

A review of the 3rd International Conference on Investigative Interviewing, Canada. June 2008.

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The 3rd International Conference on Investigative Interviewing was held from 16-18th June 2008 in the impressive surroundings of the École nationale de police du Québec in Canada. The conference was limited to 270 delegates and the theme of 'The Search for the Truth' was specifically targeted at:

- investigators, civilian and police personnel from Quebec, Canadian, and international police forces;
- investigators from Quebec, Canadian, and international governmental organizations having the status of peace officer;
- academics and researchers from fields closely related to investigations;
- and Crown Attorneys.

The purpose of this paper is to provide a review of the conference from a joint practitioner / academic standpoint. The authors will review the sessions they personally attended.

Pre-Conference Workshops

The conference was preceded by a one-day workshop aimed at the transference of skills to the workplace, providing a less informal environment in which to promote discussion in the areas of the cognitive interview, statement analysis, interviewing children, detecting lies and deceit, and suspect interview/interrogation.

The opening session attended was "Cognitive Interview" facilitated by Dr Ronald Fisher of Florida International University and Dr Becky Milne from the University of Portsmouth in the United Kingdom. Fisher commenced by enlisting the assistance of one of the participants to demonstrate how an inappropriate interview would be conducted complete with interruptions, inappropriate questions, and an interview dominated by the interviewer. He then repeated the interview using Cognitive Interview techniques. This was an effective practical demonstration for those participants who had not experienced the Cognitive Interview firsthand. Fisher then set about providing an overview of the Cognitive Interview, relying on his, and the research of others, to demonstrate the empirical basis of the technique, and importantly highlight that it was primarily a witness driven activity. Fisher made effective use of audio files to demonstrate his points. Milne supported the delivery by addressing factors such as memory contamination and highlighting why an effective search through memory was crucial for an investigation. Interestingly, the workshop concluded with practitioners and researchers agreeing that a well overdue change is required to recognise that witnesses often provide the crucial evidence required to prove a case, a fact that is certainly drawing more attention and attack from the defence legal teams in the UK.

After the lunch break the second workshops commenced. Jimmy Moffat from the Royal Canadian Mounted Police (RCMP) followed on from Fisher and Milne and addressed the Interview and Interrogation of suspects in Canada from a RCMP perspective. Whilst this workshop was not attended by the authors it certainly

caused a large amount of discussion between delegates due to a lively debate between varying RCMP members and researchers such as Fisher.

Professor Aldert Vrij's workshop, entitled "Detecting Lies and Deceit: Pitfalls and Opportunities", commenced with an outline as to why lie detection is often undertaken poorly and from the outset, it was noted that several practitioners in the room took umbrage at some of Vrij's assertions. The lively interjections and challenges continued especially when Vrij targeted polygraph and the use of Statement Analysis. The practitioners in the workshop allowed Vrij to present his findings, however they challenged the absolutes with which the statements were made. Vrij provided instruction on how to improve lie detection skills by employing his technique of increasing cognitive load and the principles of Strategic Use of Evidence (SUE). He was challenged a number of times from the floor regarding (i) his seemingly small sample size, (ii) the common problems of laboratory research failing to replicate real-life pressures, stressors and emotions, and (iii) the relevance of the case study used to demonstrate Vrij's points. Unflustered, Vrij finished with a piece of declared self-promotion by referring to his book and the 1100 references within as a solid baseline for practitioners upon which to base future deception detection.

The workshops certainly set the tone for the conference and at times a rival mentality was demonstrated from both the practitioners and the researchers.

Day 1 – Interviewing Suspects

Day One of the conference was dedicated to Interviewing Suspects and the conference began with a ninety minute presentation by an invited speaker; Chris Norris (of Wicklander-Zulawski & Associates, USA). Norris provided a presentation about non-confrontational interrogation and, other than providing anecdotal material of seemingly highly selected content, supplied little by way of any empirical value. After a brief introduction and delivery of otherwise unattributed Wicklander-Zulawski & Associates proprietary statistics, Norris introduced a series of persuasive tactics with only a cursory regard as to the emotional power and influence that these might have on vulnerable suspects. His use of a case study was adequate for the purposes that were being presented but many of the practitioners found the link tenuous to their daily operational tasks. This concern was particularly demonstrated in the case study interview presented by Norris which lacked many of the legislative and procedural safeguards required to be followed in interviews with suspects¹. Norris went on to highlight how varying non-verbal responses indicated areas that require further probing because deceit was present, however these non-verbal cues possess no empirical backing when examined under rigorous methodology. It was interesting however, to count the number of instances of Norris' own facial grooming after he had mentioned that this could be a cue that may reveal areas for further interrogative probing of 'guilty' suspects! Norris may feel that his tactics of minimisation are more subtly persuasive and less confrontational than other attempts as seen, for example, in Inbau, Reid, Jayne and Buckley (2001) but nevertheless, they remain of great concern in inducing false confessions and have been shown in the literature to have adverse consequences (Gudjonsson, 2003). Further, there was no accommodation for the suspect to give their own account of events. Norris alternatively made recommendations to the contrary in the recommendation to withhold certain evidence (described as "protection of evidence") and in the employment of tactics designed to

¹ Wicklander-Zulawski & Associates provide law enforcement centric training; however they utilize their techniques in private investigations outside the criminal domain. The example used by Norris was a civil investigation where the case was referred to the Chicago Police Department by the client and not by Wicklander-Zulawski & Associates.

“take away hope” from the suspect before (at the appropriate stage) “giving it back” in efforts to gain compliance and confession from the suspect. The matter that the person being interviewed may be innocent does not appear on Norris’ radar as the suspect is manipulated by tactics which have repeatedly been seen to be unethical. In short, this was a dispiriting beginning to the conference.

The next main speaker, John Tedeschini of the Edmonton Police Service, provided an interesting account of his attempts to modify traditional North American interrogation tactics with those seen as much more ethical and no less effective such as the investigative interviewing approaches used by the police in the United Kingdom. Tedeschini provided a personal, self critical assessment of his seventeen years of formal and on-the-job training, resulting in a realisation that his approach, which replicated that of many of his peers, needed drastic revision. Tedeschini’s humility is refreshing in that he has been responsible for overhauling the Edmonton Police training programs and supplies hope that others may follow in his footsteps, as he seeks, not with instinct, but with greater scientific insight to establish more credible and skilful ways of ‘searching for the truth’. Tedeschini, in contrast to Norris, has recognised the need to incorporate research to develop a more soundly based approach to interviewing suspects. Tedeschini, a formally trained polygraphist, highlighted the need for interviewers not to become complacent in seeking the truth, but rather to complement existing legal practices, regardless of jurisdiction, with those derived from research and proven application. It is precisely in support of professionals such as Tedeschini, that the research community should continue to strive to supply the evidence to further drive reform in established training and operational practice.

Stephen Moston of Australia’s James Cook University, continued the conference theme in the next observed presentation, “Suspect Practices: Police Interrogation in Australia” which concerned attempting to change established practices in Queensland. Speaking eloquently, Moston at first gave thought to the conference theme in declaring that we should be looking for truth but such a concept emerges from various places and if we are looking for unquestionable truth then this has much to do with the scientific process from which it is derived. In such a stance, Moston asked whether the PEACE model itself has been subjected to such scientific rigour, reflecting that whilst the cognitive interviewing element has had much review and test, in contrast, the other main component, ‘conversation management’ has had much less stringent examination. Nevertheless, Moston also showed through interview extracts that some of the Australian police tactics are direct and confrontational but, even where these tactics may have been revealed as unethical, they appear to have found no disfavour from the Australian public who seem to be satisfied with policing interview strategies provided they get a confession from ‘guilty’ suspects.

In order to learn what police officers themselves thought about such tactics, and having been initially rebuffed by senior police officials from approaching current serving officers, Moston and his colleague, Weber; herself a serving police officer, enquired of retired police officers in Queensland. Whilst he recognised there may be limitations of such methodology, he argued that this supplied a range of vast experience. Moreover, the participants could talk freely being uninhibited from any institutional repercussions that might restrict serving officers, candidly stating their views and experiences. Interestingly, Moston’s sample group, 67% of whom retired at or above the rank of Sergeant, and 58% having retired in the past five years, reflected a group that in operational terms may not have personally conducted, supervised or even attended an interview for a number of years, with some, perhaps,

not undertaking any interviews since Royal Commissions and Inquiries had been conducted in that State.

Moston's slides which have been placed in the iIRG's website show some worrying findings. They reveal, for example, that the survey respondents admitted to varying extents to (i) a discomfiting rate of guilt presumption when interviewing suspects, (ii) manipulation of suspects in getting them to confess, (iii) extravagant claims about their ability to detect deception and, (iv) depressingly, knowing that they had received false confessions from suspects. Moston and his colleagues show how much of a challenge there is in introducing a fairer interviewing style and from what Moston reports, in contrast to the UK, miscarriages of justice do not seem to fuel the necessary change.

Following Moston was another piece of current research from Australia "Suspect Interviewing in Australia: Police Officers Perceptions and Practices" presented by Jade Hill, a civilian police researcher, who is in the early stages of his doctoral research. He has had a phenomenal response in conducting his attitudinal survey with over 2,700 replies from police officers. Needless to say, he has a vast amount of data that he is currently working through under the supervision of Dr. Moston, some of which gives cause for optimism in police officers' stated desire for change. However, it appears that most of the responses have come from the junior ranks with very little interest in involvement apparently from those in supervisory, and therefore influential, positions.

Ray Bull provided the next main presentation, "Are Police Tactics/Skills Related to Suspects Confessing?" citing largely from work which he undertook with his then PhD student, Roula Soukara (in press), he showed how certain tactics were predominant in a sample examined of actual interviews with suspects by the British police such as (i) disclosure of evidence, (ii) open questions, (iii) leading questions, (iv) positive confrontation, (v) challenging of the suspect's account, (vi) emphasising contradictions, and (vii) repetitive questioning. Some of these were also present in the interviews where no confession was gained but this should be no surprise given that there would be expected to be efforts in shape of these tactics to test denials. Interestingly, Bull reported that in their research they found that where confessions did occur they appeared later in the interviews. This contrasts to the approach found in studies before the introduction of the PEACE model where confessions occurred largely early on in the interview. (E.g. Moston, Stephenson and Williamson, 1992; Baldwin, 1993). Does this show that those tactics recommended in the PEACE model produces confessions as it overcomes resistance? An alternate view might be that PEACE might increase suspect resistance (at least initially) or even delay confessions that might emerge earlier in a more confrontational style of interviewing. In trying to answer this question Bull and Soukara's research has attempted to examine suspect responses and reactions to the various interviewing strategies. As these researchers recognise this type of academic investigation is in its embryonic stages and as such their results are no more than tentative but building on amongst others' Holmberg and Christiansen's (2002) studies, Bull and Soukara found that suspect resistance was significantly and positively correlated with the interviewer's open-mindedness and rapport building. Their research has also found that a disinclination to co-operate by suspects was also significantly, though negatively, correlated with interviewer presumptions of guilt, and responsiveness to suspects. Bull and Soukara again attribute, what at first might appear in some of these findings, unexpected associations between tactics and outcomes again to the extra efforts made as directed by the requirements of the PEACE model (for a more in-depth explanation, please see the relevant slides supplied on this website). There is much

thought provoking material here concerning the means for a more progressive approach to better interviewing of suspects in a range of crimes.

Day 2 – Witness/Victim Interviewing

The second day of the conference commenced with a presentation by Elizabeth Loftus of University of California-Irvine on “Illusions of Memory”. Loftus challenged the group with some compelling and well known cases in Northern America regarding wrongly-convicted persons based on eyewitness testimony. Loftus highlighted the essentials of eyewitness memory including:

- memory loss;
- memory construction;
- the misinformation effect;
- social influence; and
- confidence inflation

Loftus emphasised the potential for memory to be contaminated and distorted, yet those memories can be reported with great confidence by the interviewee depending on how they are interviewed. She went on to highlight the research that has been conducted into Memory Distortion including the Misinformation Effect and the planting of False Memories. The research demonstrated where memories were planted for actual events at a rate of 50%. Due to the criticism of the research the next step was to implant memories for fictitious events and these events were planted at a rate of 25% using factual information from the subjects past (Loftus & Pickrell, 1995). Loftus highlighted other similar research including that of Heaps and Nash resulting in up to 37% for plantation of false memories. Loftus demonstrated how some New Zealand researchers were able to increase this percentage through the use of digitally modified photographs including the subject (Wade, Garry, Read & Lindsay, 2002) and finished up where a false memory was implanted into American actor Allan Alda of the famous TV programme, M.A.S.H. which then modified behaviour of the selection of foods at a picnic. Practically, the malleable nature of memory was clear and Loftus concluded with some practical advice regarding the engagement with eye witnesses especially when participating in a line-up or suspect photoboard.

The next session attended, “Cognitive Interview: a Practical Application” was an intriguing account of how Michael (Mike) Bryant, Special Agent for the United States Department of Justice, became involved with a cold case murder investigation and conducted a Cognitive Interview with an eyewitness who decades earlier, as a small child, witnessed the murder of her mother. Bryant’s understanding and application of the Cognitive Interview was thorough, methodical and a demonstration of where true professionalism enabled the facts to be retrieved without contamination. Whilst hamstrung somewhat due to the matter coming up for trial in the US courts, Bryant was able, without disclosing specific facts of the case, to demonstrate how when executed with a touch of innovation the Cognitive Interview can elicit astounding clarity and easily corroborated testimony even many years after the event.

Bryant addressed the interview setting, strategy, recording of information, evidence examination, the actual interview and the legal implications such as not video or audio taping the interviews that were conducted over six consecutive days, rather using three independent note takers to capture the information. He also discussed the implications of the defence legal team not understanding the complexities and research that sits behind the Cognitive Interview and how Dr Ronald Fisher was called upon to provide expert testimony in that regard. Whilst a great practical and contemporary example one of the key learning outcomes of the presentation was

how Bryant so effectively on a number of occasions used context reinstatement to elicit critical, previously undisclosed yet now corroborated information from the witness that now appears central to the prosecution's case.

With five separate venues operating concurrently after lunch, selection of a topic was difficult. One observed presentation was that of Lorraine Hope of Portsmouth University on "Protecting Eyewitness Evidence at the Scene of a Crime: Testing the Efficacy of a Self-Administered Interview (SAI)". The research presented was funded by the British Academy and looked at the way in which eyewitness evidence can be preserved when engaging with witnesses at crime scenes. The research indicated that because memory is prone to decay and vulnerable to influence through interaction and post event information, the early recall of information can protect against decay however the implications of contamination were great. The SAI was developed as a tool to limit susceptibility to influence and misinformation whilst still obtaining time critical information. The project found that in using the SAI the information retrieved was equal to or just below to that which was able to be recovered in a full cognitive interview. The practical issues of the impact of trauma and how the SAI was administered were addressed by the audience. Hope cleverly used these questions to ask for the assistance of the practitioners, stating that more work needed to be done on the SAI and one of the reasons for presenting the paper at the conference was to obtain the input of end users of the SAI to help in advising what considerations or potential problems may exist. This prompted a short and fruitful discussion on how the SAI could be used and some of the foreseeable problems in its application.

The next session attended was that of Charles (Andy) Morgan of Yale University concerning the "Impact of Misinformation on Memory for Highly Stressful, Personally Relevant Events". Morgan provided an interesting insight into how the US Military were testing the impact on memory in traumatic situations such as being taken prisoner during wartime and then recalling these events once the prisoner was repatriated. Morgan outlined the methodology of his research conducted in one of the US Armies training facilities for Special Forces personnel. He reinforced much of the earlier content regarding the danger of inserting false memories and misinformation and demonstrated how as a tactic this has been used very successfully in previous military campaigns to alter information that is reported post release. The implication for practitioners and researchers was evident for those working in high stakes, time critical environments, where ambiguous information makes decision making and planning difficult, especially when eyewitness evidence cannot be fully relied upon. The linkages between Morgan's research and that of Hope and her SAI were evident in providing tangible academic support to the more difficult aspects of policing such as counter-terrorism related investigations.

Running concurrently with Lorraine Hope's session was a presentation made by Michel St- Yves; "False Rape allegations: Detection and Intervention". Whilst reminding the audience that all rape allegations were to be treated seriously, St Yves, somewhat incongruously, provided controversial material supported by a range of largely North American research that purported to show that false allegations of rape varied from 15% to more than 50%. His slides on the IIRG website provide details of where these figures are sourced from. Whilst supplying possible reasons for false allegations, St- Yves also highlighted what were argued to be indicators of doubt as to the truthfulness of the rape complaint. As much of this material was delivered without any evidence it was a most dissatisfying presentation. For example, it was said that delays in reporting of the incident and the resistance to co-operate should be a 'red flag' to investigators of a possible false allegation This is in direct contravention to the criminological literature that concerns rape victim reactions to

rape in regard to shame, guilt, fear of repercussion, stigma and anxiety concerning the rigours of the (adversarial) criminal justice process that can be felt by victims leading them to delay reporting the incident (or not reporting at all). If such delay is advised to be treated with some element of caution by investigators we can also add possible police responses (such as asking complainants to undertake polygraph tests!) as a further inhibitor towards the efficient reporting of rape.

It was interesting to compare the foregoing session with the one which followed by Kim Drake, a PhD student from the UK. Drake's presentation, entitled, "Interrogative Suggestibility: Past Influences and Future Directions" showed, from her experimental research, that both anxiety caused by adverse life incidents and personality could make a person more suggestible in interviews. Drake argued that her model improves upon Gudjonsson and Clark's (1986) landmark model of suggestibility by accounting for personality differences particularly where these have associated with negative life events. One might consider, when referring back to the earlier presentation of St-Yves that being raped is one such event and that suggestion (overt or otherwise) by investigators of their disbelief of the complainant might in itself be sufficient to act as a further dissuader. This may be a sobering thought to St-Yves and his colleagues.

The final session of Day Two was a panel discussion on Witness/Victim Interviewing methods. The panel provided a good summation of the day's events and outlined the approaches being undertaken in various countries. Ultimately the common theme was that eyewitness testimony was critical, especially if it was accepted (as Ray Bull asserted in his conference presentation) that confessions are easier to obtain if a great deal of evidence exists.

Day 3 – Lie Detection

As one of the presenters in the first section on Day Three Anthony McLean's presentation "Non-verbal Communication – Behavioural Evidence or Behavioural Intelligence" addressed the concepts of evidence and intelligence. The delineation was made that evidence is something that is presented in court to prove a fact in issue and intelligence was simply something that promoted understanding by providing direction and focus to an action and in this case interviewing. McLean presented a concept of Behavioural Intelligence, where direction and focus is provided to the interviewer through observing all of the interviewee's communicative channels. This does not amount to Behavioural Evidence, i.e. the interviewer would not provide evidence that the interviewee was being deceptive because he engaged in grooming gestures, or hand movements, gaze aversion and so on. As the research has shown these cues exist but their absolute meaning or the ultimate Pinocchio's Nose does not exist. Rather interviewers need to focus on the development of Human and Technical Skills. The technical skill of interviewing can be taught as has been demonstrated by many techniques across the globe. But just as the technical skill of interviewing can be taught so can the human skill required of interacting effectively with the interviewee. These basic human skills are:

- Reading People
- Detecting and responding to emotion
- Building and testing of rapport
- Critical decision making
- Persuasion

The presentation concluded with McLean challenging the group with the following question – Think of the good interviewers you know and the really good interviewers

you know, is the difference between them how they plan or ask the questions, or their ability to recognise when to ask the right question?

The next session attended was that provided by Sebastian Teicher from the University of Surrey on "From the Eye of the Beholder: Suspect's Verbal and Paralinguistic Behaviour in Police Interview". Teicher commenced by providing a brief overview of the academic and practitioner literature regarding a suspect's verbal and paralinguistic behaviour. He outlined his methodology for developing an understanding of real-world interactions in Police-Suspect interviews by examining the reality of verbal and paralinguistic cues to deception. The results demonstrated that truth-tellers provided longer responses, have more self reference and utilised more emotional language. It also showed that outright liars demonstrated more anger and hostility, repeated more questions they were asked, and provided more evasive responses. The research was repeated across a larger group and the findings concluded that Truth-tellers, Subtle Liars and Outright Liars show distinct verbal and paralinguistic response patterns that vary in relation to the relevance of questioning. Teicher then made the follows conclusions:

- Truth-tellers provide long and detailed responses that reflect inner thoughts and emotions, in particular in High Relevance responses.
- Subtle Liars speak fast, utilising time-gap phrases to omit information and focusing on irrelevant details to support their argument.
- Outright Liars provide the shortest and most evasive responses, lacking details and emotions (in particular in High Relevance Responses) whilst displaying a hostile demeanour

The final session for the conference was a bi-lingual panel discussing "The Quest for Truth: How Far Can We Afford to Go?" Again the panellists provided a global perspective with representatives from the RCMP, Canadian Crown Prosecution and Judiciary, UK Police, Researchers and others providing an interesting and diverse commentary that was augmented by comments from the floor.

In conclusion, the conference did provide some fresh concepts but as was commented on by members of the Scientific Committee no real revolutionary or landmark research was presented. This feeling may contribute to the fourth conference being held in three or four years time, rather than just two, allowing the research community to commence and then finalise current and future projects, allowing more time for the findings to be evaluated and then presented to the Investigative Interviewing community.

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