2.9 Investigative interviewing

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See also [chapter 2.23](#) Statement validity analysis, [chapter 4.3](#) Interpersonal deception detection.

Definition

Investigative interviewing is a method of communicating with anyone within the investigation process (be they witness, victim, suspect or the first police officer at the scene) in order to obtain the maximum quality of information. As a result, ethical investigative interviewing is at the heart of any police investigation and thus is the root of achieving justice in society (Milne, Shaw and Bull 2007). This is because there are two key aims underpinning any investigation and these are to (i) find out what happened, and if anything did happen (ii) to discover who did what (Milne and Bull 2006). In order to answer these two primary investigative questions investigators need to gather information and invariably the source of the information is a person (e.g. witness, victim, suspect, complainant, first officer at the scene of a crime, emergency services, informant, experts and so on). Thus one of the most important tools in an investigator's tool box is the ability to interview (Milne and Bull 2006). Investigative interviews conducted by police can vary greatly in purpose, scope and content (e.g. proactive and reactive investigations). Nevertheless, the common objective of all investigative interviews is to elicit the most *accurate, complete and detailed* account from an interviewee.

Origins and further developments

Prior to 1984 in the UK (and still existing in many countries), interviewing by police officers was considered an inherent skill that all officers possessed and which could be acquired merely by learning from more experienced

colleagues. The yardstick of a good interviewer was whether a confession or damaging admission was obtained from the suspect (e.g. Plimmer 1997). Groundbreaking legislation in the UK (the Police and Criminal Evidence Act 1984 and the associated Codes of Practice), which was in part enacted to try to prevent miscarriages of justice, emerged due to the poor interviewing of suspects (e.g. the ‘Guildford Four’ Irish terrorist trial). This resulted in changes in working practices (e.g. the tape-recording of interviews with suspects) so that interview-room procedures previously conducted behind closed doors were now open to public scrutiny on a grand scale. In 1991 the Home Office (i.e. the relevant UK government ministry) sponsored research that assessed tape-recorded interviews with suspects. Perhaps not surprisingly, due to the lack of structure, investment and the haphazard approach to interview training, the initial evaluative findings revealed severe shortcomings in the skills demonstrated by the police officers during interviews with suspects (Milne *et al.* 2007; Baldwin 1992). The main weaknesses identified were a lack of preparation, general ineptitude, poor technique, an assumption of guilt, undue repetitiveness, a persistent or laboured questioning, a failure to establish relevant facts, and an exertion of too much psychological pressure (Baldwin 1992). It was assumed that the interviewing of adult victims and witnesses similarly was not of a consistently high standard, with the interviewers’ ultimate goal being the compilation of a detailed written statement rather than allowing the person to provide their best account and best evidence in an uninterrupted and free-flowing manner (McLean 1995; Milne and Bull 2006; Milne *et al.* 2007; Shepherd and Milne 1999).

As a direct result of Baldwin’s work and pressures that emanated from the widely politicized miscarriages of justice cases (e.g. another Irish terrorist case, the ‘Birmingham Six’), a national review of investigative interviewing was instituted (see Gudjonsson 2003; Milne and Bull, 1999, 2003a; see also Savage and Milne 2007 for more on miscarriages of justice cases). This research evidence stimulated further development of investigative interviewing within the UK. In 1992 the seven Principles of Investigative Interviewing (the term interrogation being replaced) were formulated and promulgated through the Home Office. There have been several iterations, the most recent being the current Practical Guide to Investigative Interviewing (Centrex 2004). The seven principles are:

1. obtaining accurate and reliable information from suspects, witnesses or victims in order to discover the truth about matters under police investigation;
2. approaching with an open mind and information obtained from the person being interviewed should always be tested against what the interviewing officer already knows or what can reasonably be established;

3. when questioning anyone, a police officer must act fairly in the circumstances of each individual case;
4. not being bound to accept the first answer given. Questioning is not unfair merely because it is persistent;
5. even when the right of silence is exercised by a suspect, the police still have a right to put questions;
6. when conducting an interview, police officers are free to ask questions in order to establish the truth; except for interviews with child victims of sexual or violent abuse, which are to be used in criminal proceedings, they are not constrained by the rules applied to lawyers in court;
7. treating vulnerable people, whether victims, witnesses, or suspects, with particular consideration at all times.

Method

Having established these principles, a project team (including police officers and academics alike) devised a training programme so that officers would be provided with the skills necessary to conduct effective and ethical interviews with victims, witnesses and suspects, with integrity and in accordance with the law (Ord and Shaw 1999; Milne *et al.* 2007). This resulted in the PEACE interviewing model. PEACE is a mnemonic outlining the structure to be applied to all types of interviews: *Planning* and *Preparation* of the interview; *Engaging* the interviewee and *Explaining* the ground rules of the interview process; obtaining an *Account*, clarifying and challenging the interviewee (if necessary); and appropriate *Closure* of the interview. Finally, the interview process is to be *Evaluated*, where the key question is to ask what was achieved during the interview and how this fits into the whole investigation. Evaluation also includes the development of an interviewer's skill level, through assessment (self, peer and manager) (Centrex 2004; Milne *et al.* 2007). In addition, the initial working party, when examining what PEACE training should consist of, looked at what academia had to offer (Milne *et al.* 2007). Indeed, two models of interviewing emerged as best practice: (i) conversation management (CM; Shepherd 1993), which was deemed useful for interviewing the more resistant interviewee; and (ii) the cognitive interview (CI; Fisher and Geiselman 1992), which was more useful for interviewing the more cooperative interviewee, an interviewee who is willing to speak (however truthful). Both models were developed by psychologists (see Milne and Bull 1999 for full details).

Regardless of interview model, experts agree that one of the most critical skills of investigative interviewers (irrespective of the respondent group) is the ability to maintain the use of non-leading, open-ended questions. Non-leading questions refrain from presuming or suggesting details that were not previously mentioned by the respondent. Open-ended questions are defined as those questions that encourage elaborate (as opposed to brief or one-word) responses. In the child witness arena, open-ended questions are also defined as questions that do not dictate or suggest what information related to the event should be reported. Children are more vulnerable than adults to suggestions and social demands to provide a response (Milne and Bull 2003b). Thus it is even more critical with these interviewees that interviewers broaden the range of response options as well as encourage elaborate responses (Poole and Lamb 1998). Open-ended questions are ideal for all respondents because they maximize the accuracy of the interviewee's account of the offence and minimize the opportunity for confusion, contamination and/or misunderstandings. An open-ended questioning style is also critical to tasks such as the development of rapport and for eliciting (where appropriate) a clear and coherent disclosure or confession.

The following precepts are also seen across the experimental and experiential approaches as being critical to the success of an investigative interview: proper preparation and evaluation of the interview, keeping an open mind, being sensitive to the individual needs of the interviewee, and conducting and closing the interview in a manner that is fair and maintains (as much as possible) a positive interviewer–interviewee relationship. Obtaining a confession or disclosure of an offence should not be the primary goal of investigative interviews because these can subsequently be disputed or rejected as evidence by a court. Rather, the goal should be to obtain as much accurate information as possible to assist in establishing which hypothesis, among several alternatives, is most likely to be correct. In other words, the process of a good investigation (as with any scientific method) is not about gathering confirmatory evidence *per se*, but about gathering sufficient evidence to dispute alternative explanations (see Savage and Milne 2007).

Despite the presence of well-defined 'best-practice' guidelines in investigative interviewing, numerous concerns have been voiced regarding the under-use of non-leading, open-ended questions by investigative interviewers around the globe. This has led several researchers in recent years to focus on the content, structure and efficacy of investigative interviewer training courses. While research is still in its infancy, the research findings support those within the broader expertise literature: that ongoing practice of specific

skills and expert feedback is critical in maintaining effective questions (see Powell, Fisher and Wright 2005 for review). In other words, poor quality of professional training is the main reason for poor interview outcome.

Evaluation

A national evaluation of the PEACE training approach, funded by the Home Office (Clarke and Milne 2001) was undertaken. This large-scale study revealed that the skills being taught on the week-long PEACE course were not being fully integrated into practice. With regard to the interviews of those suspected of crime, there was some transference of skills, with officers being seen as more confident and being able to communicate more effectively within the interview room (compared to Baldwin's research). However, the interviewers took a rather rigid approach and lacked flexibility.

The Clarke and Milne (2001) research project also examined officers' ability to interview adult witnesses to and victims of crime. Officers from across the country were asked to tape-record their interviews over a period of time. The sample included all offence types. What was revealed was a disturbing state of affairs, with interviews being mainly police led, dominated by poor questioning, and the interview being mainly focused upon the statement-taking process as opposed to trying to gain as much information from the interviewee about what had happened. Indeed, Clarke and Milne concluded that the standard of interviews of witnesses and victims of crime was far worse than the interviews of those suspected of crime.

The Clarke and Milne report concluded with a number of recommendations to improve interviewing standards, which have subsequently been taken up by the Association of Chief Police Officers (ACPO) and developed further into the ACPO Investigative Interviewing Strategy, a national initiative. As a result, a five-tiered approach to investigative interviewing, which aims to provide a developmental approach to interview training across a police officer's career dependent on their ability, was born. This strategy is underpinned by assessment and competency levels within a National Occupational Standards framework (which includes a set of statements concerning what constitutes a competent interviewer) (see Griffiths and Milne 2005 and Milne *et al.* 2007 for more on the tiers and assessment).

Applications

Any organization which interviews people as part of an investigation will recognize elements from the above outline. Although this chapter has primarily focused upon poor police interviewing practice and how attempts have been made to overcome these shortcomings, any organization whose investigators/communicators interview people about a past event need to start to evaluate their interviewing/communication training, recording process, and assessment and supervision policies to ensure the highest possible standards are met and thus the best information is gained.

Conclusion

Only when a whole organization takes stock of its interviewing and resources (human and monetary) are invested in this core skill will improvements be made. A number of countries have started to evaluate police interview training and processes (e.g. Australia, New Zealand, Norway, Sweden and the United Kingdom) in an attempt to create a more ethical investigation and interviewing framework and one which fits within the human rights philosophy.

FURTHER READING

The theoretical origins of cognitive interviewing can be found in Fisher and Geiselman's classic reference work (1992). Milne and Bull's (1999) book on investigative interviewing is a general reference work, whilst the chapter by Powell *et al.* (2005) is a more detailed exposition.

REFERENCES

- Baldwin, J. (1992) *Videotaping of police interviews with suspects – an evaluation*. Police Research Series Paper no. 1. London: Home Office.
- Centrex (2004) *Practical Guide to Investigative Interviewing*. London: Central Police Training and Development Authority.
- Clarke, C. and Milne, R. (2001) *National Evaluation of the PEACE Investigative Interviewing Course*. Police Research Award Scheme, PRAS/149. London: Home Office.

- Fisher, R. and Geiselman, R. (1992) *Memory-Enhancing Techniques for Investigative Interviewing: The Cognitive Interview*. Springfield, IL: Thomas.
- Griffiths, A. and Milne, R. (2005) Will it all end in tiers: police interviews with suspects in Britain. In T. Williamson (ed.), *Investigative Interviewing: Rights, Research, Regulation*. Cullompton: Willan.
- Gudjonsson, G. H. (2003) *The Psychology of Interrogations and Confessions*. Chichester: Wiley.
- McLean, M. (1995) Quality investigation? Police interviewing of witnesses. *Medicine, Science and the Law*, 35: 116–22.
- Milne, R. and Bull, R. (1999) *Investigative Interviewing: Psychology and Practice*. Chichester: Wiley.
- (2003a) Interviewing by the police. In D. Carson and R. Bull (eds.), *Handbook of Psychology in Legal Contexts*, pp. 111–26. Chichester: Wiley.
- (2003b) Does the cognitive interview help children to resist the effects of suggestive questioning? *Legal and Criminological Psychology*, 8: 21–38.
- (2006) Interviewing victims of crime, including children and people with intellectual difficulties. In M. R. Kebbell and G. M. Davies (eds.), *Practical Psychology for Forensic Investigations and Prosecutions*, pp. 7–24. Chichester: Wiley.
- Milne, R. and Shaw, G. (1999) Obtaining witness statements: best practice and proposals for innovation. *Medicine, Science and the Law*, 39: 127–38.
- Milne, R., Shaw, G. and Bull, R. (2007) Investigative interviewing: the role of psychology. In D. Carson, R. Milne, F. Pakes, K. Shalev and A. Showyer (eds.), *Applying Psychology to Criminal Justice*, pp. 65–78. Chichester: Wiley.
- Ord, B. and Shaw, G. (1999) *Investigative Interviewing Explained*. Surrey: The New Police Bookshop.
- Plimmer, J. (1997) Confession rate. *Police Review*, 7 February, 16–18.
- Poole, D. A. and Lamb, M. E. (1998) *Investigative Interviews of Children: A Guide for Helping Professionals*. Washington, DC: American Psychological Association.
- Powell, M. B., Fisher, R. P., and Wright, R. (2005). Investigative interviewing. In N. Brewer and K. D. Williams, *Psychology and Law: An Empirical Perspective*, pp. 11–42. New York: Guilford Press.
- Savage, S. and Milne, R. (2007). Miscarriages of justice – the role of the investigative process. In T. Newburn, T. Williamson and A. Wright (eds.), *Handbook of Criminal Investigation*, pp. 610–27. Cullompton: Willan.
- Shepherd, E. (1993) Resistance in interviews: the contribution of police perception and behaviour. In E. Shepherd (ed.), *Aspects of Police Interviewing* (Issues in Criminological and Legal Psychology, 18). Leicester: British Psychological Society.
- Shepherd, E. and Milne, R. (1999). Full and faithful: ensuring quality practice and integrity of outcome in witness interviews. In A. Heaton-Armstrong, D. Wolchover and E. Shepherd (eds.), *Analysing Witness Testimony*, pp. 124–45. London: Blackstone Press.