

POLICE INTERVIEWING OF CRIMINAL SUSPECTS: A HISTORICAL PERSPECTIVE

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Abstract:

This paper provides an historical overview of the development of police suspect interviewing. The paper highlights how different approaches developed based upon the prevailing needs of the time, from early approaches involving torture and threats, simple question and answer approaches, through to methods incorporating knowledge from the behavioural sciences such as persuasive interviewing. The paper highlights some of the problems associated with these approaches in particular risks of unreliable information and potential miscarriages of justice and discusses more recent ethically oriented interview approaches developed to minimise some of these risks. The paper stresses the importance of sensitivity to the rights and needs of suspects even when carrying out interviews under pressured conditions.

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Introduction

The interview is one of the primary methods used by police to obtain information from witnesses, victims and suspects of crime and plays a significant role in the majority of police investigations. The witness interview may give police new information about a crime such as a description of an offender, an account of events or useful background information. The suspect interview may allow the police to ascertain an individual's level of involvement in an offence, implicate others or may help exonerate the suspect. The interview is however not without its risks, some interview practices can lead to investigators obtaining poor, misleading and unreliable information that can in extremis lead to a miscarriage of justice (Gudjonsson, 2003).

There has been recent debate on the processes involved in police interviewing and interrogation especially as regards terrorist suspects. Concerns have been raised about the use of torture and other robust interrogative procedures, the reliability of the information obtained and the impact upon individuals (Gudjonsson, 2003; Roberts, 2011; Sands, 2008). Critics claim that these approaches fly in the face of 'best practice' standards of interviewing and argue for a return to ethical interview approaches (Roberts, 2011; Sands, 2008). It is perhaps timely therefore to explore the development of police suspect interviewing to highlight how and why ethical approaches to interviewing arose and to remind ourselves why even in extreme situations such as terrorism they represent best practice. This paper therefore explores police interviewing of suspects from an historical perspective illustrating how police interviewing developed, the strengths and weaknesses of various interview approaches and the reasons behind them and attempts to reiterate what best practice means for police suspect interviews.

Definition

For clarity, within this paper a *suspect* is defined as an individual that a law enforcement officer reasonably believes has some involvement in an offence. The *suspect interview* is formal questioning of the suspect by one or more police officers following the suspect's arrest on suspicion of committing the offence. In most legislatures there is considerable procedural and case law governing when an individual can be considered a suspect, the grounds for arrest by law enforcement officers, procedures of detention of a suspect and the manner in which they are questioned (Gudjonsson, 2003). A discussion of the different legislation is beyond the scope of this paper as focus is upon the procedures and methods used by law enforcement officers when interviewing a suspect.

Early approaches to police interviews

From ancient times agents of the legislature have attempted to obtain information from suspects about their involvement in crime. Until the 1930s the methods used invariably involved some form of coercion such as threats and physical violence such as beatings and torture. The term "the third degree" was coined to label questioning of a suspect using aggressive techniques and included methods such as exposure to bright lights, cold water and physical blows. The central aim of these approaches was to elicit a confession from a suspect about their involvement in a crime, the aggressive behaviour generally being continued until such time that a confession was obtained. Often the 'interview' contained accusations from the interviewer such as, '*We know you did it,*' and if

questions were asked at all they centred upon whether the suspect committed the offence e.g. '*did you do it?*' with no opportunity for the suspect to provide an alternate version of events, mitigation or an alibi (Münsterberg, 1923; Leo, 1992).

From the mid 1930s doubts arose about the use of these tactics. Confessions obtained in this way were often of dubious value because suspects frequently confessed to avoid experiencing more violence, irrespective of guilt (e.g. Hassler, 1930; Peixoto, 1934; Leo, 1992). Although suspect interviews largely remained a process designed to extract confessions, towards the end of the 1930s consensus developed that interviews produced more robust outcomes using specific questions rather than accusations, threats and violence. In addition, sometimes the information obtained from questions could exonerate the suspect as well as provide new leads that were otherwise missed (e.g. Hassler, 1930; Peixoto, 1934; Leo, 1992).

Interviewing practice developed over subsequent years. In Sweden in the 1940s, it was recommended that police officers should attempt to gain the trust of a suspect before asking them relevant questions (e.g. Leche & Hagelberg, 1945). Leche & Hagelberg (1945) also recommended that police officers should allow the suspect to provide their version of events before asking only *open-ended questions* of them. They also suggested police officers needed knowledge of how human memory works so that they could know the limitations of recall and how it could be affected by police behaviour. Gerbert (1954) explained the importance of understanding the characteristics of suspects and cautioned that some signs of nervousness were not signs of guilt but normal emotional reactions to the interviewer's behaviour.

However, these ideas appear not to have caught on within policing. Indeed threat laden approaches, where interviewers used a range of manipulative strategies to extract confessions or self incriminating statements were common well into the 1990s in most Western police forces (Baldwin, 1992). The reasons for this are complex but seem in part to be because most of this early work on interviewing was done in non-English speaking countries so was perhaps not accessible to English speaking Western police officers. In addition it was often work from the academic world with which police had (until relatively recently) minimal contact and perhaps even some distrust. There are many ironies with this state of affairs, none more so than when one considers that current best interviewing practice stresses ideas that were first suggested in the 1930s – 1950s.

The 1960s and later

Since the 1960s there has been more systematic research into the workings of human memory and the behaviour of suspects during police interviews and this has spawned a number of different tactical approaches to interviewing (Ord et al, 2008). Some of these approaches are distinct improvements over the use of physical violence to extract confessions, however not all are without problems. Interview approaches based upon an uncritical use of behavioural science research, without a consideration of the ethical and legal implications, are especially problematic and in the next section we will explore some of these approaches in detail and consider the evidence for and against their efficacy.

Question and Answer

Following from the work of Hassler in the 1930s, *question and answer*, interviewing arose. Here the interview consists of the interviewer asking a series of questions of the suspect around topics of interest to the interviewer. Typically in these approaches little attempt is made to build rapport or otherwise engage the suspect (Bull and Milne, 2004; Roberts and Herrington, 2010). This approach rests upon a belief that the police should be in complete control of any interview and know what information is relevant to their inquiry (Roberts and Herrington, 2010). Whilst the police may be aware of the sorts of information they need, the suspect could also be in possession of other information that may have a bearing upon the police inquiry. A strong limitation to the question and answer approach therefore is that it may not provide any clear opportunity for suspects to present this information (unless the interviewer explicitly asks if the suspect has anything else to add). Additionally the topics questioned by the police may strongly imply that other issues and information that a suspect may have are of little relevance or importance (Shepherd, 1991).

Similar to question and answer approaches are so called *interrogative approaches*. Interrogation can be considered an extreme form of question-answer interviewing, often characterised as an asymmetrical 'conversation' between an interviewer and suspect in which the interviewer dominates the encounter. Interrogations may also include implied or explicit threats and coercion (Gudjonsson, 2003). Whilst interrogative approaches undoubtedly place control in the hands of the interviewer, they also suffer similar limitations to question and answer approaches. In addition where threats are real or implied there is a risk of impacting the emotional state of the suspect. Interrogative approaches often increase an individual's anxiety, which may increase some individuals uncertainty and doubt about what they have experienced (Gudjonsson, 2003). In this state, individuals are much more sensitive to the reactions of the interviewer and may look for signals from the interviewer that their responses are acceptable and that their discomfort is coming to an end. They may even begin to tailor their answers to elicit a favourable reaction from the interviewer. Detail becomes sacrificed by the suspect, and anxiety and fear may increase suggestibility and the likelihood that suspects will accept the information provided to them by the interviewer and incorporate it into their account (Gudjonsson, 2003).

Persuasive interview techniques

Utilising behavioural sciences knowledge a form of interviewing developed during the 1960s that can be described as *persuasive interviewing*, where the aim is to persuade a suspect to make personally incriminating statements, (Inbau et al, 2004). These methods are used particularly in North America. Within the tradition of persuasive interviewing Inbau et al advocate a nine step approach towards obtaining a confession that begins with the interviewer developing rapport with the suspect showing both sympathy and understanding, particularly for the crime itself. The aim of this phase is to increase the confidence of the suspect that he or she is in a supportive environment and increase their dependence upon the interviewer. The interviewer then aims to persuade the suspect of the advantages of a confession tailoring these advantages to the suspect's perceived needs. If for example the suspect is religious, appeals to beliefs about the importance of honesty before God are made, or the interviewer may make appeals based upon reductions in a sentence following conviction that a confession may give rise to. Later in the interview, the interviewer will typically offer the suspect a choice between two distinct positions, both of which are incriminating, stressing that these are the only choices available. For example, a suspect may be asked if this was the first time he had committed the offence or had he done something like this before. In persuasive interviewing, because rapport building is designed to build a trusting relationship where the suspect feels an obligation

towards the interviewer, a response to such an incriminating question increases the likelihood that the suspect will make a full confession. Due to the risk of a false confession – a confession made by an individual who did not carry out the offence - Inbau et al. (2004) stress that these techniques should only be used when the police are *convinced* of the guilt of the suspect.

If the suspect did in fact commit the offence then some may argue that obtaining a confession is a distinct advantage for the criminal justice system and any technique that produces an early confession will save time and resources of law enforcement and judiciary. However the warning of Inbau et al (2004) to use persuasive methods only when the police are sure of the guilt of the suspect begs the question as to how and when can the police be *sure* of guilt? Indeed can the police ever be sure that an individual is guilty at the point of an interview? The police may base their judgements about likelihood of guilt upon the strength of evidence against an individual, but how much evidence is needed *a priori* to be sure of guilt and what is the impact of this belief?

It appears that police are often sure of the guilt of suspects. For example Stephenson and Moston (1993) examined 1067 solved police cases finding that interviewers were sure of the guilt of the suspect in 73% of these cases and 99% where the evidence was considered strong. Following Inbau et al's advice this suggests that in the majority of cases the police should use persuasive methods. But what if the suspect did not actually commit the offence? There is a significant number of individuals who are arrested and released without charge, for example 4,244 individuals were detained by the police for more than 24 hours and then released without charge in the UK in 2007/08 (Povey et al. 2009). Whilst there are many reasons police may choose not to charge a suspect with an offence (including lack of evidence and the charge not being in the public interest), this data suggest that not all suspects are guilty of the offence for which they were detained. In addition, research has demonstrated that when using persuasive methods the risk of obtaining a false confession from an innocent suspect is high (Gudjonsson, 1992, 1994, 2003). A false confession in these circumstances has a number of risks for any system of justice, chief among them that an innocent individual may lose their liberty as a result of police interview tactics. Experience from the United Kingdom, where in the 1980s and 1990s, following the use of persuasive interview methods with innocent individuals, there were a number of miscarriages of justice demonstrates the negative implications for public perceptions of the police that may result (Baldwin, 1992).

Why might persuasive interview methods increase the risk of false confessions? These interview methods are explicitly designed to obtain a confession from anyone. They do this by increasing the pressure on the suspect, increasing dependence upon and feelings of obligation towards the interviewers, minimising the importance of the offence and providing the individual with no other choice but to confess (Gudjonsson, 2003). This is strongly related to increased suggestibility – the suspect coming to accept a version of events suggested by the interviewer, indeed persuasion actively offers a version of events to the suspect to agree with, and confabulation – a suspect incorporating information provided by the interviewer either intentionally or unintentionally into an account. Persuasive interviews are especially problematic where the cognitive and emotional reserves of an individual are compromised through lack of sleep, heightened anxiety, physical or psychological disorders, and pose a particular problem when interviewing vulnerable suspects (Gudjonsson, 2003)..

Beliefs about the guilt of a suspect may also contribute to interviewer bias. There is a risk that in holding this belief interviewers focus upon information that is thought relevant to the confession to the exclusion of everything else. Clearly some of the other information a suspect may be able to

provide can be of relevance to an inquiry (in addition to self incriminating statements) such as identifying other suspects or even exonerating themselves which may be missed using these methods.

Persuasive interviewing runs the risk of contributing to unreliable evidence which may ultimately result in a miscarriage of justice. The risks of a miscarriage of justice, with all the attendant risks to public confidence and perceived legitimacy of the police and the criminal justice system (e.g. Roberts, 2010), as well as the impact upon the individual involved, would seem to outweigh any possible benefits from a suspect confession. This may be less of an issue for a guilty suspect but is very damaging for an innocent suspect.

Ethical Interviewing

From the 1960s there was increasing judicial concern about police behaviour during the arrest and interview of suspects. This followed a number of miscarriages of justice in which interviewing was cited as a contributing factor. Legislation was enacted in a number of legislatures that aimed to clearly identify a suspect's rights and define what kinds of police behaviour were acceptable and what were not. For example, the Police and Criminal Evidence act (PACE, 1984) in the United Kingdom, the fourth and fifth amendments and the Miranda rules in the United States and in Australia part 1c of the Commonwealth Crimes Act. Despite this legislation miscarriages of justice involving interviewer behaviour continued and as a result of this in the United Kingdom a review of police interviewing procedures was carried out (Baldwin, 1992, 1993).

Baldwin reviewed 400 video recordings and 200 audio recordings of police interviews and concluded that the general competence of the interviewers was unacceptably low. Baldwin found a range of problem behaviours with many interviewers struggling to create any kind of rapport with a suspect, adopting a confession-seeking approach whilst trying to persuade suspects to accept the interviewer's version of events. Frequently interviewers did not listen to what was being said by and continually interrupted the suspect. Some interviewers also became flustered, aggressive and provocative. Baldwin (1993) identified the worst interviewers as those who adopted a macho approach, priding themselves in their interviewing prowess who were unable to change their approach despite reporting difficult interviews. Many of these interview behaviours were also directed towards witnesses of crime.

Other researchers obtained similar results. Moston and Engelberg (1993) explored 118 taped police interviews. They found the most common interviewing style was confrontational and confession-seeking. Here interviewers often directly accused the suspect of having committed the crime and then asked the suspect to confirm this. If the suspect remained silent, showed resistance or denied the allegation interviewers frequently moved on to persistent repetitive questioning, ignored the suspect or closed down the interview.

Stephenson and Moston (1993, 1994) found that when evidence was judged to be strong interviewers used an accusatorial approach in which suspects were accused directly of the offence early on in the interviews. This was similar to the persuasive type approach advocated by Inbau et al (2004). When the evidence was thought to be weak interviewers were more likely to use an information gathering approach in which no direct accusations were made and no attempt was made to extract a confession. Interestingly the information gathering approach increased the likelihood of the suspect providing an account of the event.

A suspect's unwillingness to engage with the interviewers was a common problem identified by researchers. This can be because of a range of factors, some to do with the suspect's characteristics and some to do with the behaviour of the interviewer (Shepherd, 1993). Psychological factors such as a suspect's emotional state (anxiety, fear, depression, and anger), mental health status, intelligence, and general attitude towards the police may act as barriers to communication interfering with a suspect's willingness to speak to an interviewer (Shepherd, 1993). Unwillingness to engage may also result from an interviewer's interpersonal behaviour towards the suspect. Inappropriate listening, disruptive talk, and poor pacing of the interview such as interruption, filling pauses, and failing to allow any time for reflection are behaviours that may signal a lack of interest on the part of the interviewer and are barriers to efficient communication leading to a breakdown in communication. One particular problem identified was where an interviewer failed to orientate the suspect about the interview sufficiently. That is a failure to explain the situation - what is going to happen and what to expect during the interview. This is problematic because individuals frequently have no prior experience of police interviews and so have no idea how to behave, what the police need or want or what will happen to them. Explanations help to anchor an individual's experience so that they are able to identify how to behave and what to expect (Shepherd, 1991).

In reviewing this literature Shepherd (1992) coined the term *Ethical Interviewing* to describe an interview approach that avoided many of the problems of other approaches. Shepherd advised that interviewers should treat suspects with respect and as equals with the same rights to dignity, self-determination and choice as themselves. Shepherd emphasised the importance of showing empathy to the suspect taking note of the suspect's position and their concerns. Similarly Baldwin (1993) advocated a rapport based interview approach that is non-accusatorial as the best method of obtaining reliable information.

Ethical Interviewing rested upon an open-minded, information gathering approach to interviews. In 1992 the essence of ethical interviewing was captured within a model of police interviewing referred to by the acronym PEACE. PEACE was an attempt in the United Kingdom to move away from past problematic interview methods and design a super-structure for interviews that avoided many of the risks. The next section considers this model and its assumptions.

The PEACE model of interviewing.

In 1992 the United Kingdom Home Office were instrumental in the development of the PEACE interviewing model (Bull, 2000). The acronym PEACE highlights five distinct stages in the interview process. (P) Planning – stresses the importance of planning an interview prior to its commencement so that clear aims and objectives of the interview are established, topics of interest are identified, questions designed and issues such as interview location, timing and recording procedure are considered; (E)Engage and explain – involves explaining to the witness what the purpose of the interview is, what they should expect and how the interview will proceed; (A)Account – refers to the manner in which an account or version of events is elicited from the witness, this depends upon the purpose of the interview and different methods will be discussed below; (C)Closure – stresses the importance of bringing the interview to a comfortable conclusion whilst maintaining rapport with a witness and avoiding negative emotional reactions such as anger or anxiety; (E)Evaluate - reminds the interviewer to evaluate the product of their interview and their performance to identify other informational needs (Milne and Bull, 2003).

The PEACE interview model stresses the development and maintenance of rapport throughout any interview. This is because rapport engenders trust, minimises the possibility of anxiety, anger or distress on the part of the suspect, maximises the likelihood that suspects will answer the interviewer's questions and feel able to disclose other relevant information and minimises the risk of unreliable information (e.g., Fisher & Geiselman, 1992; Kebbell, Milne & Wagstaff, 1999; Milne & Bull, 1999; Shepherd, 1991; Shepherd & Milne, 1999; Shepherd, Mortimer, Turner & Watson, 1999). In developing rapport during an interview Fisher and Geiselman (1992) stressed the need for personalizing the interview and showing empathy for the suspect and Milne and Bull (1999) stressed that interviewers should actively listen and pay attention to the needs and behaviour of the suspect. The engage and explain phase of PEACE is instrumental in the development of rapport as this aims to set a context for the suspect, where they feel comfortable in what to expect and what to do (Shepherd, 1993). Likewise the Closure phase is important as this is an opportunity for the interviewer to assuage any concerns that the suspect might have and for the suspect to add any further information. The PEACE model is now ubiquitous in the United Kingdom (ACPO, 2009). Evaluations of the impact of the PEACE model has illustrated improvement in the reliability of witness and suspect accounts and a reduction in miscarriages of justice where interviewing practices were cited by the appellant (Shepherd, and Milne, 2006).

Whilst PEACE sets a defined structure for police interviews it does not explicitly advise upon specific tactics the police should use in order to obtain an account from an individual, indeed it is entirely possible to use interrogative, question and answer and persuasive interview methods within PEACE. Two approaches that are based upon psychological theory and nested within ethical interviewing have been devised, namely Conversation Management and we move on to discuss this below.

Conversation Management

Conversation Management (Shepherd, 1991) is based upon extant memory research. This approach has most commonly been used with crime suspects; however it is also used with non-compliant witnesses of crime. It has three distinct phases, the *suspect agenda*; the *police agenda*; and the www.internetjournalofcriminology.com

*challenge*ⁱ. The interviewer starts the *suspect agenda* by asking an open question related to the offence in question. The suspect is permitted to say whatever they wish concerning their knowledge and recollections of the offence. The interviewer allows the suspect to speak in his or her own words and does not interrupt. Following the suspect agenda the interview moves onto the police agenda.

Within the *police agenda*, the interviewer's aim is to clarify the suspect's account, not challenge it, to obtain as much detail as possible and to explore topics and issues of concern to the police not otherwise covered in the suspect's agenda. Here the interviewer attempts to obtain so called fine-grained-detail about the objects, actions and events described in the suspect's account. For example, if a suspect suggests that they were driving a yellow car, the interviewer would ask for more details of the car; its registration, the interior colour etc. The advantage of this is that the more detail police have, the more information there is to further the police inquiry either as new leads and/or as to test the suspect's account. Two terms highlight the useful information that can be obtained during this interview phase: checkable-lies and provable facts. Should a suspect not provide an account during the suspect agenda phase (as is their right in most jurisdictions) the interview moves into the police agenda phase directly. However, only following the completion of the police agenda, should the interviewer move into the challenge phase.

In the *challenge phase* investigators explore the suspect's account using inconsistencies and inaccuracies identified from other sources (including forensic evidence). By coming to this stage at the end of the interview, there is less likelihood that the interview process will create suspect uncertainty about their account and with it an increased risk of suggestibility and/or confabulation. Moreover, it also limits the chances of a willfully deceitful suspect changing their account to accommodate the information provided by police in their challenges. Challenges/clarification requests should be delivered in a calm and controlled manner that merely asks the suspect to account for the disparity in their account. Anger or threats should be avoided as these raise risk of suggestibility, (Ord et al. 2008). This approach to challenge/clarification also limits the possibility that interview evidence will be dismissed from court on the grounds of oppressive or coercive interview tactics.

Between each of the three phases, the conversations management structure suggests taking a break in order to allow time for police to evaluate the process and products of the phase. This evaluation can shape the development of further questions and ensure that all areas have been covered before moving on to the next stage; for example a break after the police agenda allows interviewers to reflect on the extent to which they have covered all areas they wished to cover.

Within this approach the interviewer obtains information in a systematic and planned manner. However it is important to note that this is not like question and answer approaches in that the interview begins with an opportunity for the suspect to give their version of events uninterrupted. It is also noteworthy that this method does not aim to extract a confession or to embarrass a suspect with evidence contrary to their account. Instead the aim is to maximize information and to highlight inconsistencies only when the suspect has provided their own version of events.

It does appear that conversation management is an effective method of managing and structuring an interview for certain types of witness and suspect and evaluations of this approach have shown improvement over other methods (Ord et al, 2008).

So far, we have considered conversation management that aims to minimize the risk of bias in the interview and to obtain accounts from different types of suspect. This approach stresses the importance of developing rapport and of taking a non-judgmental approach. However two other factors are highly relevant for interviewers to consider when planning interviews: the identification of topics of interest and the type and style of questions. This is important because a lack of consideration of these issues can give rise to unintended bias during an interview. We explore this in the next two sections.

Topics of interest and order of topics

In any interview the interviewer needs to consider what topics should be included and the order of presentation in the interview (Ord et al, 2008). In making such decisions there are three important considerations, namely the legal requirements of the investigation, the investigative information required and the characteristics of the suspect. As regards legal requirements of the investigation, some topics are essential and need to be explored as they form part of the basis of the investigation. These are the so-called *legal points to prove or proofs* e.g. consent in a sexual assault case or issues of criminal culpability. As such interviewers need to be aware of the law as it pertains to their inquiry. Some topics, whilst not being a legal requirement, are highly relevant to an investigation and may need to be explored as they may provide other leads e.g. a suspect's attitudes and interests. Others topics are more peripheral and their inclusion may be optional e.g. an individual's living arrangements and social history.

An influence upon the choice and order of interview topics is the characteristics of the suspect (e.g. Roberts and Herrington, 2010). Such characteristics include the suspect's attitudes, beliefs, cultural background, lifestyle characteristics, fears and perceived threats, as well as psychological and social problems. Knowledge of (at least some) of this information may allow investigators to consider the potential impact of topics upon the suspect, predict likely interview-behaviour, to judge the best way to build rapport, and decide if and the order of presentation of topics. For example some topics, such as discussions of family history for an abuse survivor, may be stressful and potentially damaging to a suspect and their reactions may cause a barrier to communication. Such topics, if they are peripheral to the investigation should perhaps be avoided. Where it is of investigative importance to consider such topics it has been found that they are best approached later in an interview, following the build up of rapport with a suspect (e.g. Ord et al, 2008). It is important therefore that interviewers consider the characteristics of the suspect.

Question type and wording

When obtaining an account from a suspect an important aspect of the interview is the questioning. Research informs us that memories can be easily biased and it is important that interviewers do not bias suspect recall. An important source of potential bias is the type and wording of questions. Two types of question that cause particular problems are closed questions that constrain the suspect to a particular answer and allow for no exposition, and leading questions (e.g. '*was the car yellow?*') that imply a response (e.g. Baldwin, 1992).

Both the cognitive interview and conversation management approaches advocate the initial use (when attempting to obtain an suspect's account) of open questions and research has illustrated that such questions produce more and less biased information than other forms of questioning (e.g. Clarke and Milne, 2001). As an aide memoir, Shepherd (1991) coined the pneumonic, '5WH' (i.e. five questions beginning with 'W' and one beginning with, H' - 'What, When, Where, Who, Why' and 'How') to indicate appropriate wording for open questions.

The specific wording of questions also plays a role and may serve to bias an account. For example certain words, phrases or types of language may provoke a range of emotional responses in a suspect (e.g. Ord et al, 2008). Shepherd (1991) also cautions that interviewers should incorporate the minimum amount of information into any questions they ask, as the more information presented the greater the chance that accounts may erroneously contain this information. For example, Loftus and Palmer (1974) showed participants a video recording of a car accident. Subsequently they were asked to estimate the speed the cars were travelling when they crashed. All groups were asked, '*about how fast were the cars going when they...*' then one of either, *smashed, collided, bumped, hit or contacted*. Estimates of speed varied with the word used such 'collided' produced the slowest estimates and 'smashed' the fastest. Later participants were asked to recall if they had seen any glass (there was no glass in the film), those who had been asked the question with the word, 'smashed,' were more likely than any other participants to say that there was glass. The implications for interviewers are profound; small changes in wording of questions may significantly influence an suspect's account. Therefore minimise bias, interviewers need be aware question wording and should use non-emotive and avoid potentially suggestive words.

Conclusions

This paper has taken a historical perspective to explore the development of police interviewing and to identify best (and worst) practice. We have seen how police approaches to interviewing developed from the use of overt threats and violence to extract confessions, through question and answer based approaches to approaches that stress rapport development exemplified by frameworks such as PEACE. We have seen how the behavioral sciences have influenced the design of interview approaches, although an uncritical acceptance of these principles has at times led to the development

of strategies explicitly designed to obtain confessions at all costs. Finally we have seen how in recent years there has been increasing concern about the rights and abilities of suspects and a desire to minimize interview bias. This has given rise to the development of so-called ethical approaches to interviewing exemplified by conversation management.

Police interviewing is an acid test of the professionalism of the police. Frequently they are required to interview individuals under highly stressful circumstances, such as following a terrorist incident, whilst under pressure to get results quickly. It may be that under such circumstances it is understandable (though not excusable) how interviewers have over the years resorted to nefarious means of obtain the information they desire. Ethical approaches to interviewing stand in contrast to many other approaches and appear to maximize the information obtained whilst minimizing the risks to the integrity of the police investigation and to the criminal justice system.

References

- ACPO (2009) *National Investigative Strategy*. NPIA Briefing paper. HMSO
- Baddeley, A. (1998). *Human memory: Theory and practice*. Boston, Mass. Allyn and Bacon.
- Baldwin, J. (1992). Video-taping police interviews with suspects - an evaluation (*Police Research Series Paper 1*). London: Home Office.
- Baldwin, J. (1993). Police interview techniques – establishing truth or proof? *Criminology*, 36, 109-134.
- Bull, R. (2000). Police investigative interviewing. In A. Memon & R. Bull (Eds.) *Handbook of the psychology of interviewing*, (pp. 279 – 292). Chichester: John Wiley & Sons Ltd.
- Bull, R. and Milne, R., (2004). Attempts to improve police interviewing of suspects. In G. D. Lassiter (Ed.), *Interrogation, confessions and entrapment*. New York: Kluwer/Plenum.
- Clarke, C. & Milne, R. (2001). *National evaluation of the PEACE investigative interviewing course*. Home Office, UK, Police Research Award Scheme, Report No: PRSA/149.
- Clifford, B. R. & George, R. (1996). A field evaluation of training in three methods of witness/victim investigative interviewing. *Psychology, Crime & Law*, 2, pp. 231-248
- Fisher, R. P. & Geiselman, R. E. (1992). *Memory-enhancing techniques for investigative interview; The cognitive interview*. Springfield: Charles C Thomas Publishing.
- Gerbert, K. (1954). The psychology of expression and the technique of criminal interrogation. *Jahrbuch fuer Psychologie und Psychotherapie*, 2, pp. 85 – 98.

Gudjonsson, G. H. (1992). *The psychology of interrogations, confessions and testimony*. Chichester: John Wiley and Sons.

Gudjonsson, G. H. (1994). Investigative interviewing: Recent developments and some fundamental issues. *International Review of Psychiatry*, Vol. 6, 2/3, pp. 237 – 246.

Gudjonsson, G. H. (2003). *The Psychology of interrogations and confessions: A handbook*. 2nd Edition. Chichester, UK: Wiley.

Hassler, Å. (1930). *Föreläsningar över den Svenska kriminalprocessen, I*. Stockholm: A.B. Nordiska Bokhandeln i Distribution.

Inbau, F.E., Reid, J.E., Buckley, J.P. and Jayne, B.C. (2004) *Criminal Interrogations and Confessions* 4th Edition. John Wiley

Kebbell, M. R., Milne, R. & Wagstaff, G. F. (1999). The cognitive interview: A survey of its forensic effectiveness. *Psychology, Crime and Law*, 5, pp. 101-115

Köhnken, G., Milne, R., Memon, A., and Bull, R. (1999). The cognitive interview: A meta analysis. *Psychology, Crime and Law*, 5, 3-28. Leche, E. & Hagelberg, V. (1945). *Förhör i brottmål*. Stockholm: P. A. Nordstedt & Söners Förlag.

Leo, R. A. (1992). From coercion to deception; The changing nature of police interrogation in America. *Crime, Law and Social Change*, 18, pp. 35 – 59.

Loftus, EF; Palmer JC (1974). Reconstruction of Automobile Destruction : An Example of the Interaction Between Language and Memory. *Journal of Verbal Learning and Verbal Behavior* **13**: 585–9.

Memon, A. and Bull, R. (1991) The Cognitive Interview: its origins, empirical support, evaluation and practical implications. *Journal of Community & Applied Social Psychology*, Vol. I , 291-307

Milne, R. & Bull, R. (1999). *Investigative interviewing; Psychology and practice*. Chichester: John Wiley & Sons, Ltd.

Milne, R., & Bull, R. (2003). Interviewing by the police. In Carson, D., & Bull, R. (Eds.), *Handbook of psychology in legal contexts*. Chichester, UK: Wiley.

Milne, R., Shaw, G. and Smith, K. (2009) *Achieving Best Evidence in Criminal Proceedings. Guidance on interviewing victims and witnesses, and using special measures*. Crown Prosecution Service, United Kingdom

Moston, S. and Engelberg, T. (1993). Police questioning techniques in tape re-recorded interviews with criminal suspects. *Policing and Society*, Vol. 3, pp. 223 – 237.

Münsterberg, H. (1908/1923). On the witness stand; Essays on psychology and crime. *Classics in the history of psychology*. An internet resource developed by Christopher D. Green (Ed.), York University, Toronto, Ontario.

Ord, B., Shaw, G. and Green, T. (2008) *Investigative interviewing explained*. 2nd Edition. Lexis Nexis

www.internetjournalofcriminology.com

Peixoto, A. (1934). The interrogation and confessions in the judiciary process. *Revista de Criminologia Buenos Aires*, 21, pp. 383 – 395.

United Kingdom Home Office (1984) *Police and Criminal Evidence act (PACE)*

Povey, D., Smith, K., Hand, T and Dodd, L. (2009) *Home Office Statistical Bulletin: Police Powers and Procedures England and Wales 2007/08*. London: HMSO

Roberts, K.A. (2010) Great expectations: relations of trust and confidence in police interviews with witnesses of crime. *Policing* (in press)

Roberts, KA and Herrington, VL (2010) Police interviews: international perspectives in J. Kitaeff, *Handbook of Police Psychology*. Routledge (in press)

Shepherd, E. (1991). *Ethical interviewing*. *Policing*, 7, 42–60

Shepherd, E. (1993). Resistance in interviews; The contribution of police perception and behaviour. *Issues in Criminal and Legal Psychology*, 18, pp. 5 – 12.

Shepherd, E. & Milne, R. (1999). Full and faithful: Ensuring quality practice and integrity of outcomes in witness interviews. In A. Heaton-Armstrong, E. Shepherd & D. Wolchover (Eds.). *Analysing witness testimony: A guide for legal practitioners and other professionals*. London: Black-stone Press Limited.

Shepherd, E., and Milne, R. (2006). Have you told the management about this?: Bringing witness interviewing into the 21st Century. In A. Heaton-Armstrong, E. Shepherd, G.

Gudjonsson, and D. Wolchover. (Eds.). *Witness testimony: Psychological, Investigative, and evidential perspectives*. Oxford: Oxford University Press.

Shepherd, E., Mortimer, A., Turner, V. & Watson, J. (1999). Spaced cognitive interviewing: Facilitating therapeutic and forensic narration of trauma memories. *Psychology, Crime & Law*, 5, pp. 117-143.

Stephenson, G. M. & Moston, S. J. (1993). Attitudes and assumptions of police officers when questioning criminal suspects. *Issues in Criminological and Legal Psychology, No. 18*, pp. 30 – 36.

Stephenson, G. M. & Moston, S. J. (1994). Police interrogation. *Psychology, Crime & Law, Vol. 1*, pp. 151 – 157.

Williamson, T. M. (1993). From interrogation to investigative interviewing; Strategic trends in police questioning. *Journal of Community & Applied Psychology, Vol. 3*, pp. 89 – 99.

Yuille, J. C., Marxsen, D. & Cooper, B. (1999). Training investigative inter-viewing: Adherence to the spirit, as well ass the letter. *International Journal of Law and Psychiatry, Vol. 22, 3 – 4*, pp. 323 – 336.