

**Title:** The impact of question type and empathy on police interviews with suspects of homicide, filicide and child sexual abuse.

**Running title:** Police interviews with murderers and sex offenders

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# **The impact of question type and empathy on police interviews with suspects of homicide, filicide and child sexual abuse.**

## **Abstract**

Conducting interviews with ‘high-stake’ offenders, especially those accused of murder and sexual offences, represents a complex and emotive area of work for police officers. Using an English sample of fifty-nine actual police interviews, the effects of empathy and question type on the amount of investigation relevant information obtained from interviews with suspects of child murder, child sex offences and adult murder were analysed and compared. No direct effects of empathy on the amount of information elicited was found, however, in interviews classified as empathic, interviewers asked significantly more *appropriate* questions than they did in interviews classified as non-empathic, and significantly more items of information were elicited from *appropriate* questions. There was a significant effect of offence type on the number of *inappropriate*, questions asked, with significantly more *inappropriate* questions being asked in interviews with suspects of child sex offences than they did in interviews with suspects of child or adult murder.

**Key words:** Empathy, questions, interviews, sexual offences, murder

## Introduction

Obtaining complete, accurate and reliable information from victims, witnesses and suspected offenders (hereinafter referred to as ‘suspects’) is central to any criminal investigation, and the police interview is key to obtaining such information (Milne & Bull, 1999; Walsh & Oxburgh, 2008; Oxburgh & Ost, 2011). The effective interviewing of suspects is especially important in interviews concerning ‘high-stake’ crimes (e.g., sexual offences & murder) where suspects have a great deal to lose if they admit their involvement (Gudjonsson, 2006). Such cases are also demanding for the interviewer and, perhaps unsurprisingly, police officers report such interviews as being more emotive and problematic than other interviews they conduct (Holmberg & Christianson, 2002; Kebbell, Hurren & Mazerolle, 2006; Oxburgh, Williamson & Ost, 2006; Oxburgh, Ost, Morris & Cherryman, 2013).

Soukara, Bull and Vrij (2002), for example, found that officers who interviewed suspects of child rape reported that they became ‘stressed’ during such interviews and would only show empathy towards the suspect after they had confessed to the crime in question. Furthermore, police officers who regularly interview individuals suspected of child murder and child rape consider those interviews to be more stressful than when the victim is an adult (see Oxburgh, *et al.*, 2013). One explanation for these findings could be that police officers are regularly exposed to stressful incidents and have to deal with highly emotive and sometimes gruesome evidence, which may make the subsequent interviews with suspects more difficult to conduct (Mitchell-Gibbs & Joseph, 1996; Oxburgh, *et al.* 2006; 2013). This is especially so if those officers involved suffer with vicarious traumatisation from accumulated trauma-related events, which could influence their attitudes towards suspects

(Saakvitne & Pearlman, 1996; Pearlman & MacIan, 1993). Indeed, Holmberg (2004) found that officers who had been exposed to traumatising events held more negative attitudes when interviewing suspects of sexual offences, and that stressful event exposure was directly related to police officers' self-reported negative attitudes towards interviewing such suspects – this may well only serve to generate some kind of avoidance to the suspect (Chen & Bargh, 1999).

This generated avoidance can be explained by the *ego-defensive function* of attitudes (Katz, 1960). An individual's *ego-defensive function* includes the devices by which a particular individual (in this case, a police interviewer) avoids facing their inner and outer realities of the dangers the world holds for them. When an individual cannot admit to themselves that they have deep feelings towards another person, or what they stand for (in this case a suspected sex offender), they may bolster their ego by displaying attitudes of superiority towards the other person or group. This may well culminate in an officer showing 'dominance' in the interview room - three other factors may also emerge: (i) control; (ii) speed, and; (iii) power (see Oxburgh & Ost, 2011). In other words, the interviewer may have a perception that s/he must remain in *control* of the interview by asking mostly closed (or other *inappropriate* forms of questions – see following section). In the case of sex offenders, officers may find the offence details disclosed by the suspect distasteful so, to counteract this, s/he may try to limit their emotional exposure to them. This form of interview also enables the interviewer to conduct the interview with *speed*, which reduces physical and psychological exposure to the suspect. Lastly, rather than showing empathy to the suspect, if the interviewer remains 'dominant' and asks questions that are mostly closed in nature, there is no opportunity for the suspect to try and rationalise his/her behaviour and thus, takes away the suspect's perceived *power*.

In the present study, two measures of interview ‘quality’ were employed. The first focused on the extent to which the interview could be described as having been conducted in an empathic manner (see Holmberg & Christianson, 2002; Kebbell *et al.*, 2006; Oxburgh & Ost, 2011), and the second focused on the balance of *appropriate* to *inappropriate* questions used by the interviewing officer. The potential impact of each of these measures on the quality of an investigative interview is outlined below.

### **Empathic interviewing styles**

There have been many definitions of empathy posited by academic researchers in both psychological and medical-related journals (see Barrett-Lennard, 1981; Baron-Cohen, 2011; Barone *et al.* 2005; Gladstein, 1983; Davis, 1983; Preston & de Waal, 2002). In its broadest sense, Greenson (1967) argues that empathy means to, “share and experience” (p.368) the feelings of another human being. Reactions could range from just simply understanding the other person’s perspective (e.g., a cognitive or intellectual reaction) to a more intuitive or emotional reaction (Davis, 1983). However, in a police context, empathy is also about having the ability to understand the perspective of the interviewee, to also appreciate the emotions and distress of that person, and to communicate that directly, or indirectly, to the interviewee (Davis, 1983). In other words, empathy can be seen as a multi-dimensional phenomenon comprising both cognitive processes and emotional (or affective) capacities (Barrett-Lennard, 1981; Joliffe & Farrington, 2004; Larden, Melin, Holst & Langstrom, 2006). However, despite the principles of ethical interviewing posited by Shepherd (1991), which emphasises the use of empathy, there have been relatively few academic studies to date that have analysed the use of empathy in actual police interviews (but see Holmberg & Christianson, 2002; Kebbell *et al.*, 2006; Oxburgh, Ost & Cherryman, 2012), and none where

the interviews have involved both children and adults as victims, involving murder and sexual offences. The present study aims to fill that void.

Holmberg and Christianson (2002) analysed suspects' perceptions of interviewers' use of empathy during police interviews and found that sexual offenders reported less empathy (and more negative behaviour) from police officers during their interviews than murderers. As a result, Holmberg and Christianson categorized police interviewing techniques into one of two styles: (i) *dominant*, or; (ii) *humane*. The *dominant* approach was characterized by impatience, aggressiveness, hostility and condemnation, whereas the *humane* approach (e.g., friendly, empathic, co-operative and personal) was associated with more admissions by the suspected offender.

Kebbell *et al.* (2006) found that offenders were more likely to report that they would have confessed to their crime had the police shown empathy towards them and treated them with humanity during the interview. However, both Holmberg and Christianson (2002) and Kebbell *et al.* (2006) rely on offenders' self-reports of what they would have done had they been interviewed in a more empathic manner. Such a methodology has limitations. In the present study, we coded real-life interviews with suspects to establish whether empathy has any relation to the 'quality' of the information obtained. Our model, which is based on the theoretical principles of the 'empathy cycle' outlined by Barrett-Lennard (1981; see Figure 1), focuses on three key variables (empathic *opportunities*, *continuers* & *terminators*) and a fourth variable that we have added and which we refer to as *spontaneous* empathy. But how might such variables emerge during a police interview?

----- Insert figure 1 about here -----

During a police interview, a suspect might provide some kind of empathic information, consciously or otherwise, in the hope that the interviewer will respond. For example s/he might say, “I’m finding this very difficult and I don’t know what to do”. This would be coded as an empathic *opportunity* – in other words, the suspect is providing the interviewer with an *opportunity* to respond. At this point, the interviewer has one of two ways to deal with this information. Firstly, s/he can resonate some, or all aspects, of the information received (e.g., “That’s okay, I understand”) and *continue* the empathic *opportunity* presented. Alternatively, s/he could ignore the comments made or information received completely, or ask an unrelated question in response, thus *terminating* the empathic *opportunity*. Finally, an interviewer could *spontaneously* make remarks of an empathic nature (e.g., “I know this must be really difficult for you, however...”). In their study, and using the above model, Oxburgh *et al.* (2012) analysed 26 actual English police interviews with suspects of child rape and found, firstly, that the use of empathy in interviews was generally very low. Secondly, they found that questioning strategy (the use of *appropriate* versus *inappropriate* questions) appeared to be more important than an empathic approach *per se* in eliciting relevant information from suspects. However, it is not clear whether those findings were unique to that particular sample of suspects – those that we know interviewing officers find it challenging to conduct interviews with. In the present study, we wanted to establish if the same pattern would emerge when interviews with suspects of child sex offences are compared to interviews with suspects of other ‘high stake’ crimes (e.g., child and adult murder)? In order to compare the findings of the present study to those of previous research (e.g., Oxburgh *et al.*, 2012), the types of questions used by interviewers were also coded.

## Question typologies

A large body of academic literature has focused on the effectiveness of different questioning techniques used during police interviews with children and adults, whether witnesses or suspected offenders (e.g., Clarke & Milne, 2001, Clarke, Milne & Bull, 2011; Lamb, Hershkowitz, Sternberg, Boat & Everson, 1996; Milne & Bull, 1999; Myklebust & Bjørklund, 2006, 2009; Oxburgh *et al.*, 2012, 2013; Powell & Snow, 2007; Shepherd, 2007; Shepherd & Griffiths, 2013). There is now overwhelming acceptance that using open-ended questions (e.g., those starting with ‘Tell’, ‘Explain’, ‘Describe’) encourage interviewees (adults and children) to freely recall events, which, in turn, are also associated with more full and accurate accounts (Aldridge & Cameron, 1999; Cederborg, Orbach, Sternberg & Lamb, 2000; Davies, Westcott & Horan, 2000; Griffiths & Milne, 2006; Korkman, Santilla & Sandnabba, 2006; Lamb *et al.*, 1996; Loftus, 1982; Milne & Bull, 1999, 2006; Moston, Stephenson & Williamson, 1993; Myklebust & Bjørklund, 2006; Pipe, Lamb, Orbach, & Esplin, 2004; Powell & Snow, 2007; Shepherd, 2007; Sternberg, Lamb, Esplin, Orbach, & Hershkowitz, 2002). Such accounts should then be followed by more ‘probing’ forms of questions (e.g., 5WH questions - ‘what’, ‘when’, ‘where’, ‘why’, ‘who’ and ‘how’). Indeed, these forms of questioning are undoubtedly the most productive or *appropriate* to use in all police interviews (see Oxburgh *et al.*, 2012). Conversely, *inappropriate* questions, including those classified as *closed*, encourage interviewees to respond on the basis of recognition memory, rather than on the basis of free recall, which can dramatically increase the probability of error in the answers provided (Dent, 1982, 1986; Dent & Stephenson, 1979; Lamb & Fauchier, 2001; Orbach & Lamb, 2001; for a review see Oxburgh, Myklebust & Grant, 2010).



In order to address these issues, in the present study, each question that was asked by an interviewer was coded (see Method section) and then classified as either *appropriate* or *inappropriate*. The proportion of *appropriate* and *inappropriate* questions was then calculated for each interview to see if this had any impact on the amount of information obtained.

Based on psychological theory and findings from previous research, we hypothesised that: (i) interviews in which empathy was used by an interviewer would not contain more items of relevant information than non-empathic interviews; (ii) that responses to *appropriate* questions would contain more items of relevant information than responses to *inappropriate* questions; (iii) empathy would be less prevalent in child sex offences interviews compared to interviews with suspects of child and adult murder, and finally, (iv) that interviews which were classified as empathic would contain more *appropriate* questions. The reason for focusing on these crimes is that they are most likely the hardest for the suspect to admit to and discuss at interview (see Gudjonsson, 2006).

## **Method**

### **Sample**

Following the receipt of all necessary ethical approval, one large English police force agreed to provide audio-tapes and transcripts of actual interviews (N=59) with suspects of child murder ( $n=20$ ), child sex offences ( $n=20$ ) and adult murder ( $n=19$ )<sup>1</sup>, all of which were

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<sup>1</sup> These data are unique and have not been used in any previous research.

conducted between 2003 and 2007. In some interviews, there were solicitors<sup>2</sup>, appropriate adults and interpreters present in addition to the interviewing officers (see table 1).

----- Insert table 1 about here -----

In accordance with the Professionalising the Investigation Programme (PIP) in England and Wales, all participating officers had to be at least PEACE PIP level two<sup>3</sup> and regularly employed on investigations that involved the aforementioned crimes. PEACE is the mnemonic acronym given to the model of interviewing used in England and Wales and other countries (including Norway, Australia and parts of Canada; **P**lanning and Preparation; **E**ngage and Explain, **A**ccount; **C**losure, **E**valuation) (e.g., Clarke & Milne, 2001, Clarke *et al.*, 2011; Milne & Bull, 1999). For legal reasons, all interviews in our sample were from investigations that had been categorised as ‘closed’ and had already been processed through the judicial system. The participating police force provided additional information including: (i) interview length; (ii) the interviewing officers’ gender; (iii) additional persons present, and; (iv) the gender of the victim.

### **Coding of interviews**

The interviews (N=59) were received in paper format, with accompanying audio-tapes, and, following full anonymisation, detailed coding took place. The first variable coded was the presence of empathy. For the purpose of the present analyses, an empathic interview was defined as one containing at least one empathic *opportunity* that was *continued*, or one

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<sup>2</sup> In England & Wales, all suspects are entitled to have a solicitor or other legal representative present during their police interview.

<sup>3</sup> In England & Wales, under the 2007 Professionalising the Investigation Programme (PIP), there are four ‘levels’ of PEACE interview training for officers, with PIP Level 2 being for dedicated investigators (e.g., detectives) who plan, conduct and evaluate interviews with suspects for serious and complex investigations.

which contained *spontaneous* empathy - when officers use empathy without any prompting (or *opportunities*) from the suspect. Examples of empathic exchanges between interviewer and interviewee in each category (e.g., *opportunities*, *continuers*, *terminators*, and *spontaneous* empathy) are provided in table 2. The number of instances of *spontaneous* empathy, *empathic opportunities*, *continuers*, and *terminators* were counted in each interview.

----- Insert table 2 about here -----

The next set of variables coded was the type of questions used by the interviewers. These were categorised into nine sub-types, divided into the two broad categories of *appropriate* and *inappropriate*. The number and type of questions were counted for each interview. A full breakdown of each question type is available in table 6.

The final variable coded was the amount of investigation relevant information obtained during the interview. The coding scheme was adapted from those used in previous studies (e.g., Hutcheson, Baxter, Telfer & Warden, 1995; Lamb *et al.*, 1996; Milne & Bull, 2003; Yuille & Cutshall, 1986 – see also Oxburgh *et al.*, 2012). The scheme included items in the following categories: **Person** information; **Action** information; **Location** information; **Item** information; and **Temporal** information. Each item of information was counted once and repetitions, as in previous studies, were ignored. All items of information elicited in each category were summed to provide a total score for that category and all categories were then summed to provide a total information score.

Four raters independently coded 30% of the transcripts, including: (i) question type; (ii) prevalence of empathy; and, (iii) amount and type of IRI. Inter-rater reliability was assessed using the percentage of agreement method and was 94%, which was deemed acceptable.

## **Description of sample**

Initial analysis of the interviews found no evident breaches of the Police and Criminal Evidence Act (PACE) Act (1984)<sup>4</sup> (e.g., nothing said or done which would make the interviews inadmissible in evidence). Although two police officers were present in each interview, only the details relating to the main interviewer were recorded. A total of 44 interviews (75%) were conducted by male officers, with 15 (25%) conducted by female officers. The mean lengths of the interviews were: (i) child murder = 74mins (SE=9.76, range 12-169mins); (ii) child sex offences = 80.25mins (SE=13.01, range 15-203mins); (iii) adult murder = 115.11mins (SE=16.70, range 28-315mins).

## **Results**

### **Data screening**

As expected with real life data, exploratory analyses revealed wide variation in interview length (M = 89 minutes, range 12 - 315 minutes in length). To control for these differences, the number of each question type, instances of empathy, and the amount of investigation relevant information reported was corrected for length of interview. In addition,

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<sup>4</sup> The PACE Act is the primary legislation in England and Wales for the detention and treatment of suspected offenders.

given that not all parametric assumptions were met, non-parametric analyses were used throughout.

## General

The second step in the analysis was to check for any systematic differences between ‘comment’ and ‘no comment’ interviews<sup>5</sup>. In other words, was there anything systematic about either the type of offence, the gender of the interviewing officer, or the presence of a solicitor that might have led to a particular suspect choosing to utilise their right to go ‘no comment’? The breakdown of ‘comment’ and ‘no comment’ interviews are detailed in table 3. For the purposes of the analyses presented below, denials, partial confessions and full confessions were coded as ‘comment’ interviews.

----- Insert table 3 about here -----

The first point to note is that there was a solicitor present in all 23 cases where an interviewee exercised their right to say nothing. In contrast, nine out of the 36 ‘comment’ interviews (4 denials and 5 full confessions) were conducted with no solicitor present. Chi-square analyses revealed that the offence type was not associated with whether the interviewee decided to say nothing during their interviews ( $\chi^2(2, N=59) = 1.06, p > .05$ ), and neither was the gender of the interviewer ( $\chi^2(1, N=59) = .07, p > .05$ ), nor the gender of the interviewee ( $\chi^2(1, N=59) = .02, p > .05$ ).

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<sup>5</sup> In England and Wales, persons being formally interviewed as a suspect have a fundamental right in law not to answer any questions put to them by the police, although a court may draw an inference from their silence. These are referred to as ‘No Comment’ interviews.

## The amount of investigation relevant information reported

The next step of our exploratory analysis was to establish the amount of relevant information reported during each interview as a function of offence type. For this analysis, all *no comment* interviews ( $n = 23$ ) were excluded (because in *no comment* interviews, no IRI would be present). The remaining 36 interviews contained a total of 7,742 items of relevant information ( $M=215.06$ ,  $SE=22.75$ ), which was broken down by offence type as follows: *child murder* ( $n=11$ ,  $M=207.55$ ,  $SE=29.77$ ); *child sex offences* ( $n=14$ ,  $M=203.64$ ,  $SE=41.55$ ); *adult murder* ( $n=11$ ,  $M=237.09$ ,  $SE=45.99$ ).

----- Insert table 4 about here -----

Although, as shown in Table 4, interviewees reported more ‘person’ details across all offence types than any other type of relevant information, Kruskal-Wallis tests revealed that the number of items of relevant information reported by the interviewee did not differ significantly as a function of offence type: **Person information** ( $H(2) = 2.96$ ;  $p > .05$ ); **Action information** ( $H(2) = 1.58$ ;  $p > .05$ ); **Location information** ( $H(2) = 4.79$ ;  $p > .05$ ); **Item information** ( $H(2) = 3.05$ ;  $p > .05$ ); **Temporal information** ( $H(2) = 2.14$ ;  $p > .05$ ); **Total relevant information** ( $H(2) = 4.07$ ;  $p > .05$ ).

## The presence of empathy in interviews

The next aspect of the analysis focussed on the presence of empathy. In the current sample, 39 (66%) of the 59 interviews did not contain any examples of *opportunities*, *continuers* or *terminators* and, thus, statistical analyses were not possible using these variables. Interviews were instead categorised as ‘empathic’ or not, on the basis of whether

they contained any instances of *spontaneous* empathy. This is because even in a 'no comment' interview, the interviewer still has the opportunity to display *spontaneous* empathy whereas, in a 'no comment' interview, no empathic *opportunities* (i.e., from the suspect) will present themselves to be either *continued* or *terminated*. *Spontaneous* empathy was scored dichotomously (*Yes/No*; see Oxburgh & Ost, 2011; Oxburgh *et al.*, 2012). From the total sample (N=59), 25 interviews (42%) contained at least one instance of *spontaneous* empathy.

Chi-square analysis was conducted to establish if there was any relationship between the interviewing officers' use of *spontaneous* empathy and the offence type the suspect was being interviewed about. Although non-significant ( $\chi^2(2) = 3.97$ ;  $p > .05$ ), there was a trend for interviewing officers to exhibit fewer examples of *spontaneous* empathy in child sex offence interviews (*No*=15; *Yes*=5), compared to adult murder (*No*=10; *Yes*=9) and child murder (*No*=9; *Yes*=11) interviews.

### **Empathy and investigation relevant information**

The next analysis was conducted to establish whether interviews, which were categorised as *empathic*, contained more items of relevant information than those that were not. For this analysis, all *no comment* interviews ( $n = 23$ ) were excluded (because in *no comment* interviews, no relevant information would be present). A series of Mann-Witney tests revealed no significant differences between interviews containing instances of *spontaneous* empathy and those that did not based on the number of items of IRI reported by the interviewee: **Person information** ( $U=111$ ,  $N^1=25$ ,  $N^2=15$ ,  $p=.136$ ); **Action information** ( $U=138$ ,  $N^1=21$ ,  $N^2=15$ ,  $p=.531$ ); **Location information** ( $U=113$ ,  $N^1=21$ ,  $N^2=15$ ,  $p=.153$ ); **Item information** ( $U=136.50$ ,  $N^1=21$ ,  $N^2=15$ ,  $p=.500$ ); **Temporal information** ( $U=138$ ,  $N^1=21$ ,

$N^2=15$ ,  $p=.531$ ); **Total relevant information**  $U=131.50$ ,  $N^1=21$ ,  $N^2=15$ ,  $p=.395$ ). The mean total relevant information in each empathic interview (corrected for interview length) is shown in table 5.

----- Insert table 5 about here -----

### **The use of *appropriate* and *inappropriate* questions**

Questions were broadly categorised into nine different types, which were then divided into *appropriate* and *inappropriate* categories, with the number and type of questions counted for each interview (see Table 6). A Wilcoxon analysis revealed that more *inappropriate* questions were asked in each interview (corrected for interview length) than *appropriate* questions ( $W(58)=59$ ,  $Z=-5.95$ ,  $p<.001$ ) and this held for both 'comment' ( $W(35)=36$ ,  $Z=-4.66$ ,  $p<.001$ ) and 'no comment' interviews ( $W(22)=23$ ,  $Z=-3.832$ ,  $p<.001$ ).

----- Insert table 6 about here -----

Our next analysis focussed on whether officers used more *appropriate* or *inappropriate* questions dependent upon the type of offence. Focusing on the 'comment' interviews first ( $n=36$ ), two Kruskal-Wallis tests revealed no significant difference in the use of *appropriate* questions ( $H(2)=0.54$ ;  $p>.05$ ), but a significant difference was evident in the number of *inappropriate* questions ( $H(2)=8.25$ ;  $p<.05$ ) as a function of offence type. Specifically, in 'comment' interviews, interviewers asked more *inappropriate* questions in child sexual offences interviews, followed by adult murder interviews, then child murder interviews. Bonferroni-corrected Mann-Whitney tests revealed significant differences



between child sex offences and child murder ( $U = 106.00, p < .05, r = -.40$ ), but no significant difference between child sex offences and adult murder ( $U = 152.00, p = .29, r = -.16$ ), or between child murder and adult murder ( $U = 159.00, p = .384, r = -.14$ ). This means that interviewers ask significantly more *inappropriate* questions with suspects of child sex offences than suspects of child and adult murder.

In relation to the 'no comment' interviews ( $n=23$ ), further independent samples Kruskal-Wallis tests were conducted, which revealed no significant differences in either *appropriate* ( $H(2)=0.42; p > .05$ ) or *inappropriate* ( $H(2)=4.13; p > .05$ ) questions as a function of offence type. In order to establish if one category of question elicited higher amounts of relevant information (e.g., *appropriate* or *inappropriate*), all 'no comment' interviews ( $n=23$ ) were excluded from the analysis (because in these cases, no relevant information would be present). A Wilcoxon test revealed that in 'comment' interviews, significantly more items of relevant information were elicited from *appropriate* questions ( $M=1.53, SE=.173$ ) than *inappropriate* questions ( $M=.93, SE=.083$ ) ( $W(35)=36, Z=-3.69, p < .001$ ).

Finally, we wanted to establish if interviewers who *spontaneously* showed empathy also used different question types. A Mann-Whitney test on the entire sample ( $N=59$ ) revealed that interviews which contained examples of *spontaneous* empathy also contained a higher number of *appropriate* questions ( $M=1.66, SE=.188$ ), than those interviews that did not ( $M=1.14, SE=.161$ ) ( $U=262, N^1=34, N^2=25, p < .05$ ). There was no difference in the number of *inappropriate* questions asked as a function of whether the interview was rated as containing examples of *spontaneous* empathy ( $M=2.73, SE=.293$ ) or not ( $M=2.64, SE=.272$ ) ( $U=390, N^1=34, N^2=25, p > .05$ ).

## Discussion

Given the limited research that has previously been conducted on interviews relating to suspects of sexual offences and murder, and the ‘apparent’ usefulness of empathy in investigative interviews (Holmberg & Christianson 2002; Kebbell *et al.*, 2006; see also Benneworth, 2007), the overall aim of the present study was to establish the efficacy of empathy and question type during real-life interviews of suspects of high-stake crimes, and whether this had any impact on the amount of relevant information elicited. In summary, in interviews where the suspect chose to answer questions, there was no difference in the number of *appropriate* questions asked of interview as a function of offence type. However, interviewers asked significantly more *inappropriate* questions in interviews with suspects of child sex offences, than child murder. In those interviews where the suspect utilised his/her right to say nothing during the interview, no differences were found in the number of *appropriate* or *inappropriate* questions asked as a function of offence type. Interviews in which *spontaneous* empathy was shown by the interviewer did not contain any more items of relevant information than those interviews in which *spontaneous* empathy was not shown. The conclusion, at least in the present sample, is that across all three offence types, the use of *appropriate* question types appears to be more beneficial in eliciting a greater amount of relevant information than the use of empathy *per se*.

Although research in this area is limited, there are two distinct strands emerging, with some focusing on either the offenders’ perspective of the interview process (e.g., Holmberg & Christianson, 2002; Kebbell *et al.*, 2006), the obtaining of confessions (Beauregard, Deslauriers-Varin, & St-Yves, 2010; Kebbell, Alison & Hurren, 2008), or both. The present authors would argue that, in line with the principles of ethical interviewing, the primary goal

of an investigative interview is not to obtain a confession *per se*, rather, it is to obtain accurate, relevant and complete accounts to provide the investigation team with relevant information to enable them to proceed with their enquiry (Milne & Bull, 1999; Williamson, 1993). Whilst the importance of the suspect's perspective of their police interviews must be acknowledged, the analysis of actual interviews is paramount and provides vitally important data that can be used to assist police forces worldwide on how to improve their interviews.

### **The presence of empathy**

Fewer than half the interviews ( $n=20$ ; 34%) contained empathic *opportunities* and so, instead, we classified an interview as being empathic if it contained at least one occurrence of *spontaneous* empathy. However, there was no significant difference in the occurrence of *spontaneous* empathy as a function of offence type, although there was a trend toward officers showing this type of empathy most frequently in child murder interviews, and least frequently in child sex offence interviews. This offers some support for the findings by Holmberg and Christianson (2002) and Kebbell *et al.* (2006) because they too found that in interviews of suspected murderers, officers were more 'humane' towards the suspected offenders than in cases of child sexual offences. Despite these trends, no significant differences were found in the amount of relevant information elicited as a function of whether the interview was classified as empathic or not. As such, no evidence was found to support the overall arguments made by Holmberg and Christianson (2002) and Kebbell *et al.* (2006) that *empathic* interviews should be 'better' on some measure than *non-empathic* ones. Of course, this could be due to various factors, including: (i) the relatively low use of empathy in the present study – which is worthy of note in itself; (ii) that the definition of empathy put forward in the present study does not capture what Holmberg and Christianson, and Kebbell

*et al.* meant by empathy, and; (iii) that in the present study, confessions by the suspect were not included in the analysis (contrary to the studies by Holmberg and Christianson, and Kebbell *et al.*). This was because in England and Wales, where the present study was conducted, police officers do not conduct investigative interviews to obtain confessions (Milne & Bull, 1999).

Of course, empathy is not just about counting the number of times *spontaneous* empathy is used (or counting the number of empathic *opportunities*, *continuers* and *terminators* within interviews) – it is a far more complex psychological construct than we have been able to capture from interview transcripts and audio-tapes (see Barrett-Lennard, 1981; Baron-Cohen, 2011; Barone *et al.* 2005; Gladstein, 1983; Davis, 1983). Neither is an *empathic* (or *non-empathic*) approach confined solely to the interview room, rather, researchers need to consider other important aspects, including the arrest and custody procedure which takes place before the investigative interview is undertaken – such processes could have a dramatic effect on the subsequent investigative interview. That said, the present research is the first to attempt to capture the *empathic* interviewing approach using audio-tapes and transcripts of actual interviews with suspects of murder and sexual offences.

### **Question typologies**

In line with existing research (e.g., Davies *et al.*, 2000; Myklebust & Bjorklund, 2009; Oxburgh *et al.*, 2012), we found that significantly more items of relevant information were elicited from *appropriate* questions than *inappropriate* questions. We also found that where suspects chose to answer questions (e.g., ‘comment’ interviews), there was a significant effect of offence type on the number of *inappropriate* questions asked. In those interviews

where suspects refused to answer questions (e.g., where they utilised their right to go ‘no comment’), there was no difference in the use of *appropriate* or *inappropriate* questions. We also found that interviews that contained more empathy also contained more *appropriate* questions. However, this finding needs to be interpreted cautiously because it is not known whether such a relationship is causal (e.g., empathic interviews ‘cause’ officers to use more *appropriate* questions) or whether another variable was operating (e.g., officers who use more empathy, also use more *appropriate* questions perhaps by virtue of their personality, training or prior experience with that type of offender; e.g., Rich & Seffrin, 2012).

### **Limitations of study and future directions**

Although this study was based on actual police interviews of persons accused of committing ‘high-stake’ crimes, these data were obtained from only one large English police force and the sample size was relatively small (N=59). Although all interviews in the sample had accompanying audio-recordings, there were no video-recordings and thus, we were only able to analyse question type, empathy and information obtained on a purely literal level (Dickson & Hargie, 2006), which is somewhat limited. This is because relevant factors might well be present (and code-able) from video recordings of interviews that cannot be coded from audio-tapes or transcripts (e.g., non-verbal communication). It is recommended that future research should not just focus on the investigative interview by counting question types, incidents of empathy and the amount of relevant information elicited, but should include non-verbal communication (from the police and suspect) from the initial arrest, custody procedure, through to, and including, the final interview. Such research could also include question semantics (e.g., the content) and pragmatics (e.g., the intent) to provide more detailed and deeper analyses (Oxburgh *et al.*, 2010). This will ensure research

encapsulates the entire process and not just one aspect. We accept, however, that this could be difficult given the nature and sensitivity of such cases and the problems associated with academic researchers obtaining access to relevant and meaningful data.

### **Recommendations for practice**

Given the lack of ecologically valid research on the efficacy of empathy in police interviews to obtain relevant information, it is perhaps understandable why police officers appear to receive very little training (if any) on the usefulness of it. According to the psycho-medical literature, there is no doubt that empathy can be an effective tool, however, practitioners can only develop the skill if properly instructed on the processes involved (Barone *et al.*, 2005). Unfortunately, as shown by Oxburgh *et al.* (2013), there appears to be no clear understanding of the definition of empathy by police officers. The present research has found that use of empathy is limited in police interviews and its effectiveness in obtaining increased items of relevant information questionable. Thus, before advising that empathy is a useful tool, further research should be conducted.

### **Conclusion**

The present study showed that the spontaneous use of empathy (by itself) by police interviewers had no impact on the amount of relevant information obtained in interviews with suspected offenders of child murder, child sex offences and adult murder, but when used with *appropriate* questions, the results on information obtained were significant. This replicates the findings of Oxburgh *et al.* (2012), but fails to support the suggestions of Holmberg and Christianson (2002) and Kebbell *et al.* (2006) that using empathy, by itself, in interviews

might produce some kind of better quality interview – however, as previously stated, this finding should be treated cautiously. The present research also supports previous research regarding the use of different question types, which suggests that asking *appropriate* questions in interviews leads suspects to disclose significantly higher amounts of information that may be relevant to the investigation (see Myklebust & Bjorklund, 2006, 2009; Oxburgh *et al.*, 2012; Phillips, Oxburgh, Gavin & Myklebust, 2011).

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