MAKING A CASE

INTERVIEWING SUSPECTS
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Three topics to learn about:

- Detecting lies
- Interrogation techniques
- False confessions
DETECTING LIES

• Main purpose of suspect interview - establish guilt or innocence
• Different procedures used to detect truth or lies
• Ethics - a problem with research
• Suspect - ‘innocent until proven guilty’: right to privacy
• How can you detect lies by observing behaviour?
KEY STUDY: Mann et al (2004): Police Officers’ ability to detect suspects’ lies

- **Aim**: To test police officers’ ability to distinguish truths and lies during interviews.
- **Participants**: 99 Kent police officers, 24F/75M, mean age 34.
- **Method**: field experiment
- **Procedure**: Ps completed questionnaire about lie detection experience. Watched video clips of 14 suspects.
Detecting Lies: Mann et al

- **Procedure (continued):**
  - 54 video clips of suspects; head & torso only.
  - Expression & movement visible
  - Ps indicated whether it was lie or truth & level of confidence
  - Ps listed cues used to detect lies
Detecting Lies: Mann et al

- **Results:**
  - Mean lie accuracy: 66.2%
  - Mean truth accuracy: 63.6% - not significantly different, but better than chance.
  - Experience correlated with accuracy
  - Most frequently mentioned cue to detect lying: gaze. Then movements, contradictions, in stories, etc.

- **Conclusion:** Levels of accuracy exceed those in other studies. More experience leads to better lie detection. Story cues important for accuracy.
  (But no lay control group)
INTERROGATION TECHNIQUES

• What is the difference between an interview & an interrogation?
• **Interrogation is accusatory**: the suspect is seen as guilty and statements are made rather than Q & As

• **Safeguards:**
  - **UK**: 1984 Police & Criminal Evidence Act (PACE): All interviews recorded, easier access to solicitors, no night interviews, etc
  - **USA**: Miranda Rights 1966: defendants must be warned of rights (e.g.; right to remain silent)
1966

Ernesto Miranda had confessed to rape and kidnapping after two hours of interrogation.

The appeal to the Supreme Court alleged that Miranda was not aware of his rights to remain silent (the Fifth Amendment) and to counsel (the Sixth Amendment).

• The Court ruled in favour of Miranda, "Miranda Rights."
• To safeguard against a suspect falling into an involuntary confession because he thinks he has no choice but to speak.

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MIRANDA WARNING
1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

WAIVER
DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU? HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?
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INTERROGATION TECHNIQUES: INBAU ET AL

• INBAU:
  • Not in favour of Miranda’s Rights
  • Believed police should lie, cheat, use tricks to force confession
  • Interrogation: suspect presented with damaging facts - no choice but to confess
  • Techniques are most widely used in USA
  • In UK: psych techniques, deception, false evidence is prohibited
The Reid nine steps of interrogation

• The main premise
• *The belief is that an innocent person would never confess to a crime she didn't commit, even if she were confronted with false physical evidence of her involvement.*
INBAU ET AL: THE REID NINE STEPS TO INTERROGATION (1962)

1. Direct confrontation
2. Blame shifting & interrogator sympathy
3. Suspect not allowed to deny guilt
4. Suspect’s defence of innocence ignored - expect confession
5. Reinforce sincerity (eye-contact, first name, etc) to ensure suspect receptive
6. When suspect quieter / crying - infer guilt
7. Pose ‘alternative question’: two choices
8. Get suspect to admit guilt in front of witnesses
9. Suspect signs statement of confession
The classic interrogation manual "Criminal Interrogation and Confessions" recommends a small, soundproof room with only three chairs (two for detectives, one for the suspect) and a desk, with nothing on the walls. This creates a sense of exposure, unfamiliarity and isolation, heightening the suspect's "get me out of here" sensation throughout the interrogation.
Initial interview to determine guilt or innocence. The interrogator attempts to develop a rapport with the suspect, using casual conversation to create a non-threatening atmosphere. People tend to like and trust people who are like them, so the detective may claim to share some of the suspect’s interests or beliefs. If the suspect starts talking to the interrogator about harmless things, it becomes harder to stop talking (or start lying) later when the discussion turns to the crime.
The suspect's stress level starts increasing, and the interrogator may move around the room and invade the suspect's personal space to increase the discomfort.

If the suspect starts fidgeting, licking his lips and or grooming himself (running his hand through his hair, for instance), the detective takes these as indicators of deception and knows he's on the right track.
The interrogator encourages the suspect to talk about the crime and arranges for at least two people to witness the confession. Having to confess to a new person increases the suspect's stress level and his desire to just sign a statement and get out of there.
Evaluate

Reid Nine steps of interrogation
FALSE CONFESSIONS
False confessions - why?

- Leading questions (see Loftus & Palmer)
- Misinterpretation of suspect’s response. Eg; denials of guilt seen as further evidence of guilt. (see Rosenhan, 1973)
- Intimidation or manipulation:
  - Carole Richardson case / ‘Guildford 4’ (1974)
  - IRA bombs - Guildford pubs; killed 5 & injured many
  - CR arrested & questioned for 9 days, no solicitor
  - Confessed from fear (believed she was a bomber)
  - 20 years later: miscarriage of justice
FALSE CONFESSION: Types of False Confession

Gudjonsson: 3 types of false confession:

• **Voluntary**; made in absence of external pressure

• **Coerced - Compliant**; suspect subjected to intense pressure & confesses to escape from situation

• **Coerced - Internalised**; vulnerable individuals come to believe that they did commit crime (interrogation used)
  - Suggestibility important here.
  - Uncertainty & stress, repeated -ve feedback to recall reduces confidence in accuracy of memory.

• **PACE** (Police & Criminal Evidence Act) 1984: changes to procedure; tape-recording, etc.
FALSE CONFESSION: Types of False Confession

- Voluntary
- Coerced-Compliant
- Coerced-Internalised
KEY STUDY: Gudjohnsson et al (1992): A Case Of False Confession

• **Aim:** To document a case of false confession
• **Method:** Case Study
• **Subject:** 17 year old youth (FC) accused of 2 murders, average IQ, no mental illness / abnormality
• **Background:** 1987: two elderly women found battered to death in their home.
• **Savings missing, evidence of sexual assault.**
False Confession: Gudjohnsson et al

- Background:
  - FC arrested during earlier routine enquiry (spending more money than usual)
  - No forensic evidence linking him to crime
  - Denied access to solicitor & interviewed at length
  - Made confession & made incriminating statement
  - After a year was released from jail after another person pleaded guilty
False Confession: Gudjohnsson et al

- Police Interviews:
  - First interview: 14 hours with breaks
  - At start denied being near scene, but agreed after being accused of lying
  - Many leading & accusatory questions & suggestions of sexual impotence
  - Second interview in front of solicitor retracted statement, & then confessed under pressure

- Psychiatric Examination:
  - No evidence of mental illness, but scored 10 for suggestibility on `Gudjohnsson Scale’.
  - IQ: 94
  - EPI: stable extrovert
False Confession: Gudjohnsson et al

- Conclusion:
  - ‘Coerced-compliant’ false confession
  - Case shows that this can happen to anyone
  - Highlights importance of PACE guidelines

- Evaluation:
  - Usefulness
  - Individual v Situational
  - Case Study