These may include individual research papers in relation to the following specialist areas:

- Investigative interviewing of suspects, witnesses or victims
- Expert advice to interviewers
- Interview training and policy
- Interview decision-making processes
- False confessions
- Detecting deception
- Forensic linguistics

The list of topic areas is purely indicative and should not be seen as exhaustive. The Editor will also accept other papers including case studies, reviews of previous bodies of literature, reviews of conference or other specialist events, opinion papers, topical commentaries and book reviews. However, all articles, regardless of topic, should have either historic or contemporary relevance to Investigative Interviewing. All submissions must adhere to internationally recognised ethical guidelines. If you are unsure whether your article is suitable, please contact the Editor directly at d.walsh@iiirg.org

As a general guide, articles should not exceed 5,000 words, although the Editor retains discretion to accept longer articles where it is considered appropriate. If you are an academic, it is expected that, prior to submission, your article will be formatted to the standards of the Publication Manual of the American Psychological Association (APA). If you are not an academic, there is no requirement for your work to conform to the format standards of the APA, however, you must reference your article (where appropriate) and the Editor will format it prior to publication (should it be required). Please do not use footnotes anywhere in your article.

The Editor retains the discretion to accept or decline any submitted article and to make minor amendments to all work submitted prior to publication. Any major changes will be made in consultation with the author/s.

Please make sure that all acronyms are clearly defined in brackets the first time they are used. All articles must be submitted online via www.iiirg.org/journal/

PLEASE NOTE:
The Journal will be published bi-annually and contributions can be made by any academic researcher, practitioner or student. Copies of the Journal are free to all members via the members area on the website at www.iiirg.org.
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As I sit here in the UK with views of the beautiful rolling Derbyshire countryside outside my window, I feel honoured to have obtained the role of editor of this journal (previously the Bulletin). I sincerely thank the previous editor, David La Rooy, for his advice and support when handing over the reins to me. I am proud to say that I have been associated with ILR RG since its inception so to become its journal editor is a particular special moment for me. One of the reasons for my pride in such an association is because the group is truly international.

Another is the link between academia and practice. Examples of both of these matters are illustrated in this bulletin where we have contributions from various parts of the globe, and from both investigation professionals as well as academics. However, I do feel that there are so many parts of the world where, as an organisation, we still need to reach and share best practices and there is still so much that we need to know about investigative interviewing. This should be the types of challenges that ILR RG are prepared to face. They are the reasons for our existence, if you will.

I am also aware of the responsibility placed upon me of such a role as editor not least now to the paying membership! However, no matter how much I enjoy providing my own thoughts and ideas in the journal (and as you can see from my article in this journal those of others too!) I am really keen to learn from academics, practitioners, students, or those just who have an interest and enthusiasm for investigative interviewing. So please can I use this editorial to make the first of my requests for contributions from members. I am willing to consider all manner of contributions ranging from those articles which may be preludes to studies that are being considered elsewhere or even full accounts of studies themselves. For example, this journal commences with two highly interesting articles concerning the interviewing of children.

Firstly, Martine Powell and Rebecca Steinberg, in their Australian study, discuss the importance of well designed training (particularly in providing a greater awareness of good open-ended questioning techniques), and whether, regardless of that training, there is an understanding of what constitutes good practice in interviewing children in the wider criminal justice system. The second article by Sonja Brubacher and her colleagues acts as a suitable complement to Powell and Steinberg’s article. In this truly internationally collaborative study (i.e., Canada, USA and the UK) the authors explore the responses by children in actual interviews with particular focus on what the children perceived as consequences of their disclosure to investigators. Of groundbreaking nature in this study is the relationship between those perceived consequences and the reluctance to disclose abusive incidents which the children had apparently experienced.

Whilst these two academic articles are important for us to extend our knowledge of investigative interviewing, I am also very keen to hear from practitioners who also make an equally vital contribution to developments in interviewing skills. The journal’s deputy editor. Mick Confrey, will later provide details for those requiring guidance as to how to structure case studies for the journal. Whether practitioners wish to present case studies or whether they wish to present material that they have delivered to professional groups (or even at earlier ILR G conferences), please send them! The number of issues and, indeed, the group itself is highly dependent on a vibrant and active membership. Mick, himself, in this issue’s next article describes the actual events of a confessing suspect, before inviting you to respond via his email (m.confrey@iiirg.org) with your thoughts on the case study from, say, your own experience so that this may be the source of discussion in further issues. Indeed, contributions for the journal can also be such short responses (or indeed longer ones!). Such an item of newsworthy value is that provided in this issue by Detective John Tedeschini of the Edmonton Police in Canada. Here, he advises of the well received
presentations made by Professor Aldert Vrij to police officers in Edmonton concerning the detection of deception. He even provides a photo to prove it!

Contributions for the journal can also be conference, articles, or book reviews. They can also cover new ground away from the interview room. For example, in the next article, Brendan O’ Mahoney highlights what little is known either by academics, investigators or even legal practitioners concerning the experience of vulnerable people in the courtroom. Whilst Brendan’s material is set in the UK, it is felt that lessons learned can be applied across the globe. In the next article, I take the liberty of making a contribution that is designed to trigger, hopefully, much lively debate regarding how to overcome suspects’ resistance in interviews. Recently, I was fortunate enough to be invited by Dr. Rachel Wilcock to address her MSc students at London South Bank University. It was clear from those students, some of whom are investigation professionals, that there was a keen interest in this aspect of interviewing, whilst trying to maintain ethical principles that are argued to exist in England and Wales. I would like to hear your views (please email d.walsh@iiirg.org). To enable you to respond, I have submitted the views of two serving police officers to set the debate thread off! Again, contributions can be short or otherwise!!

The next article represents yet another departure for this new-look journal and involves a fascinating and highly entertaining interview, conducted by one of the iiIRG’s research co-ordinator, Dr Lynsey Gozna, with Dr. Julian Boon of the University of Leicester. In this fascinating interview, Julian refers to his consultancy role with the National Police Improvement Agency in the UK and talks about his experiences as interview adviser to the police. The final article in this issue is a timely contribution from Dr Nicky Miller. Over the last few years or so there has been a proliferation of research (Becky Milne and Ray Bull’s much anticipated second edition of Investigative Interviewing, will, I am advised by them, bear witness to that; being significantly larger than their first (1999) edition).

This increase is solely due to the growth in research undertaken in the area. However, despite this surge in knowledge, so much more needs to be understood. To help keep abreast of the amount of research being undertaken, Nicky would like you to inform her of what is being conducted.

I now hand over this editorial to the deputy editor, to whom I am already extremely grateful for his assistance, for a few words from him. I would like to wish you well for 2012. I am really looking forward to the conference in Toronto in May and meeting many of you there. No doubt over the next few months, between now and the conference, much expansion and growth will take place! It is with great anticipation that I would like to think iiIRG can also equally develop (with your contributions to the journal and the conference, for example). Indeed, we all have a duty to the area of skilled investigative interviewing in the pursuit of justice to contribute to such developments!!

Dave Walsh
Editor
d.walsh@iiirg.org
I am a serving UK Detective working as a full time interview adviser, having collaborated with many academics, my goal, through the bulletin, is to promote international practitioners’ views and experiences to stimulate healthy debate amongst the group from academics and practitioners alike.

To get things started, in this edition I have written a case study around vulnerable adults and false confessions. Brendan O’Mahoney has also submitted a case study around his experiences as an Intermediary.

So let’s get some debate going around the issues raised, contact me via email (m.confrey@iiirg.org) and in future editions we can publish your responses. I encourage and look forward to receiving submissions from other practitioners by way of case studies.

In relation to the format of the case studies, please submit them to myself (m.confrey@iiirg.org) The lay out isn’t rigid, start with(in brief terms) the relevant legislation/guidance in your jurisdiction, followed by the circumstances of the case study – remembering to anonymise the persons involved- ending with a conclusion which includes some points for debate/reflection.

All the best for 2012.

Mick Confrey
Detective Sergeant/Deputy Editor
m.confrey@iiirg.org

I am proud to have the opportunity to contribute to the journal as deputy editor. The great value of the iIIRG is to bring Academics and Practitioners, from all over the globe, in the field of investigative interviewing together, to share and discuss ideas, theories and practices.

I feel that we can expand the group even further internationally.
ARTICLES

Overcoming barriers to best practice interviewing

Martine Powell, and Rebecca Steinberg, Deakin University, Australia
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While there are factors affecting the quality of an investigative interview with a child that are out of the interviewer’s control, research shows that one of the major determinants of interview quality is in the hands of the interviewer: the questions asked. Many jurisdictions around the world now allow investigative interviews with child witnesses to be played in court as the witness’s evidence-in-chief, making the quality of interview questioning central to how judges and juries perceive the reliability of children’s evidence. Ensuring that investigative interviews are conducted using best practice methods gives each child’s evidence the greatest chance of positively impacting prosecution and conviction rates for child abuse offences. Despite requirements in many jurisdictions for investigative interviewers to undergo training in best practice interviewing, and directions to follow interview protocols that stipulate best practice methods during interviews, there are still barriers frustrating the application of best practice. Overall, prior research has revealed three current barriers to implementing best practice guidelines. This paper (commencing with an overview of what constitutes best practice investigative interviewing and the importance of training) highlights these barriers as well as strategies to overcome them.

What constitutes best practice investigative interviewing of children?

The primary aim of best practice interviewing is to obtain an account of an event from a child in his or her own words with minimal specific prompting. Interviewing protocols usually advocate the use of open-ended questions to achieve this aim (e.g., Ministry of Justice, 2011). Open-ended questions encourage elaborate
detail without dictating what particular information is required, and are integral for interviewing children and other vulnerable witnesses who have limited language and memory abilities (Agnew & Powell, 2004; Sternberg et al., 1996). Specific prompts, which necessitate either yes/no responses or short responses from questions starting with what, when, how, where or why, limit the amount of detail provided and heighten the risk of error (Powell & Snow, 2007).

The importance of training

Adherence to a narrative protocol maximises the chances of successful prosecution (Pipe, Orbach, Lamb, Abbott, & Stewart, 2008). However, investigative interviewers (despite their organisations’ commitment to best practice interview protocols) are not adhering to the use of open-ended questions (Powell, Fisher, & Wright, 2005). The capacity of interviewers to persist with open-ended questions is influenced primarily by the structure of training received by interviewers. The three main elements that distinguish successful and non-successful programs are distribution of training (incorporating practice) over time; expert instruction and feedback; and exemplars of good practice. The importance of these elements in the investigative interviewing context has been demonstrated by an increase in interviewers’ use of open questions and a decline in performance following a period of time when these four elements were not maintained (Lamb et al., 2002; Powell, Fisher, & Hughes-Scholes, 2008a; 2008b). The focus of training evaluation research now is to provide a more precise understanding of the barriers to effective interviewing and the types of training activities that are both cost-effective to implement and successful in overcoming the barriers in the long term.

Barrier #1: Poor understanding of open-ended questions

After a series of studies that elicited perceptions of investigative interviewers about such issues as their role in the interview, the challenges they face and what makes a good interview, Wright and colleagues concluded that the importance of open-ended questions, and the types of open-ended questions that elicit free-narrative accounts, were not well understood (Wright & Powell, 2006a; 2006b; Wright, Powell, & Ridge, 2006; Wright, Powell, & Ridge, 2007). This conclusion was reached because the importance of using open questions – the foundation of best practice protocols and training programs – did not feature in discussions with interviewers. Instead, interviewers judged the value of interviews by the quantity of narrative detail elicited. Additionally, good interviewers were perceived as needing certain attributes related to gender and personality for success, rather than good training.

Through research we devised several strategies to combat this poor understanding of open-ended questions. First, through the use of ‘think aloud’ exercises (stopping interviewers during mock interviews to actively discuss the progress of the interview) we were able to identify maladaptive beliefs that occur in interviews to derail the use of open-ended questioning (Powell, Fisher, & Hughes-Scholes, 2008b). ‘Think aloud’ exercises help trainers replace the interviewers’ maladaptive thoughts with ideas and behaviours congruent with evidence-based research.

Second, we analysed limitations to the use of open-ended questions within the interview, which is integral to designing individually tailored training programs (Powell & Guadagno, 2008). Examples of interviewer limitations apparent through analysis were seeking too much descriptive information and encouraging
short responses. Analysis of the interview has enabled us to devise new learning strategies to combat poor open-ended questioning, such as encouraging interviewers who use a limited range/number of open questions to rote learn question stems, and creating mock interviews where interviewers who abandon open questions early to elicit specific detail can practice with a trained actor who behaviourally reinforces the use of open questions.

Other strategies that have led to better understanding of open-ended questions among trainee interviewers are (a) clarifying definitions of different types of open-ended questions, (b) developing protocols for playing the role of the child in mock training interviews, (c) providing more exemplars of best practice through instruction guides, films and role plays, and (d) eliciting more feedback from prosecutors about what constitutes good quality evidence in the courtroom (Powell, Wright, & Hughes-Scholes, 2011). In addition to these strategies, we have conducted research to dispute organisational myths that undermine the notion of interviewing as a specialised skill that requires extensive training (Powell et al., 2008a; Smith et al., 2009). These myths include that personal attributes or background factors related to the individual interviewer are associated with best practice interviewing (when research shows that only recency of training contributed to variance in adherence to best practice methods) and that interviewers can tell if a child is giving a truthful account.

**Barrier #2: The structure of most training programs is not effective in promoting change**

The elements of an effective training program – distribution of training (incorporating practice) over time; expert instruction and feedback; and exemplars of good practice (Powell et al., 2005) – are precisely the elements missing from current training programs. One focus of our research program has been to devise the most effective strategies to implement these training components. The following two conclusions are examples of findings from our research into improving training programs: practice sessions with actors trained to play the role of the child are more beneficial than practice with untrained actors (Powell et al, 2008a); and there are valid alternatives to block training in the form of online training (such as the online unit, Advance Practice in Forensic Interviewing of Children, run through Deakin University), but not as a replacement for face-to-face training. Additionally, we’re in the process of developing a national training centre and national curriculum or protocol dictating what constitutes an appropriate interviewer training program and how training delivery should be assessed, evaluated and accredited. We’ve also been assisting organisations in their move towards a work-based training model (including ongoing supervision and continuous evaluation) through the development of standardised measures of performance (Powell, Cavezza, Hughes-Scholes, & Stoove, 2010; Powell, Hughes-Scholes, Cavezza, & Stoove, 2010).
Barrier #3: Lack of understanding of the justice system as a whole

The final barrier to best practice interviewing is a general lack of understanding about how the justice system is functioning as a whole. The interview cannot be considered in isolation because a range of factors within the investigation and case management process can potentially impact the performance of interviewers and the quality and use of the witness interview. Examples of these factors include the initial interviews (prior to videotaped evidence), the degree of victim support and methods of engaging families and communities, service providers’ knowledge and prioritisation of sexual assault investigation, the physical location of services, the immediacy of service providers’ responses and the levels of coordination across agencies. The emotional and financial toll of child abuse is high on children and those who care for them, as well as on the community in general. To achieve better interview outcomes we need to monitor all aspects of the process (to determine the interrelation between the various system elements in producing legal and other case outcomes) and then trial practical strategies aimed at improving existing procedures and understanding the reason for system deficiencies.

In summary, the three major barriers to the application of best practice interviewing are poor understanding of open-ended questions, ineffectively structured training programs, and a lack of understanding of the justice system as a whole and its effect on the quality, use and value of the investigative interview. While more research needs to be done to understand how other aspects of the justice system impact the investigative interview, the adoption of recent training strategies designed to move interviewers closer to best practice may see investigative interviews make a greater contribution to improving justice outcomes for children in child abuse matters.

REFERENCES


Children's expectations surrounding consequences of sexual abuse disclosure: A summary

Sonia Brubacher, Lindsay Malloy, and Michael Lamb

aWilfrid Laurier University, Canada, bFlorida International University, USA, cUniversity of Cambridge, UK

“...most of the children’s reports (of abuse) focused on negative outcomes for themselves... interviewers should be aware of these issues”

The following is a summary of the paper “Expected consequences of disclosure revealed in investigative interviews with suspected victims of child sexual abuse” (Malloy, Brubacher & Lamb, 2011), published in full in Applied Developmental Science (vol 15, pp. 8-19). The purpose of this research was to describe the kinds of potential negative consequences expected by children upon their revelations of sexual abuse.

Background

Previous descriptions of expectations of consequences surrounding disclosure have focused primarily on retrospective reports from adult survivors of sexual abuse (e.g., Anderson, Martin, Mullen, Romans & Herbison, 1993; Fleming, 1997), and children’s predictions of consequences befalling characters in hypothetical stories (e.g., Malloy, 2008). While important, these data do not provide direct insight into children’s cognitions about consequences they expect surrounding their own disclosures of abuse. One previous study has recorded children’s perceptions at the time of their disclosures (Goodman-Brown, Edelstein, Goodman, Jones & Gordon, 2003), but some of these accounts were garnered from caregiver reports which may have been biased, or inaccurate reflections of the children’s true fears. The researchers also had few opportunities to speak with the children themselves.

Malloy and colleagues (2011) was the first published study to characterize children’s actual reports in forensic interviews of what they expected to happen to themselves, the suspect(s), and other individuals, following their disclosures of sexual abuse.

Retrospective reports from adults have demonstrated that expectations surrounding others’ reactions affected whether or not the abuse was reported in childhood (e.g., Anderson et al., 1993; Fleming, 1997). Many victims cited fears of retaliation from suspects, blame from others, and/or other types of negative consequences, as reasons for delayed or non-disclosure (e.g., Anderson et al., 1993; Browne & Finkelhor, 1986; Conte & Berliner, 1988; Herman &
In hypothetical vignette studies, children typically read stories about a “perpetrator” who has done something wrong, and a child who discloses the wrongdoing to another person (i.e., the “disclosure recipient”). Children may then be asked what the disclosure recipient “would do next” to gain an understanding of children’s expectations surrounding the revelation of adult wrongdoing (e.g., Malloy, 2008). Such research has revealed that older children are more likely than younger children to predict that disclosure recipients would react negatively (Malloy, 2008), and that children are less likely to tell if they expect punishment to befall themselves (Wagland & Bussey, 2005). These findings are consistent with Social Learning Theory, in that people are less likely to behave ways that they anticipate resulting in negative outcomes (Bandura, 1986).

Understanding motivations for (non-) disclosure is critical for investigative interviewers. In the last few decades, significant improvements in the investigative interviewing of children have emerged as a result of theoretically-guided empirical research (e.g., rapport-building and practice phases, reliance on open-ended prompts; see Lamb, La Rooy, Malloy & Katz, 2011, for a review of current best-practice guidelines). All of these techniques, however, are most effective when interviewing co-operative victims or witnesses who are willing to reveal their experiences to an interviewer. These interviewing strategies do not explicitly address the first hurdle to overcome in any investigative interview: eliciting a disclosure. If victims fear negative consequences for their disclosure, they may be less motivated to speak.

**Method**

Transcripts were obtained for the first-recorded forensic interviews of alleged child sexual abuse victims from the United States (n = 101) and from north central Britain (n = 103) interviewed between 1997 and 2001. The children were 5- to 13-years old at time of interview. Police interviewers (n = 15) had been trained to use the NICHD Investigative Interview Protocol (Lamb, Hershkowitz, Orbach & Esplin, 2008; Orbach et al., 2000). More than half of children (55%) alleged multiple incidents of abuse. Most suspects were unrelated but familiar to the child (42%) or immediate family members (36%), the rest were other relatives (20%) and strangers (2.5%). Suspects were adults (59%) and juveniles (under 18; 39%); the remaining 2% were of unknown age. Severity of abuse was categorized by the most serious form of abuse the child alleged, and ranged from exposure (least severe; 4%), touch over clothes (17%), touch under clothes (48%) to penetration (most severe; 31%). Delay to disclosure (from first incident until an adult found out about the abuse) was recorded as immediate (within one month; 20%) or longer (up to several years; 57%). In 23% of cases, the delay was unknown or ambiguous.

Transcripts were coded by the first and second authors. A subset of the sample (ten transcripts) was used to generate possible categories for types of consequences, and another ten were used for reliability of coding. Reliability was high (Kappas ranged from .94 – 1.00), and disagreements were resolved through discussion. Transcripts were coded for: the type of consequence mentioned; whether the child reported the consequence spontaneously or whether the interviewer explicitly asked for information about expected consequences; and the kind of interviewer prompt that preceded the reported consequence. These
prompt-types were: open-ended invitations (e.g., "You said you felt scared, tell me more about that"); direct questions (e.g., "why were you scared?"); option-posing questions (e.g., "were you scared to tell your mum?"); and suggestive (i.e., introducing information not already provided by the child).

Results

Frequencies of Consequences

- Almost half of the children mentioned at least one expected consequence, and nearly three-quarters of the time these were spontaneously provided by the child rather than in response to an explicit request from the interviewer.

- Most expected consequences followed invitations rather than other types of prompts.

- Older children, and those alleging multiple incidents, were more likely to mention expected consequences than younger children, and those alleging a single incident of abuse.

- Those alleging abuse against adults were more likely to mention consequences than those making allegations against juveniles.

- Many interviews (82%) concluded with a “disclosure phase” where the interviewer prompted the child to talk about how others came to find out about the abuse. Although most consequences were reported earlier in the interview, nearly one-third were elicited in this closing phase.

Types of Consequences

Below we describe the categories of expected consequences, provide an example of each type, and report the percent of children who mentioned these types of consequences in their interviews. Percentages are calculated out of the total number of children in the sample (204).

- Negative Emotion Felt By (17%): “I’m just a bit scared of telling that bit what they did to me” (in response to initial invitation for disclosure). This was the most commonly reported expected consequence of disclosure. Emotions primarily included fear, shame, and embarrassment.

- Physical Harm/Death (15%). “He (suspect) threatened to kill my dad (if I told). He sounded real serious.”

- Nearly one-third of mentioned consequences referred to the suspect, and 14% to another person (usually the mother or a sibling).

- Children alleging multiple incidents, and those making claims against immediate family members, were more likely to describe consequences for other people. This pattern was also observed more in older than younger children and more so for boys than girls.

- Those alleging abuse against adults were more likely to mention consequences than those making allegations against juveniles.

- Many interviews (82%) concluded with a “disclosure phase” where the interviewer prompted the child to talk about how others came to find out about the abuse. Although most consequences were reported earlier in the interview, nearly one-third were elicited in this closing phase.

Recipients of expected consequences

- Children were most likely to mention consequences of abuse for themselves than for suspects or others, and this pattern increased with age. It was also more prevalent for children alleging multiple incidents.

- Children alleging multiple incidents, and those making claims against immediate family members, were more likely to describe consequences for other people. This pattern was also observed more in older than younger children and more so for boys than girls.

- Those alleging abuse against adults were more likely to mention consequences than those making allegations against juveniles.
Jail/Other Legal (13%). "L has scared me and M - he said we would have to go to court"

This was the only consequence that was expected to befall the Suspect more often than the Child.

Nonspecific trouble (11%). "I was thinking of telling them (friends) but they'd go and tell my mum and then I would have got done."

Loss of relationship (9%). "The reason that I didn't tell... in the first place is because I didn't want to break up the whole family."

This type of consequence was observed more frequently if the suspect was an immediate family member than another type of suspect.

Yelling/scolding (4%). "I didn't tell... because I thought she would shout at me"

Children who alleged abuse against juveniles were more likely to mention being yelled at themselves than kids who alleged against adults.

Negative Emotion Towards (3%). "I thought (if I tell her) she'll think that I'm just telling lies or naughty."

Loss of privileges (2%). "He promised me if I don't tell he'd get me something really cool, like a car when I'm older" (in response to interviewer prompt about why child had not told sooner).

Suspect-related consequences, however, were not associated with delay.

Children alleging multiple incidents (who were more likely to have mentioned consequences than those making single-incident allegations) were eight times more likely to have delayed disclosure.

Summary

This was the first study to describe the consequences expected by alleged child victims themselves, at the time of their disclosure, rather than eliciting retrospective reports from adults claiming to have been abused as children, asking children to reflect on possible consequences for actors in a hypothetical story, or relying on the reports of caregivers. Nearly half of the children mentioned an expected consequence, and the majority of these were provided without any specific prompting from the interviewer.

Despite reporting a variety of expected consequences, most of the children's reports focused on negative outcomes for themselves, rather than the suspect or other people (e.g., parents, siblings). Older children and those alleging multiple instances of abuse were more likely to mention expected consequences. Alleging multiple incidents and mentioning expected consequences were, in turn, both related to delayed disclosure.

Delaying disclosure was related to children's expectations of consequences for themselves and others, but not to their expectations about the suspect. This latter point suggests a self-protective function of non-disclosure; that is, children who expected consequences to befall themselves (or others that they cared about) waited longer to bring their experiences came to light.

The data presented by Malloy and colleagues (2011) are useful because they provide
investigative interviewers and fact-finders with an understanding of children’s motivations surrounding (non-) disclosure and why some children may be reluctant to disclose. With this knowledge, interviewers could non-suggestively address children’s worries about their personal safety (physical and emotional), and the safety of others. The NICHD Protocol’s “disclosure” phase provides an ideal opportunity to learn about children’s disclosure expectations without asking leading questions. This phase begins with an interviewer prompt requesting information as to how others found out about the abuse. In the present study, many children spontaneously reported consequences prior to this phase, but a third of the expected consequences were elicited here.

The present study describes only the expected consequences of children who eventually came forth with allegations of abuse. It has long been suggested that known cases are only the tip of the iceberg (Fallon, Trocmé, Fluke, MacLaurin, Tommyr & Yuan, 2010), and it is impossible to characterize the expected consequences that children who never disclose perceive at the time of their abuse. Nevertheless, the patterns revealed concerning expected consequences and longer delays to disclosure suggest that non-disclosing children also expect negative consequences for telling. The bottom line: delayed, incomplete, and recanted disclosures often diminish perceptions of children’s credibility (Lyon & Ahern, in press). If interviewers can be made aware of children’s perceived barriers to disclosure, they may be able to address these issues in the context of the forensic interview, with non-leading open-ended invitations.

References


There are 43 Police Forces of varying sizes in England and Wales. Each is commanded by a Chief Constable; the Chief Constables of Metropolitan London and of the square mile of the City of London are both known as 'Commissioners'. The Chief Constables report to both the Home Office and to local Police Authorities. The Police Forces receive half of their funding from Central Government and the other half from local taxation, principally the community charge (Open University).

The sharing of intelligence between all 43 Police Forces has been subject of much debate. Several of those 43 Police Forces cover densely populated areas. The staffing levels in several of those police forces exceed 5000 officers. The control and sharing of intelligence amongst officers within those individual Forces is again subject of much debate.

In England and Wales the police are bound by the Police and Criminal Evidence Act 1984 (PACE) concerning amongst other things the detention, treatment and questioning of detained persons it gives clear instructions to officers concerning those vulnerable members of our society.

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The sharing of intelligence between all 43 Police Forces has been subject of much debate. Several of those 43 Police Forces cover densely populated areas. The staffing levels in several of those police forces exceed 5000 officers. The control and sharing of intelligence amongst officers within those individual Forces is again subject of much debate.

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“People who are mentally disordered without knowing could provide information that may be unreliable, misleading or self-incriminating”

If an officer has any suspicion, or is told in good faith, that a person of any age may be mentally disordered or otherwise mentally vulnerable, in the absence of clear evidence to dispel that suspicion, the person shall be treated as such (Police and Criminal Evidence Act 1984 Code C 1.4).

Although juveniles or people who are mentally disordered or otherwise mentally vulnerable are often capable of providing reliable evidence, they may, without knowing or wishing to do so, be particularly prone in certain circumstances to provide information that may be unreliable, misleading or self-incriminating. Special care should always be taken when questioning such a person, and the appropriate adult should be involved if there is any doubt about a person’s age, mental state or capacity. Because of the risk of unreliable evidence it is also important to obtain corroboration of any facts admitted whenever possible (PACE Code C 11C).
PACE gives instruction on who should act as the Appropriate Adult

An appropriate adult acting on behalf of a person who is mentally disordered or mentally vulnerable:

(i) a relative, guardian or other person responsible for their care or custody;

(ii) someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police;

(iii) failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

It would be understandable in this modern age of Hi Tech Policing to think that Vulnerable Adults, attending police stations to falsely confess to historic crimes, would be easy to spot and dismiss. If however, when the person presents themselves, their vulnerability is not easily recognised by the police or other professionals, then they may be believed and enter police detention.

What might happen if there is no early recognition of their vulnerability and they enter police detention?

The following circumstances are true and happened in one of those 43 police forces in the summer of 2007.

The persons concerned below are anonymous

On the late evening of 23rd July 2007 a smartly dressed adult male of mixed ethnic origin walked into a busy city suburb police station, he spoke with a soft American accent and confessed to the police that he was responsible for the murder of Q, an ongoing unsolved murder which occurred in the same city in 2004, and he could no longer live with the guilt.

He was arrested on suspicion of that murder and taken into police custody.

For the purposes of this article let us refer to him as A.

At the time he handed himself in for the Murder of Q, he gave a false name, C, and a false address.

As is standard in Murder Investigations, in this and other jurisdictions, shortly after his arrival in police custody A, was asked a series of questions by a custody officer conducting a risk assessment and, as a murder suspect, examined by a police doctor who decided A was fit to be detained and fit to be interviewed. In other words he had presented no obvious physical ailments and presented no obvious mental impairments.

In this (and other) jurisdictions all detained persons are entitled to the services of a free, independent legal representative.

A was legally represented and had a private consultation with a lawyer prior to his interview. The lawyer made no representations concerning A’s mental or physical state.

He was interviewed by detectives and made no comment to questions asked. All suspects in England and Wales (and other jurisdictions) have the right to silence.

His lawyer handed a prepared statement written on behalf of C (A) to the interviewing officers (common practice in this jurisdiction) stating that C was not responsible for the murder of Q, and that the confession he had made to police had been false. No further explanation was given to the motivation for his confession.

Enquiries were made for several hours into the information known about the murder of Q, officers could find no link to C.
None of the seasoned detectives raised any concerns in relation to A behaviour (other than confessing to a murder) during the interview. A was calm, eloquent and polite.

No further action was taken into the murder arrest and C was arrested for wasting police time.

He was interviewed in relation to wasting police time and on interview to establish why he had confessed to a Murder. On this occasion he decided to speak to officers.

He was represented by an established lawyer during all the police interviews.

He stated he used 3 names A, C and B (a combination of A and C). He was born in the UK. His father was an American serviceman and that he had spent a lot of his life in the USA. At birth his father had registered his birth in the US as C and his mother in the UK as A. He was in the process of changing his name in the UK from A to C, and had informed the Tax office in the UK of this proposed change. He still gave no information as why he would confess to a murder he had not committed.

Whilst the interviews were going on, it was discovered via a simple Google search that the name C was similar (slight variation in spelling) to the name of the Chairman of the Corporate Group who own the major supermarket chain by whom A was employed. His interviews were suspended and his mental state was re-assessed as a result of which an appropriate adult was deemed necessary.

His mother attended the police station and told officers the following information:

Subject A

A had never visited America and both his parents had never visited America.

A is 25, he grew up in that major UK city suburb, lived with their mother and sibling. A’s parents had separated in 2002 after his father had developed a chronic drink problem.

A loathed his father and would have no contact with him.

She describes him as a bright child and adolescent, however, he did not achieve academically. She described him as “having a lot of inner frustrations”.

A continually lied and she had difficulty knowing when he was telling the truth, he would lie then when challenged lie to justify the original lie.

A had a fascination with the United States of America.

A was examined by a suitably qualified medical advisor (with a mental health background) who assessed A was no physical risk to himself or others. The advisor further stated that A likely suffered from an undiagnosed personality disorder, but no immediate detention was necessary under the Mental Health Act 1983.

The Mental Health Act 1983 primarily deals with the detention in hospital of people with mental disorders, as well as other compulsory measures including guardianship and supervised community treatment. It sets out the criteria that must be met before compulsory measures can be taken, along with protections and safeguards for patients. (Department of Health)

Throughout all contact with the police and legal advisor, A spoke with an American accent.

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Throughout all contact with the police and legal advisor, A spoke with an American accent.

His mother attended the police station and told officers the following information.
A's uncle was serving a life prison sentence for Murder having been sentenced 4 years earlier (2003). The Murder was committed in a neighbouring county, therefore the murder investigation was conducted by a different UK Police Force from the one which had jurisdiction for his home address.

A worked as a shelf stacker at a local branch of a major supermarket chain, having commenced employment there in early 2007.

She had never heard of C.

A was handed over to the care of his mother and social services informed with a plan to get A the medical help needed.

On meeting his mother A reverted to speaking in a local English accent when addressing her, but maintained an American accent when addressing officers.

A had no criminal record (nor had C).

From all the information gathered during A's time in police custody a search was carried out of police records the following was found in the names A, C and B (a combination of A and C).

**Events Timeline from Police Records**

May 2000 A contacts the police stating a male co worker had possession of a hand gun and had threatened him with it. During the report, A told officers he himself was responsible for the Murder of X. Officers made enquiries and discovered X had been murdered and detectives from that investigation interviewed A.

During the interview A stated he worked at a chain store (different from the one in 2007) and had been in a dispute with a co worker who had threatened to shoot him, he had not seen a gun. He had falsely confessed to the murder to get himself into custody to protect himself from the co worker. No further action was taken against A in relation to the Murder. No proof was found of the threats to him by the untraceable co worker. Officers entered into dialogue with A's parents who stated they were in the process of seeking medical help for A. (none was sought)

In 2004/2005 the interviewing officers retired from the police service.

18/06/07 Detectives investigating a separate murder of Y received an anonymous telephone call stating A was responsible for the murder of Y. A search of police records show no connection with A to the murder of Y and the call report filed with other unfounded anonymous information.

24/06/07 Police receive a call from a male "Marcus", who gave an address and telephone number. Marcus stated he had just dropped off a male B at what later transpired to be A's workplace, and that B had a black pistol in a holdall. Police attended the workplace and spoke to the manager who confirmed no one by the name B worked at the store. Police tried to contact the caller and found the telephone number was an unsubscribed mobile phone which was switched off and address given did not exist. The report was filed as a malicious call. (Police now believe Marcus was in fact A).

25/06/07 Police receive a call from a male "Daniel", stating that B, an American, had brought a gun into work with him (same workplace as call on 24/6/07). Police attended the store and on this occasion a different manager informed them that B did not work there but an American A did. Police searched A and A's locker. No firearm was found. Police submitted a record of search form describing A as speaking with an American accent. (Police now believe Daniel was in fact A).
01/07/07 Police receive a call from "David", who stated he had just seen two males abduct a third male off the street (same street as A’s address) at gun point and bundle him into a hire van. David didn’t name A but described him, including he thought he spoke with an American accent and was wearing the uniform of a major supermarket chain. Police attended and made enquiries leading them to the address of A, (neighbours reported an American, living on the street, who worked for the supermarket chain). Officers spoke to A to check if he was OK. A stated he had been home all day and had no knowledge of the incident. There were no signs of any disturbance. The call was filed as a hoax call. (Police now believe David was in fact A)

03/07/07 Police received a call from “David”, who stated his cousin C worked for a major supermarket chain, he had left for work dressed in the chain’s uniform and had a gun in his rucksack. Police attended the supermarket (A’s workplace) and found that no one by C’s name worked there. The incident was linked to earlier call and filed as a hoax. (Police now believe David was in fact A)

Enquiries at A’s workplace

20/7/07 – A approaches the personnel clerk at his place of employment and requested a letter of employment as he had two names A and B and dual UK/USA nationality. He informed the clerk that his family was from Boston and had been having problems with the Mafia, resulting in him coming to the UK a number of years earlier. A’s brother had been a serving US military officer who had been killed in Iraq. He had been asked to attend a meeting at the US Embassy in London but had been advised not to attend. The clerk described A as smartly presented, well spoken with an American accent.

Conclusion

A, under various guises, brought himself to the attention of the police on 7 occasions. On each occasion he has given false information to police in which he is the central character, ranging from possessing firearms, victim of Kidnap, to murdering two people. Various police resources were deployed on each occasion as each report had to be treated seriously in the initial stages. On the last occasion he managed to convince officers, his own lawyer and work colleagues that he was American, speaking at all times with an American accent. In itself no mean feat

A has proven it is extremely difficult to identify someone with no visible vulnerability issues as vulnerable.

Several processes came into play, The Police and Criminal Evidence Act (PACE), the rules by which the officers are bound by, gives instructions concerning Vulnerable Adults

Although juveniles or people who are mentally disordered or otherwise mentally vulnerable are often capable of providing reliable evidence, they may, without knowing or wishing to do so, be particularly prone in certain circumstances to provide information that may be unreliable, misleading or self-incriminating. Special care should always be taken when questioning such a person, and the appropriate adult should be involved if there is any doubt about a person’s age, mental state or capacity. Because of the risk of unreliable evidence it is also important to obtain corroboration of any facts admitted whenever possible. (PACE Code C 11C)
PACE (Code C 1.7 (b) gives the following instruction concerning the appropriate adult.

Person who is mentally disordered or mentally vulnerable:

(i) A relative, guardian or other person responsible for their care or custody;

(ii) Someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police;

(iii) Failing these, some other responsible adult aged 18 or over who is not a Police officer or employed by the police.

The instructions in PACE led the officers audio record all interviews with A, seek corroboration of the admissions made by A, (other than details already available in the public arena) and to seek the assistance of A’s mother as appropriate adult, resulting in the revealing of A’s condition.

No charges were brought, no remand in custody awaiting trial, no trial, no wrongful imprisonment.

PACE, if applied properly, contains safeguards to protect vulnerable adults, there is however no room for complacency.

In over 25 years of service this is the only incident of its type that I have knowledge of, however I am only one of over 5000 officers covering a densely populated area.

I would be interested to hear other’s views (email m.confrey@iirg.org) particularly concerning,

Would the same have happened in other jurisdictions?

What if anything can be done to identify vulnerable adults who do not present as such to officers or indeed the legal profession?

A was never charged with a crime, what are views on the taking of fingerprints and DNA samples from him to load onto databases to enable his identification should he wander into a police station in another jurisdiction?

Whose permission should be sought?

There are numerous high profile miscarriages of justice cases which led to the introduction of PACE in England and Wales, a lot of those miscarriages stemmed from interviews and false confessions made in those interviews. Is it still possible in the 21st Century for a vulnerable adult to end up on trial as a result of a false confession?

Footnote

A went on to get the appropriate medical help.

Police systems nationally were updated and A has not come to the attention of police since. (or has he?)
Editor’s note: Ahead of the eagerly anticipated 5th International Investigative Interviewing Research Group Conference in Toronto in late May 2012, John Tedeschini of the Edmonton Police Service has sent me this newsworthy item. I feel it displays once again the invaluable partnership of academics and professionals (or professionals and academics, if you prefer!). Short items such as this are always welcome to be considered as bulletin contributions and in this particular case serve as good curtain raiser for our next conference. I hope that many of those police officers who witnessed Professor Vrij’s presentations feel also able to attend.

John Tedeschini writes; At the 2010 American Psychology and Law Society (APLS) Conference in Vancouver, Canada, I had the good fortune of chatting with Professor Aldert Vrij on several occasions. It was during one of these conversations that I suggested he visit Canada to share his expertise with members of the Edmonton Police Service (EPS). Not only did Professor Vrij readily agree; he also graciously declined any suggestion of a speaking fee. Approximately eighteen months later, and with the temperature hovering around minus twenty seven degrees Celsius no less, Professor Vrij arrived in Edmonton.

Drawing from his paper, co-authored by Par Anders Granhag and Stephen Porter, Pitfalls and Opportunities in Nonverbal and Verbal Lie Detection (2010), Professor Vrij’s talk focused on sixteen pitfalls and sixteen opportunities in the detection of lies and deceit. Over the course of three successive mornings in late November 2011, Professor Vrij presented his four hour talk to capacity crowds at the EPS’ In-House Training Unit Training Centre. To complement his talk, each officer in attendance was provided with an accompanying manual summarizing the pitfalls and opportunities.

Ultimately, over three hundred EPS investigators attended the talks and were informed of the most current research findings on deception detection. While the sessions provided by Professor Vrij were never intended to be a “cure-all” to the challenges inherent in deception detection, the main objective of the session was met; providing...
a forum for investigators to be educated regarding what current research advocates - not television, an outdated manual or an experienced but less-informed detective might suspect. On behalf of the Edmonton Police Service, I offer a sincere thank-you to Professor Aldert Vrij for providing such a unique educational opportunity to our membership.

Reference:


Photo: Staff Sergeant Chad Tawfik presents Professor Aldert Vrij with a plaque in recognition of his invited talks to the Edmonton Police Service.
Introduction

Using a case study approach, this article will offer a reflective account of how a forensic psychologist can utilise professional skills and training in a secondary role within the criminal justice system, namely as an intermediary. Registered Intermediaries (RI) are professionals from backgrounds such as psychology, speech therapy and mental health nursing who have been selected by the Ministry of Justice as suitable to be trained for this additional role during police witness interviews and when vulnerable witnesses give testimony at court. Selected professionals receive five days training with barristers from the City Law School in London about the legal processes of working as an RI within the police station and at court. There are approximately 120 Registered Intermediaries available in England and Wales who were recruited specifically to work with vulnerable witnesses rather than vulnerable defendants (O’Mahony, 2008/9). My interest in the scheme arose four years ago as a result of my interest in policing and the criminal courts as well as my work at the time in working with adults with a learning disability who had been detained in a medium secure unit.

Investigative interviewing in the UK

The Registered Intermediary offers an impartial service to the court and is usually associated with facilitating communication with vulnerable witnesses, but as can be seen in this case study, can also be utilised with a vulnerable defendant (O’Mahony, 2010; O’Mahony, Smith, Milne, 2011). Due to the limited number of Registered (Witness) Intermediaries and the increasing demand

Perspective from the dock: Communicating with a vulnerable defendant at Crown court.

Brendan O’Mahoney¹ ²

“It seems that forensic psychology is not as widely known at the pre-sentence stage and I wonder how we might influence change in this matter and apply our research to practice”

1 This article is the copyright of the British Psychological Society and was first published in Forensic Update, Issue 104, Autumn 2011.

The author has submitted the article to iIRG as he believes it will be of relevance to readers for two reasons

1) It demonstrates the procedures that may be in place at court for a vulnerable defendant and readers can see how this compares to measures in place for vulnerable suspects at police interviews

2) It demonstrates the difficulties that young complainants have at court if they do not have access to a Registered Intermediary

2 Brendan O’Mahony is a Forensic Psychologist in private practice and a Registered Intermediary at the Ministry of Justice. (Email: info@cjspsychology.com)
for support for vulnerable defendants at court it is likely that more intermediaries will be required to assist vulnerable defendants with their communication at court and these additional intermediaries are unlikely to come under the auspices of the Ministry of Justice Witness Intermediary Scheme. In this case a referral was made for a vulnerable defendant who was about to stand trial at the Crown court on charges of serious sexual offences committed against children. Having examined the issue of fitness to plead the court already had access to three expert witness psychiatric reports and one psychology report. Two of the psychiatric reports were prepared on behalf of the defence and they concluded that the defendant was not fit to plead at court. However, the third psychiatric report, prepared on behalf of the Crown, concluded that the defendant was fit to plead and this latter report appears to have convinced the court that the defendant should stand trial.

The defendant was aged in his early twenties and according to one psychiatrist “his degree of learning disability presents as no worse than mild”. A comprehensive psychology report, completed by a forensic psychologist, offered a full assessment of the defendant’s level of cognitive functioning and this information was available to two of the psychiatrists, including the one instructed on behalf of the Crown. In terms of interpreting his cognitive profile it was more meaningful to examine the four indices of the WAIS IV (Wechsler, 2010) rather than to rely on the Full Scale finding. The defendant’s score on the Verbal Comprehension Index falls within the extremely low range (59-70); the Perceptual Reasoning Index showed that the defendant functioned within the average range; The Working Memory Index score fell within the extremely low range (58-72) and finally the Processing Speed Index fell within the borderline range (70-87).

The forensic psychologist made some important recommendations for the court in terms of assisting communication. These included avoiding jargon and complicated terminology. The psychologist also advised the court that it was important to avoid overloading the defendant with too much information and to avoid switching between tasks too quickly. Finally, the court was also informed about the effects of fatigue, particularly if the defendant was presented with cognitively demanding tasks. It was refreshing to see such a comprehensive psychology report and I want to highlight how important it is that we continue to highlight the intermediary scheme for vulnerable defendants (and witnesses) when we complete psychology reports for the courts.

As already noted, at the point of referral to the intermediary the court had decided that the defendant was fit to plead. Interestingly, the three psychiatric reports and the comprehensive psychology report have completed their function at this point and are not disclosed to the members of the jury. In this case a set of Formal Admissions, agreed by both prosecution and defence counsel, were made available to the jury and one of these agreed Admissions stated “...suffers from a longstanding mental disorder. He has a mild learning disability. He has a low IQ in the mid 60’s. He has been assessed as borderline to extremely low range of cognitive abilities (i.e. he finds it difficult to understand information and struggles with levels of concentration)” I would argue that this information, presented in this form may still be meaningless to many persons sitting on a jury. Indeed the instructing lawyer asked me what the average IQ score was, and I was left wondering why an expert witness is not used at court to explain these issues to a jury. The court had decided that communication was likely to be difficult for the defendant and so the request for an intermediary was made. (Incidentally, the jury does not get to see the intermediary report either).
The role of the intermediary

The intermediary is regarded as a communication expert by the court but crucially they do not attend court as an expert witness (and in my case as a forensic psychologist) but rather as an impartial officer of the court. Whilst the intermediary may be seated in the dock with the defendant throughout the trial, as was the case in this particular trial, they must remain impartial at all times and focus on their role of facilitating communication between the defendant and the court. Significantly, if the defendant should choose to testify from the witness stand then the intermediary will be present with them and intervene if it is considered that any questions asked are too difficult or if they are delivered at a pace that is not commensurate with the defendant’s communication needs. Throughout the trial the intermediary informs the court if the defendant is fatigued and requires a break as it is vital that the defendant listens to and understands the witness testimony and the answers provided during cross-examination so that he can instruct his counsel.

In order for these interventions to take place the intermediary must meet with the defendant prior to the trial and make their own assessment of the defendant’s communication needs. Clearly, in this particular case it was useful to have a psychologist acting as the intermediary as the defendant had a history of anxiety and depression and had also self-harmed previously. During assessment the defendant presented as having unresolved bereavement issues which exacerbated the difficulties encountered during the assessment. Additionally, having been offered a 10 minute break after the first thirty minutes of assessment, the defendant returned 10 minutes later having consumed alcohol during the interval.

The intermediary prepares a report for the court based on their assessment but incorporating relevant information from other sources. In this particular case some of the findings from the psychiatry and psychology reports were incorporated. Additionally, the defendant was asked about their knowledge of specific words of vocabulary related to sexual behaviour. The assessment always takes place in the presence of the lawyer and the intermediary is subject to the rules of legal privilege. Importantly, the lawyer can see communication in action at an appropriate pace to suit the vulnerable person and can see appropriate use of vocabulary and shorter sentences being demonstrated.

Ideally, the barrister would also be present but unfortunately this is unlikely to be the case due to funding restrictions. In this particular case it was evident that the defendant was able to comprehend and answer some types of leading questions and the court was advised accordingly (For example, in answer to the tag question “you have met me three times before today, haven’t you” the defendant responded “I only remember once”. In answer to the question “My car is white isn’t it?” the defendant answered “I don’t know; I haven’t seen your car”).

Prior to the trial commencing the intermediary should meet with the judge and the barristers to discuss the report and the recommendations made for court. The intermediary must base all recommendations on evidence. The evidence does not have to consist solely of formal assessments and is often based on clinical judgement, for example, when recommending the frequency of breaks. At this stage it may be helpful to highlight two examples of the difficulties encountered by the vulnerable person who had been assessed as fit to plead. Having accompanied the defendant on a pre-trial visit to the courtroom and having explained the roles of the various parties involved in the proceedings it was evident just how difficult it was for the vulnerable person to understand the proceedings. On the first day of the trial when the jurors were sworn
in the defendant asked “are they on XXX side (the complainants)”. It was also clear that the defendant did not understand the phrase “the trial has been listed for 8 days” and it was assumed by his legal team that because he had this in writing that he understood it. Later on in the trial, when the jury was about to return the verdicts the defendant stated that he was unsure how to plead “not guilty” if the jury returned a guilty verdict.

**Reflections on the intermediary role from a forensic psychology perspective**

On face value the role of the intermediary is quite straightforward: to facilitate communication. It is not a witness supporter role or that of an advocate (Ministry of Justice, 2011). However, whilst this is easily discussed on paper it can lead to debate about boundaries in practice. For example, having been allocated to a vulnerable person with a history of anxiety and depression, in addition to having impaired cognitive functioning, how ethical is it to walk away when the vulnerable person discusses his feelings of loss or his feelings of social anxiety and wants to discuss possible intervention sources? If a witness supporter is present then this is not an issue. However, in this particular case the vulnerable person (and the intermediary) arrived at court for 09.30 as instructed the previous week. Neither the lawyer nor barrister were available and on enquiring it became apparent that the trial had been delayed until 12.30. No-one had thought it important to notify the vulnerable defendant. Technically, in these circumstances the intermediary must leave the defendant to his own devices and await an occasion when facilitation of communication between the court and the defendant is required. However, as a reflective practitioner, one has to consider the ethics of abandoning an already anxious vulnerable person and I would argue that the intermediary, as a psychologist, has a duty of care to the vulnerable person. After all, the intermediary only has that particular role as a result of their primary professional background. Perhaps the compromise is to utilise this opportunity as additional rapport building and to set very clear boundaries with the defendant that the evidence in the case must not be discussed.

Another area that I found myself reflecting on during this particular trial was the testimony of four young complainants, the youngest aged 7. Whilst the legislation allows the police and the prosecution to apply for Special Measures which may include a request to have a Registered Intermediary present at both the police witness video-recorded interview and whilst the witnesses testified at court, in this particular case none of the vulnerable witnesses had the support of an RI although they did present their evidence-in-chief on a video-recorded interview and they were cross-examined via live-link facilities. Even the opening question by the defence counsel was a double question (“Can you see me and hear me?”). I listened to complex, convoluted questions that were in my opinion developmentally inappropriate for such young persons. For example, the tag question “did you see his willy, or not?” On one occasion during cross-examination a young complainant engaged in self-injurious behaviour (using both hands to punch and slap his face and head) when challenged and told that he had made his account up. I am careful not to judge whether the witness was telling the truth or not; but I did observe traumatic behaviour whatever the cause. This led me to reflect on the duty of care that a court has to vulnerable persons and I wondered if volunteer witness supporters are enough in these cases. In turn this led me to reflect on the support needs of all participants in the courtroom including members of the jury who may be unaccustomed to observing and listening to such accounts of graphic sexual
abuse. On another occasion I listened to the instructions given by the judge to the 7 year old complainant after completing testimony and I wondered what the witness’s understanding was of the instruction “Promise you won’t say anything to anyone else until the whole thing is over”. As well as containing abstract language (whole thing) this sentence also mirrors to some extent the notion of secrecy from others, which is what the alleged offender sought from the complainants after abusing them.

The defendant in this case chose to give evidence and communication was facilitated through the intermediary. The court also accepted the intermediary’s proposal that the defendant should provide his testimony from the live link room rather than addressing the court from the witness box. In the main the barristers adapted their questioning very well to the needs of the defendant and my interventions were minimal. The defendant was convicted on all charges and was remanded in custody to await sentencing.

Conclusion

Whilst acting in the capacity as an intermediary I feel that I am promoting the role of forensic psychology. My CV is attached to my evidence-based report to the court and I am continually negotiating with prosecution and defence counsel as well as the judge and advising about appropriate breaks and of course developmentally appropriate language. It seems that forensic psychology is not as widely known at the pre-sentence stage as it might be and I continue to wonder how we might influence change in this matter and apply our research to practice in the court environment.

I would also argue that forensic psychologists in training may benefit from sitting through a complete criminal trial as part of their early professional development to experience seeing how complainants present their evidence at court and how cross-examination is conducted. Indeed I would go further and suggest that senior practitioners may benefit from periodically attending Crown court as part of their continued professional development in order to keep in tune with the current judicial practices. One final point that is related to this case was the absence of expert testimony about witness memory, inconsistencies and reliability, particularly relating to that of young children. One of the witnesses in the case was providing testimony about alleged sexual abuse that occurred when the child was below the age of four, and potentially as young as two and a half. It is perhaps surprising that an expert witness, for example a forensic psychologist, is not called to testify in these circumstances. Finally, in terms of pre-sentence reports the judge ordered a probation report and psychiatric reports but no psychology report.

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Irresistible ways of overcoming resistance?

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“(from an investigation professional)….most people want to confess, they just don’t know how to do it”

For many years I have happily remained at that curious age. Occasionally, it has landed me in some trouble but more often that not it has been the source of much learning. Part of that curious streak of mine involves eavesdropping on conversations around the world on the information super highway that is the Worldwide Web. When the talk is about investigative interviewing I obviously become more interested! One of these discussions particularly fascinated me and I would like to share it with the membership for you to exchange views across the globe via the bulletin in response. I would be most interested as I feel that we need to know so much more about how to effectively challenge suspects. I would also welcome views on how to overcome resistance by suspects. Your thoughts no matter how brief or detailed will be considered as future bulletin material as I am keen to keep the discussion going. Please email with them (d.walsh@iiirg.org). Thanks in anticipation!

Please note the views below do not necessarily represent my own but I have largely copied and pasted the material so they are reflective of those opinions held by the original authors.

Opening contribution: One of the issues the professional interviewer needs to address during many interviews or interrogations is overcoming the resistance of the individual to tell the truth. The resistance may be there for many reasons, some related to deception or fear, and some may be related to other factors, such as the environment of the interview or the relationship between the interviewer and interviewee. If you can identify why the resistance is there, such as a lack of rapport or trust between you and the individual, then you can work to establish that. If it is environmental, such as conducting an interview in an area where other people can overhear the conversation, then you can address that and move to a more private area. If the individual appears resistant and you believe they are withholding information, you can try to let THEM convince themselves to tell the truth. Ask them questions like, “Why would it be
important for someone involved in a situation like this to tell the truth?” Don’t let them escape with an ‘I-don’t-know’, try to have them come up with some reasons, they might be very compelling and help you tap into their thoughts and concerns about the situation, and provide a path on how to overcome their resistance. Then you can ask them “What would the positive outcomes be for someone who told the truth?” Again, have them think about it and respond. This may help them find the reasons for them to be truthful. You can then ask “What would the next steps be for this person?”

This type of questioning taps into their thoughts and motivations on why they are resistant and can lead to a positive change in their mindset. It helps them think through the situation a little better, because they may be caught up in the fear of getting in trouble form something they did but have not taken the time to think of the positive benefits of telling the truth. The benefits they come up with and verbalize may be as simple as “they will feel better about themselves after telling the truth”, “they will get it behind them”, “they may be given a second chance” etc. but it is coming from them, not us. If the interviewer tell the person statements like that it will not have the same weight to persuade and motivate as if the individual says the same thing. What other ideas have you used to overcome resistance during an interview? Let’s hear about them!

And the response: Great article!!!...Another similar tool / technique that I gleaned from a past I&I class or book was the concept of asking questions such as...”What is bothering you the most about this situation?” or ”What are you concerned about with this situation?”...which often gets them to reveal their primary fear/s of telling the truth...typically it’s either financial, social or the unknown. Such as losing a job or employment opportunity, disappointing friends or family and the related embarrassment or the unknown, meaning they fear the process of arrest, court and possible jail. Just a quick example that comes to mind. one major case we worked on, a co-conspirator would not provide information to the interviewing Detective. The Detective took a break and asked if I wanted try to talk with the subject. I sat down with this guy, leaned on the table, made strong eye contact, and simply said, in a sincere and compassionate tone.”What’s on your mind, what are you concerned about?”...no big introduction, strategy, control ploys, scripted interview...just a simple question and he actually started crying! He, the subject, said that his girlfriend was pregnant and he didn’t want to be in jail and never get to see his baby. Wow! Now, that would never have even crossed my mind as being a problem for this guy had he not said it, in response to the aforementioned question. After some minimization and rationalization conversation, he went on to give a full confession. Again, not a very “sexy”, chess game of an interview on my part, just a simple (sincere...let’s not forget sincerity) question about his concerns, his fears. I don’t recall who said this, but I agree with them, that most people want to confess, they just don’t know how to do it. They are waiting for us to show them the way! As I say please let me know what you think!
Interview with Dr Julian Boon – Forensic / Clinical Psychology Consultant for the NPIA.

By Dr Lynsey Gozna, University of Lincoln & iIRG Research Co-ordinator
l.gonzal@lincoln.ac.uk

What is your remit in your role as Forensic / Clinical Psychology Consultant (FCP) for the National Policing Improvements Agency (NPIA)?

To provide input to Senior Investigating Officer’s (SIO) ongoing investigations whereby a particularly ‘psychological’ contribution is thought to be useful. The existing behavioural contributions are of course going to be of assistance to SIO’s in their actuarial understanding of offenders. The FCP’s are different in that they are unashamedly looking not only at behaviour but at putative aspects of the individual offenders’ personalities and motivations.

Can you give some examples of the types of cases where a ‘psychological’ contribution is required?

There are myriad cases in which the individual forensic-clinical approach can be beneficial for the SIO and his/her investigative team. This is usually in offences where the salient case details require a particular understanding in order to identify the behaviour, personality and motivation of a known or unknown offender. Examples of such cases would include those where obsessional, sadism, necrophilia and that which is outwith the normal remit of an investigating officer – in other words, the unusual. This too can be employed in cold case reviews where no arrest or conviction has occurred over a lengthy period of time.

What are the main elements of psychology that are especially important to the advice you provide?

These are threefold in their roots – first an understanding of human personality development and the way it acts out in everyday life; second, a knowledge of malignant behaviour and an understanding of where it comes from; and third, continuously interviewing offenders at all levels to keep up to date and forever learn more about the motivations for their crimes and the antecedents of their life prior to, during and subsequent to their offending.
How does all this fit with investigative interviewing?

With the aid of understanding offenders’ backgrounds, motivational orientations and the ways in which they are likely to present at interview it provides an invaluable mindset tool with which to approach an interview from the start, anticipate how the interview may unfold from the perspective of the suspect and facilitate the interviewing process. The Chameleon Interview Approach has been developed with this in mind and aptly describes this process.

How do you think interviewing officers / advisors in major crime should be equipped to deal with suspects?

It is critical that interviewing officers and advisors are equipped with the relevant skills and an awareness of the psychological areas relating to personality, motive, and offending behaviours. This is not to say that we should expect them to transform into a Psychologist, but to be able to identify pertinent issues and know when to request further assistance which will contribute a different perspective. This is most relevant when dealing with major crime investigations and examples of this would be for officers to have a greater understanding of the personality disorders that are especially relevant in the forensic domain and how these manifest and can be dealt with in interview. Such personality disorders that are the ‘port and stilton’ of what I do would be Narcissistic, Borderline, Histrionic and Anti-social. However we cannot forget Psychopathy and Sadism. Knowing about these and the implications of same is in my view, essential. Certainly the officers we have trained in these areas on Tier 3 and 5 courses have reported finding them to be of considerable benefit. The officers also report that the more they use these skills, they become exponentially proficient in sizing up suspects psychologically and anticipating their reactions – all of which can be extremely useful in interviewing.

How do you think the provision of interview advice could be improved?

Well I think officers are doing a good job already. The police today are very aware of the need to follow due procedures with PACE and PEACE etc. but there is always room for understanding and anticipating suspects’ mindsets. This is where I think there could be some progression in the field of training.

Interviews via interpreters are a challenge for a range of law enforcement agencies. Is there any advice you have?

The most obvious point to make I suppose is that we have to be highly confident that the questioning which is put to the interviewee is translated both fully and accurately. It is hard enough working with an interpreter and having to make allowances for cultural and linguistic diversity without having any inaccuracies or misunderstandings creeping in. I well remember a Chinese interviewee responding in Mandarin with a very long answer to the question that had been put to them. Then the interpreter turned to the interviewing officers and said “He says yes” – clearly something had been lost in the translation! But on a serious note, this is about increasing the effectiveness of communication and ensuring that for all concerned, there is an understanding of culture, religion and appropriate language use. This really is an area where there is a requirement for research.

Do you remember the first case you worked on and whether your advice was of assistance to the police?

Obviously I can’t talk about the specifics of any case. But yes I well remember my first case. It caused national hysteria at the time because it concerned animal mutilation. I wrote to the investigative team suggesting that there may be ways in which psychological input might be helpful and I heard absolutely nothing back for months! Profiling of course in those
days was in its infancy – I later learned that over 180 people from various backgrounds ranging from forensic psychology through to Madam Rosa and her crystal ball had approached the police with offers of help. The reason they came to me was that mine was the only offer which was careful not to tell the police what to do. As to whether the profile was right, all I’ll say is that they were very pleased with it and in the ensuing 20 years I have been able to contribute psychological understanding which Senior Investigating Officers have found to be very beneficial. But then as now I am always keen to point out that the profiling tail must not be allowed to wag the investigating dog and that the SIO is encouraged to use the profiling advice as he or she thinks appropriate. Also then and now I am particularly emphatic that any statements made from a psychological perspective must be accompanied by an associated psychological rationale. I urge officers not to put up with being told to just to go with things but to ask what the underpinning rationale is.

Which types of cases stick in your memory?
I think I can honestly say that I can recall all the cases that I have worked on. The ones which involve extortion and blackmail are the ones which get nearest to being able to be described as challenging in immediacy. They involve thinking very quickly and reacting as the case progresses – it sometimes feels like you are playing a high stakes game of psychological poker. But the cases which are the most unpleasant to deal with involve those where the elderly or children are victims. Luckily I am blessed with a very laid back personality but when these cases come you can’t but be affected.

So how do you relax?
When I went for my job interview at the University of Leicester I was asked “Do you have any weaknesses and if so what are they?” – my response of “Champagne, Claret, fast cars and blondes” went down like a lead balloon. Believe me, I find those excellent antidotes to any residual stress from profiling work. So it’s Taittinger Comtes de Champagne if you’re buying!

Whom else in your field do you most admire?
Dr Richard Badcock in Great Britain and in the United States, Richard Walter. Both these chaps really do understand personality and the thought processes and motivations of diverse offenders. Richard Badcock is a Consultant Psychiatrist who has vast experience and very profound insights. He and I have worked together on a number of cases and it’s always a privilege – he is a true gent. Richard Walter is a founder member of the Vidocq Society and has had a career working in the US Corrections System in Michigan and has assisted the FBI on cases internationally. Richard has a very sharp wit and is a consummate expert in Sadism and Necrophilia. I’ve learned much from both of them.

Do you have anything in common with the famous literary detectives? Are you Poirot, Sherlock or Miss Marple?
Well obviously I look the spitting image of Miss Marple and have Poirot’s moustache and tailoring! I can’t see it myself in any way whatsoever but my girlfriend and children fall about laughing whenever they watch the new series of Sherlock. But then again, they also say I’m like Austin Powers! Draw from that what you will.
And finally, what advice would you give to individuals who are interested in working in the area of psychological profiling?

Although there used once to be many more opportunities for people to move into this area of work, in the present time, the most effective way for psychologists to provide insight into cases is to join the police and to work in major crime. However this requires individuals to have significant experience working in a range of forensic settings and who have a significant understanding of behaviour, offenders’ motivations and mindsets to be of any real use to an investigative team.

There will be a live chat with Julian Boon on the IIIRG website in the near future – if you have questions you would like to ask, please contact Lynsey Gozna. Email: l.gozna@iiirg.org
What is the Research Map?

The National Policing Improvement Agency (NPIA) Policing Knowledge Action Plan 2010-12 includes a commitment to develop and share a map of UK policing research. Consequently, the NPIA are pleased to release the first version of the UK Research Map [http://www.npia.police.uk/en/17087.htm] which includes information about any policing related research - of Master’s degree level and above - which is currently being undertaken and has been shared by the researcher.

The Research Map is a ‘live’ and evolving map which is currently available to UK Police Officers to access via the Knowledge Bank on POLKA [https://polka.pnn.police.uk/en/Communities/Home/?clubId=38] and will soon be accessible for all to view via the NPIA Website [http://www.npia.police.uk/en/17087.htm]. We have invited universities, research councils and government agencies to share details of their ongoing research and to give brief details of their projects. If you are currently completing relevant research, please complete our form to share a summary with your colleagues and pass on the link [https://spreadsheets.google.com/viewform?formkey=dHhiUi1TMHi1MjYtcFVRb1ZidTBuRFE6MA6] to those who may also want to contribute.

How can the research map be used?

The map provides an indication of what research is currently ongoing which will help police practitioners to understand how academic research relates to current policing priorities. In addition, it should help to prevent duplication of effort; identify gaps in research activity; enable previous research to be built on; and, can be used to establish trends or issues of prominence in the research community. Once completed, results of relevant research projects can be shared to help inform evidence-based policing.

Details of ongoing policing related research will continually be sought to update and increase the size of the map. The Research Map is of benefit to the police service and academics working in policing sector research. It should increase awareness of ongoing police research activities across the UK, helping to identify academics, research groups and police forces who are undertaking work in areas of mutual interest for potential collaborative purposes. In time, the map will help the academic community plan their future research activities or by reviewing their existing research plans against potential knowledge gaps in policing related research.
This conference will be of interest to all professionals involved in investigative interviewing of suspects, witnesses or victims, those involved in interview training and policy, interview decision-making processes, detecting deception, and forensic linguistics.

**Confirmed keynote speakers**

**Justice Michelle Fuerst**, Superior Court of Justice, Ontario, Canada.

**Dr James Ost**, International Centre for Research in Forensic Psychology, University of Portsmouth, UK

**Professor Rod Lindsay**, Department of Psychology, Queens University, Ontario, Canada.

**Professor Deborah Poole**, Department of Psychology, Central Michigan University, USA.

For further details about the Conference and Masterclass, visit [www.iiirg.org](http://www.iiirg.org)

**Masterclass**

The Masterclass for 2012 is on suspect interviewing utilising the PEACE model of interviewing. It is being run by Dr Brent Snook, Associate Professor of Psychology at the Memorial University of Newfoundland, Todd Barron, a Police Officer and Polygraph Examiner/trainer in the PEACE Interviewing Model, Royal Newfoundland Constabulary, Canada, Detective Superintendent Andy Griffiths PhD, Sussex Police, UK, and Gary Shaw MBE, National Interview Advisor, National Police Improvements Agency, UK.

Places are limited so book early to avoid disappointment. A limited number of free places are available for iIIRG members.
In collaboration, the Centre for Forensic and Criminological Psychology, University of Birmingham, and the Centre for Forensic Linguistics at Aston University are offering a four-day event providing information and practical sessions on new and emerging techniques to assist in the investigation of sexual crime.

**Sessions will include**
- Behavioural linkage of sexual crime.
- Using language to link crimes.
- The analysis of interviews of victims of sexual assault/rape.
- The use of video interviews of suspects as evidence in Court.
- Combating rape stereotypes.
- Analysis of online chat in cases of grooming.

We expect our event to be of great interest to professionals working within the police, those working in our legal system where evidence based on these novel techniques is now being introduced, and students, academics and researchers in the fields of forensic linguistics, forensic psychology, criminology and crime science.

Our event will be delivered by internationally recognised experts in these techniques.

**Registration fees**
- Early-bird (before 19 March 2012) – £390
- Standard rate (from 19 March 2012) – £450
- Full-time student – £350

**Deadline for registration** – 2 April 2012.

Fees include all course materials as well as lunch and refreshments.

**Venue**
Centre for Professional Development, College of Medical and Dental Sciences, University of Birmingham, Edgbaston, Birmingham (adjacent to University Railway Station).

To register for the conference please visit [www.bhamonlineshop.co.uk](http://www.bhamonlineshop.co.uk) (Conferences and Seminars).

**Contact**
John Pollard – j.pollard2@aston.ac.uk
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Outline
Interviews with suspects of sexual offences appear to be particularly problematic as police officers are required to make sense of very powerful and sometimes painful emotions, which may make the subsequent interviews difficult to conduct. Some researchers have argued that the use of empathy (or humanity) in police interviews is beneficial to the rapport building process, with some arguing that its use may actually increase the number of admissions from specific cohorts of suspects. However, other research suggests that the use of empathy alone has no impact on the amount of investigation relevant information (IRI) obtained, but when used in conjunction with appropriate questioning, the amount of IRI obtained increases, thereby benefitting the police investigation. This Masterclass will provide a review of the current literature in the area and will discuss the meaning of empathy and its efficacy during police interviews with those suspected of committing sexual offences.

Biography
Gavin Oxburgh is a Senior Lecturer in Forensic Psychology at Teesside University, UK, and is the Chair and founding member of the International Investigative Interviewing research Group (iIIIRG), a research group developed to maintain research-based practice and practice-based research. His PhD was devoted to developing a more effective framework for the investigative interviewing of suspected sex offenders. Previously, Gavin was the Child Protection Training Lead for NHS Lothian, Edinburgh, Scotland, and prior to this, he served with the Royal Air Force Police for 22 years, 13 years as a detective, specialising in sexual offences, specifically the interviewing of child victims and suspected offenders. In 2011, Gavin was invited to provide training to members of the South African Police Service on the investigative interviewing of victims/witnesses of child sexual abuse and suspected sex offenders. In 2008, he was a specialist advisor to the Credibility Assessment Research Summit (CARS) on Educing Information from suspects, a US Government research group sponsored by the Defence Academy for Credibility Assessment (DACA). He has published his work in various internationally renowned journals.
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