

TOAEP

Torkel Opsahl
Academic EPublisher



Interviewing and Interrogation: A Review of Research and Practice Since World War II

Gavin E. Oxburgh, Trond Myklebust, Mark Fallon and Maria Hartwig (editors)

E-Offprint:

Patricia Donovan and Laura Zimmerman, “The Evolution of Suspect Interview Training in United States Federal Law Enforcement”, in Gavin E. Oxburgh, Trond Myklebust, Mark Fallon and Maria Hartwig (editors), *Interviewing and Interrogation: A Review of Research and Practice Since World War II*, Torkel Opsahl Academic EPublisher, Brussels, 2023 (ISBNs: 978-82-8348-200-3 (print) and 978-82-8348-201-0 (e-book)). This publication was published on 3 November 2023.

TOAEP reserves all rights pursuant to its general open-access copyright and licence policy which you find at <https://toaep.org/copyright/>. You may read, print or download this publication or any part of it, but you may not in any way charge for its use by others, directly or indirectly. You can not circulate the publication in any other cover and you must impose the same condition on any acquirer. The authoritative persistent URL of this publication is <https://www.legal-tools.org/doc/yly28n/>. If you make the publication (or any part of it) available on the Internet by any other URL, please attribute the publication by letting the users know the authoritative URL. TOAEP (with its entire catalogue of publications) has been certified as a digital public good by the Digital Public Goods Alliance.



© Torkel Opsahl Academic EPublisher (TOAEP), 2023

Front cover: *The painting ‘Galileo Galilei Before the Inquisitors’ by Cristiano Banti (1824-1904) reminds us that interrogation, interviewing and questioning are not only ancient societal practices, but they frequently entail an imbalance of power which bears on the process of establishing facts. This anthology shows the significant strides in our knowledge about interrogation and interviewing since World War II, and it discusses in detail why coercion should not be used. The picture of the Banti painting above the title banner is used courtesy the Marri Collection, Palazzo Foresti, Carpi (near Modena). TOAEP thanks Dr. Alberto Marri for sharing his knowledge about the painting and the beautiful Marri Collection. Below the title banner is a photograph of an imagined extension of Banti’s painting, made by Mr. Stefano Ticci, Florence, for the purposes of this dust-jacket.*

Back cover: *Detail of eroded stone in the terrace at the entrance of Basilica San Miniato al Monte in Florence. Just as water and changing temperature erode the locally-quarried stone, so, by metaphor, the use of coercion in interviewing and interrogation erodes the quality and integrity of criminal justice. The back covers of books in this Publication Series show publicly accessible ground, frequently in Florence where TOAEP has an office.*

The Evolution of Suspect Interview Training in United States Federal Law Enforcement

Patricia Donovan and Laura Zimmerman*

11.1. Introduction

The US Department of Homeland Security Federal Law Enforcement Training Centers ('FLETC'), established in 1970, provides basic and advanced training to law enforcement professionals from over 90 federal, state, local, tribal and international law enforcement agencies. To ensure these professionals receive the training necessary to meet their current operational requirements, FLETC systematically evaluates and updates training so the curriculum encompasses the latest trends, best practices and research findings. This is particularly true in the realm of investigative interviewing and interrogation.

The purpose of this chapter is to describe the evolution of suspect interview training at FLETC. This evolution reflects recent advances in empirical understanding of harmful and beneficial interview practices along with the development of new evidence-based techniques. This chapter will first present an overview of FLETC's previous training, which centred around the Five Step Interview Model. Next will be a discussion of several challenges and facilitators associated with the transition of research findings into practice. The chapter will conclude with a description of research that influenced FLETC's transition to their current evidence-based interview training along with a summary of this current training.

* **Patricia Donovan**, Ph.D., is a research engineering psychologist and interview-interrogation senior instructor at the Federal Law Enforcement Training Center in Glynco, Georgia. Her 30-year law enforcement career includes previous positions as a Special Agent investigator with the United States ('US') Secret Service, a Task Force Agent investigator at the US Drug Enforcement Administration, and a Major Felony investigator at Dekalb County, Georgia, Police Department. She holds a degree in international psychology and her research focuses on investigative interviewing and cross-cultural communications in policing. **Laura Zimmerman**, Ph.D., is a research engineering psychologist at the Federal Law Enforcement Training Center in Glynco, Georgia. She holds a degree in experimental psychology and has conducted research in the law enforcement domain for over 20 years. Her research has focused on investigative interview techniques, officer communication skills, high-stakes decision making, eyewitness identification, threat detection, and large-scale multi-agency emergency response.

11.2. Previous FLETC Five-Step Interview Model

The FLETC Five-Step Interview was designed to provide an easily adaptable guide for new trainees to use when interviewing victims, witnesses, and suspects. When interviewing suspects, the method was called the Five Step Suspect Interview (‘FSSI’) because Step 3 also included techniques focused on eliciting confessions. Reflecting the industry standards of the times (1970s–2000s), FLETC’s suspect interview training was confession-based with the goal of obtaining self-incriminating statements that conformed to investigators’ existing investigative theories. Conversely, the goal of witness or victim interviews was to obtain information. The five steps were: (i) introduction; (ii) rapport; (iii) questioning; (iv) summary; and (v) close (see Table 1 below).

Step 1	Step 2	Step 3	Step 4	Step 5
Introduction	Rapport	Questioning	Summary	Close
<ul style="list-style-type: none"> • Planning (prior to interview) <ul style="list-style-type: none"> ○ Examine case and suspect information ○ Prepare a purpose statement (prior to interview) ○ Develop themes based on case and suspect information ○ Consider interview setting: Custodial or non-custodial • Beginning the interview: <ul style="list-style-type: none"> ○ Deliver purpose statement ○ Initiate rapport building 	<ul style="list-style-type: none"> • Establish common ground to build rapport • Observe baseline behaviour • Components of effective communication <ul style="list-style-type: none"> ○ Self-awareness ○ Clarity of expression ○ Self-disclosure • Active listening • Establish and maintain rapport 	<ul style="list-style-type: none"> • Transition statement • Open-ended questions • Verbal and non-verbal cues to deception • Specific questions • <i>Suspect Interview</i> <ul style="list-style-type: none"> ○ Monologue ○ Disclose evidence ○ Themes ○ Handle denials ○ Choice/assumptive question ○ Seek admission ○ Seek confession 	<ul style="list-style-type: none"> • Summarize information • Follow-up questions • Request written statement 	<ul style="list-style-type: none"> • Explain forthcoming process • Acknowledge cooperation • Leave door open for additional questions

Table 1: Components of the FLETC five-step suspect interview.

Historically (and currently), the primary objective of every investigative interview was to supply prosecutors with accurate information that met the legal requirements for admission in court. Thus, in addition to the step-by-step

process, the Five-Step Interview training incorporated legal considerations¹ along with verbal and behavioural communication skills. While maintaining a focus on communication, aspects of training involved criminal codes, rules and procedures (which are not discussed here). Regarding interpersonal skills, trainees learned basic elements of effective communication such as self-awareness, clarity of expression, and self-disclosure. Self-awareness involved recognizing one's own strengths, weaknesses, and biases related to interviewing. With self-awareness, trainees kept potential biases in mind and leveraged their strengths to gain information and confessions. Clarity of expression focused on speaking in a manner suspects understood to avoid confusion and build trust. Trainees also explored their willingness to self-disclose information, primarily to promote suspect reciprocation during rapport building.² Trainees applied these legal considerations and interpersonal skills in all steps of the FSSI.

11.2.1. Step 1: Introduction

As a part of Step 1, trainees learned how to develop a plan and create a purpose statement prior to starting the interrogation. During planning, trainees compiled case and suspect information, clarified objectives, and identified gaps in information. From this information, they developed their investigative theory about how the criminal event unfolded and who was involved. They also identified common interests and experiences for building rapport in Step 2. In addition, they chose a 'theme' they would apply in attempt to gain admissions or confessions in Step 3. The themes taught in the FSSI were rationalization, projection and minimization. These are discussed in Step 3.

Trainees also learned how to choose physical locations for their interviews by considering the interview setting and pertinent legal parameters. Suspect interviews do not always take place in interrogation rooms or even at police stations. Suspect (or any type of) interviews can take place, for example, at suspect residences, coffee shops or places of business. A key factor driving location choice is whether the suspect is under arrest (custodial) or not (non-custodial).

After finalizing the plan, trainees were ready to open the interrogation with polite and respectful introductory greetings that set a positive tone. Similar to methods used by customer service representatives, investigators start by establishing their identity and explaining the interview purpose (purpose statement). The aim in customer service is to answer the customer's first question,

¹ Constitution of the United States of America, 17 September 1787, Amendment V, Section 1 (<https://www.legal-tools.org/doc/bc3d56/>).

² Jaqueline R. Evans *et al.*, "Criminal versus HUMINT Interrogations: The Importance of Psychological Science to Improving Interrogative Practice", in *The Journal of Psychiatry and Law*, 2010, vol. 38 (1–2), pp. 215–249.

‘Why are you talking to me?’). The same was true for trainees conducting the FSSI. They used the opening to set the tone for future rapport building, establish authority, and gain co-operation. The objective of the purpose statement was to supply suspects with enough information (without mentioning the crime under investigation) to decide whether they would speak with investigators. For example, an investigator might say, ‘Hello Mr. Jones, I am Investigator Smith and I am here to talk to you about the incident that occurred yesterday. Is it OK if we talk for a moment?’.

The purpose statement, along with skills such as building rapport, are associated with police legitimacy and procedural justice theory. Procedural justice is a prescriptive pathway to police legitimacy (recognition and acceptance of authority) that promotes community member co-operation and compliance. This is done *via* dialogue (voice) that allows informed community members to decide if they will participate in criminal justice process. Procedural justice consists of four components: community member participation in dialogue, neutrality in police decision making, dignity and respect, and the trustworthy motives of authority.³ Although the FSSI did not explicitly teach procedural justice theory, its techniques encompassed elements of procedural justice. For example, trainees learned to deliver truthful⁴ purpose statements during the introduction that allowed suspects the autonomy to decide whether to participate in the encounter.

11.2.2. Step 2: Rapport

Although the FSSI emphasized rapport as an important concept, specific techniques to establish, build, and maintain rapport were not readily available in the policing domain. Unlike common social settings, rapport building during suspect interviews introduces challenges associated with the imbalance of power between investigator and suspect along with disparate motivations and goals (see also Chapter 4 of this book).⁵ Thus, trainees found it difficult to put into practice common rapport-building advice such as ‘engage in small talk’, ‘share personal information’, and ‘be empathetic’. A survey of US military and federal law enforcement interrogators found little consensus on the definition of rapport,

³ Lorraine Mazerolle *et al.*, “Procedural Justice and Police Legitimacy: A Systematic Review of the Research Evidence”, in *Journal of Experimental Criminology*, 2013, vol. 9, no. 3, p. 245.

⁴ In the US, investigators are allowed to use a ruse to gain co-operation. However, FLETC training emphasized investigator truthfulness during the interview. US Supreme Court, *Frazier v. Cupp*, Judgment, 22 April 1969, 394 U.S. 731, p. 740 (<https://www.legal-tools.org/doc/17vqkb/>).

⁵ Fiona Gabbert *et al.*, “Exploring the Use of Rapport in Professional Information Gathering Contexts by Systematically Mapping the Evidence Base”, in *Applied Cognitive Psychology*, 2021, vol. 35, no. 2, pp. 329–341.

although respondents agreed rapport was crucial to interrogation success. Respondents also varied in the rapport-building strategies they thought were most effective.⁶ Without a clear definition and only vague descriptions of rapport-building techniques, FLETC instructors struggled to teach trainees communication strategies that would foster co-operation and information sharing. In an examination of common interrogation practices, researchers interviewed FLETC instructors who reported struggling to teach trainees how to build rapport, however, the struggle was due, in part, to limited time available to coach trainees. Instructor opinion at the time was that rapport-building involved some innate ability, although trainees could learn skills such as conveying confidence and appearing professional while engaging in small talk.⁷

As a part of rapport building, instructors emphasized the importance of developing interpersonal communication skills. One of these skills was active listening, requiring the listener to remain neutral, listen rather than speak, clear the mind to better concentrate, and avoid interrupting. Trainees learned to show listening through non-verbal responses such as head nodding and sub-vocals ('uh-huh') and to confirm understanding by paraphrasing or summarizing the suspect responses. Active listening skills are included in current FLETC training, but the purpose shifted from observing non-verbal behaviour for deception detection to processing information for use in creating a co-operative atmosphere and fostering effective communication.

In the FSSI, trainees learned to observe suspect non-verbal behaviour and establish a baseline. Baseline behaviour is a concept espoused in the Behavioural Analysis Interview ('BAI'), a structured non-accusatory conversation in which investigators pose both investigative and behaviour provoking questions to criminal suspects. During rapport building, trainees engaged in casual conversations to prompt truthful statements from suspects. Suspect behaviours while truth-telling were considered baseline with the assumption that subsequent behavioural changes might indicate deception. This theory is linked to the physiological and behavioural responses to stress associated with polygraph testing.⁸

⁶ Melissa Russano, Fadia Narchet, Steven Kleinman and Christian Meissner, "Structured Interviews of Experienced HUMINT Interrogators", in *Applied Cognitive Psychology*, 2014, vol. 28, no. 6, p. 847.

⁷ Ariel Neuman and Daniel Salinas-Serrano, "Custodial Interrogations: What We Know, What We Do, and What We Can Learn from Law Enforcement Experiences", in Robert Fein, Paul Lehner and Bryan Vossekuil (eds.), *Educating Information, Interrogation: Science and Art*, National Defense Intelligence College, Center for Strategic Intelligence Research, 2006, p. 141.

⁸ John E. Reid *et al.*, *The Reid Technique of Interviewing and Interrogation*, Chicago, 1999.

It has been proposed that flaws exist in the notion that deviations from baseline are signs deception, and thus guilt. Interviews that go from low-stakes small talk (to observe baseline behaviour) to high-stakes determinations of culpability would likely induce behavioural changes in both guilty and innocent suspects. Rather than focusing on baseline behaviour, interviewers should focus on changes in verbal behaviours after implementing techniques such as reporting events in reverse order, asking unanticipated questions, and using model statements to prompt suspects to supply more detail.⁹ In a study comparing the reports of truth-tellers and liars after establishing baseline using small talk or a comparable truth condition (akin to investigative questioning about non-crime related activities), results showed that behaviours for both truth-tellers and liars did not deviate from baseline.¹⁰ This suggests that tracking deviations from baseline would not assist investigators in determining when suspects are lying.

11.2.3. Step 3: Questioning

11.2.3.1. Transition Statement

After trainees established rapport, or attempted to establish rapport, they transitioned to the third step, questioning. Establishing rapport with unco-operative or hostile suspects is not always possible. In these cases, investigators try to calm suspects or get them talking just enough to answer questions. However, at some point investigators must move on from their rapport building efforts and try to elicit information or admissions. The questioning phase of the FSSI generally started with a transition statement that extended the purpose statement by adding details about the suspect's alleged involvement in the crime. While the initial purpose statement opened the dialogue and built rapport, the transition statement moved the general and casual conversation to more serious topics specific to the crime under investigation.

11.2.3.2. Questioning Techniques

Trainees learned to use open-ended questions followed by specific questions. The purpose of open-ended questions was to observe suspect non-verbal and verbal behaviours during their narrative responses rather than elicit information, which is the case with current information elicitation techniques.¹¹ After

⁹ Aldert Vrij, "Baselining as a Lie Detection Method", in *Applied Cognitive Psychology*, 2016, vol. 30, p. 1112.

¹⁰ Nicole Palena, Letizia Caso, Aldert Vrij and Robin Orthey, "Detecting Deception Through Small Talk and Comparable Truth Baselines", in *Journal of Investigative Psychology and Offender Profiling*, 2018, vol. 15, no. 3, p. 124.

¹¹ Ronald P. Fisher and R. Edward Geiselman, *Memory Enhancing Techniques for Investigative Interviewing: The Cognitive Interview*, Charles C. Thomas Publisher, 1992; Amina Memon, Christian A. Meissner and Joanne Fraser, "The Cognitive Interview: A Meta-analytic Review

suspects finished their free narratives, trainees asked specific questions to fill in gaps, to catch suspects lying, and to gather details for use in the accusatory stage of the interrogation.

Once trainees completed questioning, they classified their interviewees as a suspect versus a witness or bystander. If they did not uncover information or evidence that pointed to the suspect's involvement (probable cause), they shifted to gathering information using the general FLETC Five-Step Interview and ceased to presume guilt or seek confessions.

11.2.3.3. Deception Detection

Trainees learned to look for signs of deception once questioning began. They would look for deviations from baseline and clusters of behavioural cues thought to be indicative of deception, such as averted gaze, fidgeting, sweating, and hand gesturing. Instructors made clear that no one cue was proof of deception. Rather, they advised trainees to take a holistic approach and consider multiple cues simultaneously. For example, if a suspect started sweating as they averted their eyes and fidgeted, particularly if this deviated from baseline, it might imply they were withholding information or being deceitful.

Analyzing behaviours in this manner stemmed from the assumption that liars would experience internal stress and anxiety, which would affect their external actions. Standard training for evaluating verbal responses consisted of identifying truthful, omissive, evasive or deceptive statements, mainly by judging the associated non-verbal nervous behaviours. Investigators considered suspect responses truthful when they were direct and reflected the truth without evoking behaviours that signalled internal anxiety. Omissive responses meant that suspects accepted responsibility but denied criminal intent and displayed very little internal anxiety. With evasive responses, suspects implied innocence without saying so explicitly and displayed some internal anxiety. When suspects displayed a great level of internal anxiety, the investigators would consider the response deceptive.¹²

Instructor beliefs about deception detection reflected industry standards. For instance, in one study, experienced interrogators reported using verbal cues such as story contradictions, deviations from behavioural baselines, and non-verbal cues such as eye movements and fidgeting to detect deception.¹³ However, research at the time tended to dispute the efficacy of these cues and showed that

and Study Space Analysis of the Past 25 years", in *Psychology, Public Policy, and Law*, 2010, vol. 16, no. 4, p. 34.

¹² Fred E. Inbau *et al.*, *Essentials of the Reid Technique: Criminal Interrogation and Confessions*, Jones and Bartlett Publishers, 2013.

¹³ Russano, Narchet, Kleinman and Meissner, 2014, see *supra* note 6.

people, including law enforcement, were generally no better than chance at detecting deception.¹⁴ Still, these interrogators believed the techniques worked and their abilities at detecting lies were above average.¹⁵ Additional research has also shown that interrogators and others in law enforcement overestimate their ability to detect deception.¹⁶ These ingrained beliefs highlight one challenge in trying to shift police practices towards more reliable methods of discerning truth from deception.

11.2.3.4. Monologue

After eliciting free narratives and asking questions, trainees transitioned from dialogue to an accusatory monologue. During the monologue, trainees would consume the conversation, stop suspect denials, use themes, and try to persuade suspects to tell truths that matched existing investigative theories. Each trainee would reveal their theory of the suspect's involvement and follow up by offering moral or psychological justifications for the suspect's behaviour. If suspects tried to talk, trainees would verbally interrupt or non-verbally cut them off (ignore, hand up, passively talk over) and request they remain silent. This action is called positive confrontation in police interviewing literature. The reason investigators accuse suspects without allowing for denials is to increase discomfort, fear of negative consequences, and to build up stress.¹⁷ Research examining this confrontational approach has found it is associated with both true and false confessions.¹⁸

11.2.3.5. Factual Evidence Presentation

During the monologue, trainees presented evidence in a manner intended to overwhelm suspects so they would confess. At the time, minimal research

¹⁴ Bella M. DePaulo *et al.*, "Cues to Deception", in *Psychological Bulletin*, 2003, vol. 12, no. 9, sec. 1, pp. 74–118.

¹⁵ Charles F. Bond and Bella M. DePaulo, "Individual Differences in Judging Deception: Accuracy and Bias", in *Psychological Bulletin*, 2008, vol. 134, no. 4, pp. 477–492.

¹⁶ Saul M. Kassin *et al.*, "Police Interviewing and Interrogation: A Self-report Survey of Police Practices and Beliefs", in *Law and Human Behavior*, 2007, vol. 31, no. 4, pp. 381–400; Allison Redlich, Christopher Kelly and Jeanee Miller, "The Who, What, and Why of Human Intelligence Gathering: Self-Reported Measures of Interrogation Methods", in *Applied Cognitive Psychology*, 2014, vol. 28, no. 6, p. 817; Aldert Vrij, Par Anders Granhag and Stephen Porter, "Pitfalls and Opportunities in Non-verbal and Verbal Lie Detection", in *Psychological Science in the Public Interest*, 2010, vol. 11, no. 3, p. 89.

¹⁷ Inbau *et al.*, 2013, see *supra* note 12.

¹⁸ Christian Meissner *et al.*, "Accusatorial and Information-Gathering Interrogation Methods and Their Effects on True and False Confessions: A Meta-Analytic Review", in *Journal of Experimental Criminology*, 2014, vol. 10, no. 4, p. 459; Fadia Narchet, Christian Meissner and Melissa Russano, "Modeling the Influence of Investigator Bias on the Elicitation of True and False Confessions", in *Law and Human Behavior*, 2011, vol. 35, no. 6, p. 452.

existed on evidence disclosure during interrogations. Police manuals offered mixed recommendations and common practice was to disclose evidence early. More recent research has found that early disclosure of evidence allows liars to generate plausible statements that fit the evidence.¹⁹ This is discussed in more detail below.

11.2.3.6. Themes

Trainee monologues centered around the themes they identified during the planning phase and developed as they gained more information. The intent of themes was to alleviate the fear of confessing. Instructors focused on the themes of rationalization, projection and minimization. Rationalization was used to moralize behaviour. For example, an investigator might say, ‘Sure, you took the money, but you had to feed your family’. Projection focused on deflecting responsibility by blaming other people, groups, or situations, such as ‘I know it was not your idea to take the money. Your coworker was the one who planned it all’. When using minimization, investigators lessened the severity of suspect behaviour, and thus, implied less severe punishment. For example, ‘It was just a few dollars from the cash register. It’s not like you robbed a bank’.

When investigators present themes that morally or psychologically justify criminal behaviour, it interferes with suspects’ autonomous decision making and could induce innocent suspects to confess.²⁰ In addition, presenting themes during interrogations is likely not necessary because, not surprisingly, guilty suspects often deny criminal involvement and rationalize their own behaviour without help from investigators. Investigators can leverage these self-preservation strategies to gain information or persuade suspects without risking undue influence by using themes.

11.2.3.7. Maximization

Although FLETC did not use the term maximization, the FSSI promoted techniques commonly associated with maximization, such as using statements that intensify the seriousness of the crime and severity of the evidence while implying that a confession will help ease a suspect’s dire situation.²¹ These statements also suggested that a suspect’s dishonesty or lack of confession would result in

¹⁹ Maria Hartwig, Pär Anders Granhag and Timothy Luke, “Strategic Use of Evidence During Investigative Interviews: The State of the Science”, in David C. Raskin *et al.* (eds.), *Credibility Assessment*, Academic Press, 2014.

²⁰ Maria Hartwig, Pär Anders Granhag and Aldet Vrij, “Police Interrogation from a Social Psychology Perspective”, in *Policing and Society*, 2005, vol. 15, no. 4, pp. 379–399.

²¹ Saul Kassin and Karlyn McNall, “Police Interrogations and Confessions: Communicating Promises and Threats by Pragmatic Implication”, in *Law and Human Behavior*, 1991, vol. 15, no. 3, p. 233.

harsher consequences.²² While investigators cannot make direct promises of leniency, the implication often proves true. The US justice system looks favourably upon suspects who confess, thus suspects often benefit from confessing to their crimes (if factually guilty).

11.2.3.8. Choice and Assumptive Questions

After the monologue and theme presentation, trainees transitioned to asking a choice question or an assumptive question. Choice questions offer suspects two self-incriminating choices concerning a criminal act.²³ For example, ‘Did you steal the money because you wanted to feed your family or because you wanted to buy drugs?’. The purpose of a choice question is to give suspects an acceptable choice and a worse choice so they pick one option rather than denying involvement. When suspects chose an option, investigators consider it an admission of guilt. In an assumptive question, the investigator presents a question that assumes guilt.²⁴ For example, an investigator asks, ‘Why did you take the money?’ instead of, ‘Did you take the money?’. If the suspect responds without denials or admits guilt, for example by saying, ‘I took the money because I needed it’, the investigator acknowledges co-operation and returns to the beginning of Step 2 by asking an open-ended question, such as, ‘Thank you for telling me the truth, now start from the beginning and tell me everything that happened’. If the suspect denies the accusation, the investigator adjusts or changes the theme and continues communicating a certainty of guilt.

Several studies have shown the association between themes or accusatory questions and false confessions.²⁵ One study demonstrated how manipulating the perceived consequences of confessing, such as by exaggerating the repercussions of not confessing (maximization) and downplaying the seriousness of the offense (minimization), increased the likelihood of false confessions. In contrast, using minimization and maximization techniques without perceived consequences, such as expressions of sympathy and appeals to conscience, increased true confessions.²⁶ In another study, experimenters who acted as interrogators chose from several accusatorial and non-accusatorial approaches and

²² Kassin *et al.*, 2007, see *supra* note 16.

²³ Inbau *et al.*, 2013, see *supra* note 12.

²⁴ Michael Farrell, Douglas E. Wicklander, Shane G. Sturman and L. Wayne Hoover, *Practical Aspects of Interview and Interrogation*, CRC Press, 2001.

²⁵ Allyson J. Horgan, Melissa B. Russano, Christian A. Meissner and Jaqueline R. Evans, “Minimization and Maximization Techniques: Assessing the Perceived Consequences of Confessing and Confession Diagnosticity”, in *Psychology, Crime & Law*, 2012, vol. 18, no. 1, pp. 65–78; Narchet, Meissner and Russano, 2011, see *supra* note 18; Russano, Narchet, Kleinman and Meissner, 2014, see *supra* note 6.

²⁶ Horgan, Russano, Meissner and Evans, 2012, see *supra* note 25.

interviewed college students suspected of cheating. Data showed that false confessions were more likely when interrogators used minimization and maximization techniques compared to non-accusatorial methods. When interrogators believed the suspect was guilty, they applied more accusatorial techniques. They also maintained guilt biases post-interview and were more likely to believe innocent participants were guilty.²⁷ These studies were among several that revealed that some techniques taught in the FSSI might lead to incorrect identification of criminal perpetrators.

11.2.4. Step 4: Summary

Whether suspects continued to deny involvement, make admissions, or confesses to criminal acts, trainees had to decide when to transition to Step 4 based on failed or successful attempts to obtain a confession. The summary phrase allowed trainees to verify the details of denials, admissions or confessions. They, or a secondary trainee if present, summarized the information and asked follow-up questions. Finally, they asked the suspect to write and sign a statement of facts.

11.2.5. Step 5: Close

After the summary, trainees closed the interview by thanking the suspects for their co-operation, exchanging contact information, and explaining how and when they will make future contact.

The FSSI incorporated several techniques no longer considered sound practice. At the time, these methods of detecting deception and provoking confessions were industry standards. Investigators were not necessarily questioning the effectiveness of their methods, rather their successes supplied anecdotal evidence that supported their use of these techniques. Nonetheless, as research evidence showing the effectiveness of alternative methods increased, investigators took note and began to acknowledge that some techniques long used in policing practice were sometimes ineffective. And, as research showed, investigators often preferred using rapport-based tactics not always found in training.²⁸ Even with this emerging shift in mindset, modifications to training would require a more frequent and formalized collaborative effort between researchers and practitioners. The next section discusses challenges in forming these collaborative partnerships and implementing new techniques in the field. This discussion focuses primarily on the actions researchers can take to start and maintain productive partnerships and explains how the changes evolved in FLETC curriculum.

²⁷ Narchet, Meissner and Russano, 2011, see *supra* note 18.

²⁸ Redlich, Kelly and Miller, 2014, see *supra* note 16; Russano, Narchet, Kleinman and Meissner, 2014, see *supra* note 6.

11.3. Receptivity to Research

Around 2010, interrogation training at FLETC, and throughout the US, started to undergo significant change. While mounting evidence showed several interrogation techniques were ineffective (or effective but potentially harmful), these findings rarely made it into police training academies or practice.²⁹ Researchers often met resistance and skepticism when they tried to share their findings.³⁰ Policing culture, as well as popular culture, embraced traditional interrogation practices while investigators often relied on the ‘art’ of interrogation and their innate abilities to detect deception and elicit confessions. Additionally, investigators often saw the benefit of their interrogation methods reflected in their arrest and conviction rates. These positive outcomes served as evidence their techniques were effective regardless of what the science said.

Indoctrination into police culture and ties to tradition begin in the training academy.³¹ New police recruits rely heavily on their training to carry out their duties and consider instructors reliable subject matter experts. Instructors are often former officers or agents with decades of first-hand experience that they pass down to their trainees. Once trainees leave the academy, their field training officers and colleagues, along with their own experiences reinforce those skills. Given this, it is foreseeable that law enforcement would be skeptical of researchers who deliver the message that their techniques and practices are wrong. Hearing suggestions from outsiders with no policing experience about better and less harmful ways to police would understandably evoke resistance, no matter how ‘backed by science’ those suggestions were.

In effort to remedy this, researchers have examined the challenges they face when trying to establish collaborative relationships with police agencies and when trying to transition their research findings into practice. Several academics note the relative minor influence evidence-based findings have had in

²⁹ Julie Grieco, Heather Vovak and Cynthia Lum, “Examining Research–Practice Partnerships in Policing Evaluations”, in *Policing: A Journal of Policy and Practice*, 2014, vol. 8, no. 4, pp. 368–378.

³⁰ Geoffrey P. Alpert, Jeff Rojek and Andrew Hansen, “Building Bridges Between Police Researchers and Practitioners: Agents of Change in a Complex World”, US Department of Justice, National Institute of Justice, 2013; Cynthia Lum, Cody Telep, Christopher Koper and Julie Grieco, “Receptivity to Research in Policing”, in *Justice Research and Policy*, 2012, vol. 14, no. 1, p. 61.

³¹ For example, Allison T. Chappell and Lonn Lanza-Kaduce, “Police Academy Socialization: Understanding the Lessons Learned in a Paramilitary-Bureaucratic Organization”, in *Journal of Contemporary Ethnography*, 2010, vol. 39, no. 2, pp. 187–214 in their examination of community policing practices in academy training.

the evolution of policing practices.³² While a common refrain is that police organizations are particularly resistant to change,³³ researchers also play a part in the success or failure of these collaborations. The issues that waylay or facilitate successful police-researcher partnerships often centre around aligning expectations, goals and priorities while nurturing positive interpersonal relationships. The International Association of Chiefs of Police ('IACP') created a publication to aid researchers in forming partnerships with police (they also created a complementary guide for police leadership). To build effective working relationships, they suggested researchers focus on active listening, assisting police partners in seeing beyond immediate strategic concerns, and identifying shared priorities.³⁴

Researchers and police practitioners often have different goals and priorities when engaging in research projects. Researchers tend to place a high value on scientific results, whereas practitioners are often concerned with immediate solutions to problems, even if those solutions have not been subject to the rigors of scientific inquiry.³⁵ In some cases, researchers offer data showing certain techniques are inadequate without also offering alternative solutions.³⁶ Other times, they deliver results that advance science but are of little value to practitioners resulting in a 'one-way street', with researchers collecting the data to satisfy their research interests without delivering results that have practical application.³⁷ In their guide, the IACP recommended that researchers work closely with police partners to define goals, identify practical problems associated with the

³² David H. Bayley, "Policing in America: Assessment and Prospects", in *Police Foundation Series: Ideas in American Policing*, 1998; David Bradley and Christine Nixon, "Ending the 'Dialogue of the Deaf: Evidence and Policing Policies and Practices, an Australian Case Study", in *Police Practice and Research: An International Journal*, 2009, vol. 10, nos. 5–6, pp. 423–435; Lawrence Sherman, "The Rise of Evidence-Based Policing: Targeting, Testing, and Tracking", in *Crime and Justice*, 2013, vol. 42, no. 1, p. 377.

³³ Alpert, Rojek and Hansen, 2013, see *supra* note 30; Ryan Cohen, "The Force and the Resistance: Why Changing the Police Force Is Neither Inevitable, nor Impossible", in *University of Pennsylvania Journal of Law and Social Change*, 2017, vol. 20, no. 2, pp. 105–123.

³⁴ Ronal Serpa and Charles Wellford, "Establishing and Sustaining Law Enforcement-Researcher Partnerships: Guide for Researchers", US Department of Justice, Office of Justice Programs International Association of Chiefs of Police, 2007 (<https://www.legal-tools.org/doc/tvw7cr/>).

³⁵ Alpert, Rojek and Hansen, 2013, see *supra* note 30; Lum, Telep, Koper and Grieco, 2012, see *supra* note 30.

³⁶ Brian H. Bornstein and Christian A. Meissner, "Influencing Policy and Procedure With Law-Psychology Research: Why, When, Where, How, and What", in David DeMatteo and Kyle C. Scherr (eds.), *Oxford Handbook of Psychology and Law*, Oxford University Press, 2021.

³⁷ Dennis Rosenbaum, "Police Research: Merging the Policy and Action Research Traditions", in *Police Practice and Research*, 2010, vol. 11, no. 2, p. 144.

research topic, and discuss underlying factors that may contribute to implementation challenges and suboptimal outcomes.³⁸

Another barrier to collaborative partnerships is accessibility and applicability of the research findings. Researchers often use academic language to deliver their results and publish in academic journals rather than in publications accessible to police audiences.³⁹ A survey of researchers who successfully collaborated with police partners found that 100 per cent of the partnerships led to academic publications while only 10 per cent reported making their findings accessible to the law enforcement community, such as through trade magazines or conferences. Over half the participants did not know the impact of their findings on police agencies or they thought their findings had no impact.⁴⁰ From the law enforcement perspective, surveys reveal that officers predominantly get their information from their own agencies, and to a lesser extent from trade magazines and organizations.⁴¹ Other findings show that while officers often respect research, it is of little value if they cannot use the findings in practice, which highlights the need to make research ‘digestible’. Researchers noted that collaborative projects need to show how research findings can be applied in the field, are cost-effective, and will have beneficial outcomes.⁴²

Researchers might also overcome these barriers by working to identify effective techniques rather than focusing only on ineffective practices. Translational research can provide a useful model for interrogations as well as other topics in legal psychology. Common in the medical field, translational research focuses on moving research from basic to applied settings. It encompasses theoretically grounded basic research that progresses towards evaluation in the field.⁴³ When research is ready for field testing, academics should translate abstract research findings into practical strategies and engage in ongoing two-way knowledge exchanges with practitioners to disseminate findings and implement new practices.⁴⁴

In addition, researchers should collaborate with all levels of command to foster successful relationships. They might focus particularly on the officers or investigators directly involved in the research process and those central to

³⁸ Serpa and Wellford, 2007, see *supra* note 34.

³⁹ Alpert, Rojek and Hansen, 2013, see *supra* note 30.

⁴⁰ Greico, Vovak and Lum, 2014, see *supra* note 29.

⁴¹ Lum, Telep, Koper and Grieco, 2012, see *supra* note 30; Cody Telep and Cynthia Lum, “The Receptivity of Officers to Empirical Research and Evidence-Based Policing: An Examination of Survey Data from Three Agencies”, in *Police Quarterly*, 2014, vol. 17, no. 4, p. 359.

⁴² Lum, Telep, Koper and Grieco, 2012, see *supra* note 30.

⁴³ Bornstein and Meissner, 2021, see *supra* note 36.

⁴⁴ Alpert, Rojek and Hansen, 2013, see *supra* note 30.

implementing the findings.⁴⁵ Respondents in one study emphasized the importance of spending time and building rapport with personnel directly involved in the project, which included conveying intent to maintain the partnership long-term.⁴⁶ In another project, police and researchers suggested that to establish successful partnerships with law enforcement, researchers should make clear their desire to help agencies address problems or improve practices rather than serving their own research interests. They also suggested researchers reassure their police partners that they would remain objective.⁴⁷

Finally, respecting law enforcement experience is key to forming and maintaining collaborative relationships. Partnerships are strengthened when researchers display curiosity, take the time to understand why police use current techniques, and consider practical and logistical issues when implementing projects and making recommendations.⁴⁸ One study found that both police and researcher participants stressed the importance of valuing police knowledge and incorporating that knowledge into the project.⁴⁹ Findings from another study suggested that allowing police partners the opportunity to contribute their specialized knowledge will likely increase their investment and co-operation in the project.⁵⁰ Similarly, it is important to heed the advice of police experts when discussing factors that might influence study outcomes while keeping in mind the many police experiences, situations, and practices that science has yet to study systematically. Forming good working relationships with police practitioners requires researchers to actively work at gaining trust and fostering mutual respect. This involves not just extolling the value of research but listening to the needs and practical concerns of law enforcement partners while displaying patience, empathy, and appreciation of current police practices without judgment.⁵¹

The work of the High-Value Detainee Interrogation Group ('HIG') exemplifies the successful transition of interrogation research into police practice. Relationship building and collaboration were embedded into the mission of the HIG from its inception in 2009. The HIG is a joint US government entity that

⁴⁵ *Ibid.*; Greico, Vovak and Lum, 2014, see *supra* note 29; Christian Meissner, Maria Hartwig and Melissa Russano, "The Need for a Positive Psychological Approach and Collaborative Effort for Improving Practice in the Interrogation Room", in *Law and Human Behavior*, 2010, vol. 34, no. 1, p. 43.

⁴⁶ Greico, Vovak and Lum, 2014, see *supra* note 29.

⁴⁷ Alpert, Rojek and Hansen, 2013, see *supra* note 30.

⁴⁸ *Ibid.*; Serpa and Wellford, 2007, see *supra* note 34.

⁴⁹ Alpert, Rojek and Hansen, 2013, see *supra* note 30.

⁵⁰ Lum, Telep, Koper and Grieco, 2012, see *supra* note 30.

⁵¹ Bornstein and Meissner, 2021, see *supra* note 36. See also Serpa and Wellford, 2007, *supra* note 34.

seeks to obtain reliable intelligence using science-based interrogation methods. The HIG's research program focuses on identifying effective interrogation techniques and transitioning those techniques to the field.⁵² By facilitating researcher-practitioner partnerships, the HIG makes it easier for researchers to connect with law enforcement and military stakeholders and increases the legitimacy of their projects. The HIG produces research that is accessible and applicable to law enforcement (and military) and offers practical alternatives to traditional interrogation methods.

To field test the effectiveness of several non-coercive interviewing techniques studied in HIG-funded laboratory research, the HIG sought collaborative partnerships with FLETC and other US government training entities. These research efforts involved teaching instructors to use new techniques, creating training, and comparing the new training to existing training.⁵³ As of 2019, the HIG had produced nearly two hundred peer-review publications.⁵⁴ In addition, HIG-sponsored researchers presented their findings at conferences and held training and train-the-trainer classes for stakeholders and end-users. The prominence of these efforts along with researcher outreach at conferences was largely how FLETC became interested in updating their investigative interviewing curriculum to reflect the latest empirical evidence.

11.4. FLETC's Transition to Research-Based Interview Training

In March 2010, a FLETC interview course instructor attended the fourth International Congress on Psychology and Law, held in conjunction with the 2010 Annual Meeting of the American Psychology-Law Society. At this conference, several researchers presented findings on topics such as detecting deception, credibility assessment, and false confessions. These findings indicated that several techniques taught in the FSSI were ineffective or harmful to investigations. These presentations also proposed novel approaches to suspect interviews that FLETC did not teach. The instructor returned to FLETC and recommended to management that FLETC host a psychology consortium. The purpose of the consortium was to: (i) help FLETC, along with the agencies that send their agents to FLETC training (for example, Customs and Border Protection, Secret Service) understand emerging research on interviewing and interrogations; (ii)

⁵² Susan E. Brandon *et al.*, "The High-Value Detainee Interrogation Group (HIG): Inception, Evolution, and Impact", in Mark A. Staal and Sally C. Harvey (eds.), *Operational Psychology: A New Field to Support National Security and Public Safety*, ABC-CLIO, 2019, pp. 263–285.

⁵³ Christian Meissner, Frances Surmon-Böhr, Simon Oleszkiewicz and Laurence Alison, "Developing an Evidence-Based Perspective on Interrogation: A Review of the U.S. Government's High-Value Detainee Interrogation Group Research Program", in *Psychology, Public Policy, and Law*, 2017, vol. 23, no. 4, p. 438.

⁵⁴ Brandon *et al.*, 2019, see *supra* note 52.

foster opportunity for FLETC staff to work with researchers to incorporate new and relevant material into the FLETC basic or advanced training curricula; and (iii), explore ways for FLETC to collaborate with researchers and their universities to further this type of research.

FLETC held their first Bi-Annual Psychology Consortium in August 2011. One goal of this consortium was to introduce deception detection techniques associated with cognitive load theory. Rather than focus on stress-based non-verbal indicators, researchers proposed the use of cognitive load techniques to maximize the chances of accurately detecting lies. Cognitive load techniques included describing events in reverse order, maintaining eye contact, and asking unanticipated questions.⁵⁵ Research at the time suggested the accuracy rate of traditional arousal-based approaches to detecting deception were little better than chance (54 per cent),⁵⁶ whereas the cognitive load approaches tended to show accuracy rates around 70 per cent.⁵⁷ The presentations also summarized meta-analyses that identified effective information elicitation approaches, interrogation techniques, and credibility assessment methods.⁵⁸ These presentations prompted a major step forward in improving investigative interviewing training at FLETC. For instance, instructors heard firsthand how relatively straightforward the cognitive load techniques were to implement. After hearing researchers discuss the techniques, instructors could easily explain to trainees how to use the techniques and why they tended to work.

As a result of the 2011 consortium, instructor interest in interrogation research increased. In September 2012, a group of researchers visited FLETC and presented recent findings on topics related to the cognitive interview ('CI') and social persuasion interrogation approaches. The CI is a systematic witness interviewing approach aimed at improving information elicitation.⁵⁹ It focuses on using guided memory retrieval techniques in an environment that enables communication of the memories retrieved. In a meta-analysis, the CI elicited significantly more correct details with only a small increase in erroneous details compared to control interviews.⁶⁰

The methodology used in CI research often consisted of showing college students videos of criminal activity and interviewing them using the CI or a comparison technique. Data consistently demonstrated the CI's effectiveness,

⁵⁵ Vrij, Granhag and Porter, 2010, see *supra* note 16.

⁵⁶ Bond and DePaulo, 2003, see *supra* note 15.

⁵⁷ Aldert Vrij, "Interviewing to Detect Deception", in *European Psychologist*, 2014, vol. 19, no. 3, p. 184.

⁵⁸ Meissner *et al.*, 2014, see *supra* note 18.

⁵⁹ Fisher and Geiselman, 1992, see *supra* note 11.

⁶⁰ Memon, Meissner and Fraser, 2010, see *supra* note 11.

thus, researchers sought to test the CI in more realistic environments with law enforcement as interviewers. As a result, FLETC partnered with several researchers to compare the effectiveness of the FSSI to the CI using FLETC instructors as interviewers and training staff as interviewees who witnessed a live simulated event. In preparation for the study, instructors underwent intensive CI training. Results showed that the CI elicited approximately 80 per cent more relevant information than did the FSSI.⁶¹ By participating in the study, instructors conducted the CI, applied the technique, experienced the resulting benefits, and gained insights to effectively deliver CI training. FLETC incorporated CI techniques into training and their focus started to shift from instructing trainees to spot verbal and non-verbal indicators of deception to teaching methods aimed at eliciting more information.

Another topic discussed during the 2012 visit was the use of Neurolinguistic Programming ('NLP') to elicit information and detect deception. NLP was a popular communication approach that purported the existence of a preferred representational system (one of the five senses) and claimed a relationship existed between eye movement and deception. Researchers shared with FLETC staff the fallacies surrounding NLP theory. They explained why the theories associated with NLP and stress-based lie-detection techniques were flawed and shared research that supported using techniques such as active listening and mirroring and/or matching suspect behaviours.⁶² As a result, FLETC instructors removed interviewing methods consistent with NLP theories from the interviewing curriculum.

In 2013, FLETC partnered with researchers to conduct a study comparing the Strategic Use of Evidence ('SUE') technique to other interview/questioning techniques. The SUE technique is designed to improve interviewer veracity judgments by strategically asking questions about obtained evidence. The SUE technique elicits verbal responses based on the assumption that liars and truth tellers employ different strategies to convince investigators of their innocence. Results of the FLETC study showed that instructors trained in SUE asked questions and disclosed evidence in a strategic manner and were significantly more accurate at judging suspect guilt and innocence compared to untrained

⁶¹ Jillian Rivard, Ronald Fisher, Belinda Robertson and Dana Hirn Mueller, "Testing the Cognitive Interview With Professional Interviewers: Enhancing Recall of Specific Details of Recurring Events", in *Applied Cognitive Psychology*, 2014, vol. 28, no. 6, p. 917.

⁶² Sujeeta Bhatt and Susan Brandon, "Neurolinguistic Programming (NLP) in Investigative Interviewing: Recommended Alternative Methods", in *Investigative Interviewing: Research and Practice*, 2015, vol. 7, no. 2, pp. 51–62.

participants.⁶³ Based on the findings and firsthand knowledge of the technique, instructors added the SUE technique to the interviewing curriculum.

Instructors also learned about new interview training practices at the annual HIG Research Symposiums. During these symposiums, researchers present empirical findings to practitioners and stakeholders from law enforcement, the military, and other government agencies. FLETC instructors heard presentations relevant to their instruction on rapport such as the seven principles of persuasion⁶⁴ and the psychology of procedural justice.⁶⁵ Results revealed that (i) interrogators perceive fair treatment of suspects as essential to their authoritative legitimacy (procedural justice), (ii) liking and reciprocity (persuasion) were closely linked to rapport and relationship building, and (iii) social influence strategies such as rapport, principles of procedural justice and reciprocity increased information disclosure.⁶⁶ Following this, FLETC added to training the principles of persuasion along with the psychology of procedural justice to help trainees develop a mindset of social influencing behaviour.

Additional HIG symposium presentations strengthened FLETC's training on rapport and rapport-based interviewing techniques. Researchers described rapport as a smooth and positive interpersonal interaction that increased information gain, improved trust, and produced more co-operation along with faster agreement in negotiations.⁶⁷ They illustrated the importance of rapport and described concrete tactics that instructors could incorporate into training. Other researchers expanded upon these tactics by incorporating principles of motivational interviewing ('MI') and interpersonal circle theory to create Observing

⁶³ Timothy Luke *et al.*, "Training in the Strategic Use of Evidence Technique: Improving Deception Detection Accuracy of American Law Enforcement Officers", in *Journal of Police and Criminal Psychology*, 2016, vol. 31, no. 4, p. 270.

⁶⁴ Robert B. Cialdini and Noah J. Goldstein, "Social Influence: Compliance and Conformity", in *Annual Review of Psychology*, 2005, vol. 55, pp. 591–621.

⁶⁵ Tom Tyler, Phillip Goff and Robert MacCoun, "The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement", in *Psychological Science in the Public Interest*, 2015, vol. 16, no. 3, p. 75.

⁶⁶ Jane Goodman-Delahunty and Loene M. Howes, "Social Persuasion to Develop Rapport in High-Stakes Interviews: Qualitative Analyses of Asian-Pacific Practices", in *Policing and Society*, 2016, vol. 26, no. 3, pp. 270–290; Jane Goodman-Delahunty, Natalie Martschuk and Mandeep K. Dhimi, "Interviewing High Value Detainees: Securing Cooperation and Disclosures", in *Applied Cognitive Psychology*, 2014, vol. 28, no. 6, pp. 883–897; Jane Goodman-Delahunty, Kate O'Brien and Thea Gumbert-Jourjon, "Police Professionalism in Interviews With High Value Detainees: Cross-Cultural Endorsement of Procedural Justice", in *Journal of the Institute of Justice and International Studies*, 2013, vol. 13, p. 65.

⁶⁷ Allison Abbe and Susan E. Brandon, "The Role of Rapport in Investigative Interviewing: A Review", in *Journal of Investigative Psychology and Offender Profiling*, 2013, vol. 10, no. 3, pp. 237–249.

Rapport-Based Interpersonal Techniques (‘ORBIT’), a research tool initially used to study the impact of rapport-based interview techniques on information elicitation.⁶⁸ The MI is a directive, client-centred counselling style that helps clients resolve ambivalence and change behaviour. The interpersonal circle theory maps adaptive interview behaviours (responses that lead to a positive outcome) and maladaptive interview behaviours (responses that lead to negative outcome) to promote interpersonal competence and versatility.⁶⁹ Results of the ORBIT study suggested that adapting rapport-based styles of interviewing were more productive than coercive, confrontational styles. Findings from the research on rapport and social influence strategies offered a framework that instructors used to develop curriculum with concrete rapport building and social interactions skills.

The research collaborations that started in 2010 evolved into long-term relationships that continue today. These partnerships afford instructors the opportunity to raise concerns about implementing research-based techniques, such as building rapport when time is limited, providing suspects with the illusion of control during interviews, fostering information elicitation rather than forcing admissions and confessions, and decreasing reliance on nervous behaviours to detect deception. Instructors contact researchers to discuss new techniques or obtain clarification about research findings, methods of instruction, and practical application in the field. Interactions with researchers help instructors make informed decisions about existing training content (for example, NLP, micro-facial expressions to detect deception) and identify emerging empirical evidence that supports new techniques (for example, CI, SUE, cognitive load).

11.5. Current Research-Based Training

As discussed above, instructors added several techniques to their suspect interview training, removed techniques, and filled gaps in training. Table 2 below lists the concepts and techniques removed from and added to FLETC’s suspect interview training.

⁶⁸ Laurence J. Alison *et al.*, “Why Tough Tactics Fail and Rapport Gets Results: Observing Rapport-Based Interpersonal Techniques (ORBIT) to Generate Useful Information from Terrorists”, in *Psychology, Public Policy, and Law*, 2013, vol. 19, no. 4, p. 411.

⁶⁹ Alison *et al.*, 2013, see *supra* note 68; William Miller and Stephen Rollnick, *Motivational Interviewing: Helping People Change*, Guilford Press, 2012.

11. The Evolution of Suspect Interview Training
in United States Federal Law Enforcement

Removed from FLETC's FSSI	Added to FLETC's Current Research-based Training
Rapport-building techniques: Non-definitive rapport building methods	Rapport-Relationship Building: ORBIT, principles of persuasion, principles of procedural justice
Questioning: Open-ended to specific, goal to observe verbal and non-verbal behaviour	Questioning: CI techniques, open-ended to specific, goal to gather information
Deception Detection: Verbal and non-verbal behavioural cues, BAI	Deception Detection: Cognitive load theory
Monologue: Block suspect communication, confrontational	Dialogue: Encourage communication, non-confrontational
Evidence Disclosure: Early, factual presentation	Evidence Disclosure: Late, SUE
Confession-Based: Use of themes such as rationalization, projection, minimalization	Rapport-Based: Motivational interviewing
Assumption of Guilt: Choice and assumptive questions	Neutrality: Non-judgmental

Table 2: Training content removed from the FSSI and content added to current FLETC suspect interview training.

While not easy, FLETC changed lesson plan development from a professional or experienced-based model reliant on industry standards, to a research-based model. Discovering new research in suspect interviewing made apparent the gaps in traditional methods. For example, the factual evidence presentation method discussed in the FSSI lacked clear and distinct strategies. The SUE technique, on the other hand, described clear strategies along with empirical evidence to support effectiveness. Similarly, traditional interview methods emphasized the importance of rapport, but without offering concrete strategies. More importantly, the contradicting message of developing rapport while using confrontational tactics was perplexing to both trainees and instructors who also struggled to maintain credibility. Researchers provided a roadmap for instructors to deliver worthwhile and effective rapport building techniques. Due, in part, to the relationships instructors formed with researchers, along with access to empirical findings, the techniques not supported by research were removed from the FSSI and replaced with effective research-based techniques. The benefit of this change is illustrated in the feedback FLETC regularly receives from former trainees who attribute their investigative successes to the techniques learned in FLETC's interview training.

11.5.1. Beyond Interview Training

Because of the successful collaborations between FLETC's interview instructors and outside researchers, FLETC implemented an initiative to develop research-based curricula across all their training subject matter. As part of this effort, instructors review lesson plans and seek out academic publications or other science-based documentation that reinforces current content or introduces promising new techniques, procedures and technology. They strive to balance knowledge gained through experience with empirical evidence and increasingly approach researchers with possible research questions. Also, the success of the research-based suspect interviewing curriculum prompted the development of a new law enforcement first responder communication training course and a communication model that incorporates rapport-based interpersonal skills, self-monitoring, procedural justice, and principles of persuasion. This model supplies first responder trainees with foundational skills to de-escalate situations, promote compliance and co-operation, and engage in productive problem solving with community members.

The shared goal of delivering to investigator trainees the best and most effective training promoted a collaborative effort between researchers and FLETC instructors. However, it took time to transition away from traditional interviewing methods widely accepted and viewed as effective across the law enforcement profession for over forty years. Since March 2010, when one FLETC instructor attended a psychology conference and had the idea to hold FLETC Bi-annual Psychology Consortiums, researchers and FLETC have maintained an exceptional collaborative relationship. FLETC's basic and advanced interviewing curriculums for investigators now incorporates research-based methods grounded in cognitive and social science. The continued communication with researchers allows instructors to obtain detailed information about ongoing, trending interview research. This, in turn, gives researchers the opportunity to frame research questions with insight into practical considerations. These relationships leave open the opportunity for more research that tests theories and validates suspect interview methods in training and applied settings.

Publication Series No. 42 (2023):

Interviewing and Interrogation: A Review of Research and Practice Since World War II

Gavin E. Oxburgh, Trond Myklebust, Mark Fallon and Maria Hartwig (editors)

The science of interviewing and interrogation has continuously evolved since World War II, through the contributions by experts from around the world, from different legal systems and traditions. But the broader impact of unscientific, ineffective or counter-productive interviewing and interrogation remains profound. Indeed, coercive techniques are still used in many countries even if such practices are criminalized or prohibited under international law. Torture remains a significant problem in fact-finding. It persists also in countries that profess the rule of law.

This book discusses the state of our knowledge about interviewing and interrogation in a manner accessible to practitioners and managers in policing and law enforcement, analysts, investigators and prosecutors in criminal justice, and military, security and intelligence actors. The book assists such professionals to keep up to date with the current known methods of non-coercive information elicitation.

The authors bring exceptional combined expertise on interview and interrogation methods or techniques used around the world since World War II. They explain the models, methods, frameworks and techniques, when and why they were introduced, as well as their effectiveness in practice across different jurisdictions and socio-political contexts. The book includes contributions by 52 experts, in 24 chapters organized in four parts: Part I: General, Part 2: Suspects, Part 3: Victims and Witnesses, and Part 4: Relevant Organizations.

The book builds in part on the publisher's comprehensive anthology *Quality Control in Criminal Investigation* (published as No. 38 in the same TOAEP Publication Series).

ISBNs: 978-82-8348-200-3 (print) and 978-82-8348-201-0 (e-book).

The logo for TOAEP (Torkel Opsahl Academic EPublisher) is displayed in a dark grey rectangular box. The letters 'TOAEP' are in a large, white, sans-serif font.

Torkel Opsahl
Academic EPublisher

Torkel Opsahl Academic EPublisher
Via San Gallo 135r
50129 Florence
Italy
URL: www.toaep.org