Persuasive versus Investigative Techniques

Though police interrogation in America has begun to change to adopt less confrontational and deceptive methods (Meissner et al., 2017; Snook et al., 2020),

Meissner, C. A., Surmon-Bohr, F., Oleszkiewicz, S., & Alison, L. (2017). Developing an evidence-based perspective on interrogation: A review of the U.S. government's High-Value Detainee Interrogation Group research program. Psychology, Public Policy, & Law, 23, 438-457. https://doi.org/10.1037/law0000136

Developing an evidence-based perspective on interrogation: A review of the U.S. government's high-value detainee interrogation group research program.

Meissner, Christian A., et al.

Psychology, Public Policy, and Law, Vol 23(4), Nov, 2017. Special Issue: Psycho-legal Researchers' Impact on Policies and Legal Practices: Past and Future. pp. 438-457.

Abstract:

Interrogation practices in the United States have been roundly criticized both for their accusatorial ethos, at times leading to false confessions by the innocent, and for a history of applying physical and psychological coercion in law enforcement, military, and intelligence contexts. Despite decades of psychological research demonstrating the failures of such approaches and despite recent positive advances in countries such as the United Kingdom moving to an information-gathering framework, little change has occurred in the training or practice of U.S. interrogation professionals over the past 50 years. This article describes recent historical events that have led to the development of the first unclassified, government-funded research program on the science of interviewing and interrogation. Since 2010, the High-Value Detainee Interrogation Group (HIG) research program has identified effective approaches for developing cooperation and rapport, eliciting information, challenging inconsistencies by presenting evidence or information strategically, and assessing credibility using cognitive cues and strategic questioning tactics. The program has also examined the influence of culture and language, and has facilitated the translation of research from the laboratory to the field. In this context, we review the significant contributions of psychologists to understanding and developing ethical, legal, and effective interrogation practices, and we describe important future directions for research on investigative interviewing and interrogation.

Snook, B., Barron, T., Fallon, L., Kassin, S. M., Kleinman, S., Leo, R. A., Meissner, C. A., Morello, L., Nirider, N., Redlich, A. D., & Trainum, J. L. (2020). Urgent issues and prospects in reforming interrogation practices in the United States and Canada. Legal and Criminological Psychology. Advance online publication. http://doi.org/10.1111/lcrp.12178

Urgent issues and prospects in reforming interrogation practices in the united states and canada.

Snook, Brent, et al.

Legal and Criminological Psychology, Jul 19, 2020. ArtID: e12178

Abstract:

The current article presents a series of commentaries on urgent issues and prospects in reforming interrogation practices in Canada and the United States. Researchers and practitioners, who have devoted much of their careers to the field of police and intelligence interrogations, were asked to provide their insights on an area of interrogation research that they believe requires immediate attention. The submitted independent commentaries covered a variety of topics – from police recruitment, interrogation training, use of proper interrogation practices, and the treatment of confession evidence in court. Common

concerns from the contributions pertained to the lag between scientific knowledge on interrogations and the application of such knowledge in the justice system, and the glaring disparity between the treatment of similar issues in the interrogation context versus other criminal justice contexts. A primary intent of this collection of commentaries is to serve as a resource pointing researchers in the direction of the fundamental areas that require immediate consideration and encouraging them to simultaneously pursue solutions to the overarching concerns that emerged from this project.

Assessing the Diagnosticity of a Persuasion-Based and a Dialogue-Based Interrogation Approach
Joseph Eastwood, 2020
Journal of Police and Criminal Psychology
The current study assessed the relative propensity of a persuasion-based and a dialogue-based interrogation approach to generate true and false confessions (i.e., their diagnosticity). Following the Russano cheating paradigm, participants were first either induced or not induced to cheat on an experimental task to create innocent and guilty conditions. An experimenter, blind to the participants' guilt or innocence, then attempted to generate a confession using a persuasion-based or a dialogue based interrogation approach. Chi-square analyses showed that both interrogation approaches generated an equally high proportion of true confessions from guilty participants (95% for both approaches; $p = 0.942$) but that the persuasion-based approach generated substantially more false confessions from innocent participants than the dialogue-based approach (45% vs. 0%, respectively; $p = 0.001$). The dialogue-based approach's clear advantage over the persuasion-based approach in this study adds to the call for law enforcement organizations to utilize dialogue-based approaches within real-world interrogations.

- The predominant interrogation approach utilized in North America today is the Reid Technique and similar accusatorial style approaches (Inbau et al. 2011; Miller et al. 2018). The Reid technique can be classified as a persuasion based approach as it uses psychologically manipulative tactics to try and generate confessions from suspects deemed likely to be guilty (Meissner and Russano 2003).

- These tactics include having the interrogator stress that they are certain of the guilt of suspect at the beginning of the interrogation (e.g., "There is no doubt in my mind that you took the money"; direct positive confrontation), providing face-saving justifications that minimize and normalize the crime (e.g., "Maybe you just took the money to help buy food for your family; theme development), not allowing the suspect to voice denials regarding their involvement in the crime, and eventually presenting the suspect with two options for why they committed the crime, one reprehensible and one understandable (e.g., Did you steal the money to buy drugs, or to buy food for your family?; alternative question). It is argued that systematic application of these tactics through the Reid technique's nine-step process will cause many suspects to confess to their involvement in a criminal offence (Inbau et al. 2011).

- Kassin and Kiechel (1996) found that over 90% of participants falsely confessed to making a computer crash when presented with untrue inculpatory evidence.

- a collaboration of academics and law enforcement officers in the UK created the PEACE model of investigative interviewing in the early 1990s (see Snook et al. 2010). PEACE is an acronym for the five stages of the interview process: Preparation and Planning, Engage and Explain, Account, Closure, and Evaluation. The PEACE model is an inquisitorial method that employs a noncoercive information gathering approach to interviewing all

interviewee types (Meissner and Russano 2003; Snook et al. 2010; Gudjonsson and Pearse 2011).

- Unlike the Reid technique and similar approaches, PEACE contains no tactics designed to explicitly generate an admission or confession from the suspect and instead focuses primarily on generating dialogue with a suspect which can then be compared with the existing case evidence to determine veracity (see Centrex 2004).
- Analyses of confession rates in the UK before and after the implementation of the PEACE model, however, show similar rates of confessions (Hartwig et al. 2005).
- A fundamental feature of an effective interrogation approach is its *diagnosticity* - the ability to generate true confessions from guilty suspects while not generating false confessions from innocent suspects.
- The sample consisted of 80 students
- The two interrogation scripts were designed to represent either a persuasion-based approach or a dialogue-based approach. Both approaches contained two pieces of evidence that supported the experimenter's belief in the participant's guilt—identical wrong answers on a specific question in the individual problem-solving task and that the confederate suggested to the experimenter that the participant had in fact helped on that question. In the persuasion-based approach, the experimenter used the following script to try and elicit a confession:
- Both persuasion-based and dialogue-based approaches were highly effective at eliciting true confessions - approximately 95% of guilty participants in both conditions confessed.
- The persuasion-based approach elicited substantially more false confessions than the dialogue-based approach (45% vs. 0%, respectively).
- There was a notable difference across interrogation conditions for innocent participants. Specifically, almost half of the participants in the persuasion-based condition provided a false confession compared with no false confessions within the dialogue based condition.
- Not a single participant in the innocent condition provided a false confession—despite this appearing to be a key motivator for guilty participants to confess

The social psychology of false confessions: Compliance, internalization, and confabulation.
Kassin, Saul M. and Kiechel, Katherine L.
Psychological Science, Vol 7(3), May, 1996. pp. 125-128.
Abstract:

Examined whether the presentation of false incriminating evidence can lead people who are vulnerable (i.e., in a heightened state of uncertainty) to confess to an act they did not commit and to internalize the confession and perhaps confabulate details in memory consistent with that new belief. 75 Ss in a fast- or slow-paced reaction time (RT) task were accused of damaging a computer by pressing the wrong key. All were truly innocent and initially denied the charge. A confederate then said she saw the S hit the key or did not see the S hit the key. Compared with Ss in the slow pace/no-witness group, those in the fast-pace/witness group were more likely to sign a confession, internalize guilt for the event, and confabulate details in memory consistent with that belief. Both legal and conceptual implications are discussed.

False confessions in the lab: Do plausibility and consequences matter?
Horselenberg, Robert, et. al.

Psychology, Crime & Law, Vol 12(1), Jan, 2006. pp. 61-75.
Abstract:

The present paper describes three studies that examined false confessions in the laboratory. Studies 1 (N = 56) and 2 (N = 9) relied on the by now classic computer crash paradigm introduced by Kassin and Kiechel (*Psychological Science, 7*, 125-128, 1996). Study 3 (N = 12) employed a novel paradigm in which undergraduate participants were falsely accused of exam fraud. Our data indicate that false confessions do occur, even when conditions become more ecologically valid. Furthermore, we explored whether individual differences in compliance, suggestibility, fantasy proneness, dissociation, and cognitive failures are related to false confessions. Of these, only fantasy proneness was associated with false confessions.

Who said what and when? A timeline approach to eliciting information and intelligence about conversations, plots, and plans.

Hope, Lorraine, et al.
Law and Human Behavior, Vol 43(3), Jun, 2019. pp. 263-277.
Abstract (English):

The verbal content of interactions (what was said and who said what) can be important as evidence and intelligence information. Across 3 empirical studies, we examined memory for details of an overheard (Experiment 1) or witnessed (Experiments 2 and 3) conversation using a timeline technique adapted for the reporting of conversations between multiple speakers. Although participants in all conditions received the same general instructions, participants assigned to timeline reporting format reported more verbatim information and made fewer sequencing errors than those using a free recall format. In Experiments 2 and 3, using an extended version of the technique, participants using the timeline reporting format also reported more correct speaker attributions and provided more information about the individuals involved, without compromising overall accuracy rates. With a large effect size across experiments (total N = 134), these findings suggest that timeline reporting formats facilitate the reporting of episodic memories and benefit the reporting of conversations.

Impact Statement:

Public Significance Statement: In criminal investigations and human intelligence gathering contexts obtaining reliable information about the verbal content of criminal interactions (what was said and who said what) may be critical. We found that mock witnesses who used a self-administered timeline format reported more information overall, more verbatim information, made fewer sequencing errors, and were more likely to correctly identify who said what than those participants who used a free recall reporting format. These findings contribute to the work of practitioners in investigative and intelligence gathering contexts by facilitating the elicitation of detailed accounts, including conversational details.