

The peace investigative interviewing



**ASSIGN
BUSTER**

In spite of the establishment of PACE, large number of interviews were informally trained and learnt on the job. This partly explains nation why judges believed some interview behaviour was unsuitable and unacceptable (see chapter 1). Public confidence in the police service was compromised and it was necessary to train its officers in an effort to ameliorate interviewing performance. This perception of police interviewing led to the development of the investigative interviewing ethos and the PEACE training model. The term interrogation was relinquished in an effort to confront the confession culture and to change the interviewers' behaviour during investigations and to avoid the old, traditional tactics. Moreover the literature on investigative interviewing indicates little continuity in the use of the terms 'interviewing' and 'interrogation', although the latter is only linked with the interviewing of suspects. For instance, early findings show information on techniques that police could use to try to convince a person to confess trended to use the term 'interrogation', in England an Wales, although the term interrogation was not used but police officers used the same practises when interviewing. (see for example Inbau, Reid & Buckley, 1986. Yeschke (2003) stated that " The goal of interviewing is to collect truthful data to be used for informed decision-making and just action-taking. An interrogation, on the other hand, is a face-to-face meeting with a subject with the distinct objective of gaining an admission or a confession in a real or apparent violation of law or policy". Thus it shows that interrogation is limited and inefficient to gather accurate information during the interviewing. The transition from interrogation to investigative interviewing represents a new trend in police questioning (Williamson, 1993). This change of terms is an important first step to changing the interviewing behaviour of

<https://assignbuster.com/the-peace-investigative-interviewing/>

investigators from an oppressive, suggestive, closed- questioning way related with assumptions of guilt to a more open- minded, open questioning search of truth (Milne & Bull, 2003).

The Home Office and ACPO decided that there was a need for a national training course to teach this new ethical approach to interviewing. This was set out in Home Office Circular 22 (see Chapter 1). This was followed by Home Office Circular 7 (Home Office, 1993), which introduced a new training package for initial interviewing skills (two booklets on investigative interviewing: A guide to interviewing (Home Office, 1992a), The interviewer's rule book (Home Office, 1992b)). Home Office Circular 7 and Home Office Circular 22 were followed up by a national training programme where firstly officers with 6-10 years service went through a five day investigative interviewing training course known as PEACE, subsequently, all officers trained. PEACE, first letters mean: Planning and Preparation, Engage and Explain, Account, Closure and Evaluation. All interviews, whether with victims, witnesses or suspects, are 'investigative interviews'.

Planning and Preparation

According to the CPTU (1992a, p1 cited in Milne & Bull, 1999, p159) planning is "the mental process of getting ready to interview" and preparation is "considering what needs to be made ready prior to interview [including] such things as the location, the environment and the administration". Numerous authors, (eg. McGurk et al, 1993; Milne & Bull, 1999; Ord et al, 2004) describe the essential elements of good planning which are: a) Understanding the meaning and the importance of the interview. b) Get as much background information as possible on the event under investigation, containing (for

<https://assignbuster.com/the-peace-investigative-interviewing/>

suspects) information on the person to be interviewed. c) Defining the aims and objectives of the interview. d) Understanding and recognising the points to prove assessing what evidence is available and from where it was obtained. e) Assessing what evidence is needed and how it can be obtained. f) Understanding the legislation and associated guidelines and considerations. g) Preparing the mechanics of the interview (attending to exhibits, logistics, venue, equipment functioning, seating, and so on). As the planning is an initial trait of the PEACE model, it suggested that the greater the planning and preparation of an interview the more effective and efficient that interview will be (Bull & Cherryman, 1995).

Engage and Explain

This stage is crucial to the success of an interview. The essential element of engagement is an introduction appropriate to the circumstances of the interview. A professional and appropriate relationship needs to be formed between interviewer and interviewee (McGurk, Carr & McGurk, 1993). Ord et al (2004), summarises the crucial step which the interviewer have to do. Creating a good thought from the outset has more results. Courtesy, politeness and understanding, cost nothing but can greatly contribute to a successful interview” (p16). Behave and deal with the interviewee as an individual and equal: “ Interviewers who take the time to find out needs and concerns, and take steps to address them, are much more likely to succeed in interviews than those who either do not take the time to identify them or choose to ignore them” (p17). Be able to understand the feelings of the person being interviewed: “ Empathy [means] to understand how the other person feels while maintaining an objective being interviewed stance” (p18).

Interviewer have to explain the reason for the interview: “ The importance of the interviewee’s knowledge in assisting the investigation should be emphasised, in order for interviewees to identify their crucial role in the investigation and appreciate what is required of them” (p18). Giving instructions and description of the procedures means that you give reason to an interviewee “ Once an interviewee understands that there are good reasons for the routines and accepts they must be followed to make best use of their information, their understanding can contribute to information of a higher quality” (p18). Circumscribe the format and style of the interview: [Tell them that] “... the interviewee will be invited to give an account in their own words of the matter under investigation; the interviewer will then seek to clarify the account by asking supplementary questions; the interviewee will next be asked to comment on individual matters which have not been covered or adequately explained; the interviewer will verbally summarise what has been said at regular intervals to check for correct interpretation” (p19).

Ground rules also should be demonstrated by interviewers (NCOF, 2003; Ord et al, 2004). For example, the officer should tell witnesses: a) that all details are important and they have to report everything, every single detail and to try to not leave something behind b) do not edit anything as they go even if they believe that some information is not important or has not any relevance to the matter being investigated, c) they will be working hard, because they have information, d) that they should feel free to say if the officer: asks a question they do not understand, asks a question they do not know the answer, to misunderstands what the witness has said , asks a leading or

otherwise inappropriate question, e) that when they give their account, the officer will continue to ask questions to illustrate the facts. The important element of engagement is an introduction appropriate to the circumstances of the interview. A proper relationship needs to be formed between interviewer and interviewee (McGurk, Carr & McGurk, 1993). This stage can be characterised as ‘training’ phase in which interviewer makes interviewees to get used to what they expect of them later (Milne, 2004). It therefore permits the interviewer to evaluate the interviewee’s communication abilities and qualify his or her own language, sentence structure and length. Rapport is an essential trait in the success of an interview (Kohnken, 1995) and is supported in many forces. McGurk, Carr & McGurk (1993), found that officers ranked rapport as being the fourth most important interviewing skill. Research has shown that interviewers often omit this important phase of the interview (Moston & Engleberg, 1993).

Account

Questioning skills are crucial for the end account to be precise and credible (Milne & Bull, 1999). It is essential for interviewers to be aware that interviewees can move from being cooperative to uncooperative and vice versa, and be able to change appropriately (Milne & Bull, 1999). For cooperative victims, witnesses and suspects the interviewer will use the free recall technique for lower level interviews and enhanced cognitive interviewing techniques for advanced interviews. For uncooperative interviewees the interviewer will probably rely on the conversation management techniques. Being fully alert during the interview, the officer should be able to notice changes in the interviewee’s speech and manners

and adopt his or her approach as needed. After letting the subject to give their report, the interviewer may need to illustrate the witness's account or confront the suspect's report. This may happen because the officer is uncertain about something the interviewee has reported, or because the information is conflicting with other evidence in the officer's possession (MPS, 2001). Appropriate challenging is necessary when an interviewer has an impression that there is a reason to challenge. When challenging is required, the interviewer needs to consider the timing of the challenge, needs to use explanation seeking approach and needs to request for clarification of changes in an ethical and professional way (Milne & Bull, 1999).

Closure

Assessments have sometimes found that officers avoid the closing of an interview (Clarke and Milne, 2001). Closure is also an important phase of interviewing in which interviewers should clarify that there is common understanding about what has taken place (by revising and summarising the report), confirm that all aspects have been sufficiently covered (by examining that interviewees have given all the information they are able and eager to give), give details what will occur in the future (by providing the interviewee appropriate information on the next stages of the procedure e. g., telling witnesses whether or not they will have to be present at court), facilitate a positive outlook towards providing accurate and trustworthy information in the future (this will be different according to if the interviewee is a suspect or witness) (Milne & Bull, 1999)

Evaluation

This step occurs after the PEACE interview. It is where the interviewer i) consider whether the aims and objectives for the interview have been achieved ii) examines the information gained during the interview iii) scrutinises how well he or she managed the interview and examines what improvements could be made in future (CFIS, 2004; MPS, 2001; NCF, 1996). Milne and Bull (1999) consider the possibilities or utility of the third step given the force of police cultures in preventing police officers from understanding their interviewing ineffectiveness or accepting they are less than sure. This doubt is linked Baldwin's (1992) findings that police officers are in general poor at estimating their own interviewing capabilities. In many occasions summaries provided a "shaky and unsatisfactory account of what took place" (Baldwin & Bedward, 1991; pp. 672-673).

Effectiveness of PEACE model

The one-week PEACE training package developed in 1992 was designed to help police officers maximise the significance, fullness and trustworthiness of the information gained in interviews (Shaw, 1996a). It was a mixture of theory and practice, and included a variety of teaching aids such as videotaped scenarios, fake crime scenes and the use of actors to play suspects and witnesses. This gave students the chance to perform what they were being taught (Rigg, 1999). First and foremost the idea was to bring the course to officers within the two to six-year service band. Having been well received and quickly verifying its worth, however, the package was eventually extended to all working staff. Evaluation of PEACE has been made by only few researchers. The earliest evaluation was to a great extent

positive and findings showed that knowledge and skills of interviewing improved after training and the improvements were evident of progress (McGurk, Carr & McGurk, 1993). There was a general agreement that PEACE model gave an excellent basis for investigative interviewing, however, later evaluations brought to light problems with the application of this model (Milne & Bull, 1999). There was strong evidence of poor questioning methods, inadequate interpersonal skills, deficient support for trainers, poor quality control of interviews (Clarke and Milne, 2001).

Interviewing Witness and Victims – Theories of Memory

In order to understand the principles of appropriate interviewing and how it works, it is first necessary to appreciate how memory works and what causes forgetting. Memory is an enormous body of knowledge that we all have about the world and it allows us to do many things. Firstly, it holds our general knowledge, such as World War II, which is termed as semantic memory. Memory includes information which allows us performing skills and abilities, such as playing a game, this is procedural memory. Memory for exact events for example what happened the last time you went to cinema. This is called episodic memory. Witness testimony is primarily deal with episodic memory, the witness is asked to recall a particular incident. The two memory systems episodic – semantic are not totally divided (Milne & Bull, 1999). An episodic memory may be completed and defined in the light of knowledge saved in semantic memory. The episodic/semantic separation is important because when witness testimony is being assessed, it is helpful to be cleared what aspects of the witness's account are based on direct familiarity and what are being concluded from previously learned semantic

knowledge. Memory is a multifaceted phenomenon which is concerned with many alternative types of information. “ Human memory is cluttered. Memories don’t get lost so much as they become distorted or hard to find. We may like to say that we’ve lost something – but often, an hour later, it pops uninvited into our consciousness, where it has been lurking all along. The serious difference between computer and human memory is that we don’t pop out a pristine copy of the original event, the way a computer does. Instead, we reconstruct things as best we can from all the clutter. We guess. Often that isn’t good enough, especially for a fair judicial process. Or just one’s self respect; it’s embarrassing to be badly wrong and we’ll deny an error even to ourselves” (Loftus & Calvin, 2001).

Psychologists made a useful division between three memory processes that form a subsequence of stages. These are encoding, storage, retrieval. The encoding is the stage at which information is obtained. Before it is encoded, information is noticed by the sense of organs and imports the sensory stores, before it is encoded. (Ainsworth, 1998). However, only a small part of the information that is displayed in a complicated scene is collected and encoded, this is known as selective attention (Heaton-Armstrong, Shepherd, Wolchover, 1999). It is important to say that memory is divided in two parts, to short term memory and to long term memory. The information that is selected for encoding is transferred to a short term memory. At this stage an inside, intellectual representation of the outward event is made and this may take different forms. The way information is encoded defines how strong the memory is and how the information can be retrieved later (Heaton-Armstrong, Shepherd, Wolchover, 1999). Craig and Lockhart (1972) divided

between deep and shallow levels of processing. Shallow processing includes encoding information in terms of their physical characteristics such as colour or sound. Deep processing comprises encoding in terms of sense and personal significance and there is investigational evidence that coding creates more long-lasting memories. Memory is also empowered and enhanced by elaborative encoding. Deep level processing includes an analysis of the meaning of what had happened and trying to link the event with past experiences and knowledge that already exists. In case where the encoding takes the form of deep elaborative processing and context encoding is included, then it is much easier to recall the event (Ainsworth, 1998). During the encoding process, some information is already stored in semantic memory as prior knowledge from past experience. This is called as top-down or conceptually driven processing (Heaton-Armstrong, Shepherd, Wolchover, 1999). Sensory information is often partial although stored knowledge helps to direct our anticipations, to accomplish the gaps and to provide an interpretation. These two sources of information, sensory data and stored knowledge, combine so instantaneously and so automatically that it is very difficult to disconnect them and isolate the contribution of each. This is why it may be impossible to decide what witnesses actually saw and what they thought they must have seen (Ainsworth, 1998).

Schema theory provides a theoretical description of significant universality for lots of phenomena in casual memory. It intones the key role of prior knowledge and past experience, suggesting that what people remember is affected from the prior knowledge and past experience. According to schema theory the existing knowledge which is stored in semantic memory is

organised as knowledge structures, which present the general knowledge about objects, events or actions that has been obtained from past experience. The idea of schemata was introduced by Barlett (1932), he was motivated to find an explanation why and when people remember or why they skip some details or remakes the story in a way to make sense in terms of their own knowledge and experience (Ainsworth, 1998). The important part of schema theory is the prediction of what is normal, typical, or relevant with pre existing knowledge will be remembered more than what is unexpected, bizarre or irrelevant. Moreover, some factors affect the encoding of complex events. An important factor is the condition in which witness or victim is. The quality of recall is largely effected by the interplay between the witness or the victim and the to-be-remembered (TBR) event. Studies have shown that substances users, such as alcohol and cannabis, do not remember all the details of the event (Yuille and Tollestrup, 1990, Thomson, 1995a). Stress is another factor influencing witness memory. Stress interacts with memory in a complex way including lots of factors which are responsible for the influence of memory. Although due to ethical issues this topic is difficult to research. There is evidence that the violence which is linked with a crime may influence the encoding and consequently storage of event information. The relationship between violence and recall performance is complex. Studies have shown that is a correlation between participation and testimony , but comparing involved witness and uninvolved, involved witness give more details about the crime (Yuille & Tollerstrup, 1992, Cohen & Faulkner, 1988). However other studies found that witness involvement has no effect on witness recall (Farrington & Lambert, 1993, Roberts & Blades, 1998). Furthermore, the brain obviously

<https://assignbuster.com/the-peace-investigative-interviewing/>

cannot collect all information at any one time, for example events and images or sounds that are encoded because we attended to these. Selective attention is related and dependant with a person's knowledge, expectancy, interests and past experience. Thus, different people will selectively attend to different parts of the same a TBR event. Owing to factors relating to attention, an interviewee has available only a limited amount of information about an event (Kohnken, 1995). Some of the information will not have been attended to. Consequently, no interview technique will be able to elicit information which was never stored in memory in the first instance.

Psychologists have emphasised the important distinction between storage failure and retrieval failure. With storage failure the information has dropped out of the memory system and the memory trace is permanently lost or was not stored in the first place. This is known as trace -dependent forgetting. Storage failures happen even if items have been encoded. In the short term store items may be replaced by new admissions and experience which constitute insertion or they may be simply forgotten. On the one hand, it is very difficult to prove that information may decay or lost in memory, on the other hand it is easier to prove interference theory. There are two types of interference. Proactive interference happens when old information intervenes with a new memory. Retroactive interference works in the reverse direction thus the new information disrupts earlier memories. A recent model (Metcalf, 1990), known as the composite holographic associative recall model (CHARM) is based on neural models of memory in which memory tracks are divided and form complex archetypes. The model has been applied and simulates the kind of confused memories produced by

eyewitness when they have been stated to false or misleading information about the witnessed event. However in retrieval failure, the information is in memory but cannot be retrieved. In retrieval stage there are three different types of remembering: free recall, cued recall and recognition. Recognition occurs when something that has been in the past conducted (a face, a voice) is re-conducted and is acknowledged as familiar. Recognition may include full identification, so that people know whose face or whose voice it is. Tests of recognition may take the form of yes/no questions or forced choice questions. In free recall the information which is targeted not re-conducted but it has to bring up from the memory. This happens the most times when interviewees have to answer an open question or to give a statement about everything they remember about the event. Essentially, interviewer cannot help the interviewee to answer a question. In cued recall, it is recalled in response to a specific question. Cues operate as reminders and may take many forms such as smell, a scene, a movie title. More often in everyday life we remember in response to cues in the form of descriptions (Do you remember when we were in Barcelona?). As a general rule, acknowledgment is easier than recall and cued recall is easier than free recall. In retrieval failures, information is often maintained in long term memory but cannot be accessed in order. According to the encoding specificity principle (Tulving and Thomson, 1973) cues are only useful if they have been encoded at the time of the original experience so the 'terrific storm' cue will only be successful when recalling the event, if the event was encoded as part of a specific inscription. Furthermore, sometimes people are unable to retrieve a piece of information but they often have a feeling-of-knowing (FOK). There is a ranging from definitely do not know to could most likely recall if given

time, people are able to make this graded decision and it is obvious that people's minds need time. According to Koriat (1993), the FOK is based on some information about the answer that is under the level of mindful consciousness. The findings on the nature of FOK decisions are possibly appropriate to witness testimony because the power of the FOK nominates whether it is worth searching for missing information. A distinction between explicit and implicit memory has been made by psychologists recently (Schachter, 1987). Explicit memory includes aware memory and operates when interviewer is trying to elicit information by direct tests of recognition or recall. Implicit memory is developed first in children and is more tough to the effects of ageing and trauma thus in amnesia there is often a remarkable dissension between distorted explicit memory and untouchable implicit memory. It is important to mention that memory for complex event is very complicated because some factors can affect a person when reporting an event. For instance, if the interviewer changes a word in a question it is possible that people may report information which did not exist. An important factor which affects the retrieval process is stereotype. Holin (1980) found that witnesses often used their stereotypes, for example hair colour, eye colour and appearance. Membership has also been found to influence the correctness of reported accounts. People who have personal significance with the event can lead to post-hoc rationalisations which may twist the memory of the event. People act individually, everyone knows how to act in certain situations but in a different way, this is because we have scripts in our memory which help us to organise and process lot of information rapidly. Instead of having to memorise and encode every single detail of each new event we meet, we can merely depend on the script we

<https://assignbuster.com/the-peace-investigative-interviewing/>

have in our memories and only encode new, special information. However, when people tried to recall an event, can be twisted if the script used does not quite fit. Recall can be enhanced by rehearsal. A person's memory can be improved via a type of rehearsal, because emotional events are often repeated in people's mind. Nevertheless, negative emotions can also have the opposite effect, in that they can obstruct retrieval. The context in which an experience was encoded is itself thought by some to be of the most influential retrieval aids. Studies have found context effects but some have not (Ainsworth, 1998).

The challenge for the interviewer is to help the interviewee to retrieve and recall information about the event without reminding false memories or prevarications by introducing extra or different accounts. Questioning styles are an important step to the investigation because they can affect the reports made by interviewees. The most important classes of interviewing are: open-ended, closed, leading, misleading, forced-choice and multiple questions. These questions are divided to appropriate and inappropriate questioning strategies. Open-ended questions and closed questions are subject to appropriate type of questioning. Open ended is the best kind of question from the viewpoint of evidence and information-gathering, (e. g., Describe everything that happened in the shop?), these questions encourage longer and more accurate answers from interviewees. Appropriate closed yes/no questions are typically used to establish legal points. They should be used to obtain information by use of an open-ended question has failed. Probing questions defined as more intrusive and requiring a more specific answer, usually commencing with the active words ' who', ' what', ' why', '

where', ' when', ' which' or ' how' (Milne & Bull, 1999). These are appropriate when obtaining further detail following an initial account. The remaining question types are defined as unproductive and associated with poor questioning. Inappropriate closed yes/no questions which are used at the wrong point in the interview and therefore become unproductive. Leading or misleading questions, the distinction between a leading and misleading question concerns the nature of the implied response. The first leads the interviewee to a correct response whereas the second leads the interviewee to an incorrect response. Forced-choice questions, it leaves interviewees only a small number of alternatives from which to choose and which may, in fact, not include the correct option (Did you struggle or stab the women?). Multiple questions which constitute a number of sub-questions asked at once. The main problem with this type of question is that people do not know which part of it to answer. The last inappropriate and unproductive type of question is the statement/ opinion in which the interviewer expressed his/her opinion on the question. In investigative interviewing, the interviewer is not sure which of the two types of question he or she is asking? What do you mean here?. During the procedure mistakes are not avoidable and apparently witness can be led into false reports of events (Milne & Bull, 1999) ?? not sure what you mean here..

Explaining how important is memory and it can be used to obtain useful information about the event, it is now initial to discuss about the two major techniques that PEACE model suggests. They can be used by the interviewer to help and encourage the interviewee to talk and give all the useful

information that investigators need. These two techniques are Conversation Management (CM) and Cognitive Interview (CI).

Conversation Management

Conversation Management can be used for uncooperative interviewees, the most time are suspects but may also include witness (Williamson, Milne and Savage, 2009). This technique is planned to awake interviewers from their own prejudices and use of stereotypes in the interview scenario. Using CM, interviewer takes more control over interviewee's responses. This technique undertakes to surpass the declamatory approach of old police interviews where the interviewer had made up his opinion about the suspect's guilt and the interview is just to obtain a confession (Webber, 2010). CM aims to eliminate three problems of traditional police interviewing. Those are Premature closure which is procedure when the interviewer pre empts the answers before given. This was happening because police officers read a case file and use their own experience to predict the answers. As a result, Confirmation bias occur, where the interviewers keep just those aspects that the interviewee said that fit to their opinions and erase elements that may be useful to the investigation process because they do not fit to their beliefs (Milne & Bull, 1999). Another similar problem is Defensive avoidance, where perspectives of the case file that do not fit to their opinions are avoided. CM is based on the ACCESS system. Assess, is the stage that interviewer begin the process by reading the case file and compose an action plan. At this point investigator should not avoid any information and to conclude to premature closure. Collect and Collate, is the stage that interviewer use audio recording and note taking collect all the data in a reliable way.

Evaluate, is the stage that all the data are collected and interviewer check if all the details make sense between one's testimony with another's. Survey, in this stage all the information must be seen together, thus a view can be taken on the gravity of the evidence and to find out different hypothesis. Summary is a production of an overview of the case and recommendations for further investigation (Milne & Bull, 1999, Webber, 2010). The major aim of CM is to make the suspect to say as much information as they can, thus the police can check the information and compare to other interviews to see if they have any anomalies in the story (Webber, 2010).

Cognitive interview

A set of four instructions consists the CI, which are given to the interviewee by the interviewer. (Fisher, Geiselman, & Amador, 1989). These instructions are based on psychological theories. The CI is used basically for cooperative interviewees, mostly witness and victims. Foremost, that a retrieval cue is effective to the extent that encoded information and the retrieval cue are partly covered and that restoration of the original encoding context increases the accessibility of stored information. Secondly, people's memory is made up with a network of associations and as a result, there provide several means which memory could be cued, this is suggested by the multiple trace theory. Consequently, information that is not accessible by one retrieval technique, it may be accessible by another. The four assumptions are: a) The report everything instruction where the interviewer encourages interviewees to report everything they remember without editing, even if the interviewees think the details are not important or insignifi