THE PEACE MODEL OF INVESTIGATIVE INTERVIEWING:

A COMPARISON OF TRAINED AND UNTRAINED SUSPECT INTERVIEWERS

by

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ABSTRACT

The peformance of police interviewers trained to use a science-based interviewing protocol – known as PEACE – was compared to interviewers who were not trained. Specifically, a sample of real-life suspect interviews by PEACE-trained (n = 25) and untrained (n = 27) interviewers were coded for the existence of engage and explain behaviours, police cautions and charter rights, question types, coercive tactics, evidence-based challenges, along with interview (confessions and information provision) and court (pleas, convictions) outcomes. Results showed that PEACE-trained interviewers used significantly more engage and explain behaviours, and fewer coercive tactics. Trained interviewers were found to use more open-ended questions, more clarifications, more statements, and fewer leading questions and facilitators. Results also showed that people interviewed by trained interviewers provided significantly greater amounts of information than those interviewed by untrained interviewers. It was also found that there were few differences in the administration of legal rights, confession rates, and court outcomes between trained and untrained interviewers. The effect of PEACE training on investigative interviewing and truth-seeking is discussed.

Keywords: investigative interviewing; PEACE; suspects; police; training.

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Chapter 1: Literature Review

As with all police organizations around the world, interviews with suspects and accused persons are integral to the investigation of crime in Canada. Although there is a growing body of empirical literature that is starting to inform interviewing practices in Canada, much of what has driven investigative interviewing is based on commonsense notions of what *should* work and, more recently, empirically-driven guidance on what *actually* works. There has been a major advancement in Canada over the last eight years where the scientifically-driven PEACE Model of Investigative Interviewing (P-plan and preparation; E-engage and explain; A-account; C-closure; E- evaluate, henceforth referred to as PEACE) is challenging previously cherished beliefs and practices. As with any promising development, there has been an anticipated resistance to change and questions about the effectiveness of this novel method. Consequently, the goal of the current research is to test the extent to which those who have received PEACE training are using best practices in reality beyond what exists for those without that training.

Canadian Policing Statistics and Autonomy

Public-sector policing in Canada consists of four levels, including municipal, provincial, federal, and First Nations. As of 2013, there were nearly 70,000 police officers in Canada. The Royal Canadian Mounted Police (RCMP) is Canada's largest police organization (and only federal one) with over 17,000 members – the RCMP is contracted primarily by the provinces and territories to service rural areas. The provinces of Ontario, Québec, and Newfoundland and Labrador have provincial police forces – the Ontario Provincial Police, Surete de Quebec, and The Royal Newfoundland Constabulary (RNC), respectively. Outside of the RNC, every major city in Canada is policed by a municipal

police organization (e.g., Toronto Police Service, Montreal Police Service, Vancouver Police Service). There are more than 150 police organizations in Canada (www.mypolice.ca).

Perhaps most important for understanding police interviewing in Canada, however, is the fact that policing is primarily a provincial responsibility – that is, each province may have its own specific mandates and practices. Granted, policing in Canada is informed somewhat by jurisdictional sharing and numerous organizations such as the Association of Chiefs of Police (responsible for a wide mandate which includes consultation with professional and community partners, advancement of legislative and policy reform), Canadian Police College (responsible for advanced and specialized police training), and the Canadian Police Knowledge Network (responsible for online training solutions for law enforcement). Within provincial guidelines and the legal rules of interviewing in Canada, each police organization is free to employ any suspect interviewing practice(s) it desires; the extent to which any chosen suspect interviewing approach/tactics prevents a statement from being admitted into evidence ultimately resides with a judge. Such autonomy ultimately makes it impossible to make broad, general statements regarding suspect interviewing practices in Canada.

It is also important to note that the choice of interviewing practices of police organizations is seemingly influenced heavily by the organization's polygraph examiner(s). Polygraph examinations are used widely in Canada for pre-employment screening, and the testing and interviewing of suspects. Members of police organizations selected to become polygraph examiners attend a three-month program at the Canadian Police College in Ottawa where they receive extensive training in polygraph

examinations and suspect interviewing. Upon return to their organization, they are for all intents and purposes, the expert who sets the organization's interviewing policy and practices.

Custodial Interviewing

There are two broad types of interviewing in Canada – custodial and non-custodial (Kelly, Miller, Redlich, & Kleinman, 2013). A custodial interview refers to when an individual is questioned after being taken into custody by law enforcement officials (i.e., arrested or detained). Custodial interviews are usually conducted in a police station. However, if an individual is questioned by the police without being arrested, but feels that his/her freedom is limited (i.e., psychological detention), this would also be considered a custodial interview. As individuals are deprived of their rights and freedoms during a custodial interview, they must be advised of their constitutional rights under The Charter of Rights and Freedoms (i.e., Right to Silence, Right to Legal Counsel). By contrast, a non-custodial interview refers to when a suspect is interviewed, s/he is not arrested/detained, and the interviews may occur outside the confines of a police station. Individuals undergoing a non-custodial interview do not need to be informed of his/her constitutional rights. The current research focuses upon custodial interviews.

Suspects and accused persons who undergo a custodial interview in Canada are afforded legal safeguards under the Canadian Charter of Rights and Freedoms (henceforth referred to as The Charter), and guidance from case law. That is, suspects must be informed of their right to silence and right to legal counsel, which are derived from sections 7 and 10b of The Charter, respectively. Section 7 of The Charter states that "Everyone has the right to life, liberty and security of the person and the right not to be

deprived thereof except in accordance with the principles of fundamental justice." In Canadian case law, the right to silence means that suspects and accused persons must be given a free choice about whether to speak to the police (see *R. v. Hebert*, 1990). While those questioned by the police are not lawfully compelled to answer any questions, police officers are also not compelled to cease their questioning (*R. v. Singh*, 2007). Thus, continued questioning of a suspect after s/he has invoked his/her right to silence is permitted under Canadian case law, and any confession obtained through this manner may still be admissible in court. However, persistent questioning once a suspect has invoked this right may lead to a confession being deemed involuntary (e.g., *R. v. S. (D.)*, 2010).

The right to legal counsel is contained in section 10b of The Charter and states that: "Everyone has the right on arrest or detention to retain and instruct counsel without delay and to be informed of that right." As clarified in subsequent cases *R. v. Bartle* (1994) and *R. v. Brydges* (1990), prior to being questioned by the police, suspects must be notified of: (a) their right to retain and instruct counsel without delay; (b) information about access to counsel free of charge where an accused meets prescribed financial criteria set up by provincial Legal Aid plans; (c) information about access to immediate, although temporary, legal advice irrespective of financial status ("duty counsel"); and (d) basic information about how to access available services which provide free, preliminary legal advice. In addition, while a suspect does not have the right to have their lawyer present during the interview (*R. v. Sinclair*, 2010), they do have the right to contact a lawyer of their choice (*R. v. McCrimmon*, 2010) and be given reasonable time to contact said lawyer (*R. v. Willier*, 2010).

Case law over the past decade has clarified and provided a precise framework of what police officers are permitted to do during an interview, along with the legal rights afforded to those being interviewed, under The Charter. In saying this, it is also important to mention a key piece of case law, *R. v. Oickle* (2000), which outlines the confession rule. The confession rule provides guidance on the factors necessary to determine whether a confession was made voluntarily. If a confession was made involuntarily, it may be excluded from trial. In the *Oickle* ruling, the Supreme Court of Canada stated four factors that should be considered by judges when determining whether a confession was made voluntarily: (a) the extent to which the suspect was of sound operating mind when questioned by the police; (b) the use of threats or promises (e.g., no *quid pro quo* offers), (c) the presence of an oppressive environment (e.g., subject the suspect to inhumane conduct), and (d) the presence of police trickery (however, some trickery is permitted as long as it does not shock the community).

The Evolution of Suspect Interviewing

Interviews in Canada have, for the most part, evolved from those that were dominated by physically abusive 'third degree' practices to those dominated by psychologically manipulative ones (Leo, 2008; but see *R. v. Singh*, 2007 for a recent exception in Canada). In recent years, interviews in Canada have been evolving through the emergence of PEACE.

Leo's (2008) review of the available literature on American interrogation practices suggests that up until 1931 (and at least far back as the middle of the 19th century) it was normal for police officers to use 'third degree' tactics when interrogating detainees. Third degree tactics included different types of physical force and abuse, isolation, and

deprivation of basic necessities such as food and water. It is thought that police interrogators got tough on criminals because they perceived themselves to be at war with crime and that the third degree was their most effective weapon in securing confessions. Police officers were, as they are today, keenly aware that a confession is a very powerful piece of probative evidence. It also appears that the police organizations rationalized the use of such tactics by assuming that they only interrogated guilty individuals. Third degree tactics were seen as a necessary evil to seeking the truth because it would make otherwise uncooperative criminals talk, and it was much more expedient to get the guilty person to confess than having to prove guilt through the painstaking collection of evidence. Interestingly, such a pugnacious approach was seemingly unchallenged by the judiciary at that time.

Leo (2008) argued that the release of "The Report on Lawlessness in Law Enforcement" in 1931 was the catalyst for the demise of third degree tactics. Police organizations came to realize that physical and psychological torture produced unreliable information, elicited confessions that were inadmissible in court, lowered public confidence in policing, and impeded the desire to professionalize policing. In addition, police organizations eventually realized and grew concerned that innocent people were sometimes exposed to abusive practices (see similar concerns raised regarding Criminal Intelligence Agency interrogation practices and critiques; Mazzetti, 2014)

Psychological tactics replaced physically abusive practices gradually. Essentially, the use of physical abuse as an interrogation approach was obsolete by the mid-1960s (Leo, 2008). The modern-day approach to interrogations is based largely on the experiences of Chicago polygraphist John Reid. The Reid Technique (henceforth referred

to as Reid) was first described in-depth in 1962 in the book *Criminal Interrogation and Confessions*. The book is now in its 5th edition, and the method has subsequently been taught to hundreds of thousands of investigators around the world (Buckley, 2006). Reid consists primarily of two main phases: the behavioral analysis interview (BAI) and the nine-step interrogation (Inbau et al., 2013).

The BAI interview is a 15-item non-accusatory interview that is meant to assess guilt. The underlying assumption is that guilty individuals will provide answers to the questions that are quite distinct from the answers provided by innocent individuals. More specifically, it is assumed that guilty people will be more evasive and provide ambiguous or noncommittal answers (Massip, Barba, & Herrero, 2012; Vrij, 2008). Consider the following example of one of the BAI questions ("purpose"): "Jim, what is your understanding of the purpose for this interview with me here today?" This question is presumed to result in one of two responses (Inbau et al., 2013). The first response might be "I suppose you want to talk to me about what happened at the warehouse". The second response might be "I'm sure you want to find out what I know about the arson at work". Which of these responses indicates guilt? According to Inbau and colleagues, an innocent person will provide an answer that is similar to the second example because it is more "direct and contains realistic language".

The BAI is a critical step for an interrogator who follows the Reid training because it places the onus on the interrogator to interpret and assess human behaviour accurately. Given the fact that there is no objective guidance on how to score the pattern of answers to the BAI questions, officers are left to their own devices to sort out who is innocent and, more crucially, who is guilty. Only those individuals who are judged guilty

are subsequently subjected to an accusatory interrogation. To be clear, interrogators following Reid are taught that they never interrogate innocent people.

The accusatory interrogation is comprised of nine steps that aim to elicit a confession from an individual through a pressured-filled interview (Kassin, 2008). The 'get tough' philosophy of this interrogation process is summed up, in part, by the following quote from their training book: "investigators must deal with criminal suspects on a somewhat lower moral plane than that upon which ethical law abiding citizens are expected to conduct their everyday affairs" (Inbau et al., 2013). Reid-based interrogations operate on a "lower moral plane" through theme development (implicit promises of leniency), prevention of denials, using objections to reinforce themes, the use of an alternative question technique, and the use of (implicit) false evidence ploys. Below is an outline of the Reid technique (as per Inbau et al., 2013).

Step 1 of Reid involves a direct, positive confrontation with a detainee. Interrogators are taught to state their unwavering belief in the detainee's guilt, and to follow the confrontation with a pause so that the detainee's non-verbal and verbal responses can be scrutinized. Interrogators are taught to examine an "evidence folder" (which can contain blank pages) to communicate to the detainee that the interrogator has proof of guilt, and to use a transition statement (also known as a theme) that provides the guilty person with a reason for why the interrogation is taking place given that their guilt is assured.

In the Step 2, interrogators are encouraged to develop a theme that provides a reason to the guilty party as to why they committed the crime. According to Inbau and colleagues (2013), interrogators should distinguish between emotional offenders (i.e.,

those who express guilt or shame about their crime) and unemotional offenders (i.e., those who do not express feelings of guilt or shame). For emotional offenders, the interrogators are taught to minimize the crime by suggesting moral excuses or justifications. Interrogators are also taught that the chosen theme should reinforce the individual's rationalizations for committing the crime to make it easier for a guilty person to overcome any hesitations associated with admitting their criminal involvement. For unemotional offenders, interrogators are taught to reason with detainees and persuade them to confess. If a theme continues to be rejected, different themes should be presented in an effort to find one that matches the detainee's identity.

Step 3 involves handling denials. Interrogators are taught that confessions occur rarely after detainees are confronted directly about their guilt and that they should expect guilty individuals to deny the offense. Allowing initial denials of criminal involvement presumably reduces the likelihood of obtaining a confession at a later stage in the interrogation. The primary goal of this third step is for the interrogator to prevent detainees from denying involvement in the crime by, for example, reconfirming one's belief in their guilt and reiterating the proposed theme after preventing denials from being voiced.

The purpose of Step 4 is to overcome objections – excuses given by detainees as to why they could not, or would not, have committed the crime. Objections can be emotional (e.g., "I'd be too nervous to do something like that"), factual (e.g., "I don't even own a gun"), or moral (e.g., "I wasn't brought up that way"). Because it is assumed that only guilty detainees verbalize objections, a movement from denials to objections is assumed to be a good indication of deception. Unlike denials, objections should be

permitted because they can be used to further the development of a theme—namely, by providing the interrogator with an opportunity to turn the objection around to match the proposed theme.

Step 5 involves the procurement and retention of the detainee's attention. After being discouraged from expressing denials and having their objections turned around to support the interrogator's proposed theme, guilty individuals (not the innocent) may psychologically withdraw and ignore the interrogator. At this point, interrogators are taught to use techniques that maintain the detainee's attention—for example, by inching their chair forward into the detainee's physical space or increasing direct eye contact. The purpose of Step 6 is to recognize and overcome passive moods. After the detainee's attention is procured successfully, the detainee is presumed to be more willing to listen but may physically appear defeated or start crying. At this stage, interrogators are taught to concentrate on a specific theme, display understanding and sympathy, and urge the individual to tell the truth. Interrogators are taught to use such techniques until the detainee shows signs of mentally considering whether to tell the truth (e.g., with nonverbal agreement such as nodding).

The presentation of alternative questions in Step 7 represents the culmination of theme development. An alternative question presents the guilty party with a choice between two explanations for the commission of the crime (e.g., "Did you plan the robbery or was it a spur of the moment decision?"). One of the choices is face-saving and one more reprehensible, but both involve an admission of guilt. Alternative questions allow an individual to save face while providing the interrogator with an incriminating admission. Interrogators are also taught to offer reinforcing statements if the person

accepts one of the alternatives. For instance, the interrogator might state, “Good, that’s what I thought.”

Step 8 involves having the detainee verbalize the details of the offense. After a detainee makes an admission of guilt, the interrogator is encouraged to show signs of sharing the detainee’s relief and to draw the individual into a conversation to fully develop the confession. When general acknowledgment of guilt is achieved, the interrogator is encouraged to return to the beginning of the crime and obtain information that can be corroborated.

Step 9 involves converting the oral confession into a written confession. This final step is thought to be important because it is assumed that a written confession reduces the possibility that an individual will retract the confession and, if he or she does, it helps to ensure the confession will stand up in court. Inbau and colleagues (2013) recommend converting the oral confession into a written and signed confession as soon as possible; it may be prepared in the form of questions and answers or as a narrative. When the written confession is complete, it should be read aloud, corrected for any errors, and then signed by the detainee in the presence of a witness.

Over the years, despite the movement away from the use of direct physical force to psychologically manipulative and deceptive techniques such as Reid, little has changed with regards to the protecting of innocent detainees from coercive interrogation. There are two interrelated concerns that have been highlighted with Reid: the use of unreliable behaviourally-based deception detection methods and the use of tactics that are known to elicit confessions from innocent people.

Judging Guilt with the Flip of a Coin

After the release of the Wickersham Commission Report (1931), police organizations acknowledged more readily that they sometimes misclassified people as guilty and subjected innocent individuals to harsh interrogations. Like their predecessors during the 'third degree' era, modern day police officers attempt to differentiate between guilty and innocent individuals using various behavioural cues. This raises an important question: Have police officers become better at distinguishing guilty and innocent people? The answer is no.

Empirical research over the past 50 years has essentially put an end to the belief that police officers can detect deception with any degree of accuracy (Vrij, 2008). A meta-analysis of deception judgments has shown that naïve individuals correctly classified 47% of lies as deceptive and 61% of truths as non-deceptive – the average accuracy of judgments was 54% (Bond & DePaulo, 2006). Research that has tested police officers' abilities to detect deception has shown that their accuracy levels also tend to hover around chance levels, and that this accuracy level does not increase when realistic scenarios are utilized (Ekman & O'Sullivan, 1991; Mann, Vrij, & Bull, 2004). In other words, the maximum deception detection accuracy that can be achieved by law enforcement officers is the same as simply flipping a coin. The lack of accuracy is largely because of mistaken beliefs regarding what cues are indicative of deception by members of the legal community (e.g., gaze aversion, unnatural posture changes). Although attempts to train officers to detect deception by paying attention to relevant cues have

resulted in moderate gains, the absolute levels of predictive ability (~60%) remain unimpressive (e.g., Porter et al., 2010).

Of particular concern when attempting to detect deception pertains to the use of the BAI. Research has shown that the BAI matches commonsense notions of what works in deception detection, and there is no empirical evidence to support the underlying assumptions about how guilty and innocent people will react to provoking questions (Massip & Herrero, 2013). The available research suggests that the underlying assumptions are erroneous. In a seminal study examining how guilty and innocent participants reacted to BAI questions, no meaningful differences were observed in the reactions of guilty and innocent individuals for 12 of the 14 questions. In fact, the expected reactions of guilty people for the remaining two questions were observed more frequently for innocent individuals (Vrij, Mann, & Fisher, 2006). Additional studies have shown that training officers to use Reid-advocated cues to detect deception has actually led to *impairment* in the ability of police officers to separate truth-tellers from liars (Kassin & Fong, 1999). Research has also shown that interrogators who believe the suspect is guilty tend to engage in tunnel vision (Hill, Memon, & McGeorge, 2008). A study by Kassin, Goldstein, and Savitsky (2003), for instance, found that interrogators who hold the belief that suspects tend to be guilty chose more confirmatory or guilty-presumptive questions to ask the suspect, used more coercive tactics during the interrogation, and applied more pressure than those without presumption of guilt.

The cumulated knowledge on deception detection suggests that innocent individuals are still at risk of being mistaken for guilty individuals and, ultimately,

exposing them to psychologically manipulative practices – a concern that was noted nearly 80 years ago following the release of the Wickersham Commission Report.

The Effect of Psychologically Manipulative Practices on Confession Reliability

Many scholars have argued that although the techniques may have changed over the past 80 years – from overt physical abuse to covert psychological manipulation – the risk to innocent people has not changed. Reid, for example, starts with the conclusion that the detainee is guilty (by using the much-maligned BAI) and then proceeds to confirm this assumption through deception (e.g., pretending to be the detainee's advocate), trickery (e.g., false evidence ploys – explicit and implicit), and minimization of the crime (e.g., blame the victim; Gudjonsson, 2003; Ofshe & Leo, 1996). As stated in the Reid text (Inbau et al., 2013), one of the primary assumptions underlying their interrogation approach is that interrogators need to use "less than refined methods than are considered appropriate for the transaction of ordinary, everyday affairs" to obtain confessions because criminals will not admit guilt without the use of such tactics. The question that remains, then, is, "Do these "less refined methods" impact confession reliability?" The unequivocal answer to that question is yes.

Many studies have shown that various tools in Reid's toolbox of tactics increase the chances of inducing false confessions (see Kassin & McNall, 1991 for early research on this topic). In a classic experiment, commonly referred to as the ALT KEY paradigm, it was found that false confessions about pressing the 'alt' key on a computer keyboard that they were explicitly told not to press (and did not press) could be elicited from students through psychological manipulation (Kassin & Kiechel, 1996). Specifically, it was found that individuals who were made more vulnerable to memory distrust (i.e.,

being exposed to a fast paced data entry condition) were more apt to comply with the suggestion that they were guilty of hitting the 'alt' key (and even believed they hit the button) than less vulnerable individuals. This finding was further amplified when participants were presented with false evidence of their guilt (i.e., someone reported seeing them hit the button). Other researchers have replicated these findings using the same design (Horselenberg, Merckelbach, & Josephs, 2003; Horselenberg et al., 2006).

This research has also been replicated using more realistic and pressure-filled scenarios and the same concerns over the elicitation of false confessions have surfaced. In a novel experimental design, known as the 'cheating' paradigm, each student participant was asked to work on a series of logic problems by themselves or with another 'student' (i.e., a confederate working secretly with the experimenter). At a point in the experiment, the confederate asks the student for help on a logic problem that they had to work on alone, thus, leaving the student to choose to refuse to help or "cheat". Regardless of the student's decision, s/he is 'interrogated' about the possibility of cheating. Their results showed that, when an explicit offer of leniency or a minimization tactic (e.g., offered face-saving excuse/theme), the guilty students were more likely to confess than their innocent counterparts. More concerning, however, was the finding that the ratio of true to false confessions (i.e., diagnostic value) was reduced substantially when the pressure tactics were employed (as opposed to when no pressure tactics were used; Russano et al., 2005).

A wealth of other research has produced a series of disconcerting findings with respect to accusatorial methods and false confessions (see Leo, 2008 for a comprehensive review). For instance, the chances of obtaining false confessions have been shown to

increase when law enforcement officers interrogate vulnerable individuals (e.g., youths, mentally ill, intellectually disabled; Kassin et al., 2010). It has also been shown that interrogators who believe that detainees are guilty (as is the case in reality when interrogators try to detect guilt and innocence prior to interrogation) tend to increase the use of minimization tactics that end up reducing interrogation diagnostic value (Narchet, Meissner, & Russano, 2011). Also of interest, and concern, are the findings that members of the community fail to accept that psychologically coercive tactics leads to false confessions and that people are unable to recognize false confessions (Davis & Leo, 2014; Henkel et al., 2008; Kassin, 2005; Leo & Liu, 2009). Further still, research suggests that confessions impact jurors' verdicts even when the confessions were coerced, when the jurors were told to ignore it in their deliberations, and when the jurors indicated they did not include it in their deliberations (Kassin & Sukel, 1997).

The experimental research findings reviewed above should make clear that psychologically manipulative tactics are linked to the elicitation of false confessions. The risk of false confessions is further increased when such tactics are used against vulnerable populations, and little guidance is given within Reid regarding how to identify and deal with these individuals appropriately. This issue is compounded within the justice system more broadly by the fact that potential triers of fact tend to disbelieve that psychological tactics could lead someone to confess to a crime they did not commit, and the fact that people are unable to recognize false confessions (but think they can). The risk of eliciting false confessions has far from diminished since the demise of third degree tactics (Kassin, 2008).

The Confession Rule

Despite the wealth of empirical research demonstrating the negative impact of accusatorial practices on confession reliability, the courts – the sole regulators of police questioning practices – appears to remain less convinced. For instance, the Supreme Court of Canada has recently revisited the confession rule in *R. v. Oickle* (2000), and essentially decided against a clampdown on aggressive and accusatorial methods. The voluntariness of any statement made to law enforcement officers is determined by an evaluation of the extent to which threats (imminent threats of torture) or promises (*quid pro quo*), oppressive tactics (denial of food, water, clothing, confronted with fabricated evidence) and police trickery is used, as well as the extent to which the respondent had an operating mind. In the case of Richard Oickle, he had confessed to committing eight fires after being told that he "failed" a polygraph, underwent a lengthy interrogation, subjected to minimization techniques, and was exposed to threats (e.g., might have to polygraph his fiancée) and promises (e.g., implied psychiatric help was available following a confession; Penney, 2012).

It is worth noting that the dissenting Judge's arguments from the Oickle ruling are in line with the psychological research on interrogations and confessions but that the six judges who struck down the appeal were more in line with long-standing arguments by the law enforcement community that some unpleasant tactics are necessary in the war on crime. The support for the use of psychologically-coercive tactics is evident in some of their statements, such as:

> "…the police did not improperly offer leniency to the accused by minimizing the seriousness of his offences. While the police did

minimize the moral significance of the crimes, they never suggested that a confession would minimize the legal consequences of the accused's crimes."

and

"…although the police exaggerated the accuracy of the polygraph, merely confronting a suspect with adverse evidence -- even exaggerating its accuracy and reliability -- will not, standing alone, render a confession involuntary."

and

"…none of these statements contained an implied threat or promise…the accused's fiancée, there were moments when the police intimated that it might be necessary to question her to make sure she was not involved in the fires. The relationship the accused had with his fiancée was strong enough potentially to induce a false confession were she threatened with harm. However, no such threat ever occurred. The most they did was promise not to polygraph her if the accused confessed. Given the entire context, the most likely reason to polygraph her was not as a suspect, but as an alibi witness. This is not a strong enough inducement to raise a reasonable doubt as to the voluntariness of the accused's confession."

The fact that the Canadian Supreme Court judges were, for the most part, relatively unconcerned about the subtle, yet powerful, impact of psychologically

manipulative tactics on false confession is disconcerting because it is not in line with what the scientific literature tells us about best practices.

The PEACE Model

A more recent interrogation technique is the PEACE Model of Investigative Interviewing. PEACE is an acronym which stands for the stages of interviewing, which includes (a) Preparation and Planning, (b) Engage and Explain, (c) Account, (d) Closure, and (e) Evaluation. This model emerged, in part, because of several high profile wrongful conviction cases in the United Kingdom where coercive interrogation tactics were a major contributing factor (e.g., Guilford Four, Birmingham Six; Gudjonsson, 2003; Milne & Bull, 2003). Under the PEACE model, the term 'interrogation' is intentionally replaced with the term 'investigative interview' as the approach is based on a humane and ethical philosophy. In direct contrast to accusatorial approaches, interviewers are taught to collect information before making decisions, which is more akin to hypothesis testing in science. The role of interviewers who utilize PEACE is that of objective fact finders as they are taught to be open-minded, not to attempt to detect deception through behavioural cues, and not to lie or use psychologically coercive tactics to manipulate interviewees. Below is an outline of the PEACE method that ought to be used with suspects.

Planning and Preparation. Prior to asking detainees any questions, interviewers are encouraged to create a written plan that documents: how information obtained from an interviewee will contribute to their investigation, information on the interviewee (e.g., presence of mental illness, age), legal requirements that need to be covered, and investigative objectives (e.g., points that need to be disproven, facts that need to be established). Interviewers are also taught to consider all practical arrangements associated

with conducting the interview, develop a timeline of events, prepare the opening question and subsequent questions that emerge from an analysis of existing evidence, create an outline of how they will proceed (i.e., route map), and plan for all eventualities (e.g., "no comment" interview). It is important to note that, where possible, interviews with detainees do not commence until witnesses and victims have been interviewed and all available evidence has been collected.

Engaging and Explaining. The two central components of this stage are to engage the interviewee in conversation and explain what will happen during the interview. Interviewers engage the interviewee by personalizing the interview, building rapport, engaging in self-disclosure, and continuously acting in a professional and considerate manner; it is assumed that such actions foster the development of a relationship and atmosphere that will lead to a working alliance (Chartrand & Bargh, 1999; Collins, Lincoln, & Frank, 2002; Collins & Miller, 1994; Fehr & Gächter, 2000; Milne & Bull, 2003; Shepherd, 2008; Tickle-Degnen & Rosenthal, 1990). Interviewers are taught to accommodate the interviewee by making sure s/he understands the purpose of the interview and delivering the required police cautions in a manner that ensures that the interviewee understands his/her legal rights (Eastwood & Snook, 2012). Interviewers are also taught to explain the outline of the interview, the various routines that will be followed (e.g., note-taking), and expectations of both parties (e.g., limited interruptions, no rushing, no judgements) and ground rules (e.g., breaks approximately every hour; Giles & Ogay, 2007; Kobayashi, 2005; Fisher, Geiselman, & Raymond, 1987).

Account Elicitation. Once the engage and explain phase ends, the next phase of the interview starts with a closed yes/no question about whether the detainee committed

the crime. If the response is “yes”, the interviewer asks, using an open-ended question, for a full account of the events that transpired. If the answer is “no”, the interviewer proceeds to ask an open-ended question that elicits a step-by-step account of the interviewee’s whereabouts during the material time frame (i.e., a period of time that encompasses the time when the crime was committed) or asks the interviewee to provide a detailed answer that takes into account the evidence that the interviewee and police know about (known as a ‘trailer question’; the question does not include hold-back evidence). In general, the goal of the first part of this phase is to obtain an uninterrupted account of his/her version of the event(s). If a free narrative is not forthcoming, the interviewer will need to ask the planned questions that attempt to understand the detailed movements and actions of the interviewee during the material time frame.

Once the movements and actions of the interviewee during the material time frame are obtained, the interviewer should listen carefully to the interviewee’s account and take notes on the points of interest (e.g., persons, location, actions, and times) that may need to be pursued later in the interview. The interviewer should then explore each of the identified topics in a structured manner by (a) opening up a topic through the use of an open-ended question (e.g., starting with tell, explain, describe), (b) probing the account (who, what, where, when, why, and how), and (c) summarizing all the information obtained about a particular topic. The systematic process of “opening, probing, and summarizing” topics is repeated until the interviewer is satisfied that all the topics identified from the interviewee’s free narrative have been covered sufficiently. Using the same systematic process, the interviewer then asks the questions about topics that did not arise from the interviewee’s account (but were prepared beforehand during the Planning

and Preparing stage). Once the interviewer believes that all topics have been covered in detail, a summary of the entire account is provided and checked with the interviewee that the information reviewed was accurate.

Interviewers are then taught to consider whether or not the interviewee's account is consistent with previously provided information or contradicts the available evidence. If a discrepancy is identified, the interviewer may decide to challenge it at the end of the interview. Challenges are not conducted in an aggressive or accusatorial manner. A challenge is a clarification-seeking task where the interviewee is given an opportunity to explain the discrepancy. The number of challenges used depends on the number inconsistencies and discrepancies identified (Hartwig et al., 2006; Sorochinski, 2013). Interviewers are also taught to recognize resistance (e.g., receiving evasive answers) and are taught to handle the resistance in an ethical and appropriate fashion (e.g., not engaging in arguments, ignoring the resistance; Shepherd, 2007).

Closure and Evaluating. Interviewers are taught to end an interview when they have asked all of their questions and all the interview objectives have been achieved. They should summarize the main points, provide the interviewee with the opportunity to correct or add any information, and explain what will happen in the future – all while maintaining a courteous and professional manner. Interviewers also consider the effect of new information on the investigation and how the information is consistent with all of the available investigative evidence. Interviewers are encouraged to conduct self-evaluations of their performance and supervisors are taught to provide constructive feedback as part of routine (or interviewer-requested) performance evaluations.

Evaluating PEACE

PEACE represents a major departure from the psychologically manipulative interrogation approaches currently in use. It does not contain coercive strategies that have been linked to false confessions, and gives detainees a chance to provide a full account before moving to evidence-based challenges if necessary. The removal of coercive techniques has the added benefit of reducing the likelihood that a statement will be deemed inadmissible and the possibility that police officers will be subjected to disciplinary measures or even civil liability for conducting negligent interrogations (*Hill v. Hamilton-Wentworth* [*Regional Municipality*] *Police Services Board*, 2007). Moreover, ethical interviewing can reduce: (i) offender resentment, (ii) legal rights being disregarded, (iii) public confidence being undermined, and (iv) a "boomerang effect" occurring where detainees who were going to confess decide not to because they believe they are being manipulated or treated inappropriately (Gudjonsson, 2003).

A legitimate question, however, is "does PEACE work?" Although no systematic evaluation of the effectiveness of the model in the field exists currently (and therefore direct evidence of the effectiveness of the approach is limited), the fact that the model avoids unethical practices and is comprised of scientifically supported practices provide support to warrant it as a default approach (Milne & Bull, 2003). In addition, there are several streams of empirical evidence that directly and indirectly suggests the superiority of an ethical information-gathering style of interviewing such as PEACE (Milne & Bull 2003).

The first piece of evidence comes from controlled laboratory research showing that the diagnostic superiority of information gathering approaches. For instance, a meta-

analysis of studies that compared the information-gathering approaches to accusatorial approaches on their diagnostic ability found that both produced a large percentage of true confessions but that an information-gathering approach produced far fewer false confessions (Meissner et al., 2011). Anecdotal evidence from the intelligence domain also suggests that having a conversation with terrorists is far more productive than using enhanced interrogation techniques – a lesson learned by police organizations at the turn of the 20th century that seems to have been ignored. A recent empirical study that compared accusatorial and information gathering approaches in the intelligence context showed that information gathering techniques yielded more critical details and resulted in a more talkative interviewee, and more admissions of guilt (Evans et al., 2013; Loftus, 2011). Furthermore, those interviewed with an information gathering approach are perceived to be less nervous and under less pressure than those interviewed in an accusatorial manner.

A second piece of supporting evidence comes from research that has considered the perspective of offenders, which has shown that the decision to confess and cooperate with the police is determined largely by the extent to which the police use a humane style of interviewing. Specifically, there is an association between admissions of wrongdoing and both the level of trust toward the officers and feeling respected and understood by the officers. Conversely, interviews where offenders perceive interviewers as taking a get tough or accusatorial style tend to result in denial of involvement in criminal activity (Holmberg & Christianson, 2002; Kebbell et al., 2010; Snook, Brooks, & Bull, 2015). Moreover, research has shown that the strategic presentation of real evidence to detainees, as is the case in information-gathering interviews, is associated with decisions to confess

and an increased ability to differentiate guilty and innocent individuals (Moston, Stevenson, & Williamson, 1992).

More broadly, research from disparate fields suggest that practices that are guided by a 'get tough' philosophy are often ineffective or lead to reactance – the adoption or strengthening of an attitude/action that is contrary to the desired attitude/action, or increases resistance to persuasive tactics. For instance, in the related field of correctional psychology, there is a wealth of evidence showing that increasing sentence lengths for criminals leads to an increase (not a decrease) in recidivism (Cook & Roesch, 2012; Smith, Goggin, & Gendreau, 2002). Similarly, within crisis negotiation research, the research is clear that a forceful approach to the management of crisis negotiations leads to suboptimal outcomes (Giebels & Taylor, 2009; Taylor, 2002). Within counselling psychology, it is well documented that practitioners who get tough on clients by trying to persuade them to change are often met forcefully with arguments for staying the same (Miller & Rollnick, 2012). Within learning theory, it is well known that punishment is largely ineffective in creating desired behavioural change. A meta-analysis of the effect of corporal punishment on children's behaviour, for instance, has shown that spanking children tends to be associated with undesirable behaviours such as aggression, anti-social behaviour, and increased risk of being abused (Gershoff, 2002). The research from those three areas provides a sense for the ineffective nature of pugnacious philosophical approaches.

A convergence of evidence from controlled laboratory research that has compared information-gathering approach against the accusatorial approach, interviews with offenders, evidence from the field, and related research on 'get tough' practices provides

compelling evidence for the move from psychological coercive approaches such as the Reid technique to humane approaches such as the PEACE Model of Investigative Interviewing.

Empirical Studies on Suspect Interviewing in Canada

There are three studies that provide empirical data into what is actually happening inside the Canadian interview room. A study by Snook, Eastwood, and MacDonald (2010) provided insights into how officers delivered the right to silence and right to legal counsel cautions (i.e., section 7 and section 10b of The Charter, respectively). Their results from an examination of 126 investigative interviews from 1995 to 2009 showed that the majority of interviews, but not all, contained the right to silence (87%) and right to legal counsel (83%). However, police officers tended to deliver the cautions quickly, which could impair the suspect's comprehension of their Charter rights. Suspects invoked their right to silence in 25% of the interviews examined, and invoked their right to speak to legal counsel in 31% of the interviews examined.

King and Snook (2009) provided the first in-depth analysis into what occurs during police interviews with suspects in Canada. They analyzed 44 video-recorded interviews, occurring from 1996 to 2008. The authors analyzed the interviews to determine how often components of the Reid model and its guidelines (described above) were being used, and how frequently Ofshe and Leo's (1996) influence and coercive strategies were employed. King and Snook found that, on average, the interviews lasted approximately 60 minutes. A general analysis of the video-recorded interviews revealed that a full confession was given in 27% of interviews, a partial admission in 23%, a denial in 39%, and "no comment" in 11%; that is, 50% of the suspects confessed. Their results

also showed that, on average, interviewers used 34% of the components composing the nine-step Reid model of interrogation. The most commonly observed influence tactics (Ofshe & Leo, 1996) involved confronting the suspect with existing evidence of guilt (82%), offering moral justifications or psychological excuses (64%), and using praise and/or flattery (57%). The use of coercive strategies was rare, with an average of less than one coercive strategy being used in each of the interviews. Minimization tactics (i.e., minimizing the facts/nature/moral seriousness of the offense) were observed slightly more than maximization tactics, and most interviewers followed the guidelines, suggestions, and themes endorsed by Inbau et al., (2011).

A recent study by Snook, Luther, Quinlan, and Milne (2012) examined the questioning practices of police officers when interviewing suspects. The authors analyzed 80 transcripts of interviews conducted between 1999 and 2008. They found that the average length of interview was just over 33 minutes. Their results showed that, on average, police officers asked over 96 questions per interview. Nearly 70% of all questions asked were closed yes-no and probing questions (i.e., Who, What, When Where, How, Why), while open-ended questions composed less than one percent of all questions asked. In addition, more than 60% of the suspect interviews did not contain open-ended questions. In terms of response length, however, asking an open-ended question resulted in the largest amount of information per question type (average of over 90 words/open ended question). The authors found that the 80–20 talking rule (i.e., suspect should talk 80% of the time, interviewer should talk 20% of the time) was violated in 100% of the interviews, and that in the majority of the interviews, the interviewer spoke more than the suspect. Finally, interviewers obtained a free narrative in

14% of the interviews. Overall, however, the authors found that best practices were not being followed – rather than using practices that facilitate the extraction of information, interviewers tended to ask many short-answer questions, asked few open-ended questions, dominated the talking time, and requested free narratives infrequently.

Interview Training: Personal Communications

There has never been a systematic review of the type of interview training happening in Canada. Personal experience with interview training, interrogations, and communicating with officers from different provinces provide insights into interview training in Canada. In 2009, for example, the Royal Newfoundland Constabulary (RNC) officially adopted PEACE as their standard of interview training for all members – training includes Tier 1 (3-day course for street patrol officers), Tier 2 (two weeks for witness and suspect interviewing), Tier 3 Child (1 week), Advanced Witness (1 week), Tier 4 (3-day quality assurance), and Tier 5 (strategic advisor). This tier-based system ensures that all members of the organization gain fundamental interviewing training, while members in specialized roles receive the necessary training and supervision to function effectively in those roles. This system also assigns ownership of interviewing training to a few specialized individuals, whose primary responsibility is oversight of all organization-wide interviewing practices. Five years later, the tiered-based PEACE training system (for full description see Snook, Eastwood, House, & Barron, 2010) continues to be taught throughout the organization.

PEACE has been adopted by other organizations in Canada including Peel Regional Police (they have trained over 700 members, out of approximately 2,000, at the Tier 2 level, Steve Ursel personal contact), and Niagara Regional Police (they have

provided training to nearly 30 members thus far, Lisa Isherwood personal contact). A number of other organizations also have members that have received PEACE training, including the Vancouver Police Department, RCMP, Halton Regional, Durham Regional, Greater Sudbury, Toronto Police Service, Niagara Regional, Canadian Military Police, and the Hamilton Police Service. Despite the spread of PEACE across Canada, personal communications with policing colleagues suggest that Reid (and its derivatives) is still the dominant paradigm for interviewing suspects. Some provinces (e.g., Alberta) and federal organizations (e.g., RCMP) have modified their interview training to incorporate PEACE, but have maintained some persuasion in their approach (John Tedeschini personal contact).

The Effects of Suspect Interview Training on Practice

Evaluations of suspect interview training has demonstrated difficulties in improving interviewing behaviors. For instance, Griffiths and Milne (2006) found that officers who attended a three-week course on interviewing suspects used some practices (e.g., delivery of legal requirements) more than untrained officers, but that other evidence-based interviewing practices were not utilized more frequently (e.g., type of questions asked, sequence of questioning, and topic structure). Their *post hoc* classification of the interviewing behaviors determined that officers were able to implement simple skills (i.e., delivering legal rights to suspect) but struggled to employ the seemingly more complex skills (i.e., structuring the areas of the interview).

Similarly, Walsh and Milne's (2008) analysis of a sample of suspect interviews found that, with the exception of following some legal and procedural steps (e.g., providing legal rights), there were modest increases in many desirable interviewing

behaviors after training. More recently, Clarke, Milne, and Bull (2011) found that there were no meaningful improvements in interviewing behaviors for a sample of officers who had received on-the-job PEACE interview training. They found that the trained investigators administered only four out of 14 desirable interviewing behaviors (i.e., keeping on relative topic, deals with difficulty, encouraging an account, and appropriate structure/sequence).

The Current Study

As discussed, PEACE is being implemented in various parts of Canada, and due to the amount of positive attention it has garnered in the courts and the media, it is likely that its usage by Canadian police agencies will continue to increase. Although there is much evidence that information gathering approaches have more positive attributes than accusatorial based approaches to interviewing suspects, a holistic and ecologically-valid assessment of the effectiveness of the PEACE model has been non-existent. Thus, the goal of the current study is to examine the differences in interviewing behaviours and outcomes between those who are trained in the PEACE model and those who untrained. Specifically, it is predicted that trained interviewers, relative to their untrained counterpart, will (a) use more "Engage & Explain" behaviours, (b) administer legal rights, and check comprehension more frequently, (c) ask more appropriate question types and ask fewer inappropriate question types, (d) use fewer coercive tactics, (e) use more challenges and conduct the challenges more appropriately, (f) have better interview (i.e., more confession and more information) and better court (i.e., more guilty pleas, higher conviction rate) outcomes.

Chapter 2: Method

Design

A single-factor quasi-experimental design was used. The experimental group consisted of 25 interviews where the primary interviewer was PEACE trained and the control group consisted of 27 interviews where the primary interviewer was non-PEACE trained (henceforth referred to as untrained interviewers). A primary interviewer is defined as the person who leads the interview and does the majority (>50%) of the questioning. The dependent variables were (a) the number of engage and explain behaviours, (b) the proportion of different question types asked, (c) number of coercive tactics per interview, (d) the use of challenges in interviews, (e) the presentation of legal rights, (f) interview and court outcomes.

Sample Selection and Description

A convenience sample of 52 police interview transcripts with adult suspects and accused persons was obtained from a Canadian police organization. The interviews were obtained by requesting the information management department to provide a list of all case files of crimes against persons where the file was concluded by way of charge between 2005 and 2013 (4 years prior to and after the year that PEACE training commenced). Once the list of cases was obtained, all files were reviewed for suitability. That is, suspect statements were retained for analysis if the statement involved an adult (i.e., 18 years or older), was typewritten (to ensure readability), and were at least 10 pages in length (to increase reliability of the coding). Files that were determined to meet the suitability requirements were then separated by date. All Interviews conducted prior to 2009 were placed in the untrained condition as no members of the police agency had

received training in the PEACE model of interviewing prior to 2009. Interviews conducted in 2009 and later were compared against a training list provided by the police agency to confirm that the primary interviewer had received training prior to the assessed interview and were therefore placed in the trained condition.

Each transcript consisted of a verbatim written account of an audiotaped interview. Clerical professionals from the participating organization completed the transcription of all statements. The interviews in the experimental group occurred between 2009 and 2013, with 4.00% occurring in 2009, 36.00% in 2010, 32% in 2011, 24.00% in 2012, and 4% in 2013. The mean number of days since training was 234.02 days (*SD* = 335.42). For the control group, the interviews occurred between 2005 and 2009, with 29.60% occurring in 2005, 22.20% in 2006, 37.00% in 2007, 7.4 % in 2008, and 3.7% in 2009.

A total of 17 different police officers conducted the interviews (*Range*: 1 – 6). All interviewers in each condition were Caucasian. In terms of crime type, 57.69% (*n* = 30) were sex crimes, 32.69% (*n* = 17) were assault, 3.84% (*n* = 2) were robbery, 3.84% (*n* = 2) were forcible confinement, and 1.92% (*n* = 1) was attempted murder. In 35 of the interviews (67.30%) the primary interviewer were men, and all primary interviewers were constables. The mean years of experience for the primary interviewer was 6,066.67 days (approximately 16.5 years of experience). A second interviewer was used in 27 interviews (51.90%). Twenty men served as the second interviewer (74.10%), and the mean years of experience for the second interviewers was 4,992.59 days (approximately 13.5 years). All but two of the second interviewers were constables (one sergeant, one staff sergeant). Forty-nine (94.20%) suspects were men, and the mean age of the suspects was 36.31 (*SD*

= 15.09). With the exception of the mean number of interviewers, there were no statistically significant differences between the two groups for any of the demographic variables (*p*s > .05). There was on average 1.26 (*SD* = 0.45) interviewers/interview in the experimental group and 1.80 (*SD* = 0.41) interviewers/interview in the control group, $t(50) = -4.545$, $p < .001$.

Materials and Procedure

Investigators who participated in PEACE training attended a two-week introductory training course that was designed to educate all interviewers working in a criminal investigations division about desirable interviewing practices (referred to in the UK as a Tier 2 PEACE course). The training took place on a full-time basis (seven hours per day) over the period of ten consecutive weekdays. The training was co-administered by an investigative interviewing advisor and a psychology professor, both of whom were trained previously on PEACE in the UK, and were co-creators of the training course. All investigators were provided with lectures (including discussions) over a minimum of a four-day period on all aspects of science-based interviewing practices, which covered the content of several texts on investigative interviewing (e.g., Fisher & Geiselman, 1992; Milne & Bull, 2003; NSLEC, 2004; Shepherd, 2007). The lectures included information on the principles of memory and cognition, rapport building, active listening, communication fundamentals, exchanging expectations, transferring control of the interview, questioning skills, short-hand note-taking, delivering legal rights effectively, false confession issues, overcoming interviewee limitations, controlling interviewee anxiety, increasing interviewee confidence, inducing detailed descriptions (four

mnemonics), interviewee compatible questioning, managing conversations, handling hostility, and the strategic use of evidence during challenges.

Interspersed with the lectures were practice interviews (ranging from approximately 30 minutes to 1 hour) with actual interviewees, where interviewers were provided with a checklist of behaviors that they could reference as needed during interviews and immediate verbal feedback was provided by the trainers. The practice sessions followed a scaffolding approach that developed interviewing skills though the following five discrete stages: Engage and Explain; Questioning Skills; Note-Taking; Account (cognitive interviewing and conversation management models); and Closure. Each of the stages required the interviewers to apply the learned principles in mock interviews, and use a checklist of desirable behaviors during those interviews. All members of the training cohort were required to watch their peers conducting their practice interviews and provide peer feedback (using the checklist) as part of the training.

Coding Procedure

A total of 15 demographic and context variables were coded. They included the date and time of the interview; the type of crime; the number of interviewers present; the gender, rank, and policing experience of the primary interviewer were collected. Whether or not the primary interviewer received PEACE training, and if applicable, the number of days since PEACE training were also coded. The gender, rank, and policing experience of the secondary interviewer was also collected. Whether or not the secondary interviewer received PEACE training, and if applicable, the number of days since PEACE training were also coded. The age and gender of the interviewees was also coded. The years of

policing experience and training experience variables were provided by the participating police organization and not coded from the transcripts.

A 69-item coding guide was created (see Appendix for operational definitions of each variable). Twenty-three "engage and explain" variables were coded. Specifically, the interviews were coded for whether or not the interviewer: introduced himself or herself; established preferred names; identified other interviewers; explained the two roles of other interviewer(s) (i.e., note-taking and asking questions); addressed interviewer needs (i.e., water, bathroom, food); built adequate rapport (i.e., asked neutral question, self-disclosure of information; expression of empathy, and addressed/mitigated worries); discussed potential concerns around distractions (i.e., note-taking); explained routines (i.e., audio-video recording, explained the outline of the interview structure); established expectations (i.e., interruptions by interviewer and interviewee should be minimized, some questions may be repeated, it is okay to say "I don't understand", interviewee told that they are not being judged and that all that is expected is the truth to their knowledge, interviewee told that all information is important, and the interviewee asked to provide as much information as possible.)

Seven variables pertaining to the delivery of legal rights were coded. The interview were coded for whether or not the interviewer: explained the most serious legal consequences that the interviewee is facing as a result of the crime under investigation (i.e., jeopardy); delivered the right-to-silence (section 7 of the Canadian Criminal Code); checked comprehension of the right-to-silence; re-explained aspects of the right-to-silence that the interviewee did not understand; delivered the right-to-legal counsel (section 10 of the Canadian Criminal Code); checked comprehension of the right-to-legal

counsel; re-explained aspects of the right-to-legal counsel that the interviewee did not understand.

Eleven different types of interviewer utterances were coded. Specifically, the number of open-ended, probing, closed yes/no, leading, multiple, forced-choice questions were coded. In addition, opinions, statements, re-asked questions, clarification questions, and facilitators were also coded.

Twenty-one different coercive behaviours were also coded. The different types of coercive behaviours include the presence or absence of a good-cop/bad-cop routine, an unrelenting/badgering/hostile questioning manner, and a long interview (> 6 hours). The other coercive variables include the frequency of: appeals to tell the truth, appeals to self-interest and importance of cooperation, undermining the interviewee's confidence in their own guilt, moral justifications/psychological excuses, praise or flattery, interviewer authority, appeals to interviewee's conscience, minimization of offence, minimization of purpose of questioning, metaphors of guilt, references to interviewee's physical signs of guilt, maximizes consequences of offence, threats of physical/psychological pain, promises of leniency, hypotheticals, ignoring interviewee pain, depriving interviewee of necessities, and preventing denials of involvement in crime.

Three variables to measure interviewer challenges (i.e. where the interviewer questions contradictions in the information provided during the interview or questions inconsistences with information collected from other sources) were coded; which included the presence or absence of a challenge, the location of the challenge (i.e., beginning, middle, end, throughout, and whether or not the challenge was appropriate (i.e., based on inconsistencies and discrepancies in evidence/facts).

Four interview and court outcome variables were coded. Two variables, coded from the transcripts, were whether or not the interviewee confessed to the crime under investigation and the total number of words spoken by the interviewee. The remaining two variables, coded from court documents, were the plea entered (i.e., not guilty, guilty, and no plea) and final disposition (i.e., conviction, acquittal, withdrawn, dismissed, discharged, stayed, and not criminally responsible on account of a mental disorder).

Inter-Rater Reliability

Coding agreement of the variables was assessed by having an independent researcher code 11.54% of the sample (n = 6), which was selected randomly. The independent coder was provided with a 2-hr training session that consisted of the structure and content of the coding guide and dictionary as well as the practical aspects of coding the interviews. Additionally, the coder participated in a practice session that covered the coding of two interviews before beginning to code the actual interviews. Any confusions pertaining to the task were resolved before inter-rater reliability commenced. The Kappa value for the engage explain variables was 0.50 ($p < .001$, moderate agreement), and was 0.85 for legal rights ($p < .001$), and 0.80 for question types ($p < .001$, substantial agreement). The Kappa value for the existence of a challenge in an interview was 0.33 (fair agreement), and was perfect for the remaining two challenge variables (i.e., appropriateness of challenge and location of challenge). The Kappa value for whether or not a statement was coercive was 0.39, and was 0.32 for the classification of the coercive statement into one of 18 types.

Chapter 3: Results

Engage and Explain Behaviours

The percentage of Engage and Explain behaviours as a function of experimental condition are shown in Table 1. As can be seen, each behaviour was observed more in interviews conducted by trained interviewers than those conducted by their untrained counterparts. Of particular note, trained interviewers tended to ask interviewees what they preferred to be called and dealt with the interviewee's needs (e.g., water, bathroom, food) more often than untrained interviewers. In addition, trained interviewers explained interview processes (e.g., interview structure, note-taking) and expectations (e.g., no interruptions, purpose is to establish the truth, ask if clarification needed) more frequently than untrained interviewers. The mean number of behaviours used by untrained interviewers (M = 2.22, SD = 1.53) was significantly lower than those used by trained interviewers (M = 8.32, SD = 4.09), $t(50) = -7.227$, $p < .001$, $d = -1.98$.

Legal Rights

In terms of explaining the consequences and charges that could potentially result from the investigation (i.e., jeopardy), 88.89% of untrained interviewers and 88.00% of exhibited this behaviour; a Fisher's exact test did not reveal any statistically significant difference between the conditions, $p = 1.000$, $V = .014$. There was no statistically significant difference between the untrained (88.89%) and trained (96.00%) interviewers in terms of the percentage of interviews where the Right to Silence was delivered (p = .611, Fisher's exact test, $V = .13$). Untrained interviewers checked interviewee's comprehension of their Right to Silence in 87.50% of cases where it was delivered and trained interviewers checked comprehension every time the Right to Silence was

delivered; a Fisher's exact test revealed that this difference was not statistically significant (p = .234, V = .26). Untrained interviewers clarified the interviewee's comprehension of the Right to Silence less frequently than trained interviewers (16.67% and 20.83%, respectively). However, a Fisher's exact test revealed that the difference in the number of interviews where the Right to Silence was clarified was not statistically significant between conditions (p = 1.00, V = .05).

There was no statistically significant difference between the untrained (88.89%) and trained (96.00%) interviewers in terms of the percentage of interviews where the Right to Legal Counsel was delivered (p = .611, Fisher's exact test, V = .13). Untrained interviewers checked interviewee's comprehension of their Right to Legal Counsel in 83.33% of cases where it was delivered, and trained interviewers checked comprehension of the Right to Legal Counsel every time it was delivered; a Fisher's exact test revealed that this difference was not statistically significant (p = .109, V = .30). Untrained interviewers clarified interviewee's comprehension of the Right to Legal Counsel less frequently than trained interviewers (16.67% and 12.50%, respectively). However, a Fisher's exact test revealed that the difference in the number of interviews where the right to legal counsel was clarified was not statistically significant between conditions (p = 1.00, V = .06).

Table 1. *The Percentage of Engage and Explain Behaviours as a Function of Experimental Condition*

Engage and Explain Behaviours	Experimental Condition	
	Untrained (n = 27)	Trained (n = 25)
Asked the interviewee's preferred name	7.4%	60.0%
Introduced themselves	74.1%	92.0%
Introduced others present in the room for the interview	85.7%*	95.0%**
Explained that the Second Interviewer will take notes	14.3%*	30.0%**
Explained that the Second Interviewer may ask questions	0.0%*	20.0%**
Offered the interviewee water	3.7%	52.0%
Asked the interviewee if they needed to go to the bathroom	0.0%	40.0%
Offered the interviewee food	0.0%	12.0%
Started the interview with a neutral question	14.8%	52.0%
Shared information about themselves	0.0%	12.0%
Expressed empathy toward interviewee	3.7%	20.0%

Addressed the interviewee's worries	7.4%	8.0%
Asked the interviewee not to be distracted by note taking	7.4%	56.0%
Explained that the interview is being recorded	74.1%	96.0%
Explained the interview structure	0.0%	56.0%
Explained that they will not interrupt the interviewee	0.0%	28.0%
Asked the interviewee to not interrupt them	0.0%	24.0%
Explained that they may repeat questions	0.0%	8.0%
Asked the interviewee to tell them if any questions needed clarification	0.0%	12.0%
Told the interviewee that they are not here to judge them	0.0%	20.0%
Told the interviewee that the purpose is to establish the truth	0.0%	12.0%
Told the interviewee that all the information they have to say is important	3.7%	24.0%
Asked the interviewee to provide as much detail as possible	0.0%	32.0%

Note. *Seven of the 27 pre-condition interviews had another person present in the interview room. However, the interviewer (1) introduced the other person present in only six of these seven interviews (i.e., 85.7%); (2) explained that the SI would take notes in only one of these seven interviews (i.e., 14.3%); and (3) explained that the SI may ask questions in zero of the seven interviews (i.e., 0.0%)
** Twenty of the 25 post-training interviews had another person present in the interview room. However, the interviewer (1) introduced the other person present in only 19 of these 20 interviews (i.e., 95.0%); (2) explained that the SI would take notes in only six of these 20 interviews (i.e., 30.0%); and (3) explained that the SI may ask questions in only four of these 20 interviews (i.e., 20.0%).
SI = Secondary Interviewer.

Question Types

The mean percentage of question types used per interview, as a function of experimental condition, is shown in Table 2. As can be seen, the largest differences between trained and untrained interviewers pertain to leading questions, open-ended invitations, clarifications, and facilitators. The mean percentage of leading questions asked by untrained interviewer was 7.08 (*SD* = 4.00) and was 2.96 (*SD* = 1.88) for trained interviewers, $t(50) = 4.682$, $p = .000$), which resulted in a large effect size ($d = 1.32$). The mean percentage of open-ended invitations for untrained interviewers was 0.74 (*SD* = 0.81) and was 2.11 (*SD* = 1.89) for the trained interviewers, $t(50) = -3.428$, $p = .002$; the difference between the groups produced a large effect size ($d = -0.94$). The mean percentage of clarifying questions asked by untrained interviewer was 8.25 (*SD* = 5.66) and was 14.37 (*SD* = 8.61) by trained interviewers $t(50) = -3.053$, $p = .004$; the effect size was large ($d = -0.84$). There was a medium-to-large effect of training on the use of facilitators and statements. Untrained interviewers used a larger percentage of facilitators ($t(50) = 2.846$, $p = .006$, $d = 0.79$) and made fewer statements ($t(50) = -1.986$ $p = .052$, $d = -0.55$) than untrained interviewers. There was a small-to-medium effect of training on the expression of opinions ($t(50) = 1.191$ $p = .239$), re-asking questions ($t(50) = 0.678$ $p = .501$), and the use of forced-choice ($t(50) = 0.760$ $p = .451$), closed yes/no ($t(50) = 0.411$ $p = .683$), and multiple questions ($t(50) = -0.400$ $p = .691$; see Table 2 for associated *d* values). The difference in the percentage of probing questions used by trained and untrained interviewers was negligible, $t(50) = -0.005$, $p = .996$.

Table 2. *Mean Percentages (95% Confidence Intervals) and Effect Sizes of Each Question Type as a Function of Condition*

Question Types	PEACE Training		Effect Size (Cohen's *d*)
	Untrained (*n* = 27)	Trained (*n* = 25)	
Leading	7.08 [5.49, 8.66]	2.96 [2.19, 3.74]	1.32
Open	0.74 [0.42, 1.06]	2.11 [1.33, 2.89]	-0.94
Clarification	8.25 [6.02, 10.48]	14.37 [10.82, 17.93]	-0.84
Facilitator	26.30 [21.61, 30.99]	17.29 [12.80, 21.79]	0.79
Statement	22.63 [17.84, 27.42]	29.26 [24.33, 34.19]	-0.55
Opinion	0.71 [0.32, 1.09]	0.43 [0.14, 0.71]	0.33
Forced Choice	1.48 [0.93, 2.04]	1.21 [0.70, 1.71]	0.21
Re-asked	1.41 [.86, 1.97]	1.14 [.51, 1.77]	0.19
Closed	12.63 [9.50, 15.77]	11.81 [9.20, 14.43]	0.11
Multiple	4.67 [2.72, 6.62]	5.32 [2.56, 8.07]	-0.11
Probing	14.09 [10.96, 17.22]	14.10 [11.41, 16.79]	0.00

Coercion

The mean number of times that each of 18 coercive tactics were used per interview, as a function of experimental condition, is shown in Table 3. Six (22.22%) interviews conducted by untrained interviewers did not contain any of the coercive tactics and 12 (48.00%) interviews conducted by trained interviewers did not contain any coercive tactics. The mean number of different tactics used (out of 18) for the untrained interviewer was 2.59 (*SD* = 2.37) and was 1.68 (*SD* = 2.58) for the trained interviewers; there was no statistically significant difference in the use of these tactics between conditions, $t(50) = 1.33$, $p = .190$, $d = 0.37$. The mean of the total number of coercive tactics used by untrained interviewers was 6.78 (*SD* = 7.97) and was 4.44 (*SD* = 8.26) for trained interviewers, $t(50) = 1.038$ $p = .304$), and the size of the effect was small, $d = 0.29$.

Challenging Inconsistencies

Untrained interviewers challenged aspects of the interviewee's account 25.93% (*n* = 7) of the time, and trained interviewer challenged interviewees 52.00% (*n* = 13) of the time. A Pearson Chi-Square test revealed that the difference in the percentage of challenges across the two conditions was non-significant, $\chi^2 = 3.73$, $df = 1$, $p = .053$, $V = .27$. Descriptively, in terms of the time of the interview when challenges occurred, 42.86% of untrained interviewers and none of the trained interviewers challenged interviewees exclusively at the beginning of the interview. The percentage of challenges that occurred in the middle of an interview was negligible between the interviewers (14.29% untrained vs 15.38% trained). Untrained interviewers challenged interviewees at the end of an interview 28.57% of the time, whereas trained interviewers challenged at

the end 61.54% of the time. Untrained interviewers challenged at multiple points in the interview 14.29% of the time and trained interviewers challenged at multiple points in the interview 23.08% of the time. With respect to appropriateness of the challenge to an account, untrained interviewers were deemed to have challenged in an appropriate fashion 57.14% of time, compared to 76.92% of the time by trained interviewers. Note that inferential statistics were not meaningful for the latter two variables due to insufficient sample sizes.

Interview and Court Outcomes

Interviewees spoke fewer words when interviewed by untrained interviewers (M = 3,011.19, SD = 2,512.09) than trained interviewers (M = 5,440.52, SD = 5,666.74), and this difference was statistically significant, $t(50) = -2.024$, $p = .048$, $d = -0.55$. In terms of confessions, 59.26% of interviewees confessed to untrained interviewers and 48.00% confessed to trained interviewers, $\chi^2 = 0.662$, $df = 1$, $p = .416$, $V = .11$.

In terms of pleas entered, 59.26% of interviewees interviewed by an untrained interviewer plead guilty, 37.04% plead not guilty, and 3.70% did not enter any plea. For the trained condition, 60.00% of interviewees entered a guilty plea, 36.00% entered a not guilty plea, and 4.00% did not enter a plea; there was no statistically significant difference in plea types between the conditions, $\chi^2 = 0.008$, $df = 2$, $p = .996$, $V = .01$.

There was a small difference between the two conditions with respect to the percentage of convictions (77.78% for untrained, 72.00% for trained), acquittals (7.41% for untrained, 12.00% for trained), withdrawn charges (7.41% for untrained, 8.00% for trained), and dismissed cases (3.70% for untrained, 4.00% for trained). Also, one case in the untrained condition had a final disposition of not criminal responsible on account of a

mental disorder and one case in the trained condition had a final disposition of a discharge. There was no difference in court outcomes between the two groups, $\chi^2 = 2.357$, $df = 5$, $p = .798$, $V = .21$.

Table 3. *The Mean Number of Occurrences (Standard Deviation) of Coercive Tactics Per Interview, as a Function of Experimental Condition*

Coercive Tactic	Experimental Condition			
The interviewer…	Untrained (n = 27)		Trained (n = 25)	
…appeals to the importance of telling the truth	0.85	(1.83)	0.56	(1.84)
…appeals to the best interests of the suspect	0.63	(1.21)	0.32	(1.03)
…undermines the suspect's confidence in their denial of their guilt	1.70	(3.92)	0.68	(1.52)
…offers moral justifications/psychological excuses for the suspect's actions	0.41	(0.93)	0.48	(1.42)
…praises the suspect on a personal characteristic	0.85	(1.99)	0.48	(1.50)
…brings up their credentials as an expert or authority	0.11	(0.32)	0.04	(0.20)
…appeals to the suspect's conscience	0.44	(1.58)	0.24	(0.66)
…downplays the seriousness of the moral downsides of committing the offence	0.59	(1.47)	0.56	(1.23)
…minimizes the seriousness of the facts of the case or the purpose of the questioning	0.22	(0.64)	0.20	(1.00)

…uses a metaphor to describe guilt	0.04	(0.19)	0.08	(0.40)
…points out physical symptoms of guilt	0.11	(0.42)	0.24	(1.20)
…maximizes the seriousness of the offence	0.22	(0.80)	0.08	(0.40)
…threatens the suspect with psychological or physical pain	0.00	(0.00)	0.00	(0.00)
…promises leniency in exchange for admission of guilt	0.00	(0.00)	0.04	(0.20)
…mentions hypothetical situations	0.48	(0.94)	0.40	(1.12)
…ignores complaints by the suspect of physical or psychological pain	0.11	(0.42)	0.04	(0.20)
…prevents suspect from having necessities (food, water, sleep, bathroom)	0.00	(0.00)	0.00	(0.00)
…prevent the suspect from making denials	0.00	(0.00)	0.00	(0.00)

Chapter 4: Discussion

The goal of the current study was to examine the peformance of interviewers trained to use a science-based interviewing protocol known as PEACE. The results showed that trained suspect interviewers used significantly more engage and explain behaviours, and fewer coercive tactics than their untrained counterparts. Trained interviewers also used more open-ended questions, more clarifications, more statements, and fewer leading questions, closed questions, and faciliators. The results also showed that people interviewed by trained interviewers provided significantly more information that those interviewed by untrained interviewers. It was also found that there were little differences in the administration of legal rights, the execution of evidence-based challenges, confession rates, and court outcomes between trained and untrained interviewers. In general, the findings suggest that trained interviewers exhibit more positive interviewing behaviours that untrained interviewers which in turn lead to interviewees providing more information. Having said that, the results also highlight the need for additional training initiatives to ensure that even a greater level of performance is exhibited in suspect interviews.

As mentioned, it was found that trained interviewers used, on average, around four times more engage and explain behaviours than their untrained counterparts. This finding suggests that the training had a large effect on improving this interviewng phase for many interviewers. It is important to note that this finding is unsurprising because untrained interviewers would not naturally have been aware that these sorts of behaviours ought to be exhibited by suspect interviewers at the outset of their interviews. Nevertheless, from an operational point of view, this finding is encouraging because it

means that trained interviewers are more likely to exhibit behaviours that researchers have argued is important for setting the foundation for successful interviews (e.g., building rapport and explaining communication rules; Chartrand & Bargh, 1999; Collins, Lincoln, & Frank, 2002; Collins & Miller, 1994; Fehr & Gächter, 2000; Milne & Bull, 2003; Shepherd, 2008; Tickle-Degnen & Rosenthal, 1990). Granted the relative improvements in the number of engage and explain behaviours, in reality, it may be of benefit for practitioners to strive to increase the absolute number of engage and explain behaviours so as to increase the chances of developing a positive working relationship with the interviewee. As a result, it is imperative that future training initiatives focus on increased feedback and supervision to this component of professional interviewing.

Of particular importance was the finding that trained interviewers used more open-ended invitations, more clarifiers, and fewer leading and closed yes/no questions than untrained interviewers. Training appears to have affected the use of all question types with the effect sizes ranging from small to large with an increased use of proper question types and a decrease in the use of ineffective question types. Put differently, trained interviewers used more questions that are recognized as being able to collect complete and accurate information from suspects that match the truth-seeking function of the justice system, and are less likely to be labelled in court by defence lawyers as using a controlling and suggestive questioning strategy. Although these findings are encouraging, from an operational point of view, it is worth nothing the absolute number of open ended invitations used by trained interviewers could be higher. The relatively infrequent use of open initiations may be due to the fact that trained interviewers were not afforded

continued feedback and supervision after they received their training (see Lamb et al., 2008 for research on the effect of feedback on interviewing skill maintenance).

Another important trend was the somewhat lower use of coercive tactics used by the trained interviewers. It was found that approximately one-fifth of interviews conducted by untrained interviewers did not contain a single instance of coercion, whereas nearly half of the interviews conducted by trained interviewers did not have a single instance of coercion. The noticeable difference in coercive tactics should not be understated or underappreciated because of the wealth of research documenting how coercive tactics are powerful in getting suspects and accused persons to adopt the interviewer's version of the events under question, internalize information suggested to them, circumvent the voluntariness of interviews, and even confess to crimes they did not commit – all of which has been known to contribute to miscarriages of justice (see Horselenberg et al, 2006; Kassin, 2008; Leo, 2008; Russano, 2005). The fact that trained interviewers used fewer coercive strategies also suggests, when combined with the use of better questioning practices, that they spend more effort trying to obtain a true account of what transpired than spending effort trying to get convince the suspect or accused person of what they think transpired. Such an improvement in approach bodes well for the truth-seeking function that ought to be at the core of criminal investigations.

It was found that there was no significant difference between trained and untrained interviewer's operational presentation of their explanation of jeopardy, right to silence, or right to legal counsel. Having said this, both trained interviewers and untrained interviewers delivered key legal rights in the vast majority (> 85%) of instances; presumably because it is the fundamental process (that officers are keenly aware of) that

determines whether evidence gathered from suspect is allowed to be admitted into court (see Snook et al., 2010 for similar findings). It is important to note that every interview ought to have contained the administration of key legal rights, thus, it remains an area where full adherence needs to be executed and awareness of its importance needs to be stressed even further at an operational level.

In order to assess any challenges that occurred within each interview it first had to be determined if a challenge in fact did take place. While not statistically significant, interviewers in the trained condition challenged the suspect at the rate of 2 to 1 (52.00%; 25.93%). This finding suggests trained interviewers tended to test the quality of the account (evidence) provided by suspects more than untrained interviewers. The appropriateness of the challenge was the assessed based on the time in the interview and whether or not it was based on factual inconsistencies and discrepancies. Past research has recommended that challenges be conducted at the end of an interview – so as not to rush to judgement prior to exploring the entire account in an objective fashion – and to make sure the challenges are based on facts (and not conjecture; see Hartwig et al., 2006). In the current study, nearly half of untrained interviewers challenged the suspect exclusively at the beginning of the interview while none of the trained interviews challenged at this point in the interview. Nearly one-third of untrained interviewers challenged at the end, as opposed to nearly three-fifths of trained interviewers. Approximately three-quarters of trained interviewers had appropriate challenges compared to untrained interviewers (approximately three-fifths). Again, the leading explanation for improvement in challenges is the training they received. Most importantly though is that the improvement in the challenging process appears to have led to a greater

alignment of interviewing strategies with an open-minded inquisitorial approach to interviewing (and a move away from a closed-minded accusatorial approach).

When a suspect was interviewed by a trained interviewer there was a significantly greater amount of words spoken by the interviewee. Confession rates were basically the same across both groups, and around 50% of cases which is consistent with previous studies (see King and Snook, 2009). These findings are important as they indicate that the use of proper questioning (e.g., open ended questions) and the use of other desired behaviors (e.g., Engage and Explain), along with a reduction in coercion, is likely to lead to more information being provided from the interviewee. It also shows that in using ethical and scientifically supported practices the goal of achieving a confession is not (as assumed by proponents of accusatorial methods) reduced; in fact, it could be argued that it is the opposite in that using these practices makes any confessions obtained more robust because coercive tactics were not used to elicit that confession. It is worth noting that while more information was elicited by trained interviewers, future research may wish to consider the extent to which that additional information contained more unique and/or relevant information.

There are at least five limitations of the current study that deserves mention. First, the author (and data coder) is a trainer in the PEACE method of interviewing and a former police officer, which could subconsciously lead to some bias in the interpretation of the data; especially since blind coding is very difficult to achieve because of the extreme differences between trained and untrained interviewer behaviours (e.g., there numerous behaviours that indicate the condition and anyone with expertise in the field would likely be able to identify the condition). Having said that, reliability of the data was

generally acceptable and the interrater reliability was conducted by an independent assessor (not a trainer or police officer). A second limitation is the sample size. The sample size was restricted by the limited number of available interviews. Interviews were difficult to obtained because, in past practice, it appears that police officers often never made an attempt to interview the suspect in a crime; a decision that may be due to (a) the suspect invoking their right to remain silent or (b) the police officer believing that suspects will not to speak to police. Third, the pre-post quasi-experimental design of the current study prevents any definitive claims being made that the training was the sole contributor to the observed improvements in interviewing behaviours. Ideally, a post training control group could have been used to account for any leakage of training behaviors from trained to untrained interviewers. Fourth, reading transcripts, as opposed to viewing an audio taped interview, removes some of the context of various factors such as tone of voice, inflection and body language in the presentation of the dialogue. It is possible that an observational study might results in slightly different results. Another potential limitation as well is the fact that the training may have been slightly different from training session to training sessions; that is, the trainers may have adapted their training to reflect observations made through each training session (e.g., emphasizing the need to use more open invitations in later sessions).

The current study is the first study to examine differences between trained and untrained PEACE interviewers. It is imperative that replications of this research be conducted, and attempts made to remove the limitations that were present herein (i.e., larger sample size, tightly controlled design). Nevertheless, the results of the study suggest that there were positive improvements as a result of the training. In the world of

policing, information to solve crimes is collected in two basic ways: the gathering of evidence via statements (i.e., witness, victim, and suspect) and the collection of physical evidence (e.g., computer data, CCTV footage, crime scene evidence). As the human account of events are so important and memory so fragile, it is of the utmost importance that interviewing best practices based on scientific research are used in its collection. Moreover, given the paucity of systemic and large-scale studies of PEACE interviewing as a whole, the findings offer important parameters to guide future research efforts. Though some results validate what might be assumed about inquisitorial interviewing models, that validation is largely absent from the literature. It is hoped that this study is viewed as a baseline for future studies on the effectiveness of the PEACE training that it adds to the body of literature on best practices for suspect interviewing.

In addition to the importance of quality training, there has to be feedback systems put in place to ensure that skills are upheld. For example, trained interviewers do not always follow the lessons from interview training (Brown & Lamb, 2009; Sternberg et al., 2001b). Furthermore, the findings of the current study revealed that while trained interviewers outperformed untrained interviewers, there is still some ways to go before the gold standard of interviewing practices are met. The value of feedback systems, and also the negative consequences of terminating feedback systems, have been demonstrated in a number of studies (e.g., Adams, Fields, & Verhave, 1999; Clark, 1971; Lamb, Sternberg, Orbach, Esplin, & Mitchell, 2002; Lamb et al., 2002b). That being said, more effort and resources need to be afforded to ensure the highest quality of suspect interviews, and thus high quality investigations.

In summation, the current study discovered that people trained in an ethical, science-based approach to interviewing exhibited more science-based behaviours. Interviewers used better introductory behaviours, questioning practices, challenges, and less coercion. Combined, these findings suggest that trained interviewers are more apt to try to collect complete and accurate information from suspects and accused persons, thereby, improving the truth-seeking function of criminal investigators.

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Appendix A: Content Dictionary

Section 1: Transcript Characteristics

Transcript Number: The numeric code on the transcript given by the researcher.

RNC File Number: The numeric code on the transcript assigned by the Royal Newfoundland Constabulary.

Date of Interview: The date the interview took place, as indicated by either the interviewer or recorded by the clerical staff atop the first page of the transcript.

Interview Time: The time that the interview started and ended was recorded, as determined by the times indicated on the transcript.

Main Crime Type: The main (or most serious) offence that was being investigated by the interviewing officer (i.e., homicide, assault, sexual assault, robbery, or uttering threats).

Number of individuals present during interview: This variable included witness, interviewer(s), parent(s), guardian(s), lawyer, and any other individual present. In some cases, a commissioner of oaths was present for a brief time period to obtain a sworn affidavit from the witness. This individual was not coded as being present during the interview.

Individuals Present: The different people present during the interview, other than the interviewee, was recorded. The options to be recorded were (a) primary interviewer, (b) secondary interviewer, (c) lawyer, and (d) other. The type of other was also coded.

PI Code: The anonymized code given to the primary interviewer so s/he cannot be identified directly. The primary interviewer was the interviewer who spoke the most (i.e., number of words calculated to be more than the other interviewer present), provided the witness with instructions, and determined when to end the interview.

SI Code: The anonymized code given to the secondary interviewer so s/he cannot be identified directly. The secondary interviewer was identified as the interviewer who played a more passive role in the interview by speaking infrequently (i.e., number of words calculated to be less than the other interviewer present) and followed the lead of the primary interviewer.

Other Code: The anonymized code given to any other interviewers present so s/he cannot be identified directly.

Primary/Secondary/Other Interviewer Gender: As determined by information provided during the interview (i.e., name, pronouns used).

Primary/Secondary/Other Interviewer Rank: Whether the interviewer was a Constable, Sergeant, Staff Sergeant, or Inspector. This was determined by either the interviewer's introduction to the witness during the interview or recorded by the clerical staff atop the first page of the transcript, or personnel files.

Primary/Secondary/Other Interviewer Years of Experience: Years of experience (in days) in the police force of the primary/secondary/other interviewer obtained from interviewer personnel files.

Primary/Secondary/Other Interviewer Training in PEACE: Whether or not the primary or secondary or other interviewer has received the PEACE Model of Investigative Interview training (Yes/No).

Time Since Training: The elapsed time since the primary and/or secondary interviewer(s) received PEACE training and the time of the interview (in days).

Interviewee Gender: The gender of the interviewee, as determined by information provided during the interview (i.e., name, pronouns used).

Interviewee Date of Birth (Age): The age of an interviewee at the time of the interview; most often obtained from the preliminary phase of the interview when witness date of birth is recorded.

Interviewee Solely Involved: Whether or not the interviewee acted alone in the criminal act, as determined by information gathered during the interview.

Section 2: Outcome Measures

Final Interview Outcome: The resulting outcome of the interview, depending on whether the interviewee: (a) did not make any comments; (b) denied the offence; (c) confessed partially to the offence; (d) confessed fully to the offence.

Total Word Count of Interviewee: The total number of words spoken by the interviewee, as determined from the word count function of Microsoft Word for the substantive portion of the interview.

Court Outcome: This includes an examination of the court files to determine if the interviewee pleaded guilty or not guilty at court. If the interviewee pleaded not guilty, the court file was examined to determine if there was a conviction or acquittal.

Section 3: Process Measures

Engage and Explain

Preferred Name(s): The interviewer established the interviewee's preferred name **in an open manner**. For example, the interviewer may say: "I see your name on the file here as John. What would you prefer that I call you here today?"

Introduced Self: The interviewer introduces him/herself by name and states that s/he is a police officer. For example, the interviewer may say: "Hello, my name is Carol and I am a police officer."

Identified Others Present & Their Role (Notes/Questions): The primary interviewer identifies all other individuals present in the interview room and indicates that the second interviewer will be assisting during the interview by taking notes and asking questions. For example, the interviewer may say: "This person here is Jake. He is my partner and will be assisting me with the interview today. Jake will be taking notes as we are talking to make sure that I don't miss anything. He may also have some questions for you during the interview."

Address Interviewer's Needs: The interviewer addresses the various potential needs of the interviewee. These needs include:

a. Water: The interviewer checks to see if the interviewee needs a glass of water (or any other beverage, such as coffee) before the substantive phase of the interview begins. For example, the interviewer may say: "Before we begin, I am going to grab a glass/bottle of water for myself. Would you like one too?"

b. Bathroom: The interviewer checks to see if the interviewee needs to use the washroom before the substantive phase of the interview begins. For example, the interviewer may say: "As I mentioned earlier, I am not sure how long the interview will last. Before we begin, would you like to use the washroom? [If they say no, say]: Ok. Well please let me know at any time if you would like to use the washroom and we can take a break from the interview."

c. Food: The interviewer checks to see if the interviewee would like something to eat before the substantive phase of the interview begins. For example, the interviewer may say: "Before we begin, we have some snacks in our break room. Would you like something to eat?"

Rapport: Rapport refers to creating a smooth and positive interpersonal relationship with the interviewee. The interviewer attempted to build rapport with the interviewee by engaging in the following:

a. Neutral Question: The interviewer asks the interviewee a neutral question in an attempt to build rapport. For example, the interviewer may say: "Before we get started with the interview, I'd like to get to know you better. Please tell me about yourself." [The answer to the neutral question is followed up by conversation revolving around a topic mentioned by the interviewee.]

b. Shared Information About Self: The interviewer shares some personal information about themselves with the interviewee. If possible, the interviewer could use the information obtained from the neutral question (listed above) and build on that topic.

c. Empathy: The interviewer showed empathy toward the interviewee by identifying with the experience or feelings of the interviewee. For example, the interviewer may say: "I understand that being interviewed can be stressful. I recently applied for a promotion and was interviewed by my superiors."

d. Addressing & Mitigating Worries: The interviewer attempted to address any concerns held by the interviewee before beginning the substantive phase of the interview. It is important that the interviewer deal with the worry prior to moving on with the interview and ensure that the worry is resolved. For example, if the worry is that the interviewee will go to jail, or that the police are not interested in what they have to say police will not apprehend the offender, s/he may say: "It is not my place to say what might happen here, my job is to gather the information and seek the truth. When I have done this I will let you know what will happen next in the process but I have not made a

decision yet on charges and the courts decide on whether or not a person goes to jail not me."

Distractions: The interviewer attempts to minimize all possible distractions that may have a negative impact on the interview. These distractions include:

a. Notes: The interviewer explains that s/he will be taking notes during the interview to ensure that the interviewee is not distracted by this activity. For example, the interviewer may say: "You will see me taking notes during the interview. I am taking notes to make sure that I remember what you are telling me here today."

Explained Recording Equipment: The interviewer tells the interviewee that the interview is being audio and/or video recorded. The interview interviewer also shows where the camera is in the interview room. For example, the interviewer may say: "To make sure that I don't forget anything that you tell me here today, this interview is being audio and video recorded. You can see the camera over there [point to camera]."

Explained Route Map: The interviewer explains to the interviewee how the interview will unfold, and/or what to expect during the interview. For example, the interviewer may say: "In a minute, I am going to ask you to tell me everything that you know while I stay silent and listen to what it is you have to tell me. Afterwards, I may pick things out of that account and ask for more details. After I feel that I have understood everything about that particular topic/issue, I will summarize what you said and ask you to correct anything that I may have misunderstood. I will repeat this process throughout the interview."

Explained Jeopardy: The interviewer explains the most serious legal consequences that the interviewee may face a as result if the investigation and that any information they provide to the police could be used for this purpose. For example, the interviewer may

say: “Before we begin, I want to let you know that you are under investigation for homicide, and any information you provide may be used in court if charges are laid.”

Explains Expectations: The interviewer explains a list of expectations that the interviewee should follow for a successful interview. These expectations include:

a. No Interruptions: This is another two-fold expectation. It is important that the interviewer instruct the interviewee not to interrupt him/her during the interview [one point awarded]. Also, the interviewer must make it known that s/he will not interrupt the interviewee [one point awarded].

b. ? Multiple: The interviewer lets the interviewee know that the interviewer might go over the same topic more than once. They also tell the interviewee that they should not be concerned that the interviewee does not believe them because they are asking about a particular issue more than once. The reason for asking about a topic multiple times is to obtain more information and increase the interviewer’s knowledge about a particular issue. This instruction is important to avoid having the interviewee change their answers because they perceive the multiple questions to be a sign of disbelief. For example, the interviewer may say: “If I ask you about a topic more than once, it isn’t because I don’t believe you. I may ask about something more than once to try and get additional details and to help me understand it better.”

c. Don’t Understand: The interviewer should tell the interviewee that it is okay for them to say that they don’t understand something that was said. This instruction is important because it makes sure that there is no misunderstanding about the questions being asked so that the responses are valid. For example, the interviewer may say: “If I ask you a

question here today and you don't understand what I'm saying, I want you to tell me that you don't understand and I will clarify it for you."

d. Truth/Judge: The interviewer should explain to the interviewee that the purpose of the interview is to obtain a true account of what occurred and that they will not be judged based on the information that they provide. This instruction is important to ensure that the interviewee is clear on the purpose of the interview and feels comfortable to disclose information during the interview without fear of prejudice. For example, the interviewer may say: "The purpose of the interview today is for me to obtain the truth. I am not here to judge you."

e. All Information Important: The interviewer should instruct the interviewee not to leave things out of their account. For example, the interviewer may say: "I want to assure you here today that I am very interested in every detail that you can think of, even if it doesn't seem important to you. So when you tell me your account, please make sure that you tell me every thought that comes to your mind."

f. As Much Detail as Possible: The interviewer should explain to the interviewee that the interviewee should provide as much detail as possible. For example, the interviewer may say: "It is important that you give me as much detail as you can about the things that you have seen. Every single detail is important to me."

g. Delivered Section 7/10: The interviewer must tell the interviewee of his/her Right to Silence (Section 7) and Right to Legal Counsel (Section 10) under the Canadian Charter of Rights and Freedoms.

h. Checked Comprehension of Rights: Whether the interviewer asked the interviewee if s/he understood their Right to Silence and Right to Legal Counsel by having them repeat them back in their own words to the interviewer.

i. **Clarified Rights**. If the interviewee indicated they did not understand either legal right or did not explain the legal rights properly when they were checked (see h above), the interrogator proceeded to explain in plain language any legal rights that appear to have been misunderstood.

Overall positive rating of E&E: This variable was defined as whether the engage and explain process was, from a holistic perspective, executed properly.

Question Types:

Open-ended question: These questions encourage interviewees to provide answers from free recall memory. They allow for a wide range of responses, and typically start with "tell," "explain," or "describe." For example, "Tell me about the argument with your wife" would constitute an open-ended question.

Closed yes-no (Closed-ended) question: These questions tap into cued recall as well, but are typically answered with a "yes" or "no" response. An example of a closed yes–no question would be, "Did he have his face covered?"

Probing question: These questions tap into cued recall memory and tend to generate answers that are narrower in scope compared to those provided from open-ended questions. They usually commence with "who," "what," "why, "where," "when," or "how." An example of a probing question would be, "What part of her body hit the ground first?"

Leading question: This type of question also taps into cued recall memory but suggests an answer to the interviewee. That is, the desired answer is embedded in the question. For example, the question "You were drunk, right?" constitutes a leading question.

Forced choice question: This type of question only offers the interviewee a limited number, usually at least two, of possible responses. "Did you kick or punch the other woman?" would be an example of a forced-choice question.

Opinion: This involves posing an opinion to an interviewee, or making a statement that is not a question, nor a facilitator. For example, "I think you assaulted Mr. Eastwood" would be classified as an opinion.

Statement: This involves the interviewer making a statement of fact or repeating that which has already been said. The interviewer may make a statement of what has been discussed in the interview or learned in the investigation. This differs from an opinion, which is not based on any fact or corroborating evidence.

Multiple question: This question type involves the interviewer asking several questions on different topics at once, without giving the interviewee a chance to respond after each question. An example of this would be, "How did you get there? What did you do inside? When did you first decide to steal the car?". Rephrasing the same question would not constitute a multiple question (e.g., "Where were you? What location were you at when this happened?"), or framing a question (e.g. "You said that you went to the bar with Kirk than night, Tell me about that?").

Re-asked question: This variable is scored if the interviewer re-asks a question that the interviewee has already answered (this variable is not scored if the interviewer re-asks the question because the witness has not heard or understood the question the first time).

Clarification question: These question types involve the interviewer repeating what the interviewee has said but forming it as a question. An example of a clarification question would be as follows: “Interviewee: John said he went to a movie. Interviewer: Okay, so John went to a movie? Interviewee: Yes, that’s right.” This also includes the interviewer summarizing back to the interviewee what they have said.

Facilitator: These are aspects of speech that are not necessarily sentences, but are intended to move the conversation forward. For example, “uh huh”, “okay”, “mhm”, etc.

Challenge Section

Challenge: Did the interviewer challenge the interviewee regarding contradictions (at least one) in the account provided (Yes/No). The interviewer expresses disbelief in the account provided.

Challenge Location: At what point during the interview did the [primary] challenge occur. This was coded as the beginning (first 33% of the interview), middle (middle 33%), or end (last 33% of the interview).

Appropriate Challenge: Was the challenged evidence-based, that is, contradictions between known facts and the verbal account of the interviewee were raised (Yes/No).

Coercion

Dichotomous:

Good cop/bad cop routine: Whether or not interrogators use a good cop/bad cop routine in which one interrogator is friendly with the interviewee and appears to sympathize with him or her while the other interrogator is stern with the interviewee and unsympathetic.

Interrogator's questioning manner is unrelenting, badgering, or hostile: Whether or not an interrogator questions the interviewee in an aggressive and unyielding manner; for example, by asking the same question repeatedly, displaying hostility at the interviewee's answers, or 'bullying' the interviewee to answer a question in a particular way (e.g., You did this didn't you? Didn't you? Of course you did. Admit it, you assaulted him, didn't you….").

Interrogation lasts more than 6 hours: Whether or not the total time of the interrogation lasted for more than 6 hours as determined by the time stamp at the beginning and end of the interrogation (if this information was given). Coded as total time of interview.

Frequency

Frequency: The number of times that each utterance or question occurred during the interview.

Appeal to the interviewee to tell the truth: Whether or not an interrogator suggests to the interviewee that telling the truth is in their best interest or will somehow be most favourable for him or her in the end. For example, "If you cooperate now, this can all get straightened out for you. You can start to move on with your life".

Appeal to the interviewee's self-interest/importance of cooperation: The interrogator attempts to persuade the interviewee that it is in the interviewee's self-interest to come clean and confess or cooperate with the police by providing information regarding the alleged offence. For example, the interrogator might say, "Tim, I know that you didn't mean to hurt your daughter, but if you want to salvage your relationship with your wife you need to be truthful here with me now," or "Tim, if you cooperate with the investigation it will look good for you."

Undermine interviewee's confidence in denial of guilt: Whether or not an interrogator attempts to weaken an interviewee's confidence in his or her denials of guilt, or preventing the interviewee from denying their guilt by reconfirming belief in the interviewee's guilt or by presenting evidence of guilt after denials. For example, "I know you did it, there's no point denying it" and "But your prints are there, so we know you did it". Presented evidence includes witness testimony, e.g., "why would witnesses say it was you, if it wasn't you?"

Offer moral justifications/psychological excuses: Whether or not an interrogation presents a reason for why the interviewee may have committed the crime. For example, "I know you only held up the convenience store to provide for your family."

Use of praise or flattery: Whether or not an interrogator compliments or flatters the interviewee in regards to a personal characteristic (e.g., intelligent, moral, caring) or some aspect of the crime (e.g., "You didn't hurt anyone during the robbery, that says a lot about you").

Appeal to interrogator's expertise/authority: Whether or not an interrogator highlights his or her expertise or authority as an investigator, with the apparent motivation of

impressing upon the interviewee the futility of lying. For example, “I’ve been an interrogator for about 20 years, I know instantly when someone is lying to me” and “I’ve been doing this a long time, there’s no fooling me”.

Appeal to interviewee’s conscience: The interrogator attempts to appeal to the interviewee’s beliefs about what is right or wrong in one's behavior. For example, the interrogator might say, “Tim you’re not a bad person and I know that you didn’t mean for Sue to get hurt but it just got out of control and I know that you want to give closure to her family so that they can move forward.”

Minimization of the seriousness of the offence or outcomes: Whether or not an interrogator attempts to diminish or play down the seriousness of an offence or the effects/consequences of that effect by suggesting, for example, that what the interviewee did was not that bad, that there are much worse crimes, or that many other people commit that particular crime.

Minimization of the nature/purpose of questioning: Whether or not an interrogator attempts to understate or diminish the purpose of the interrogation; for example, by suggesting that the interviewee was just brought in for a friendly discussion or to “help with the investigation”.

Invoke metaphors of guilt: Whether or not an interrogator uses metaphors to describe an interviewee’s guilt; for example, “Lies are like a snowball, they start of small but keep growing and growing overtime” and “Guilt is like cancer, it spreads all over until your body just can’t take it anymore”.

Refer to physical symptoms of guilt: Whether or not an interrogator points out an interviewee's physical symptoms of guilt; for example, "You're shaking, that means you are lying" and "You can't even look me in the eye because you know you did this".

Maximizes the action/consequence/effect of an offence(s): Whether or not an interrogator attempts to overstate the actions/consequences/effects of an offence. For example, "This is a very serious offence and if you are not truthful with us now you could go to jail for a long time." Or "You really caused a lot of pain for a lot of people and the only way you can get out from under this now is to admit that you where responsible"

Interrogator threatens the interviewee with physical or psychological pain: Whether or not an interrogator threatens the interviewee with either physical pain (e.g., I'm going to slap you in a second if you don't tell the truth!) or psychological pain (e.g., I can make sure that you never see your family again).

Interrogator promises the interviewee leniency in exchange for an admission of guilt: Whether or not an interrogator attempted to bribe the interviewee with promises of leniency in return for admitting guilt. For example, if the interrogator says "If you just say you did it now, I can guarantee the charges will be reduced" or "Interviewees who confess usually get less jail time".

Use of hypotheticals: Trying to assess the crime committed by using hypothetical situations. (e.g., "What if Joey started bashing the man's head in with a rock, would you do anything?") Examples include **what if** statements, **imagine** statements.

Ignores fact that interviewee is in pain: Determined by interviewee comments or complaints about his or her physical and/or psychological pain. Whether or not the

interviewee appears to be suffering from some type of anxiety attack, emotional or mental breakdown or some other type of anguish.

Interrogator deprives the interviewee of an essential necessity: Whether or not an interrogator prevents the interviewee from having access to necessities such as food, water, sleep, or bathroom facilities or uses the access to such necessities as a bargaining tool. For example, “No, you can’t have any food until we’re finished” or “You can have some water as soon as you tell the truth”.

Preventing denial: The interrogator takes steps to prevent the interviewee from denying involvement in the crime. Examples include interrupting the interviewee as soon as s/he attempts to deny involvement, or telling the interviewee that there is no point in denying the offence and that s/he need to start talking about what happened. For example, “We are past that point now Tim, I know that you are responsible I am only trying to determine why you did it.”

Appendix B: Coding Guide

Transcript Number: _____ RNC File Number: _____

Section 1: Transcript Characteristics

Date of Interview: _____ Interview Start Time: _____
Interview End Time: _____

Main Crime Type: _____

No. of Individuals Present: _____

Individuals Present:

Primary Interviewer Secondary Interviewer Lawyer Other: _____

Primary Interviewer (PI):

PI Code: _____ Gender: Male/Female

Rank: _____ Years of Experience: _____

Training in PEACE: Yes/No Time since training: _____

Secondary Interviewer (SI): (if applicable)

SI Code: _____ Gender: Male/Female

Rank: _____ Years of Experience: -
_____

Training in PEACE: Yes/No Time since training: _____

Other Interviewer(s): (if applicable)

Other Code: _____ Gender: Male/Female

Rank: _____ Years of Experience: -
_____

Training in PEACE: Yes/No Time since training: _____

Interviewee:

Gender: Male/Female
Date of Birth (Age): _____
Interviewee Solely Involved: Yes/No/Unknown
Section 2: Outcome Measures

Final Interview Outcome: No Comment / Denial / Partial Confession / Full Confession

Total word count of interviewee (for substantive phase of interview only) _____

Court Outcome: Plea: Guilty Not Guilty

If Not Guilty Plea: Conviction Acquittal

Section 3: Process Measures

ENGAGE AND EXPLAIN

☐ Preferred Names
☐ Introduced Self
☐ Identified Others Present
Role of Others: ☐ Notes ☐ Questions
Interviewee Needs:
☐ Water
☐ Bathroom
☐ Food
Rapport:
☐ Neutral Question
☐ Shared Information (Self)
☐ Empathy
☐ Address and Mitigate Worries

Distractions: ☐ Notes
Routines
☐ Explained Audio/Video Equip.
☐ Explained Route Map

Expectations:
☐ ☐ No Interruptions
☐ ? Multiple
☐ Don't Understand
☐ Truth/Judge
☐ All Information Important
☐ As Much Detail as Possible

LEGAL RIGHTS
☐ Explained Jeopardy

☐ Delivered Section 7
☐ Checked comprehension of rights
☐ Clarified rights (if necessary)

☐ Delivered Section 10
☐ Checked comprehension of rights
☐ Clarified rights (if necessary)

Question Types:

Open-ended _____

Closed yes/no _____

Probing _____

Leading _____

Forced choice _____

Opinion _____

Statement _____

Multiple _____

Re-asked _____

Clarification _____

Facilitator _____

Challenge:

Did the interviewer challenge the interviewee's account? No Yes

Location of challenge within the transcript: Beginning Middle End

Was challenge appropriate? No Yes

Coercion:

Dichotomous:

____Good cop/bad cop routine

____Interrogator's questioning manner is unrelenting, badgering, or hostile

____Interrogation lasts more than 6 hours

Frequency

____Appeal to interviewee to tell the truth

____ Appeal to the interviewee's self-interest/importance of cooperation

____Undermine interviewee's confidence in denial of guilt

____Offer moral justifications/psychological excuses

____Use of praise or flattery

____Appeal to interrogator's expertise/authority

____Appeal to interviewee's conscience

____Minimize the seriousness of the offence or outcomes

____Minimize of the nature/purpose of questioning

____Invoke metaphors of guilt

____Refer to physical symptoms of guilt

____Maximizes the action/consequence/effect of the offence(s)

____Interrogator threatens the interviewee with physical or psychological pain

____Interrogator promises the interviewee leniency in exchange for an admission of guilt

____Use of hypotheticals

____Ignores fact that suspect is in pain

____Interrogator deprives the interviewee of an essential necessity

____Preventing denial