

Reforming Investigative Interviewing in Canada

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Les pratiques d'entrevues d'enquête au Canada devraient faire l'objet d'une réforme importante. La formation sur les entrevues avec des témoins et des victimes adultes, qui est offerte aux agents de police canadiens, est souvent superficielle et celle sur l'interrogation de suspects se limite à la controversée technique Reid. Cela pose problème parce que les enquêteurs risquent ainsi de ne pas maximiser la quantité ni la qualité des renseignements obtenus des personnes interrogées. Dans l'article, on décrit la méthode PEACE, un modèle d'interrogatoire inquisitorial jugé à la fois éthique et fondé sur la recherche scientifique. Pour réussir cette réforme des pratiques d'entrevues d'enquête, il faudrait mettre en place un modèle national standardisé qui serait basé sur le modèle PEACE et qui augmenterait les partenariats entre utilisateurs et théoriciens.

Mots clés : entrevues d'enquête, technique Reid, modèle PEACE, faux aveux, témoins, suspects

Investigative interviewing practices in Canada require substantive reform. Adult witness and victim interview training for Canadian police officers is often cursory, and suspect interview training is limited to the much-maligned Reid technique. This state of affairs is troublesome because interviewers may not be maximizing the quality and quantity of information that can be retrieved from interviewees. An inquisitorial interviewing method, known as PEACE, that is ethical and grounded in scientific research is outlined. Investigative interviewing reform can best be achieved through the implementation

of a standardized national model that is based on PEACE and through increased practitioner-academic partnerships.

Keywords: investigative interviewing, Reid Technique, PEACE model of interviewing, false confessions, witnesses, suspects

Introduction

Police interviewing is arguably the most fundamental aspect of any criminal investigation because it elicits the information from witnesses, victims, and suspects that is required to successfully resolve cases (e.g., Milne and Bull 1999; Lassiter 2004). Given the importance of police interviewing, one would expect that training on best interviewing practices would be extensive and mandatory in Canada. In reality, however, many Canadian police officers are provided with only cursory training on how to conduct professional interviews with witnesses and victims, and training on suspect interviews is limited to the much-maligned Reid Technique. This state of affairs is worrisome because it suggests that interviewers are not retrieving the full quality and quantity of information that is available to them from interviewees, thus impacting criminal investigations and subsequent prosecutions. We argue that the training and practice of investigative interviewing should be reformed in Canada through the adoption of the PEACE model of interviewing, and we urge researchers and police officers to work together to bring about such reform.

Current interviewing practices

In this section we discuss what is known about current interviewing practices in Canada. We argue that training for victim and witness interviewing is inadequate and that, despite drawing upon best practices (e.g., the cognitive interview), training through police colleges and in-house courses is not extensive. By *not extensive*, we mean it lacks yearly refresher training, performance evaluation, and regular and structured supervision. We also argue that the ubiquitous Reid Technique and many of the commercial interviewing-related products marketed to police organizations are inadequate and sometimes even harmful.

Interviewing witnesses and victims

Despite a lack of empirical data on the state of training in Canada for witness and victim interviewing, we believe it is inadequate. Police

recruits typically receive cursory interview training during basic training. After a number of years on the job, some officers may receive training in advanced methods such as the cognitive interview. However, the type, amount, and quality of interview training varies greatly both within and among organizations. Furthermore, regular supervision and evaluation of these interviews does not appear to be standard practice. Ultimately, the lack of training and supervision raises concerns about the quality of interviewing practices.

With the exception of one study by Wright and Alison (2004), there are also no evaluations of interviewing practices within Canadian police organizations. However, findings from studies conducted around the world (e.g., Fisher, Geiselman, and Raymond 1987; Milne and Bull 1999; as well as the Wright and Alison study) suggest that poor interviewing practices tend to be the rule rather than the exception. Police interviewers have been shown to interrupt responses provided by interviewees (Fisher and Geiselman 1992), to violate the 80–20 talking rule (i.e., interviewer should talk for about 20% of the interview; Shepherd 2007), and to ask more unproductive questions (e.g., leading, forced-choice) than productive questions (e.g., probing, open-ended; Griffiths and Milne 2006). These practices restrict the ability of interviewers to obtain accurate and complete reports from interviewees, which in turn lessens investigative thoroughness (e.g., having less information to verify) and, ultimately, the successful administration of justice.

Poor interviewing has also been associated with miscarriages of justice in Canada (St-Yves 2009). For example, the Lamer Commission of Inquiry (2006) into wrongful convictions in Newfoundland and Labrador identified inappropriate interviewing of witnesses as a major concern. In addition, the Federal-Provincial-Territorial Heads of Prosecutions Committee Working Group (2002) identified poor interviewing practices as a potential contributor to miscarriages of justice in Canada.

Interviewing suspects

The vast majority of Canadian police officers who receive training for suspect interviewing are taught the Reid Technique (henceforth referred to as Reid) or some derivative of it. Reid was first described in depth in 1962 in the book *Criminal Interrogation and Confessions* and has subsequently been taught to hundreds of thousands of investigators around the world (Inbau, Reid, Buckley, and Jayne 2004; Buckley 2006).² Reid consists of two main phases: the behavioural analysis

interview (BAI) and the nine-step interrogation. Although the term *interrogation* is commonly used in reference to questioning suspects, we prefer to use the term *interview* to refer to the process of questioning all types of interviewees.

The BAI interview is non-accusatory in nature and presumably allows the interviewer to gather investigative and behavioural information from a suspect or accused person in order to assess guilt. This is a critical step because it places the onus on a police interviewer to interpret and assess human behaviour accurately. Only those individuals who are judged to be guilty are subsequently subjected to an accusatory interview. In other words, an interviewer will typically conduct an interview with the assumption that the interviewee is guilty. The interview itself is guided by a nine-step approach that is designed to elicit a confession by isolating the suspect, repeatedly confronting the suspect with belief in their guilt, and minimizing the seriousness of the crime (Kassin 2008).

There are at least three major concerns regarding the Reid technique. First, it has long been established that police officers cannot detect deception at greater-than-chance levels and that various training programs have been unsuccessful in increasing accuracy (see Meissner and Kassin 2002).³ In addition, police officers are more likely to be biased toward a judgement of guilt and deception than non-police officers, and this bias is believed to increase as interviewers gain more training and experience (Meissner and Kassin 2002). Furthermore, most of the cues listed by Inbau et al. (2004) as indicators of deception – for example, gaze aversion – have not been shown to be reliably associated with lying or guilt (DePaulo, Lindsay, Malone, Muhlenbruck, Charlton, and Cooper 2003; Strömwall, Hartwig, and Granhag 2006). Such research suggests that an innocent person could be deemed guilty through a BAI and unnecessarily subjected to an accusatory interview.

Related to the concerns about deception detection are commercial training programs (in areas such as statement validity analysis) whose proponents claim to be able to train Canadian police officers to determine guilt based on behavioural cues or written text. It is not uncommon to encounter advertisements for such programs in national police magazines, at trade shows, and in promotional materials. These training programs do not appear to be grounded in any scientific research, are based largely on testimonials and anecdotes, and have evaded the independent peer review process. Such programs contradict best prac-

tices in deception detection (Vrij 2008) and have the potential to artificially boost interviewers' confidence in their ability to detect guilt (Kassin and Fong 1999; DePaulo, Charlton, Cooper, Lindsay, and Muhlenbruck 1997).⁴

The second major concern about Reid is that despite a variety of bold assertions and generalizations by authors of Reid about the efficacy of the nine-step approach in eliciting confessions, there is virtually no research demonstrating the effectiveness of the technique.⁵ There is no evidence that Reid's nine-steps lead to more confessions than a non-Reid technique. Moreover, the evidence base to support the assumptions underlying the technique has yet to emerge.

Third, many academics and legal scholars have argued that Reid's minimization and maximization tactics are overly coercive in nature as they create a sense of psychological pressure that persuades people, both innocent and guilty, to provide information that they normally would not give freely. An interviewer's inability to detect deception, the assumption that the interviewee is guilty, and coercive techniques together have the potential to induce a false confession (Kassin and Gudjonsson 2004; Kassin 2008). Some empirical support for this claim comes from recent findings that Reid's minimization themes, such as offering face-saving excuses, can elicit false confessions (Russano, Meissner, Narchet, and Kassin 2005). Other concerns about the impact of Reid on false confessions are based on the fact that 25% of individuals exonerated by DNA in the United States had made incriminating statements or confessions during interrogative questioning (Innocence Project 2007). Similar concerns about coercive interviewing tactics and false confessions have been raised in Canada (FPT Report 2002).

The PEACE model of interviewing

Several high profile wrongful conviction cases in the United Kingdom (e.g., the Guilford Four, the Birmingham Six) resulted in close scrutiny of investigative practices associated with those miscarriages of justice. One of the issues that garnered much attention was the system of interviewing tactics used to elicit confessions. It was determined that the overly manipulative and coercive nature of interviewing practices contributed to the wrongful convictions (Milne and Bull 1999). The British response was to introduce substantive reforms, including implementation of the PEACE model of interviewing. PEACE is an acronym that stands for Preparation and Planning, Engage and Explain, Account,

Closure, and Evaluation. This model is used for witness, victim, and suspect interviews.

Preparation and planning

Interviewers consider how information obtained from an interview will contribute to an ongoing investigation; they learn as much as possible about the interviewee; they create a list of investigative objectives; and they take the time to make all practical arrangements associated with conducting the interview. Officers also develop a timeline of events, prepare the opening question and subsequent questions based on an analysis of existing evidence, create an outline of how they will proceed (a "route map"), and plan for all eventualities (such as a no-comment interview).

Engage and explain

There are two central components to this stage. First, the interviewer engages the interviewee in conversation and, second, the interviewer explains what will happen during the interview. An interviewer engages the interviewee by personalizing the interview and continuously acting in a professional and considerate manner. These actions are meant to foster an atmosphere in which the interviewee will want to talk. The interviewer ensures that the interviewee understands the purpose of the interview, delivers the required police cautions in a manner that ensures the interviewee understands his or her legal rights, and identifies exhibits that will be addressed later in the interview. They also explain the route map, outline the various practical routines that will be followed, and establish expectations and ground rules.

Account

The approach an interviewer takes to gain an interviewee's account of an event is dependent on the type of interviewee. For cooperative interviewees the cognitive interview is used (see Fisher and Geiselman 1992). For uncooperative interviewees a conversation management approach is employed (see Shepherd 2007). Despite variations between the cognitive interview and conversation management, the same general framework is followed for all types of interviews and crimes (see Milne and Bull 1999). This framework involves asking an initial open-

ended question that elicits a free narrative of the event in question. After the interviewee completes the free narrative, the interviewer identifies topics from the narrative and probes the account. The suspect interview has two additional components: the interviewee is initially asked whether or not they committed the crime, and the interviewee's account may be challenged. Of course, uncooperative witnesses and victims may also be challenged.

The initial open-ended question is designed to elicit as much reliable and accurate information as possible by providing the interviewee with an opportunity to give an uninterrupted, personal account of the event or events being investigated. Research has long shown that an uninterrupted free narrative produces a large amount of accurate information and provides the interviewer with information that can be probed throughout the interview (e.g., Marquis, Marshall, and Oskamp 1972; Lipton 1977).

To identify topics, the interviewer listens carefully to the interviewee's account and notes points of interest (e.g., persons, locations, actions, and times) that can be pursued later in the interview. Once a seemingly complete account has been provided, the interviewer explores each of the identified topics through the systematic process of "opening, probing, and summarizing." The interviewer opens up a topic through the use of an open-ended question – that is, a question starting with a word like *tell*, *explain*, or *describe* – and then probes the account with questions starting with *who*, *what*, *where*, *when*, and *how*. After all the necessary probing has been done, the interviewer summarizes all the information obtained about that particular topic. This opening, probing, and summarizing is repeated until the interviewer is satisfied that all the topics identified from the interviewee's free narrative have been explored sufficiently. Using the same systematic process, the interviewer then asks questions about topics that did not arise from the interviewee's account but that were prepared beforehand.

When dealing with suspects, interviewers consider whether the interviewee's account is consistent with previously provided information and available evidence. If a discrepancy is identified, the interviewer may decide to challenge the interviewee's account. A challenge is not conducted in an aggressive or accusatorial manner; rather, it is presented as an opportunity for the interviewee to clarify and explain the discrepancy. The number of challenges the interviewer makes depends on the number of inconsistencies and discrepancies that are identified.

Closure and evaluation

Interviewers following PEACE recognize when to end an interview, maintain a courteous and professional manner, and ensure they ask all of their questions. They check that the interview objectives have been achieved, summarize the main points of interviewees' statements, provide the interviewee with the opportunity to correct or add any information, and explain what will happen in the future. Interviewers also consider the effect of new information on the investigation and how the information is consistent with all of the available investigative evidence. Interviewers are encouraged to conduct self-evaluations of their performances, and supervisors are taught to provide constructive feedback as part of routine or interviewer-requested performance evaluations.

Benefits of PEACE

A review of the literature on investigative interviewing reveals at least three major benefits of PEACE. First, it does not make use of coercive or manipulative strategies. The removal of coercive techniques reduces the chance that a statement will be deemed inadmissible (Marin 2004) and the possibility that police officers will be subjected to disciplinary measures or even civil liability for conducting negligent investigations.⁶ Ethical interviewing can also reduce the incidence of the following: offender resentment, disregard of legal rights, undermining of public confidence, and the "boomerang effect" (the tendency of some suspects who were going to confess deciding not to because they believe they are being manipulated or treated inappropriately).⁷

The second major benefit of PEACE is that its effectiveness at avoiding the problems associated with Reid does not result in a decrease in the proportion of suspect interviews that end in confession. Both before and after the implementation of PEACE in England and Wales, roughly 50% of suspects confessed to their crimes (Milne and Bull 1999); furthermore, the confession rate seems to hover around 50% in countries that continue to use Reid (King and Snook 2009; also see Pearse and Gudjonsson 1996). Assuming that obtaining a confession is the desired outcome, these findings suggest that interviewers are just as effective using PEACE as they are using Reid.

PEACE's third major benefit is its use of the principles of the cognitive interview, which is an effective memory enhancement technique for

cooperative interviewees. The cognitive interview was derived from well-established scientific knowledge about how memory works (Fisher and Geiselman 1992). A meta-analytic review of the research on the cognitive interview found a large effect size ($d = 0.87$) for the cognitive interview compared to the standard interview in terms of correctly recalled details (Köhnken, Milne, Memon, and Bull 1999). And even though more information was obtained by using the cognitive interview, there was not a parallel increase in the amount of incorrect information recalled. Although the conversation management approach has received less empirical testing, it is also grounded in empirical research (see Shepherd 2007).

Some individuals may object to PEACE because it makes no overt attempt to persuade a non-compliant suspect whom the interviewer thinks is guilty to confess. This objection, however, is in direct opposition to the philosophy underlying PEACE and some of the arguments made in this commentary. The inability of interviewers to determine a suspect's guilt by observing behavioural cues cannot be emphasized enough. There is an inherent danger in interviewers' attempts to convince a suspect of unknown guilt to confess to having committed a crime. Furthermore, the goal of PEACE is to move the focus of an interview away from obtaining a confession to forming a full and accurate account of the event. By obtaining an initial free narrative and using evidence-based challenges, the interviewer is able to reveal innocence or guilt – that is, an interviewee's failure to respond truthfully to evidence (e.g., DNA, CCTV recordings) that contradicts his or her account can illustrate guilt regardless of whether the interviewee verbalizes that guilt. PEACE, therefore, allows the truth to be revealed without the use of manipulative and coercive tactics and the risk of false confessions.

Future directions and research

Though concerns about the lack of witness and victim interview training have been expressed and research suggests that Reid-based interviews with suspects can result in false confessions, nothing similar to the changes made in the United Kingdom, Norway, and New Zealand (see Milne and Bull 1999; Schollum 2005; Fashing and Rachlew 2009) has emerged in Canada. In fact, the Canadian Police College, one of the country's foremost police-training institutions, continues to teach Reid (see <http://www.cpc.gc.ca>). While we expect Canadian police organizations to be relatively accepting of our arguments concerning

the need for a systematic and scientifically supported method for interviewing victims and witnesses (such as the cognitive interview), we also expect some resistance to any attempts at changing methods of interviewing suspects. However, looking back on the history of interviewing methods in North America, one can see that in the post-war years, the common “third-degree” interviewing practices eventually gave way to “softer” psychological methods of interviewing (Lassiter 2004). Reid was rightly seen at the time as a positive move away from heavy-handed approaches to obtaining information from suspects. Given the increasing prevalence of wrongful convictions due in part to false confessions obtained during coercive interviews, and the empirical research demonstrating the link between Reid-based tactics and false confessions, we believe that the time has come for more change.

In our opinion, the reform of investigative interviewing in Canada will require the implementation of four broad recommendations. First, a standardized tier-based training program for interviewing victims, witnesses, and suspects should be adopted. This program should be based on the principles of PEACE. In addition to the training material, this program should include a suite of supervisory tools to allow for regular performance evaluations.

Second, each police organization should have a unit dedicated to overseeing investigative interview training and supervision. Individuals staffing such units should receive extensive training on how to deliver the standardized learning programs that progressively develop interviewing skills in a tier-based system. This in-house training would allow police organizations to free themselves from an overreliance on the questionable methods developed and sold by commercial enterprises.

Third, professional bodies such as the Canadian Association of Chiefs of Police (CACP) and the Canadian Police Association (CPA) should advocate for the implementation of standardized practices. Because policing is a provincial responsibility, the adoption of national standards is not a straightforward process; however, given that the CACP and CPA have been successful in advocating reform on various other policing initiatives, they are ideally positioned to reform interviewing practices in Canada.

Fourth, collaboration between criminal justice researchers and police organizations should increase beyond what currently appears to be

the case (see St. Yves 2009 for an example of desirable collaborative efforts in Quebec). Collaboration would provide researchers with opportunities to base their research on exposure to, and therefore a greater understanding of, the conditions under which interviews are conducted. Such partnerships may make police officers more aware of the benefits of empirically derived practices and thus increase their willingness to participate in research. Researchers working in conjunction with police organizations should attempt to evaluate current interviewing practices, facilitate the implementation of any training needs that emerge from the evaluations, and conduct and publish program evaluations in order to ensure that the training is leading to desired outcomes.

The political, legal, and – most importantly – organizational will appears to be all that is needed to make the necessary changes. If police officers in the United Kingdom, New Zealand, and Norway can continue to conduct effective criminal investigations in the face of such substantive interviewing reform, it is highly likely that members of Canadian police organizations could produce similar results. There has already been some preliminary evidence that reform is possible: 33 officers from the Royal Newfoundland Constabulary have already been trained on the PEACE model of interviewing through a pilot project conducted at Memorial University of Newfoundland. The costs associated with such reform pales in comparison to the financial, social, and legal costs associated with inadequate investigations.

Notes

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2. See also <http://www.reid.com> for evidence of the prevalence of the technique.
3. See Vrij, Fisher, Mann, and Leal (2009) for recent developments in detecting deceit.
4. See Heydon (2008) for similar concerns about commercial training products.
5. See King and Snook (2009) for recent exploration of this issue.

6. See *Hill v. Hamilton-Wentworth Police Services Board* (2007) for a discussion of the liability under the law of negligence and the tort of negligent investigation in Canada.
7. See Gudjonsson 2003 for further discussion of these issues.

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