

# A brief introduction to investigative interviewing

## A practitioner's guide



Promoting shared principles and professional standards in European policing



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COUNCIL OF EUROPE



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## Preface

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**T**he two experts who authored this guide have wide-ranging personal and professional policing experience, including conducting audits and inspections at home (the UK and France) and abroad (Iraq). They were also highly motivated to press for human rights compliant practices in all aspects of policing, which they knew to be not only operationally effective in the immediate term but also in its contribution to instilling community support and confidence in the delivery of justice and the rule of law.

Through their own work, and in discussions with international colleagues, the authors appreciated that many failures to deliver professional policing standards resulted from poor knowledge, limited skills and inadequate police training, rather than any personal shortcomings of individual officers. Too often they had witnessed training attempts to promote human rights compliant policing that relied heavily on academic and judicial approaches. These approaches tended to be too far removed from the everyday work and life experience of police officers and, while intellectually and legally sound, did little to deliver human rights compliant practices to those most affected by policing.

The authors considered several training interventions in police practices that they felt would prove simple, direct and cost-effective and, importantly, would have a significant impact in the area of human rights and the rule of law. They settled on adding elements of new, more effective and human rights compliant techniques in police interviewing practices with a particular focus on the interviewing of suspects. This was in recognition of the vulnerability of suspects to potential abuse during questioning, in situations where police officers can be under enormous pressure to resolve crimes and secure convictions. Faced with limited evidence and with insufficient skills to interview so as to increase the volume, reliability and accuracy of the information they receive, the pressure can mount on police officers to obtain a confession as the only likely means to resolve the case. In such circumstances, questioning can quickly move to threatening or inducing a suspect to confess. The authors appreciated that many insufficiently trained police officers mistakenly believe that an innocent person will never confess to a crime they have not committed. Therefore, officers may see little danger in applying oppressive methods, particularly where they also wrongly believe that this is in the public's best interest. The experts believed that without training in this area there was a greater likelihood for suspects' human rights to be abused, for the innocent to be convicted, for the guilty to remain free, for officers to break the law that they have sworn to uphold, and for the diminishing or loss of confidence and respect in policing and the criminal justice system.

Supported by the Council of Europe, the authors argued for the production of a brief introductory guide to investigative interviewing. All parties accepted that such a guide would be deliberately and necessarily short and simple. It had to be something that individual officers could pick up, understand and apply. It was not intended to take the place of full training programmes on interviewing techniques, but rather to fill a gap where such programmes were not being delivered or were limited in scope and nature due to resource constraints on police departments. While it is recognised that this guide cannot make police officers experts in interviewing, following the methodology and principles set out therein will facilitate significant improvements in police efficiency and compliance with human rights obligations. These are commendable and desirable goals.

# INVESTIGATE

- Who? - When?
- What? - How?
- Where?
- Why?



## Introduction

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**C**rime detection is a primary police objective in all countries. One of the most important tools for successful crime detection and investigation is the effective interviewing of victims, witnesses and suspects. The proper and professional conduct of this key police function can greatly contribute to solving crimes and thereby delivering justice and strengthening the rule of law. However, like all tools, it may be of poor quality and it may be conducted by those with inadequate knowledge and insufficient skills. This has all too often manifested itself in the abuse of human rights by the police, particularly in the interrogation of suspects: not only in the past, but continuing into the present. Aware of the need to prevent abuse and professionalise policing standards, the Council of Europe has identified the essential core objective of policing as the protection of human rights. Human rights are not an impediment to effective policing; rather, it is only through human rights that effective policing can be achieved. By policing in compliance with their human rights obligations, police officers rightly earn the respect, confidence and support of the communities they serve. In this way, officers are able to do a better job and achieve greater job satisfaction. These are objectives that all police officers will recognise as worth pursuing.

In approaching investigative interviewing, as in all police work, European police officers should be guided by the European Code of Police Ethics, which seeks to secure common professional standards and lay the foundation for ethical norms. At its most basic, this demands that police officers not only act lawfully but also “apply the law with integrity and respect” towards all members of the public, including those members of the public who may be suspected of involvement in crime.



This brief introductory guide on investigative interviewing aims to give police officers an effective tool and the knowledge and skills needed to apply that tool in the course of their investigations. It is informed by modern scientific research as to what works and by the real-life experiences of expert practitioners, operating to the highest professional standards within the framework of the European Code of Police Ethics.

The primary focus of the guide is the questioning of suspects, that is any individual in connection with his or her involvement, or suspected involvement, in a crime. While the purpose of each category of interview may vary somewhat, all interviews share the same key objective of amassing accurate, dependable and comprehensive information that will help bring the true offender to justice. Therefore, most of the material contained within this guide will also apply to interviewing victims and witnesses as it sets out principles and best practices in investigative interviewing. Other considerations that should be foremost in the investigator's mind when interviewing are the special additional steps and safeguards that must be taken when dealing with vulnerable, disadvantaged and juvenile interviewees.



# Professional interviewing

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## Interviewing or interrogating?

The material in this guide consistently refers to conducting an interview rather than an interrogation. While in some cases the terms are often used interchangeably, the term “interrogation” is largely confined to describing the questioning of suspects, particularly in more serious crimes such as murder, kidnapping, drug-related crime or terrorism. However, it carries with it a harsher meaning and can suggest that a different, stricter form of questioning is appropriate for suspects. In fact, as a police officer, you are required to demonstrate the same professional standards of impartiality and treat with respect and dignity all who are questioned, whether as victims, witnesses or suspects. In all cases, as a police officer, you should seek to use the interview to gain as much factual and reliable information as possible in order to inform and direct your investigation, and to lead to its successful resolution. Of course, in the case of interviewing suspects there is the added potential goal of obtaining an admission of guilt – a confession. However, this must not be the primary or sole purpose of the interview as even a confession must be substantiated by information and evidence. This will reduce the likelihood of a false confession and will also enable officers to present a stronger case against the suspect, should a confession later be retracted.



## **The challenge to respect human rights**

At all stages of an investigation, it is essential that you adhere to the highest professional standards of policing and a total commitment to protecting and defending human rights, including those of the suspect. It is essential that you appreciate that this relationship between professional policing and upholding human rights is a perfect balance, where one cannot exist without the other. You must therefore demonstrate respect and integrity in the face of every challenge and frustration, even where these may arise as a result of the behaviour of the suspect, or because of your own sense of urgency, or that of your superiors or the public, to resolve the case. There will be occasions when you may feel that time is critical to saving human lives, perhaps in the case of a kidnapping or where terrorists are planning an outrage against innocent victims. This has happened with other police officers in the past. However, even the threat of violence to a suspect with no intention of carrying it out cannot be justified in these circumstances. Such unlawful behaviour has led to the punishment of officers and the potential for any evidence obtained to be deemed inadmissible by the courts. Equally important, as you will learn in the course of this guide, is that human rights compliant interviewing techniques are more productive and powerful than coercion, intimidation or manipulation. They have consistently been shown to be more effective in resolving crime than using methods that abuse or ill-treat suspects. This has been demonstrated and acknowledged even in dealing with the most difficult of suspects and the most serious of crimes.

## **Upholding the law – A police officer’s duty**

In addition to the requirements and safeguards provided by domestic law, you are required to have specific regard to the international legal framework that

applies to policing. In particular, as a police officer operating within a member state of the Council of Europe, you are bound to adhere to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5). You will be further guided in your professional practice by the European Code of Police Ethics and other international instruments that directly relate to your work. These include the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Officers should also have regard to the United Nations Code of Conduct for Law Enforcement Officials as well as their own national codes and standards of police behaviour. Knowing these standards and adhering to them will greatly increase your professionalism and effectiveness. Below are some key principles that must inform your work at all times including, of course, while you are interviewing suspects, as this can be a time when individuals are particularly vulnerable.

## Human rights

### The Convention for the Protection of Human Rights and Fundamental Freedoms

Under Article 3 no one shall be subject to torture or inhuman, degrading treatment or punishment. This will have a direct bearing on how you treat a suspect at all stages of their detention and particularly during questioning.

Under Article 5 everyone has the right to liberty and security and when arrested and deprived of such liberty everyone must be informed promptly, in a language that they understand, of the reasons for arrest and of any charge against them.

Under Article 14 all forms of discrimination are prohibited and no inequitable treatment can be justified against anyone on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

### United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

The principles in this document set out, amongst other things, that all detainees should be “treated in a humane manner and with respect for the inherent dignity of the human person”. Persons must not be subject to torture or to

cruel, inhuman or degrading treatment or punishment; no circumstance can ever justify such treatment.

With regard to interviewing, no one should be subject to violence, threats or methods of interrogation that impair their judgment or capacity to make decisions. This includes taking “undue advantage” of the situation of a detained person for the purpose of compelling them to confess.

It is good practice to record the length of time that any detainee is interviewed, the length of breaks between interviews and the identity of all those present during the conduct of interviews.

## UN Code of Conduct for Law Enforcement Officials

Article 2: In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 5: No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6: Law enforcement officials shall ensure the full protection of the health of persons in their custody.

### The golden rule

**There are no circumstances** that can justify subjecting a suspect to intimidation, threats, abuse or violence of any kind, whether physical or psychological, in order to obtain information, implicate another or extract a confession.

Not only is this unethical, contrary to the ethical standards of professional policing and a breach of domestic and international law, **it simply does not work.**

Prior to going through the process and stages of investigative interviewing, it is essential that you first appreciate and accept the “golden rule” of interviewing. It is a simple rule to understand but it may be more difficult to apply consistently in your professional practice in the face of internal and external pressures to bend or break it. Nevertheless, you must adhere to it if you wish to become a skilful police investigative interviewer operating within the law.

## Torture does not work

There is a considerable body of scientific evidence to show that torture and inhuman treatment do not work. They do not elicit accurate or reliable information, which should be the goal of the police interviewer. The effects of stress on the brain's cognitive ability are such that you can have no confidence in the truth of the information received, even where victims may actually believe that they are telling the truth. These findings have been confirmed not only by robust experiments but also by the practical experience of the best interviewers who have interviewed suspected terrorists and hardened career criminals. It is even confirmed by interrogators who have been convicted before the courts of using torture to extract information and confessions in hundreds of cases. They too admit that the information that they obtained through torture lacked credibility and value and could not be reliably acted upon. The purpose of torture and inhuman treatment is more often simply to inflict suffering, and to repress and deny the dignity of the person. Some police officers, despite overwhelming evidence to the contrary, naively still believe that physical or psychological abuse works. It is, in fact, counterproductive. The use of torture or inhuman and degrading treatment is much more likely to result in the confession of the vulnerable and innocent, thereby allowing the true, guilty perpetrator of the crime to remain free. The very law that the police officer has sworn to uphold will be broken and public confidence in the police will be undermined. There can be no respect or support for the police when officers do not uphold human rights, respect human dignity and obey the law.

## How to treat a suspect

There are acknowledged fundamental safeguards against ill-treatment for persons in custody. As the suspect will already be in detention, you must ensure that these safeguards are in place. Even if the suspect has been in custody for some time, do not assume the safeguards have already been offered: it does no harm to check. If they have not, then you should offer them. Taking these steps will be more likely to improve your chances for success in obtaining information as it will contribute to building rapport with the suspect by demonstrating your respect for their rights and for the law.

### Why employ investigative interviewing techniques?

- ▶ They help to inform the direction of the investigation. This can result in the robust prosecution of a suspect or

Make sure that the suspect has been given the opportunity to notify someone of their choice about their detention and has also been given the opportunity to contact a lawyer. Also ask if the suspect is aware of their right to be examined by a doctor of their choice, even if they have already been examined by a doctor provided by the police.

Remember that a suspect must not be subjected to sustained periods of questioning without breaks and the provision of adequate food and drink. A suspect should be allowed a continuous and uninterrupted period of a minimum of 8 hours in any 24-hour period during which they are provided facilities to sleep, if desired, or otherwise to relax. While you should not manipulate the timing of breaks in order to cause unreasonable stress to the suspect, you may tactically decide to break during an interview where you need to follow up on some piece of information or conduct an additional enquiry. You should also be aware that if the suspect has a legal adviser present, the legal adviser may request a break in order to confer with their client or the suspect may themselves request such a private meeting. You do not have to accede to this request, as at that juncture it may or may not be in the interest of the investigation if you do. You should make the decision based upon this judgment.

the freeing of an innocent person, and thereby better serve the ends of justice.

- ▶ The improvement in information and evidence uncovered will reinforce any case for the prosecution and avoid unnecessary waste of police and criminal justice resources.
- ▶ This will result in improved public confidence in police professionalism, effectiveness and their upholding of human rights, and thereby garner greater support and respect for them.

## Questioning

Remember that a suspect may have certain vulnerabilities and additional needs that you may need to address prior to and during the interview. It may be necessary for the suspect to be “accompanied” by an adult other than a legal adviser, for example to safeguard the interests of a suspect who is a child or is vulnerable. It is a key police function to identify those who might be vulnerable and to take steps to get the right support for them.

There is no point in interviewing a suspect who, for whatever reason, does not understand the nature or purpose of the questions you wish to ask. This may be temporary, where the suspect is under the influence of drugs or alcohol, or in a state of shock or stress. You may need to call a “break” where the suspect is too upset to continue and a respite in questioning is required. Be aware that a suspect’s mental and physical state can change and it is possible that conditions may arise during the interview whereby the suspect requires medical attention, even where they were previously in a fit state. The suspect may suffer from learning disabilities or impaired social functioning that may affect their ability to give fully informed answers, or adequately comprehend the meaning or significance of questions asked. Suspects can be interviewed where they appreciate fully the significance of questioning. However, even if this is not the case, there may be exceptional circumstances when immediate questioning may be justified, for example where life or property is in danger, or there is a risk that evidence may be lost or offenders may escape. The individual circumstances of the case must inform your decision but you should always have consideration for the suspect’s welfare.

### **Reading the suspect – A word of caution**

Some police officers like to refer to their “gut instinct” and pride themselves on their ability to read a person’s body language and other cues in order to ascertain when a suspect is lying or even if they are guilty of a particular offence. This is totally contrary to the openness of mind required of a professional investigator. It can lead you to ignore or devalue significant information that disproves or runs counter to such unfounded beliefs. Do not depend on any ability to identify deception but rather uncover and follow the evidence. A lack of evidence against a particular suspect should not always be seen as problematic as it may prove useful. The absence of substantive evidence may point to the possibility of some other guilty party and thereby may suggest that taking a new direction in the investigation is required.

An officer who fails to keep an open mind and instead believes that they “know” the truth is likely to be more prone to seeking justification for their views by coercing or threatening or otherwise manipulating a suspect to confess. Focusing too much energy and interest on obtaining a confession may close the officer’s mind to other information that may point to guilt lying elsewhere. Even where an officer may have correctly noted that a suspect is lying, the reason for this “untruth” may be complex. It may indeed relate to guilt but it may also be due to something else, including fear, confusion, a desire to please the interviewer



or simply a compulsion to say something in answer to questions, even when the suspect does not know the correct answer to give. Interpreting behaviour through some stereotyped or clichéd formula is unreliable and to be avoided. Police officers must remain impartial and keep an open mind!

### Certainty of guilt

It would be naive not to accept that there will be occasions when an individual is interviewed by the police under such circumstances that existing evidence and information already point to a strong likelihood of their guilt of having committed some criminal offence. This awareness does not undermine or require a dramatic change in the investigator's approach to interviewing, as an open mind remains crucial to investigative interviewing. Knowledge of certain facts will shape your line of questioning but not the stages or process of the interview, nor should it close your mind to other possibilities and explanations. Moreover, throughout the interview you still need to build and maintain rapport with the suspect and most critically, you must continue to treat the suspect with respect and dignity. Police officers are bound to question all suspects with a presumption of their innocence. Only a judicial decision can determine otherwise. There have been many instances of the police believing in the guilt of a suspect and questioning only to prove that belief, instead of seeking to uncover the truth as to what really happened. This has led to the extortion of confessions from some suspects only to discover some time later, often through impartial forensic or physical evidence coming to light, that the suspect concerned was entirely innocent.



## Recording an interview

It is widely acknowledged that recording the interview on audio or video media has many important advantages for the police. While notes will need to be taken during the interview (ideally by a second interviewer and not the lead interviewer), their purpose is to enable a structured approach to seeking clarification on issues arising from or challenging the suspect's account during questioning. The interviewer cannot take a complete record and will also have their attention partly on what the suspect continues to say and how they are behaving. Furthermore, an electronic record provides verbatim evidence of what is said and cannot be disputed. It allows the interviewer to concentrate more on actively listening to the suspect's account and encouraging disclosure. The recording itself can later be reviewed by officers and may help identify points initially missed in the interview and that need to be followed up. The recording not only clarifies any dispute, it also provides a level of protection for police officers regarding the conduct of the interview, as it may furnish the evidence necessary to refute any malicious or unfounded allegations of abuse.

There is the added benefit that the audio and/or video recording of interviews also provides protection to persons interviewed in the privacy of police custody. Often the very fact that interviews are being recorded acts as a firm stimulus to police to support interview training and strive for better interviewing skills. Recording can be a useful resource, as will be seen, in the "evaluation" phase of the interview, not only in helping shape the direction of the investigation but also by providing a learning resource for officers in their own professional development.

## Safeguards

- ▶ All interviews should be recorded, with the suspect having a right to receive a copy of the verbatim report of the interview.
- ▶ All suspects should be entitled to advice from legal counsel while in custody and should be informed of this right before being interviewed.
- ▶ Attention should be given to the special needs of suspects who are vulnerable by virtue of their physical or mental capacities (and any duties on the part of interviewers under national equality laws).
- ▶ Suspects should be allowed adequate and uninterrupted rest periods and provided with sufficient refreshments.

## The confession

The Office of the United Nations High Commissioner for Human Rights points out in its pocket book “Human rights standards and practice for the police” that the police should “[n]ever seek or rely on a confession as the basis for a case. Rather, the purpose of investigation should be to secure independent evidence”. It further advises officers to “[s]tudy and employ modern best practice techniques for interviewing”, which is precisely the purpose of this guide. Too often police officers, through a lack of training and knowledge and other resources, depend on confessions to solve crimes. As noted above, police officers may thus respond to pressure to obtain such confessions by using abusive techniques rather than investigative skills to uncover the truth.

▶ Suspects waiting for or between interviews should be housed in sanitary conditions with adequate space, light, heat and ventilation and provided with seating and/or bedding to facilitate rest.

There is no obstacle to accepting a confession. However, there are some important caveats. Police officers must be aware that certain individuals are susceptible and vulnerable. This can make them prone to confess to crimes that they have not committed. In other cases, individuals may confess to protect a third party. Therefore, officers should always look for evidence that can support or challenge the veracity of any confession made. This can also prove useful where a person later retracts a confession, as officers have not relied on this alone.

Offenders may confess if they feel guilt and wish to explain what happened and why, or otherwise wish to account for their actions. Others may confess because the weight of evidence against them is so strong that they have little option, and by confessing before a trial, hope to receive a lighter sentence or other favourable consideration. Others may confess when the stress of being detained and the power of police interviewing are such as to make confession a means of relief, by ending the questioning. This latter dynamic can also pressurise wholly innocent but vulnerable people into confessing. This is more likely to occur where police officers use oppressive methods. Highly suggestible individuals may be persuaded by manipulation and misrepresentation that they are indeed guilty. This highlights the need to look for evidence that supports, or indeed undermines, the confession of guilt.

## The silent suspect

You must expect a variety of behaviours from suspects, from compliance to non-co-operation, from being overly friendly to being abusive and even aggressive. In the context of interviewing, it can be extremely frustrating for police officers to be confronted by a suspect who says nothing. The suspect may close their eyes, stare at a fixed point or even try to turn their chair or body away from you and thereby avoid eye contact altogether. In these circumstances you should continue to question the suspect. Your questions should be relevant but should not be repetitive to the point where your questioning becomes oppressive. Remember that the suspect's silence has no bearing on determining guilt or innocence and must not affect your presumption of innocence. It is merely the suspect choosing to exercise a right. A suspect cannot be compelled to testify against themselves or to confess guilt.

Do not let silent behaviour frustrate you or cause you to deviate from your professional standards. Do not shout, use offensive or disrespectful language or become angry. You must accept that there will be times when, no matter what skills you have and no matter what strategies you employ, a suspect will choose to remain silent. This is not a reflection on your ability or effectiveness as a police officer.

A suspect may give short or abrupt replies such as "no idea", "no comment" or "don't know". This can also be frustrating as it gives no indication as to whether or not they will reply to all your future questions in the same manner, although this may quickly become apparent.

You should remind the suspect of the offences that they are suspected of having committed and that this is their opportunity to give their account of issues and facts in their own words. Give the suspect time to think about the question. Even if they do not reply or reply abruptly, give some pause for further reflection on their part and do not immediately ask another question. Remind the suspect that while they may choose to remain silent in response to some of your questions, there may be other questions that you will put to them during the interview which they will wish to answer and therefore they should listen to them all and reflect on the opportunity to reply being offered to them. You can try to stimulate a response by referring to evidence already in your possession. This may point to the suspect's guilt and make them respond to your invitation to explain the evidence in their own words. Even if the suspect has remained silent throughout your questioning always

let them know that you will be concluding the interview by asking them whether they have anything to say or wish to ask you.

Remember the golden rule that under no circumstances can you use force or threats or even inducements to encourage a suspect to speak if they choose to exercise their right to remain silent.

## **Practical testing**

Too often success in police training is measured by the existence of a training course, levels of attendance or completion, or the overall numbers participating. Of course, it is entirely possible for officers to attend such courses and either not acquire the appropriate skills and knowledge or quickly desist from applying what they have learned in the classroom in their professional practice. Therefore, there is a need for officers to be assessed during and shortly after undertaking any course in investigative interviewing and at a later point in their practice (perhaps 12 to 18 months later) to see if they are consistently applying the knowledge, skills and principles at the heart of investigative interviewing. A great deal depends upon proper supervision, constructive support and feedback being made available to police interviewers.

It is good practice to create a supportive, learning environment in which inexperienced officers can call upon more experienced interviewers (including supervisors) to aid them in conducting interviews at any stage of the process. It may be necessary to involve more experienced and adept colleagues in leading the interview. This particularly applies where the person being interviewed presents special challenges or the case is of a particularly serious or complex nature.



## The interview process

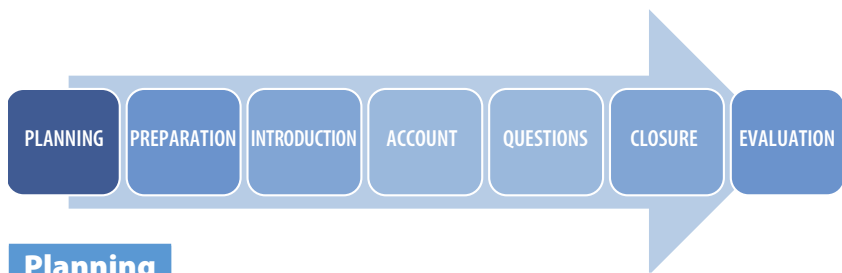
**W**hile its discrete phases may be broken down and labelled differently, there will be little variation in the precise structure of a properly structured investigative interview. Over years of practice a robust and efficient questioning framework has been constructed comprising a number of key stages. These should be followed in a systematic way. The process for this is set out below, and while it may appear to flow in only one direction, there may be times when an investigator has to go back to an earlier stage. An example of this would be where, during questioning, the suspect changes their story and admits guilt in the face of challenging evidence presented by the interviewer. This will require going back to the “account” phase and inviting a new explanation from the suspect as to what happened. Nevertheless, the success or otherwise of each phase will significantly influence the following stage. Each phase is set out separately below.

### A brief note on building rapport

It is essential that as an interviewer you establish and maintain rapport with those whom you interview. This means adopting an open and interested approach that treats the person with respect and is not influenced by personal views or bias. This approach shows a genuine interest in the interviewee and is supported by the interviewer being communicative and helpful. It does not mean that you like the interviewee or share their values or views. Your personal feelings should not affect your approach or stand in the way of building rapport and trust, which have been shown to motivate interviewees, even hardened terrorists, into divulging accurate, reliable and important information. Rapport is a fundamental requisite for good interviewing.

Building rapport is critical. Skilled interviewers with experience of dealing with the most serious and hardened offenders, including terrorists, all emphasise the need to build rapport in order to obtain information. Do not confuse “rapport” as meaning that you in any way condone the offences under investigation or that you have a personal liking for the person being questioned.

Look for opportunities to empathise with the suspect, where for example they may refer to some difficulty they are experiencing in relating information or stress they feel over being interviewed, which allow you to acknowledge these feelings and express understanding.



## Planning

Proper planning is the foundation to conducting a good interview. It is essential that you are clear as to what you want to achieve from the interview – what your aims are. There may be a need to test certain information already in your possession. There may be aspects of the crime that you are seeking to clarify or prove. You may need to establish whether a robust alibi exists or how this can be challenged. You may be searching for additional evidence and want to know where it might be secured. Being prepared increases the likelihood that you will be able to get the information that you need from the suspect. If you are not prepared, it is likely that you will “stumble” through the interview and convey a lack of confidence and certainty as to what you are doing. No matter how little time you think you have, you must always make time to prepare.

To begin, ensure that you have as in-depth a knowledge of the crime being investigated as possible. This includes not only the circumstances of the case but also all the information available (forensics, statements, expert opinion) and a knowledge of the legal definition of the crimes under investigation including the proof needed to support a prosecution. You should also know as much as possible about the personal history of the suspect, including any criminal records.

You will need to be adaptable as something may occur spontaneously in the interview that requires you to think and act immediately, perhaps requiring a different tactic. It is usually better to have two interviewers and ideally one should be female if you are interviewing a female suspect. However, this requires planning and agreeing on each role: who will make the introductions, who will provide the explanations, who will lead, when might the other interviewer intervene, etc. You need to plan for how you will respond to the suspect when they deny guilt, admit guilt or simply refuse to co-operate and remain silent. If the suspect denies being involved, is this because they claim to have been elsewhere at the time, or do they claim that they have been wrongly identified, or will they offer defences (for example, the stolen property was theirs, their actions were in self-defence, they were acting reasonably but were misinformed)? You need to consider possible responses from the suspect and how you will deal with these in your search for the “truth”. Plan your disclosure of evidence. At what juncture is it best for you to tell the suspect something of what you already know and seek their response?

## Preparation

Preparation also entails being psychologically ready for the interview. You need to be prepared to address the behaviours of the suspect positively, even where they may frustrate or challenge you. Your focus should be on maintaining rapport and promoting an environment that will be most conducive to allowing you to achieve your aims. You must also be aware of your own emotions and feelings and how you contain and control these in a way that does not impede the progress of the interview. Remember that the lead interviewer may give way to their colleague where personality or temperament appears to be impeding the building of rapport with the suspect. Preparation also demands devising an optimal physical environment, with the available resources, in which to conduct an interview. You need to consider where the interview will take place: for example, how to lay out the interview room and access the right recording material or equipment. Even the seating plan of the interview needs to be thought through and may change depending on who will be in the room at the time, what you are trying to achieve, and any special features or requirements of the suspect themselves.

You will need to ensure that there is nothing to distract you or the suspect during the interview and that the room is quiet, private and free from unnecessary interruption.

You should not allow yourself to be distracted or flustered by the presence of a third party, such as a legal adviser, interpreter or accompanying adult in the case of juveniles. These individuals have defined roles that you need to consider in your planning stage and clarify with them as you prepare to conduct the interview.

## Introduction

Remember your need to establish and maintain rapport and that this begins from your very first introduction to the suspect. This will be supported by your show of interest in the suspect and concern for their well-being. You are not trying to be their “friend”; rather, you are dealing with them in a way whereby they can see that you respect them as a person and understand the stress and problems associated with the situation in which they now find themselves.

- ▶ Introduce yourself by name and rank and similarly identify any other police officers and officials present. Explain what your and their roles will be during the process.



- ▶ Explain why they are being interviewed. Depending upon your national laws, it may be appropriate to caution them at this point. Regardless of whether or not this applies, be sure to inform the suspect, in clear terms and in a language that they understand, about the crime(s) they are suspected of having committed and what you will be questioning them about.
- ▶ Explain what will happen in the course of the interview, namely how the interview will be conducted. You should also inform the suspect that they may be questioned on other matters that may arise during the interview in order to explain certain facts and matters.
- ▶ Explain to them their rights, including their right to legal counsel and the point at which this applies according to your domestic laws.
- ▶ Ask the suspect whether they have any questions at this point or if there is anything that they need (such as a toilet break or water). In particular, be sure that they understand what you are saying.
- ▶ All of the above, delivered in a clear, comprehensible and open and respectful manner, is important in establishing rapport.

## Account

After you have finished your introduction and checked appropriately that the suspect fully understands what is expected of them, you should present them with the opportunity to give a detailed and uninterrupted narrative account. This should include their explanation of any information that may suggest that they are responsible for the crime under investigation. Give the suspect time to think and reflect during their account and do not feel that you need immediately to fill the “space” created by any pause. Allowing silence can be an effective tool, if used properly, to encourage the interviewee to expand on what has been said and to add extra detail or give a further account of events. It is important to encourage the suspect to give their account and not to interrupt, even where you already doubt aspects of its truthfulness or accuracy. Remember you are allowing the suspect to give “their” account, as this will provide information that can later be checked and may point to their guilt or innocence.

You will need a record of this account, not only as evidence, but also to allow you to relate back to the suspect critical points that they have made, and that you will later clarify or challenge, where the details are in contradiction to other information already in your possession. You can help ensure that the suspect is aware of their own statements by repeating back to them a summary of what they have said. Give them an opportunity to agree with the summary or amend it as (they feel is) appropriate.

Remember that your body language and simple comments can work to encourage the suspect to give a more detailed and full account. This includes showing signs of interest and that you are actively listening to what they have to say. This can be shown by a simple nodding of the head or commenting “that’s interesting” or “I see”.

## Questions

From the suspect’s account you will identify areas that require you to prompt them into giving further detail. You may need them to provide more specific information and throw light on areas that remain unclear or about which they appear ambivalent. As you encourage the suspect to explain further you should continue to focus on using open-ended questions to elicit as much information as possible, without shaping or constraining their responses. At the beginning you may not be directly challenging the suspect but rather letting them know that you need further information and they should proceed until they feel that they have given “their” full account. After this you will raise your own points as you will have a number of pieces of evidence to establish in regard to the crime. You will wish to introduce evidence that may not already have been explained by the suspect in their account and seek their explanation as to, for example: why they were at the crime scene, why their fingerprints were found on the door handle or why the stolen property was in their car. You can also present physical evidence or photographic images as part of your questioning, for example: “Do you recognise this screwdriver?” You will have already prepared your “exhibits” and planned how to introduce them into your questioning. As you use your information tactically you will have given the suspect the opportunity to “explain” or account for it before disclosure. For example, if their fingerprints were found at the scene of a crime that occurred on a Tuesday, you might ask how they spent that Tuesday. Do they admit to being at the scene or claim to have been elsewhere? If you begin by saying “your fingerprints were found at the scene” then they may construct a reason as to why they were there in response. Remember that you are always questioning with an open mind. You need to hear what the suspect has to say by way of explanation rather than assume that you know the reason for these facts. The suspect may have a plausible and innocent explanation that equally fits all the facts. After this you may need to move on and address areas where there are inconsistencies between the account given by the suspect and evidence or information already in your possession. These points will have

different evidential value in helping to prove (or disprove) that the suspect is guilty of the offence. One approach is to start with the lesser-value points and proceed to those that are most probative.

### **A brief note on building rapport**

You need to be aware of how to frame your questions as this will have a direct and significant impact on the nature of the responses that you receive. As a general rule your questioning should be clear and concise, as you do not want to confuse the suspect with jargon or by raising a number of distinct and separate points at the same time.

There are several different types of questioning: open-ended; closed; forced-choice; multiple; leading.

- ▶ Open-ended questions are those that allow the suspect to reply with longer, more detailed responses and lack direction from the interviewer. These can be questions such as “What happened?” or questions that begin by asking the suspect to “tell”, “explain” or “describe” some event or situation.
- ▶ Closed questions require more definite and distinct answers. Examples include, “What time was that?”, “Who else was present?”, “What is his address?” Such questions allow more control over what the suspect says and are useful where the suspect has left out information that you need. However, they can limit the account given.
- ▶ Forced-choice questions greatly restrict the possible answers to those that you have determined. The question may be “Was it a rifle or a handgun?” when the weapon may have been a shotgun. The suspect may simply pick one of the choices offered in order to please the interviewer or just move the questioning on. You should avoid these as they do not suggest an open mind, and because answers may lie outside those conceived of by the interviewer. Do not limit the interview in this way.
- ▶ Multiple questions are those where the interviewer asks more than one question at the same time. This can easily confuse an interviewee and make the answers given equally confusing to the interviewer. An example would be to ask, “When did he say that and what did he do and who else was present?”
- ▶ Leading questions are those that induce a particular reply and may be judged to have manipulated the interviewee. An example would be to ask, “You wanted to injure him, didn’t you?” They can lead the suspect to the point where they agree with what is being said even where they are uncertain or have no clear memory.

You will need to decide on the way in which you seek clarification to contested information. This will depend partly on your understanding of the suspect and the relationship that you have built up during the interview. An example might be where the suspect has said that they were at one place – X, but you have a witness who saw them at another place – Y. You may choose to directly confront the suspect, saying: “That’s untrue; we know you were at Y. Why don’t you admit it?” While this may lead the suspect to concede the point, they may deny it, making it more difficult for them later to admit it, and the rapport may begin to deteriorate, causing them to be less inclined to divulge any information. You could equally deal with the same discrepancy by saying: “We have a problem here, because there is a very reliable witness who saw you at Y at the time that you say that you were at X. Maybe we can explain this? Maybe there is something else that you’d like to say that can help us to clear this up?” In this latter example the use of “we” helps maintain rapport and gives the impression that you and the suspect are working together to clarify what really happened. You can follow up the suspect’s account, where it is still in contest with the evidence presented by using closed questions, for example by asking: “Do you still claim that you were not at Y?” The suspect will become aware of the weight of evidence against them as you strategically disclose it in the course of the interview. This may convince them that an admission of guilt is then their best course of action. If the suspect admits guilt, you should allow them to present a new account and support a full and accurate disclosure by using open questioning and probing as necessary.

You must remain calm, composed and civil throughout the interview. Even if you must robustly challenge elements of the account given by the suspect, do so without hostility or aggression.

## Closure

Closing the interview is a significant stage and not to be done quickly in the belief that the interview ends when your questioning is complete. There are a number of important points to cover. The first of these is to ask the suspect if they have anything they would like to add to their account, anything they would like to clarify or if they have any questions to ask. Remember that there may be a need to re-interview the suspect, so it is important to maintain rapport and a professional, respectful relationship. At this point, if you already know, inform them of what you intend to follow up in future interviews.

## Evaluation

At the end of the interview, the first evaluation that you will make is whether or not you met the objectives that you had set for the interview during the planning phase. You will consider what actions are now necessary to move the investigation forward in the light of the suspect's account, their responses to your questioning and the information already in your possession. You may need to make further inquiries to test the veracity of statements made, test defences offered or locate and secure evidence, including other potential witnesses or suspects. You may need to consider the value of a follow-up interview and how you can best prepare for this.

The evaluation stage is also an opportunity to reflect on your own performance. This includes not only critiquing areas that did not go well and would benefit from attention but taking pride in what worked and what you will continue to do. Such evaluations are improved when you have access to a skilled third-party assessment whose feedback can be built into your professional development plan and personal goal setting.



## Conclusion

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**A**cquiring and applying investigative interviewing skills can be both complex and challenging. It requires the use of enhanced communication skills and the ability to be open and compassionate, even in the most demanding of situations. Interviewers need to be able to plan, to apply structure and to show discipline throughout. They need to be able to reflect critically on their own performance and be willing to understand intricate psychological processes. Even when acquired, such skills can easily be lost or dulled if they are not valued, encouraged, promoted or quality assured by supervisory and senior officers.

Nevertheless, as this guide demonstrates, significant improvements in interviewing techniques can be achieved by taking some simple but critical steps. It is open to all police officers to benefit from the vast amount of scientific research and skilled practitioner experience that has gone into informing this approach to successful criminal investigation.

Police officers are pragmatists. In carrying out their policing responsibilities they want to know what works. This guide shows “what works” and provides police officers with a basic resource to make investigative interviewing work for them. Admittedly, it cannot by itself turn all officers into accomplished investigative interviewers. However, it provides a firm basis from which to enable police officers to bring tried and tested methods into their professional practice. This will not only increase police effectiveness in investigations but will also enable officers to deliver the human rights based policing that all citizens desire and deserve.

## **Policing in a democracy and the rule of law**

It is widely accepted that most crime is solved by information provided by the community. Where the police have the confidence and respect of the community they serve, and all the diverse groups that comprise that community, then this information will flow freely. Without it, the police will find that they depend disproportionately on confessions to solve crimes. With this dependence comes the danger of applying duress, accepting false confessions and breaching human rights under a real or perceived pressure to solve crimes. The success of the police in crime detection is intimately connected with their relationships with the public.

First-rate investigative interviewers are essential in the efforts to bring offenders to justice, but their potential contribution to solving crime will always be severely limited without the support of witnesses and victims – ordinary citizens who are willing to come forward to assist in the delivery of justice. Citizens are more likely to do this where they believe in the fairness of their justice system and the professional efficiency and integrity of an impartial and humane police service. Delivering professional and respectful investigative interviewing can be a major building block in achieving such community confidence and respect for the rule of law.





# Principles of investigative interviewing

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## The aim is to obtain accurate, reliable and comprehensive information

- ▶ The purpose of the interview is to obtain a full, truthful and accurate account of what has transpired and other pertinent information of which the interviewee has knowledge.

## Maintain an open but investigative mind that accepts the innocence of a person until proven guilty

- ▶ The interviewer must not allow personal or preconceived views to have influence but must instead maintain an open mind. This will enable a more investigative approach that allows for the questioning of accounts to uncover a complete and reliable version. In so doing the interviewer can test the account given against information already in their possession.

## Behave impartially and with respect for the dignity of all

- ▶ It is essential that the interviewer behave at all times in a professional manner that is compliant with the human rights of the suspect and is responsive to individuals who may have special needs.



### **A silent suspect can still be questioned, as you are obliged to investigate**

- ▶ The interviewer should put questions to a suspect even when that suspect refuses to answer. The suspect may later claim that they were not asked certain questions. This is an opportunity for them to give an account.

### **You can ask whatever questions you wish provided they are pertinent to the investigation**

- ▶ You are required to investigate the crime in question and to that end are free to ask any question that is relevant to the resolution of the case.

### **You do not need to accept the answer given and can persist in questioning provided such questioning does not become oppressive**

- ▶ The interviewer can probe and challenge accounts given in order to clarify contradictions and inconsistencies in their search for a truthful and accurate account.

### **Recognise that a truthful confession of guilt has benefits both for the justice system and the victim**

- ▶ While you must be cautious as to the possibility of a false confession, an admission of guilt can limit anxiety and stress for the victim and bring justice in a more efficient and timely manner than a contested court case.

Initiated by the Criminal Law Cooperation Unit of the Council of Europe (DG1), this brief introductory guide is primarily designed as a training tool for police officers involved in interviewing, with particular reference to the interviewing of suspects. Its fundamental aim is to promote human rights compliant practices throughout the interview phase of investigations and in so doing underlines not only the legal and moral imperatives, but also the operational effectiveness of adopting such an approach.

The guide further highlights the dangers of relying solely on unsubstantiated confessions as a means of resolving cases; emphasises the critical importance of maintaining an open mind and the presumption of innocence; presents evidence for the unreliability of using oppressive means and torture in interviewing suspects; contains practical advice for questioning suspects in ways that are most likely to elicit actionable information; and provides officers with the means to structure and plan investigative interviews effectively.

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