewing tactics with those of both police officers and the general public. The authors observed that despite the fact that extensive legislation prohibits the use of coercive and abusive interviewing practices in India, such tactics are commonly reported. As a result they hypothesised that Indian police officers would be more willing to accept the harsh treatment of suspects than would offenders, but that members of the public would also broadly accept such methods. Information was collected via questionnaires, 100 of which were completed by police officers, with a further 100 completed by offenders and the general public (50 each). It was found that police officers and offenders disagreed about the frequency with which certain interviewing techniques were used. For example, in comparison to offenders, police officers reported that intimidating techniques were used less frequently and non-intimidating techniques were used more frequently. The usefulness of intimidating and non-intimidating tactics were also examined and whilst this identified that all participant groups perceived non-intimidating tactics to be useful, offenders deemed such techniques to be more useful than did either police officers or the public. Overall, it was found that police officers and the public agreed more strongly with statements that indicated that it is acceptable for the suspect's human rights to be suspended and for custodial violence to be used, than did offenders. They concluded that this

commonality of views amongst police officers and the public might suggest that officers' "attitudes may be rooted in the broader societal culture... and...does not necessarily represent institution-specific maliciousness" (p. 16). They highlighted that many police officers indicated a strong desire to improve their interviewing skill and professionalism and that "the use of unacceptable techniques may simply be due to the fact that they tend to be ill-informed about the efficacy of non-intimidating interviewing methods and are ill-equipped to use these" (p. 16).

Another study that explored the general public's perception of police interview tactics was conducted by Moston and Fisher (2007) who carried out a mock juror study in Australia. They asked the jurors to rate the acceptability of 13 police interviewing tactics using four slightly different versions of a police interview transcript with a suspected sex offender. The differences pertained to whether the suspect eventually confessed, made a partial admission, or denied or used their right to silence. The tactics included:

- questioning the suspect through general prompts (open-type questions) or a direct approach;

- rapport building;

- confession oriented tactics (stressing advantages to confessing);

- preventing denials by pointing out futility of denial, for example;

- challenging the suspect's version of events;

- silence; and

- manipulating the suspect's perception of the offence through minimisation.

Participants rated many of the tactics as acceptable, with 'questioning skills' identified most frequently as acceptable (95% thought 'general prompts' were acceptable and 79.5% considered 'direct approach' as acceptable). 'Showing concern' for the suspect was also highly endorsed. There was less consensus of acceptability with regard to 'use of silence', with many uncertain. Interestingly, while the majority of participants said that 'pointing out contradictions' in a suspects' account was acceptable (59.5%), a 'direct challenge' (in comparing, for example, the suspect's account with a witness account) was considered acceptable by only 40.5% of respondents. Three tactics that were rated as unacceptable by the majority were: 'pointing out deception cues' (for example, highlighting that the suspect was going red); 'implied omnipotence' ("I know what has happened, you might as well come clean"); and 'minimisation'. These findings were unaffected by which scenario was read, in other words, acceptability was not affected by the outcome of the interview.

This section opened with a description of the ethical tactics advocated in the PEACE model of interviewing, and reviewed to what extent these are reflected in practice. It moved on to discuss what else we know about the use of tactics in modern police interviewing, drawing on analyses of real-life interviews as well as the views of police officers, offenders and the general public. An interesting finding that emerged from the research of Kebbell et al. (2010) was that different interviewer approaches were favoured by violent offenders compared to sex offenders. This led Kebbell et al. to specifically recommend that interviewing styles should be modified to take into account the nature of the offence and the offender. But, what do we actually know about how the offence and offender affects the effectiveness of the interview? It is to this issue that the chapter now turns.

The Impact of Context on Interviews

The issue of how case characteristics or individual differences affect either the interviewer's choice of tactics or the suspect's decision whether to confess has been examined by only a handful of studies.

In 1996, Leo looked at how different social, legal and case-specific variables affected both the decision of suspects to respond to questioning and the likelihood of providing incriminating evidence. First, in relation to suspects' decision to respond to questioning, in 22% of his sample, suspects exercised their right to silence, while 78% of the suspects chose to speak to interviewers. In testing for the relationship between the suspect's right to silence and social, legal and case-specific variables, the only variable that was found to have a statistically significant effect on the suspect's likelihood to waive or invoke their Miranda rights[18], was whether a suspect had a prior criminal record. In total, 89% of the suspects with a police record for minor offences and 92% of the suspects without any record waived their Miranda rights. However, in contrast only 70% of the suspects with a police record for serious offences waived their Miranda rights. Leo concluded that the more experience suspects have with the criminal justice system, the more likely they are to take advantage of their rights to silence and to seek counsel.

In terms of the social and legal factors that contributed to suspects providing incriminating information, Leo found no relationship between any of the sociological factors (class, race or gender of suspect, victim or interviewer) and provision of incriminating information. He also did not find any relationship between incriminating evidence and type of crime, age of suspect, absence of prior convictions, and strength

---

[18] In the US, a suspect's right to silence and legal representation are known as their Miranda rights.

of evidence or seriousness of offence. Leo did, however, find that the effectiveness of specific interrogation tactics varied by the social characteristics of the suspects under questioning, for example:

- younger suspects seemed far more vulnerable to appeals of conscience and moral rationalisations; and

- older suspects seemed to respond more when interviewers offered existing evidence and pointed out contradictions in evidence.

Leo also identified a number of case characteristics that were related to use of tactics, including:

- the more serious the offence, the longer detectives spent attempting to elicit incriminating information from the suspect;

- the more serious the offence, generally the more interrogation tactics detectives employed in their attempts to gather incriminating information from custodial suspects;

- detectives were also significantly likely to employ more tactics during their interrogation of ethnic minority suspects (although the number of minority suspects was small and so limits this finding); and

- detectives tended to use fewer tactics when the evidence against a suspect was already strong and there appeared to be little need to obtain more incriminating evidence.

Leo's study, whilst extremely important in improving our understanding of the associations between tactic use and social, legal and case characteristics, is based on a sample of interviews from the US, which, due to differences in both the legal and police training contexts, limits its applicability to interviewing in England and Wales.

Importantly, Moston, Stephenson, and Williamson (1992) published one of the first large-scale studies in the UK to explore the relationship between case characteristics and suspect behaviour in any depth. In their study of 1,067 cases from nine, metropolitan police stations, they found that there were no associations between the outcome of the interview (confession, denial or neither) and criminal history, age or sex of suspect and offence category (property or person offences). However, strength of evidence had a strong association with admissions. In two-thirds of cases with strong evidence, there were full admissions whereas denials occurred in three-quarters of all cases where the evidence was weak. There was also a significant effect for offence severity: when the offence was perceived as very serious, there was an increase in suspects who neither admitted nor denied the offence (which for the most part meant they stayed silent or said no comment). The role and impact of the legal advisor will be considered in more detail in Chapter 9, but Moston et al. found that there was a highly significant association between legal advice and the outcome of the interview with full admissions being 20% less common when a suspect had made contact with a legal advisor. Some of the key findings are summarised in Table 5.2.

Table 5.1: Associations between strength of evidence and case characteristics as found by Moston et al..

In cases with strong evidence...
- juveniles tended to deny an allegation more frequently than older suspects   - those without legal advice admitted more frequently (around 80%) whereas those with legal advice tended to admit less (around 49%)   78% of suspects without a criminal record confessed whereas for those with a criminal record, the admission rate was only 59%   - In serious offences, admissions were 55% whereas for less serious offences about 75% of suspects admitted

Moston et al. concluded by highlighting the importance of studies taking into account case characteristics and similar to Kebbell et al. (2010) recommended that future studies should make a broader assessment of suspect behaviour, and consider the influence of case characteristics on both suspect and interviewer behaviour.

Stephenson and Moston (1994) also identified that the use of different tactics was associated with strength of evidence. They found that an accusatorial strategy tended to be employed as a matter of course when there was strong evidence against the suspect, whereas an information-gathering strategy was employed when there was little evidence against the suspect. An accusatorial style was also more in evidence in more serious offences, and especially sex offences. They suggested that a reason for this might be that in these cases, proving motivation is critical to outcome (i.e. proving whether someone intended to kill another is the difference between murder and the lesser offence of manslaughter).

A more recent study by Deslauriers-Varin, Lussier, and St-Yves (2011) which explored self-reported data and case files of 221 convicted offenders also found that strength of evidence was a pivotal factor in confessions, particularly amongst those suspects who had no prior personal experience of such interviews and had attended them without legal representation. More generally, their study also explored how suspect confessions are influenced by individual characteristics, criminological and situational factors. They found no effect of the offender's age, ethnic group, education level or marital/parental status on confessing. In contrast, criminological factors revealed a modest influence, with confessions increasing with crime seriousness. This is in contrast to that found by Moston et al., above, although Delauriers-Varin et al. did acknowledge that the methodological differences in the studies may go some way to account for these different findings.

96

In addition to examining the influence of case characteristics on suspect behaviour, a small number of studies have looked specifically at how interviewer behaviour influences suspect responses. Beune, Giebels, and Sanders (2009) examined the impact of (interviewer) influencing behaviour on interview effectiveness in 52 simulated police interviews with mock theft suspects. They focused on two specific influencing behaviours: being kind; and, rational persuasion. Interview effectiveness was defined in three different ways: overall willingness of the suspect to provide information; a good quality relationship between suspect and interviewer; and, admission of guilt. Beune (2009) also examined the effectiveness of influencing behaviour on actual suspects from different cultural backgrounds. To do this, suspects (born in the Netherlands or in Morocco) were categorised into one of two cultural groups: either in a low-context group (communication is more direct and explicit), or a high-context group (communication is characterised by indirect roundabout communication, stressing issues of relational harmony). The key findings were:

- over 70% of the interviewer's behaviour could be typified by some form of influencing behaviour;

- the two specific types of influencing behaviour (being kind and rational persuasion) were frequently used;

- relational influencing strategies (which in this instance was being kind) seem to be effective for high-context suspects, as they tended to improve the perceived quality of the relationship and the admission rate increased; and

- the more frequent use of rational persuasion was linked to increased admissions in low-context suspects.

Sear and Stephenson (1997) also examined the relationship between characteristics of police officers and their interviewing performance. In total 19 police officers from one metropolitan police station participated. Each officer completed a personality questionnaire that measured dominance, agreeableness, conscientiousness, neuroticism and openness. In addition, four randomly selected audio-taped interviews conducted by each officer were obtained and assessed against 13 skills factors. No statistically significant predictors of personality on interviewing skill were found. Interestingly, openness had the highest significance but had a negative correlation. In other words, the less open-minded interviewers had more highly skilled interviews. This is in contrast to other research (e.g. Bull & Cherryman, 1996) that found open-mindedness was significantly associated with more skilled interviews.

In a recent study, Hakkanen, Ask, Kebbelll, Alison, and Granhag (2009) also looked at the effect of case evidence and (interviewers') individual differences (specifically the interviewers' discomfort with ambiguity) on subsequent choice of tactics. Thirty Finnish violent crime investigators completed a questionnaire which asked them to rate the importance of 38 tactics when interviewing a homicide suspect in two different hypothetical scenarios. In one scenario there was technical evidence (e.g. DNA evidence) and one where there was soft evidence (e.g. hints from a third party). In terms of the interviewers' individual differences, participants were also asked to complete the Need for Closure Scale (NFCS). The NFCS has five subsections, one of which measures discomfort with ambiguity (DA), which was the focus of their study. The authors hypothesised that the need for closure (defined as the desire for a definite answer on some topic) would be of particular relevance to the investigative context. Hakkanen et al. explain how a heightened NFC score can, among other things, lead to reluctance to change position if a prior opinion has already

been formed. Results showed that the five highest rated tactics were: thorough knowledge of the case (for both soft and technical conditions); preparing for the interview by studying the suspect's background (rated more highly in the soft scenario); peaceful and calm demeanour (again, rated more highly in the soft scenario); asking the suspect to tell all his/her recollections in his/her own words (similar ratings for both the technical and soft scenarios); and watching facial expressions and gestures (again, similar ratings for both scenarios). Judgemental attitude received the lowest rating, with over 90% of participants considering it not at all important. Hakkanen et al. went on to select 20 of the 38 tactics that were considered 'humane' (e.g. sensitiveness, cooperation and lack of presumptions) or 'dominant' (e.g. calmness, hostility, persistency and condemning attitudes). Results showed that humane tactics were rated as more important than dominant tactics. Participants rated more tactics, both dominant and humane, as important if the evidence against the suspect was soft compared to technical. The authors argued that this finding suggests that interviewers exert more of an effort to increase knowledge in a case with high, as opposed to low, uncertainty. In terms of differences on the DA section of the NCFS, there was a significant difference between high-DA and low-DA officers. When there was only soft evidence, high-DA officers rated the humane and dominant tactics as significantly more important than did low-DA officers, although when the evidence was technical there was no difference. Hakkanen et al. argued that this demonstrates that high-DA officers increased their efforts to gain knowledge in the case with weaker evidence. Importantly, the stronger preference for interview tactics among high-DA officers related to both the humane and dominant categories; which Hakkanen et al. suggest could well be counter-productive, as it increases the risk for using less desirable interviewing tactics.

Conclusion

This chapter started by identifying a range of coercive tactics, which although still recommended and practiced in some countries, have been linked to false confessions and are excluded from interview training in England and Wales. The chapter described the ethical skills and techniques advocated in PEACE, and although subsequent research has admittedly shown a mixed picture in terms of officers' adherence to the principles of this guidance, it is still considered to epitomise the fundamental principles of ethical interviewing, which other countries (e.g. Norway and New Zealand) are now adopting (and adapting).

What this review has also shown is that studies that have examined the impact of tactic use on suspect response typically restrict analysis to whether the suspect has confessed or not. A handful of studies have also examined the impact of tactics in overcoming resistance (i.e. no comment interviews) but this tends to be where our understanding of the impact of tactics on the suspect stops.

A number of studies recommended that an examination of effective tactics is incomplete without a consideration of the context within which these tactics are used; in other words, the specifics of the case, the suspect, victim and also the interviewer. Again, a handful of studies have explored the relationship between tactic use and individual differences but only a small proportion have drawn on real-life data, with even fewer of these drawing on UK data, and none that have specifically examined serious crime suspects.

This review of the literature on how to maximise effective interviews with suspects has subsequently highlighted the following gaps in knowledge:

- a detailed description of what tactics are used in real-life interviews in England and Wales in serious crime cases;

- how suspects respond to these tactics (beyond an evaluation of their propensity to confess); and

- to what extent suspect responses are associated with contextual characteristics of the suspect, victim and case.

Chapters 6, 7 and 8 will seek to address these gaps.

Chapter 6: How Suspects Respond and Behave in Interviews

Introduction

All too often, the suspect, as the subject of academic research, tends to relinquish centre-stage to that of the interviewer, whose actions and abilities have tended to occupy researchers more fully. Admittedly, whether or how a suspect can be encouraged to confess, and particularly whether these confessions are reliable, has been the subject of a good deal of research. However, this has tended to be where the interest in the suspect, with the exception of one or two studies, has stopped. This thesis intends to re-dress the balance and place the study of the suspect on a more equal footing to that of the interviewer. Later chapters go on to explore the interactions between suspects, the interviewers and third parties, but the present chapter prepares the foundation for this by describing how suspects respond and behave during interviews, and whether this varies depending on the characteristics of the case, victim, suspect or interview. Initially, this chapter considers the psychological theories underpinning suspects' decision making during police interviews.

The Psychology of Suspect Decision Making

The previous chapter described and distinguished the tactics and strategies employed by interviewers (and interrogators) to encourage the suspect to talk (and confess). Much of the research on suspects' decision-making has focused on the latter, that is, the suspect's decision whether to confess or not.

Early psychoanalytic models of confession are based on the assumption that suspects confess because of the need to relieve feelings of guilt (Horowitz, 1956). In other words, high levels of guilt might increase the likelihood of a confession. However, such models do not account for individual differences in feelings of guilt, nor the high numbers of guilty suspects who do not confess (Gudjonsson, 2003). Additionally, Jayne (1986, cited in Deslauriers-Varin et al., 2011) contended that suspects who perceive extremely negative consequences to confessing (i.e. a considerable prison sentence) are less likely to confess.

Gudjonsson (2006) described Jayne's model, which built upon the nine-steps of interrogation proposed in the Reid Technique (described in Chapter 5). In this model, Gudjonsson explains how persuasion is fundamental to the process and that it is "viewed as a dynamic process that needs to be regulated according to the strengths and weaknesses of the suspect" (p. 132). Some of the techniques advocated by Jayne include minimising the perceived consequences of confession, as well as exaggerating the evidence against the suspect.

On a similar theme, Hilgendorf and Irving (1981) developed a decision-making model which suggested that suspects' decision making during interrogations is determined by their perception of what options are available, the consequences, and the relative merits or drawbacks of these. This model helped explain why some

innocent people confess to crimes they did not commit: by confessing the suspect believes the interrogation (and associated discomfort) will end and that their innocence will be proven later.

Chapter 5 touched on how individual differences can influence susceptibility to falsely confess. Gudjonsson (2006) summarised his model (originally developed in 1989) in which confessions arise as a result of a combination of factors to do with the suspect, the environment, and significant others within that environment. He emphasised the need to look at the antecedents prior to confession (i.e. sleep deprivation and stress) and the consequences of confessions (either in the short or longer-term).

A number of studies have examined the type of factors that can influence a person's decision to confess (whether truthfully or not). St-Yves and Deslauriers-Varin (2009) summarise the research evidence associated with the decision to confess and distinguished three broad categories: individual, criminal and contextual. They point out that although conflicting findings do exist, general trends have emerged, a summary of which is contained in Table 6.1.

Table 6.1: St-Yves and Deslauriers-Varin's (2009) summary of factors associated with a suspect's decision to confess

Individual	• age – more younger suspects tend to confess than older suspects • ethnic origin – some studies show that Caucasian suspects are more likely to confess than other ethnic groups • feeling guilty – those who feel more guilty than others are more likely to confess • personality – extroverts less likely to confess than introverts • criminal background – people without a criminal history are less likely to confess
Criminal	• nature and seriousness of crime – although mixed, some research indicates that people who have committed a non-violent crime are more likely to confess than those who committed a violent crime; similarly, fewer people have been found to confess to serious crimes.
Contextual	• quality and strength of evidence - suspects are more likely to confess if the evidence against them is strong • access to legal advice – taking legal advice is associated with fewer confessions • interviewing/interrogation strategies – the quantity and nature of the strategies used are associated with confession; appealing to suspects conscience appears to be the most influential, leading to more confessions, although others (such as highlighting contradictions, using praise, and justifying the offence) all appear to have some link to suspects confessing.

In their review of the literature, St-Yves and Deslauriers-Varin highlighted that this is an area where there is much debate. Methodological criticisms have been levelled at a number of studies for focusing on single factors, rather than considering the range of interactions that might affect decision-making. Deslaurier-Varin et al. (2009) claimed they were the first to conduct an empirical investigation comparing the relative contribution of different individual, criminological, and contextual factors on the decision to confess (this study was introduced in Chapter 5). They found that in comparing a range of factors, strength of evidence was pivotal in suspects' decisions to confess. They also found that strength of evidence interacted with other individual

and contextual factors in a number of ways. Where police evidence was strong, repeat offenders who received legal advice were less likely to confess. Where police evidence was weak, a wider range of significant associations were found. For example, they found that a suspect was more likely to confess if they were single, were guilty of committing a serious offence, had no prior criminal record, reported feelings of guilt, and did not use legal advice.

Having now considered some of the reasons for why some suspects confess, the rest of this chapter will examine how suspects actually respond in serious crime interviews. The new study to be presented here expands our understanding of suspect response, beyond their propensity to admit or deny the crime, by assessing a broader range of suspect response and behaviour, and importantly, considers how this may be affected by contextual characteristics. First, the approach to coding suspect response and behaviour will be discussed. This will then be followed by the findings from the present sample of interviews.

Coding Suspect Response and Behaviour

Haworth (2006) in her study of the dynamics of power and control in police interviews, observed that:

In police interviews with suspects, the role of each participant is clearly defined and restrained. Yet these roles are very unequal...the police have a considerable degree of direct power over the interviewee, controlling the setting in which the interview takes place and having the capability to make vital decisions about the interviewee's liberty and future based on the outcome. Nevertheless, interviewees still have control over what they say, and that is the most crucial part of the interaction. The whole point of the interview process is for the interviewer to gain information from the interviewee. Thus although the police

interviewer is ostensibly in control of the situation, the outcome of the interview

is very much in the hands (or rather words) of the suspect interviewee. (p. 2)

Describing in as much detail as possible what the suspect said and how they behaved

was central to the purpose of the present study. What was equally important was to

explore the relationship between what the suspect *and* interviewer said (and did).

Describing the interaction between the suspect and interviewer drew on

principles of conversation analysis, in particular the concepts of turn-taking (Sacks,

Schegloff, & Jefferson, 1974) and adjacency pairs (Schegloff, 2000). Sacks et al.

described how the organisation of taking turns to talk is fundamental to conversation

and that there are three key aspects to this including: (i) how the speaker relates a turn

to a previous one; (ii) what that turn accomplishes (e.g. a question, answer); and (iii)

how the turn relates to a succeeding turn (cited in Silverman, 2001). Silverman also

described when violations occur in turn-taking (e.g. two people speaking at once or

one person not responding when it is their turn), repairs are made by one or the other

of the speakers (e.g. one speaker will stop talking so the other can complete their turn,

or in the case of non-response, the speaker may repeat their turn). Although the

concept of turn-taking allows an understanding that one person should speak at a time,

Schegloff (1968) identified that this did not account for the allocation of roles in turn-

taking, in other words, who should speak first. In his study of 500 telephone

conversations, he found that there was, in all but one case, an accepted understanding

(despite the lack of visual cues) that the person who had been telephoned, spoke first,

and that the caller provided the topic of conversation. He described this type of linked

turn as an adjacency pair, which could be applied to a number of other types of linked

turns. Schegloff and Sacks (1973) stated that an adjacency pair is characterised by the

following features:

- two utterance length;

- adjacent positioning of the component utterances;

- different speakers producing each utterance; and

- relative ordering of parts (i.e. first pair parts precede second pair parts).

A fundamental rule of how adjacency pairs operate is that when a speaker produces the first part of some pair he/she must stop speaking and the next speaker produces a second part of the same pair. These pairs can be: question-answer; summons-answer; greeting-greeting; and so on. Although, this may seem straightforward such pairs are not always uttered in immediately adjacent positions and the picture is more complex. For example, in some interviews, the exchange was very neat and ordered:

Interviewer: What were you doing last Saturday?

Suspect: No comment

Interviewer: Did you go to the pub to meet [John Smith]?

Suspect: No comment.

In contrast, other interactions were much more complex, for example:

Interviewer: What were you doing last Saturday night?

Suspect: I didn't do anything, I had nothing to do with this attack whatsoever.

Interviewer: Yes, but what were you doing?

Suspect: Why is this relevant?

Interviewer: Ok, it's important to know as much detail about that evening as possible, so it would be helpful if you could describe where you were and what you were doing so that we can find out what happened and if you had nothing to do with this, then we can prove that.

Suspect: Ok, right, well I was having a drink with my mate in the pub.

In this example, it is clear that each exchange is part of a related interaction, which is focused on trying to establish what the suspect was doing on a particular night. However, perhaps understandably, the suspect had a different agenda and did not initially provide the kind of information that the interviewer required. It was only after the third attempt at the question that the suspect responded with the required answer, allowing the interviewer to move on to the next question or topic. Heydon (2011) described how each turn in the police interview (along the lines of other institutional interviews) is constructed to maintain a question-answer sequence. This is the case even if the suspect asks a question; which Heydon suggested is always a clarification question that allows the suspect to then respond to the earlier police question. She asserted that this reflects the inflexible 'chain rule' (Sacks, 1992, as cited in Heydon, 2011) present in turn allocation in police interviews. In other words, in police interviews, recurring sets of adjacency pairs require the suspect to respond to the first part of an adjacency pair (the question) and then return the floor to the police interviewer (by providing an answer).

Another unique feature of turn-taking in police interviews is that it is one of the few scenarios where silence is regarded as an appropriate response to a question or accusation (Heydon, 2011). However, unlike in other settings, the police now tend to be prepared for such an eventuality (at least according to those interviewed for the

present thesis) and so this should not fundamentally alter the goals of the interview. In contrast, an earlier study by Baldwin (1992, 1993) found that officers, when faced with silence or no comment, became flustered and often rapidly drew the interview to a close.

For the purposes of the present research it was important to describe each of these 'turns at talk' in terms of what the interviewer said (which will be dealt with in Chapters 7 and 8) as well as how the suspect responded (the subject of this chapter). The codes used to describe suspect talk are set out in Table 6.2 (see Chapter 3 for a full description of how the codes were developed and Appendix F for detailed definitions).

Table 6.2: Codes used to describe suspect talk

Suspect response (only one of these codes could be selected during a single exchange)	• relevant • no comment • silent • challenging • unclear/complex
Suspect behaviour (a single exchange could have any of these features)	• suspect was upset • suspect interrupted • suspect was frustrated • suspect laughed
Suspect admission[19] (only one of these codes could be selected during a single exchange)	• suspect admitted • suspect partially admitted the offence • suspect denied offence

---

[19] Although the term confession is used extensively in the literature, admission is preferred in the present thesis and is used to describe the present research findings throughout. The terms are however interchangeable.

The remainder of this chapter describes the pattern of suspect response and behaviour observed in the present sample.

Patterns of Suspect Response, Behaviour and Admissions

Table 6.3 describes how suspects responded and shows that out of all of the responses made by suspects, relevant responses were most frequent (a mean frequency of 76 occurrences per interview). No comment responses were the second most frequent response, occurring on average 21 times per interview. On average, relevant responses were significantly more frequent ($M = 76.18$, $Mdn = 67.00$) than no comment responses ($M = 21.00$, $Mdn = 0.00$), $Z = -10.98$, p <.001. It was rare for the suspect to challenge the interviewer or for the suspect to answer in an unclear or irrelevant manner. Complete silence was also quite rare with a mean frequency of six occurrences per interview.

Table 6.3: Suspect response, by mean frequency and standard deviation

Suspect response	Mean frequency	Standard deviation
Suspect response was relevant	76	64.42
Suspect responded with no comment	21	52.67
Suspect responded with silence	6	25.08
Suspect 'challenged' the interviewer	1	4.97
Suspect response was 'unclear or complex'	>1	2.55

It is worth noting that the standard deviations are extremely wide for relevant, no comment, and silence responses, indicating a great deal of variation around the mean for these responses.

Suspect response across the course of the interview (by five-minute time segments) was also examined and the findings are shown in Table 6.4.

Table 6.4: Mean frequency of response, by time segment

Time segment	Mean frequency of response (and standard deviation)				
	Relevant	No comment	Silence	Challenge	Unclear
1	10.68 (7.40)	2.64 (5.96)	0.48 (2.10)	0.5 (0.44)	0.08 (0.95)
2	12.01 (10.61)	4.67 (10.18)	0.98 (4.26)	0.19 (0.96)	0.16 (2.24)
3	11.82 (10.19)	4.08 (9.34)	1.07 (4.57)	0.14 (0.57)	0.00 (0.52)
4	12.26 (10.10)	3.78 (9.33)	0.95 (3.99)	0.17 (0.75)	0.04 (0.82)
5	12.63 (9.63)	3.48 (9.72)	1.12 (4.43)	0.33 (1.20)	0.01 (0.10)
6	12.48 (9.57)	3.05 (9.30)	1.07 (4.16)	0.37 (1.33)	0.04 (0.51)
7	13.29 (9.50)	2.55 (8.81)	1.18 (4.91)	0.31 (1.28)	0.00 (0.07)
8	13.51 (9.93)	2.05 (7.52)	1.24 (4.69)	0.23 (0.96)	0.00 (0.00)
9	8.30 (6.71)	0.85 (3.40)	0.67 (2.82)	0.13 (0.62)	0.0 (0.00)

The key observations emerging from this analysis are:

- relevant responses stayed fairly constant across the time segments;

- there were fewer no comment responses in the opening time segment in comparison to time segments two, three, four, five and six, with the mean frequency decreasing again in the later time segments. This is perhaps not unsurprising given that even suspects who predominantly answered 'no comment' (or stayed silent) in interviews still responded relevantly in the opening and closing sections of the interview; and

- suspect challenge appears to peak in time segments five, six and seven.

Suspect behaviour was also explored. Table 6.5 shows the mean frequency that suspect behaviours were observed across the total sample of interviews ($N = 407$) and Table 6.6 shows the mean frequency across time segments.

Table 6.5: Mean frequency of behaviour, by time segment

Suspect behaviour	Mean frequency	Standard deviation
Suspect got frustrated	<1	1.80
Suspect was upset	<1	3.06
Suspect laughed	<1	0.47
Suspect interrupted interviewer	6	9.72

Table 6.6: Suspect behaviour by time segment

Time segment	Mean frequency of response (and standard deviation)			
	Interruptions	Frustrated	Upset	Laughs
1	0.48 (1.02)	0.02 (0.18)	0.11 (0.51)	0.01 (0.11)
2	0.95 (1.69)	0.06 (0.40)	0.18 (0.91)	0.01 (0.16)
3	1.03 (1.75)	0.08 (0.47)	0.11 (0.81)	0.03 (0.21)
4	1.09 (1.77)	0.09 (0.48)	0.15 (0.82)	0.02 (0.14)
5	1.27 (2.00)	0.11 (0.66)	0.20 (0.87)	0.02 (0.15)
6	1.41 (2.17)	0.07 (0.46)	0.13 (0.68)	0.02 (0.20)
7	1.41 (2.52)	0.09 (0.37)	0.14 (0.54)	0.01 (0.10)
8	1.13 (1.79)	0.09 (0.39)	0.09 (0.54)	0.02 (0.12)
9	0.69 (1.30)	0.08 (0.40)	0.07 (0.54)	-

Table 6.5 shows that it was very rare for the suspect to be upset, frustrated or to laugh (occurring, on average, less than once per interview). Suspect interruptions occurred more frequently than any of the other behaviours, revealing a mean frequency of six interruptions per interview. Analysis of the pattern of suspect behaviour across time segments (Table 6.6) revealed that:

- the frequency of suspect interruptions steadily increased as the interview progressed, peaking in time segments six and seven;

- the frequency of suspect frustration remained fairly consistent across the time segments, although it peaked in the middle section of the interview (time segment five);

- there were few variations in the frequency of a suspect being upset, although this peaked in time segment five, followed by time segment two; and

- there was very little change in the pattern of laughter across the interviews.

It should be noted that other than for suspect 'interruptions' the base rate was small for different suspect behaviours and so caution should be exercised in the interpretation of these findings.

Baldwin (1992, 1993) found that most suspects were "thoroughly cooperative" (p. 332) and that four out of five suspects were polite and pleasant. Of his 600 suspects, he identified that six percent were remorseful or tearful and 14% as awkward and difficult to interview. Although the analysis is not entirely comparable between the present study and Baldwin's, the indication from the present findings (e.g. few instances of challenging responses and minimal evidence of suspect frustrations) is that interviews in the present sample were not overly confrontational interactions. This

is supported by the overall assessment (made by the principal coder) of interview difficulty. This found that 20% of interviews ($n = 81$) were rated as easy, that is, suspects were cooperative, provided an account and the atmosphere was good natured. A further 48% ($n = 196$) were described as presenting moderate challenge. These interviews might, for example, have been those where the suspect interrupted a lot, or at times got frustrated, but which generally involved the suspect talking freely. Only two percent ($n = 9$) were identified as presenting real challenges for interviewers, due to a suspect being extremely aggressive or uncooperative (a far smaller proportion than that identified by Baldwin). The bulk of the remaining interviews were predominantly 'no response' interviews (that is the majority of responses were either 'no comment' or 'silence') (30%, $n = 121$) and therefore presented a different sort of challenge to interviewers: in the main, interviewers seemed well prepared for this and conducted the interview largely as they might have done with a compliant interviewee (i.e. by putting all relevant questions to the suspect regardless of whether they spoke or not).

Finally, it was recorded whether the suspect admitted or denied the offence ($N = 56$). Table 6.7 shows it was far more common for suspects to deny the offence (64% of suspects) than admit to it (23% of suspects made some kind of admission, with only seven percent of these making a full admission). Only a small proportion (13%) of suspects neither admitted nor denied, which in practice reflected either no comment or silence in response to accusations. It should be noted that a denial also included those interviews where the suspect stayed silent or made no comment but made denials via a prepared statement in interview (which either they or their legal advisor read out).

Table 6.7: Frequency of suspect admissions and denials

Suspect admission	Frequency	Percent
Full admission	4	7
Partial admission	9	16
Denied	36	64
Neither admitted nor denied	7	13

Moston et al. (1992) found quite a different pattern: 42% of their suspects denied the offence, about 20% fewer than in the present study. Also, far fewer suspects admitted the offence in the present study (23%), in comparison to 42% of suspects in Moston et al's study. A similar proportion neither admitted nor denied the offence (13% in the present study compared to 16% in Moston et al's study). Baldwin (1993) identified that 36% of his suspects admitted the offence from the outset, with a further 16% admitting to some part of the offence. He also found that 33% firmly denied the offence throughout. Baldwin only identified two percent of suspects that stayed silent (but it is not clear if any of the suspects said no comment). Again, the proportion of suspects that admitted the offence (whether fully or in part) was much higher than found in the present study. In a more recent study by Soukara et al. (2009), the proportion of confessions was also found to be higher: 39% of suspects confessed. These findings indicate that the pattern of admissions is quite different in the present sample of serious crime suspects to that found in other studies (which involved many less serious crimes).

For those suspects that admitted the offence (either in full or part), the time that this admission took place was recorded. This revealed that nearly three-quarters of all

admissions (69%, $n = 9$) occurred in the opening time segments of the interview (that is, the first 10 minutes). A further two admissions occurred in the third time segment with the remaining two admissions observed in time segments five and eight. Qualitative analysis of the interview where an admission came in time segment five showed that the timing of the admission was linked with procedural elements of the interview. In this interview, a translator was present which understandably expanded the duration of the opening section of the interview as each question and answer had to be interpreted. Also, in this interview, the suspect had made a number of statements to interviewing officers (known as significant statements) which had to be put to the suspect before the main questioning could start. When the main questioning did commence, it was clear that the suspect was going to freely admit his involvement in the crime. For the second interview in which an admission came late (time segment eight), the interviewer spent the early part of the interview asking questions about what happened prior to the attack, slowly building up, in chronological order, to the attack itself. When the suspect was then asked what happened at the time of the attack itself, the suspect admitted his involvement. In both interviews, the impression was that the suspect intended to admit their involvement from the outset, with both suspects compliant and freely providing a full and detailed account. It is suggested therefore that the skill demonstrated by the interviewer in these cases was more to do with eliciting a detailed account of what had transpired from a willing suspect (rather than persuading a denying suspect to confess). The fact that *none* of the 56 suspects included in the present study changed their position from denial to admission also suggests that, at least for the interviewers in the present sample, there was little evidence of effective persuasive strategies.

The research evidence on this issue is mixed. Baldwin (1992, 1993) found that of the people that confessed, almost all of them did so at the beginning of their interviews and only very few changed their position from denial to admission as the interview progressed. Deslauriers-Varin and St-Yves (2006) found that 25% of convicted people admitted that they changed their initial position during the interrogation. Soukara et al. (2009) found that out of 31 interviews in which suspects confessed, only five of these occurred in the first third of the interviews; 15 occurred in the middle third and 11 in the final third (though their sample did not include confessions made at the beginning).

Whilst the findings in Table 6.7 report the overall rate of admission/denial for each suspect, this does not indicate in which interview the admission actually took place. In the present study, it was possible to explore the pattern of admissions by the order that the interviews were undertaken and Table 6.8 indicates that the majority of those suspects who did admit (either in full or part) did so in the first interview conducted with them (85% of the total admissions). Only two admissions came in the second interview.

Table 6.8: Frequency and percentage of admissions by the order in which interviews were conducted

Order of interview	Number of full admissions	Number of partial admissions	Percentage (and total number) of admissions
1st	2	9	85 (11)
2nd	0	2	15 (2)
Total	**2**	**11**	**100 (13)**

Analysis of those interviews where the admission came in the second interview showed that neither suspects had previously denied the offence. The circumstances surrounding the confession are briefly described in Table 6.9.

Table 6.9: Circumstances surrounding 'late' admissions by two suspects

Case ID	Brief circumstances
1	The suspect stayed completely silent in the first interview. In the second interview, the suspect admitted the offence immediately after the introductions were completed. It was not clear from the tapes why he decided to talk. In this and the next three interviews, the suspect was compliant in (partially) admitting his role in the offence.
2	This case was referred to previously and involved the interviewer spending the first interview covering background details of the suspect and the early part of the second interview asking questions about what happened prior to the attack, slowly building up, in a chronological order, to the attack itself. When the suspect was then asked what happened at the time of the attack itself, the suspect (partially) admitted his involvement. Here, it appeared that the suspect was intending to admit the offence from the outset.

The circumstances of the confessions in these two cases show that there were no suspects, in the present sample of serious crime interviews, which explicitly denied and then later admitted the offence.

This section has examined the pattern of suspect response, behaviour and admissions, but in isolation from other variables. The next section will go on to explore whether suspect response varies with different characteristics of the interview, suspect, victim or case.

The Impact of Context on Suspect Response, Behaviour and Admissions

Drawing on the findings from this and other chapters, a number of decisions were made with regards to what variables were included in the next phase of the analysis:

- due to the small frequencies of unclear and challenging suspect responses, these were excluded from further statistical analysis;

- silence and no comment responses were considered sufficiently similar in function to warrant combining into a single category, referred to as no response;

- due to small frequencies, suspect behaviour (laughter, frustration, upset) were excluded from further analysis. Suspect interruptions will be considered separately in Chapter 8;

- full and partial admissions were combined into a single category for further analysis;

- all suspects, for which the outcome was known ($n = 49$), were convicted, and so this factor was excluded from further analysis (as there is no comparison category); and

- due to the majority of suspects being male (see Chapter 3), suspect gender was excluded from further analysis, although victim gender (due to equal numbers of males and females) was retained.

Table 6.10 includes the final list of variables that describe the context of the interview. These are broken down into suspect, case and interview characteristics. For the purposes of the present analysis variables were divided into as few categories as possible (to allow statistical analysis). However, information on each variable is available in greater granularity and if a larger sample could be obtained, then more in-depth analysis of a wider range of contextual characteristics could be performed.

Table 6.10: Contextual characteristics and associated variables

Suspect characteristics	• age (under or over 32 years) • previous convictions (yes or no)	• marital status (single or in relationship) • vulnerability (yes or no)
Case characteristics	• time of offence (day or night) • method of violence (blunt force, stabbing or other) • location of offence (indoors or outdoors) • motive for offence (known or unknown) • victim – suspect relationship (known to each other or not known to each other) • strength of evidence at time of interview (strong or less strong)	• number of victims • number of suspects • victim gender (male or female) • victim has previous convictions (yes or no) • victim age (Under or over 32 years) • victim marital status (single or in relationship)
Interview characteristics	• time of day of interview (day or night) • total interviewing time (0 up to 2 hours; 2 up to 5 hours; and 5 hours and over) • order of interview in series • gender of primary interviewer (male or female) • a break for consultation required (yes or no)	• prepared statement read (yes or no) • legal advisor present (yes or no) • Appropriate Adult present (yes or no) • interpreter present (yes or no) • difficulty of interview (easy, moderate, very difficult, or no response)

Suspect response. Multiple linear regression was undertaken to see whether contextual characteristics could predict whether a suspect was more likely to respond relevantly in an interview, than not respond. In regression it is recommended that predictor measures should only be included where there are sound theoretical reasons for expecting them to predict the outcome (Field, 2009). As discussed in Chapter 3, this new research is highly exploratory and no other research evidence presently exists on the impact of context on suspect response (as categorised here). Therefore, regression analyses were undertaken separately on each of the variables within the three categories of context (suspect, case, and interview characteristics), included in

Table 6.10. The significant results from these three regressions are shown in Table 6.11.

It should be highlighted that this analysis included all 407 interviews, despite the fact that there were only 56 different suspects and 45 different cases[20]. This means that there is a duplication of suspect, victim and case characteristics across interviews[21]. Since interview characteristics were different for each interview, this category is not subject to the same limitation. For the present research, the current regression was considered sufficient, with a view that future work could conduct further analyses to control for this clustering.

---

[20] In cases with multiple victims, only the details of one victim could be input into the regressions. The details of five victims were therefore excluded. Future analyses should look to include these additional victim details.

[21] The same issue applies to all analyses conducted with contextual characteristics.

Table 6:11: Significant contextual characteristics as predictors of suspect response

Suspect characteristics (1)			
Variable	B	SE B	β
Constant	-.05	.13	
Suspect aged 32 years or over	.32	.10	.16**
Suspect has criminal convictions	.84	.21	.22***
Suspect in a relationship	-.23	.10	-.11*
Case characteristics (2)			
Constant	-.05	.20	
Location indoors	-.42	.13	-3.32***
Time of offence at night	-.39	.15	-2.61**
Blunt force method of violence	.77	.16	.38***
Other method	.61	.17	.28***
Interview characteristics (3)			
Constant	-.46	.25	
No consultation required	.17	.08	.07*
Difficulty of interview – very challenging	-1.42	.23	-.21***
Difficulty of interview – no response interview	-1.73	.10	-.71***

(1) R^2 = .07 (p < .001). (2) R^2 = .11 (p < .001). (3) R^2 = .60 (p < .001). *p < .05, **p < .01, ***p < .001.

The results identify some significant associations with a relevant response from suspects, as follows:

- a suspect aged 32 years and over was more likely to respond relevantly in comparison to a younger suspect (aged 31 years or younger);

- suspects with previous criminal convictions were more likely to respond relevantly than suspects with no previous criminal convictions;

- suspects who were in a relationship were less likely to respond relevantly than those not in a relationship;

- a blunt force method of violence and other method of violence were both associated with suspects responding relevantly than if the method of violence was 'stabbing' (the comparison category);

- if the offence occurred at night then suspects were less likely to respond relevantly than if the offence occurred during the day;

- if the offence occurred indoors, then suspects were less likely to respond relevantly than if the offence occurred outdoors;

- if no consultation was required, then suspects were more likely to respond relevantly than if a consultation was required; and

- unsurprisingly, no-response interviews were less likely to lead to relevant responses than an easy interview (as the comparison category). Equally, challenging interviews were also less likely to be associated with relevant responses from suspects.

Suspect admission. Multinomial logistic regression was carried out to see whether contextual characteristics[22] might predict whether the suspect was likely to admit (either fully or partially), deny an offence or not respond (by either saying no

---

[22] All of the contextual characteristics (as categorical variables with often more than two categories) had to be transformed and 'dummy codes' created (see Field, 2009). Method of violence, for example, was originally categorised as 'stabbing', 'blunt force' and 'other'. Two dummy codes were subsequently created for 'blunt force' and 'other', with stabbing as the comparison category.

comment or staying silent). Not all of the variables included in Table 6.10 could be included in this analysis because of low frequencies in some cells. Excluded variables were:

- previous convictions of suspect

- other method of violence;

- previous convictions of victim;

- marital status of victim;

- time of day of offence;

- strength of evidence;

- order of interview in series;

- legal advisor present;

- interpreter present;

- interview difficulty;

- prepared statement read out; and

- gender of secondary interviewer.

Regression analyses were then run separately on each individual category of context: suspect, case, and interview. The results are shown in Table 6.12 (suspect characteristics), Table 6.13 (case characteristics) and Table 6.14 (interview characteristics).

Table 6:12: Suspect characteristics as predictors of suspect admission or denial

Variable	B (SE)	95% Confidence Interval for Odds Ratio		
		Lower	Odds ratio	Upper
Admitted offence				
Intercept	2.14 (.58)			
Suspect aged 32 years and over	-2.53 (.56)***	.03	.08	.24
Suspect in relationship	-.46 (.45)	.26	.63	1.53
Suspect is vulnerable	.11 (.48)	.44	1.12	2.84
Denied offence				
Intercept	3.00 (.54)			
Suspect aged 32 years and over	-2.05 (.50)***	.05	.13	.35
Suspect in relationship	.28 (.36)	.66	1.32	2.67
Suspect is vulnerable	.49 (.40)	.75	1.63	3.54

R^2 = .09 (Cox and Snell), .12 (Negelkerke). X^2 = 40.15 (p < .001). *p < .05, **p < .01, ***p < .001.

Table 6:13: Case characteristics as predictors of suspect admission or denial

		95% Confidence Interval for Odds Ratio		
Variable	B (SE)	Lower	Odds ratio	Upper
Admitted offence				
Intercept	2.48 (.95)			
Suspect & victim know each other	.33 (.70)	.35	1.39	5.52
Blunt force method of violence	.45 (.59)	.49	1.57	5.02
No clear motive	-.44 (.58)	.21	.65	2.02
Female victim	-2.15 (.66)**	.03	.12	.42
Victim 32 years or older	-.23 (.59)	.25	.80	2.53
Location indoors	-2.09 (.65)**	.03	.12	.45
Denied offence				
Intercept	3.93 (.91)			
Suspect & victim know each other	-.68 (.60)	.16	.51	1.66
Blunt force method of violence	.29 (.56)	.45	1.34	3.99
No clear motive	-2.04 (.56)***	.04	.13	.39
Female victim	.24 (.59)	.40	1.23	4.04
Victim 32 years or older	.19 (.52)	.43	1.21	3.37
Location indoors	-2.43 (.60)***	.03	.09	.29

R^2 = .33 (Cox and Snell), .42 (Negelkerke). X^2 = 130.08 (p < .001). *p < .05, **p < .01, ***p < .001.

Table 6:14: Interview characteristics as predictors of suspect admission or denial

Variable	B (SE)	95% Confidence Interval for Odds Ratio		
		Lower	Odds ratio	Upper
Admitted offence				
Intercept	1.25 (.96)			
Interview at night	-.65 (.43)	.23	.52	1.20
Primary interview female	-.78 (.48)	.18	.46	1.18
AA not present	.61 (.49)	.70	1.85	4.85
No consultation required	.55 (.51)	.64	1.73	4.72
Total interviewing time 2 to 5 hours	-1.25 (.82)	.06	.29	1.44
Denied offence				
Intercept	4.29 (.85)			
Interview at night	-.69 (.37)	.24	.50	1.05
Primary interview female	-.79 (.41)*	.20	.45	1.00
AA not present	.94 (.43)*	1.10	2.57	6.00
No consultation required	.19 (.43)	.53	1.21	2.79
Total interviewing time 2 to 5 hours	-3.31 (.75)***	.01	.04	.16

R^2 = .19 (Cox and Snell), .25 (Negelkerke). X^2 = 85.12 ($p < .001$). *$p < .05$, **$p < .01$, ***$p < .001$.

This analysis revealed a range of significant predictors of suspects either admitting or denying an offence, in comparison to not responding. These can be summarised as:

- suspects aged 32 years and over were less likely to admit an offence than not respond, in comparison to suspects aged 31 years and under;

- in terms of denying the offence, suspects who are aged 32 years and over were also less likely to deny an offence than not respond, in comparison to suspects aged 31 years and under;

- suspects in cases which involve a female victim are also less likely to admit the offence, in comparison to cases which involve a male victim;

- suspects in cases where the offence was indoors are also less likely to either admit or deny, in comparison to offences that occurred outdoors;

- suspects are less likely to deny than not respond in cases where there is no clear motive in comparison to cases where there is a clear motive;

- suspects are less likely to deny than not respond when they have been interviewed for between two and five hours;

- suspects are less likely to deny, than not respond, when the primary interviewer is female; and

- suspects are more likely to deny, than not respond, when an AA is not present.

Suspect interruptions. Finally, negative binomial regression was undertaken to explore whether contextual characteristics might predict the number of suspect interruptions. Similar to the approach adopted above, three separate regressions were undertaken to explore associations between suspect interruptions and: (i) suspect characteristics; (ii) case characteristics; and (iii) interview characteristics. Table 6.15 reports the significant findings from this analysis.

Table 6:15: Contextual characteristics as significant predictors of suspect interruptions

Suspect characteristics (1)			
Variable	**B**	**SE B**	**p**
Intercept	1.70	.13	
Suspect aged 32 and over	.26	.12	.022*
Suspect in relationship	.42	.11	.000***
Case characteristics (2)			
Intercept	2.31	.72	
Location indoors	-2.22	.84	.008**
Offence at night	-1.89	.44	.000***
Suspect and victim are known to each other	-2.44	.67	.000***
Other method of violence	1.97	.33	.000***
No clear motive	1.53	.76	.045*
Victim in relationship	2.40	.62	.000***
Interview characteristics (3)			
Intercept	-.25	.74	
Interpreter not present	3.76	.65	.000***
No consultation required	.57	.15	.000***
Difficulty of interview – moderate	.78	.15	.000***
Difficulty of interview – no response	-.14	.20	.000***

(1) LR χ^2 = 25.54 (p < .001). (2) LR χ^2 = 114.73 (p < .001). (3) LR χ^2 = 272.22 (p < .001). *p < .05, **p < .01, ***p < .001.

In summary, the findings can be expressed as:

- suspects aged 32 years and over, and who are in a relationship, were associated

  with increased suspect interruptions;

- fewer suspect interruptions were associated with the offence happening indoors, it occurring at night, and the suspect and victim being known to each other;

- increased suspect interruptions were associated with the victim being in a relationship, no clear motive, and other method of violence; and

- in terms of interview characteristics, an interpreter being absent, no consultation required, and the interview being either of moderate difficulty or no response difficulty were all associated with increased suspect interruptions.

Discussion

The fact that the majority of suspects provided relevant answers, with few challenging or aggressive suspects in the sample, is in line with some earlier large-scale studies of interviewing (e.g. Baldwin, 1992, 1993) which found suspects tended to be compliant and often good-natured. Given the seriousness of the crimes that suspects in the present sample were being interviewed about, one might have expected more tense encounters. The fact that this was not the case could be down to interviewer skill (this is explored in Chapters 7 and 8), or it could be associated with various contextual characteristics.

The relationship between contextual characteristics and suspect response were explored and two particular findings are worth highlighting: suspects who were over 32 years of age, and had previous criminal convictions, were more likely to respond than say no comment. Previous research also identified links between suspect age, previous convictions and how suspects respond, although these focused on suspects' decision to confess, rather than whether they talked or not. St-Yves and Delauriers-Varin's summary of the research evidence (in Table 6.1) indicated that younger people were more likely to confess, and those without previous convictions were less likely to confess. In terms of suspects' decisions to confess, deny or not respond, the findings

from the present research showed that older suspects (in comparison to younger suspects) were less likely to either admit or deny, than not respond. This appears to be in line with research described previously. Due to sample sizes, previous convictions of suspects could not be entered into the model, and if a larger sample could be obtained, this would benefit from further enquiry.

A number of other significant associations with suspects admitting, denying or saying no comment were also identified. If the victim was female, the location of the offence was indoors, and there was no clear motive, then suspects were more likely to say no comment than admit or deny. Further research to explore why these characteristics might be linked to a no comment response would be interesting.

The present study also identified differences in the overall frequencies of suspect admissions to those found in other studies. The proportion of those that admitted the offence was much smaller than found in other UK-based studies. Also, the present study found no examples of a suspect changing their position from denial to confession and of those suspects who did confess, the confession occurred early on in the interview process.

The lack of any interviews in which a suspect moved from denial to admission is interesting. This could indicate that interviewers are employing strategies to try and get a suspect to confess but these are failing to work. Alternatively, it could mean that interviewers are not actively trying to get a suspect to confess. The evidence from the semi-structured interviews (and other research) suggests that interviewers are no longer interviewing in pursuit of a confession. Instead, the emphasis is more on getting a suspect to talk, and even if they do not talk, putting all the relevant facts to suspects so it can be shown they have been given every opportunity to account for the evidence.

The fact that all suspects, where it was possible to determine outcome, were convicted, along with the finding that more suspects denied than confessed, suggests that for the present sample the likelihood of a conviction was not associated with suspects confessing. Although strength of evidence has previously been shown to increase the likelihood of suspects confessing (Moston, Stephenson & Williamson, 1992), it was not possible to test for this in the present study due to too few cases. It should be noted that there was no association between suspect's (relevant) response and strength of evidence although further examination of strength of evidence may be beneficial: in the present research strength of evidence was determined using evidence presented during the interview and consequently may not have included all evidence known by either the police or suspect.

Finally, significant associations were also found between case characteristics and the frequency which suspects interrupted during interviews. The finding that interviews with a difficulty rating of no response were associated with increased suspect interruptions is peculiar. However, on reflection, the author recalls several occasions when predominantly no comment interviews were characterised by suspects interrupting with their (no comment) response before the interviewer had finished the question. The impression was that suspects intended to say no comment regardless of the questions or points made by interviewers.

Overall, the findings from this chapter suggest that there are some key differences in how suspects in serious crime cases respond in interview, in comparison to the general population of arrestees. This emphasises the importance of future studies of police interviewing distinguishing between different crime types.

This study has gone beyond the traditional focus of suspect admissions, and captured a range of different ways in which the suspect behaves and responds in an interview. As this seems to be the first study of its kind, the validity of the findings would be strengthened if they could be replicated on a different (and larger) sample of serious crime suspect interviews (that includes a sample of suspects who were subsequently not convicted), as well as controlling for duplication in the analyses of contextual characteristics.

Chapter 7: Strategies to Encourage the Suspect to Talk, and Tell the Truth

Introduction

Chapter 5 presented the research literature on the strategies employed by interviewers to optimise interviews with suspects. These strategies ranged from those aimed at eliciting a detailed and accurate account from a co-operative suspect, through to those designed to encourage a reluctant suspect to speak at all. This revealed that interviewer behaviour should not be viewed in isolation, and that the interview process is a complex interaction that can be influenced by a range of factors, both within and outside the actual interview.

Earlier chapters have also emphasised the importance of the interpersonal interaction within the suspect interview. Before moving on it is worth pausing to reflect on the psychological theory around interpersonal communication and how it can contribute to our understanding of the police – suspect interaction during an interview.

The Psychology of Interpersonal Interaction

Much of what has been described in earlier chapters (rapport building, showing empathy and influencing decision-making) requires effective interpersonal

communication. But it is not just about the police interviewer's ability to communicate and interact effectively. For suspects, who may wish to persuade the interviewer of their innocence, their own ability to communicate effectively is an important skill.

Hargie and Tourish (1999) proposed a transactional model of interviewing based on interpersonal skill. They described how:

> interpersonal skill in this context involves engaging in a process which includes the adoption and pursuit of goals, devising coordinated action plans to attain these, carrying out appropriate behaviours, monitoring the responses of others and adjusting future actions accordingly. (p. 73)

They argued that the physical and psychological features of both parties, as well as the context within which the interview takes place, will have an impact on the outcome. This is illustrated through their model, shown in Figure 7.1.

Figure 7.1: Model of skilled interpersonal performance by Hargie and Tourish (1999)
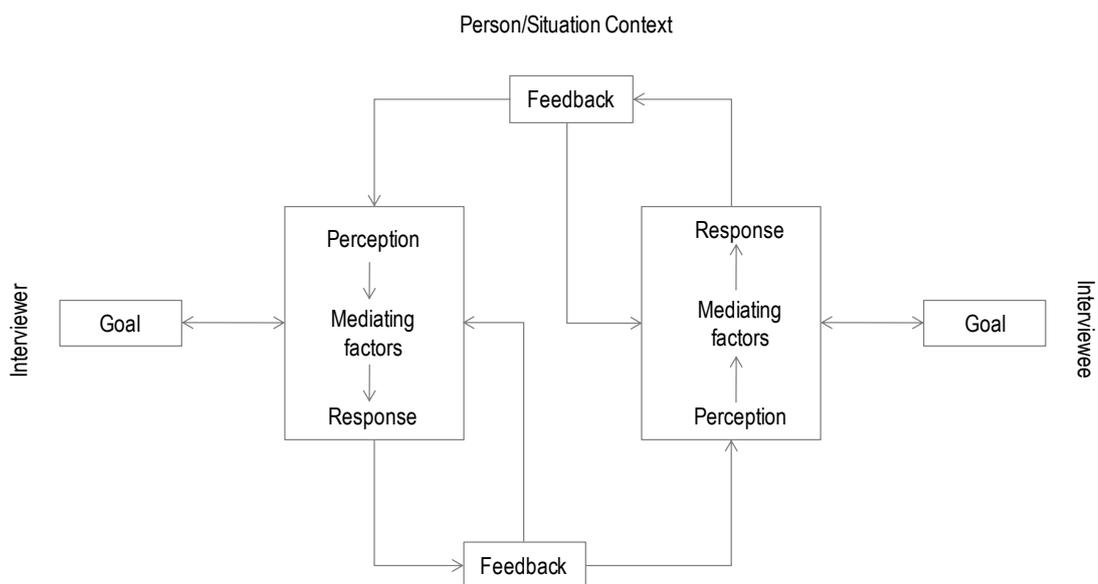
Hargie and Tourish described each stage in more detail, a brief summary of which follows. First, they described how both sides have *goals* and these can typically be

grouped into personal, social or family goals. They suggested that given that we interpret the behaviour of others based upon what we perceive their goals to be, it is important to establish a common understanding of these at the outset. PEACE recommends that interviewers set out the aims and objectives of the interview prior to questioning, although whether the suspect can be encouraged to set out their true goals for the interview may depend on how compliant or truthful that suspect intends to be.

Second, they described *mediating* factors, which involve translating goals into action plans, and entail cognition and emotion. The cognitive processes help both the interviewer and suspect to assimilate and retain incoming information, which is then used to decide future responses. By drawing on previous similar experiences, 'schemas' help us to evaluate people and situations rapidly, although there is a potential risk to this; it may lead the interviewer prematurely assigning the suspect to certain social categories which may in turn act as a barrier to achieving the interviewer's goals. Shepherd and Milne (1999) described how police investigators may prematurely draw information from the case file prior to the interview. They suggested that this involves selectively attending to certain information that is in line with preconceived ideas, giving rise to confirmation bias. This might lead to essential information being overlooked or eliminated and the subsequent outcome of the case, erroneous (see Chapter 8 for more on investigator bias). Emotions also play an important role in determining responses and judging the behaviour of others (Maule & Hockey, 1996), as well as affecting our cognitions or how we think. An extremely upset suspect is unlikely to be able to think straight and this might have implications for the accuracy or credibility of any information that might be obtained.

Third, Hargie and Tourish described what constituted *responses* in their model. They maintained that there is no one set of skills that can be applied across all

interview contexts; nevertheless, their six most crucial skills were rapport development, empathic listening, process management, questioning strategies, note-taking, and closing down. These are skills that are all covered to a greater or lesser extent in the PEACE model of police interviewing. They also explained that the responses of both parties, as shown in Figure 7.1, are important, with the responses of the interviewer shaping interviewee behaviour and vice versa.

Fourth, once a response has been provided, *feedback* enables the individual to evaluate its effectiveness and adjust future responses accordingly. Feedback includes social feedback in the form of verbal and non-verbal cues from the other person. They suggested that the skilled interviewer depends upon the cues available from the interviewee and from the environment to perform well. A key strategy used to help here is 'reflecting' which is where the interviewer reflects back what the interviewee has said. In UK police interviews, summarising what the interviewee has said is a recommended strategy in practice guidance (Ord & Shaw, 1999). The goal here, as Hargie and Tourish claimed, is to promote a common agenda and understanding.

Finally, Hargie and Tourish argued that skilled interviewers will be *perceptive* individuals. This includes good self-awareness, the ability to evaluate others as well as perceiving what other people perceive of themselves (referred to as meta-perception). Initial impressions that are formed influence how we subsequently relate to people. These initial impressions can be influenced by such factors as age, dress, accent and so on. It is argued that skilled interviewers are aware of the dangers of forming these impressions, and prefer instead to suspend judgements until all the information has been obtained and an informed decision can be reached. In the police interview context it has been found, for example, that perceptions of guilt established prior to the interview, led to an accusatory style of interviewing (Mortimer and Shepherd, 1999).

In addition to the elements of the model described above, Hargie and Tourish also explained how the interactive encounter can only be fully explained by taking into account the context in which the interview occurs, which they referred to as the 'person-situation' context. Person factors included gender, appearance, personality, age, cultural background, whilst situation factors were the time and place of the interview. The importance of context is in line with the studies of police interviewing presented in Chapter 5 (e.g. Moston et al., 1992; Kassin & Gudjonsson, 2004).

The remainder of this chapter examines this police-suspect interaction in terms of the strategies used by police officers to encourage the suspect to talk, and how this is affected by the person-situation context. The views of police officers obtained via the questionnaires and semi-structured interviews (see Chapter 2 for method) will be presented first followed by the analysis of real-life interviews (see Chapter 3 for method).

Police Officers' Perceptions of Effective Strategies

Questionnaire respondents ($N = 45$) were asked to identify whether they recommended, or used, any particular techniques during interviews to: (i) avoid silence or 'no comment' interviews; (ii) to minimise disruption from suspects and legal advisors; and (iii) to build rapport with suspects. Table 7.1 summarises the findings.

Table 7.1: Percentage of respondents who recommended or used specific techniques to overcome interview difficulty

Techniques used...	Yes (%)	No (%)
...to avoid ''no comment' interviews'	30 (71.4)	12 (28.6)
...to avoid complete silence	28 (66.7)	14 (33.3)
...to minimise disruptive behaviour from suspects	27 (64.3)	15 (35.7)
...to minimise disruptive behaviour from legal advisors*	28 (70.0)	12 (30.0)
...to develop rapport	30 (71.4)	12 (28.6)

*Two respondents left this question blank

Across all the categories, at least two-thirds of all respondents recommended using some kind of technique during interviews. Respondents were asked to provide a brief description of the techniques they used. In terms of avoiding no comment or silent responses, the respondents identified similar techniques for both, including:

- reminding the suspect that it is their decision whether or not to take legal advice and that they can answer some or all of the questions if they wish to do so, regardless of what their legal advice was;

- reiterating the caution, especially with regards to adverse inferences being drawn later at court;

- issuing a special warning (i.e. the suspect is warned that if they fail to answer certain questions, then a court or jury may draw inferences from this silence);

- using open questions;

- starting with less controversial topics and weaving in more challenging areas where appropriate;

- providing comprehensive pre-interview disclosure;

- being non-judgemental;

- making eye-contact;

- clearly demonstrating that he/she (the interviewer) is well prepared (through topic development, for instance);

- giving ample time for suspects to answer;

- staying calm and professional;

- building rapport;

- establishing an emotional 'pressure point', perhaps by asking questions about a time in the person's life that was very important;

- setting ground rules during the introduction phase;

- continuing to negotiate and encourage suspects throughout the interview;

- reminding suspects of the seriousness of the offence;

- (if accomplices) presenting evidence from them; and

- starting with simple, factual questions and inviting suspects to agree or disagree.

Two respondents suggested that it did not necessarily matter if the suspect stayed silent or said no comment, rather, the critical consideration was to ensure that all the relevant, probing and challenging questions were asked so that any lies or inconsistencies are highlighted on tape. This strategy was often associated with the conversation management technique (as described in Chapter 3). Additionally, in

interviews where the suspect stays completely silent, one respondents said that they invited the suspect to at least say no comment, so that interviewers knew that suspects understood the question, but that they did not intend to answer it.

Analysis of the semi-structured interviews ($N = 30$) revealed similar findings to that found in the questionnaires. These included:

- getting suspects to look at you as often as possible – one officer argued that the suspect, by averting gaze, is trying not to engage and so making the suspect look at you makes it more difficult for the suspect to stay silent;

- using silence – for example, one officer suggested leaving about seven seconds between questions, or potentially longer if asking really difficult questions. However, another officer warned that whilst generally a good technique, use of silence can feel artificial;

- changing topics away from difficult questions – one officer described how if a suspect says no comment because questions were getting difficult she would return to questions that she thought he would respond to, returning to the more difficult questions later; and

- explicitly encouraging suspects to talk – impress on suspects the importance of getting information and that this is their opportunity to speak and give their side of the story.

Despite the use of such tactics and the recognition that encouraging suspects to talk was a key determinant of success, (as described in Chapter 2) a theme that emerged from the semi-structured interviews was that sometimes nothing will work, as one officer put it: "there is no magic solution in getting someone to talk, no matter what the style used". This was also highlighted by questionnaire respondents.

In terms of minimising the disruptive impact of either suspects or legal advisors, a key theme that emerged from questionnaire respondents was the importance of remaining professional ($n = 11$). With regards to suspect disruptions, respondents identified that disruption should not divert interviewers from persisting with their line of questioning or being robust in their challenging. It was acknowledged though that if the disruption became extreme then the interview should be suspended until the suspect calms down. One respondent explained that he would "terminate the interview time and time again until [the suspect] realises that I have the patience to be there for hours if necessary".

For both suspects and legal advisors, nine respondents identified setting out ground rules as a helpful technique in establishing what was expected and what could happen if disruptive behaviour persisted. For suspects, it was about explaining to them the cost of continued disruption, that is, they were likely to prolong their detention, whereas for legal advisors, interviewers would emphasise the legal protections in PACE for excluding disruptive legal advisors.

Another strategy employed to keep suspects and legal advisors on side was to provide as much information as possible about the interview process ($n = 6$). A key theme was to carry on, and in some cases, ignore disruptions, particularly those emanating from the legal advisor. One respondent recommended a "gradual disengagement" with the legal advisor. Two other respondents suggested that interviews should speak only to the suspect and ignore the legal advisor if legal advisor disruption persisted.

As described in Chapter 2, establishing and/or maintaining control throughout the interview was also frequently raised as an issue by participants in the semi-

structured interviews. This appeared to be linked closely with the need for interviewers to display professionalism and self-confidence during the interview. For example, one interviewer described: "the interviewer has got to feel and appear to be in charge – [they] need to be confident". Suggested techniques for demonstrating control included:

- introducing suspects to their legal advisor;

- being firm and persistent;

- effective time management of topics in order to avoid interruptions by having to change tapes;

- telling people where to sit when they enter the interview room;

- ensuring the legal advisor sits next to the suspect so she/he is out of his/her direct vision;

- checking the room and making sure everything is set up properly; and,

- (as highlighted above) staying calm and unflustered.

Respondents were also asked (via the questionnaire) to identify any specific techniques they employed to develop rapport. A total of 31 respondents identified specific rapport building techniques and two key themes emerged. First, it was recommended that officers should have early contact with suspects prior to the interview (perhaps by going to pick them up from the cells or by going to the cell and introducing themselves) and then clearly setting out the timeframe of what was going to happen. A second theme that emerged was that a 'suspect-centred' approach should be adopted from the outset. This included dealing with any welfare issues and ensuring that suspects had a drink or food if desired. It also involved checking how suspects would like to be addressed (and then using this). More generally, this approach

involved treating suspects as individuals, listening to their concerns, and showing understanding and empathy for their situation.

Similarly, building up rapport with suspects was mentioned by nine officers during the semi-structured interviews as a critical element of the interview process. In line with the findings from the questionnaires, participants in the semi-structured interviews identified that developing rapport involved being courteous and civil from the outset, maintaining a calm atmosphere, listening to people and trying to "get on their wavelength". For one officer, the potential negative impact of not getting on with someone was so significant that it meant that, "in these cases I won't do the interview". Developing rapport however was not always employed in a 'blanket' fashion: for example, one officer commented that when dealing with "career criminals you might not even bother trying to develop rapport because there is no point". The suggestion here is that such individuals, being very used to the custody and interview situation, are less likely to be influenced by attempts at developing rapport.

Given the importance attached to developing rapport, it was no surprise that suspects were judged to have a key role in determining how the interview progresses, as one participant in the semi-structured interviews commented, "suspect behaviour affects the quality of interview a lot, [it] dictates how you as an interviewer responds". Three other interviewers provided illustrations of this, for example:

[You] should treat suspects with respect, care and attention, for example if a suspect is getting fidgety then you can tell them they will get a break in a minute – they then might focus for the few remaining minutes.

If the suspect is quite assertive then you might want to give them control, or appear to give them control.

143

One suspect was very inarticulate and the interviewer didn't account for this – the suspect was getting very frustrated because he thought he was continually being asked the same question.

The interplay between suspects' and interviewers' behaviour was identified in the semi-structured interviews as a reason why the interviewer themselves needed to be very flexible in their approach (see Chapter 2 for more detail). Whilst in the last example above, the suspect was inarticulate and so the interviewer needed to (although did not in this case) adjust his questioning techniques to account for this. In another case, the suspect,

... was a very intimidating, cocky bloke so the lead interviewer...went about it in a very blokeish, matter-of-fact sort of way.

The type of suspect therefore can call for a very different approach and as one participant said: "officers should remember that they can flick between techniques".

Strategies Used in Real-Life Interviews

This section will be divided into two parts. The first section looks at what strategies are actually used by interviewers in the present sample of interviews, and how this varies as the interview progresses. The second section examines the associations between these strategies and suspects' responses.

Strategies used by interviewers. A total of 15 strategies to encourage suspects to talk were coded. Table 7.2 shows the frequency of use for each strategy across the total number of interviews ($N = 407$).

Table 7.2: Frequency that different strategies were observed

Strategy	Frequency	Mean	Standard deviation
Requests attention	151	0.37	0.867
Rapport/empathy	273	0.67	1.255
Use of silence	94	0.23	0.810
Suspect's interest to talk	49	0.12	0.504
Situational futility	62	0.15	0.593
Explicitly asks for account/tell truth	338	0.83	1.511
Emphasises seriousness of offence	57	0.14	0.430
Special warning	21	0.05	0.391
Reiterates caution	33	0.08	0.345
Describes injuries of victim	42	0.10	0.582
Describes trauma of victim (or victim's family)	126	0.31	0.966
Minimisation	0	-	-
Maximisation	1	0.00	0.50
Presentation of evidence	8713	21.41	16.275
Challenge	2280	5.60	8.725

Presentation of evidence was the most frequent strategy, by a considerable margin. This finding is in line with other research (Pearse & Gudjonsson, 1996; Soukara et al., 2002). Challenge was the second most frequent occurring on average around five times per interview. This indicates a greater use of challenge in the present study than that found in other earlier studies (Hakkanen et al., 2009; Baldwin, 1992) (although methodological difference between studies should be noted).

Although many of the other strategies occurred much less frequently, two strategies, explicitly asks for an account and rapport/empathy, were significantly more frequent than the next nearest strategy, requests attention[23]. Explicitly asks for an account was in fact the third most frequently observed strategy, and appears to be in line with the ethos of investigative interviewing: that the suspect should be asked for a full account of what happened.

Whilst the present study is in line with other research, which found that evidence of rapport building was, overall, quite rare (e.g. Moston & Engleberg, 1993; Oxburgh et al. 2010), further analysis revealed that rapport/empathy was significantly more frequent in the opening stages of the interview (the first 15 minutes) ($M = 0.37$) compared to the next 15 minutes (i.e. the middle of the interview) ($M = 0.26$), $Z = 2.94$, $p < 0.01$. In light of the research on empathy by Oxburgh, Ost, and Cherryman (2010) and the definition of rapport/empathy adopted in the present research, further analysis of the use and impact of rapport and empathy should be undertaken.

Minimisation and maximisation, two techniques described in Chapter 5, were extremely rare, with only one incidence of maximisation (and none of minimisation) being observed across all 407 interviews. This is clearly encouraging, is in line with the PEACE ethos of ethical interviewing, and reinforces the findings from other UK based studies (e.g. Soukara et al. 2009), that also found these techniques were rarely, if ever, used.

---

[23] Rapport/empathy ($M = 0.67$) and explicitly asks for account ($M = 0.83$) were statistically more frequent than requests attention ($M = 0.37$), $Z = -4.24$, $p < .001$, and $Z = 5.10$, $p < .001$, respectively.

The mean frequency of strategy use across time segments was explored for two of the more frequent strategies: presentation of evidence and challenge, shown in Table 7.3 below.

Table 7.3: Mean frequency of strategy use across the duration of the interview, by time segments (with standard deviations) for two strategies

Strategy Time segment	Mean frequency (and percentage) of presentation of evidence	Mean frequency (and percentage) of challenges
1	2.77 (2.52)	0.44 (1.32)
2	3.62 (3.12)	0.84 (1.89)
3	3.71 (3.23)	0.88 (1.88)
4	3.53 (3.04)	0.99 (2.03)
5	3.54 (3.27)	1.05 (2.09)
6	3.68 (3.19)	1.00 (1.95)
7	3.57 (3.08)	1.16 (2.30)
8	3.22 (2.98)	1.16 (2.16)
9	1.83 (2.14)	0.59 (1.24)

For presentation of evidence there was a broadly consistent frequency in time segments two to eight with a smaller mean frequency in both the opening and closing time segment of the interview. Presentation of evidence was most frequent in time segment three.

The pattern for the strategy of challenge was different, with the mean frequency of challenges increasing as the interview progressed, peaking in time segments seven

and eight, and then falling again in the final time segment of the interview. The difference in challenges between time segment seven ($M = 1.16$) and one ($M = 0.23$) was significant ($Z = -6.41$, $p < 0.001$). This pattern appears to be in line with guidance that challenges should occur after an initial account from the suspect is obtained.

Correlations between different strategies. Bivariate (two-tailed) correlations between the frequencies that different strategies were used were undertaken. The strategies included were:

- rapport/empathy;

- challenge;

- requests attention;

- use of silence;

- explicitly asks for account;

- describes trauma of victim;

- presentation of evidence;

- situational futility;

- suspects interest to talk;

- special warning;

- caution reiterated; and,

- emphasises seriousness of offence.

Maximisation and minimisation were excluded due to their observed frequency being one or less (see Table 7.2 above). Table 7.4 reports the Kendall's tau correlation coefficients between each strategy subsequently included. The key significant correlations were:

- rapport/empathy was positively correlated with requests attention but negatively correlated with challenge;

- use of silence was positively correlated with situational futility, explicitly asks for account, describes trauma, presentation of evidence, and challenge;

- requests attention was positively correlated with presentation of evidence;

- suspects interest to talk was positively correlated with situational futility, explicitly asks for account/truth, describes trauma, emphasises seriousness, caution reiterated, presentation of evidence, and challenge;

- situational futility was positively correlated with explicitly asks for account/truth, caution reiterated, describes trauma, presentation of evidence, and challenge;

- explicitly ask for account/truth was positively correlated with emphasising seriousness of offence, caution reiterated, describes trauma, presentation of evidence, and challenge;

- emphasises seriousness of offence was positively correlated with caution reiterated, describes injuries, describes trauma, and challenge;

- caution reiterated was positively correlated with describes trauma, and challenge;

- describes injuries was positively correlated with describes trauma;

- describes trauma was positively correlated with presentation of evidence and challenge; and

- presentation of evidence was positively correlated with challenge.

There was only one strategy, special warning, which did not correlate with any of the other strategies. In contrast, describes trauma was significantly correlated with eleven other strategies. Clearly there are a number of significant correlations between the frequencies with which different strategies were used. Taking this analysis forward, it might be interesting to explore further how these different strategies cluster with one another. For example, Multi-Dimensional Scaling (or Smallest Space Analysis) could be carried out to explore graphically the different relationships (as distances in geometric space) between strategies.

Table 7.4: Kendall's tau correlation coefficients between different strategies used by interviewers

Strategy	Attention	Rapport	Silence	Interest to talk	Situational futility	Tell truth	Serious-ness	Special warning	Caution	Injuries	Trauma	Evidence	Challenge
Attention	1	.09*	-.02	.01	-.00	.01	.07	-.08	.01	.03	.05	.17**	.08
Rapport	.09*	1	.08	-.04	-.04	-.07	-.01	-.08	-.09	-.04	.01	.03	-.20**
Silence	-.02	.08	1	.06	.26**	.20**	-.05	.02	.08	.06	.13**	.12**	.21**
Interest to talk	.01	.01	-.04	.061	.14**	.35**	.22**	-.05	.20**	.03	.11*	.13**	.10*
Situational futility	-.00	-.00	-.04	.26	1	.32**	.04	-.05	.23**	.09	.15**	.20*	.16**
Tell truth	.01	-.07	.20**	.35**	.32**	1	.27**	.03	.33**	.09	.29**	.20**	.27**
Seriousness	.07	-.01	-.05	.22**	.04	.27**	1	.04	.13*	.14**	.15**	.03	.09*
Special warning	-.08	-.08	.02	-.05	-.05	.03	.04	1	-.04	.04	-.03	-.08	.06
Caution	.01	-.09	.08	.20**	.23**	.33**	.13*	-.04	1	-.00	.17**	.06	.15**
Injuries	.03	.04	.06	.03	.09	.09	.14**	.04	-.04	1	.10*	.00	.05
Trauma	.05	.01	.13**	.10*	.15**	.27**	.16**	-.03	.17**	.10*	1	.13**	.27**
Evidence	.17**	.03	.12**	.13**	.10*	.20**	.03	-.08	.06	.00	.13**	1	.32**
Challenge	.08	-.20**	.21**	.01*	.16**	.27**	.09*	.06	.15**	.05	.27**	.31**	1

*p < .05, **p < .01

Association of strategy use with suspect response. So far, suspect response

and behaviour (Chapter 6) and the strategies used by interviewers (the present chapter)

have been examined in isolation. This section will now explore the associations between

strategy use and suspect response.

Linear regression was employed to examine if particular strategies were

associated with suspects responding relevantly (in comparison to not responding). All

strategies (except minimisation and maximisation due to low frequencies) were

included in the model. The results of this analysis are set out in Table 7.5.

Table 7.5: Strategies as predictors of suspect response

Strategy	B	SE B	β
Constant	-.10	.08	
Requests attention	.16	.05	.13**
Rapport/empathy	.15	.03	.19***
Use of silence	.11	.06	.09
Suspect's interest to talk	-.16	.10	-.08
Situational futility	-.17	.08	-.10*
Explicitly asks for account/tell truth	-.18	.04	-.27***
Emphasises seriousness of offence	-.33	.11	-.14**
Special warning	-.32	.11	-.13**
Caution reiterated	-.39	.13	-.14**
Describe injuries	-.13	.07	-.08
Describes trauma	-.02	.05	-.01
Presentation of evidence	-.01	.00	.15**
Challenge	.01	.01	.06

$R^2 = .31$ (p < .001). *p < .05 **p<.01 ***p<.001

Six strategies were identified as significant predictors of suspects responding relevantly (in comparison to not responding). In summary:

- requests attention, rapport/empathy and presentation of evidence were all significant predictors of suspects responding relevantly. In other words, the greater use of these strategies was associated with more relevant responses, than if fewer of these strategies were used; and

- explicitly asks for an account, emphasises seriousness of offence, special warning and caution reiterated were all negatively associated with suspects responding relevantly. This means that less frequent use of these strategies predicted more relevant responses (than if more of these strategies were used).

No significant associations were found between suspect response and the following strategies: challenge; suspect's interest to talk; use of silence; describes injuries; and describe trauma.

Multinomial logistic regression was also undertaken to explore the relationships between strategy use and whether the suspect admitted, denied or made no response (i.e. neither admitted nor denied). For this analysis, strategies were coded as either present or absent (rather than counts). Some strategies, due to low frequencies or lack of variation, were also excluded. The strategies subsequently included in the regression model were: requests attention, rapport/empathy, use of silence, explicitly asks for account, describes trauma, and challenge. The results are shown in Table 7.6.

Table 7.6: Strategies as predictors of suspect admission or denial

Variable	B (SE)	95% Confidence Interval for Odds Ratio		
		Lower	Odds ratio	Upper
Admitted offence				
Intercept	.26 (.43)			
Requests attention	1.63 (.81)*	1.05	5.12	24.90
Rapport/empathy	1.56 (.53)**	1.70	4.75	13.30
Use of silence	.85 (.91)	.39	2.35	14.02
Account/tell truth	-1.28 (.49)**	.11	.28	.72
Describes trauma	-1.67 (.69)*	.05	.19	.74
Challenge	.41 (.50)	.57	1.51	4.00
Denied offence				
Intercept	1.89 (.36)			
Requests attention	1.73 (.75)*	1.30	5.66	24.68
Rapport/empathy	.74 (.47)	.84	2.09	5.20
Use of silence	1.47 (.78)	.95	4.35	20.01
Account/tell truth	-1.37 (.40)*	.12	.25	.55
Describes trauma	-.86 (.46)	.17	.42	1.04
Challenge	.77 (.42)	.95	2.15	4.89

R^2 = .13 (Cox and Snell), .16 (Negelkerke). Model, χ^2 = 54.60, p < .001. *p < .05, **p<.01, ***p<.001,

This analysis revealed some significant associations with suspects either admitting or denying an offence, in comparison to not responding. Specifically:

- using requests attention and rapport/empathy are associated with an increased likelihood of suspects admitting the offence rather than not responding;

- requests attention is associated with an increased likelihood of suspects denying the offence in comparison to not responding;

- if explicitly asking for an account was used, then suspects less often either denied or admitted an offence, in comparison to not responding; and

- use of describing trauma was associated with a decreased likelihood of suspects admitting an offence, in comparison to not responding.

Finally, negative binomial regression was undertaken to explore associations between suspect interruptions and the presence (or absence) of strategies. Table 7.7 reports the significant findings from this analysis.

Table 7.7: Strategies as significant predictors of suspect interruptions

Variable	B	SE B	p
Intercept	-.77	.95	
Requests attention	1.05	.14	.000***
Suspects' interest to talk	-.51	.25	.039*
Situational futility	-.49	.23	.029*
Explicitly asks for account/tell truth	.28	.14	.040*
Special warning	-1.87	.46	.000***
Caution reiterated	-.74	-.74	.005**
Presentation of evidence	2.01	.95	.034*
Challenge	.39	.13	.003**

LR χ^2 = 126.43 (p < .001). *p < .05 **p<.01 ***p<.001

In summary, the key findings can be expressed as:

- the presence of requests attention, explicitly asks for account, presentation of evidence and challenge are associated with increased suspect interruptions; and

- the presence of suspect's interest to talk, situational futility, special warning and reiterates caution are all associated with fewer suspect interruptions.

Discussion

The police officers questioned as part of the present research claimed to employ a range of strategies during suspect interviews. These included strategies ranging from encouraging reluctant suspects to talk through to those intended to control disruptive suspects (and legal advisors).

Analysis of the real-life interviews did indeed demonstrate that a range of strategies were employed by interviewers, with presentation of evidence and challenge the most frequently observed. Building rapport was identified by participants in the semi-structured interviews and questionnaires as a frequently used strategy, and turned out to be one of the more commonly observed strategies in the actual interviews. Whether the controversial strategies of minimisation and maximisation were used was also explored, and reassuringly, there were no observations of minimisation and only one instance of maximisation, across all 407 interviews.

With the exception of minimisation and maximisation, explicit judgements of the appropriateness (or otherwise) of the different strategies were not made in the present research. Nevertheless, the strategies that were most commonly used (presentation of evidence, challenge, and rapport/empathy) are unlikely to generate much controversy, and would on the whole be considered appropriate. Others (e.g. situational futility,

emphasising seriousness) might be perceived as problematic with certain (more vulnerable) individuals. However, the author's view is that the actual practice of these strategies in the present sample of interviews is unlikely to cause concern to many. For example, these are extremely serious crimes, and to remind suspects of that, on occasion, may be perfectly reasonable. Instead, the issue is one of degree, and infrequently used strategies may cause little concern. However, there were a handful of occasions during interviews where the *clustering* of strategies bordered on verbal aggression. It should be emphasised, that the entire interviews were not characterised in this way, but rather at certain points (tending to be towards the end of interviews) interviewers perhaps became more desperate or frustrated in their interactions with suspects. In these cases, the suspect tended to deny involvement or not respond, and their stated position never altered. In these interviews a legal advisor was always present, and in two instances, the suggestion that questioning was becoming oppressive was raised by the legal advisor. In each case, the suspects never admitted the offence, but they were all nevertheless convicted.

Whilst the aggressive use of language in these instances did not appear to impact on either the suspect or the outcome of the case, if suspects had changed their position and confessed then the implications may have been different (i.e. these interviews *may* have been deemed oppressive and subsequently been rejected at court). Whilst these occurrences were rare, more qualitative work on this sample of interviews, and the characteristics of the suspects involved, might provide helpful insight in to where pressure points can arise, and how these could be avoided. Additionally, further work on how different strategies cluster together (perhaps through Smallest Space Analysis), and if these differ according to the characteristics of suspects, would be interesting.

A number of significant associations were observed between different strategies and how suspects responded and behaved. For example, rapport/empathy was associated with an increased likelihood of suspects admitting the offence. It is not possible to say whether the use of rapport/empathy *led* more suspects to admit. The fact that no suspects changed their position from denial to admission, and that most suspects who did admit, did so early on in the questioning, possibly points to the opposite: in other words, that more rapport/empathy was used *because* the suspect was admitting. A similar point can be made with regards to the strategy of describes trauma which was associated with a decreased likelihood of suspects admitting an offence. Describing the trauma of a victim is arguably a more confrontational strategy and might only be employed because the suspect is denying the offence (if the suspect was admitting the offence, then there would be no call to use it). Returning to the finding that no suspects in the present sample actually moved from denial to confession, this may lead us to question the purpose (and effectiveness) of this strategy, irrespective of whether it is considered appropriate or not.

This thesis is unique in that it has shifted attention away from focusing solely on whether suspects admit or deny offences to include whether suspects actually respond at all during interviews. A number of strategies were found to be associated with suspects responding relevantly including rapport/empathy and presentation of evidence. Again, the increased use of these strategies might though be a result of suspects responding relevantly, rather than the other way around.

Whilst questions remain over the efficacy (and appropriateness) of some strategies, the range of strategies observed suggests that interviewing officers were not deterred from actively encouraging even the most reluctant suspects to talk or allowing cooperative suspects full opportunity to provide a detailed account. This finding is in

line with views found in the questionnaires and semi-structured interviews: that officers should persist with their questioning (and challenges), even if suspects do not respond or behave awkwardly.

This chapter has set the scene for further enquiry in to the interactions between strategy use and suspect response. Limitations of space have prohibited further analysis within the present study, but as highlighted above, an important next step is to examine how strategy use and suspect response varies with characteristics of the case and suspect.

Chapter 8: Question Types

Introduction

As described in previous chapters, how police undertake interviews, including the types of questions asked, is governed by a range of legislation and policy documents. PACE Code C (Home Office, 2008, p. 38) states that "no interviewer may try to obtain answers or elicit a statement by the use of oppression", whilst the key principle underpinning the numerous guidance documents is "for interviewers to gain as much detailed information as possible from the interviewee using effective, non-coercive questioning techniques" (Oxburgh, Myklebust, & Grant, 2010, p. 45).

This chapter summarises the existing research evidence on the types of questions that are allowable and considered effective in the police interviewing of suspects. The findings from the analysis of real-life interviews will then be reported to identify how far the recommended practice is actually followed in the present sample of serious crime suspect interviews.

The Difficulty in Defining Question Types

Dickson and Hargie (2006) adopt the definition of a question as "any statement or nonverbal act that invites an answer" (p. 79). Clearly, questions are a fundamental feature of our everyday talk,and take on particular significance in an institutional setting. Teachers and students, doctors and patients, counsellors and clients, police officers and suspects – for each of these institutional relationships, questions (and answers) are usually the predominant feature of the interaction.

Questions serve a range of functions. For example, they might be used to obtain and provide information, to encourage reflection, or to maintain control of an interaction (Dickson & Hargie, 2006). They can also take on many forms: closed, open, leading, probing, rhetorical, to name a few. Oxburgh et al. (2010) presented a thorough review of the psychological and linguistic literature on question types, as they apply to police interviews. They explained that there are "significant discrepancies amongst academic researchers and practitioners over how best to describe types of questions" (p. 45). Their key observations can be summarised as:

- the questions asked by the police interviewer is one of the most important variables in influencing what is said or omitted during the interview, regardless of whether the interview is of a witness, victim, or suspect;

- there is widespread consensus that the use of open questions will provide longer and more detailed responses, although evidence suggests that the proportion of open questions to closed questions is too low;

- there are wide variations in the definitions and categorisations of question types, which make it difficult to interpret findings or produce consistent guidance;

- the bulk of the research on question types is from a psychological perspective and very little research has been undertaken from a linguistic angle; and

- the meaning of an utterance is mostly determined by contextual influences, not lexical choices. Categorising a question using only the words it contains therefore provides a somewhat incomplete understanding of how it is functioning.

They concluded that researchers when evaluating the use of questions in police interviews need to consider scoring, (i) function, alongside (ii) phrasing, although they admit that the former may be liable to greater inter-rater variation due to its potential subjectivity.

The difficulty in agreeing a consensus on question types is illustrated clearly in a review of the literature carried out by Schollum (2005). Table 8.1 shows the range of questions she identified as either good or poor.

Table 8.1: Summary of Schollum's good and poor question types.

Good questions	Poor questions
- open - probing - echo probing - closed-appropriate - clarifying - reinforcing - summarising - repetitive-appropriate - linking - parameter setting – appropriate - neutral - non-judgmental - reflective - trailer - short concise - logical - singular	- multiple - misleading - inaccurate - hypothetical - non-neutral - judgmental - negative - double negative - complex - too long - forced choice - multiple concepts - accusatory - assumptive - repetitive - inappropriate - parameter setting-inappropriate - sarcastic - ironic

Given the range of different types of good and poor questions that Schollum describes, it is little surprise that there is no one commonly agreed typology (Dickson & Hargie, 2006). Despite the inherent difficulties in defining specific question types, there is general consensus on what constitutes effective questioning. The next section summarises the literature on this.

Effective Questions

Oxburgh et al. (2010) identified that open information-seeking questions are the most productive in terms of gaining detailed responses from the interviewee. They suggested that these can in turn be followed by more probing information-seeking and information-confirming questions (like, what, who, when and why questions). This view is shared by others like Shawyer and Walsh (2007) who identify that appropriate questioning involves the use of open ended questions allowing the interviewee to recall freely everything that they wish to remember without interruption, with probing and closed questions employed to clarify certain aspects of the account. Read, Powell, Kebbell, and Milne (2009), in a review of the literature on effective interviewing practice with sex offenders, reported a number of benefits associated with eliciting a free account. This included the interviewee feeling they are being treated fairly, and listened to, and that details provided during this stage are more likely to be accurate than responses to focused, short-answer questions. Read et al. also said that "despite the superiority of open-ended questions, specific questions are usually a necessary part of the interview process" (p. 450). In line with other research, they describe the function of these questions as gathering critical details that might have been left out from the original account. Alison and Howard (2005) also argue that although closed questions can present difficulties, they might be effective if the interviewee is having trouble discussing a particular topic.

Further to this, Milne and Bull (1999) describe a series of inappropriate questions including forced-choice, leading and multiple questions. Oxburgh et al. added to this list of unproductive questioning with opinion/statement type questions (where an interviewer just reads a statement or provides their own opinion and expects the interviewee to answer)[24]. Shawyer and Walsh also included complex questions as inappropriate. Drawing on the majority of the question types identified above, Griffiths and Milne (2006) identified what they perceived to be productive and unproductive question types, a summary of which is presented in Table 8.2.

Table 8.2: Griffiths and Milne's definitions of productive and un-productive questions

Productive questions	Unproductive questions
Open questions – defined as those allowing a full range of responses encouraging longer answers e.g. 'describe everything that happened that day'. **Probing questions** – more intrusive, requiring a specific answer usually starting with 'who' 'what' or 'where'. **Appropriate closed yes/no questions** – used at the conclusion of a topic where open and probing questions have been exhausted.	**Inappropriate closed yes/no questions** – could be same questions as used in the appropriate category but used at the wrong point in the interview. **Leading questions** – suggests an answer e.g. 'are you normally that aggressive after drinking?' **Multiple questions** – a number of sub-questions asked at once. **Forced-choice questions** – offers the interviewee a limited number of possible responses. **Opinion or statement questions** – poses an opinion rather than asking a specific question e.g. 'I think you did assault that person'.

In addition to the question types that are deemed appropriate, Ord and Shaw (1999) identified a number of other principles of questioning, including:

- questions should be worded simply;

---

[24] The definition of a statement question used in the present study is different to that defined here by Oxburgh et al. See Appendix B for definition used.

- questions should be relevant to the investigation;

- interviewers must pause sufficiently to allow an answer; and

- the interviewee must not be interrupted whilst answering.

The importance of simple language was emphasised in a study by Snow and Powell (2004) which examined the language and social skills of 50 male juvenile offenders and 50 non-language impaired controls. They found that overall, the offenders performed significantly worse on all measures, with over half of the young offenders being identified as language impaired compared to the controls. They also found that the language deficits were difficult to pick up in the early stages of the interview, thereby demonstrating the necessity of initially using simple language with all offenders. Alison and Howard (2005) also described how interviewers frequently interrupted interviewees and spoke more than the interviewees. In a witness interviewing study, Wright and Alison (2004) reported that Canadian interviewers spoke 33 per cent of the time and interviewers were found to interrupt interviewees once every 4 minutes and 36 seconds.

The notion that poor questioning can lead to distorted responses and potentially false confessions is well documented (Milne & Bull, 1999; Gudjonsson, 2003; Kassin, 1997). Evidence also indicates that individuals who are prone to compliance are especially vulnerable to misleading questions in police interviews (Kassin, 2008; Shawyer, Milne, & Bull, 2009). In the trial of George Heron in 1993, Mr Justice Mitchell did not allow the jury to hear an admission that the defendant had made during interview on the grounds that evidence had been misrepresented and that police questioning was repetitive, suggestive and oppressive, with officers tending to pass comment rather than question (Green & Shaw, 2007). This case led to one of the clearest indications to date of the legal position in England and Wales on inappropriate questioning:

the police... are not prohibited from putting questions to a suspect merely because he chooses not to answer them. They are not required to accept any answer or answers a suspect chooses to give. Nor are they prohibited from being persistent, searching and robust in their questions. If they do not believe what they are being told they are entitled to say so. Persistence must not, however develop into bullying, robustness must not develop into insulting or gratuitously demeaning questions, nor must robustness be regarded as an acceptable label for what, in truth, is no more than a repetitive verbal pounding. (cited in Green & Shaw, 2007, p. 92)

Previous research has shown that police officers regularly assume suspects to be guilty, even just prior to interviewing them (Baldwin, 1992, Mortimer & Shepherd, 1999), and that such presumptions of guilt probably impact on the types of questions asked. Kassin, Goldstein, and Savitsky (2003) conducted a study with students, one group of which committed a mock crime and the other took part in an innocent but similar act. Interviewers then interviewed the suspect but beforehand were led to believe either that most suspects were either guilty or that most were innocent. Neutral observers then listened to the interviews and made judgements of whether the suspects were guilty or innocent. The results revealed that interviewers who thought suspects were guilty chose more guilt-presumptive questions in the opening stages, as well as throughout the entire interview than those interviewers who thought suspects were innocent. Kassin et al. (2003) also found that the neutral observers rated interviewers with guilty expectations as trying hard to obtain confessions and exerting more pressure on the suspects.

A later study by Hill, Memon, and McGeorge (2008) (again using student participants) also found that interviewers holding expectations of guilt generated more

guilt-presumptive questions than interviewers who held expectations of innocence. They also found that when independent observers were asked to judge the behaviour of suspects, without listening to the questions asked, a difference was found between the behaviour observed in the group which had been asked guilt-presumptive questions and the behaviour of the group which had been asked neutral questions. Specifically, the observers judged those suspects who responded to guilt-presumptive questions as more guilty than those who responded to neutral questions. They also found that suspects were perceived to be more nervous, more defensive and less plausible when responding to guilt-presumptive than to neutral questions.

Schollum (2005) in her review of the literature on investigative interviewing summarised that effective interviewers are those who have knowledge of the psychology of interviewing and have received a thorough grounding in a wide range of practical techniques. Encouragingly, the commitment to enhanced interviewing training since the Heron ruling has promoted a psychological awareness of question types and guilt-presumptive actions. For example, Griffiths and Milne (2006) described that a large part of the advanced interview training course in England and Wales (developed in 2004) is dedicated to using appropriate questioning techniques in order that the information obtained is reliable and accurate. They described how obtaining and probing a suspect's account using productive questioning techniques is a key skill and that officers are taught not to be judgemental when putting evidence that contradicts a suspect's account, even where it seems obvious that the suspect is lying.

In summary, although there are a range of ways in which good and poor questioning can be defined, there does appear to be general consensus (amongst both academics and practitioners) of the core elements of effective (and ineffective)

questioning. The next section reports what the research evidence tells us about how well this is put into practice.

The Quality of Questioning in Suspect Interviews

Chapter 5 introduced the work of Moston and Engelberg (1993) which identified that an interviewer will typically begin an interview in one of two ways: either an information gathering or confession obtaining strategy. They found these different strategies involved different forms of questioning. The two strategies and the questioning employed within each are summarised in Table 8.3 below.

Table 8.3: Summary of Moston and Engelberg's (1993) strategies of questioning.

Questioning for information	Questioning for confession
Questioning to establish rapport – the suspect might be asked background questions or non-emotive questions to establish a baseline against which future responses can be judged. **Non-specific information gathering** – the offence might not initially be mentioned but open questions like 'tell me what you did yesterday' might be asked. **Offence-specific information gathering** – the suspect might be asked what they know about the offence although the questions are still open-ended and allows the suspect to give their version of events.	**Direct accusation** – directly asks the suspect whether they committed the crime in question. **The evidence strategy** – here the incriminating evidence against the suspect might be laid out and the suspect asked to explain it, although the accusation itself might be absent. **The supported direct accusation** – this is a combination of the above two strategies, whereby the interviewer lays out the evidence and then asks the suspect whether they committed the offence or not.

Moston and Engelberg (1993) highlighted the dangers of false confessions associated with confession-seeking strategies. They also suggested that by adopting such strategies, even if the confession is not false, the interviewers open themselves up to defences of suggestibility of the suspect. They argue that for a confession to be seen as valid the suspect must provide information independent of that put before them by the police interviewer. If not, interviewers could be accused of asking leading questions.

Baldwin (1992) observed that in several of the interviews he analysed, admissions were obtained only in response to a series of leading questions. Similar to Moston and Engelberg, he noted that instead of allowing suspects to give their own version of events, some officers obviously presumed the suspect was guilty, laid out a number of propositions, and invited the suspect to agree with these. Baldwin also found that in a number of interviews, officers continually interrupted suspects or asked questions in rapid succession, not giving suspects a proper opportunity to respond (contrary to Ord and Shaw's advice, above).

A number of other studies have also observed question use in interviews with suspects. Soukara et al. (2009) found, from an analysis of the tactics used in 80 audio-taped police suspect interviews, that leading questions were used in 91% of interviews and repetitive questions occurred in 84%. In the same sample, open questions were found to be present in 99% of interviews (Soukara, 2004). Soukara et al. went on to examine the timing of tactics in 40 confession interviews and found that open, repetitive and leading questions were among the most frequent tactics observed in the 10 to 15 minutes preceding the confession, although they were cautious in drawing any causal link between the timing of such tactics and the subsequent confession.

Similar findings were observed by Pearse and Gudjonsson (1996) who identified that the use of open questions was very common (occurring in 98% of interviews) and leading questions evident in 73% of the sample. Bull and Cherryman (1996) too found that on average, both open and leading questions were used more often than not; they also found however that closed questions was the most frequently observed question type, in comparison to both leading and open questions. They also found that although long or overly complex questions did occur, these were rare. Although Alison and Howard (2005) did not specifically look at question types per se, they did find that

168

techniques of 'collection of information without cross-examination' (similar to open questions) were observed in 95% of the suspect interviews they analysed and 'elaborate on answers given' (possibly akin to closed specific questions) were used in 77.5% of interviews.

Griffiths and Milne (2006) examined the use of appropriate (or productive) questions (see Table 8.2, above, for their definition of productive) in their sample of serious crime interviews and found that prior to training the mean score was 3.3 (a score of five was excellent and of one was poor), which they judged as an acceptable standard. After training, the use of appropriate questions improved to 4.2 and although this deteriorated slightly on returning to the workplace, the score then was still significantly higher than that found pre-training.   Using the Griffiths Question Map, they also carried out some preliminary analyses of questions used in a handful of interviews. Detailed analysis of one interview (conducted by an officer after advanced interview training) identified greater use of probing questions compared with open questions. The officer also used a number of appropriate closed questions with only two unproductive questions in the whole interview. An analysis of how the pattern of use changed over time revealed two distinct phases of questioning: the first account phase of the interview showed the use of both open and probing questions whereas later phases of questioning, when the interviewer wanted to explore specific topics, showed a string of probing questions. Griffiths and Milne observed a definite change in style with a series of appropriate closed questions being asked at the end of the topic to close the subject down. This is consistent with good practice advice summarised by Ord and Shaw (1999) and others (e.g. Oxburgh et al., 2010).

Drawing on the research evidence described above, and noting the conceptual and operational difficulties of defining questions, eight different question types were settled

on for use in the present study: closed, open, closed with element of open, negative, multiple, statement, repetitive, and ineffective. (Appendix F contains detailed definitions and Appendix E summarises how these questions were selected). This list is not definitive nor is it likely to be considered by all as representative. However, for the purposes of this exploratory study, and in the absence of any real consensus amongst researchers, this list represents a reasonable basis for assessing patterns in question use.

Findings

This section reports the pattern of question use in the current sample of serious crime interviews. Later sections will examine to what extent question type was associated with suspect response.

The frequency of question type across the entire sample of interviews ($N = 407$) was calculated and the results are shown in Table 8.4.

Table 8.4: Frequency of question types across the total sample of interviews

Question type	Frequency	Mean	Standard deviation
Closed	25640	63	46.60
Open	414	1.02	1.88
Closed with element of open	109	0.27	0.89
Negative	735	1.81	2.54
Multiple	3271	8.04	6.74
Statement	6722	16.52	16.61
Repetitive	1178	2.89	6.81
Ineffective	41	0.10	0.48

Closed questions were by far the most frequent type of question observed in the current sample. The second most frequent was statement questions[25]. Whilst some studies of police interviewing identify statement questions as unproductive (Oxburgh et al., 2010), a different position was adopted in the present study. During the early stages of testing the coding frame (which initially did not include a code for statement questions), clear adjacency pairs were evident although they could not, in lexical terms, be categorised as one of the existing question types. To illustrate, an example is presented below in Figure 8.1.

Figure 8.1: Illustrative extract

> **Interviewer**: John Smith said you were there that night. Were you at the Ship Inn public house that night?
> **Suspect**: No, I wasn't there then. I was there earlier that day but left at 4pm.
> **Interviewer**: So, you're saying that John is incorrect in thinking that he saw you there that evening.

Using the example in Figure 8.1 above ("So, you're saying that John was incorrect...."), one option might be to make an inference as to the type of question it was intended to be. However, since these types of questions were relatively frequent, it was decided that a separate code (statement questions) should be used to capture these. It should be emphasised therefore that in the present study, statement questions per se, are not considered an inappropriate question type.

Open questions were not particularly common: on average only one open question was asked per interview. A repeated measures ANOVA was conducted to compare the

---

[25] Readers are referred to the results of the inter- and intra-rater reliability tests in Chapter 3. Coding of statement questions reached acceptable levels of agreement although it should be noted that this was not as strong as found in the coding of other strategies or question types.

use of open-type questions[26] across time. Open-type questions were compared across three categories of time: (i) the opening three time segments (one to three); (ii), the middle three time segments (four to six), and (iii) the final two time segments (seven and eight). A significant effect of open-type questions by time was found, ($F(1.66) =$ 9.84, p < .001. Three paired samples Wilcoxon Signed Ranks tests were used to make post-hoc comparisons between conditions. A first test indicated that there was a significant difference in the scores between the opening time segments ($M = 0.81$) and the middle time segments ($M = 0.56$), $Z = -3.35.28$, p = .001. A second test indicated that there was a significant difference in the scores between the first time segments ($M = 0.81$) and the final time segments ($M = 0.38$), $Z = -4.09$, p = .000. A third test indicated that there was also (although not as strong) significant difference in the scores between the middle time segments and the final time segments, $Z = -2.75$, p = .006[27].

In summary, although open questions are, overall, much less common than other types of questions, more open questions were used during the opening, rather than later, stages of the interview. This is consistent with preliminary observations of Griffiths and Milne (2006).

Question type and suspect response. In line with Chapters 6 and 7, linear regression was carried out to explore the associations between question type and the suspect's likelihood to respond relevantly (or not). The results are included in Table 8.5.

---

[26] The total observations of 'open' and 'closed with element of open' questions were combined into a single category, 'open-type', for this, and future, analyses.

[27] Statistical significance was Bonferroni corrected and subsequently set at 0.017 (as paired sample tests were carried out on three levels of the independent variable, so .05/3 = 0.017).

Table 8.5: Question type as predictors of suspect response

Variable	B	SE B	β
Constant	-.55	.06	
Closed	-.01	.00	-.23***
Open-type	.03	.01	.08*
Negative	-.00	.01	-.00
Multiple	.01	.01	.03
Statement	.05	.00	.80***
Repetitive	-.01	.01	-.04
Ineffective	.07	.07	.04

R^2 = .62 (p < .001). *p < .05 **p<.01 ***p<.001

The significant findings can be expressed as:

- greater use of statement and open-type questions were significantly associated with suspects responding relevantly (compared to not responding); and

- fewer closed questions was significantly associated with suspects responding relevantly (compared to not responding).

Multinomial logistic regression was also carried out to see whether question types might be associated with whether the suspect was likely to admit (either fully or in part), deny or not respond. Not all question types could be included in the analysis because of low frequencies in some cells. The question types (whether present or absent) added in to the model were: open-type, negative, and repetitive question types. The results from this analysis are included in Table 8.6 below.

Table 8.6: Question type as predictors of suspect admission or denial

Variable	B (SE)	95% Confidence Interval for Odds Ratio		
		Lower	Odds ratio	Upper
Admitted offence				
Intercept	-.233 (.422)			
Open-type	1.12 (.45)*	1.26	3.06	7.40
Negative	.80 (.43)	.95	2.22	5.19
Repetitive	-.16 (.47)	.34	.85	2.16
Denied offence				
Intercept	1.42 (.33)			
Open-type	.67 (.39)	.91	1.95	4.17
Negative	1.23 (.37)**	1.68	3.43	7.02
Repetitive	-.26 (.39)	.36	.77	1.65

R^2 = .05 (Cox and Snell), .06 (Negelkerke). Model, χ^2 = 19.99 ($p < .01$). *$p < .05$, **$p<.01$, ***$p<.001$,

Two significant associations were identified:

- the presence of open-type questions was associated with an increased likelihood of suspects admitting the offence, (in comparison to not responding); and

- the presence of negative questions was associated with an increased likelihood of suspects denying the offence (in comparison to not responding).

A limitation of this analysis is that not all question types could be input in to the model. A larger sample with a fuller range of question types might produce different results and so caution should be exercised when drawing conclusions from this analysis.

Pattern of interruptions. One of the principles of effective questioning (described earlier in this chapter) is to allow suspects the opportunity to provide an uninterrupted account. Both suspect and interviewer interruptions were coded and the results are shown in Table 8.7.

Table 8.7: Frequency, mean and standard deviation of suspect and interviewer interruptions (N = 407)

Interruptions	Frequency	Mean	Standard deviation
Interviewer interruptions	689	1.69	2.914
Suspect interruptions	2661	6.54	9.718
Overlapping talk	242	0.59	1.375

On average, an interviewer interrupted the suspect between once and twice per interview, which was significantly fewer ($M = 1.69$, $Mdn = 0.00$) than suspect interruptions ($M = 6.54$, $Mdn = 3.00$), $Z = -12.98$, p < .001. Interviewer interruptions appear therefore, at least on average, to be quite rare, and appear broadly consistent with effective practice recommendations described earlier.

A significant correlation[28] (across interviews) was found between the number of interviewer and suspect interruptions, $\tau = .53$, p (two-tailed) < .01. That is, more suspect interruptions occurred in the interviews that had more interviewer interruptions. However, although there were instances of overlapping talk, this was quite rare, occurring on average, less than once per interview.

---

[28] A bivariate (two-tailed) Kendall's tau correlation was conducted between number of suspect interruptions and number of interviewer interruptions.

Bivariate (two-tailed) correlations between the number of interviewer and suspect interruptions, and different question types were also undertaken. The Kendall's tau correlation coefficients are reported in Table 8.8.

Table 8.8: Correlation coefficients between interviewer and suspect interruptions and question type

Question type	Interviewer interruptions	Suspect interruptions
Closed questions	.54 (*ns*)	.14**
Open questions	.80 (*ns*)	.06 (*ns*)
Closed with element of open	-.19 (*ns*)	-.01 (*ns*)
Negative questions	.24**	.26**
Multiple	.20**	.17**
Statement	.33**	.39**
Repetitive	.22**	.21**
Ineffective	.14**	.10*

(*ns*) = not significant (p > .05), *p < .05 (two-tailed) **p < .01 (two-tailed)

Table 8.8 reveals that in terms of the number of interviewer and suspect interruptions, there were significant positive correlations with the frequency of negative, multiple, statement, repetitive and ineffective questions. In other words, increased interviewer and suspect interruptions were each correlated with increased use of these question types. Many of these question types are considered to be unproductive and their correlation with increased interruptions is interesting. Alone, this might indicate that interviewers who use unproductive questioning techniques also interrupt more, pointing to an overall lack of questioning skill. However, when one also looks at suspect interruptions, which as we saw earlier, are significantly more prevalent than interviewer

interruptions, we can see that more suspect interruptions are also significantly correlated with these unproductive type questions. This might explain why more repetitive questions, for example, are correlated with increased suspect interruptions: questions may have to be repeated because suspects are interrupting.

Negative binomial regression was also undertaken to explore associations between suspect interruptions and all question types (closed, open-type, negative, multiple, repetitive, statement and ineffective). Table 8.9 reports the significant findings from this analysis and shows that the presence of negative, multiple, statement and repetitive questions were all associated with increased suspect interruptions.

Table 8.9: Question types as significant predictors of suspect interruptions

Variable	B	SE B	p
Intercept	-1.34	.36	
Negative	.87	.12	.000***
Multiple	.75	.31	.015*
Statement	1.64	.24	.000***
Repetitive	.27	.13	.035*

LR χ² = 140.53 (p < .001). *p < .05 **p<.01 ***p<.001

Returning to the overall frequencies of these question types, we can see that repetitive questions, ineffective, and negative questions are actually quite rare. Also, statement questions, for reasons described above, whilst more frequent, are not, in the present study, necessarily considered unproductive. The associations identified above between certain infrequently used question types, and interviewer and suspect interruptions, might therefore point to a more complex interaction of factors worthy of

further examination (i.e. what is the effect of contextual characteristics on these associations?).

Discussion

Notwithstanding the inherent difficulties in defining and identifying question types, the present chapter has revealed a number of interesting findings with regards to the use of question types in actual interviews with serious crime suspects.

In line with previous research, closed questions were by far the most frequently observed type of questions used. Although open-type questions were much less frequent than closed questions, further analysis revealed that open questions occurred more during the opening phase of interviews. Statement questions were the second most frequent type of question asked and might benefit from further qualitative analysis of their construction and purpose. For example, statement questions were characterised by interviewers echoing or rephrasing something suspects had recently said, with the purpose of prompting the suspect to continue talking. As a result some statement questions might be more closely aligned to open-type questions than closed. The finding that statement questions and open-type questions were significantly associated with suspects responding relevantly (compared to not responding) lends credence to this view. However, further detailed analysis needs to be undertaken in order to unpick the nature and impact of such questions.

As with use of strategies and suspects' responses, it is not possible to say whether a particular strategy or question type leads to a certain suspect response. Although open-type questions are associated with suspects responding relevantly as well as an increased likelihood of suspects admitting the offence, as with strategy use, the use of these question types might be a *consequence* of suspects responding or admitting (and

not a *cause* of it). Similarly, negative questions were associated with an increased likelihood of suspects denying the offence. Again, using negative type questions with suspects that are denying offences suggests that attempts are being made to persuade the suspect of an alternative position, for example "The evidence suggests that you were there that night, don't you agree with that?" Such questioning is likely to receive criticism, but as the findings show, these tend to be used more with suspects who are *denying* (and not admitting) the offence. Again, we return to the point, that whilst the use of negative questions is likely to receive less attention (or criticism) in cases with suspects who persist in denials (and do not change their position), there are potentially more damaging implications if suspects did change from denial to admission.

Whilst the potentially negative consequences of certain question types are well understood, it should be emphasised that the overall frequency of negative, multiple and ineffective questions was low in comparison to all of the other types of questions asked. It is also worth highlighting that analysis of simple frequencies of questions might be misleading. For example, we saw above, that repetitive questions might well be appropriate if suspects continually interrupt or evade answering a pertinent question. Similarly, whilst open questions are universally considered as an appropriate question type, they might not always be effective. For example, in one case, a legal advisor specifically asked the interviewer to avoid open questions as the (young) suspect would find it easier to respond to closed, specific questions. In line with Oxburgh et al's assertion that the function of a question is important, further analysis of the circumstances in which certain questions are used is recommended. As with strategy use, it would also be helpful to examine the relationships between suspect characteristics, question type and suspect response (including suspect interruptions).

There were also instances when, in the author's opinion, open questions could have been asked and were not, or where open questions were asked and very quickly suspects' replies were interrupted with a closed question. This might therefore be an area in which further research, and potentially police training, is needed.

Chapter 9: The Role of Legal advisors, Interpreters, and Appropriate Adults during Suspect Interviews

Introduction

This chapter examines the contribution of legal advisors, Appropriate Adults (AA) and interpreters during suspect interviews. First, the legislative requirements are presented, followed by a review of existing research evidence. The remainder of the chapter then considers the contribution of each of these roles during the present sample of serious crime suspect interviews.

Legislative Requirements

Anyone arrested by the police in England and Wales has the right to privately consult with a legal advisor and is entitled to free legal advice either in person or by telephone (PACE, Code C, Home Office, 2008). The legislation is also very clear that "no police officer should, at any time, do or say anything with the intention of dissuading a detainee from obtaining legal advice" (p. 19).

In addition to free legal advice, PACE Code C (Home Office, 2008) makes specific provisions for a suspect who is either: (i) a juvenile (i.e. appears to be under 17 years); or (ii) an adult that is mentally disordered or vulnerable. In either of these cases, an AA should also be present during the police interview. The guidance also advises interviewers that to inform AAs present at interviews that:

- they are not expected to act simply as an observer;

- the purpose of their presence is to advise the person being interviewed;

- they should observe whether the interview is being conducted properly and fairly; and

- to facilitate communication with the person being interviewed.

For suspects who have difficulty understanding English or where the interviewer cannot speak the suspect's own language, PACE Code C (Home Office, 2008) also makes clear that an interpreter should be present.

In summary, the legislation in England and Wales makes clear provision for the presence of a legal advisor, an AA and an interpreter during interviews with arrested persons. But what is known about how this works in practice? What is the impact of these individuals on the process of interviewing? In what ways do they support (or hinder) the interview process? There is relatively little research on these issues, but that which is available is turned to now.

Research Evidence on the Impact of Legal Advice on the Interview

Softley (1980) identified that (pre-PACE) the proportion of suspects asking for legal advice ranged from three to 20%. Post-PACE these figures increased to around 25% (in the late 1980s) (Sanders, Bridges, Mulvaney, & Crozier, 1989). Later studies found further increases: Bucke and Brown (1997) identified that a legal advisor was present in 40% of interviews, whilst Pearse and Gudjonsson (1997) found 56% of interviews had a legal advisor present.

A study by Phillips and Brown (1998) of the arrest and detention process in ten police stations found that 38% of detainees requested legal advice, but this figure varied depending on the severity of the offence, race, employment status, and previous

convictions. For example, they found that the highest request rate was among those detained for robbery (68%) and sexual offences (66%). In less serious cases, suspects sought legal advice less often with the lowest figure for motoring offences (21%). Through regression analyses, they also identified a number of other significant predictors of requests for legal advice, including:

- the request rates for legal advice among black people and Asians were 51% and 44% respectively, which were significantly higher than the rate for white suspects (35%);

- unemployed suspects (43%) were significantly more likely than those in employment, education or training (33%) to request legal advice; and

- those with previous convictions (42%) were more likely to request legal advice than for suspects with no previous record (31%).

Although they found that young people were less likely to request advice than adults (33% compared with 39%), this difference was not significant and was in fact affected by offence type: in other words, young people were more likely than adults to be arrested for less serious offences for which suspects were less likely to seek legal advice, irrespective of their age.

Another study of police interviewing young people (Evans, 1993) also found that legal advisors attended the interviews of young persons in far fewer cases than the general population: a legal advisor was present in only 11 per cent of cases involving a juvenile. In line with the more general trend of increased requests for legal advice, a more recent study by Quinn and Jackson (2007)[29] found that nearly half of all young

---

[29] Quinn and Jackson's study drew on quantitative information about the detention experience from 441 young persons' custody records completed by the Northern Ireland police during January and February 2002. These quantitative data were supplemented with fifty-two research interviews (with nine young

persons (46%) requested legal advice while at the police station, a much higher proportion than found by Evans.

Moston et al. (1992) also identified a relationship between the background characteristics of the suspect and whether a legal advisor was present or not. They found that suspects without a criminal record tended to be interviewed without having seen a legal advisor. However, the use of legal advice for suspects with a criminal record was more evenly spread with about half of the suspects having a legal advisor present during the interview.

A study by Skinns (2009) involved a week long observation of one custody area in the south-east of England; 15 interviews of professionals (police and legal advisors) and nine interviews with detainees; and a review of 466 custody records. He identified that 55% of detainees requested legal advice on arrival and a further 13% requested legal advice later during their detention. However, whilst 68% of detainees requested legal advice, only 55% actually received it. After further analysis, Skinns suggested that for a proportion of those who did not receive advice, this might have been because they were already wanted on warrant and so were quickly transferred to court, where legal advice was then provided. Skinns also explored suspects' perceptions of why they declined legal advice and some key themes emerged, including:

- an attitude of "let's get it over with", in other words, suspects did not want to wait for legal advice;
- suspects of less serious offences were less likely to view consulting with a legal advisor as a necessity; and

---

suspects, five lay Appropriate Adults, five social workers, eight legal advisors and 12 interviewing officers) and observations of eight police interviews.

- suspects believed they were innocent.

Skinns hypothesised that a reason for detainees not taking legal advice might be to do with comprehension of their rights. He observed three kinds of inconsistencies in how detainees' rights were read. First, officers varied in terms of how much information they provided; sometimes they omitted important information about whether legal advice was free or about the fact that their rights were ongoing and could be exercised at any time during their time in custody. They also varied in terms of how many times they read suspects their rights; for example, some would keep reading them until detainees appeared to have understood, rather than reading them just once. Secondly, they varied in terms of how quickly they read detainees their rights. Thirdly, they varied in terms of whether or not they gave detainees their rights verbally or on paper as well.

The above studies indicate variation in the take-up (and in one study, provision) of legal advice to suspects. Another study by Sanders and Young (2000) found that officers actively discouraged recourse to legal advice. This reluctance might be due, as St-Yves, and Deslaurier-Varin (2009) described, to the perception amongst some officers that suspects' access to legal advice is an impediment to their cooperation. Existing research lends some credence to this: Moston et al. found that 50% of suspects who did not take legal advice confessed, compared to 30% of those who did; and Pearse, Gudjonsson, Clare and Rutter (1998) found that suspects who used their legal right to contact a legal advisor were four times less likely to confess.

In contrast, Quinn and Jackson found that officers in their study (from Northern Ireland) often appreciated the presence of legal advisors in youth cases (to explain rights and procedures) and enjoyed good relations with a number of them. Also, in terms of the contribution of the legal advisor, they identified evidence which suggested legal representatives were largely passive and compliant (e.g. McConville, Sanders, & Leng,

1991, and McConville and Hodgson, 1993). Although a study of witness interviews, Wright and Alison (2004) recorded the amount of time that the interviewer, witness and legal advisor spoke. They found that interviewers spoke 33% of the time, interviewees 67%, and legal advisors only 0.37% of the time. More evidence of the passive role of the legal advisor was found by Evans (1993) who identified that in half of the interviews in which legal advisors were present, the police used persuasive tactics and obtained a confession, and that there was only one intervention by a legal advisor in the course of all the interviews observed. Furthermore, Pearse and Gudjonsson (1997) in their study of 161 suspect interviews found that the legal advisor or legal representative actually spoke in just 24 cases (15%) and there were only five examples (3%) where the suspect sought advice during the interview.

In terms of legal advisor's advice to the suspect outside of the interview, Quinn and Jackson also found that most legal advisors confirmed that they would rarely advise young suspects to maintain complete silence in interview and that the advice given would depend on the nature of the case and the evidence. Although one should be cautious with self-reported findings, this finding is in line with other research conducted with adult suspects in England and Wales (e.g. McConville & Hodgson, 1993). Quinn and Jackson found it difficult to draw firm conclusions about the influence that the legal advisor had on the approach taken by the young person at interview. Their research provided some evidence to suggest that legal advice was influential on the young person's decision to stay silent or not. In one of the five cases in which a legal advisor was in attendance, the young person was completely silent at interview. In a further two, the young person denied at least some of the offence, and in four cases where a full admission was made, a legal advisor was present in only one of these.

Pearse and Gudjonsson (1997) examined the relationship between suspects exercising their right to silence, the role of the legal advisor within the interview, and whether or not a confession was made. While the majority of suspects chose to answer all police questions, they found that a suspect was significantly less likely to exercise their right to silence in the absence of legal advice and also significantly less likely to confess in the presence of a legal advisor.

Research Evidence on the Contribution of Appropriate Adults

The first study to examine the actual contribution of the AA during an interview was carried out by Evans (1993) and concerned 160 interviews of juveniles, at which an AA or social worker was present. Evans (1993) found that AAs (not including social workers) tended to be passive observers. In 75% of cases, they made no contribution whatsoever, and when they did, they were just as likely to be 'unsupportive' (50%) as 'supportive' (50%) of the juvenile suspects. Another study, conducted by Pearse (1997), examined seven interviews of adults in serious cases with an AA present. In three of these interviews, the AA (a relative) intervened inappropriately.

Medford, Gudjonsson, and Pearse (2003) examined the records of suspects held in custody by the London Metropolitan Police at 74 charging stations during February 1997. Adult suspects whose custody record indicated psychological vulnerability were included in the study, as well as juvenile suspects. Of the 501 interviews available for analysis, an AA was present during 58% of the adult interviews and 99% of the juvenile interviews. Overall, they found that AAs made more than four times as many appropriate interventions as inappropriate ones. The AAs of juveniles, who were mainly family members and friends, contributed more in interview, both appropriately and inappropriately, than did social workers and volunteers, although overall there was little direct intervention by the AA.

Medford et al. explored the actual contribution made by AAs. Most often this involved satisfying the legal and procedural formalities of the interview. The next most frequent contribution was to facilitate communication. Medford et al. also categorised the range of inappropriate behaviour exhibited by AAs, which included answering questions on behalf of the suspect, and mirroring the role of the interviewing officer (e.g. echoing the officer's questions, putting new questions to the suspect, challenging the suspect's account, or insisting on the truth). In addition to these examples of inappropriate interventions, they also identified occasions when the AA did not intervene but should have. For example, they found that sometimes AAs failed to ensure the officer advised suspects of their legal rights or the police caution.

Although Medford et al. identified (in line with other research) that the direct contribution of the AA in terms of what they said and did was quite limited, they did find evidence that the AA's presence during the interview impacted upon the behaviour of the police and the legal advisor in more subtle ways. For example, they found that officers adopted a fairer approach to interviewing (e.g. fewer interruptions) and that the likelihood of a legal advisor being present in an adult interview was increased.

Quinn and Jackson (2007) found that nearly three-quarters of the young persons (74%) had a relative, most commonly a parent or step-parent, acting as their AA. Social workers acted as AAs for 14 per cent of young persons and, although the law (for Northern Ireland) makes it clear that it should be a last resort, legal advisors acted as AAs for seven per cent of young persons[30]. While there was an acceptance that it could be comforting for young people to have their parents or guardian present, Quinn and Jackson found that several police officers were quite critical about the understanding

---

[30] In England and Wales a legal advisor is prevented from acting as an Appropriate Adult, although this is permitted in Northern Ireland.

and competence of AAs. Perhaps linked to this view, is that, in the interviews observed, officers often discouraged AAs from having any active involvement in the interview process. Indeed, during the observations, the AAs were quite passive at interview. All parents observed said nothing at all during the course of the interview, with two who seemed annoyed and frustrated with the young person and the situation. Evans' research produced a similar finding: the majority of parents were silent during the police interview and, when they did intervene, they were not always supportive of their children. Quinn and Jackson identified that the presence of an AA appeared to provide some comfort to young suspects but few attempted to go beyond the supportive role and provide assistance with understanding and advice. Importantly, they also found that AAs were in fact unsure when to request legal advice, which is particularly worrying if the young person is looking to them for advice.

Research Evidence on the Role of Interpreters during Suspect Interviews

Very few studies were identified that looked specifically at the role of interpreters during police suspect interviews. A study by Nakane (2007) analysed a series of interviews (audio-taped and transcripts) which were part of two investigations of drug trafficking (carried out by two Police Service areas in Australia). Nakane suggested that the arguably simple procedure of caution delivery is susceptible to the potential violation of suspects' rights when mediated by an interpreter. A number of particular problems were identified. First, police officers delivering cautions in long segments made it difficult for interpreters to translate accurately. Another problem was that police officers tended to treat caution procedures as a formality rather than real communication requiring checks for comprehension (something underestimated by both police officers and interpreters). An earlier study in the UK by Russell (2000), which examined 20 French interpreter mediated interviews, also concluded that the explanation of the

caution is characterised by "disfluency, inaccuracy and uncertainty on the part of the interpreter" (p. 45).

In summary although there is a reasonable amount of research literature on the impact of legal advice on the suspect interview process, none has focused on serious crime suspects and little has looked beyond the relationship between legal advice and the suspect's decision to talk or confess. There are even fewer empirical UK based studies on the contribution of AAs or interpreters.

Findings

The rest of this chapter addresses some of these gaps by examining the nature of the contribution by both legal advisors and AAs. Potential relationships between the contribution of legal advisors and suspect response is also explored. The present sample contained only a handful of interviews in which an interpreter was present and consequently only tentative observations are made about their particular impact on the interview, although recommendations for future research utilising qualitative methods are suggested.

The contribution of legal advisors. Chapter 3 reported that legal advisors were present in the vast majority of interviews in the current study (98%). For each interview the number of times that legal advisors spoke was recorded. Legal advisors spoke on average four times per interview (although the maximum number of times a legal advisor spoke in a single interview was 35). The pattern of legal advisor speech, by five-minute time segments, is shown in Table 9.1.

Table 9.1: Frequency, mean and standard deviation for number of times legal advisor spoke by five-minute time segment ($N = 397$)

Time Segment	Frequency	Mean	Range	Standard Deviation
1	532	1.34	9	1.00
2	198	.51	8	1.03
3	136	.38	6	0.84
4	109	.33	6	0.86
5	122	.43	6	0.88
6	92	.37	6	0.85
7	93	.43	6	0.89
8	81	.47	10	1.12
9	38	.28	5	0.69

Legal advisors most frequently spoke during the opening time segment of the interview; with then a decreasing frequency as the interview progressed (with the exception of the fifth and seventh time segment where the frequency was slightly higher). Given that the opening segment is dominated with introductions of those present and clarification of the procedural and legal elements of the interview, the higher frequency of legal advisor contributions during this stage is not unexpected.

Further qualitative analysis of the reasons for legal advisors contributions during the interview identified that the vast majority of their contributions were fairly benign and predominantly associated with fulfilling procedural requirements (e.g. confirming disclosure received). On a number of occasions, legal advisor contributions could actually be described as helpful to the interview process, in that the legal advisor helped

to facilitate communication between the police and suspects (by explaining what things meant or reminding suspects to mention relevant facts). Where legal advisor contributions became more awkward, this tended to revolve around disclosure and particularly complaints with regards to the lack of it. Other, albeit less frequent, complaints tended to be about police interpretation of evidence and hypothetical or irrelevant questions. On a few occasions, legal advisors also interjected to remind their clients to say no comment, although this advice was not always adhered to by suspects. Often, in these instances, legal advisors requested a break to speak privately with suspects, although as we saw earlier in Chapter 3, overall, legal advisors only requested a break in nine percent of interviews. It is also worth highlighting that even in those instances where legal advisors were more challenging to the interviewer, at no time did interviewers lose their temper or patience with legal advisors, nor though did they simply capitulate to legal advisor's demands or objections. In the author's view most acted calmly, but also persistently, in the face of such interruptions.

Since the vast majority of interviews in the present study had a legal advisor present, it was not possible to identify how interviews with legal advisors compared to those without. (This study could certainly be improved if interviews without a legal advisor could be obtained and compared to the current sample.) Instead, interviews were compared to see if any differences emerged between those in which legal advisors spoke more or less frequently.

First, the background characteristics of the suspect (age, previous convictions and vulnerability) were examined. There were no significant differences by suspect age or vulnerability in the number of times legal advisors spoke. Legal advisors did however speak significantly more in interviews with suspects who had previous convictions ($M =$

3.6, *Mdn* = 3.00) compared to interviews with suspects who had no previous convictions (*M* = 2.32, *Mdn* = 2.00), *U* = 3910.00, *Z* = -2.18, p < .05.

Next, it was examined how suspect response (relevant response, no response or challenging response) was correlated with the number of times legal advisors spoke. Kendall's tau correlations were performed and this revealed a significant positive correlation between the number of challenging responses by suspects and the number of times a legal advisor spoke (τ = .09, p < .05). It could be that legal advisors may need to intervene more frequently when suspects are themselves very challenging, in order to placate the suspect or possibly mediate between suspect and interviewer. Alternatively, it could be that legal advisor interruptions are also challenging in nature and are in support of the suspect. Future research could explore the drivers for legal advisors interrupting more when suspects are challenging.

After the relationship between legal advisor contributions and suspect responses had been explored, analysis was carried on the potential interactions between legal advisors and interviewers. Bivariate correlations (two-tailed) were undertaken between the frequency of legal advisors speaking and: (i) the frequency of different questions types; and (ii) the frequency of different strategies used. The key findings were:

- a significant positive correlation with the total number of strategies used (τ = .08, p < .05);

- in particular, significant positive correlations with presentation of evidence (τ = .07, p < .05), interviewer challenge (τ = .09, p < .05), and use of silence (τ = -.10, p < .05); and

- significant positive correlations with negative questions ($\tau = .09$, $p < .05$) and repetitive questions ($\tau = .10$, $p < .05$).

It is interesting to note that more frequent legal advisor contributions were correlated with increased use of strategies. This might indicate that as interviewers employ a wider range of strategies, legal advisors are objecting more. The positive correlation with presentation of evidence and interviewer challenge lends support to this position and is in line with the qualitative observations presented above: that legal advisor contributions often involved objecting to police interpretations of evidence (e.g. legal advisors provided alternative, more innocent, interpretations of evidence). It was also observed earlier that legal advisors, when they did interrupt, often objected to inappropriate question use; again, the correlations identified above are in line with this.

Finally, a Chi-Square test was performed to examine the association between the number of legal advisor contributions (either more or less than 15 contributions) and whether suspects admitted or denied the offence (the category of no response was excluded from this analysis. No significant association was found.

Multiple linear regression was also employed to further explore the associations between the frequency which legal advisors spoke during interviews and: (i) the presence and absence of different question types; and (ii) the presence or absence of different strategies. Table 9.2 contains the results for question type[31] and Table 9.3 reports the results of strategy use.

---

[31] Note 'closed' questions were excluded because they were a 'constant', that is, closed questions were always present.

Table 9.2: Presence of question type as predictors of the number of times legal advisors spoke during interview

Variable	B	SE B	β
Constant	-.51	.29	
Open-type	-.02	.12	-.01
Negative	.25*	.12	.11
Multiple	.10	.27	.02
Statement	.17	.20	.05
Repetitive	.12	.13	.05
Ineffective	.25	.22	.06

$R^2 = .03$ (p < .05). *p < .05 **p<.01 ***p<.001

Table 9.3: Strategy use as predictors of the number of times legal advisors spoke during interview

Strategy	B	SE B	β
Constant	-.08	1.12	
Requests attention	-.07	.14	-.02
Rapport/empathy	.22	.12	.10
Use of silence	.15	.18	.05
Suspect's interest to talk	-.10	.23	-.02
Situational futility	-.06	.21	-.02
Explicitly asks for account/tell truth	-.04	.14	-.02
Emphasises seriousness of offence	.09	.19	.03
Special warning	-.53	.38	-.07
Caution reiterated	.19	.25	.04
Describes injuries	.05	.27	.01
Describes trauma	-.34*	.17	-.11
Presentation of evidence	-.18	1.12	-.01
Challenge	.37**	.13	.16

$R^2 = .04$ (p < .05). *p < .05 **p<.01 ***p<.001

194

The key significant findings were:

- the presence of negative questions was associated with increased legal advisor contributions;

- interviewer challenge was associated with increased legal advisor contributions; and

- describes trauma (of victim) was associated with fewer legal advisor contributions.

The contribution of AAs. Turning to the contribution of AAs, Chapter 3 reported that AAs were present in around a quarter of interviews (23%). In total, 12 suspects had an AA present and although the age of one suspect was unknown, the remaining suspects ranged in ages. Two suspects were aged 18 years or younger and it appeared that AAs were present on account of their age. A further two suspects were aged 19 and for these two individuals it appeared that an AA was present as a result of learning difficulties. The remaining seven suspects were aged between 21 and 41. Whilst for some suspects the reasons for an AA being present was clear (mental health problems were highlighted or were evident), for others it was less so.

For those interviews in which both a legal advisor and AA were present ($n = 87$), legal advisors spoke significantly more ($M = 3.49$, $Mdn = 3.00$) than AAs ($M = 0.99$, $Mdn = 0.00$), $Z = -6.04$, p $<.001$. For those interviews in which only an AA was present ($n = 5$), it was found that an AA spoke a total of eight times across all five interviews. Seven of these utterances occurred in the opening time segment (and involved the AA introducing themselves) with the remainder occurring in the fifth time segment and involved the AA clarifying something the suspect had said.

In the vast majority of these interviews, AA contributions simply involved introducing themselves at the start of interviews. Although other types of contributions were infrequent, the two other most commonly observed types of contributions were providing comfort and reassurance to suspects and helping to clarify what suspects or police officers had said. A few other types of contribution were observed but these were found to occur only once in each instance. This included an AA:

- asking for the caution to be repeated;

- checking whether the suspect had finished what they wanted to say; and

- adding detail to the suspect's answer (in this case the AA was the suspect's mother).

In Chapter 3 (and above) the frequency with which different individuals in interviews requested a break was discussed. It should be emphasised that on no occasion did an AA request a break in the interview, although in one case the AA did echo a legal advisor's request for a break. The minimal, and largely passive, contribution of AAs is in line with findings from previous research, highlighted above (e.g. Quinn and Jackson, 2007).

Correlations between the frequency with which AAs spoke and the frequency of different strategies[32] and question types[33] were also conducted. This revealed the following significant correlations:

---

[32] All strategies, except maximisation and minimisation, were included in the correlation analysis. See Chapter 6 for list of strategies.

[33] See Chapter 7 for list of question types.

- negative correlations with explicitly ask for account ($\tau = -.11$, $p < .05$), interviewer challenge ($\tau = -.10$, $p < .05$), multiple questions ($\tau = -.10$, $p < .05$), and negative questions ($\tau = -.09$, $p < .05$). This suggests that fewer instances of these strategies and question types were associated with increased AA contributions; and

- positive correlation with rapport/empathy ($\tau = .18$, $p < .001$), suggesting that increased use of rapport/empathy is associated with increased AA contributions.

It is surprising that less use of strategies like interviewer challenge and multiple and negative questions should be associated with increased AA contributions. Earlier chapters showed how these strategies were less often used with suspects who were responding relevantly. It may be that increased AA contributions are therefore associated with increased relevant responses by suspects. However, a Kendall's tau correlation was carried out between the number of relevant suspect responses and the number of AA contributions, but no significant association was found. Further qualitative analysis of the contribution of AAs might allow greater insight into these findings.

The positive correlation between the contribution of AA and use of rapport/empathy is noteworthy. This may well reflect the fact that suspects who have an AA present are, by definition, more vulnerable than other suspects in some way; and interviewers therefore treat them with more concern and care than other, less vulnerable suspects. However, earlier in this thesis, rapport/empathy was identified as one of the most common strategies employed by interviewers, regardless of suspect characteristics. This suggests that although vulnerable suspects are dealt with more sensitively than those who are not, those suspects who are *not* classified as vulnerable are nevertheless

still shown care and consideration whilst being interviewed. A Chi-Square test was also carried out to explore the association between the number of AA contributions and whether suspects admitted or denied the offence. No significant association was found.

The contribution of interpreters. Interpreters were only present in five percent of interviews in the present sample. As the purpose of the interpreter is to translate police questions and suspects' responses, the number of times an interpreter spoke was not considered an appropriate measure of interpreter contribution. Comparisons were therefore made between those interviews with an interpreter present and those without, on a range of interviewer and suspect variables. In interviews with an interpreter present, it was found that there were significantly:

- fewer interruptions by suspects, $U = 1225.00$, $Z = -5.23$, $p < .001$;

- fewer repetitive questions asked, $U = 2487.50$, $Z = -2.75$, $p < .01$;

- fewer strategies used, $U = 2311.00$, $Z = -3.04$, $p < .01$, and in particular less use of the strategy, 'presentation of evidence', $U = 2300.50$, $Z = -3.06$, $p < .01$; and

- fewer relevant responses by suspects, $U = 2644.50$, $Z = -2.39$, $p < .05$.

It could be that these findings simply reflect the extra time it takes to ask and respond to questions in an interpreter-mediated interview. However, it is interesting to note that interpreter mediated interviews were significantly shorter ($M = 2:34$ hours, $Mdn = 2:54$ hours) (in terms of total interviewing time) compared to non-interpreter mediated interviews ($M = 5:26$ hours, $Mdn = 4:14$ hours), $U = 1737.00$, $Z = -4.16$, $p < .001$.

A key qualitative observation (of all interviews with an interpreter) was that although interviewers started by directing questions to the suspect (e.g. "Where were you on June the 2nd?"), as the interview progressed, this changed to directing questions

at the interpreter (e.g. "Can you ask Shashi where he was on June the 2nd?"). It is not known whether the interpreter corrected for this in their subsequent translation but this might be an area, in terms of how this type of 'indirect' questioning is perceived by both interpreters and suspects, which could benefit from further enquiry.

Discussion

The opening part of this chapter revealed fairly scant research evidence on the role of third parties during suspect interviews. More research exists on the role of legal advisors than that of either AAs or interpreters; however, this has tended to focus on the take-up of legal advice by suspects rather than empirical studies of what actually happens during interviews.

This penultimate chapter is therefore the first of its kind that provides an insight into the contribution of legal advisors, AAs and interpreters during serious crime suspect interviews. These findings are of course limited by small numbers (AAs and interpreters) and lack of an adequate comparison (e.g. interviews without legal advisors present). Nevertheless, some key differences emerged in terms of the frequency of legal advisor contributions and those where an AA or interpreter was present.

There were few examples of legal advisors being purposefully awkward or obstructive during interviews. In the majority of interviews, legal advisors seemed to play a fairly benign and passive role. It was also interesting to observe that in some interviews, suspects completely ignored legal advisors' advice to say no comment, despite repeated reminders during the actual interview. It would be beneficial for interviewers to understand what influences suspects to *disregard* legal advisors' advice during interview. For example, is it something that the interviewer themselves can influence? In Chapter 2, officers said that a strategy they employed with suspects who

had adopted a 'no comment' stance, was to remind suspects that it is their decision whether or not to take legal advice and that they can answer some or all of the questions if they wish to do so. Further analysis to see whether this strategy was employed in interviews where suspects did appear to ignore legal advice is recommended.

Where legal advisors did interrupt, these were found to be associated with certain question types ('negative') and strategies ('special warning' and 'challenge'), findings not entirely unexpected. Nevertheless this tends to suggest that legal advisors' contributions are more frequently appropriate than not.

The lack of contribution by AAs during interviews is in line with previous research findings. Although, the present study did not attempt to categorise, as Medford et al. (2003) did, whether AA interventions were appropriate or not, the overall impression was that there were few inappropriate interventions. However, future analysis of whether there were times when AAs did not intervene, but should have, would be beneficial.

This thesis did not specifically set out to examine the contribution and impact of interpreters on the interviewing process, and the analysis conducted here should be seen as a starting point. Given the lack of existing research evidence, this is an area that might benefit most from further study. Why interpreter mediated interviewers should be shorter and less challenging than interviews without an interpreter merits further attention.

The present chapter completes this thesis' examination of the contribution and interactions between those present during serious crime suspect interviews. The final chapter draws together these findings and discusses the limitations, wider implications and potential applications of this thesis.

Chapter 10: The Theory, the Perception and the Reality of Police Interviews with

Serious Crime Suspects

"The practical reality of interviewing...is a far cry from what is taught on the

course." (Quote from police officer interviewed as part of present thesis)

Introduction

The new research presented in this thesis is the first of its kind that draws on a

relatively large sample of real-life serious crime interviews and:

- describes in detail the exchange between police interviewers and serious crime

  suspects;

- examines the associations between this exchange and contextual characteristics of

  the case; and

- explores the contribution of legal advisors, Appropriate Adults, and interpreters

  during interviews.

This final chapter summarises the key findings arising from the research and highlights

where the work is limited and how it could be further improved. Importantly, this

research is intended to be of practical value to the police service. The implications for

the practice of police interviewing are therefore also considered.

In any research in an applied setting, the challenges of obtaining access to

information and data can be fraught with difficulty. This research was no exception, and

such difficulties were further exacerbated by the particularly sensitive nature of

interviews with serious crime suspects. Obtaining the information upon which this

thesis is built was therefore no small task. This chapter commences with a brief

reflection on my experience which may prove useful to others considering research in the field.

The Challenges of Data Collection with the Police Service

Undertaking research on police interviewing has consistently been reported as a major barrier to greater understanding and subsequently achieving improvements in the practice of interviewing. Even now, some three decades after Baldwin gained access to large samples of real-life police interviews, obtaining access to such interviews for research purposes is still relatively rare. To illustrate this, a simple search of four databases (PsycARTICLES, PsycEXTRA, PsycINFO, and Criminal Justice Abstracts) was conducted, using the search terms: 'police'; 'interviewing'; and 'suspects', for the years 2010 and 2011. This search yielded 31 articles of which only three were based on real-life audio or video recordings of suspect interviews. A further two articles used real-life transcripts but the remainder included self-report surveys (of police officers, for example), mock paradigms, literature reviews or comments on policy. This is not to say that mock paradigms or police officers' perceptions are not necessary or valid avenues of research, but without analysis of real-life interviews our understanding of police interviewing will always be limited. Although difficulties of access are unlikely to be the only reason behind the lack of research using real-life interviews, I suspect this is a significant barrier. But why is it so difficult to obtain such information?

Horn (1996) described how suspicion and distrust of researchers, and what they may do with the information obtained, is a key concern. Horton and Smith (1988) observed that their evaluation of police work was problematic because there was too much concern amongst officers about the uses that might be made of the information. This fear though is understandable. When serious wrong-doing is exposed amongst police officers, it is subject to intense media scrutiny and public condemnation.

However, the majority of police officers, who undertake their duties professionally and lawfully, are all cast in the same light. This is not to suggest that these police officers are reluctant to allow access in order to cover-up wrong-doing, but perhaps they would rather deal with any transgression (that might be uncovered) without the media frenzy that has accompanied this in the past.

I was consequently aware, and sympathetic, to the distrust of researchers felt by police officers, and took every opportunity to emphasise that my research was not about critiquing poor performance, but to explore and understand the *effective* interviewing of suspects. I tried to assure officers that it was their skill and expertise which I wanted to tap into and share with others, not their failings. Drawing up a detailed data protection protocol, setting out how the data would be stored, what it would be used for, and who would have access to it also helped allay fears. In addition, I requested only 'completed' cases; that is, those that had been through the criminal justice system. The nature of my sample, which consequently includes mostly convicted suspects, is likely to be (at least in part) a product of this. As has been highlighted elsewhere, this is a limitation of the thesis, albeit a necessary one.

Dingwall (1980) described a 'hierarchy of consent' that can exist in organisations. In other words, access might be granted at the most senior levels but cooperation is needed, and may be less forthcoming, at lower levels to obtain what is actually required. In my experience, the difficulty was not that lower-ranking officers proved purposefully obstructive or difficult, but rather, the very nature of their role often meant visits had to be cancelled or re-arranged due to the pressures associated with working on serious crime enquiries. Flexibility, and acknowledgement that my research was of secondary concern for them, was paramount.

In terms of how I initially gained access, establishing effective relationships, long before I ever requested access, was key. As a police researcher (for the Home Office) I developed effective working relationships with those who later participated in the doctoral research. Simply having academic qualifications, or being a Home Office employee, was insufficient. Horn (1996) described the importance of researchers finding ways of being accepted by those who are being researched. In my experience, it was the formal *and* informal contact with police officers (through attending meetings, conference socials and so on) that enabled me to demonstrate my credibility and trustworthiness. As a consequence, all the information I received for this thesis came from forces with whom I had made prior personal contact.

My subsequent experiences of actual data collection varied widely: some officers were extremely interested in the research, others less so; some officers presented me with beautifully prepared packages of all the material I needed, while with others I found myself searching vast storage facilities for the necessary information. My overriding memory, however, is how supremely professional, courteous and generous police officers were with their time and expertise, and how privileged I was to be allowed insight into their world.

Summary of the Key Findings

The research presented in this thesis has provided a new insight into police interviewing of serious crime suspects (in England and Wales). Although individual chapters contain a detailed presentation and discussion of what actually happens in such interviews, the key findings are summarised as follows:

1. Officers' perceptions of good quality serious crime suspect interviewing are very much in line with the ethos of investigative interviewing advocated in the UK.

2.   Overall, the findings suggest there are some key differences in how serious crime suspects respond in interview in comparison to the general population of arrestees. For example, more suspects denied the offence, and none changed their position from denial to admission.

3.   Similarly, the *practice* of serious crime interviews also appears different to that found by studies which included less serious crimes: for example, interviews were much longer and more frequently had a legal advisor present.

4.   There was broad compliance with the procedural requirements for the opening and closing of interviews, although the closing stages were identified as needing improvement.

5.   In the few interviews without a legal advisor present, suspects were not asked their reason for declining their right to legal advice.

6.   Contrary to PACE, the caution was not given (either in full or part) in 23 tape recordings.

7.   All special warnings given were made in accordance with legislation. However, it is possible that special warnings were not given, when it might have been appropriate to do so.

8.   The majority of suspects in the sample were co-operative and provided relevant responses to questioning.

9.   'Appropriate' strategies of presentation of evidence, challenge and rapport/empathy were amongst the most common strategies employed in the present sample of interviews.

10. There was evidence of an association between suspect vulnerability and increased use of rapport/empathy.

11. Interviewers were more challenging to suspects in the present study than has been observed in other earlier studies (which included suspects in both serious and less serious crimes).

12. Despite the finding that suspects tend to be quite certain of their position (to either talk or admit) from the outset, this did not appear to deter interviewing officers from employing a range of strategies designed to encourage reluctant suspects to provide an account.

13. Despite the range of strategies employed by interviewing officers to encourage suspects to speak, the fact that no suspects moved from a position of denial to admission, suggests that these might have limited effectiveness.

14. Open-type questions were significantly associated with more suspects responding relevantly and admitting the offence, although this does not necessarily mean that open-type questions are leading to more suspects admitting.

15. Interviewers infrequently interrupted the suspect (which is in line with current effective practice guidance); in fact there were significantly more interruptions by suspects of interviewers (in comparison to interviewer interruptions of suspects).

16. On the whole, legal advisor's contributions during interviews were minimal, with few interruptions, and even fewer being confrontational or obstructive.

17. Appropriate Adults were passive and rarely made contributions beyond the introductory phase of the interview.

18.   The research evidence on interpreter-mediated suspect interviews is extremely

limited. The present research suggests that they do however differ to other similar,

but non-interpreter mediated, interviews, a finding worthy of further exploration.

Implications

The findings summarised above have a number of implications for both

researchers and practitioners. The key implications will be summarised in this section.

The finding that strategies do not appear to be particularly effective in

encouraging reluctant suspects to speak does not necessarily mean that these strategies

should be discounted completely. The persistence of interviewing officers in providing

suspects with every opportunity and encouragement to provide their side of the story

may in itself be an effective strategy in minimising the possibility of suspects devising

credible defences later on in the criminal justice process.

Although relatively infrequent, inappropriate question types like negative and

multiple questions may leave interviewing officers open to criticism, both during and

after the interview process. Although the topic of question types does feature in

advanced interview training, it is possible that refresher training might be helpful.

A pragmatic approach to evaluating question use is advocated: although

negative type questions are unlikely to ever be effective or appropriate, the same is not

true for others (i.e. repetitive questions). Equally, whilst open questions are universally

considered an appropriate form of question, they might not necessarily be effective for

all suspects. Similarly, statement questions, one of the most frequent types of questions

observed in the present sample of interviews, may be more a reflection of normal

everyday speech, than an indication of poor interviewer skill. And perhaps this is where

the skill in interviewing lies: by communicating in a 'natural' rather than an artificial manner.

Whilst the present study has demonstrated that the procedural requirements are adhered to, there is still some room for improvements, and these should be addressed by the police service. Although special warnings were always issued in accordance with legislation, it is possible that they are not being used as much as they might be. Whether this is because warnings are perceived (rightly or not) as ineffective, or because officers do not know when to apply them, is something that the police and wider legal system may wish to consider further.

Finally, other countries which do not yet have a statutory requirement for legal advisors to be present during interviews, should take note of the findings that: (i) legal advisor contributions during interviews were broadly benign; (ii) suspects during interviews quite often clearly ignored legal advisors' advice to make no comment; and (iii) the majority of suspects in the present sample who either denied or said no comment were nevertheless convicted.

Limitations and Recommendations for Further Research

There are a number of issues with the present research that necessarily limit the findings. Primarily, interviews were not randomly selected. Consequently, this limits the ability to generalise the findings to the wider population of serious crime suspect interviews. Nevertheless, the research did obtain interviews from a wide range of forces and so goes some way towards minimising this problem. It would therefore be useful to explore whether the findings identified here could be replicated in a larger and randomly selected sample of interviews. Other issues with the representativeness of the sample have been highlighted throughout the thesis (e.g. need to increase sample of

interviews with suspects who were not convicted and those without a legal advisor present) and will not be repeated here.

Overall, the intention of this research was to enhance understanding of the actual police interviewing of serious crime suspects. As such, it focused on breadth of exploration, rather than in-depth analysis of specific issues. Consequently, further detailed (and possibly qualitative) analysis on each of the topics presented in Chapters 6 to 9 is likely to have merit. Identifying real (but anonymised) examples of good (and poor) practice might be of particular value for police training. Furthermore, although a number of associations were found between characteristics of the case and how suspects respond and behave during interview, space prohibited an examination of how strategies and question use interacted with case characteristics, and this will be an important next stage in the analysis.

In conclusion, only a handful of studies have explored the relationship between suspect interviews and case characteristics. In turn, only a small proportion of these have drawn on real-life data, with even fewer drawing on UK data. None have specifically examined serious crime suspects. The present research is the first to address these gaps and, despite its limitations, it is hoped that the insights provided here will be of interest and use to researchers and practitioners alike.

Appendix A: Semi-Structured Interview Schedule

Hello my name is Samantha Leahy and I am undertaking a research study examining the interviewing of serious crime suspects (I will explain what I mean by serious crime in a moment). This work is being funded by the National Centre for Supporting Excellence and is supported by the ACPO working group on investigative interviewing. As part of this work I am undertaking a series of interviews with experienced investigative interviewers to explore what factors they consider to be important in contributing towards a good quality interview with serious crime suspects.

For the purposes of this research, I am including murder and rape suspects under the banner of serious crime. I would be grateful therefore if you could keep this in mind throughout the interview.

The interview should take no more than 45 minutes. I would like to assure you that all information will remain anonymous and you will never be named in any report.

If you agree I would like to make an audio tape recording of our conversation in order to allow the accurate recording of information. Once the analysis has been completed, the audio tapes will be erased and no other person will be given access to them.

Is that ok with you?

Do you have any questions you would like to ask me before we begin?

Ok, thanks for giving up your time today I really appreciate it. First of all I would like to ask you some details about your background.

Background

- How long have you been with the police service?

- Can you describe what your present role is [prompt: what are the main responsibilities of the role; length of time in present role?]

- Approximately, how many interviews have you ever conducted with serious crime suspects?

- Approximately, in what proportion of those have you been the lead interviewing officer?

- Approximately, how many interviews have you conducted in the last two years?

- And, in what proportion of these have you been the lead interviewing officer?

- What interview training have you ever received? [Prompt: length of course, brief content, when?]

Thanks. I would like to move on now to talk specifically about what helps to produce a good quality interview of suspects in murder/rape cases.

Planning and Preparation prior to interview

Start of involvement?

- At what stage in an investigation do you tend to become involved?

  [Prompt: before the suspect was identified/arrested or after?]

- What information are you provided with at this initial point? By whom?

Pre-interview gathering of information

Let's now talk in detail about the **planning and preparation** for the first interview with the suspect.

- Describe to me what you do first when you know you are going to be carrying out an interview?

- How much time do you have to prepare for the interview?

- What kind of information do you obtain prior to interview?

- Who/where is this information from?

- Do you interview with a colleague?

- Describe their role in these early stages?

[Prompt: at what stage do they become involved? What input do they have on the planning and preparation for the interview?]

Pre-interview analysis of information

- Once you have collated all of this information, what next?

- [Prompt: do you make a formal record of it to take into the interview? If so, how did you go about this/what do you consider (e.g. ordering of questions)?]

- Do you have any contact with the suspect prior to the main interview? If yes, what is said/done?

- What contact do you have with the legal advisor/appropriate adult prior to the interview?

  [Prompt: how do you decide what information you disclose? What influences this?]

- Is there anything else that you do prior to the first interview? If so, please describe?

[Prompt: do you think about things like your demeanour in the interview? Or how you will act towards the suspect? Do you speak to other people about the interview? Who? Why?]

Bringing me to the final question on planning and preparation:

- What factors do you think influence the effective planning and preparation of an interview?

  [Prompt: Enough time? Access to the right information?]

Main interview

What I want to do is focus on specific elements of the interview and how they contribute to a successful interview.

- First, I would like you to think specifically about the lead interviewer and the qualities they demonstrate in interviews? What specifically do you think they do that contributes to an effective interview?

  [Prompts: style of questioning, interpersonal style, rapport building, any particular tactics used etc.]

  [Get them to explain in as much detail as possible WHY these factors were important?]

- Can you describe what their role is in the interview?

- Could you explain how this additional interviewer might contribute to the effectiveness of the interview?

  [Prompt: what do they do/do not do that is effective?]

Ok, now I would like to move onto consider the influence of the **suspect**'s actions and behaviour during the interview.

- Can you explain in what ways, if any, the suspect can affect the quality of the interview?

  [Prompt: was the suspect cooperative, did they talk openly for instance?]

- How does the suspect and interviewer interact? What is good about this?

Right moving on, could you describe any other factors that you feel contribute to a particularly effective interview?

[Prompts: presence and influence of legal advisors; the length of the interview; case characteristics; anything else we haven't already covered?]

Closing

That's brought us to the end of the interview – thanks very much.

I would just like to conclude this interview by checking whether there is anything else, more generally, you think is important in the interviewing of suspects in murder and rape cases that you have not already mentioned?

Thanks again.

<div align="center">

Appendix B: Questionnaire for Interviewers

</div>

Introduction

This questionnaire is part of ongoing research that is being conducted by Samantha Leahy-Harland at the University of Leicester, with the assistance of Professor Ray Bull (University of Leicester) and Dr Becky Milne (University of Portsmouth). The research is supported by the ACPO National Investigative Interviewing Steering Group (contact:

Dr Nicky Miller on 01256 692555). The results of this study are expected to help inform future development and training for PIP Level 2 Specialist (suspect interviewers).

In this questionnaire, you will be asked for some background details about yourself; how you plan and prepare for an interview; and finally about what you do during the interview itself. This study is only interested in your experience of interviewing serious crime suspects, which for the purposes of this study includes **homicide and rape suspect interviews**. Please answer all questions with this in mind.

The questionnaire should take about 40 minutes to complete. When completed, either return by email on sl288@le.ac.uk or by post to Samantha Leahy-Harland, Research and Analysis Unit, Home Office, 4th Floor Fry, 2 Marsham Street, London, SW1P 4DF. I would be grateful if questionnaires were returned to me by the **20th October 2010.**

Participation is completely voluntary. Names and details which could be used to identify specific participants will not be included in any of the reports produced from this study, made publicly available or given to any other person. Instead, each participant will be assigned a number that will be used in all subsequent analyses and reports.

If you have any questions then please do not hesitate to contact me on sl288@le.ac.uk, 0207 035 1939 or 07791 853420.

Thank you very much for taking part in this research.

1. **Background details** – information about you, your role, and experience of investigative interviewing

   a. What Police Service do you currently work for? (please answer below)

   b. What is your current role? (please answer below)

   c. How long have you been in the police service? (please answer below)

   d. Approximately how many interviews have you conducted with serious crime suspects in the last two years (for the purposes of this research, a serious crime interview includes homicide or rape cases)?
   (please answer below)

e. What proportion of interviews have you conducted as lead interviewer? (please answer below)

f. What interview training have you received (e.g. PEACE interviewing course)? (For each course, please also indicate when you undertook the training and in what organisation provided it (e.g. your force, NPIA etc.). (please answer below)

2. Planning and preparing for the interview

a. As an interviewer, at what stage in the investigation do you tend to become involved? (please mark one box only)

When the crime becomes known to the police	
When a suspect is identified	
When a suspect is arrested	
Other	

If other, please describe below.

b. What information are you provided with when you first become involved, as an interviewer, in the investigation? (please mark one box only)

Case summary	
Witness / victim statements	
Forensic information	
Other	

If other, please describe below.

c. Typically, are you provided with the information that you need to prepare fully for the interview? (please mark one box only)

Yes	
No	

If no, please briefly describe what information you are not provided with, below.

d. Typically, do you have enough time to fully plan and prepare for an interview? (please mark one box only)

Yes	
No	

If no, please briefly describe why you don't have enough time to fully prepare, below.

e. Other than adequate time and information, are there any other factors that limit your ability to plan and prepare effectively?

(please mark one box only)

Yes	
No	

If yes, please describe what these factors are below.

f. Do you prepare a written interview plan? (please mark one box only)

Yes	
No	

If yes, briefly describe how you compile and structure the plan below.

g. Do you use any particular techniques when you analyse information in preparation for the interview? (please mark one box only)

Yes	
No	

If yes, please briefly describe below.

h. Do you use any particular techniques to help you recall information during an interview? (please mark one box only)

Yes	
No	

If yes, briefly describe below.

i. In what circumstances do you undertake pre-interview disclosure with the suspect's solicitor? (please answer below)

j. Do you have any contact with the suspect prior to interview?
    (please mark one box only)

Yes	
No	

Please briefly describe the reasons for your answer, below.

k. What information do you consider when planning for an interview? (please mark all that apply)

Background of suspect	
Socio-demographic characteristics of suspect	
Personality characteristics of suspect	
Criminal history of suspect	
Relationship with victim	
Nature of crime	
Other	

If other, briefly describe below.

During the interview

l. Do you open the interview with an 'impact question'? (An 'impact question' explicitly asks the suspect whether they were involved in the crime e.g. 'Did you murder John Smith'). (please mark one box only)

Yes	
No	

Please briefly describe the reasons for your answer, below.

m. Do you use any particular techniques to avoid 'no comment' interviews? (please mark one box only)

Yes	
No	

If yes, briefly describe the techniques used below

n. Do you use any particular techniques during interviews to avoid complete silence from the suspect? (please mark one box only)

Yes	
No	

If yes, briefly describe the techniques used below.

o. Do you use any particular techniques to minimise disruptive behaviour of suspects? (please mark one box only)

Yes	
No	

If yes, briefly describe the techniques used below.

p. Do you use any particular techniques to minimise disruptive behaviour of legal advisors during the interview? (please mark one box only)

Yes	
No	

If yes, briefly describe the techniques used below.

q. Do you use any particular techniques to build rapport with suspects? (please mark one box only)

Yes	
No	

If yes, briefly describe the techniques used below.

r. Do you use any particular techniques to build rapport with legal advisors?
(please mark one box only)

Yes	
No	

If yes, briefly describe the techniques used below.

s. At what stage in the interview do you cover investigative areas (e.g. background of the suspect, character of the suspect) that might support the wider investigation? (please mark one box only and explain the reasons for your answer)

At the beginning of the interview	

 Please briefly explain the reason for your answer, below.

Could be at any time during the interview	

 Please briefly explain the reason for your answer, below.

At the end of the interview	

 Please briefly explain the reason for your answer, below.

Don't ask questions on this at any time	

 Please briefly explain the reason for your answer, below.

Other	

 Please briefly explain the reason for your answer, below.

t.   Across all the interviews you've conducted, approximately, in what percentage have you used the special warning? (please answer below)

u.   How useful do you think the special warning is? (please mark one box)

Very useful	
Of some use	
Of little use	
Of no use	

Please briefly describe the reasons for your answer, below.

v. What qualities are most important in a lead interviewer?

(please rate each quality on a five point scale with 1 being 'not important' and 5 being 'very important')

	1	2	3	4	5
Good interpersonal skills					
Flexibility					
Ability to develop rapport					
Good listener					
Detailed knowledge of the case					
Involved in enquiry from outset					
Other (please specify below)					

w. Overall, what factors contribute to an effective interview?

(please rank order the factors that you think contribute to an effective interview; you do not have to rank order every factor below, only those you consider useful; use 1 to represent highest importance)

Enough time to plan and prepare	
Good knowledge of the case	
A scene visit	
Background knowledge of the suspect	
Maintaining control during the interview	
Developing good rapport with suspect	
Developing good rapport with the legal advisor	
A good interview team	
Other (please specify below)	

3. Additional comments

If you have any other comments about the topic of this questionnaire, or about the questionnaire itself, please use the space below.

End of questionnaire

Thank you very much for your participation in this study.

I would be extremely grateful if you could return this questionnaire to me by the 20th October 2010 to either sl288@le.ac.uk or by post to Samantha Leahy-Harland, Research and Analysis Unit, Home Office, 4th Floor Fry, 2 Marsham Street, London, SW1P 4DF**.**

Appendix C: Data Processing Agreement

This Agreement dated the [DATE] sets out the terms and conditions under which personal data held by the specified data controller will be disclosed to the specified data processors. This Agreement is entered into with the purpose of ensuring compliance with the Data Protection Act 1998. Any disclosure of data must comply with the provisions of this Act.

1. The Parties

1.1. This Agreement is between the Chief Constable/Commissioner of [FORCE], (herein after called the "Data Controller") of the one part and [RESEARCHER NAME] (herein after called the "Data Processor") of the other part.

2. **Purpose**

2.1. The purpose of the disclosure is to facilitate research by the Samantha Leahy to undertake research into the investigative interviewing of serious crime suspects (herein after called "the Purpose").

2.2. This Purpose is consistent with the original purpose of the data collection.

2. Definitions

3.1. In this Agreement, the expressions "Data Controller", "Data Processor", "Personal Data", "Sensitive Personal Data", "Processing", "Information Commissioner", "Subject Access" have the same meaning as in Sections 1, 2, and 6 of The Data Protection Act 1998, as amended by The Freedom of Information Act 2000.

3.2. Research data: "Research Data" is defined as police recorded crime information including 'Personal Data' and 'Sensitive Personal Data' in the form of raw data provided by the Data Controller to the Data Processor and as identified in the schedule at Appendix **A**.

3.3. Aggregated data: "Aggregated Data" is defined as Research Data grouped together to the extent that no living individual can be identified from that Aggregated Data or any other data in the possession of, or likely to come into the possession of any person obtaining the Aggregated Data.

3.4. ACPO Protective Marking Scheme: A scheme for the classification of police information.

3.5. The recipient(s) of the research findings (including Aggregated Data) for the purposes of this Agreement is/are: Samantha Leahy and Professor Ray Bull.

3.6. The Principle Investigator: The "Principle Investigator" is Samantha Leahy.

3.7. The Designated Police Manager: The "Designated Police Manager" is [LEAD FORCE CONTACT].

3. Information provision

4.1. It is recognised that the Purpose requires access to the Research Data, which has been previously protectively marked by the Data Controller under the ACPO Protective Marking Scheme.

4.2. The Research Data will be provided over a set time period to be agreed in advance by both parties as identified in the schedule attached at Appendix **B**.

4.3. Ownership of the Research Data shall at all times remain with the Data Controller.

4.4. Aggregated Data compiled from the Research Data, and processed pursuant to this Agreement, will come entirely under the control of the Data Processor and may only be processed in accordance with this Agreement.

4. Use, Disclosure and Publication

5.1. The Research Data will be used solely for the Purpose stated.

5.2. The Research Data shall not at any time be copied, broadcast or disseminated to any other third parties, except in accordance with this Data Processing Agreement.

5.3. Subject to 5.4 below, the Research Data will NOT be matched with any other Personal Data otherwise obtained from the Data Controller, or any other source, unless specifically authorised by the Data Controller.

5.4. It is acknowledged that data matching may occur to the extent that sets of Aggregated Data may be applied to sets of other Aggregated Data obtained from public sector bodies for the Purpose.

5.5. The original Research Data will NOT be disclosed to any third party without the written authority of the Data Controller.

5.6. The only exceptions to clauses 5.2. to 5.5. above will be where any person is required to give evidence in legal proceedings or in accordance with 5.11 below.

5.7. Access to the Research Data will be restricted to those researchers of the Data Processor as listed in Appendix C and approved by the Data Controller, directly involved in the processing of the Research Data in pursuance of the Purpose.

5.8. No steps will be taken to contact any party identified in the Research Data.

5.9. The use of the Research Data will also be subject (where applicable) to the controls and constraints applied by the Data Processor's: -

- Ethical Review Processes

- Data Protection Policy Guidelines

- Research Integrity Policy

- Conflict of Interest Policy

- Public Interest Disclosure Policy

5.10. The Research Data will be contained and processed within a database which is subject to the agreed security arrangements.

5.11. Personal Data used for research will not be published in identifiable form unless the persons concerned have given their consent and in conformity with other safeguards laid down by domestic law.

5. Data Protection and Human Rights

6.1. The use and disclosure of any Personal Data shall be in accordance with the obligations imposed upon the parties to this Agreement by the Data Protection Act 1998 and the Human Rights Act 1998 which obligations will be reflected in all relevant codes of practice or data protection operating rules adopted by the parties to this Agreement.

6.2. The parties agree and declare that the Research Data will be used and processed with regard to the rights and freedoms enshrined within the European Convention on Human Rights.

6.3.   The Data Processor undertakes to comply with the provisions of the Data Protection Act 1998 and to notify as required any particulars as may be required to the Information Commissioner.

5.4. On reasonable notice periodic checks may be conducted by the Force Data Protection Officer to confirm compliance with this Agreement.

6. Confidentiality

7.1. The parties shall not use or divulge or communicate to any person (other than those whose need to know the same for the Purpose, or without the prior written authority of the Data Controller) any Personal Data obtained from the Data Controller, which it shall treat as private and confidential and safeguard accordingly.

7.2. The Data Processor shall ensure that any individuals involved in the Purpose and to whom Research Data is disclosed under this Agreement are aware of and comply with this Agreement and sign in acknowledgement the undertaking of confidentiality provided at Appendix **D**, which will be returned to the Data Controller.

7.3. The restrictions contained in 7.1 shall cease to apply to any Personal Data which may come into the public domain otherwise than through unauthorised disclosure by the parties to the Agreement.

7.4. For the avoidance of doubt, the obligations of confidentiality imposed on the parties by this Agreement shall continue in full force and effect after the expiry or termination of this Agreement.

7.5. Respect for the privacy of individuals should be guaranteed in any research project requiring the use of Personal Data.

7.6. No steps to attempt to identify any person from the Research Data or Aggregate data will be made by any data matching or other exercise.

7. Retention, Review and Weeding.

8.1. The Principal Investigator will be responsible for ensuring the safe subsequent disposal of the Research Data. Please see below the accepted means of disposal

Medium	Disposal
Computers' Hard Disks	approved erasure products (eg BCWipe or Blancco Data Cleaner). Note: deleting or formatting is not adequate.
Paper Documents	Shred, burn or confidential waste
Voice or other recordings	Physical destruction
Carbon paper	Shred, burn or confidential waste
Output reports	Shred, burn or confidential waste
Printer ribbons	Physical destruction
Magnetic tapes or cassettes	Physical destruction
Removable disks	Physical destruction or approved device
Optical storage media	Physical destruction
Program listings	Shred, burn or confidential waste
Test data	Shred, burn or confidential waste
System documentation	Shred, burn or confidential waste

9. Security

9.1. The Data Processor recognises that the Data Controller has obligations relating to the security of data in his control under the Data Protection Act 1998 and ISO7799. The Data Processor will continue to apply those relevant obligations as detailed below on behalf of the Data Controller during the term of this Agreement.

9.2. The Data Processor agrees to apply appropriate security measures, commensurate with the requirements of principle 7 of the Data Protection Act 1998 to the Research Data, which states that: "appropriate technical and organisation measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data". In particular, the Data Processor shall ensure that measures are in place to do everything reasonable to:

- make accidental compromise or damage unlikely during storage, handling, use, processing transmission or transport

- deter deliberate compromise or opportunist attack, And

- promote discretion in order to avoid unauthorised access

9.3. The Research Data shall be processed by the Data Processor without unreasonable delay.

9.4. The Research Data when not processed at 5.10 above, will be secured in a locked cabinet within a locked storage facility, to which access will be controlled and supervised by The Principal Investigator.

9.5. During the term of this Agreement, The Principal Investigator shall carry out any checks as are reasonably necessary to ensure that the above arrangements are not compromised.

9.6. The Data Controller may wish to undertake suitability checks on any persons having access to police premises and the Research Data and further reserves the right to issue instructions that particular individuals shall not be able to participate in the Research Project without reasons being given for this decision. The Data Processor will ensure that each person who will participate in the Research Projects understands this and provides their written consent as necessary.

9.7. Any security incidents, breaches and newly identified vulnerabilities must be reported to the individuals identified in clause 6.4 of this Agreement at the earliest opportunity.

9.8. The Data Controller reserves the right to undertake a review of security provided by the Data Processor and may request access to the Data Processor premises for this purpose. Failure to provide sufficient guarantees in respect of adequate security measures will likely result in the termination of the contract.

9.9. The parties hereto undertake to comply with all or any reasonable requirements concerning the storage, access or use of any Research Data as may from time to time be made by either the Data Protection Officer representing the Data Controller or by the Designated Police Manager.

9.10. Any archived copies of the Research Data created by back up and recovery procedures will be deleted in accordance with the System Operating Procedures at the termination of the contract.

9.11. Access to the Research Data will be confined to authorised persons only. These will be the individual researchers identified at Appendix **C.**

9.12. The Principal Investigator undertakes that all Research Data and copies thereof are locked away when not in use and that upon completion of the initiative or termination of the Agreement, all such documents or copies thereof shall be securely disposed of.

9.13. Any access to the premises used to process the Research Data by maintenance or repair contractors, cleaners or other non-authorised persons must be closely supervised to ensure that there is no access to the research data and there is no breach of the agreed security arrangements.

9.14. The Data Processor undertakes not to use the services of any sub-contractors in connection with the processing of the Research Data without the prior written approval of the Data Controller.

10. Indemnity

10.1. In consideration of the provision of the Research Data for the Purpose the Data Processor undertakes to indemnify any of the persons or any authority referred to in paragraph 10.2 below against any liability, which may be incurred by such person or authority as a result of the Data Processor's breach of this Agreement.

Provided that this indemnity shall not apply:

(a) where the liability arises from information supplied which is shown to have been incomplete or incorrect, unless the person or authority claiming the benefit of this indemnity establishes that the error did not result from any wilful wrongdoing or negligence on his part or on the part of any other person or authority;

(b) unless the person or authority claiming the benefit of this indemnity notifies the Data Processor as soon as possible of any action, claim or demand to which this indemnity applies, commits the Data Processor to deal with the action, claim or demand by settlement or otherwise and renders the Data Processor all reasonable assistance in so dealing;

(c) to the extent that the person or authority claiming the benefit of this indemnity makes any admission which may be prejudicial to the defence of the action, claim or demand.

10.2. Persons who may claim the benefit of this indemnity are as follows:

(a) any Chief Officer of Police

(b) any serving or former member of the Police Service

(c) any serving or former civilian employee of a police authority

(d) the Commissioner of Police of the Metropolis

and in this paragraph the expressions "police authority", "chief officer of police" and "Police Service" have the same meaning as in Section 101 of the Police Act 1996.

11. Disputes

11.1. In the event of any dispute or difference arising between the parties out of this Agreement, the persons appointed pursuant to clause 6.4 of this Agreement and representing the parties to the dispute or difference shall within 20 days of receipt of a written request from any party to the dispute addressed to one of the individuals described at clause 6.4 meet in an effort to resolve the dispute or difference in good faith.

11.2.   This Agreement is subject to English Law and the jurisdiction of the English Courts. The parties will, with the help of a Centre for Dispute resolution, seek to resolve disputes between them by alternative dispute resolution. If the parties fail to agree within 56 days of the initiation of the alternative dispute resolution procedure, then the parties shall be at liberty to commence litigation.

12. Termination and Variation

12.1. Subject to the provisions of paragraph 8.1 this Agreement shall terminate on xxxx.

12.2.   The Data Controller may at any time by notice in writing terminate this Agreement forthwith if the Data Processor is in breach of any material obligation under this Agreement.

12.3. The Data Processor agrees to notify the Data Controller promptly if at any time the Principal Investigator is unable or unwilling to continue the direction and supervision of the Project. Within thirty days after such incapacity or expression of unwillingness the University shall nominate a successor to be Principal Investigator. The Data Controller will not decline unreasonably to accept the nominated successor. However, if the successor is not acceptable to the Data Controller on reasonable and substantial grounds, then the Data Controller may terminate this Agreement by giving thirty days' written notice to the data processor.

12.4. In the event that any party wishes to exit from this Agreement, that party shall serve a notice, in writing, to the offices of the other party of a date not less than 30 days from the date of the said notice, on which the party proposed to exit the Agreement.

12.5. In the event that either party wishes to vary any term of this Agreement that party will give notice, in writing to the offices of the other party, explaining the effect of and

reason for the proposed variation. The parties shall within 30 days of receipt of such a notice meet to discuss the variation.

12.6.   As the data controller of the personal data this Agreement covers, the Data Controller will have the final decision on any proposed variation to this Agreement.

13. Relationship between the parties

13.1. The Data Processor shall give reasonable assistance as is necessary to the Data Controller in order to enable him to:

− Comply with request for subject access from the data subjects;

− Respond to Information Notices served upon him by the Information Commissioner;

− Respond to complaints from data subjects;

− Investigate any breach or alleged breach of the Act.

in accordance with his statutory obligations under the Data Protection Act 1998

13.2. The receipt by the Data Processor of any Subject Access request to the Research Data covered by this Agreement must be reported at the earliest opportunity to the Data Protection Officer representing the Data Controller, who will arrange the relevant response to that request.

13.3. This Agreement also acts in fulfilment of part of the responsibilities of the Data Controller as required by paragraphs 11 and 12 of Schedule 1, Part II of the Data Protection Act 1998.

Signed on behalf of [Relevant Force]………………...………………....

In the presence of …………………………………………………..

Signed on behalf of …………………………………………………

In the presence of …………………………………………………..

Appendix 'A'

LIST OF DATA SETS TO BE DISCLOSE

Information from 10 cases[34] in which a suspect was interviewed for either of the following types of crime:

- rape (non fatal) of an adult or child, male or female victim; or,

- murder (sexually motivated or non-sexually motivated) of an adult or child, male or female victim.

Ideally, these cases will have occurred relatively recently (within the last three to four years) however this may vary depending on the individual force.

---

[34] The exact number of cases will be influenced by the number of relevant crimes that have been committed in each individual force.

POLICE INTERVIEWING OF SERIOUS CRIME SUSPECTS

For each case, access to the following information is needed:

1. interview tapes;

2. interview plans; and,

3. case files.

More detail on what is required is supplied below.

1. Interview tapes

If more than one interview was conducted with the suspect, *all* tapes are required.
Duplicates of these tapes will be made by the researcher if necessary.

2. Interview plan

Within the Training Curriculum for Tier 3 of the ACPO investigative interviewing
strategy, element 2H3.1 states that to plan and prepare a specialist interview officers
must be able to:

1. Review the available evidence and antecedent history of the interviewee, to
    establish a necessary course of action

2. Assess the condition of the interviewee to establish fitness for interview or necessity
    for others to be in attendance

3. Establish the appropriate time, place and environmental conditions for the interview

4. Consult with relevant others to plan the investigative strategy in accordance with
    legal requirements and other guidelines

5. Select and set up the necessary location and resources

6. Identify an appropriate interview strategy to gather information for the investigation and to identify potential defences

7. Determine the extent of and supply relevant pre-interview briefing to any legal representatives in accordance with legislation and policy

8. Supply information to the interviewee and accompanying others in accordance with legislation and current policy

9. Where departures from normal practices are required all necessary authorities are obtained

10. Fully document all decisions, actions, options and rationale in accordance with current legislation, policies, codes of practice and procedures.

The information outlined above is likely to be reflected within the interview plan/strategy and the policy log of the SIO; ideally access to both are required for this research. The researcher will be responsible for locating the relevant documents within the case files and making copies.

3. Case files

For each case, information is required relating to the victim and suspect (e.g. age, sex, ethnicity, relationship); the offence (e.g. type of crime, level of violence and any other relevant behaviours); and, the possible motivation for the offence (if known).

At a minimum therefore the following information is needed:

▪ statement from first officer at the scene;

▪ pathologists statements;

- SOCO report; and,

- SIO report.

Again, the researcher will be responsible for locating and duplicating the relevant documents.

Appendix 'B'

SCHEDULE OF DATES FOR THE EXCHANGE OF DATA

Date   **Data**

Appendix 'C'

AGREED RESEARCH STAFF

Name

Samantha Leahy   Leicester University

Professor Ray Bull   Leicester University

Emily Gribbin   Edinburgh University (Inter-rater reliability only)

Philip Leahy-Harland   Harper Adams (Inter-rater reliability only)

Appendix 'D'

Undertaking of Confidentiality

I Samantha Leahy as a researcher involved in the research as defined in the Agreement between the [FORCE] and Leicester University to which this Undertaking is appended, hereby acknowledge the responsibilities arising from this Agreement.

I understand that my part in fulfilling the Purpose means that I may have access to the Research Data and that such access shall include

a) reading or viewing of information held on computer or displayed by some other electronic means, or

b) reading or viewing manually held information in written, printed or photographic form.

I undertake that; -

1. I shall not communicate to nor discuss with any other person the contents of the Research Data except to those persons listed in Appendix 'C' of the Agreement.

2. I shall not retain, extract, copy or in any way use any Research Data to which I have been afforded access during the course of my duties for any other purpose.

3. I will only operate computer applications or manual systems that I have been trained to use. This training will include the requirements of the Data Protection Act 1998 which prescribes the way in which personal data may be obtained, stored and processed.

4. I will comply with the appropriate physical and system security procedures made known to me by the Principle Investigator.

5. I will act only under instruction from the Principle Investigator or other relevant official in the processing of any Research Data.

I understand that the Research Data is subject to the provisions of the Data Protection Act 1998 and that by knowingly or recklessly acting outside the scope of this Agreement I may incur criminal and/or civil liabilities.

I undertake to seek advice and guidance from the Principal Investigator or other relevant official of the Data Controller in the event that I have any doubts or concerns about my responsibilities or the authorised use of the Research Data and/or Aggregate Data defined in the Agreement

I have read, understood and accept the above.

Name…Samantha Leahy ………………………….

Signed………………………………..

Date……………………………….

Appendix D: Summary of Research Used to Develop the Coding Frame

Authors: Baldwin (1992)

Method used: The study evaluated the practice of police interviewing but it was unclear how interviews were assessed as no detail on the method was provided in the report.

Data source: 400 video recordings from West Midlands and Metropolitan Police Services as well as 200 audio-recordings from West Midlands Police.

Application to current study: Despite the lack of detail on the method, the findings did inform the present study, in particular, findings about retaining control of the interview and demonstration of flexibility.

Authors: McGurk, Carr, and McGurk (1993)

Method used: An evaluation of investigative interviewing courses for police officers. A number of performance indicators (PIs) were developed to assess the quality of interviews. In total seven PIs were developed for rating suspect interviews which included questioning techniques, structuring the interview, and covering the points to prove.

Data source: In addition to an assessment of simulated interviews in an experimental setting, the study examined 30 real-life interviews conducted by course participants from a range of Police Services in England.

Application to current study: Similar to other studies which focused on assessing the quality of interviewing skills, rather than their frequency or chronology, this approach was considered too limited for the purposes of the current study. Again the performance indicators did inform the development of some of the criteria in the current coding frame.

Authors: Moston and Engelberg (1993)

Method used: This study examined the questioning techniques used by police interviewers with suspects, as well as how interviewers dealt with suspect resistance during an interview. Interviews were examined to determine whether an interviewer adopted an information gathering or confession strategy. The paper describes the

frequency with which different styles were adopted but it is not clear exactly how these were assessed and there is no detail on whether a formal coding frame was used.

Data source: Over 400 taped interviews from the Metropolitan Police Service were examined, with a sub-sample of 118 acting as the main sample of study in this paper.

Application to current study: Despite the lack of detail in terms of how the interviews were assessed, the findings did inform the development of the coding frame in the present study. For example, some of the strategies observed, like direct accusations or evidence strategy, were adapted for use in the present coding frame.

Authors: Cherryman (Unpublished thesis, 1999)

Method used: This thesis examined the skills of specialist interviewers. This included a self-assessment by interviewers themselves as well as an examination of real-life interviews. Similar to the Clarke and Milne (2001) study above, the rating tool used in this study focused on whether certain behaviours were present or absent, but not how frequent they were or when they were used. It included 29 separate items with additional detail collected on the overall assessment of the quality of the interview and the interviewer.

Data source: In total 69 taped interviews were obtained from 13 forces.

Application to current study: Again, whilst the general approach was not adopted, some of the individual items were applied in the present coding frame.

Research Authors: Pearse and Gudjonnson (1999)

Purpose of study and nature of sample: The study was concerned with examining the types of tactics employed by police officers to overcome a resistant suspect and elicit a confession.

Data source: Real-life interview data from 18 serious criminal cases.

Method used: Interviews were subjected to a detailed analysis using a specially constructed coding frame that identified the nature and number of tactics present in every five-minute time-segment of each interview.

Application to current study: The study identified 39 interviewing tactics, the majority of which were included in the first cut of the coding frame. Interviews were also broken down into five-minute time segments.

Authors: Clarke and Milne (2001)

Method used: The study set out to assess the impact of PEACE training on interviewing skills for use with suspects, victims and witnesses; and the impact of supervision on interviewing with suspects. Assessment of interviews was conducted using a specially constructed rating scale, developed to examine the use of the PEACE model.

The scale included 61 separate items, the majority of which required assessors to rate the extent that elements of PEACE were exhibited by interviewers. In only one category on questioning skills was it required that the frequency of use was recorded.

Data source: It drew on a sample of 177 interviews from six Police Services across England and Wales.

Application to current study: The rating scale used by Clarke and Milne did not include an examination of the suspect response and since its focus was on assessing the *overall* quality of interviewer behaviour rather than on analysing the minutiae of *individual* exchanges between suspect and interviewer, the rating scale approach was not adopted in its entirety for the present study. Instead, a large number of the criteria used in their rating scale (e.g. elements in the engage and explain section, interviewer characteristics and so on) were adopted for use. However, rather than provide a rating of their quality, the present coding frame sought to determine the frequency of use as well as their chronology throughout the interview.

Authors: Griffiths and Milne (2006)

Purpose of study and nature of sample: The research sought to establish whether advanced interviewing training works, in what ways it can help interviewers improve and whether these improvements persist over time when back in the workplace.

Data source: This study looked at a sample of 60 audio-taped interviews from 15 interviewers.

Method used: Interview quality was assessed using criteria developed from a scale used by Clarke and Milne (2001) with individual elements of the interview broken down into 120 criteria.

The use of questions was subject to a specific range of criteria and was evaluated using the Griffiths Question Map (GQM), which tracks the chronology of question usage.

Application to current study: Whilst the GQM produces a visual illustration of question usage, it doesn't map suspect response and so had limited application to the present study. The particular benefits of the GQM approach is that it goes beyond just a

simple count of question usage but shows the pattern of question use throughout the interview. The present study draws on this by recording both question frequency as well as the point questions occurs during the interview (however the present study does not represent this visually using the GQM approach).

Appendix E: Developing the Coding Frame

Through the development and testing of the coding frame (which is available in Appendix B), a number of alterations and adjustments to codes were made and are summarised here.

Coding the Interviewer and Suspect Exchange

Initially it was envisaged that each exchange between interviewer and suspect would be coded. However, having listened to over 100 tapes in the early testing phase of the coding framework, it became clear that interviews with serious crime suspects are rarely an ordered, neat exchange of questions and answers. Instead, interviews how evidence of interruptions (by both parties), overlapping talk, ill-formed questions, and unfinished sentences. The impression formed though was not of poor or ineffective interview practice, but rather an exchange that reflected the adversarial and sometimes highly charged nature of a suspect interview, combined with the everyday patterns of speech and conversation.

The implication of this disjointed interaction for the coding frame was that it was very difficult to reliably code individual exchanges between the interviewer and suspect, in terms of what was happening and at precisely what point. Initially, how the suspect responded to each individual question or technique was examined. However, the reality was that the interviewer may start to ask a question, but then be interrupted part-way through by the suspect, who then takes the discussion into a different topic area,

which leads the interviewer to then end up asking a completely different question. This exchange might be complicated further by the second interviewer interrupting to ask or clarify something, and possibly the legal representative of the suspect interjecting. Separating out this kind of talk into individual exchanges proved extremely difficult and revealed poor inter-rater reliability.

It was therefore decided to move away from coding each individual exchange and instead break down the interview into five-minute time segments and record every interviewer and suspect code observed within this time-frame. Although this meant that analysis cannot be undertaken of how suspects respond to specific interviewer questions or behaviours, analysis of the patterns of interviewer and suspect behaviour within and across each five minute segments could still be undertaken. This method has been adopted in other similar studies (e.g. Pearse & Gudjonsson, 1999).

Interruptions

Initially, a single code to account for interruptions during the interview was adopted. However, what was often interesting was who was interrupting who (whether it was the interviewer or the suspect) and also the pattern of overlapping talk. Three distinct codes were therefore adopted for interruptions.

Challenging the Suspect

Having listened to the initial cohort of interviews, three codes were developed for challenging the suspect: 'challenge with assertions', 'challenge with alternative interpretations' and 'challenge by highlighting inconsistencies'. Although inter-rater and intra-rater reliability identified challenges consistently, there was much less agreement over the three types of challenge. A single code for challenging the suspect

was therefore adopted. More detail on challenging the suspect is included in chapter eight.

Strategies to Get Suspects to Talk

Earlier iterations of the coding frame included the codes, which due to low frequency of occurrence were removed from later versions of the coding frame:

- handling suspect mood;

- inducements/offer of help;

- shame reduction;

- diffusing responsibility;

- encourage suspect to look objectively at evidence;

- cognitive interview techniques; and

- use of praise.

Although the codes of 'minimisation' and 'maximisation' were also not observed in the first 100 interviews listened to, it was decided to retain these in the coding frame given that they form two of the central components of a controversial technique advocated in the US and elsewhere by Inbau, Reid and Buckley (1986).

A code that was used to express to the suspect that it was pointless to continue lying as "there are huge numbers of experienced police officers working on the case day and night and they will find out the truth" was used a number of times. However, it was decided that this code could be incorporated within the code 'situation futility'.

Finally, the code, 'summarising / repeating what suspect says', performed poorly on inter-rater reliability. There were some elements of this code that it was felt should

be captured and so whilst this code was removed in its current form, two other codes were introduced. One was called 'statement question' and the other was 'interviewer presents evidence of what happened', both of which are discussed below.

Presentation of Evidence

The original coding frame contained several different codes associated with the introduction of evidence. It became apparent that the source of evidence was often unclear and so inter-rater reliability proved poor. A related issue was that it was common for interviewers to describe the events surrounding the offence or the suspect's actions but not to attribute this 'evidence' to a particular source. To address these issues the seven original codes were collapsed into a single code: 'the interviewer presents evidence of what happened'.

Suspect Response

There was generally good inter-rater reliability on many of the suspect responses so these were, on the whole, retained albeit with some strengthening to the definitions of the codes.

Question Types

There is very little consensus in the academic literature, and particularly so in research on police interviews, on how to describe types of questions (Oxburgh et al., 2010). A number of previous studies were reviewed in the development of question type, and a full discussion can be found in Chapter 8.

The initial tranche of coding revealed a number of issues. These were predominantly with regards to the frequency of which certain codes were used, although improvements were also made to the definitions of question types. These key developments were:

- The original coding frame contained a code for 'repetitive – appropriate' and 'repetitive – inappropriate' questions. However, very few instances were found of 'repetitive – inappropriate' questions and this was removed. A free-text section was added to the coding template so that if poor instances of questioning (or other techniques) were observed this could still be captured.

- The code for 'sarcastic/ironic' questions was removed as these were observed very infrequently.

- A pragmatic approach to the definition of leading questions was adopted from the outset in this study. In the literature, leading questions are usually associated with ineffective questioning. The position taken for this thesis is that people, in natural conversation, often ask leading questions, which is not intended, or perceived to be a manipulative mode of questioning, but rather a part of everyday normal conversation. It was thought that adding a code for 'leading' questions might therefore give the misleading impression that police interviewing was characterised by poor questioning techniques. Instead, a single code for 'inappropriate – leading' questions was adopted.

  An inappropriate leading question was defined as the interviewer indicating a desired answer that had either not been previously been introduced by the suspect or that was not based on sound supporting evidence. Appropriate leading questions were coded either coded as a 'closed' question or 'negative' question depending on its construction. During the initial phase of coding and the inter-rater reliability check, only one instance of a 'leading inappropriate' question was observed, although it was marked as uncertain by Coder B. On further discussion between coders, it was subsequently decided that this was not an 'inappropriate - leading' question. This finding is in line with other recent research which also

found few instances of leading questions in serious crime interviews (e.g. Griffiths & Milne, 2006). As a result of the infrequency observed in the present sample as well as the creation of other codes (e.g. statement and ineffective questions, see below) and the ability to record inappropriate questioning in free-text, the code for 'leading - inappropriate' was removed completely from the final coding frame.

- Originally, two closed questions codes were created: 'closed - inappropriate' and 'closed – appropriate'. In the early inter-rater checks, only two instances of 'closed – inappropriate' were observed and one of these was marked as uncertain. Due to its low frequency, and the requirement to keep the coding framework as simple as possible, a single code for 'closed question' was adopted. However, as mentioned elsewhere, the coding template contained a free-text section where any poor performance, including inappropriate questions, could be recorded.

- It became clear listening to the first 100 or so interviews that whilst a number of questions could not technically be coded as open, it was clear that the *intention* was to ask an open question (e.g. "Can you tell me about what happened?"). To capture this nuance, a new code 'closed question but with intention of being open' was adopted.

- An 'ineffective' question code was added. What became clear during the analysis of the interviews was that whilst 'inappropriate' questions were rare, questions were sometimes asked that were better described as 'ineffective' rather than inappropriate. This included instances where the questions were unclear and articulated poorly.

- Hypothetical questions were rare and had low inter-rater reliability so were removed.

- A 'statement' question was added. This code was introduced to capture those occasions when the interviewer made a statement which although not grammatically speaking could be classed as a question, it clearly was intended to elicit a response and more often than not, achieved this aim.

Appendix F: Coding Framework for Analysing the Taped Interviews

Taped Interview Details

The following template (Figure B.1) was used to record the basic characteristics for each taped interview.

Figure B.1: Template for recording basic characteristics of each taped interview

1. Interview length (mins):	
2. Is interview one of a series conducted with same suspect?	Yes/No
If 'yes', indicate: a) whether this is part of a complete series: b) if part of complete series, the chronological order that this interview occurs in series:	Yes/No
3. Date of interview:	(DD.MM.YYYY)
4. Time of interview:	(hrs:mins)
5. Crime type:	Homicide Attempted Murder Sexual Offence Other Serious
6. Number of interviewers:	
7. Gender of primary interviewer:	Male Female
8. Gender of secondary interviewer:	Male Female
9. Gender of interviewee:	Male

	Female
10. Age of interviewee:	
11. Please state if other persons present (and who):	
12. Was suspect vulnerable?	Yes/No
13. How difficult was the interview?	Easy Moderate Difficult 'no comment' or Silent Interview
14. Overall, did suspect deny or admit the offence:	Admit Partial Admission Deny 'no comment' or Silent Interview
15. Did the suspect ever alter position from denial to admission?	Yes No Not Applicable – Didn't Admit Offence Not Applicable – 'no comment' or Silent Interview Not Applicable – Already Admitted in Previous Interview
16. If suspect admitted offence, record the time segment this occurred in:	[Time Segment]

Table B.2 sets out some additional guidance notes for coding the basic characteristics described above.

Table B.2: Guidance notes for coding the basic characteristics for each taped interview

Code	Guidance notes
How difficult was the interview?	**Easy** refers to where the suspect is compliant and talking freely, although no assumption is made about whether the suspect is being truthful or not.
	Moderate refers to where the suspect may be compliant but some challenges do exist. For example, the suspect might be answering questions but is vague or difficult to understand. Moderately difficult interviews might also include instances where the suspect is talking but lies are uncovered and robust challenges need to be made. This category would also include interviews where an interpreter is present.
	Difficult refers to those interviews where the suspect might be extremely hostile, aggressive or otherwise obstructive.
	'no comment' or silent interviews would be selected if the majority of responses are 'no comment' or the suspect remains silent. A 'majority' is considered to be more than two-thirds of the interview.
Was the suspect vulnerable?	A suspect would be automatically classified as **vulnerable** if an Appropriate Adult is present during the interview. However, the suspect is also considered vulnerable if they appear to have difficulty

	comprehending questions or communicating during the interview.
Overall, did suspect admit or deny offence?	**Partial admission** refers, in murder cases, to those instances where the suspect admitted causing the death but claims that it was an accident or otherwise unintentional. For example, the suspect admits to hitting the victim but asserts that he/she did not intend to grievously injure the victim. This would not include cases where the suspect admitted, for example, driving a getaway car involved in an offence, but claiming he knew nothing of the offence; this would count as denial. Equally, in cases of rape, if the suspect admitted to sex with a victim but claimed it was with consent, this would be deemed as a denial, not a partial admission.
How strong was the evidence against the suspect?	Only evidence revealed during the interview was assessed. **Strong** evidence included forensic and witness evidence or forensic evidence alone; **less strong** included circumstantial and/or witness evidence (but excluded forensic evidence).

Describing the Exchange

Table B.3 contains a list of codes that were used to describe the exchange between interviewer and suspect. This divides the interview into five-minute segments[35]. Each time a code was observed this was recorded and identified as originating from either the first or second interviewer, the suspect, legal advisor or Appropriate Adult. Any additional comment to clarify or describe the exchange was added in free text. If good (or poor) practice was identified then the exact time of this was recorded and a brief note explaining why.

Table B.3: Codes and definitions used to describe the interview exchange, by category

Opening the interview		
1	Introduce persons present	Introduction of all persons present.
2	Date, time and location of interview	Interviewer states the date, time and location of the interview.
3	Caution given	Correct caution given.
4	Caution explained	Caution explained.
5	Explains right to copy of tape	Explains how suspect can access copy of tape if required.
6	Explains right to (free) legal advice	Explains the suspect's right to free legal advice and that the interview can be stopped at any time to speak with legal advisor.
7	Offers telephone legal advice	Offers telephone advice if necessary.
8	Explores reason for no legal advisor	Asks suspect why he/she does not wish legal representation.
9	Explains grounds for arrest	Explains the reason for being arrested.

---

[35] If a code is observed at the end of one time segment and continues into the following time segment, the code should be noted twice (one in each time segment).

10	Explains interview purpose	Explains the purpose of the interview, which might include details of the offence or to get to the truth.
11	Explains routine	Provides explanation regarding note-taking, exhibits and so on. This might also include a description of the role of the Appropriate Adult, if present. It might also include reference to 'ground rules' such as agreeing not to interrupt one another or that the interviewer expects the truth.
12	Puts significant statements/silence	Describes significant statements or silence. This will always occur at the beginning of the interview and is likely to cover elements of 'what happened'. To avoid duplication, only this code is used (and not code 41 as well).
13	Explains interview is opportunity to give account	Explicitly states that the interview is an opportunity for suspects to give their account of what happened.
14	Remote monitoring	Whether interviewers stated that remote monitoring was or was not taking place.
15	No-one else present/same people present	Confirms that no-one else is present other than those already introduced; this also includes asking the suspect to confirm that the same people are present.
16	No questions put during break	Confirms that no questions were put to the suspect about the case outside of the interview.
17	Impact question asked	An impact question is one that specifically asks, at the outset, whether the suspect was involved in the offence. Questions include: "what is your involvement in the murder of Jon Smith?" or "are you responsible for this offence?" An impact question is asked immediately after the introductory phase of the interview but before the main questioning phase begins.
Describing the questions used by interviewers		
18	Closed	Usually 'wh' questions (e.g. who, what, when, why and where) that require an answer of one or two words or short phrases (usually less than ten words).
		These questions could also start with tell, explain, describe but are typically specific and focused (but without suggesting or leading) within a short time-frame or specific event, for example: "tell me what you did between 1pm and 2pm that day?" or "tell me about your drinking habit?"
		These questions might also include instructions, which are intended to elicit a short response, for example, "tell

		me whether you did that?" If the question is closed but negative, for example, 'didn't you do it?' then the negative question takes precedence and this is coded as a negative question only (see below for more detail). This practice also applies to repetitive and multiple choice questions.
19	Open	Open questions allow a full range of responses (e.g. "describe everything that happened?" or "tell me what happened that day"). These tend to follow TED (Tell, Explain, Describe) but can also start with 'how' and 'what'. It should be noted that although some 'why' questions might be open, they are more commonly closed. Open questions may be direct or indirect, for example "tell me what happened" is a direct open question, whereas "now is the time to tell me what happened" or "if you've done nothing wrong, then account for your movements" are indirect open questions. As with the closed questions above, negative, repetitive or multiple questions take precedence over open questions and are coded accordingly.
20	Closed with element of open	This refers to questions that are *grammatically* closed but which have the *intention* of being open. For example, "can you describe to me what happened" or "would you tell me what your movements were during the 24th December?" These questions although closed include elements of TED and are intended to elicit a full response.
21	Negative (open or closed)	Questions that are structured using the negative include: "Wouldn't you think that was reasonable?", "Don't you know his name?" or "Isn't it true that...?' A negative statement followed by a 'tag' question, for example, "you haven't seen John, have you?" are also coded as a negative question. If two negative questions are asked at the same time, for example, "didn't you see or speak to him on the night of the murder?" then the multiple question code takes precedence over the negative question code.
22	Multiple choice/option (open, closed, negative, repeated or statement)	This refers to more than two questions in one sentence. This includes offering multiple choices to the suspect, for example, "tell me your name and date of birth' or 'was it green or yellow?' If a multiple question contains a repeated question, then the multiple question code takes precedence. Similarly if

		multiple statement questions are asked this is coded as multiple.
23	Statement	Sometimes the interviewer makes a statement, which does not fit into one of the question categories above but which is intended to elicit a response from the suspect. This might for example include summarising or repeating what the suspect has said to confirm accuracy. Statement questions usually have an intonation at the end of the sentence indicating that a response is required. Statement questions can also take the form of 'I'm sorry' or 'pardon' which suggests that the interviewer wants the suspect to repeat the answer or has not understood the answer in some way.
		If multiple statement questions are observed, then these are coded as a multiple question.
24	Repetitive (open, closed, negative or statement)	If the same (or similar) question is repeated in close proximity to the original, then this code is used. This might include asking the same question, but in a different way, to help the suspect's comprehension. It also includes repeating a question that the suspect had not previously answered.
		It is possible that a question asked at the beginning of an interview may be asked again at the end of the interview. As this creates too difficult a task for the coder in terms of remembering every question, coding repetitive questions is restricted to those that are repeated within a ten-question range.
25	Ineffective	This includes complex, overlong or generally unclear or otherwise ineffective questions. This code is not used in conjunction with any of the other question codes outlined above.
Interruptions and over-talking		
26	Interruptions by the interviewer	The interviewer interrupts the suspect whilst the suspect is speaking.
27	Interruptions by the suspect	The suspect interrupts the interviewer whilst the interviewer is speaking.
28	Overlapping talk	The interviewer and suspect are speaking at the same time. This could manifest as continual interruptions in close succession by both suspect and interviewer meaning that neither can finish their sentences uninterrupted

29	Interviewer requests suspects attention or focus	Explicit statements like "listen carefully as what I'm about to say is important" might be used to focus suspect's attention. It could also be used when interviewers are attempting to keep the suspect on a relevant topic and stop them from digressing.
Strategies to get the suspect to talk		
30	Building rapport/showing empathy	Attempts by the interviewer to establish rapport. This will include putting the suspect at ease by providing reassurance or showing empathy, for example, "I understand how you must be feeling". This will also include showing concern for suspect's well-being (by checking if they want a drink, whether they are in good health and so on).
31	Use of silence	Long pauses especially after asking questions. This code is not used in interviews where the suspect remains totally silent as this would artificially increase the use of this strategy. This code should therefore only be used when there is an explicit use of silence.
32	Suspect's interest to talk	Assertions that it is in the suspect's best interest to talk. This includes outlining potential benefits that can accrue from talking and/or telling the truth.
33	Situational futility	Telling the suspect that the truth will come out one day and pointing out the negative consequences resulting from continuous denial. This also includes pointing out that "in investigations like these, we look into every detail, we will interview everybody and we will find out the truth". This could also include references to "experienced investigators" and "that we have a lot of officers working on this enquiry". This also includes statements like: "just because you go 'no comment' doesn't mean we will stop asking questions".
34	Interviewer explicitly asks suspect to tell truth / give their account of what happened	Interviewer explicitly encourages suspect to tell the truth, or to give their side of the story. This includes times when, in 'no comment' interviews, the interviewer reminds the suspect that it is their decision whether to talk or not, regardless of legal advisor's advice (which may have been to say no comment). Appeals to the suspect's conscience ("the victim was a kind old man, his family deserve the right to know who is responsible") or emphasising this is their last opportunity to open up ("there will be no more interviews after this one") are also included.

35	Emphasising seriousness of offence	The interviewer may emphasise the seriousness of the offence, not as a means of intimidating, but rather used in context of encouraging suspect to give account; for example, "do you understand the seriousness of the offences I'm interviewing you about...?"
36	Special warning (or similar) provided	A special warning can be given when a suspect fails or refuses to account for any evidence that links them to the crime. The interviewer will warn the suspect that inferences may be drawn from such silence by the court. This code also includes instances where the special warning was not provided in full, but elements of the caution were reiterated.
37	Showing the suspect photographs of the crime scene/victim	The interviewer shows or describes pictures of the crime scene or victim. This does not include images of the victim's injuries (see code 38 below).
38	Describing victim's trauma and/or the family's trauma or emphasises severity of injuries	Interviewer describes the distress and trauma of the victim as a result of the crime. This also involves describing / or referring to injuries received using emotive language, for example, "she was horrifically attacked" or "he had horrendous injuries".
39	Minimisation	Attempts to elicit a confession by downplaying the significance of the crime
40	Maximisation	Attempts to intimidate the suspect by emphasising the seriousness of the offence and/or mental torment brought about by not confessing/telling the truth
Describing the evidence		
41	Describes evidence and what has happened (or alleged to have happened)	The interviewer describes the events or evidence relating to the offence. This includes evidence or actions associated with the suspect, witnesses or victim.
Challenging the suspect		
42	Challenging the suspect	The interviewer directly accuses suspect of involvement in the crime, for example, "it is our case that you committed this crime" or "the evidence indicates that you were involved in this crime". This code also includes statements like "I think you're lying".
		Challenges may or may not be accompanied by a question. If there is no question, through the very act of challenging, the suspect may still respond even if a specific question has not been asked.
		A challenge can also be formed as a question, for example, "is it not the case that you are lying to me about

		your whereabouts?" Note that this sentence would also be coded as a negative question.
		A challenge could also include suggestions regarding what happened or possible motives (e.g. the suggestion that a suspect "has a problem" with the victim in the case).
		The interviewer might also challenge by contradicting earlier information provided by the suspect or suggesting an alternative scenario to the one the suspect has put forward.
		As a challenge will, in many cases, likely contain some presentation of evidence or description of events it was decided that if a challenge is observed then the challenge code would be used instead of (not as well as) code 41 ('describes evidence and what has happened').

Emotions displayed by the interviewer and suspect		
43	Interviewer expresses impatience, frustration or anger at the suspect	The interviewer raises his/her voice or sounds impatient or frustrated.
44	Suspect expresses impatience, frustration or anger at the interviewer	The suspect raises his/her voice, making aggressive comments, sounds angry, impatient or frustrated.
45	Suspect sounds upset	The suspect sounds upset, possibly by crying.
46	Suspect sounds amused	Suspect laughs during interview.

Closing the interview		
47	Summarises content of interview at end	The interviewer summarises the interview.
48	Invites suspect to add/alter/correct anything said during interview	The interviewer asks the suspect if he/she wants to add or clarify anything. This includes asking whether the suspect wants to add anything that could prove or disprove his/her involvement in offence.
49	Issues notice regarding tapes	The interviewer issues the notice with regards to how the suspect can obtain copy of tapes. Alternatively, this might include whether the suspect is asked to sign the tape seal.
50	Records time	Interviewer records the closing time of the interview.

Other exchanges		

51	Legal advisor/Appropriate Adult speaks	The legal advisor or Appropriate Adult speaks.
Anything else of note		
52	Anything else of note	This might include other strategies employed by the interviewer that are not included elsewhere in this coding frame. This should is only used for particularly interesting occurrences.

References

Alison, L., & Howard, J. (2005). The interpersonal dynamics of police interviewing. In L. Alison (Ed.), *The forensic psychologists casebook: psychological profiling and criminal investigation* (pp.114-142). Cullompton: Willan.

Alison, L., Kebbelll, M., & Leung, J. (2008). A facet analysis of police officers' self-reported use of suspect interviewing strategies and their discomfort with ambiguity. *Applied Cognitive Psychology, 22,* 1072-1087.

Alison, L., Sarangi, S., & Wright, A. (2008). Human rights is not enough: the need for demonstrating efficacy of an ethical approach to interviewing in India. *Legal & Criminological Psychology, 13,* 89-106.

Baldwin, J. (1992). *Video taping of police interviews with suspects: An evaluation*. London: Home Office.

Baldwin, J. (1993) Police interview techniques: Establishing truth or proof. *The British Journal of Criminology. 33*(3)*,* 325.

Baldwin, J. & McConville, M. (1980). *Confessions in the Crown Court*. Research Study No. 5, Royal Commission on Criminal Procedure. London: HMSO

Baxter, J., Bain, S., & McAusland, J. (2007). Are you thick? A case study of confrontational aspects of a police interview with a suspect. *The Police Journal 80(2),* 99-108.

Benneworth, K. (2009) Police interviews with suspected paedophiles: a discourse analysis. *Discourse & Society, 20*(5), 555-569. doi:10.1177/0957926509106410

Beune, K. (2009). Talking: Interviewing suspects from a cultural perspective. (Unpublished PhD thesis). University of Twente, Enschede, The Netherlands.

Beune, K., Giebels, E., & Sanders, K. (2009). Are you talking to me? Influencing behaviour and culture in police interviews. *Psychology, Crime and Law. 15*(7), 597-617.

Blaikie, N. (2003). *Analyzing quantitative data*. London: Sage Publications.

Boetig, B.P. (2005). Reducing a guilty suspect's resistance to confessing applying criminological theory to interrogation theme development. *FBI Law Enforcement. 74*(8), 13-20. Retrieved from: http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2005-pdfs/august05leb.pdf

Bucke, T., & Brown, D. (1997). *In police custody: Police powers and suspects' rights under the revised codes of practice*. Home Office Research Study No. 174. London: HMSO

Buckley, J.P. (2006). The Reid Technique of interviewing and interrogation. In T. Williamson (Ed.) *Investigative interviewing: Rights, research and regulation* (pp. 190-206). Cullompton: Willan.

Bull, R., & Cherryman, J. (1996). *Helping to identify skills gaps in specialist investigative interviewing: enhancement of professional skills*. London: Home Office.

Bull, R., & Soukara, S. (2010). Four studies of what really happens in police interviews. In G. D. Lassiter, and C. A. Meissner, (Eds.) *Police interrogations and false confessions: Current research, practice, and policy recommendations* (pp. 81-95). Washington: American Psychological Association.

Cadder v Her Majesty's Advocate (Scotland), UKSC 43 (2010).

Cherryman, J. (1999). *Police investigative interviewing: skill analysis and concordance of evaluations* (Unpublished PhD thesis). University of Portsmouth, Portsmouth.

Cherryman, J., & Bull, R. (2001). Police officers' perceptions of specialist investigative interviewing skills. *International Journal of Police Science and Management, 3,* 199-212.

Clarke, C., & Milne, B. (2001). *National evaluation of the PEACE investigative interviewing course*. Police Research Award Scheme, Report No. PRAS/149. London: Home Office.

Clarke, C., Milne, R., & Bull, R. (2011). Interviewing suspects of crime: the impact of PEACE training, supervision and the presence of a legal advisor. *Journal of Investigative Psychology and Offender Profiling. 8,* 149-162.

Criminal Justice Act 1991. Retrieved from:

http://www.legislation.gov.uk/ukpga/1991/53/contents

Criminal Justice and Public Order Act 1994. Retrieved from:

http://www.legislation.gov.uk/ukpga/1994/33/contents

Dando, C., & Bull, R. (2011). Maximising opportunities to detect verbal deception: Training police officers to interview tactically. *Journal of Investigative Psychology and Offender Profiling. 8,* 189-202.

Deslauriers-Varin, N. & St-Yves, M. (2006, June). *An empirical investigation of offenders' decision to confess their crimes during police interrogation*. Paper presented at the Second International Conference on Investigative Interviewing, University of Portsmouth.

Deslauriers-Varin, N., Lussier, P., & St-Yves, M. (2011). Confessing their crime: Factors influencing the offender's decision to confess to the police. *Justice Quarterly, 28*(1), 113-145.

Dickson, D., & Hargie, O. (2006). Questioning. In O. Hargie (Ed.). *Handbook of communication skills* (3rd ed., pp.121-145). London: Routledge.

Dingwall, R.G. (1980). Ethics and ethnography. *Sociological Review, 28*(4), 871-891.

Evans, R. (1993). *The conduct of police interviews with juveniles*. Royal Commission on Criminal Justice, Research Study 8. London: HMSO.

Field, A. (2009). *Discovering statistics using SPSS*. London: Sage Publications.

Fisher, R.P. & Geiselman, R.E. (1992). *Memory enhancing techniques for investigative interviewing: The cognitive interview*. Springfield: Charles C. Thomas.

Green T., & Shaw, G. (2007). Supervision and management of investigative interviewing: Learning from the UK experience. In Mitchell, M., & Casey, J. (Eds.), *Police leadership and management* (pp. 89-100). Sydney: Federation Press.

Griffiths, A., & Milne, B. (2006). Will it all end in tiers? Recent developments in police interviews with suspects in Britain. In T. Williamson, (Ed.), *Investigative interviewing: rights, research, regulation* (pp. 167-189). Cullompton: Willan.

Gudjonsson, G.H. (1992). *The psychology of interrogations, confessions and testimony*. Chichester: John Wiley and Sons.

Gudjonsson, G.H. (2003). *The psychology of interrogations and confessions: A handbook.* Chichester: Wiley.

Gudjonsson, G.H. (2006). The psychology of interrogations and confessions. In Williamson, T (Ed.), *Investigative interviewing: Rights, research, regulation* (pp. 147-166). Cullompton: Willan.

Gudjonsson, G.H. & MacKeith J.A. (1990). A proven case of false confession: Psychological aspects of the coerced-compliant type. *Medicine, Science and the Law, 30*, 329-335.

Gudjonsson, G.H. (2010). Psychological vulnerabilities during police interviews. Why are they important? *Legal and Criminological Psychology. 15*, 161-175.

Hagan, F. E. (1997). Research methods in criminal justice and criminology (4th ed.). Boston, Massachusetts: Allyn & Bacon.

Hakkanen, H., Ask, K., Kebbell, M., Alison, L., & Granhag, P.A. (2009). Police officers' views of effective interview tactics with suspects: The effects of weight of case evidence and discomfort with ambiguity. *Applied Cognitive Psychology. 23*, 468-481.

Hargie. O., & Tourish, D. (1999). The psychology of interpersonal skill. In A. Memon, & R. Bull. (Eds.), *Handbook of the psychology of interviewing* (pp. 71 – 87). Chichester: Wiley.

Haworth, K. (2006). The dynamics of power and resistance in police interview discourse. *Discourse and Society, 17*, 739 - 759.

Heydon, G. (2011). Silence: Civil right or social privilege? A discourse analytic response to a legal problem. *Journal of Pragmatics. 43*, 2308-2316.

Hill, C., Memon, A., & McGeorge, P. (2008). The role of confirmation bias in suspect interviews: A systematic evaluation. *Legal and Criminological Psychology 13*, 357-371.

Hilgendorf, E. L., & Irving, M. (1981). A decision-making model of confessions. In M. Lloyd-Bostock (Ed.), *Psychology in legal contexts: Applications and limitations* (pp. 67-84). London: MacMillan.

Holmberg, U., & Christianson, S. (2002). Murderers' and sexual suspects' experiences of police interview and their inclination to admit or deny crimes. *Behavioural Science and the Law, 20*, 31-45.

Holmes, W. (2002). *Criminal interrogation: A modern format for interrogating criminal suspects based on the intellectual approach.* Springfield, Ill.: C.C. Thomas.

Horn, R. (1996). Negotiating research access to organizations. *The Psychologist, 9*(12), 551-554

Horton, C., & Smith, D.J. (1988). *Evaluating police work: An action research project.* London: Policy Studies Institute.

Police and Criminal Evidence Act 1984. Retrieved from: http://www.legislation.gov.uk/ukpga/1984/60/content

Home Office, (1992). *Investigative Interviewing.* Police Circular 22/92. London: Home Office.

Home Office. (1993). *Training for investigative interviewing.* Circular 7. London: Home Office.

Home Office (2008). *Police and Criminal Evidence Act 1984. Code C. Code of Practice for the detention, treatment and questioning of persons by police officers.* London: The Stationery Office.

Home Office (2010). *Police and Criminal Evidence Act 1984. Code E. Code of practice on audio recording interviews with suspects.* London: The Stationery Office

Horowitz, M.W. (1956). The psychology of confession. *Journal of criminal law, criminology and police science, 47,* 197-204.

Inbau F. E., & Reid, J.E. (1967). *Criminal interrogation and confession.* Baltimore:

MD. Williams and Wilkinson.

Inbau, F.E., Reid J., & Buckley J.P. (1986). *Criminal interrogations and confessions*

(2nd ed.). Baltimore: Williams and Wilkinson.

Israel, G.D. (2009). *Determining sample size* (PEOD6). Florida: University of Florida.

Retrieved from: http://edis.ifas.ufl.edu/pd006

Irving, B., & McKenzie, I. K. (1989). *Police interrogation: The effects of the Police and*

Criminal Evidence Act. London: Police Foundation of Great Britain.

Irving, B.L. (1980). *Police interrogation: a case study of current practice. Royal*

Commission on Criminal Procedure. London: HMSO.

Kassin S.M., & Mcnall ,K. (1991). Police interrogations and confessions:

Communicating promises and threats by pragmatic implication. *Law and Human*

Behaviour, 15(3), 233-251.

Kassin, S. M. (1997). The psychology of confession evidence. *American Psychologist,*

52, 221-233.

Kassin, S. M., Goldstein, C.J., & Savitsky, K. (2003). Behavioral confirmation in the

interrogation room: On the dangers of presuming guilt. *Law and Human*

Behavior, 27, 187-203.

Kassin, S.M. (2008). False confessions: Causes, consequences and implications for

reform. Current directions. *Psychological Science, 17*(4), 249-253.

Kassin, S.M., & Gudjonnson, G.H. (2004). The psychology of confessions: A review of

the literature and issues. *Psychological Science in the Public Interest, 5*, 35-59.

Kassin, S.M., Appleby, S.C., & Torkildson Perillo, J. (2010). Interviewing suspects: Practice, science, and future directions. *Legal and Criminological Psychology. 15*, 39-55.

Kassin, S.M., Leo. R., Meissner, C.A., Richman, K.D., Colwell, L.H., Leach, A., & La Fon, D. (2007). Police interviewing and interrogation: A self report survey of police practices and beliefs. *Law and Human Behaviour, 31*, 381-400.

Kassin, S.M., & Wrightsman, L. (1985). Confession evidence. In S.M. Kassin and L. Wrightsman (Eds.), *The psychology of evidence and trial procedure* (pp. 67-94). London: Sage.

Kebbell, M., Alison, L., Hurren, E., & Mazerolle, P. (2010). How do sex offenders think the police should interview to elicit confessions from sex offenders? *Psychology, Crime and Law. 16*(7), 567-584.

King, L., & Snook, B. (2009). Peering inside a Canadian interrogation room: An examination of the Reid model of interrogation, influence tactics, and coercive strategies. *Criminal Justice and Behavior, 36*, 674-694.

Leo, R.A. (1996). Inside the interrogation room. *Journal of Criminal Law and Criminology, 86*, 266-303.

Leo, R.A., and Ofshe, R.J. (2001). The truth about false confessions and advocacy scholarship. *The Criminal Law Bulletin. 37*, 293-370.

Maule, A. J., & Hockey, G. R. J. (1996). The effects of mood on risk-taking behaviour. *The Psychologist, 9*, 464-467.

McCann, J. T. (1998). A conceptual framework for identifying various types of confessions. *Behavioural Sciences and the law, 16*, 441-453.

McConville, M. & Hodgson, J. (1993). *Custodial legal advice and the right to silence*. The Royal Commission on Criminal Justice, Research Study No. 16. London: HMSO.

McConville, M., Sanders, A., & Leng, R. (1991). *The Case for the Prosecution: Police Suspects and the Construction of Criminality*. London: Routledge.

McGurk, B. J., Carr, M. J., & McGurk D. (1993). *Investigative interviewing courses for police officers: An evaluation. Police Research Group Paper No. 4*. London: Home Office.

Medford, S., Gudjonsson, G.H., & Pearse, J. (2003). The efficacy of the appropriate adult safeguard during police interviewing. *Legal and Criminological Psychology, 8,* 253-266.

Meissner, C. A., Russano, M. B., & Narchet, F. M. (2010). The importance of a laboratory science for improving the diagnostic value of confession evidence. In G. D. Lassiter, G. & C. A. Meissner (Eds.), *Police interrogations and false confessions: Current research, practice, and policy recommendations* (pp.). Washington, DC: American Psychological Association.

Milne, R., & Bull, R. (1999). *Investigative interviewing: Psychology and practice*. Chichester: John Wiley and Sons.

Ministry of Justice. (2011). *Achieving best evidence in criminal proceedings Guidance on interviewing victims and witnesses, and guidance on using special measures*. London: Ministry of Justice.

Mirfield, P. (1985). *Confessions*. London: Sweet & Maxwell.

Mortimer, A., & Shepherd, E. (1999). Frames of mind: schemata guiding cognition and conduct in the interviewing of suspected offenders. In A. Memon & R. Bull

(Eds.), *Handbook of the psychology of interviewing* (pp. 294 – 315). Chichester: John Wiley and Sons.

Moston, S., & Engleberg, T. (1993). Police questioning techniques in tape recorded interviews with criminal suspects. *Policing and Society, 3*, 223-237.

Moston, S., & Fisher, M. (2007). Perceptions of coercion in the questioning of criminal suspects. *Journal of Investigative Psychology and Offender Profiling. 4*, 85-95.

Moston, S., Stephenson, G.M., & Williamson, T.M. (1992). The effects of case characteristics on suspect behaviour during police questioning. *British Journal of Criminology, 32*, 23-40.

Nakane, I. (2007). Problems in communicating the suspect's rights in interpreted police interviews. *Applied Linguistics, 28*(1), 87-112.

National Crime Faculty. (1996). *Investigative interviewing: A practical guide*. Bramshill: National Crime Faculty and National Police Training.

National Policing Improvement Agency (NPIA). (2009). National investigative interviewing strategy. Wyboston: NPIA.

Neuendorf, K. A. (2002). *The content analysis handbook*. Thousand Oaks, California: Sage Publications.

Newbury, P., & Johnson, A. (2006). Suspects' resistance to constraining and coercive questioning strategies in the police interview. *Journal of Speech, Language and the Law, 13*(2), 213-240.

Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational actions. *Cultic Studies Journal*, 6(1), 1-15.

Ord, B., & Shaw, G. (1999). *Investigative interviewing explained*. Woking: The New Police Bookshop

Oxburgh, G. E., Myklebust, T., & Grant, T. (2010). The question of question types in police interviews: A review of the literature from a psychological and linguistic perspective. *International Journal of Speech, Language and the Law*. *17*(1), 46-66.

Oxburgh, G., & Ost, J. (2011). The use and efficacy of empathy in police interviews with suspects of sexual offences. *Journal of Investigative Psychology and Offender Profiling. 8*, 178-188.

Oxburgh, G., Ost, J., & Cherryman, J. (2010). Police interviews with suspected child sex offenders: does use of empathy and question type influence the amount of investigation relevant information obtained? *Psychology, Crime and Law*. doi:10.1080/1068316X.2010.481624

Pearse, J. (1997). *Police interviewing: An examination of some of the psychological, interrogative and background factors that are associated with a suspect's confession.* Unpublished Ph.D. thesis, Kings College: London.

Pearse, J., & Gudjonsson, G. (1996). Police interviewing techniques at two south London police stations. *Psychology, Crime and Law, 3*, 63-74.

Pearse, J., & Gudjonsson, G. (1997). Police interviewing and legal representation: A field study. *Journal of Forensic Psychiatry, 8*(1), 200-208.

Pearse, J., & Gudjonsson, G. (1999). Measuring influential police interviewing tactics: a factor analytical approach. *Legal and Criminology Psychology, 4,* 221-238.

Pearse, J., Gudjonsson, G.H., Clare, I.C.H., & Rutter, S. (1998). Police interviewing and psychological vulnerabilities: Predicting the likelihood of a confession. *Journal of Applied Community and Applied Social Psychology, 8*, 1-21.

Phillips, C., & Brown, D. (1998). *Entry into the criminal justice system: a survey of police arrests and their outcomes* (Home Office research study 185). London: Home office.

Police and Criminal Evidence Act 1984. Retrieved from: http://www.legislation.gov.uk/ukpga/1984/60/contents

Quinn, K., & Jackson, J. (2007). Of rights and roles: Police interviews with young suspects in Northern Ireland. *British Journal of Criminology, 47*(2), 234-255.

RCCP. (1993). *Report of the Royal Commission on criminal justice*. London: HMSO.

Read, J., Powell, M.B., Kebbell, M.R., & Milne, R. (2009). Investigative interviewing of suspected sex offenders: A review of what constitutes best practice. *International Journal of Police Science and Management, 11*, 442-459.

Reppucci, N. D., Meyer, J., & Kostelnik, J. (2010). Custodial interrogation of juveniles: Results of a national survey of police. In G. D. Lassiter, G. & C. A. Meissner (Eds.), *Police interrogations and false confessions: Current research, practice, and policy recommendations* (pp. 67-80). Washington, DC: American Psychological Association.

Ritchie, J. (2003). The applications of qualitative methods to social research. In J. Ritchie & J. Lewis (Eds.), *Qualitative research practice* (pp. 24-46). London: Sage Publications

Ritchie. J., Lewis, J. & Elam, G. (2003). Designing and selecting samples. In J. Ritchie & J. Lewis (Eds.), *Qualitative research practice* (pp. 24-46). London: Sage Publications

Russano, M.B., Meissner, C.A., Narchet, F.M., & Kassin, S.M. (2005). Investigating true and false confessions within a novel experimental paradigm. *Psychological Science, 16,* 481-86.

Russell, S. (2000). 'Let me put it simply...': the case for a standard translation of the police caution and its explanation. *Forensics Linguistics, 7*(1), 26-48.

Sacks, H., Schegloff, E. A., & Jefferson, G. (1974). A simplest systematics for the organization of turn-taking for conversation. *Language, 50*(4), 696-735.

Sanders, A., Bridges, L., Mulvaney, A. & Crozier, G. (1989), Advice and assistance at police stations and the 24 hour duty legal advisor scheme. London: Lord Chancellor's Department.

Sanders, A., & Young, R. (2000). *Criminal Justice.* London: Butterworths.

Schollum, M. (2005). *Investigative interviewing: the literature*. Wellington: Office of the Commissioner of new Zealand Police.

Schegloff, E. A. (1968).Sequencing in conversational openings. *American Anthropologist*, *70*(6), 1075-1095.

Schegloff, E. A. (2000). Overlapping talk and the organisation of turn-taking for conversation. *Language in Society*. *29*(1), 1-63.

Schegloff, E. A. & Sacks, H. (1973). Opening up closings. *Semiotica, 8*(4)*,* 289-327.

Sear L., & Stephenson, G. (1997). Interviewing skills and individual characteristics of police interrogators. In G. Stephenson, & N. Clark (Eds.), *Procedures in criminal justice and contemporary psychological issues* (pp. 27 – 35). Leicester: British Psychological Society.

Shawyer, A., & Walsh, D. (2007). Fraud and PEACE: Investigative interviewing and fraud investigation. *Crime Prevention and Community Safety. 9*, 102-117.

Shawyer, A., Milne, R., and Bull, R. (2009). Investigative interviewing in the UK. In T. Williamson, B. Milne & S.P. Savage, (Eds.), *International developments in investigative interviewing* (pp.24-38). Cullompton: Willan.

Shepherd, E. (2007). *Investigative interviewing: The conversation management approach*. Oxford: Oxford University Press.

Shepherd, E., & Milne, R. (1999). Full and faithful: Ensuring quality practice and integrity of outcome in witness interviews. In A. Heaton-Armstrong, D. Wolchover, and E. Shepherd. (Eds.), *Analysing witness testimony* (pp. 124-145). London: Blackstone Press.

Silverman, D. (2001). *Interpreting qualitative data* (2nd Ed.). London: Sage Publications.

Skills for Justice. (2008). Interview suspects in relation to serious and complex investigations. Sheffield: Skills for Justice.

Skinns, L. (2009). 'Let's get it over with': early findings on the factors affecting detainees' access to custodial legal advice. *Policing & Society. 19*(1), 58-78.

Snook, B., Eastwood, J., Stinson, M., Tedeschini, J., & House, J.C. (2010). Reforming investigative interviewing in Canada. *Canadian Journal of Criminology and Criminal Justice, 52*(2) 215-232. doi:10.31381cjccj.52.2.215

Snow, P.C., & Powell, M.B. (2004). Interviewing juvenile offenders: the importance of oral language competence. *Current Issues in Criminal Justice, 16*, 220-225.

Softley, P. (1980). *Police Interrogation: An observational study in four police stations.* Home Office Research Study No. 61. London: HMSO.

Soukara, S. (2004). Investigating interviewing of suspects: Piecing together the picture. (Unpublished doctoral dissertation). University of Portsmouth, Portsmouth.

Soukara, S., Bull, R., & Vrij, A. (2002). Police detective's aims regarding their interviews with suspects: any change at the turn of the millennium? *International Journal of Police Science and Management, 4*(2), 100-114.

Soukara, S., Bull, R., Vrij, A., Turner, M., & Cherryman, J. (2009). What really happens in police interviews of suspects? Tactics and confessions. *Psychology, Crime and Law*. *15*(6) 493-506.

St Yves, M., & Deslauriers-Varin, N. (2009). The Psychology of suspects' decision-making during interrogation. In R. Bull, T. Valentine & T Williamson (Eds.), *Handbook of psychology of investigative interviewing* (pp. 1- 15). Chichester: Wiley-Blackwell.

Stemler, S. (2001). An overview of content analysis. *Practical Assessment, Research & Evaluation*. 7(17). Retrieved from: http://PAREonline.net/getvn.asp?v=7&n=17

Stephenson, G.M., & Moston, S. (1994). Police interrogation. *Psychology, Crime and Law, 1*, 151-157.

Vrij, A. (2008). *Detecting lies and deceit: pitfalls and opportunities*. Chichester: Wiley.

Walsh, D., & Bull, R. (2010). What really is effective in interviews with suspects? A study comparing interviewing skills against interviewing outcomes. *Legal and Criminological Psychology, 15*, 305-321.

Williamson, T. (1992). *Investigative interviewing*. Paper presented to the British Psychological Society's Annual Conference.

Williamson, T.M. (1993). From interrogation to investigative interviewing; strategic trends in police questioning. *Journal of Community and Applied Social Psychology, 3*, 89-99.

Wright, A.M., & Alison, L. (2004). Questioning sequences in Canadian police interviews: constructing and confirming the course of events? *Psychology, Crime and Law, 10*, 137-154.

Yeschke, C.L. (2003). *The art of investigative interviewing*. Burlington, Massachusetts:

Butterworth-Hienemann.

Youth Justice and Criminal Evidence Act 1999. Retrieved from:

http://www.legislation.gov.uk/ukpga/1999/23/contents

Zimbardo, P. G. (1967, June). The psychology of police confessions. *Psychology

Today, 1,* 17-27.