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THE SCIENCE OF INTERVIEWING

P.E.A.C.E.
A DIFFERENT APPROACH TO INVESTIGATIVE INTERVIEWING

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'The Science of Interviewing'
A Different Approach to Investigative Interviewing

About Us

Forensic Interview Solutions FIS® is a collaborative team of international experts specializing in P.E.A.C.E investigative interviewing. We have developed a global reputation in delivering customized training and consultancy solutions to public and private sector organizations.

We believe in the forensic application of the 'science of interviewing' in the workplace, to improve investigative decision-making, efficacy and quality.

We are the leading global provider and preferred supplier of ethical investigative interviewing scenario based training in the marketplace.

Jonathan Davison BA (Hons)

Jonathan Davison has more than 12 years of investigation and interview experience as a detective with Greater Manchester Police. In his last role with Greater Manchester Police, he was an Advanced Specialist Tier 3 Interviewer and a qualified trainer in the field of investigative interviewing. Davison is the founder and CEO of Forensic Interview Solutions FIS®.

Investigative Interviewing

A critical component of any investigation is the ability of investigators to obtain accurate and reliable information from victims, witnesses and the suspects or any interviewee.

The interview process is an essential part of the information gathering procedure for any investigation.

The importance of improving the quality of the interviewing with the potential for visual recording of all interviews should be placed high on the agenda of all organizations across the globe.

'Solid interviewing skills stand as the cornerstone in law enforcement's arsenal of crime-fighting weapons.' (Einspahr, 2000, p20).

Interviews that are professionally undertaken and quality assured can have several advantages for your organization.

They:

• Direct an investigation

• Support the prosecution case, which saves time, money and resources

• Increases public confidence in your organization.

(NPIA 2009)

In this paper we will examine the evolution of investigative interviewing, the benefits of adopting the P.E.A.C.E investigative interviewing approach and consider the principles of conducting investigative interviews.

What Is Investigative Interviewing?

As with every conversation, it involves a relationship between two people.

In an investigations context, the term 'investigative interviewing' is used instead of 'interrogation' for questioning any interviewee.

Interviewing is a much broader concept than interrogation, originally meaning an occasion when two people can examine each other's views (hence 'inter-view').

The term 'interviewing' has largely taken over from 'interrogation' to describe the task of obtaining information from witnesses or suspects (the interviewee).

The term 'interrogation' has negative connotations arising from its association with oppressive tactics and false confessions.

Investigative Interviewing is a more suitable term in the context of any investigation with its definition being:

'Investigative interviewing is the questioning of victims, witnesses, and suspects (interviewee) to obtain complete, accurate and reliable information to discover the truth about the matter under investigation'.

Know Your Audience—The Personal Approach

Adopting an assured personal approach in which matters can be raised openly and without embarrassment does not come naturally to many interviewers. However, it is not true that one must be "born" with it and that training cannot help. People can be taught to interview in this way, and it is very effective in encouraging people to discuss what they might otherwise be reluctant to talk about.

A Scandinavian psychologist compared interviewers who adopted either a formal or a personal approach. The results clearly showed that interviewees who experienced the personal interview approach were more forthcoming, more accurate, and as a result more relevant than those interviewed in a formal style. When interviewed in the personal style, they felt more inclined to be helpful to an interviewer who showed a friendly, helpful interest in them and were less suggestible. They became sticklers for the truth and defended their own views more than those people interviewed in the formal way.

History of Investigative Interviewing

Over the years studies have identified that amongst public and private organizations conducting investigations there was a culture of expediency in undertaking investigations and confirmation bias.

Confirmation bias means to question and interpret information provided during the interview as a confirmation of the interviewers' existing beliefs or case theories.

This culture was often the primary influence in dysfunctional and unethically conducted investigations, particularly in how interviews were conducted with witnesses and suspects of the investigation.

In addition to the detected confirmation bias, many interviews had a foundation based in interrogation-based practice – a confession culture, with obtaining a confession from a suspect being the only objective of the interview.

These practices attempt to sap the interviewee's will, to render them silent and compliant; to give up resisting, to give in and to give the interviewer what was demanded.

This conduct was found to be oppressive and during interviews suspects were being induced to say things that they otherwise would not say or they may falsely confess to offences they had not committed.

This has found to breach ethical practices, be ineffective and cause harm to the:

- individuals on the receiving end
- reputation of the investigating agency
- public perception of the investigating agency
- public faith in the criminal, civil or administrative justice systems.

Origins of P.E.A.C.E.

In England and Wales in the 1970s and 1980s the national Court of Appeal decided that in a number of very high profile cases people who had been convicted of serious crimes had made confessions that were not 'voluntary'.

So, in the early 90s, a collaborative effort between law enforcement and psychologists in England and Wales developed an investigative interviewing framework to stem the proliferation of false confessions that were resulting from an accusatory style of interviewing and to make interviews less confrontational and more transparent.

In 1992, Professor John Baldwin (a leading researcher into investigative interviewing) was part of this collaborative effort and published a report based on police interviews in which he stated that:

"The main weaknesses that were identified were a lack of preparation, a general ineptitude, poor technique, an assumption of guilt, unduly repetitive, persistent or labored questioning, a failure to establish the relevant facts and the exertion of too much pressure."

These comments reflected police interviews that frequently led directly or indirectly to cases being lost at court thus highlighting the needs to train investigators to conduct interviews with professionalism and integrity at all times.

Professor Baldwin's model of investigative interviewing addressed these issues and is now an internationally accepted method of conducting investigative interviews known as P.E.A.C.E. model.

This framework known as the P.E.A.C.E model has been widely praised and adopted by numerous law enforcement, regulatory agencies, and private and public sectors throughout the world in conducting investigative interviews.

The acronym - P.E.A.C.E - summarizes and assists remembrance of the five stages of managing the interview process:
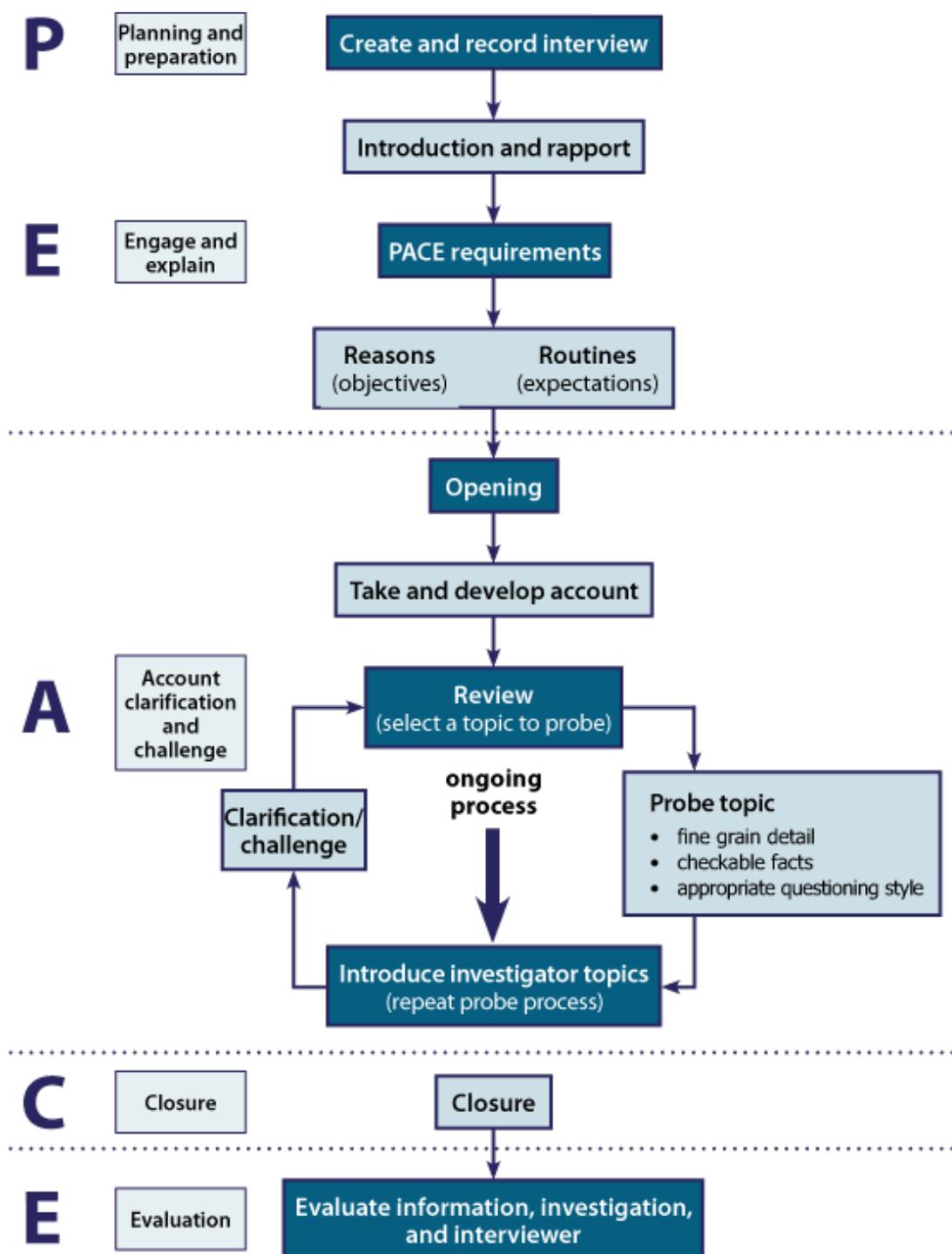
- Preparation and Planning
- Engage and Explain
- Account, Clarification, Challenge
- Closure
- Evaluation.

The P.E.A.C.E model and its application is explained in more detail in our trainings and courses.

While are other investigative interviewing models have been developed to address the issues, none have been as successful as the P.E.A.C.E framework.

The adoption of this method known as P.E.A.C.E and although it has significantly improved the effectiveness of investigative interviewing; it needs monitoring to ensure continuous development.

In recent research, CLARKE and MILNE (2001) state that this development must be reinforced in the workplace by supervision of all types of interviews.

College of Policing (2015)

P — Planning and preparation	Create and record interview
	Introduction and rapport
E — Engage and explain	PACE requirements
	Reasons (objectives) — Routines (expectations)
	Opening
	Take and develop account
A — Account clarification and challenge	Review (select a topic to probe)
	Clarification/challenge — ongoing process — Probe topic: fine grain detail; checkable facts; appropriate questioning style
	Introduce investigator topics (repeat probe process)
C — Closure	Closure
E — Evaluation	Evaluate information, investigation, and interviewer

What are the benefits of adopting the P.E.A.C.E model of investigative interviewing?

The non-accusatory, information gathering approach to investigative interviewing, the P.E.A.C.E model is considered to be best practice and is suitable for any type of interviewee, victim, witness, suspect or interviewee.

In this model, interviewers are encouraged to be fair and open-minded and to pursue reliable, true, and accurate information.

The P.E.A.C.E Framework has evolved and since been adopted by numerous Police forces and agencies worldwide including the United Kingdom, Canada, Hong Kong, Australia, New Zealand, Singapore, Malaysia, United Arab Emirates and the Republic of Ireland.

Principles of Investigative Interviewing

Interviewing is at the heart of any investigation. Interviewing victims, witnesses and suspects is essential to establish the facts on which later decisions are taken.

A set of principles has been established to provide you with an authoritative guide to conducting ethical interviews. These Principles of Investigative Interviewing are based on first guide, which were introduced into UK policing in 1992 (Home Office Circular 22/92) to establish a set of ethical guidance for police officers tasked with interviewing witness, victims and suspects.

These principles were revised in 2007 and published in the National Investigative Interviewing Strategy 2009.

You should approach every interview with these principles in mind and use them to actively examine your own attitudes and behavior. Also think how these principles could be adopted and edited accordingly to your organization.

1. The aim of investigative interviewing is to obtain accurate and reliable information from a victim, witness or suspect of an investigation in order to discover the truth about matters under investigation.

   To be accurate, information should be as complete as possible without any omissions or distortion. To be reliable, the information must have been given truthfully and be able to withstand further scrutiny, e.g., in court.

   Accurate and reliable accounts ensure that the investigation can be taken further by opening up other lines of enquiry and acting as a basis for questioning others.

2. Investigators must act fairly when questioning victims/ victims, witnesses or suspects.

   They must ensure that they comply with all the provisions and duties under the Equality Act 2010 and the Human Rights Act 1998.

   Acting fairly means that the investigator must not approach any interview with prejudice. The interviewer should be prepared to believe the account that they are being given, but use common sense and judgment rather than personal beliefs to assess the accuracy of what is being said.

3. Investigative interviewing should be approached with an investigative mindset.

   Accounts obtained from the person who is being interviewed should always be tested against what the interviewer already knows or what can be reasonably established.

   The main purpose of obtaining information in an interview is to further the enquiry by establishing facts. This point highlights the importance of effective planning in line with the whole investigation.

Interviewers should think about what they want to achieve by interviewing the victim, witness or suspect, and set objectives which will help to corroborate or disprove information already known.

Investigators should try to fill the gaps in the investigation by testing and corroborating the information by other means where possible.

4. Investigators are free to ask a wide range of questions in an interview in order to obtain material, which may assist an investigation and provide sufficient evidence or information.

   Conducting an investigative interview is not the same as proving an argument in court. This means that interviewers are not bound by the same rules of evidence that lawyers must abide by. Although the interviewer may ask a wide range of questions, the interviewing style must not be unfair or oppressive. The interviewer should act in accordance with relevant laws or codes of practice.

5. Investigators should recognize the positive impact of an early admission in the context of the criminal justice system.

   Obviously this principle may not be applicable in some regions but in most commonwealth countries the following benefits could apply:

   Victim *– has an opportunity to claim compensation in respect of an offence that has been admitted by the defendant, detected, and acknowledged by the criminal justice system.*

   Court *– has a fuller and more accurate picture of the offending and is able to sentence more appropriately. There is the potential for savings too as offences can be dealt with promptly without additional court hearings.*

   Defendant *– may receive credit for early admission of guilt. They may be eligible for a lesser sentence – possibly allowing for tailored sentencing and access to rehabilitative programmes, and being able to 'clear the slate' to avoid the risk of subsequent prosecution for other offences.*

   Agency *– gain valuable intelligence, increase detected offences rates, record a fuller picture of offending for possible use in future cases or to support applications for anti-social behavior orders, or other restrictive orders.*

   Prosecution *– has a fuller and more accurate picture of, for example, the offender's criminal history when considering the public interest test, bail decisions, bad character, level of danger, and what information to give the court.*

   Resources *– are used efficiently, and the public's confidence in the criminal justice system is improved.*

6. Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.

An investigator has the duty to obtain accurate and reliable information. A complete and reliable account from witnesses, victims and suspects may not always be easy to obtain.

There may be different reasons why an investigator needs to be persistent:

- *they may have reasonable belief that the interviewee is not telling the truth*
- *they may believe further information could be provided.*

It is acceptable for interviewers to be persistent as long as they are also careful and consistent but not unfair or oppressive.

7. Even when a suspect exercises the right to silence, investigators have a responsibility to put questions to them.

This principle extends the right of an investigator to put questions to those they believe can help them to establish the truth of a matter under investigation.

Suspects have the right to remain silent, but they are warned during the caution or during special cautions of possible adverse inferences being drawn should they choose to exercise that right within England and Wales. Again this principle may not be applicable in America or other countries.

Investigative Mind-set

As an investigative interviewer you will be required to examine and make sense of variety material such as, witness and victim accounts cctv, exhibits, intelligence reports, etc. Having examined the source material, you will need to bring some order to the way you will use it.

The investigative mind-set is an investigative technique that investigators are encouraged to adopt in order to remain open minded throughout the process of an investigation. Its application can lessen the risks of the investigator making premature decisions and developing personal biases. Premature decision-making is often cited as a common cause for miscarriages of justice. Therefore, any technique that could lessen that risk is extremely important to the investigative process and should be critically discussed and evaluated to assess how it can be improved.

An investigative mind-set is a state of mind or attitude; which investigators develop over time. It requires the investigator to apply a set of principles to the investigation, which become a consistent approach to all elements of your investigative processes. Over time the investigator becomes disciplined in applying a consistent approach to decision-making, which can be rationalized and explained to others.

There are five suggested principles of the investigative mind-set:

- Understanding the source of the material
- Planning and preparation
- Examination
- Recording and collation
- Evaluation

Understanding the provenance and characteristics of the source of material is essential in order to conduct an effective examination of it. An interviewer must invest time at the planning and preparation stage in order to fully understand the material that will be at the heart of the questioning of the suspect.

Planning and preparation cannot be over stated. It is potentially the most important aspect of any investigation and especially the investigative interview. Victims and witnesses memory of an event will fade or become contaminated over time therefore it is crucial that they are interviewed as soon as possible. This is also true of many other sources of material.

The examination process can replicate the 'Account Phase' of P.E.A.C.E. in that the process will include the obtaining of an account; clarification of points raised; and where necessary the challenging the reliability of the material. It is here that the investigator should apply the ABC approach:

- **Assume nothing**
- **Believe nothing**
- **Challenge everything**

The Memory Process and Questioning

The Memory Process

Introduction

Human memory is a very complex process. Some of its theories and applications are explained in this section.

Memory is Not Total

Before you read any further, think back to your last journey to work. Try to describe all the vehicles and people you saw during your journey. Unless you live next to your workplace, you will probably find it impossible to recall every vehicle or person that you must have seen. If you travel the same route regularly, the chances are that you were on 'auto pilot' and can remember very little about the journey.

This should demonstrate that memory is not like a video recorder that records everything. In fact, memory is more like a pocket notebook in which you jot down references that will help you to write up a full report later. When you come to write your full report, you will fill in the gaps. To do this you will rely on your knowledge. However, you will also be influenced by your prejudices, opinions, social and cultural background, expectations and even later experiences or conversations.

Your final report, while being truthful, may not be absolutely factual. Memory is selective: people do not remember everything that they see, hear or sense Memory is reconstructed: it is not reproduced like a video recording.

Memory is Organized

To understand this particular point, it will help if you list what you did from the time you woke up this morning to the time you left for work.

Also, ask a friend to list what he or she did in similar circumstances a week ago.

The chances are that both of you will have produced a list which is similar to the following:

- got out of bed
- went to the toilet
- had wash/bath/shower
- shaved/dried hair
- dressed
- put kettle on/made tea or coffee
- had breakfast
- drew curtains
- tidied up/washed dishes
- read mail/skim read newspaper
- got ready for work
- said goodbye to family
- left home.

Most people will produce a similar list. Compare your list with that of your friend. Are they similar?

Could anyone looking at both lists readily tell that they referred to two different people on two separate days?

Memory is organized to assist us to remember. One theory suggests that we organize knowledge in a similar way to a filing system. While completing the list, your recall worked like a clerk. It went to the filing cabinet marked 'daily routine' and opened the drawer marked 'getting up'. Inside it found a number of labelled folders. You have written down the labels as your list.

However, if you looked into each folder you may find a store of detailed information ready to be recalled.

The way memory is organized can have a powerful influence on what is remembered. When you experience a situation, you file the details in your memory. If the experience is repeated, new information may be added. Your memory is reinforced. Regularly repeating the experience influences your memory to the point that you respond without thinking about it. It becomes routine. This may even occur despite the fact that you have subsequently undergone a contradictory experience. The following example may demonstrate this.

Investigators working at an agency were informed that the property office on the first floor was to be moved to the ground floor for a period of two weeks during redecoration. Despite that knowledge, many of the officers continued to visit the first floor office only to be reminded, on seeing the notice on the door that the office had temporarily moved. They had established the normal location of the office through continued use. When they wanted to see the property officer, the more recent information about the ground floor office had not been etched into their memory routine.

We organize the way we store information. In a first attempt to remember an incident or specifics, we are likely to recall broad outlines, but little detail. Because of the way we organize the information stored, we may add or miss unexpected detail in a first attempt to remember what has happened.

Retrieval – Cognitive instruction

Setting the scene

One way you can help yourself and others to recall, is to recreate, as near as possible, the same conditions which existed when the information was stored. Go back to when you woke up this morning. Now mentally put yourself back into bed. How were you feeling? If you were feeling fed up, then feel fed up now. If you were cold, feel cold now. Concentrate on going back and recreate the exact conditions that existed then. Next concentrate on getting a

clear mental picture of what you were doing. Now, take your time, and write down everything you experienced as you relive what you did this morning, from the time you got up until you left for work. Do not edit anything out. You should obtain a fairly detailed account of what you did. Compare this with your original list.

Recall

What you have produced is the result of free recall. Free recall produces information that is invariably accurate.

The more attempts you have at recall, the more you will remember. It is impossible to remember everything at once. As interviewers we need to ensure that we increase the amount of accurate 'freely recalled' information, and minimize the need for questions.

The Way People Remember Varies

Experience shows that the ability of witnesses to remember varies. There may be several reasons for this. Firstly, some people are naturally better at remembering certain facts than others. Secondly, the more attention that we pay to the 'to be remembered' event, the more detail we are likely to encode. Also, rehearsal of detail is likely to strengthen the 'memory', making it harder to forget. Conversely, over a prolonged period of time, a failure to refer to an event may cause memory relating to it to deteriorate.

Influences on Memory Reconstruction

Assumption

This is where the Frame of Reference really has an effect on memory storage. Consider some of the contents of your Frame of Reference:

- upbringing
- attitudes
- beliefs
- knowledge
- values
- education
- prejudice
- stereotypes

All this can cause people to store in their memory, as having happened, something they merely expected to happen or they assumed happened. Trying to remember an incident completely can be hard work. If you recognize something about which you think you already have information in the forefront of your mind (frame of reference), it is terribly tempting to be satisfied and stop digging further.

It would be so much easier to use your previous knowledge, stereotypes, prejudices, beliefs, assumptions or expectations of what actually happened to save the effort of going further. Certainly this would be easier. Indeed, it is as a common characteristic of memory recall as it is of memory storage, but it is not accurate.

Accurate memory recall relies upon the individual making the effort to sift to the very depths of his or her memory store for the information - not short-cutting the process. Unfortunately, many people do short-cut the process. One of the skills of good interviewing is to prevent that short-cut process.

Effective Interview Communication

Communication and perceptions are inextricably linked. How we communicate to our colleagues, boss, subordinates, friends and partners will depend on our perception of them.

Research into questioning has shown that several factors influence the outcome of an interview with a suspect, one of the most important is the attitude of the investigator. The interview technique will also have a bearing on the interview.

Betari Box

The Betari Box, is a model that helps us understand the impact that our own attitudes and behaviors have on the attitudes and behaviors of the people around us.

Our attitude plays a large role in the behavior we exhibit. When we're feeling motivated and positive, we smile, we complement our team, and we empower those around us. When we're feeling negative, the reverse is often true – we can be impatient, we get angry at our people, and we might even yell or argue.

These behaviors often affect the people around us. They then turn those negative behaviors back on us, and the conflict gets worse.

Remember that your attitude, good or bad, affects everyone around you, including the suspect.

Transactional Analysis (TA)

Transactional Analysis (TA) is one of the most popular ways of explaining the dynamics of interpersonal communication. It is a theory that encompasses personality, perception and communication.

Personality is made up of three ego states that are revealed in distinct ways of behaving. The ego states manifest themselves in gesture, tone of voice and action, almost as if they are different people within ourselves.

The three stages are:
- Parent
- Adult
- Child

At the core of Berne's theory is the rule that effective transactions (i.e. successful communications) must be complementary. They must go back from the receiving ego state to the sending ego state. For example, if the stimulus is Parent to Child, the response must be Child to Parent, or the transaction is 'crossed', and there will be a problem between sender and receiver.

If a crossed transaction occurs, there is an ineffective communication. Worse still either or both parties will be upset. In order for the relationship to continue smoothly the agent or the respondent must rescue the situation with a complementary transaction.

In serious break-downs, there is no chance of immediately resuming a discussion about the original subject matter. Attention is focused on the relationship. The discussion can only continue constructively when and if the relationship is mended.

Here are some simple clues as to the ego state sending the signal. You will be able to see these clearly in others, and in yourself:

Parent

- Physical - angry or impatient body-language and expressions, finger-pointing, patronising gestures,
- Verbal - always, never, for once and for all, judgmental words, critical words, patronising language, posturing language.
- N.B. beware of cultural differences in body-language or emphases that appear 'Parental'.

Child

- Physical - emotionally sad expressions, despair, temper tantrums, whining voice, rolling eyes, shrugging shoulders, teasing, delight, laughter, speaking behind hand, raising hand to speak, squirming and giggling.
- Verbal - baby talk, I wish, I dunno, I want, I'm gonna, I don't care, oh no, not again, things never go right for me, worst day of my life, bigger, biggest, best, many superlatives, words to impress.

Adult

- Physical - attentive, interested, straight-forward, tilted head, non-threatening and non-threatened.
- Verbal - why, what, how, who, where and when, how much, in what way, comparative expressions, reasoned statements, true, false, probably, possibly, I think, I realise, I see, I believe, in my opinion.

In any investigative interview setting we should always strive for the adult ego state even when the interviewee moves to parent. If we see the interviewee operating in the child ego state then this may be indicator of vulnerability, but not always.

Questioning Skills

Introduction

The object of questioning is to discover the truth about the matter under investigation, to gather information and to obtain evidence. A knowledge of questioning technique is a necessity for effective interviewing.

The subject is considerable, but an outline is sufficient for your current needs.

Questions should be:

- simple words used should be easily understood
- short long-winded questions may be misinterpreted.

Questions should be put:

- logically - they are less confusing in a logical sequence
- singularly - put one question or make one point at a time
- politely - being polite, quiet and calm will lessen the likelihood of unnecessary confrontation
- set calmly the tone of the interview and heighten your status with the other person.

Use of Silence

Silence in an interview can be unnatural and uncomfortable for both interviewer and interviewee alike. We all have a natural urge to fill pauses and gaps. Having asked a question, pause so that the interviewee may process it. During such pauses, interviewees may then begin to think about how they are going to answer before they actually reply.

Questions which begin with 'Why did you do it?' or 'How do you feel?' require individuals to search for words which will adequately describe why they did it or how they feel. It may take longer for them to begin to answer such questions, so allow them this time.

You should also allow the interviewee and yourself space and thinking time to assimilate information and formulate questions or replies. Breaking eye contact may encourage this to occur. However, a listener who uses an encouraging gesture and refrains from speaking can supportively invite the speaker to continue. When people concentrate hard, they remain silent and normally focus on a neutral space such as the floor or ceiling. Do not interrupt this process and you may obtain that extra piece of information.

Coupled with eye contact, silence can be a powerful tool to prompt an interviewee to speak. After a question has been put to a person who is reluctant to answer, or after receiving a reply which you want elaborating, consider remaining silent. The interviewee may break the silence.

Oppression

Finally, remember that no investigator may try to obtain answers to questions by the use of oppression, so use silence with discretion. Other examples of oppression would include for example asking the same question over and over again (repeat questions) or intimidating the interviewee by using an overly aggressive style of questioning.

Remember the seven principles to investigative interviewing!

Appropriate Questions

Open questions

This is the best kind of question for information gathering. It leads to an open, unrestricted answer. Open questions elicit more free recall and this is found to be the most accurate form of remembering. The answers to open questions are more elaborate and (studies show) more accurate.

Examples- "Tell me everything you remember…." Please describe"…..

This questioning style also minimizes the chances of the interviewer imposing his /her own "view" on the person being interviewed. Some interviewees are very susceptible to suggestion and an interviewer can influence them quite easily and as such impact on their recollection and integrity.

Not all open questions are 5 WH = (Who, Why, What, Where, When and How), they are however good question leads to use and are associated to 'Good Practice'.

T.E.D. = Tell, Explain, Describe - Good examples of very open questions.

Closed Probing Questions

Closed probing questions are the second best type of question. These questions are more specific and tend to be relied on when the interviewee has omitted some detail in the free recall phase.
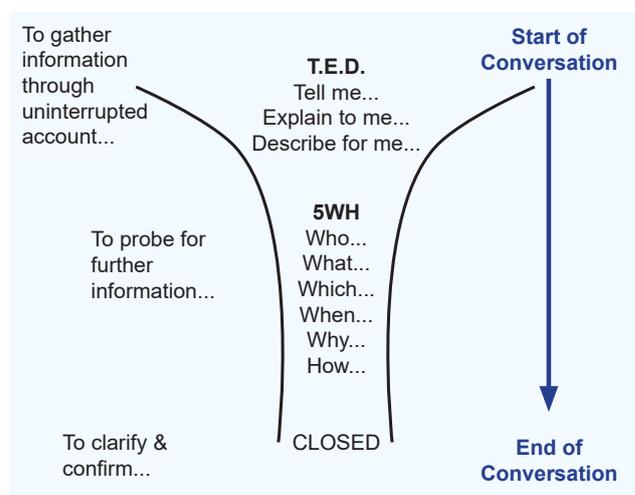
These are specific questions that give a limited response (i.e. one word or short phrase answer.)

Examples-"What color was the car?" "Black". "Who said that?" "Teresa Green"

"Where was that?" "Stanford"

This type of question is advantageous in that it allows the interviewer to assert more control over the interview and minimizes irrelevant detail from the interviewee being provided. However, too many specific closed questions may cause the interviewee to "switch off" and concentrate less. This also gives more scope to the interviewee to provide an incorrect answer (a lie). Opt for open questions first. An overused closed question style will influence the structure and product of the interview, in other words the interviewer will take the interviewee where he or she perceives they are required to go to recover of the facts and may subsequently miss important information on wider issues.

If you were to draw a shape illustrating a questioning sequence it should be like an hourglass. Wide at the top, narrowing down to a closed position and then opening out again.

To gather information through uninterrupted account...

T.E.D.
Tell me...
Explain to me...
Describe for me...

Start of Conversation

To probe for further information...

5WH
Who...
What...
Which...
When...
Why...
How...

To clarify & confirm...

CLOSED

End of Conversation

Notetaker

Introduction

Notetaker system has been developed, after extensive and on-going research to improve the quality of the gathering of information and subsequent analysis by providing a system to help investigators:

• Plan and prepare for interviews and gathering information;

• Take notes during interviews;

• Summarise the information from interviews and other sources; and

• Evaluate the quality of the interviews and sources of information.

The system can also be used to assist enquiries in effective information processing for:

• Briefing and debriefing

• Planning the briefing of HR legal advisers/teams

• Planning the briefing of health professionals

The purpose of this paper is to outline the operating principles and methods of the notetaker system and to consider its applications for improving the quality of information processing.

Operating Principles of the Notetaker System

The notetaker system divides information into four categories:

People

Location(s)

Actions

Time(s)

People

This category refers to all the people referred to by the interviewee, potential witnesses or alleged perpetrators. All the information given by the witness that might be used to identify the person in question, including any names, addresses and descriptions, should be included in this category. Where a name and/or address is given, details as to how the interviewee knew such information should also be included here.

Location(s)

This category refers to the scene(s) of the incident and other locations including those of the interviewee before, during and after the incident took place.

Actions

This category refers to the physical movements and verbal actions of the interviewee and all the people mentioned by the interviewee. During each stage of the verbal and physical action it includes what the interviewee was thinking about at that precise time. It also refers to the description and movement of vehicles and other objects such as weapons.

Time(s)

This category refers to the times reported by the interviewee for the occurrence of the actions and in respect of the locations referred to above.

Operating Methods for the Notetaker System

Two operating methods have been developed to apply the principles of the notetaker system: Spidergraph and Clockface.

Spidergraph

Spidergraph consists of a series of circles drawn up to represent each topic as the interviewee introduces them. Such a topic could be a person, location or action. The initial topic in the majority of interviews is the incident followed by case specific material.

Once identified, the nature of the topic is noted on the inside of the circle. PLAT information relating to the topic is then recorded in a clock-wise direction on a series of "spider's legs" drawn off the circle. The "spider's leg" can then be extended in the event of the information recorded on it leading to the disclosure of further information.
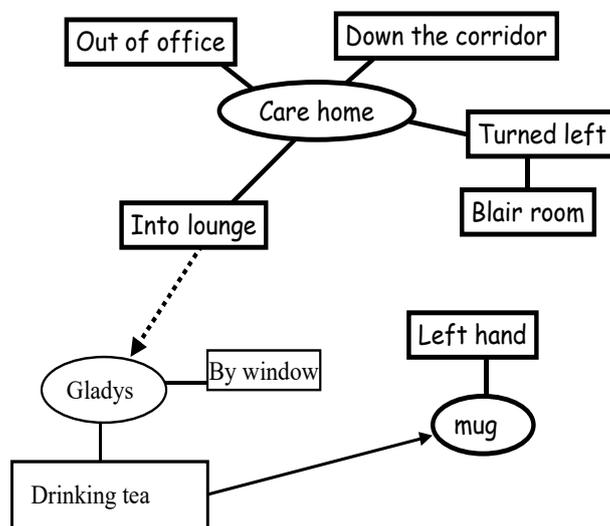

Figure 1 Example of a "Spidergraph"

Clockface

Clockface consists of a circle on the outside of which the numbers 1 to 12 are recorded to represent the hours of the day when an interviewee reports the time(s) for the occurrence of the actions and in respect of the locations.

Plus (+) and minus (-) symbols should be used in circumstances where the interviewee reports approximate time(s) preceded with phases such as "just before" or "not long after".
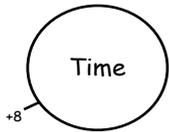
Time

+8

Figure 2 Example of a "Clockface"

Cognitive Interviewing (CI)

What is Cognitive Interviewing?

The CI was initially developed in an attempt to improve witness memory performance by using various techniques derived from cognitive psychology to gain as much correct information as possible without jeopardizing the quality of the information reported.

The original CI comprised a set of four instructions given by the interviewer to the witness:

(i)   Report everything;

(ii)   Mentally reinstate the context;

(iii)   Recall events in a variety of different temporal orders; and

(iv)   Change perspective.

Subsequently, the originators of the Cognitive Interview (CI) Fisher & Geiselman, (1984) found that real-life interviewing of witnesses lacked much that the psychology of interpersonal communication deemed important. They, therefore, developed the Enhanced Cognitive Interview (ECI) (1992).

ECI, which incorporated several new principles from memory research and the social psychology of communication.

The ECI therefore consists of the original CI techniques noted above plus some additional techniques (e.g. transfer of control and witness-compatible questioning).

Application of Cognitive Interviewing

Application of CI in interviewing source, victim or witnesses (key considerations)

The CI was initially developed in an attempt to improve witness memory performance by using various techniques derived from cognitive psychology to gain as much correct information as possible without jeopardizing the quality of the information reported.

The CI/ECI mnemonics typically can only be used with co-operative witnesses. If the witness is not co-operative, then the interviewer should resort to either the phased interview or, as the next step, a more managed communication.

The CI/ECI mnemonics are only intended for use in respect of the memory for an event, they were not developed for use in remembering the kind of background material that usually makes up the case-specific information important to an investigation.

Planning considerations

The purpose of an investigative interview is to ascertain the witness's account of the alleged event(s) and any other information that would assist the investigation. A well-conducted interview will only occur if appropriate planning has taken place. The importance of planning cannot be overstated. The success of an interview and, thus, an investigation could hinge on it. Even if the circumstances necessitate an early interview, an appropriate planning session that takes account of all the information available about the witness at the time and identifies the key issues and objectives is required. Time spent anticipating and covering issues early in the investigation will be rewarded with an improved interview later on.

Planning;

"the mental process of getting ready to interview…"

Preparation;

"considering what needs to be made ready.."

Planning Phase Considerations

• Information about the witness;

• Information about the alleged offence(s); and

• Information important to the investigation

Processes

1. The opening phase of an interview will often determine the success of the interview as a whole. At the outset it is necessary to establish trust and lay the foundations for successful communication. The interviewer is often a person who is unfamiliar to the witness and thus, in order to reduce possible tension and insecurity felt by the witness, it is essential that the interviewer should introduce themselves by name and greet the witness by name (i.e. personalize the interview). Greeting should occur because it is at the heart of effective rapport development, the next step of the interview process.

2. The interviewer needs to treat the witness as an individual with a unique set of needs as opposed to being 'just another witness'. Obtaining maximum retrieval is a difficult task requiring deep concentration. A witness therefore needs to feel that they are an integral part of the interview in order to be motivated to work hard.

3. First impressions count, and the clothing an interviewer wears is a matter that can be considered before an interview. For example, interviewers in too formal attire may have more difficulty in personalizing the interview

and developing rapport, especially when interviewing younger individuals.

Steps

The below steps are seen as critical in the successful application of the model.

Building Rapport and Engaging the Witness

Rapport is essential and good rapport between interviewer and witness can improve both the quantity and quality of information gained in the interview. Rapport therefore has a direct impact on the interview process itself. Rapport is especially important where the type of information required is highly personal. Rapport should not be regarded as something that is confined to the first phase of an interview; it begins when the interviewer first meets the witness and continues throughout the interview.

The witness's anxiety, whether induced by the incident/ event and/or the interview situation (or otherwise), needs to be reduced for maximum remembering. The interviewer therefore needs to start to create a relaxing atmosphere and to make the witness feel secure and confident both with the interviewer and with the interview situation. One way to achieve this is to start by briefly asking some neutral questions not related to the event which can be answered positively and, therefore, create a positive mood.

The use of open-ended questions in the developing of rapport will teach the witness at the earliest phase in the interview what will be required later, i.e. elaborated responses. The interviewer should encourage the witness to speak without interruptions when they are describing a familiar event (e.g. a recent holiday). Thus, rapport is also a 'training' phase of the interview, training the witness what to expect later (i.e. that detailed responses are required).

Opening the Interview: Explaining the Ground Rules

It is important to explain to the witness what is to be expected from them, as for most witnesses an investigative interview is an alien situation. People typically fear the unexpected, and by describing the interview process this fear can be reduced.

The interviewer needs to give an explanation of the outline of the interview. Typically the outline will take the form of the interviewer asking the witness to give a free narrative account of what they remember and following this with a few questions in order to clarify what the witness has said. Witnesses should also be told that:

If the interviewer asks a question that the witness does not understand or asks a question that the witness does not know the answer to, they should say so; and

If the interviewer misunderstands what the witness has said or summarizes what has been said incorrectly, then they should point this out.

In addition, it should be explained that the interviewer might take a few brief notes.

Transfer of Control

This instruction is an ECI technique, which would be helpful in almost all interviews. The witness may expect the interviewer, usually an authority figure, to control the interview. Therefore a witness may well be expecting an active interviewer asking a series of questions to a more or less passive witness whose only task is to answer these questions and wait for the next one. This is not the typical behavior of a skillful interviewer. Instead their role is as a facilitator, a person to help the witness remember, to facilitate retrieval and to help the witness, as and when they require it, to recall as much information as possible. It is the witness who has been witness to the event and who has all the information. Remember, the main person in this exercise is the witness, and not the interviewer.

The interviewer should therefore pass the control of the information flow to the witness. After all, it is the witness who holds the necessary information. Thus, at the start of the interview the witness needs to be informed explicitly of this. It is the witness who should do most of the mental work and most of the communicating throughout the course of the interview.

Report Everything

Witnesses are unlikely to volunteer a great amount of detailed information unless told to do so. Interviewers therefore should explicitly state their need for detail. Thus, as with the transfer of control instruction, the 'report everything' instruction encourages witnesses to report everything they remember without any editing, even if the witnesses think the details are not important or trivial, or cannot remember completely a particular aspect of the event.

Initiating and Supporting a Free Narrative Account

In this phase of the interview the interviewer should initiate an uninterrupted free narrative account from the witness through the use of an open-ended invitation. The interviewer can also use this phase as the planning stage for the forthcoming questioning phase of the interview. This is because the free narrative account allows the interviewer an insight into the way in which the witness holds the information about the event in their memory.

Active Listening and Appropriate Non-Verbal Behavior

Appropriate non-verbal behavior during the interview is just as important for a successful interview as are the verbal instructions.

Questioning

During the free narrative phase of an interview most witnesses will not be able to recall everything relevant that is in their memory. Therefore, their accounts could greatly benefit from the interviewer asking appropriate questions that assist further recall.

Interviewers need to appreciate fully that there are various types of questions that vary in how directive they are. The questioning phase should, whenever possible, commence with open-ended questions and then proceed, if necessary, to specific-closed questions.

Witness-Compatible Questioning

Good questioning should avoid asking a series of predetermined questions. Instead, the sequence of questions should be adjusted according to the witness's own memory processes. This is what 'witness-compatible questioning' means. Each witness will store information concerning the event in a unique way. Thus, for maximum retrieval, the order of the questioning should resemble the structure of the witness's knowledge of the event and should not be based on the interviewer's notion or a set protocol. It is the interviewer's task to deduce how the relevant information is stored by the witness (via the free narrative account) and to organize the order of questions accordingly. Retrieval may also be varied by probing different senses.

Closing the Interview

Interviewers should in this final main phase consider briefly summarizing what the witness has said, using the words and phrases used by the witness as far as possible. This allows the witness to check the interviewer's recall for accuracy. The interviewer must explicitly tell the witness to correct them if they have missed anything out or have got something wrong.

Interviewers should not attempt to summarize what the witness has said where the witness is fatigued, in an emotional condition or otherwise distracted because they may not be in position to listen properly to the summary. Similar issues may arise where the witness appears to have a short attention span (as may be the case, for example, with young children and some adults with a learning disability).

The interviewer should always try to ensure that the interview ends appropriately. Every interview must have a closing phase. In this phase it may be useful to discuss again some of the 'neutral' topics mentioned in the rapport phase.

In this phase, regardless of the outcome of the interview, every effort should be made to ensure that the witness is not distressed but is in a positive frame of mind. Even if the witness has provided little or no information, they should not be made to feel that they have failed or disappointed the interviewer. However, praise or congratulations for providing information should not be given.

Note:

The aim of closure should be that, as far as possible, the witness should leave the interview in a positive frame of mind. In addition to the formal elements, it will be useful to revert to neutral topics discussed in the rapport phase to assist this. This point has important repercussions, one of which is that a well-managed interview can positively influence organization–community relations. Many witnesses will tell friends, family, etc. about the skill of the interviewer and their feelings about the interview process as a whole.

Benefits/Advantages/Disadvantages

Benefits

Significantly more pieces of correct information are obtained through this application 30-50%.

Advantages

Allows the interviewee to take control of the 'to be remembered event' and present their information in a way that is compatible with their memory of that event.

Disadvantages

May only be significantly effective for events which are rich in detail. Limited in events where violence plays a significant part in the event. May not influence the recall of highly emotive events because the use of some of the techniques may be too traumatic for the interviewee.

Conversation Management

What is Conversation Management (CM)

Conversation Management is another main approach incorporated into the interview stage of P.E.A.C.E. and is used by Organizations in various countries. Psychologist, Eric Shepherd, coined the term 'conversation management' in 1983 when he was a training member of the City of London Police.

The conversation management technique was developed specifically for use on unwilling interviewees. In these interviews the interviewer has to take control much earlier in the interview and manage it differently from interviews with willing suspects.

Eric Shepherd devised a 'script' for managing any conversation with any person with whom the Police converse on a day-to-day basis.

In 1986 conversation management was further developed into a formal model of investigative interviewing that was subsequently incorporated into the P.E.A.C.E. package of investigative interviewing.

What is a conversation?

Interviewing is essentially a conversation with a purpose and therefore needs to be appropriately managed. Conversation management aims to provide an interviewer with an appropriate framework to manage a conversation. Interviewers need to be able to manage both verbal and non-verbal behavior of themselves, the interviewee and possibly a third party.

Managing a conversation

Five key elements have been put forward as being necessary for the appropriate management of an interview:

1. **Contact**—establishing rapport and setting out the aims and objectives of the meeting.

2. **Content**—obtaining facts using appropriate questioning.

3. **Conduct**—the way in which the content is covered.

4. **Credibility**—the way in which the interviewer is perceived.

5. **Control**—directing the overall flow of the interview.

Interviewing the suspect

Conversation Management (Shepherd, 1991) is based upon extensive memory research. This approach has most commonly been used with suspects; however, it is also used with non-compliant witnesses of misconduct. It has three distinct phases, the suspect agenda; the investigator agenda; and the challenge.

The Conversation Management Model

Application of CM in interviewing a suspect

The phases of application of CM in interviewing a suspect are:

• Account

• Challenge – the Challenge phase

Account

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

Within the investigator agenda, the interviewer's aim is to clarify the suspect's account, not challenge it, to obtain as much detail as possible and to explore topics and issues of concern to the investigator not otherwise covered in the suspect's agenda. Here the interviewer attempts to obtain so called fine-grained-detail about the objects, actions and events described in the suspect's account.

For example, if the suspect suggests that they were driving a yellow car, the interviewer would ask for more details of the car; its registration, the interior color etc. The advantage of this is that the more detail the Interviewer has, the more information there is to further the Interviewer's inquiry either as new leads and/or as to test the suspect's account.

Two terms highlight the useful information that can be obtained during this interview phase: checkable-lies and provable facts. Should a suspect not provide an account during the suspect agenda phase the interview moves into the Interviewer's agenda phase directly.

Challenge – Challenge phase

However, only following the completion of the Interviewers agenda, should the interviewer move into the challenge phase.

In the challenge or 'Challenge' phase investigators explore the suspect's account using inconsistencies and inaccuracies identified from other sources (including forensic evidence).

By coming to this stage at the end of the interview, there is less likelihood that the interview process will create suspect uncertainty about their account and with it an increased risk of suggestibility and/or confabulation.

Moreover, it also limits the chances of a willfully deceitful suspect changing their account to accommodate the information provided by Interviewer's in their challenges.

Challenges/clarification requests should be delivered in a calm and controlled manner that merely asks the suspect to account for the disparity in their account. Anger or threats should be avoided as these raise risk of suggestibility.

This approach to challenge/clarification also limits the possibility that interview evidence will be dismissed from tribunal on the grounds of oppressive or coercive interview tactics.

Between each of the three phases, the conversations management structure suggests taking a break in order to allow time for the Interviewer to evaluate the process and products of the phase.

This evaluation can shape the development of further questions and ensure that all areas have been covered before moving on to the next stage; for example, a break after the Interviewer agenda allows interviewers to reflect on the extent to which they have covered all areas they wished to cover.

Within this approach the interviewer obtains information in a systematic and planned manner. However, it is important to note that this is not like question and answer approaches in that the interview begins with an opportunity for the suspect to give their version of events uninterrupted.

It is also noteworthy that this method does not aim to extract a confession or to embarrass a suspect with evidence contrary to their account. Instead the aim is to maximize information and to highlight inconsistencies only when the suspect has provided their own version of events.

Post Interview processes

Interviewers need to complete accurate summaries of the interview and decide through information processing mechanisms whether further investigation is required. This difficult task and would require an open-minded approach.

Interviewing is an intricate, complex and difficult process. Conversation Management goes a long way to outline a structured, systematic way to interview appropriately.

For this reason it is important to evaluate the information obtained against the aims and objectives of the interview.

Evaluation

Evaluation is an integral part of an interview, just as much as any other phase. The interview is only effective if you:

- know why and how it is to be carried out (Planning and Preparation); and
- assess its significance (Evaluation)

Evaluation concludes the P.E.A.C.E. procedure.

You need to evaluate from the interview:

- the information obtained
- the whole investigation in the light of the information obtained
- your performance, either alone or jointly in the case of more than one interviewer.

Evaluate the Information Obtained

Evaluate the information provided during the interview and ask yourself the following question:

"What effect has this new information had on the investigation as a whole?"

Often this can be accomplished by posing a series of questions to yourself and evaluating the answers.

Aims and Objectives

Consider first your interview plan and your initial aims and objectives:

- Were these revised during the interview? If so, why?
- Have you achieved your (possibly revised) objectives?
- Have you covered the points needed to prove the offence(s) in question?

New Information

You should consider:

- What new information do you now have?
- Is it consistent with evidence already obtained?
- Are there any conflicts to be resolved?
- What further enquiries do you need to make?

Re-evaluate the Evidence in this Investigation

The above questions will assist you to assess what impact the interview has had on the investigation and what action you need to take next.

Consider how your investigation has changed as a result of this interview.

For example the person suspected of assault may now appear to have been acting in self-defense.

The interview may have given you new lines of enquiry to follow, such as the involvement of another person not previously known about.

Perhaps it has merely confirmed and strengthened your previous view of the investigation. Be precise about what evidence you actually have to support your understanding of this incident and identify where you are merely putting forward an opinion.

In the case of interviews with suspects you should now ask the following questions:

- Should the suspect now be eliminated from your enquiry?
- What evidence do you have to support the allegation that the suspect committed the breach or misconduct?
- Is there sufficient evidence to proceed to formal proceedings?

You will have to answer these questions carefully. You should make a careful note of the reasons for your conclusions and what further action needs to be taken.

Evaluate Your Performance

To improve your interviewing skills, you need to learn from experience.

This means that in addition to evaluating the evidence you must also evaluate your own performance:

- What did you do well?
- What could you have done better?
- What areas can you develop?
- How do I acquire these skills?

Evaluate the whole P.E.A.C.E. process. Look back at your Planning and Preparation.

Establish where your interviewing can be improved. Evaluate your performance and set goals to improve it where necessary. The more interviews you conduct the more proficient you should become.

If you are working with a colleague, feedback should be sought and given on each other's interviewing.

Many organizations have a formal evaluation and supervision process whose trained supervisors examine interviews, give feedback and advise on how to develop interview skills.

The important point in evaluating performance is the setting of appropriate aims and objectives whether by yourself or with a supervisor. This is a way to develop your skills as a professional investigative interviewer.

Conclusion

A recurrent theme throughout suspect interviews is that, at the end of the day, the onus is on interviewers themselves because it is their attitudes and behaviors, which directly affects the outcome of the investigation process.

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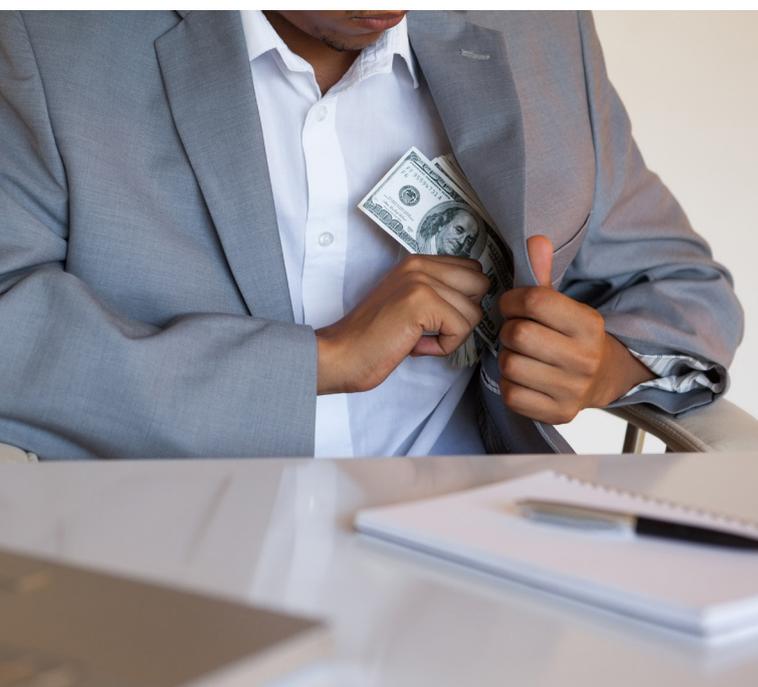
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