The Role of Evidence in Suspect Interviewing: A Mixed Methods Approach

Steven Todd Sellers
BSc (Hons) UOW

School of Psychology
Griffith Health
Griffith University

Submitted in fulfilment of the requirements of the degree of
Doctor of Philosophy
February 2009
Abstract

Valuable information is often obtained from criminal suspects, and most will talk to the police even after being informed of their right to silence. Many confess, and confessions are one of the most powerful forms of evidence in the legal system. Hence, suspect interviewing can be an effective crime fighting tool. On the other hand, it is now widely agreed that some confessions are false. Many people do not find it credible that someone might confess to something they did not do, so even when confessions seem to be of questionable validity, defendants are sometimes convicted because of them. This means that what happens in a suspect interview can lead to a miscarriage of justice.

One of the difficulties involved with conducting research on suspect interviewing is that when the police do allow access to actual suspect interviews, or to records of them, it may not be possible to obtain a representative sample. Another problem can be that researchers do not usually have much information about the background of either the suspect or the crime they are suspected of committing, which means that the interview records must be studied in isolation from these factors. Moreover, there seems to be a complicated interaction between many variables in a suspect interview, which makes it difficult to know how any of them shape the outcome. Isolating and controlling these variables cannot usually be done in a real suspect interview, and even if it could be, the generally high stakes associated with such situations mean that it might not be legal or ethical to do so. One way to avoid these problems is to conduct experiments where variables such as the strength of evidence, and the time at which it is disclosed, can be tightly controlled and manipulated, but this approach raises questions about poor generalisability of results due to differences between real world interviews and simulated ones. An alternative methodology is to question participants about their views on suspect interviewing, although this does not permit the manipulation of variables or the testing of hypotheses to be made.

Although case evidence has probably always been one of the most powerful factors in a suspect interview, its role in this context has not been closely studied until recent years. Some questions, such as the best time to disclose evidence to a suspect, remain virtually unexplored. Therefore, in this thesis, the role of evidence in suspect interviewing was investigated and analysed from several perspectives. In Study One, 59 transcripts of suspect interviews conducted by officers of an Australian police service, mostly in regards to suspected sexual offences, were analysed with the aim of clarifying the role played by case evidence, with a particular focus on the timing of evidence disclosure. Results showed that evidence disclosure featured in the majority of these
interviews, and tended to occur later in the interviews rather than immediately, but conclusions could not be drawn about how such disclosures actually influenced interview outcomes. Hence, in Study Two, students who had committed mock-thefts were randomly assigned to experimental conditions based on the strength of the evidence against them and the time at which this evidence was disclosed. In contrast to Study One, Study Two went further than simply describing the interviewing process, and its design allowed determinations to be made about cause and effect relationships between evidence and confessions. Initially withholding the evidence from participants elicited higher confession rates than did the strategy of immediately confronting them with it, a finding which has not been previously published. Participants in Study Two also completed a questionnaire which recorded information such as their emotional reactions during the interview, data which could not be obtained from Study One.

It is likely that the effect of evidence disclosure during an interview varies as a function of offence type, and to address this possibility, Study Three involved violent assaults rather than the sex offences and thefts associated with the first two studies. In Study Three, student participants first read vignettes about these violent crimes and then provided their likelihood of confessing as well as their views on optimal suspect interviewing strategy. Finally, Study Four was designed and conducted with the aim of circumventing the floor and ceiling effects encountered with the Likert scales used in Study Three. Study Four also permitted a more qualitative exploration of student’s opinions on how suspected violent offenders should be interviewed. Taken together, the results of these four studies indicate that both the strength of evidence, and the time at which it is disclosed to suspects, are important factors in a suspect interview.

The empirical findings of this thesis, consistent with much literature in the area, suggest that an understated suspect interviewing strategy, in which no accusations or evidence disclosures are made to the suspect, at least not in the early stages of an interview, has certain advantages over a more confrontational approach. Withholding evidence is ethically preferable in that it allows suspects to provide their own account without being challenged or accused, giving them an early opportunity to clear themselves of suspicion. It does not immediately inform suspects about the evidence against them, which makes it more difficult for them to tell convincing lies about their role in the alleged crime, or to pass sensitive information on to other parties. It yields confession rates which are at least as high, if not higher, than do more proactive interviewing approaches which rely on attempts to control and dominate the suspect.
This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

Signature

Date
# Table of Contents

Abstract
Statement of original authorship
Table of contents
List of tables
List of figures
Acknowledgements

**Overview of thesis**

<table>
<thead>
<tr>
<th>Chapter One: Introduction to the thesis</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Introduction</td>
<td>3</td>
</tr>
<tr>
<td>1.2 Interviewing versus interrogation</td>
<td>3</td>
</tr>
<tr>
<td>1.3 Defining the purpose of an interview</td>
<td>5</td>
</tr>
<tr>
<td>1.4 The importance of evidence</td>
<td>7</td>
</tr>
<tr>
<td>1.5 Demarcation of scope</td>
<td>7</td>
</tr>
<tr>
<td>1.6 Summary</td>
<td>8</td>
</tr>
</tbody>
</table>

**Chapter Two: Confessions**

<table>
<thead>
<tr>
<th></th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Introduction</td>
<td>9</td>
</tr>
<tr>
<td>2.2 The importance of confessions</td>
<td>9</td>
</tr>
<tr>
<td>2.3 Mens rea</td>
<td>9</td>
</tr>
<tr>
<td>2.4 Confession rates</td>
<td>10</td>
</tr>
<tr>
<td>2.5 Why confessions are made</td>
<td>12</td>
</tr>
<tr>
<td>2.6 Evidence and confessions</td>
<td>17</td>
</tr>
<tr>
<td>2.7 What is evidence?</td>
<td>19</td>
</tr>
<tr>
<td>2.8 Summary</td>
<td>23</td>
</tr>
</tbody>
</table>

**Chapter Three: The use of evidence in suspect interviews**

<table>
<thead>
<tr>
<th></th>
<th>24</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Introduction</td>
<td>24</td>
</tr>
<tr>
<td>3.2 The importance of evidence disclosure</td>
<td>24</td>
</tr>
<tr>
<td>3.3 Challenges about evidence</td>
<td>24</td>
</tr>
<tr>
<td>3.4 Secrecy and openness</td>
<td>25</td>
</tr>
<tr>
<td>3.5 Deliberate distortion of evidence</td>
<td>27</td>
</tr>
<tr>
<td>3.6 Credibility</td>
<td>31</td>
</tr>
<tr>
<td>3.7 Evidence quality</td>
<td>32</td>
</tr>
<tr>
<td>Part Two: Empirical research</td>
<td>59</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Chapter Four: The role of evidence in the interviewing of Australian suspects:</td>
<td>60</td>
</tr>
<tr>
<td>An analysis of police transcripts</td>
<td></td>
</tr>
<tr>
<td>4.1 Introduction</td>
<td>60</td>
</tr>
<tr>
<td>4.2 Method</td>
<td>61</td>
</tr>
<tr>
<td>4.2.1 Materials</td>
<td>61</td>
</tr>
<tr>
<td>4.2.2 Procedure</td>
<td>62</td>
</tr>
<tr>
<td>4.2.2.1 Interview structure</td>
<td>62</td>
</tr>
<tr>
<td>4.2.2.2 Evidence type</td>
<td>63</td>
</tr>
<tr>
<td>4.2.2.3 Interview outcome</td>
<td>63</td>
</tr>
<tr>
<td>4.3 Results</td>
<td>64</td>
</tr>
<tr>
<td>4.3.1 Interview structure</td>
<td>66</td>
</tr>
<tr>
<td>4.3.2 Type of evidence disclosed</td>
<td>66</td>
</tr>
<tr>
<td>4.3.3 Disclosing evidence by asking questions or by making vague references to it</td>
<td>67</td>
</tr>
<tr>
<td>4.3.4 Attempts by interviewers to learn of the suspect’s knowledge of evidence</td>
<td>69</td>
</tr>
<tr>
<td>4.3.5 Attempts by suspects to learn of the interviewer’s knowledge of evidence</td>
<td>69</td>
</tr>
<tr>
<td>4.3.6 Attempts by suspects to introduce evidence</td>
<td>70</td>
</tr>
<tr>
<td>4.3.7 Interview outcomes</td>
<td>70</td>
</tr>
<tr>
<td>4.3.8 The relationship between evidence disclosure timing and confession rates</td>
<td>70</td>
</tr>
<tr>
<td>4.4 Discussion</td>
<td>72</td>
</tr>
<tr>
<td>4.5 Limitations</td>
<td>74</td>
</tr>
<tr>
<td>4.6 Conclusions</td>
<td>76</td>
</tr>
</tbody>
</table>
Chapter Five: When should evidence be disclosed in an interview with a suspect?  
An experiment with mock-suspects

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Introduction</td>
<td>77</td>
</tr>
<tr>
<td>5.2 Hypotheses</td>
<td>77</td>
</tr>
<tr>
<td>5.3 Method</td>
<td>78</td>
</tr>
<tr>
<td>5.3.1 Design</td>
<td>78</td>
</tr>
<tr>
<td>5.3.2 Participants</td>
<td>78</td>
</tr>
<tr>
<td>5.3.3 Procedure</td>
<td>78</td>
</tr>
<tr>
<td>5.4 Results</td>
<td>81</td>
</tr>
<tr>
<td>5.4.1 Manipulation check</td>
<td>81</td>
</tr>
<tr>
<td>5.4.2 Confession rates</td>
<td>82</td>
</tr>
<tr>
<td>5.4.3 Likelihoods of confessing</td>
<td>83</td>
</tr>
<tr>
<td>5.4.4 Why participants confessed</td>
<td>84</td>
</tr>
<tr>
<td>5.5 Discussion</td>
<td>86</td>
</tr>
<tr>
<td>5.5.1 Evidence strength</td>
<td>86</td>
</tr>
<tr>
<td>5.5.2 Evidence disclosure timing</td>
<td>87</td>
</tr>
<tr>
<td>5.5.3 Interactions between evidence strength and disclosure timing</td>
<td>88</td>
</tr>
<tr>
<td>5.5.4 Retraction of confessions</td>
<td>88</td>
</tr>
<tr>
<td>5.5.5 Further considerations</td>
<td>89</td>
</tr>
<tr>
<td>5.6 Limitations</td>
<td>90</td>
</tr>
<tr>
<td>5.7 Conclusions</td>
<td>91</td>
</tr>
</tbody>
</table>

Chapter Six: Students' ratings of the desirability of various suspect interviewing approaches, and their quantitative responses to vignettes

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Introduction</td>
<td>92</td>
</tr>
<tr>
<td>6.2 Hypotheses</td>
<td>93</td>
</tr>
<tr>
<td>6.3 Method</td>
<td>94</td>
</tr>
<tr>
<td>6.3.1 Design</td>
<td>94</td>
</tr>
<tr>
<td>6.3.2 Participants</td>
<td>94</td>
</tr>
<tr>
<td>6.3.3 Procedure</td>
<td>94</td>
</tr>
<tr>
<td>6.4 Results</td>
<td>97</td>
</tr>
<tr>
<td>6.4.1 Vignette results</td>
<td>97</td>
</tr>
<tr>
<td>6.4.2 Changes to likelihood of confessing</td>
<td>97</td>
</tr>
<tr>
<td>6.4.3 Confession peak ratings</td>
<td>101</td>
</tr>
<tr>
<td>6.4.4 Pressure, guilt and fairness</td>
<td>102</td>
</tr>
</tbody>
</table>
List of tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 4.1</td>
<td>Interview Structure and Outcome by Category</td>
<td>65</td>
</tr>
<tr>
<td>Table 5.1</td>
<td>Confession Rates for Participants at First, Second and Any Opportunity</td>
<td>82</td>
</tr>
<tr>
<td>Table 5.2</td>
<td>Mean Likelihood of Confessing Ratings by Timing, Strength and First and Second Likelihood of Confessing</td>
<td>84</td>
</tr>
<tr>
<td>Table 5.3</td>
<td>Why Participants Confessed: Frequency Across Conditions</td>
<td>84</td>
</tr>
<tr>
<td>Table 5.4</td>
<td>Mean Likelihood of Confessing Ratings by Condition for Pressure, Guilt and Fairness</td>
<td>86</td>
</tr>
<tr>
<td>Table 6.1</td>
<td>Mean Likelihood of Confessing Ratings by Timing, Strength and First and Second Likelihood of Confessing</td>
<td>98</td>
</tr>
<tr>
<td>Table 6.2</td>
<td>Mean Confession Peak Ratings by Condition</td>
<td>101</td>
</tr>
<tr>
<td>Table 6.3</td>
<td>Mean Likelihood of Confessing Ratings by Condition for Pressure, Guilt and Fairness</td>
<td>102</td>
</tr>
<tr>
<td>Table 6.4</td>
<td>Mean Ratings for Evidence Importance Items from the &quot;How the Police Should Interview Suspects&quot; Questionnaire</td>
<td>103</td>
</tr>
<tr>
<td>Table 6.5</td>
<td>Mean Ratings for Evidence Disclosure Items from the &quot;How the Police Should Interview Suspects&quot; Questionnaire</td>
<td>103</td>
</tr>
<tr>
<td>Table 7.1</td>
<td>Change in Likelihood of Confessing Ratings by Condition/Vignette Scenario</td>
<td>112</td>
</tr>
<tr>
<td>Table 7.2</td>
<td>Responses to Evidence Importance Items from the &quot;How the Police Should Interview Suspects&quot; Questionnaire</td>
<td>115</td>
</tr>
<tr>
<td>Table 7.3</td>
<td>Responses to Evidence Disclosure Items from the &quot;How the Police Should Interview Suspects&quot; Questionnaire</td>
<td>115</td>
</tr>
</tbody>
</table>

List of figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 6.1</td>
<td>Mean Likelihood Ratings as a Function of Evidence Disclosure Timing and First/Second Likelihood When Evidence is Weak</td>
<td>100</td>
</tr>
<tr>
<td>Figure 6.2</td>
<td>Mean Likelihood Ratings as a Function of Evidence Disclosure Timing and First/Second Likelihood When Evidence is Strong</td>
<td>100</td>
</tr>
</tbody>
</table>
Acknowledgments

I would like to thank my supervisors Mark Kebbell and David Shum. Mark provided most of the ideas and inspiration for the experimental studies and organised much data collection which I never could have accomplished myself. I would also like to thank the participants for the time and effort they gave to these studies, the police service which provided the transcripts used in Study One, and the corrective services department which assisted with the collection of data from prison inmates.
Overview of thesis

This thesis is divided into three parts. Part One consists of a review of the literature on suspect interviewing, with a specific focus on the role of evidence. Part Two describes the four empirical studies which were conducted for the thesis; an analysis of interview transcripts, an experiment with suspects who had committed mock-thefts, and two experiments based on vignettes about violent crimes. In Part Three a discussion of the practical and theoretical implications of the thesis findings is conducted. Part Three also includes a discussion of the limitations and the potential applications of the findings, as well as the overall conclusions of the thesis.
Part One: Literature review and introduction

In Part One of this thesis a review of the literature associated with suspect interviewing is made. The distinction between interviewing and interrogation is first discussed. The importance of defining an interview’s purpose and the important role of evidence in suspect interviewing are then outlined. Next, the demarcation of the scope of the thesis is described. Various aspects of confession are then considered, such as why and how often they are made, and the role that evidence plays in suspects’ decisions to make a confession. In the final chapter of Part One, the actual use of evidence in suspect interviewing is examined. Topics discussed in this section include issues such as the fabrication of evidence, credibility of the interviewer, reciprocity, and evidence disclosure timing. Finally, a discussion is made of the research methodologies which have been employed to study the complex process of suspect interviewing.
Chapter One: Introduction to the thesis

1.1 Introduction

Investigative interviewing is an important means for the police to obtain information (Baldwin, 1994; Brown, 2001; Gosselin, 2007; Gudjonsson, 1992a; Hallsworth & Young, 2008; Hannibal & Mountford, 2005; Hatherill, 1971; Hess, 1997; Inbau & Reid, 1962; Kinnee, 1994; Leo, 1996a; Milne, Shaw, & Bull, 2007; Milte & Weber, 1977; Miyazawa, 1992; Packer, 1968; Palmiotto, 2004; Price & Caplan, 1977; Sanders, 1997; Shawyer, Milne, & Bull, 2009; Softley, 1980; Van Meter, 1973; Yeschke, 1997). Kassin and Norwick (2004) propose that a criminal suspect is always taking the risk of incriminating themselves by speaking to the police, while O'Hara and O'Hara (2003) suggest that agreeing to be interviewed is the most serious mistake many criminals make. Moreover, some hold that the best source of information about criminals are the criminals themselves (Coatman, 1959; Jackal, 2005), which means that suspects can often provide information not only about their own activities, but also that of their associates. While Carson, Milne, Pakes, Shalev and Shawyer (2007) point out that forensic interviewing is regarded as a critical topic in legal and psychological circles, Ask and Granhag (2007b) argue that this process is not well understood. In this chapter the distinction between interviewing and interrogation will be discussed. The importance of defining the purpose of a suspect interview and of the role of evidence in suspect interviewing will then be examined. Finally, the limits of the scope of this thesis will be outlined.

1.2 Interviewing versus interrogation

Interviews have been broadly defined as discussions which have a specific purpose (Fletcher, 1995; Stewart & Cash, 2003), or within a forensic context, as the questioning of someone who may be able to provide useful information to an investigator (O'Hara & O'Hara, 2003). Interrogation has been defined as the questioning of someone on the basis that they may have committed an offence (Tousignant, 1991), or as attempting to elicit a response from a person which might implicate them in a crime (Yeschke, 2003). Some have claimed that the precise meaning of interrogation is difficult to specify (Inbau, Reid, & Buckley, 1986; Kamisar, 1980), and it is not always clear if this term must necessarily refer to the questioning of someone who is a suspect. For example interrogation has been defined to include the questioning of anyone who is reluctant to fully disclose information (Buckwalter, 1983; O'Hara & O'Hara, 2003; Schultz, 1978). The questioning of defendants by a judge (Damaska, 1973), of witnesses by a lawyer Park (2003), of witnesses by police (Buckwalter, 1983; Holmes,
2002; O'Hara & O'Hara, 2003; Palmiotto, 2004), and even of victims by the police (Zulawski & Wicklander, 1992), have all been described as interrogation. Moreover, as Savino and Turvey (2005) point out, distinguishing suspects from witnesses or victims may be a difficult task for investigators, so even if interrogation is conceptualised as something which applies only to suspects, this does not necessarily clarify whether or not the questioning of any specific individual constitutes an act of interrogation.

Some have emphasised the similarities between interrogations and interviews (eg. Brown, 2001; Kinnee, 1994; Stephenson, 1992) and in fact Zulawski and Wicklander (1992) use the term "interview/interrogation." According to some however, interrogation and interviewing are quite different (Buckley, 2006; Central Intelligence Agency, 1963; Fisher & Geiselman, 1992; Gordon & Fleisher, 2006; Gosselin, 2007; Inbau, Reid, Buckley, & Jayne, 2001; Maher, 2004; Milte & Weber, 1977; Palmiotto, 2004; Schafer & Navarro, 2003; Schultz, 1978; Shearer, 2005; Vrij, 2004a; Woods, 1990). Part of the confusion between interviewing and interrogation can perhaps be cleared up by understanding how these terms are used by advocates of the Reid method. In this approach, an initial interview of the suspect is followed by an interrogation only if the interviewer concludes that the suspect is guilty (Inbau, Reid, Buckley, & Jayne, 2004). Even if a clear conceptual distinction could be made between interviewing and interrogation, it is not clear if any hard line could be drawn between them in actual practice (Morris, 1980; Zulawski & Wicklander, 1992). Much of the haziness about the relationship between interviewing and interrogation seems to stem from differences of opinion about the underlying purpose of suspect questioning, and this matter will be further discussed later.

The implications of differentiating interviews from interrogations go beyond questioning by police. Kirwin (1997), a forensic psychologist, has criticised the behaviour of some of her colleagues, claiming that when assessing clients, psychologists can deliberately question them so as to elicit information which supports the position they wish to adopt in court. Kirwin holds that such assessments should actually be regarded as interrogations rather than as impartial interviews.

A potentially important question is, if interviewing and interrogation are not the same thing, which one is preferable? Shuy (1998) proposes that interviewing is the superior way to gather information. Likewise, Shearer (2005) contends that interrogation creates more problems than it solves. Interrogation certainly has a bad name in some quarters. While James (2007) holds that interrogation should not be confused with the mistreatment of suspects, others claim that even to the present day it
is equated with torture in some countries (Brown, 2007; Shearer, 2005). To avoid the
negative connotations associated with interrogation, some authors suggest that the
questioning of a suspect should be described as an interview (Inbau et al., 2001; Kinnee,
1994; Maher, 2004; Palmiotto, 2004). In the USA, the term interrogation is still
commonly used, and some military interviewers continue to describe themselves as
"gators" (Bowden, 2007, unpaginated). In the UK and Australia however, the
questioning of suspects is now usually referred to as interviewing. Some authors (eg.
Kleinig, 1996) have expressed scepticism about the modern move away from using the
term interrogation, but many believe there has been a marked and genuine shift away
from coercive suspect questioning (eg. Leo, 2004, 2008; Leo & Ofshe, 1998; Simon,
1991; Shawyer et al., 2009; Skolnick, 2004). Consequently, the present custom of
referring to the questioning of suspected offenders as interviewing is arguably quite
reasonable, and will be followed for the remainder of this thesis, except when the use of
direct quotes requires otherwise. However, the questioning of captives in military
settings will be referred to as "interrogation" because this is the way these things are
still usually described in the literature (eg. Mackey & Miller, 2004; Morgan &
Williamson, 2009).

1.3 Defining the purpose of an interview

One of the most important issues in suspect interviewing is to clarify an
interview's purpose (Heydon, 2005; O'Hara & O'Hara, 2003; Shipley & Wood, 1996),
but in practice, this purpose may not always be clear to the suspect, or even to the
interviewer. Many have argued that the true purpose of a suspect interview is (or should
be) to discover the "truth" (eg. Brown, 2001; Hatherill, 1971; Milte & Weber, 1977;
O'Hara & O'Hara, 2003; Ord, Shaw, & Green, 2004; Ostrofsky & Hoy, 1991; Zulawski
survey of police in the UK revealed 70% of officers claim obtaining a confession should
not be the goal of a suspect interview.

Suspect interviewers need to at least appear to be engaged in an objective search
for the truth, especially in court. Even so, there is an underlying tension to suspect
interviewing which Baldwin (1993) described as "truth or proof." Leo (2008) holds that
in the USA most suspect interviews are not genuinely geared towards discerning truth,
and there does seem to be evidence of this in some interrogation manuals. For instance,
in Effective interviewing and interrogation techniques, Gordon and Fleisher (2006) state
that the main aim of all forensic interviews is to discover the truth. Throughout their
book however, the authors become increasingly emphatic about the importance of
obtaining confessions. By the end they go so far as to state that an investigator who does not have faith in their ability to obtain a confession is not in the right frame of mind to conduct a suspect interview at all.

Several authors are of the opinion that suspect interviewers tend to value the eliciting of confessions above all else (e.g., Cape, 1995; DeClue, 2005; Dixon, 2006b; Hartwig, Granhag, Strömwall, & Vrij, 2004; Maguire, 1994; Miller, Blackler, & Alexandra, 1997; Milte & Weber, 1977; Napier & Adams, 2006; Plimmer, 1997; Redlich, 2004; Sear & Williamson, 1999; Waddington, 1999). Many interrogation manuals (e.g., Inbau & Reid, 1962, 1967; Inbau et al., 1986; Inbau et al., 2001, 2004; Kinnee, 1994; O'Hara & O'Hara, 2003; Van Meter, 1973; Weston & Wells, 1997; Yeschke, 1987; Zulawski & Wicklander, 1992) also take a largely confession oriented approach. After reviewing the literature on suspect interviewing in the UK, Hodgson (1994) stated that although claims may be made that questioning is intended to allow suspects to explain their own side of the story, the real purpose is actually to elicit confessions, while Auburn, Drake and Willig (1995) reached much the same conclusion after conducting an international literature review of the area. Even the Legislative Assembly of Queensland (1995) have stated that the main purpose of suspect interviewing is the eliciting of confessions. Empirical research conducted in Canada (Ericson, 1981), the UK (Moston, Stephenson & Williamson, 1992), the USA (Leo, 1996a), Australia (Alison & Howard, 2005) and Japan (Miyazawa, 1992) also tends to suggest that suspect interviewing generally seems aimed at obtaining confessions.

However, the usefulness of the distinction between truth and proof in the suspect interviewing context is questionable. In cases where an investigator becomes convinced of the guilt (or innocence) of a suspect they will naturally perceive any attempt to prove this as synonymous with uncovering the truth. Also, criminal acts often occur suddenly and under conditions of stress and uncertainty, so even someone who has been involved in a crime may not be fully aware of what actually occurred at this time, which may make it impossible for them to state the full truth about the crime alleged against them. At any rate, it seems that in some police forces, especially in the UK in recent years, the philosophy behind suspect interviewing has shifted from an adversarial contest to a more open-minded information and evidence gathering exercise aimed at obtaining the suspect’s account of events (Alison & Howard, 2005; Gudjonsson, 2007b; Innes, 2003; Morgan & Stephenson, 1994; National Crime Faculty, 1996; Sear & Williamson, 1999).
1.4 The importance of evidence

Evidence is critical to the legal system (Brown, 2001; Canter & Alison, 1999; den Boer, 1999; Palmiotto, 2004) and it is not unusual for the police to have considerable evidence even before questioning a suspect (Hartwig, Granhag, Strömwall, & Kronkvist, 2006; Moston et al., 1992; Softley, 1980; Wald, Ayres, Hess, Schantz, & Whitebread, 1967). Evidence is also fundamental to suspect interviewing because it is so closely linked to the concept of a "reasonable doubt" which is central to the criminal justice system. By rights, all parts of the legal system should focus on evidence. Common sense, notions of justice, and the law, all demand that the case against an individual be based on evidence. Close attention to evidence is also of course a critical component of science, and if suspect interviewing is to be anything like a science, it too must respect evidence and deal with it in an effective way. Some claim that in recent years, the police have become more professional in their approach to questioning suspects (Maguire, 1994; Gudjonsson, 2007a; Roberts, 2007), although others point out that suspect interviewing is hardly a science (Brown, 2001; Woods, 1990). Shearer (2005) contends that while police investigative practices are not generally based on empirically validated principles, forensic interviewing is in the process of becoming more scientific. Research suggests that case evidence is perhaps the most critical factor in suspect interviewing (Cassell & Hayman, 1996; Moston et al., 1992; Phillips & Brown, 1998; Softley, 1980). Hence, in this thesis the role of evidence in suspect interviewing will be explored using a variety of methodological approaches, which will be discussed in more detail in Chapter 3.16.

1.5 Demarcation of scope

This thesis will focus on the questioning of those who have not yet been charged within the criminal justice system of Australia, which is based on an adversarial rather than inquisitorial model. Many of the issues which will be discussed here are also quite applicable to a wide range of contexts such as those found in counterintelligence, customs and military settings. In this thesis, "evidence disclosure" will be used to describe the disclosure, from an interviewer to a suspect, of evidence of guilt such as, for example, eyewitness testimony or physical evidence. "Disclosure" is used in its broadest sense and is meant to include not only actual and deliberate evidence disclosure but also such things as strategically withholding the evidence, exaggerating or minimising it, or merely hinting at its existence. The aim of this thesis is to examine how case evidence shapes the outcome of suspect interviews.
1.6 Summary

In this chapter it was argued that suspect interviewing is critical to the criminal justice system, and that there has been a shift away from "interrogating" suspects towards a more impartial and objective suspect interviewing style. It was also argued that evidence plays a central role in the suspect interviewing process. The remainder of the introductory chapters are Chapters Two and Three. In Chapter Two the importance of confessions and some of the reasons they are made will be discussed, and the relationship between confessions and evidence will be examined. In Chapter Three the use of evidence in suspect interviewing, and how this evidence relates to concepts such as credibility and trust, will be discussed.
Chapter Two: Confessions

2.1 Introduction

In this chapter the historical and contemporary importance of confessions in the criminal justice system will be discussed. A review of the literature on confession rates will then be made, and some of the reasons why suspects confess will be explored. The relationship between evidence and confessions will then be discussed. Finally, a critique will be made as to which type of information should and should not be regarded as evidence in the context of a suspect interview.

2.2 The importance of confessions

As mentioned previously, authorities have often depended heavily on confessions to solve crimes (Conti, 1999; Dixon, 2006b; Greer, 1994; Peters, 1985; Rhodes, 1933; Rodley, 1987). In the modern day, investigators may attempt to gain confessions because they can make such a dramatic difference to the outcome of cases. Making a confession may tend to make a person more psychologically committed to perceiving themselves as actually being guilty (Ericson, 1981), but their main value in the criminal justice system still lies in their power to support a successful prosecution. In the field of suspect interviewing many researchers (Kassin, 1997; Leo, 1996a, 2008; Moston & Fisher, 2007; Neubauer, 1974; Rogers, Harrison, Shuman, Sewell, & Hazelwood, 2007; Softley, 1980) and authors (Bilz, 2005; Cleary, 1972; Conti, 1999; Cooper, 2006; Costanzo, 2004; Gordon & Fleisher, 2006; Hess, 1997; Inbau et al., 2004; McClintock & Healey, 1987; Milte & Weber, 1977; Mortimer & Shepherd, 1999; O'Hara & O'Hara, 2003; Price & Caplan, 1977; Salhany, 1994; Savino & Turvey, 2005; Yeschke, 2004) agree that confessions are critical to obtaining convictions in criminal investigations. A study of 4,250 suspect interviews conducted in London (Phillips & Brown, 1998) found that the strongest predictor of whether suspects were charged with a crime was whether they had admitted to it, while Cassell and Hayman (1996) reported a positive correlation between confessions and convictions among a sample of 219 American suspects. Miller et al. (1997) reported that in Sydney's Central Court, at least some form of admission had been made in around 80% of the cases heard. Heydon (2005) claims that a confession is the most important evidence in the majority of criminal cases heard in Australia.

2.3 Mens rea

One reason confessions are critical to the criminal justice system is that they often provide information not only about what the suspect did, but also about what they were thinking when they did it, and just before they did it. This information can be very
difficult to obtain in any other way. Encouraging someone to describe their mental state in regards to a crime is probably the simplest and most practical method (though it is far from fool proof) of establishing "mens rea." One of the things which makes mens rea so important during an interview is that suspects do not always understand it. A suspect might happily admit that their actions have been "reckless", "negligent", or "deliberate", not realising that they may have just provided the final piece of evidence needed to prosecute them. Innes (2003) relates how in the UK police have exploited murder suspects' ignorance of the law by encouraging them to discuss their intentions in regards to the crime. Similarly, in an American interrogation manual, Schafer and Navarro (2003) describe how an interviewer can elicit a confession by breaking a crime down into each of its legal components and gradually encouraging the suspect to admit to each one. During this process a suspect may agree to discuss their mental state because of a lack of awareness of the dangers involved in doing this.

2.4 Confession rates

From the literature, confession rates obtained in suspect interviews are not always clear, partly because of the various ways in which "confessions", "incriminating statements", and "admissions" have been defined, and partly because of the use of unrepresentative samples in some of these studies. In one of the first empirical studies in this field (Softley, 1980), observations were made of 187 suspect interviews in four police stations in the UK. It was found that about 48% of these suspects made a confession and about 13% made an admission. Limitations to this study include the potential for the interviewers and suspects to behave differently in the presence of the researchers than they would otherwise have behaved, and the lack of a random sample of interviews. While the researchers attempted to observe interviews which were associated with a representative cross section of offences they conceded this proved to be impossible. For instance there was a complete lack of serious offences such as murder, armed robbery or rape in the sample of interviews used in the study. Also in the UK, Willis, Macleod and Naish (1988) administered monitoring forms to officers in six different police stations and requested them to record information such as the outcome of suspect interviews on these forms. This data showed confession rates (post the introduction of electronic taping of interviews in 1984-1985) of between 58% and 64% across various regions. However many of these forms were not returned to the researchers in time for them to be included in the report, and for reasons which were not entirely clear, this response rate varied widely across police stations, raising the question of potentially biased sampling. Moston et al. (1992, see Chapter 2.5) reported
an "admission" rate of 48%. Bryan (1997) examined 283 cases, selected only on the basis of their availability and not their representativeness, which were committed for trial in Crown Court in the UK. The overall confession rate associated with these records was 87%.

Leo (1996a) observed a total of 182 suspect interviews or videotapes of such interviews in the USA. Leo concedes that these interviews were not a random sample because he was deliberately excluded from some of the actual interviews, and the police officers may also have been selective when deciding on which videotapes to provide him with. Leo reported that about 24% of suspects made what he considered to be a full confession, and a further 40% made some type of admission or incriminating statement. Alison and Howard (2005) studied 102 suspect interviews (a combination of audiotapes, videotapes and written material) conducted in South Australia between 1990 and 2000. Again, these interviews did not constitute a random sample, but were those which police officers chose to provide to the researchers. Analysis of these records showed an admission rate of 32% and a confession rate of 15%. Gudjonsson, Sigurdsson, Bragason, Einarsson and Valdimarsdottir (2004) surveyed 1,080 College students in Iceland. Of this sample 268 students claimed to have been interviewed by the police as a criminal suspect and 154 of this group had reportedly made a confession at this time, yielding a confession rate of 59%. While various limitations, such as biased sampling of interviews, limit the findings of most of the above studies, they do suggest that a substantial proportion of suspects make confessions when interviewed.

Diverse laws, legal procedures and practices across countries must also be expected to influence confession rates. In Japan for example the confession rate of criminal suspects is reported to exceed 90% (Murayama, 2002). This high rate seems to be associated with features of Japanese culture such as a traditional expectation that wrongdoers should confess (Landers, 2000; Parker, 1984), a legal system which is focused on confessions and geared towards eliciting them (Dean, 2002), and the difficulties which many Japanese suspects experience in obtaining timely and effective legal advice (Hataguchi, 1990; Miyazawa, 1992).

Some researchers (e.g. Pearse, Gudjonsson, Clare, & Rutter, 1998; Phillips & Brown, 1998) have noted that confessions are more frequent during interviews where legal advisors are not present. Moston et al. (1992) reported that 29.4% of suspects in London who received legal advice made an admission when interviewed, as compared to just over 50% of those who did not have legal advice. Gudjonsson (2003) reported that legal advisors were present during 60% of suspect interviews conducted in the UK,
although this sample was entirely composed of interviews in which the suspect made an initial denial and then a confession. In contrast, Moston (2009) observes that a review of the literature on suspect interviewing in Australia suggests few suspects in this country have the benefit of legal advice when questioned by police.

2.5 Why confessions are made

A better understanding of why confessions are made would seem essential to any attempt to improve suspect interviewing techniques. Mayer (2008, p. 144) quotes a former CIA official as stating that because case knowledge is a key factor in suspect interviewing, "if you don't know anything, you can't get anything" from a suspect. This position seems overstated because it is highly doubtful that the possession of evidence is essential to the eliciting a suspect’s cooperation, although several other authors have argued that many confessions are made largely because the suspect believes the evidence against them to be strong (eg. Macdonald & Michaud, 1992; O'Hara & O'Hara, 2003; Reiss & Black, 1973; Wagenaar, van Koppen, & Crombag, 1993; Zulawski & Wicklander, 1992). None of these authors cite empirical studies to support their claims of the strong causal influence of evidence on confession rates, but such studies have been conducted.

Neubauer (1974) for example examined the cases of 248 defendants in the USA and reported that suspects in property offences confessed at a higher rate (56%) than did suspects in non-property crimes (32%). Neubauer speculated that this discrepancy arises because there is usually more evidence against suspects in property crimes. However, alternative explanations for the relatively high confession rate for property crimes in Neubauer’s study also seem possible; for instance, as the penalties for property crime tend to be less severe than they are for offences such as violent crime, this could mean that suspects tend to feel less reluctance about confessing to them. In a more convincing study, Softley (1980) reported that the likelihood of confession increased when evidence against a suspect was strong. He noted, for example, that a confession was obtained in 75% of those cases where a suspect was reported by a witness to have stolen goods from a store, a substantially higher proportion than the overall confession rate of 48% in his study.

More convincingly still, Moston et al. (1992) studied 1,067 suspect interviews conducted in nine police stations in London in 1989. The intention of the study was to include all interviews, and only those interviews, in which a CID officer was present, but the actual inclusion rate of such interviews was around 90% because some officers did not fully cooperate with the study. Before questioning suspects, the interviewers
completed the first part of a questionnaire, in which they rated the strength of evidence against the suspect as weak, moderate or strong. After the interview was conducted, the interviewers completed the second part of this questionnaire, which included information about the interview’s outcome coded into three categories; admission, denial, and neither admission nor denial. The number of recorded admissions was 446, which was almost identical to the 444 denials. In the 274 cases where evidence was rated as weak, only 9.9% of suspects made admissions, as compared to when evidence was moderate (363 cases and 36.4% confession rate), and strong (430 cases and 66.7% confession rate). Hence, a strong relationship was found between evidence strength and confession rate, and it was concluded that perceptions about evidence strength, by both suspects and interviewers, are critical to the suspect interviewing process.

Phillips and Brown (1998) later studied 4,250 suspect interviews, also in the UK, and reported that the admission rate among those who had strong evidence against them (as judged by arresting officers) was 67%, whereas the corresponding rate associated with weaker evidence was only 36%. Cassell and Hayman (1996) categorised the strength of the evidence against 143 American suspects into four levels. When this evidence was weak, 26.3% made a confession or incriminating statement, but this proportion rose to 41.9% for moderate evidence, 47.2% for strong evidence, and 55.6% for overwhelmingly strong evidence.

It is conceivable that the positive association between evidence strength and confession rates which was found in the empirical studies outlined above is partially due to the fact that suspects are more likely to actually be guilty when the evidence against them is strong, and so are more likely to confess for this reason. Furthermore, Soukara et al. (2002) found that available case evidence seems to influence such things as the attitudes and behaviour of the suspect and interviewer. It could be that the variance in such factors, rather than the evidence as such, causes confession rates to rise when evidence is strong. However, the experimental designs of studies conducted by Kebbell, Hurren and Roberts (2006), and Kebbell and Daniels (2006), circumvented these potential confounds, yet still confirmed that mock-suspects are more likely to confess when eyewitness evidence against them is strong than when it is weak. Furthermore, when Gudjonsson and Petursson (1991) asked 74 prisoners in Iceland why they had confessed to their crimes, they found the most common reason given was the evidence available to the police. After studying 80 prisoners in Northern Ireland prisons who had made confessions, Gudjonsson (1992b) observed that the most important factor in suspects' decision to confess was their perception of the evidence against then, and
concluded that this finding replicated that of the Icelandic study from the previous year. Similarly, Gudjonsson et al. (2004) surveyed 1,080 college students from Iceland about their experiences of being interviewed by the police as suspects. Of the 154 students who had confessed to police during an interview, the most common reason for confessing, given by 52%, was that they believed the police had proof of their guilt. In contrast, the most common reason for denials was the suspect’s belief that the police did not have proof of guilt. Gudjonsson (2006, 2007b) concluded that while suspects may confess for several reasons, the most important reason is their perception of evidence strength, a conclusion also reached by Moston and Stephenson (1993).

It makes sense that suspects would be more likely to confess if they think the evidence against them is already strong. If they believe the interviewer knows they are guilty, and they are sure to be convicted in any event, they will probably see little point in continuing to deny the crime. Suspects may then decide to present themselves as cooperative, in the hope that by confessing, they will be given credit for having at least some honesty and good intentions. There do seem to be good practical advantages for a suspect to making a confession, at least under some circumstances. Skinner (1971) argued that people may attempt to conceal the fact that they are being coerced by doing more than they have actually been asked to do (even though they have really been forced to cooperate), and it is possible that some suspects confess quickly in order to give the appearance that they are acting voluntarily, rather than out of sheer necessity. Others hold that confessions may be aimed at trying to present oneself in a more favourable light (Bok, 1989; Simon, 1991), to please the interviewer (Holmes, 2002) to qualify for parole (Jackson, 1970), to be treated more humanely (Hepworth & Turner, 1974), to show remorse (Givelber, 1997), or in the hope of receiving a lighter sentence (Wagenaar et al., 1993).

Some authors, especially those of American interrogation manuals, emphasise the need for great tenacity from the interviewer, and portray suspect interviewing as a long and gruelling process (Brown, 2001; Gordon & Fleisher, 2006; Macdonald & Michaud, 1992; Rabon, 1992; Schafer & Navarro, 2003; Simon, 1991; Weintraub, 2005; Weston & Wells, 1997; Yeschke, 2003; Zulawski & Wicklander, 1992). Several researchers have noted that many persuasive strategies are used by police when interviewing them, apparently because these approaches are thought to be effective in obtaining confessions (Alison & Howard, 2005; Ericson, 1981; Softley, 1980). Leo (1996a) reported that the American detectives he observed used a mean number of 5.62 tactics per suspect interview and concluded that the more tactics they employed the
more likely they were to obtain a confession. Some authors (eg. Gudjonsson, 2003, 2007b; St-Yves, 2006b) agree that the tactics used by interviewers can be quite effective at times. The authors of interrogation manuals generally seem optimistic about the prospects of an interviewer being able to persuade a suspect to confess (eg Buckwalter, 1983; Van Meter, 1973; Zulawski & Wicklander, 1992), and Macdonald and Michaud (1992) go as far as to claim that skilful questioning of a suspect is the most important factor in obtaining a confession.

However, empirical investigation suggests many suspect interviews are quite amiable (Baldwin, 1992, 1993; Bull, 2002; Dixon, 2006b; Elshtain, 2004). Most also seem to be short; mean durations are reported to be around 21 minutes (Clarke & Milne, 2001), 30 minutes (Wald et al., 1967), 36 minutes (Alison & Howard, 2005), 47 minutes (Barnes & Webster, 1980), 51.6 minutes (Benneworth, 2006), 83 minutes (Pearse & Gudjonsson, 1999) and 1.6 hours (Kassin, Leo, Meissner, Richman, Colwell, Leach, & La Fon, 2007). Cassell and Hayman (1996) noted that one third of the suspect interviews in their study took less than 5 minutes to complete, while Baldwin (1993) reported of the interviews he observed that almost one quarter took less than ten minutes. Leo (1996a) claimed that over 70% of the suspect interviews he witnessed were completed within an hour.

Moreover, some writers have concluded that few suspects are actually persuaded by the police to confess (eg. Dixon, 2006b; Moston, 1996; Moston & Stephenson, 1994; Moston et al., 1992; Shearer, 2005). Baldwin (1992) analysed 200 audiotapes and 400 videotapes of police interviews with suspects. He reported that in only 20 of the 600 interviews analysed did suspects initially deny the offence but later confess, and in only nine of these cases did the change seem due to the interviewer's persuasive skills. Accordingly, Heydon (2005, p. 190) refers to the view that the police can induce a suspect to change their story as the "myth of police persuasion."

Some authors have highlighted internal causes of confession over external pressures or logical considerations such as hard evidence (Bacon, 1958; Bok, 1989; Ferguson, ca. 1641, cited by Shapiro, 2006; Reik, 1961; Tousignant, 1991; Webster, 1995). Others have noted that most people are eager to talk about themselves (Ryle, 1990) and this may apply even when they are questioned about their alleged crimes (Arendt, 1994; Aubry, Caputo, & Gallati, 1965; Elshtain, 2004; Kirwin, 1997; Overy, 2001, 2002; Rogge, 1975; Stuart, 2004). Overeagerness to be heard and understood may lead some suspects to say more than is in their own best interests. Some claim confession has the power to bring various psychological benefits to the confessor, such
as to explain their actions to themselves (Brown, 1988; Innes, 2003), or to alleviate their feelings of guilt (Ekman, 2001; Jackal, 2005; Meltzer, 1961; St-Yves, 2006a; Zulawski & Wicklander, 1992). According to Holmes (2002), while it may be difficult to believe that a suspect’s psychological need to confess could override the practical consequences of doing so, this does in fact occur.

Gudjonsson (2003) describes five theoretical models of confession, but emphasises this list is not exhaustive. The first is the Reid model, based on the nine step interrogation structure developed by Inbau and Reid (1962). Under this model, confessions are attributed to the use of manipulative ploys which exploit the suspect’s psychological vulnerabilities. As will be discussed in Chapter 3.5, such ploys are often based on controlling the suspect’s perception of the evidence against them. The second model is a decision-making one first derived from the findings of empirical research in the UK (Irving & Hilgendorf, 1980). The rationale behind this model is that suspects define the options which they believe to be open to them and then weigh up their perceived costs and benefits before finally deciding on whether to take actions such as telling all or part of the truth, lying, or remaining silent. When suspects make decisions of this kind, it seems highly likely that one of the primary factors they attempt to consider is the nature and strength of available case evidence.

The third model is a psychoanalytic one based on Freudian concepts of largely subconscious forces such as emotional guilt and the desire to punish oneself. Interviewers may choose to increase the suspect’s emotional experience of guilt by confronting them with evidence (see Chapter 3.14). The fourth model is an interaction process model proposed by Moston et al. (1992) under which the outcome of suspect interviews derives from interactions between three types of factors; characteristics of the offence and suspect, contextual characteristics such as evidence strength and legal advice, and the questioning style used by the interviewer. An important feature of this model is that the effect of any single variable is less important than the interaction between the variables but clearly, perceived evidence strength is a critical factor. The last of the five models is a cognitive-behavioural one proposed by Gudjonsson (2003) himself. This is a complex model which incorporates several elements of those models mentioned above. It highlights the role of antecedents and consequences of confession, each of which are viewed in terms of social, emotional, cognitive, situational and physiological events. Furthermore, consequences are broken down into two types, immediate consequences which are felt within hours of a confession, or long-term consequences which may not take effect for years. Again, the cognitive-behavioural
model of confessions necessarily entails an important role for a suspect’s perception of the evidence against them. While, it seems unlikely that any of these models can fully explain all confessions, case evidence is an important component of all of them.

**2.6 Evidence and confessions**

If confessions are so important, and if suspects frequently confess because of the evidence against them, it follows that evidence is a potentially powerful tool for suspect interviewers. Another point which may seem almost too obvious to mention, but is quite important in the suspect interviewing context, is that evidence of guilt is closely associated with actual guilt. As argued by Inbau et al. (2004), when evidence suggests that a specific individual committed a crime, they usually did. Conversely, as stated by Leo (2008), when an innocent person is suspected of a crime there is generally no hard evidence against them (although in some cases evidence against innocent suspects does exist, see innocence project website). In light of the above considerations, it would be understandable if suspects were singled out for questioning on the basis of the evidence against them, firstly because they are more likely to actually be guilty, and secondly because the existing evidence can be used as a means of encouraging them to confess. However, according to Kassin, Goldstein and Savitsky (2003), investigators often decide that a suspect is guilty in the absence of any hard evidence. Nor is a reliance on solid evidence given much emphasis in most contemporary interrogation manuals. Zulawski and Wicklander (1992, p. 51) for example note, seemingly with approval, that experienced investigators often rely on "gut feelings" when attempting to identify the perpetrator of a crime. This type of intuitive mindset has been severely criticised (eg. Leo, 2008; Roy, 2006). Some writers claim that people are often questioned by the police not because there is actually evidence against them, but because of nebulous suspicions about them (Kassin, 2006; Roberts, 2007) or simply because they are already known to the police, and hence are considered to be "permanently suspect" (Choong, 1998, p. 628), or part of the "permanent suspect population" (McAra & McVie, 2005, p. 26). Modern "zero-tolerance" (Walsh, 1998, p. 230; Wynn, 2001, p. 107) policing practices may have accentuated this tendency. For example, according to Fagan and Davies (2006), as the New York Police Department took a more aggressive approach against public disorder in the 1990s, and the number of arrests for minor offences increased greatly, the quality of evidence against suspects tended to decrease. In other words, when people are detained by the police for increasingly trivial crimes, the strength of the evidence against them may fall.
As conceded by Inbau et al. (2004), most suspects are interviewed in the absence of any overwhelming evidence against them. In fact, it has been argued that even to describe an interviewee as a "suspect" is problematic, because people are often detained by police with the aim of establishing good evidence against them, not because this evidence has already been obtained (Hodgson, 1994). Accordingly, Brown (2007, p. 31) encloses the word "suspects" in inverted commas, apparently to express scepticism that there are truly reasonable grounds for assuming the individuals in question may have committed the alleged offences.

Investigative practices which do not focus on hard evidence have sometimes had dreadful consequences. Perhaps the saddest historical example of this are the witch hunts. After reviewing around 260 books on the detection of witchcraft Gurney, Myers and Podmore (1970) concluded there seemed to be virtually no evidence against any individual in regards to this "crime", yet despite this, many people were executed for it (Gibbons, 1998; Roper, 2004). Even after the witch hunts ended, the lives of some suspects did not improve much. Stephen (1883, p. 442, note 1) reported that when a civil officer was asked why the police of India sometimes abused prisoners he replied "There is a great deal of laziness in it. It is far pleasanter to sit comfortably in the shade rubbing red pepper into a poor devil's eyes than to go about in the sun hunting up evidence." Solzhenitsyn (1974) related how in his experience Russian officials tended to show little interest in the actual evidence against political prisoners, and described how many prosecutions in Russia at that time were based on statements which had simply been coerced from these suspects. Neuborne, Priest, Lewis, Dratel, Mori and Gillers (2006) quote a defence lawyer who represents terrorism suspects held by the US military as saying that there is very little hard evidence against any suspect.

While investigators might reasonably be expected to take the time and trouble to gather independent case evidence, it will probably always be tempting for them to take the easier option of persuading a suspect to incriminate him or herself instead, and some authors (eg. Bowden, 2003; Coatman, 1959; Ericson, 1981; Miller et al., 1997; Softley, 1980; Wickersham, 1931) have claimed that this does tend to happen. To help clarify and address some of the problems associated with cognitive biases in criminal investigations, Wagenaar et al. (1993, p. 84) have drawn a distinction between "offence-driven" and "suspect-driven" searches. van Koppen (2002) explains the difference by comparing offence-driven approaches, where crime related evidence is taken as the starting point of the investigation, with suspect-driven searches where first a particular suspect is specified for no good reason, and then attempts are made to show that this
person is the perpetrator. By this logic, an "offence-driven" search is superior in that it immediately focuses attention on to the actual case evidence, as opposed to the "suspect-driven" mindset, which focuses on a particular suspect and on finding ways to "prove" that this person is guilty. Many authors have argued that too much emphasis on trying to elicit confessions from a suspect, at the expense of properly considering the evidence against them, is a significant factor in wrongful convictions (e.g. Chafee, 1956; Humphrey & Westervelt, 2002; Martin, 2002; Williamson, 2006). Leo (2008) has recently gone so far as to insist that given the various problems which the powerful modern methods of suspect interviewing can cause, no suspect should be questioned about a crime unless there is already some basis for presuming they may be guilty of it.

2.7 What is evidence?

While evidence is clearly critical to the entire legal system, it seems important to understand what it really means in a suspect interview. In some ways, the legal concept of evidence is very simple, but in other ways it is not. It must be expected that in an adversarial criminal justice system, people will often define evidence to suit their own needs. Brown (1988, p. 85) claims the police make a distinction between "information", "which is what they believe" and "evidence", "which is what they hope the courts will believe." In a debate with police about their suspect questioning practices, an American professor is reported to have asked rhetorically about what "evidence" is really supposed to signify in a system where all parties are trying to mislead the others (Jackal, 2005). Some authors (e.g. Americas Watch Committee and the American Civil Liberties Union, 1982, p. 95; Amnesty International, 2008, p. 37), have referred to statements taken from suspects under questionable circumstances as "evidence" in inverted commas, apparently to express disdain for their dubious reliability.

Furthermore, research shows that human perception of evidence is malleable and subject to distortion. Ask and Granhag (2005) hold that while criminal investigations tend to be driven by the assumptions and case theories of investigators, these assumptions and theories are often based more on hastily made preconceptions than on solid evidence. These authors conducted a study in which vignettes of a murder case were displayed to 50 Swedish police officers. There were two conditions to the experiment. In the first condition the vignette was manipulated to make it appear that a particular suspect was guilty of murder and in the second it was manipulated to imply that an alternative person was guilty of the same crime. Contrary to expectations, it was found that those in each group were biased towards assuming that the identified suspect in the case was guilty, although as predicted, this effect was stronger in the first
condition. Ask and Granhag then repeated the experiment using 68 student participants rather than police officers. The students, unlike the police officers, were influenced by the manipulation which suggested that the suspect was not guilty, such that they tended to interpret subsequently encountered information as confirming the mindset they had formed about the suspect’s innocence. The results of these two experiments seem to suggest that students were more sensitive to evidence which pointed to the likely innocence of the suspect. Hence, two types of cognitive bias, presumption of guilt and confirmation bias, seemed to operate in each these experiments, but did so in a different manner between the police officers and the students. The pattern of results across these studies is consistent with the view that police culture is associated with an especially high level of suspicion towards suspects.

Ask and Granhag (2007b) then conducted a partial replication of their 2005 study, re-using what was virtually the same guilt-presumptive vignette with 49 Swedish police officers. After reading this vignette participants were presented with witness statements manipulated to appear as either confirming or disconfirming the suspect’s guilt. Participants were also randomly assigned to either a condition where they had ample time to complete the experiment or to a condition where time pressure was placed on them by requiring that all tasks be completed within 20 minutes. Hence there were four conditions to the experiment, defined by two levels of apparent confirmation from the witness statement and two levels of time pressure. It was hypothesised that participants would be more sceptical of the witness statement when it appeared to exonerate the suspect than when it appeared to support their guilt. It was also hypothesised that participants under time pressure would be even less inclined to revise their initial views (in response to the witness statement) than would participants who were not. The results supported both hypotheses, again supporting the proposition that cognitive distortions and situational factors (in this case confirmation bias and time pressure) influence the interpretation of evidence.

Ask and Granhag (2007a) also conducted an experiment in Sweden with 61 criminal investigators. Participants were provided with a summary of an assault case and also with the statements of two witnesses to the alleged assault. The authors experimentally induced either anger or sadness in participants and found that this manipulation influenced the way in which participants processed the case evidence. For example angry participants processed case evidence less thoroughly than did sad ones. The authors concede that because no control group (in which emotions were not deliberately elicited in the participants) was employed in their study it is impossible to
Suspect interviewing 21
determine if either anger or sadness actually cause changes in the way evidence is processed. Nevertheless, this study does seem to provide empirical support for the proposition that the experience of emotion shapes the way in which criminal investigators interpret evidence.

Ask, Rebelius and Granhag (2008) further extended this line of research in an experiment using 117 police trainee participants, again in Sweden. Participants were presented with a scenario about the murder of a taxi driver and evidence in the form of either DNA analysis of blood stains, photographic evidence from a security camera, or eyewitness identification of the alleged perpetrator. For each evidence type there were two versions, one which was consistent with the suspect’s guilt and one which was consistent with their innocence. So there were six conditions to the experiment based on evidence type and evidence consistency with guilt. In light of previously conducted research on confirmation bias, it was hypothesised that participants would judge the evidence as more reliable when it appeared to confirm the suspect’s guilt than when it seemed to disconfirm it. It was also hypothesised that this effect would be strongest for eyewitness evidence, second strongest for photographic evidence, and weakest for DNA evidence. The rationale for the second hypothesis was that the "elasticity" of evidence varies on a spectrum from low (eyewitness evidence) to high (DNA evidence) in accordance with the perceived reliability of these evidence types. Although no significant difference was found in rated reliability of photographic and DNA evidence, the hypotheses were otherwise supported. This study again provides further empirical support for a confirmation bias in evidence appraisal in criminal investigations, but also shows that the strength of this bias depends partly on the type of evidence involved.

These studies of Ask and colleagues all seem to support the view that case evidence, at least in the context of a criminal investigation, is not assessed impartially but tends to be interpreted in such a way as to bolster the case against the suspect rather than in support of the case for their innocence. Factors such as personal background (police officer versus student), time pressure (absent versus present), emotional state (anger versus sadness) and evidence type (DNA, photographs, or eyewitness identification) all seem to play a role in such cognitive distortions.

Moreover, some ideas about the interpretation of evidence which are widely accepted as factual do not have a sound empirical basis. For example, several sources, including many interrogation manuals, have long suggested that body language can indicate deception or veracity (eg. Brown, 2001; Buckwalter, 1983; Collier, 1985; Darwin, 1921; Dilts, 1998; Gosselin, 2007; Hargrave, 2008; Hess, 1997; Inbau, 1942;

The empirical basis for concluding that body language is not strongly associated with deceptive behaviour is now extensive. For example, Mann, Vrij and Bull (2004) tested the ability of 99 UK police officers to detect the deceit of criminal suspects, and found a negative correlation between officers' tendency to focus on non verbal information, and their accuracy of lie detection. On the basis of such findings, Kebbell and Gilchrist (2004) observe that a considerable literature demonstrates most people's ability to detect deception does not significantly exceed chance levels. Hence, several researchers hold that the nonverbal behaviour of suspects should not be regarded as evidence against them (Frank, Yarbrough, & Ekman, 2006; Hartwig, Granhag, Strömwall, & Vrij, 2005; Shepherd, 2007; Vrij, 2003b).

However, Inbau et al. (2004) take an uncompromising position on this matter in arguing that nonverbal behaviour is just as valid a form of evidence as is eyewitness testimony or fingerprints. Interviewers have even been known to "disclose evidence" of suspects' body language to them as supposed proof of their deceit. Inbau and Reid (1967) for example advised interviewers to say to their suspect that because an artery in their neck is pulsating, this shows that they must be guilty. Moston and Stephenson (1993, p. 107) similarly report that police may say to a suspect that their deception is
clearly "written" on their face. For the purposes of this thesis however, there is sufficient empirical research to exclude nonverbal behaviours as a form of evidence.

2.8 Summary

In this chapter the important role of confessions in criminal justice was discussed. A review of the literature on confession rates was then made, which showed that while comparisons between studies are not straightforward, many suspects do seem to confess when they are interviewed. The reasons why suspects confess were then explored and it was concluded that the most important reason is their belief that the evidence against them is strong. It was then noted that suspects are not always interviewed because there is valid evidence against them. Finally, the point was made that the way people process evidence is sometimes quite subjective. For example, it was argued that the practice of defining evidence in terms of body language has scant empirical basis, and is not a legitimate or sensible interviewing approach. If evidence plays a central role in suspect interviewing, but body language has no rightful place in it, this would suggest that more objective evidence is critical. Attention is now given to the strategic presentation of such evidence to suspects when they are interviewed.
Chapter Three: The use of evidence in suspect interviews

3.1 Introduction

In this chapter the actual use of evidence by interviewers in suspect interviews will be discussed. Features of evidence such as its perceived credibility and quality will be examined, as will the deliberate distortion of evidence. Some of the difficulties which may arise when suspects ask about the evidence against them will be discussed, as well as other issues potentially related to evidence disclosure such as resentment, reciprocity and lies. Finally, the important questions of evidence disclose timing, and the methodological issues related to suspect interviewing research will be considered. The point will be made that little empirical research has as yet been conducted on the question of how and when evidence may best be disclosed to suspects.

3.2 The importance of evidence disclosure

Research suggests that evidence disclosure is a common and sometimes effective suspect interviewing tactic. Soukara et al. (2002), for example, conducted a study of 40 police detectives in the UK. These officers completed questionaries, and were also interviewed by the researchers, about their views on suspect interviewing. There was widespread agreement among officers that the disclosure of evidence was the most significant persuasive factor in eliciting confessions from uncooperative suspects. Similarly, Kassin et al. (2007) administered a survey to 574 law enforcement officers in the USA and 57 customs officials in Canada. Only 1% of these professionals claimed they "never" confront suspects with case evidence when interviewing them, whereas 22% claimed they "always" do this. As is often the case with surveys of this kind, neither Soukara et al. (2002) nor Kassin et al. (2007) were able to obtain a random sample of participants, so their results may not be entirely representative of suspect interviewing practices in the UK or North America, respectively. Some scepticism about the ability of the officials to make entirely accurate self-reports of their actual work practices in the above studies may also be warranted. Nevertheless, these empirical findings do lend weight to the view that disclosure of evidence to suspects frequently occurs during suspect interviews.

3.3 Challenges about evidence

Interviewers who withhold evidence from a suspect might be challenged about what the evidence actually is. Evidence disclosure in suspect interviews, or the lack of it, may of course have legal consequences. While lawyers may insist their clients should be informed of evidence against them before being questioned, some claim the police are not generally obliged to do this in the UK (Bucke, Street, & Brown, 2000; Hutton &
Suspect interviewing

Johnston, 2000; Shepherd, 2007), the USA (Gilbert, 2004; Shearer, 2005) or Australia (Ord, Shaw, & Green, 2008). The Police Powers and Responsibilities Act of Queensland (2000, Chapter 14, Part 6) requires that a person who is arrested must be informed of the offence they are suspected of committing, but no part of this Act obliges police to tell suspects about evidence against them. Thus, police interviewers often have considerable discretion to withhold or divulge evidence as they wish.

The potential merits and drawbacks of disclosing evidence to suspects will be further discussed below, but questions from suspects about evidence can raise difficulties. Various ways of dealing with potentially awkward queries have been suggested. Dillon (1990) points out that there are many ways of side stepping a question, and claims non-answers to questions actually account for the majority of politicians’ responses to them. Dillon advises that to evade a question, it can simply be repeated back to the questioner, or the subject can be changed by giving a lengthy response which never actually addresses the question that was asked. Weissman (2005) suggests that when someone is asked about information they wish to keep confidential, a justification for not being able to answer, such as the demands of law or policy, should be given so as to avoid giving the impression of undue evasiveness. Some interrogation manuals such as Kidd (1940) and Van Meter (1973), as well as the Reid website, also recommend that interviewers attempt to find some excuse for declining requests from suspects about the evidence against them. Indeed Inbau et al. (2004) propose that because innocent people will not ask about case evidence, any such requests from a suspect should be interpreted as a sign that they are guilty. This reasoning seems difficult to defend, as surely there could be many reasons why a suspect might ask about the evidence against them.

Unfortunately, as all of the suggested responses to questions about evidence which were outlined above rely on evasion at best, or outright deception at worst, none seem palatable from an ethical point of view. While shiftiness and secrecy are only to be expected from a guilty suspect, they seem underhanded from an interviewer. While some of the ethical issues associated with evidence disclosure are far too complex to be resolved here, the following thoughts are offered.

3.4 Secrecy versus openness

Secrecy is inherently neither good nor bad, but some have pointed out that it can be dangerous (Simmel, 1950; Wiggins, 1964). Frankness and openness are often associated with truthfulness and integrity, and as noted by Webster (1995), openness also tends to be simpler and more enjoyable than concealment. On the other hand,
complete openness may not always be a practical option. Eck (1965/1970, preface) has argued "a society in which all truths were bluntly exposed would be more like a hell than a paradise." Vanier (2003) points out that being open brings risks such as the loss of social status or acceptance, while Yogananda (1988) claims that speaking the full truth is sometimes morally wrong. Moreover, concealment does seem more natural and appropriate in some places than in others; for instance it has been argued that openness does not sit comfortably with adversarial legal systems (Sear & Williamson, 1999), such as that used in Australia. In his paper *Ethical interviewing*, Shepherd (1993) asserts that deceiving interviewees is not ethical. While many would agree with this, the non-disclosure of information does not necessarily involve deception.

Loewy and Loewy (2004) define lying in terms of not giving truthful information to someone who requests it. If generalised to a suspect interview, this concept of lying raises certain questions. For instance, is a suspect entitled to know the evidence against them if they ask for it? What if they do not ask? Do the answers to these questions dictate whether or not failure to disclose evidence is morally justifiable? Defence lawyers might answer these questions differently than police officers would. Even if withholding evidence from a suspect is deceitful, some would dispute that this necessarily makes it wrong. Beyle and Parratt (1938) suggested that interrogation tactics based on deceptive psychological tricks are acceptable, and should be regarded as "cleverness" rather than lies. Inbau (1942) contended that an interviewer must sometimes be prepared to employ tactics with a suspect which might not be ethically permissible when dealing with most other citizens. Simon (1991) concedes that while the techniques used by modern American police officers to question suspects are morally contemptible, they are also necessary and justified because there is no other practical way to protect the public from some offenders. Kidd's (1940, p. 74) views on the matter seem more complex, as he defended the "legitimate trickery" of suspects but condemned such practices as making "false promises."

In Brown's *Criminal investigation* (2001) it is argued that police officers are justified in employing questionable methods when suspects do the same, and also that deceptive methods are acceptable provided they are used for a good end. Brown’s first proposition is itself questionable, at least partly on the grounds that it seems to imply guilt-presumption. The basic argument made in Brown's second proposition, while no doubt old and popular enough to qualify as a "classic", is of course also questionable, and has often been contested. Kant (1797/1995) for example insisted that even if a lie is motivated only by good intentions, it is still always wrong to tell it. In apparent contrast
to Kant, Niebuhr (1960) has argued that no moral value is inherently superior to all others and any value might have to be subordinated to another when circumstances require this. This line of reasoning resembles that of Brown's in some ways, but seems more sophisticated, and more difficult to refute. It is also similar to that of Roberts (2007), who contends that the justifiability of deceptive police tactics depends not on the actual tactics as such but on the particular circumstances of the case at hand.

According to Ord et al. (2008), there may actually be times when an innocent person can benefit from not knowing the evidence against them because this could make it easier for them to prove their innocence to investigators. To the extent that this thinking is valid, one could argue that in some situations an interviewer has not only the right but almost a duty to withhold evidence, although it is hard not to feel that such an argument is tailored to favour the interests of interviewers over those of suspects.

3.5 Deliberate distortion of evidence

Part of the reason why evidence is so critical to suspect interviewing is that its apparent strength is often deliberately reduced or magnified in order to manipulate suspects' perceptions and decisions. If one person can control the flow of information to another, they may be able to gain a significant level of control over that person (Cialdini, 1993; Schelling, 1956; Shulsky & Schmitt, 2002; Simon, 1997). This approach seems to have often been used in a suspect interviewing context (Aubry & Caputo, 1972; DeClue, 2005; Greenberg & Dratel, 2005; Irving & Hilgendorf, 1980; Pearse, 2006; Woods, 1990), and many interrogation manuals have long advocated practices which range between simply being discrete about what the suspect is told, all the way through to blatant deceit. The book *Criminal interrogation and confessions* (Inbau & Reid, 1962, 1967; Inbau et al., 1986; Inbau et al., 2001, 2004) for example, has been quite influential in much of the world (Perske, 2000; Strömwall, Granhag, & Hartwig, 2004; White, 2006), including the UK (Dixon, 2006b; Pearse & Gudjonsson, 1999; Williamson, 1994), and also on most of the interrogation manuals cited in this thesis. The basic approach advocated in this manual, which seems not to have changed much throughout its various editions (Levesque, 2006; White, 2006), is the use of deceit by interviewers (Sear & Williamson, 1999), and it stresses the need to mislead the suspect about things such as the evidence against them.

Evidence can be intentionally downplayed in an attempt to make the suspect think that because the crime they are accused of is not serious, they will probably not pay a high price for confessing to it (Cape, 1995; Stuart, 2004). Many interrogation manuals discuss or recommend such minimisation (Gordon & Fleisher, 2006; Gosselin,
It is only natural that people do not wish to have others think poorly of them, and some authors hold that most people are highly motivated to avoid this (Berglas & Baumeister, 1993; Napier & Adams, 2006). Moreover, according to Cialdini and Goldstein (2004), the need to defend one’s positive self image is generally quite strong. Minimisation is calculated to exploit such desires. People who are in a difficult situations are naturally inclined to cooperate with someone who seems to be trying to support them, and minimisation is also designed to take advantage of this vulnerability. Distortion of evidence is not necessarily required for minimisation, but may be employed to facilitate it.

On the other hand, the weaker the evidence really is, the more incentive the interviewer has to make the suspect think it is strong. If interviewers do not have powerful evidence against the suspect, they might still be able to "use" the evidence they would like to have. Exaggerating or fabricating evidence has probably been employed to trick suspects into confessing since the earliest days of suspect interviewing (Plaidy, 1978; Sargant, 1970; Zulawski & Wicklander, 1992). Scientific advances since that time may have helped the general public to become less gullible in certain respects, but interviewers have occasionally exploited technological progress to mislead suspects about the evidence against them (Kidd, 1940; Leo, 2008; O'Hara & O'Hara, 2003). It has been said that "the first rule of deception is to link it to some truth" (Lathrop, 2004, p. 97), so when an interviewer discloses false evidence, they may be able to enhance its credibility by linking it to information which the suspect knows to be true. Hence, when a suspect realises that they have probably left small traces of their passing at a crime scene, they might be inclined to accept the interviewer’s suggestion that these traces can be linked to them, even if this is not true.

Leo (1996a) claims the tactic of disclosing fabricated evidence to suspects was used by American police officers in about 30% of the interviews he observed. Cassell (1998) estimates that in the USA alone, this tactic is used in around 475,000 suspect interviews a year. It seems that evidence maximisation or fabrication has also occurred in the UK (Cape, 1995; Slapper & Kelly, 2004; Softley, 1980; Waddington, 1999). Several authors have referred to the bogus creation of evidence by police in Australia (eg. Cowdery, 2001; McClintock & Healey, 1987; Padraic, 2005; Porter, 2007; Smith, 1998; Sparrow, Moore, & Kennedy, 1990), and these claims are consistent with the
findings of the Royal Commissions of Justices Lee (1990) and Wood (1996). The actual disclosure of false evidence to Australian suspects however, is of unknown frequency.

Instead of actually fabricating evidence, interviewers may simply hint at its existence. Kassin et al. (2007, p. 388) surveyed American police officers and Canadian customs officials about their usage of the technique of "Implying or pretending to have independent evidence of guilt", and found that only 8% reported they "never" did this. Some claim that suspects tend to have fears about what evidence may become available against them (eg. Gordon & Fleisher, 2006; Tousignant, 1991) and as Zulawski and Wicklander (1992, p. 166) point out, "implying the existence of evidence frees the interviewer/interrogator from having to reveal it." Similarly, O'Hara and O'Hara (2003, p. 148) advocate the "Knowledge Bluff" tactic. This strategy seems to be widely used, and has been described as the "sham total-information" tactic (Foster, 1987, p. 78), the "I-know-everything technique" (Rabon, 1992, p. 115), the "we already know everything' routine" (Wagenaar et al., 1993, p. 112) and the "We Know All" approach (Department of the Army, 1992, p. 3-19, 2006, p. 8-53; Mackey & Miller, 2004, p. 481; Miles, 2006, p. 52). Another common way to lead a suspect to believe that there is a lot of evidence against them is for the interviewer to prominently display a large folder or stack of paperwork, regardless of the actual case evidence (Inbau et al., 2005; Macdonald & Michaud, 1992; Plaidy, 1978; Rabon, 1992; Schafer & Navarro, 2003; Zulawski & Wicklander, 1992). When used in a military setting, this tactic has been described as the "file and dossier approach" (Department of the Army, 1992, p. 3-19).

Some authors have pointed out that simply asking the suspect questions may be a good way to lead them to believe that evidence against them is available, or soon will be (Brown, 2001; Gordon & Fleisher, 2006; Inbau, 1942; Inbau et al., 2004; Kalbfleisch, 1994; O'Hara & O'Hara, 2003; Osterburg & Ward, 2000; Schafer & Navarro, 2003). Brown (2001) advises readers that an advantage to imparting evidence in the form of questions is that if they are ever asked by a defence lawyer if they disclosed false evidence to the suspect, they can deny this without telling a direct lie. A further presumed advantage to this type of question is suggested by Zulawski and Wicklander (1992), who claim that if a suspect is slow to answer, this suggests they are being deceptive. This proposition seems questionable, as one would expect that hesitancy in responding to questions could have various causes, such as a suspect's general nervousness, or fear that they will not be believed.

While as already outlined, people are more inclined to confess when evidence against them is strong, it may be more accurate to say that they are more likely to
confess when they believe this evidence to be strong. Therefore, exaggerating or fabricating evidence against a suspect might be expected to increase the likelihood of eliciting a confession from them. While the very nature of this phenomenon means it is difficult to investigate empirically, several authors agree the misrepresentation or outright fabrication of evidence has been used as a suspect interviewing strategy (e.g. Arther, 1976; Aubry et al., 1965; Barker & Carter, 1991; Costanzo, 2004; Delattre, 1989; Gilbert, 2004; Goffman, 1970, 1975; Gudjonsson & MacKeith, 1988; Henderson, 2006; Inbau et al., 2005; Kalbfleisch, 1994; Khlevniuk, 2004; Kleinig, 1996; Leo, 2002; Levesque, 2006; Pollock, 2004; Robertson, 2008; Sanders & Young, 2003; Skolnick, 1975; Skolnick & Fyfe, 1993). However, none of these authors have actually conducted empirical studies where evidence was fabricated or manipulated.

The practice of bluffing about evidence in a suspect interview raises ethical issues which are at least as great as those associated with simply withholding it from a suspect, and has been severely criticised because of this (Alschuler, 1997; Delattre, 1989; Ord et al., 2004; Report of the Royal Commission on Police Powers and Procedure, 1929). Gudjonsson (2003), a former police officer and current professor of forensic psychology, has stated that the use of deceptive questioning tactics such as evidence fabrication risks the loss of public respect for police officers.

Another contentious aspect of the disclosure of false evidence to suspects is that some believe this practice has the potential to elicit false confessions (e.g. DeClue, 2005; Gudjonsson, 2007b; Kassin, 2004, 2006; Kassin & McNall, 1991; Leo, 1992, 2008; McEwan, 2002; Redlich, 2004; White, 1997, 2006). It should be acknowledged that several writers now claim false confessions may not be uncommon (e.g. Adams & Krutinger, 2000; Bering & Shackelford, 2005; Blair, 2007; Bryan, 1997; Christianson, 2000; Conti, 1999; Damaska, 1973; Davis & O'Donohue, 2004; DeClue, 2005; Dennis, 1993; Dixon 2006a, 2006b; Drizin & Leo, 2005; Felthous, 2001; Gudjonsson, 2003, 2007a, 2007b; Gudjonsson et al., 2004; Henderson, 2006; Huff, Rattner, & Sagarin, 1996; Humphrey & Westervelt, 2002; Kassin, 1998; Kassin & Gudjonsson, 2004; Kassin & Wrightsman, 1985; Leo, 1996c, 2002, 2008; Mayer, 2008; Meissner & Kassin, 2002; Miller et al. 1997; Moston & Fisher, 2007; Moston & Stephenson, 1993; Powel & Amsbary, 2006; Russano, Meissner, Narchet, & Kassin, 2005; Scheck, Neufeld, & Dwyer, 2003; Shepherd, 2007; van Bergen, Jelicic, & Merckelbach, 2008; Wagenaar et al., 1993; White, 2006; Zimbardo, 1967; Zuckerman, 1994). The subject of false confessions is covered in considerable depth in the above references (and is briefly mentioned in Chapter 5.5.4), but it is not of primary concern to the present thesis. The
major legal and ethical issues associated with evidence fabrication also preclude it from further attention or investigation in this thesis.

3.6 Credibility

When suspects are questioned it is important for the interviewer to establish and maintain credibility with them (Department of the Army, 2006; Gordon & Fleisher, 2006; Palmiotto, 2004; Schaefer & Navarro, 2003; Shepherd, 2007). The need for credibility has important implications for the disclosure of evidence in suspect interviews, because while an interviewer may be tempted to use their case knowledge as an instrument of power and leverage against the suspect, there is a risk that even small errors in this material will actually decrease their control of the situation. While this problem was described long ago by Gross (1904/1906), Jewkes and Andrews (2005) provide a more contemporary example of the importance of basing suspect interviewing on a firm grasp of the facts. They report that since most police officers are not especially knowledgeable about computers, some were given a script to help them interview suspects in online child pornography cases. This approach apparently backfired when the suspects seemed to sense the officers' lack of technological proficiency. When an interviewer discloses what they know, they may risk drawing attention to what they don't know. Credibility can be very fragile, especially in situations where there is already distrust. Early or overstated evidence disclosure strategies may raise questions about credibility in the suspect's mind which only discourage their cooperation. For instance, if the police are telling the truth, and the evidence is already sufficient to secure a conviction, why are they taking the trouble to question a suspect at all, and why do they seem so intent on obtaining a confession?

As Wänke (2007) reminds us, there is a social expectation that a question should not be asked if the questioner already knows the answer. Hence, another potential problem in a suspect interview is that even ill-considered questions might undermine credibility. Shafiq Rasul, one of the "Tipton Three" British citizens held at Guantánamo Bay, apparently became less inclined to cooperate with his captors after he was asked where surface-to-air missiles could be obtained in Tipton, a question he reportedly considered to be "stupid" (Cuba Libre website, unpagedinated). Mackey and Miller (2004) have also noted that there are times when the questioning of suspects has the unfortunate effect of exposing the limits of the questioner's knowledge.

Another way in which an interviewer's credibility could suffer has been pointed out by Heydon (2005). She observes that when videotaping interviews, the police sometimes ask the suspect for information which they already have, and notes that
while the police sometimes ask such questions only to obtain the suspect's confirmation that they are aware of specific points, she argues officers should realise this practice may give the suspect the impression there is uncertainty regarding the evidence against them. Such a belief might embolden suspects to deny the crime.

Gordon and Fleisher (2006) suggest still another reason why it may be important for a suspect interviewer to present themselves as credible and knowledgeable, arguing that interviewers who are perceived as competent will make truthful suspects feel more relaxed but make deceptive suspects more nervous and therefore more likely to betray their deceit. Unfortunately, no evidence is offered to support any part of this very doubtful proposition, but if there is any truth to it at all, this may be further justification for protecting or enhancing the interviewer's awareness of case evidence and credibility.

On the other hand, according to some forms of Eastern philosophy, poor credibility with one's adversaries may be a real strategic advantage under some circumstances (Chu, 1992; Lao Tsu, circa 600 BC/1974). Similar thinking is also found in the modern negotiation literature. For instance Saner (1997) argues that there are potential advantages in being underestimated, such as lulling the other party into a false sense of security. This is perhaps another reason why an interviewer should not always advertise their knowledge of evidence to a suspect.

### 3.7 Evidence quality

One of the problems with disclosing evidence to suspects is that the interviewer can seldom be sure it is of good quality. According to Ligertwood (1998), the criminal justice system has difficulty dealing with the general problem of evidence that may or may not be reliable, and some writers have expressed concern at sloppy or dishonest handling of forensic evidence. Broeders (2007) holds that the basis of much forensic science is questionable, and that miscarriages of justice have occurred at least partly because physical evidence has been wrongly interpreted and used. Infamous mistakes of this kind include the Chamberlain case in Australia, where errors were made with the analysis of damage to clothing (Bernett, Chapman, & Smith, 1985), and with what appeared to be bloodstains but were not (Lewis, 1990; Smith, 1985). Kelly and Wearne (1998) discuss serious problems with the validity of evidence analyses made on forensic evidence in US Federal cases, including those of the O J Simpson trial, and claim these problems are systemic in FBI labs because of unscientific and poorly controlled procedures. Estimates of the time that a death occurred may also be inaccurate (Inbau et al., 2005). Castelle and Loftus (2002) claim that several police and medical experts have been convicted of offences such as the planting of fingerprints or various forms of
fraud. The work of a police chemist was called into question by the FBI, and the Oklahoma Governor ordered an investigation into her work (Jasanof, 2004). Scheck et al. (2003) hold that while some criminal investigators in the USA engage in deliberate fakery, a more insidious problem is the distorting or concealment of potentially exculpatory evidence. In the UK, forensic science laboratories are now controlled by an independent government agency, but in the USA they are still run by the police, and continue to be criticised for poor workmanship (Williamson, 2006).

Police officers may be reluctant to accept even evidence supplied by their own colleagues. According to Padratic (2005), when an Australian detective located a firearm and submitted it to Homicide Squad officers, they later asked him to reassure them that it had not been planted or switched for a different one. Similar concerns arise in military and counter-terrorism contexts. von Clausewitz (1832/1984, p. 117) stated flatly that "most intelligence is false", and in the present day fears have also been expressed that information gathered by intelligence agencies may be distorted by political pressures (Gore, 2007; O'Brien, 2007). Even when evidence is of impeccable quality, there are limits to what it can "prove." Kiely (2006, p. 43) bemoans the so-called "CSI" (Crime Scene Investigation) effect, which entails unrealistically high expectations about the power of forensic evidence to resolve criminal cases. The belief that DNA evidence can solve all crimes has been described as the "DNA fallacy" (Scheck et al., 2003, p. 332).

One form of evidence which can be especially important in suspect interviews is that provided by witnesses. Eyewitness testimony is a critical factor in many police investigations (Allwood, Ask, & Granhag, 2005; Fisher, Brennan, & McCauley, 2002). Kebbell and Milne (1998) surveyed 159 police officers in the UK and found that more than 85% of them believed that in the majority of investigations, the most important case evidence is provided by eyewitnesses. Information from eyewitnesses appears to be the most common type of evidence available against criminal suspects (Phillips and Brown, 1998) and the most frequently used against defendants (Scheck et al., 2003). Eyewitnesses may however be overconfident about what they have seen (Bornstein & Zickafoose, 1999; Sporer, Penrod, Read, & Cutler, 1995) and their evidence has come to be seen as less reliable than was once thought (Clifford & Memon, 1999; Eisen, Winograd, & Qin, 2002; Gabbert, Memon, Allen, & Wright, 2004; Ligertwood, 1998; Schacter, 2001). Moreover, some authors hold that accounts of sudden or dramatic incidents, such as certain criminal acts, are especially vulnerable to distortion (Dutton & Carroll, 2001; Gross, 1904/1906; Haber & Haber, 2000).
Many empirical studies suggest that eyewitness reports are prone to error (Smith, Stinson, & Prosser, 2004). Kebbell and Wagstaff (1999) warn that caution should always be exercised when interpreting such testimony and the barrister Geoffrey Robertson (1998) has described identifications made by a single eyewitness as the least reliable form of evidence. According to Fisher and Reardon (2007), some people have been convicted solely on the basis of eyewitness testimony, so perhaps it is unsurprising that this form of evidence has been responsible for many miscarriages of justice (Berman & Cutler, 1996; Brandon & Davies, 1973; Devenport, Penrod, & Cutler, 1997; Levy, 1991; MacLin, MacLin, & Malpass, 2001; Porter, Campbell, Birt, & Woodworth, 2003; Technical Working Group for Eyewitness Evidence, 1999; Wells, 1993; Wells & Olson, 2002; Wells & Seelau, 1995; Yarmey, 2003). Some say eyewitness evidence is the most common cause of wrongful convictions (Scheck et al., 2003; Wells & Bradfield, 1998; Yarmey, 2001). While many cases will probably always be based largely on eyewitness testimony, interviewers who are considering the disclosure of this evidence to suspects should bear in mind that it may not be entirely accurate.

Some authors have suggested that only the strongest available arguments should be made against a potential adversary because this reduces the risk that the disclosure of weak or inaccurate material would leave one vulnerable to charges of carelessness or incompetence (Greene & Elffers, 2007; Saner, 1997). In contrast, Kirwin (1997) has argued that supplying large amounts of information to someone else may be a way to overwhelm them with excessive detail. Early and full disclosure to a suspect does have the advantage that if the evidence is inaccurate, the suspect has the opportunity to set the record straight without delay, thereby saving time and effort for both parties. Even so, in potentially adversarial situations, it must be expected that people will be more suspicious than usual about information provided to them. This is all the more reason that an interviewer needs to be careful about what they say and disclose to a suspect. The more evidence disclosed in an interview, the greater the chance that at least some of it will be faulty, at the possible cost of alienating the suspect. The earlier evidence is disclosed, the sooner this problem is likely to occur, and the greater the damage that could be done to the overall outcome of the interview.

### 3.8 Perceived fairness

It is important to the prosecution's case that the interview of a suspect is shown to be fair. Coercive interviewing approaches are not usually well received by the courts, and could result in a suspect's statements being ruled inadmissible (Gudjonsson, 2003; Police and Criminal Evidence Act, 1984; Slapper & Kelly, 2004). Perceived fairness
can also be important to the way in which people respond to attempts by others to persuade or manipulate them. Kramer, Shah and Woerner (1995) conducted three empirical studies in which financial offers were made to "target" participants. Two aspects of these offers were experimentally manipulated, their perceived fairness, and whether they seemed to have been made by people who were members of the target's social "in-group" or "out-group." With respect to the variable of fairness, and based on the results of their own studies, as well as a review of the literature on coercive bargaining, Kramer et al. concluded that although from a theoretical perspective ultimatums might seem to represent a sensible strategy, if they are interpreted as unfair then they tend to be vigorously resisted by their targets. These authors concluded that some conflicts spiral into a series of counterproductive "tit-for-tat" blows because each party assumes that the other is vulnerable to coercion, despite they fact that they themselves respond to the other’s attempts at coercion with resentment and retaliation rather than submission and compliance.

Kramer et al. (1995) reported that the second independent variable in their studies, in-group versus out-group status, was also related to bargaining outcome. When the participants believed a demand against them had been made by an out-group member, they perceived it as more exploitive and irritating, and less fair, than when they thought it had been made by an in-group member. Moreover, when demands were perceived as fair, they were equally likely to be accepted regardless of who was thought to have made them, but when they were regarded as unfair, they were much less likely to be accepted if they were believed to have come from an out-group member. Kramer et al. did not seem to have forensic contexts in mind when they designed and conducted these studies, but even so, their work may have two implications for suspect interviewing. Firstly, such results seem to provide further evidence of the potential for psychological "reactance" (Brehm, 1966, p. 94; Miller, & Rollnick, 1991, p. 31), to impede interviewers' attempts to pressure a suspect into confessing. Secondly, if it is true that people are less likely to accept demands when they perceive them as being either unfair or as coming from an out-group member (and especially when both of these conditions hold), perhaps this knowledge could be useful to interviewers. When an interviewer attempts to dominate a suspect, they may, either deliberately or unwittingly, be accentuating the social differences between themselves and the suspect, and causing the suspect to resent what they see as unfair treatment. Each of these results, in light of the above findings, may be counterproductive.
As to the strategic disclosure of even strong and accurate evidence during suspect interviews, de Tocqueville's (1840/1961, p. liv) claim, "Men will not accept truth at the hands of their enemies", may also be relevant here. When people become upset or defensive, they are unlikely to want to listen to more negative material from the person who has made them feel that way. Even when suspects know that the evidence against them is overwhelming, and can recognise on an intellectual level that from a legal and rational standpoint they would be better off by confessing, if they decide they are being treated unjustly by someone who represents an alien social out-group, such as a police officer who seems to be taking advantage of their superior power and status by trying to control and belittle them, psychological biases may act to deter them from meekly accepting what they are told.

Loewenstein, Weber, Hsee and Welch (2001) suggest that decisions made under risky and uncertain conditions can be driven more by emotional reactions than by logic and reason. Negative emotions are often elicited in people who feel they are being treated unfairly, and as pointed out by Varela (1971), emotional states are not readily shaped by logical argument. Therefore, once someone becomes bitter about the way they have been treated, it is often difficult to win them over through factually based approaches, such as disclosing evidence to them. This seems to be part of the reason why Hatherill (1971) has opined it is wise to maintain a calm atmosphere when questioning suspects.

It has also been argued that if people feel they are under threat, their belief systems tend to become more closed (Rokeach, Toch, & Rottman, 1960). When Baddeley (1989) deliberately overwhelmed his experimental participants with memory or cognitive tasks, and then tested their understanding of information presented to them, he concluded that such cognitive loading led to impaired comprehension. Suspects may experience more difficulty understanding the full implications of the evidence against them when it is disclosed to them under stressful or anxiety provoking circumstances. If a low-key, humane, conversational and rapport-enhancing interview style is indeed the most effective approach, perhaps the forgoing considerations help to explain why.

Arguably, encouraging a suspect to state their case before disclosing evidence is also fairer to them than is immediate confrontation. Even if it is not actually more fair, if it appears fair to the suspect this has strategic and rapport enhancing benefits, and it if appears fair to the courts this could have legal advantages if the suspect is later prosecuted. Hence, from the perspectives of rapport building, strategy, fairness, the law, and protection against psychological biases, late evidence disclosure in suspect
suspect interviewing seems generally preferable to early. Moreover, if fair treatment is valued by suspects, this makes it all the more important for an interviewer to have accurate evidence against them, as they may resent accusations which have less than a sound factual basis.

### 3.9 Resentment

According to Gass and Seiter (2007), an important dimension of credibility is goodwill, so a person can sometimes enhance their credibility by establishing their intentions to be fair and reasonable towards others. This may be particularly true (but perhaps difficult to achieve) with habitual criminals. Part of the reason that credibility, trust, and goodwill, all of which may depend on accurate evidence, are so important to suspects is the general resentment they often feel towards authority figures. Smith (1990) claims many criminals seem convinced they have been treated unfairly, while Inbau et al. (2004) similarly hold that because some suspects see themselves as victims of the criminal justice system, they are quick to refute or complain about any small imperfection in the evidence against them. An interesting example of this phenomenon seems to have occurred during the US Military's Review Tribunal of Khalid Sheikh Mohammed. According to the transcript of the hearing (US Navy, 2007), this defendant was quite prepared to confess to the main charges against him, publicly stating that he had sworn allegiance to Osama bin Laden, and confessing to the planning or actual execution of 31 separate terrorist operations. Yet he also seemed indignant that seemingly trivial evidence about a statement he had made to a reporter was incorrect, and complained that his name was not spelled correctly on one of the court documents. If an interviewer wishes to avoid activating feelings of resentment in a suspect, they would be wise to refrain from disclosing inaccurate evidence to them.

### 3.10 Reciprocity

When people put something out to someone else, they generally expect to get, and often do get, something similar back from them. This mutual exchange has been called "response matching" (Argyle, 1978, p. 171), or "reciprocity" (Rolof, 1987, p. 13). Cohen and Bradford (1990, p. 28) define reciprocity as the common expectation "that one good (or bad) turn deserves another." Several authors agree that reciprocity is a powerful social norm (Becker, 1986; Berg, 1987; de Waal, 2007; Hogan, 1998; Klockars, 1983; Kolm, 1998; Machiavelli, 1515/1968; Staub, 1992). While it might be expected that reciprocity would not be apparent in adversarial encounters such as suspect interviews, it does occur across a range of antagonistic situations. In his book about the trench warfare of the First World War, Ashworth (1980) goes into...
considerable detail about reciprocal but usually unspoken agreements between supposedly hostile armies under which neither side fired on the other for periods of many weeks in some areas.

The interpersonal dynamics of conversation also tend to be reciprocal (Shepherd, 2007). There seems to be a social "rule" such that if a speaker indicates they expect a verbal response from a person, that person has an obligation to comply (Sacks, 2004). So the social anticipation of reciprocity is often used to facilitate interviewing. Furthermore, information disclosure often tends to be reciprocal, indeed the pioneer of systematic research on self-disclosure, Jourard (1971, p. 66), declared "disclosure begets disclosure." Workers in disciplines such as sociological field research (Daniels, 2003), negotiation (Pruitt & Carnevale, 1993), and journalism (Bogardus, 2003), have been able to exploit social pressures of reciprocity to acquire information from others. Adler, Rosenfeld and Proctor (2004) hold that reciprocity is facilitated when disclosures incorporate information which the receiver does not already know and could not easily obtain elsewhere. One of the features of many suspect interviews is that the interviewer has specialised knowledge which is not readily available to the suspect, so this state of affairs may lend itself to making use of the power of reciprocity.

Another feature of reciprocal disclosure is that it seems very sensitive to the specific features of local conditions (Miller & Read, 1987; Senge, 1994). Unfortunately for suspect interviewers, this means it can be difficult to predict how reciprocity of disclosure might operate in a given situation. Nevertheless, some interrogation manuals recommend taking advantage of social reciprocity by making personal disclosures so that the suspect experiences pressure to respond in kind (eg. Gosselin, 2007; Schafer & Navarro, 2003; Yeschke, 2003). While Alison and Howard (2005) have reported that police officers in South Australia do appear to employ this tactic when questioning suspects, no hard empirical data regarding its effectiveness seems to be available.

One of the more interesting features of reciprocal disclosure appears to be timing (Adler et al., 2004). According to Argyle (1981), social convention demands a steady but gradual increase in self-disclosure, with each new disclosure being reciprocated. It has been noted that when people fail to adhere to the conventional timing, and self-disclose prematurely, this may cause the other party to withdraw, instead of reciprocating as they would normally be expected to do (Archer & Burleson, 1980). Shuy (1998) has pointed to the advantages of maintaining a conversational tone in a suspect interview, and momentous disclosures at the very beginning of a social exchange are not consistent with the typical structure of conversations in the everyday
world (Archer & Burleson, 1980; Argyle, 1981). Here perhaps is another argument against early disclosures in suspect interviewing.

Because of the somewhat complex and abstract nature of reciprocity, it is not clear whether it would have the effect, in a suspect interview, of encouraging suspects who have evidence disclosed to them by an interviewer, to feel any pressure to reciprocate by giving some information back. What seems clearer though is that there is a greater chance of such reciprocity occurring if the interviewer makes disclosure late in the interview rather than early. Late disclosure makes it easier for the interview to develop along the lines of an ordinary conversation, with trust and rapport developing gradually. Early or sudden disclosure of something as confronting as evidence of guilt could easily be seen as provocative or insulting, which could alienate the suspect. An interviewer who, on the other hand first delays disclosure, and then makes it in a tactful manner, could perhaps be given credit for being sensitive and considerate, which is much more likely to make the suspect feel indebted enough to "return the favour" with cooperation and sincerity.

As Mastrofski, Reisig, and McCluskey (2002) rightly point out in their paper on relations between police officers and the public, there is a tendency for incivility to be met with further incivility. It follows that interviewers should take care not to initiate any antagonism, and if the suspect begins to do this, they would be wise to avoid responding in kind, as it has been observed that each new insult or threat from one party is often reciprocated with interest by the other, such that "escalation is self-perpetuating" (Aronson, 1999, p. 197). In light of the action of reciprocity, insensitive evidence disclosures may reap enmity rather than the information desired. People often resent being treated disrespectfully, and may attempt to retaliate. Working on the assumption that a suspect will be difficult and uncooperative, and therefore should be pressured through confrontation with evidence or accusation, can turn out to be what Merton (1968, p. 182) described as a "self fulfilling prophecy."

There seems to be at least some empirical basis for the value of a mild-mannered and understated interviewing approach. Holmberg and Christianson (2002) invited 182 convicted murderers and sexual offenders in Swedish prisons to take part in their study. Of the 94 prisoners who agreed to participate, and then completed a 38 item questionnaire, 11 were excluded on the basis that they seemed to either not understand the questionnaire or to not have taken proper care in completing it (for example by giving extreme answers to all questions). This left a total of 83 participants in the study. It was concluded that those suspects who perceived the approach used by their
interviewers as "humanitarian" were more likely to confess than were those subjected to what they felt were attempts at "dominance." These researchers conceded however that one possible explanation for the negative correlation between confession rates and a dominant interviewing style is that interviewers may have reacted to suspects' denials with impatience and aggression, in which case causation may have flowed from suspect to interviewer rather than vice versa. In other words, the results of this study are ambiguous as to the actual influence of interviewing style on interview outcome. It was also found that the proportion of murderers who admitted to their crime, 49%, was significantly higher than the 28% of sexual offenders who made such admissions. One possible explanation for this difference is that, according to their self-report data, the murder suspects seemed to be treated with greater humanity and respect by interviewers than were the suspected sexual offenders, and this could have led to greater cooperation and admissions by the murderers. However, there is a potential confound here between evidence strength and admission status because it is possible that the evidence against the murderers was generally stronger than the evidence against the sexual offenders, and it could be this factor, rather than the way they were treated by the interviewers, which explains the differential admission rates between the two groups. Unfortunately, as Holmberg and Christianson made no attempt to measure evidence strength in their study, it is not possible to test this possibility.

Kebbell, Alison and Hurren (2008) have also provided further empirical evidence that a humane suspect interviewing style may be preferable to a more confrontational one. In their study, 43 convicted sex offenders read vignettes about police interviews of suspects in sex crimes. These offenders generally reported that they believed a confession was more likely to be elicited when the interviewer treated the suspect with "humanity", than when the suspect was treated in a "dominant" or "aggressive" manner (p. 443). Again however, the uncertain generalisability of results derived from responses to written vignettes in an experimental setting to actual suspect interviews in the real world seems to suggest that the issue of optimal interview style requires further research.

When an interviewer really does need to disclose personal and sensitive material to a suspect, it may be possible for them to protect themselves from an adverse reaction by disclosing it to the suspect in a way which suggests that it originates not from the interviewer, but from some other party. The basic idea behind this tactic seems very old; both Aristotle (350 BC/1954) and Francis Bacon (1958) wrote of the advantages of attributing potentially awkward or inflammatory allegations to another person rather
than to oneself. This approach can be used in a variety of cases, but may be particularly effective when the interviewer is unsure of the accuracy of the evidence. Kidd (1940) advised investigators that instead of claiming to have first hand knowledge of a suspect's guilt, they should attribute such evidence to the statement of a witness, so even if the suspect realises this information is not correct, they might conclude that the witness, not the interviewer, is in error. The authors of other interrogation manuals (eg. Inbau & Reid, 1967; Zulawski & Wicklander, 1992) similarly advise that the interviewer should try to direct any hostile feelings of the suspect away from themselves and onto third parties such as "the system" or the law. Yeschke (1997) warns suspect interviewers to avoid giving the suspect any excuse to dislike them. This is sensible advice for most suspect interviews. When circumstances require an interviewer to disclose unpleasant evidence to a suspect, as will sometimes be the case, an adverse reciprocal response might possibly be avoided if the interviewer can personally distance themselves from this disclosure in some way.

3.11 Suspects' lies

One question with potential implications for evidence disclosure is how an interviewer should react when a suspect tells lies. If a suspect finds that their lies are not immediately challenged, they might interpret this to mean that their interviewer is a fool, or does not have much evidence against them, and hence conclude that there is no good reason to confess. By this rationale, perhaps suspects should be discouraged from lying by showing them evidence of their guilt. On the other hand, if the suspect insists on lying, this might mean that they are only getting themselves into deeper trouble by committing more and more fully to a position which will never have enough credibility to be taken seriously in court, so perhaps they should actually be encouraged to lie. There is disagreement about which of these schools of thought makes the most sense.

Several authors have noted the phenomenon of "escalating commitment" (Armstrong, Williams, & Barrett, 2004; Bobocel & Meyer, 1994; Edwards, 2001; Hantula & Landman, 2006; Kirby & Davis, 1998; Schaubroeck & Williams, 1993; Schwenk, 1988; Staw, 2003; Street, Robertson, & Geiger, 1997; Taliaferro, 1998; Whyte, 1986; Whyte, Saks, & Hook, 1997; Wong & Kwong, 2007; Wong, Kwong, & Ng, 2008), whereby people tend to persist with their initial course of action, even when there is good reason to believe that they would be better off by switching to another type of behaviour. One form of behaviour which may be subject to escalating commitment is telling lies, and Cicero (De Oratore, Bk. I, sec. 33, cited by Stevenson, 1967, p. 1111) reportedly stated, "one falsehood leads easily to another." Accordingly,
some interrogation manuals recommend that suspects should be actively discouraged from lying because the more they deny a crime, the less likely they are to admit to it (Gosselin, 2007; Inbau et al., 2004, 2005; Yeschke, 2004). In fact, under the ten-step interrogation structure proposed by Gordon and Fleisher (2006), the second step consists of not allowing the suspect to deny the crime in question.

Gelles, McFadden, Borum and Vossekuil (2006) in their article on the interviewing of terrorist suspects, advise that an interviewer should not tolerate lies from a suspect, while Ord et al. (2004) claim their analyses of interview records reveals many interviewers react to a suspect’s apparent lies with an immediate confrontation. If a suspect's lies are to be challenged, this raises the question of how to do it. Gordon and Fleisher (2006, p. 215) advise that this should be done by holding a hand up to the suspect in a similar manner to an officer directing traffic and saying "Stop." Another potential way for an interviewer to stop denials is to disclose evidence which counters the suspect's position. As pointed out by Ord et al. (2008), interviewers often seem to feel a strong temptation to challenge a suspect with the evidence against them, and such an approach has indeed been advocated by some authors (Gelles, et al., 2006; Kinnee, 1994; National Crime Faculty, 1996). Mackey and Miller (2004), however, who worked as military interrogators in Afghanistan, recount an incident where one of them succumbed to the urge to disclose evidence to an apparently deceitful suspect but immediately regretted this when the previously talkative man suddenly became uncommunicative. When a suspect seems to be lying, the potential risks of evidence disclosure are just as great as they are at other times.

The advice given in the literature on how to handle a suspect's lies or denials is not always very consistent. Inbau et al. (2005) advocate the disclosure of at least some evidence in response to a suspect's denials but also warn doing this can inform the suspect about the best way to argue against the interviewer’s position. Brown (2001) advises the interviewer not to allow a suspect to plead innocence but also recommends that even suspects who are clearly lying should not be interrupted. Miyazawa (1992) quotes a Japanese police supervisor advising that suspects should be first allowed to speak freely and then challenged about contradictions in their statement, but when Miyazawa asked the detectives about the questioning methods they actually used he concluded that none of them actually followed this advice.

When an interviewer does want to discourage a suspect from lying, there are ways to do this without disclosing any evidence to them. For instance Cohen (2003) recommends that when the other party is cooperative, it is a good idea to positively
Suspect interviewing

reinforce this by smiling or nodding whereas any uncooperative behaviour from them should simply be ignored. Van Meter (1973) has thoughtfully suggested that if a suspect becomes belligerent or aggressive, the interviewer should respond by lowering their own voice in order to encourage the suspect to pause so as to be able to hear what is being said to them. Deliberately becoming more mild mannered in the face of aggression or lying cleverly sidesteps problems which could occur if the situation is allowed to escalate, and also demonstrates to the suspect that they will not be able to control the exchange by provoking the interviewer into doing something rash, such as disclosing evidence to them.

If a suspect is innocent, and the interviewer keeps an open mind about their culpability, giving them an early opportunity to state their position may mean that they have successfully cleared themselves to the point that neither evidence disclosure nor further questioning is necessary. If the suspect is innocent, but simply presumed to be guilty, any denials of guilt are likely to be interpreted as lies. If the suspect is truly guilty, then some of their denials probably are lies, although some may not be. While excessive suspiciousness is undesirable, all things considered it does seem natural and necessary that interviewers would be sceptical about what suspects tell them. Some may also fear that a suspect will not respect them if they believe they can get away with lying, and thus will feel inclined to lie even more, and so they need to be shown that it is the interviewer, and not them, who has the upper hand. There are several points to consider here. While interviewers may believe that a confrontational approach would earn the suspect's respect, and hence discourage them from lying, there seems to be no hard evidence that this is true. It is not at all clear that an aggressive interviewing approach, or even one which is merely assertive, will instil more respect than a mild one. Heydon (2005, p. 181) has described the belief that overt displays of power are needed to subdue suspects as the "myth of threatened authority." Furthermore, allowing suspects to provide their own accounts also means that the guilty may be able to portray themselves in a positive light by emphasising mitigating factors (Benneworth, 2006), and this may make a confession more likely.

Almost everyone understands that a police officer has special powers which others do not have, and presumably, even professional criminals "respect" the need for this system to at least some extent. Displays of aggression are not likely to enhance respect for existing police powers or for the officers who possess them. What people tend to respect is control, which is not usually the same thing as taking the offensive. It has been said that arrogance (Hess, 1997) or contentiousness (Weissman, 2005) are
unlikely to indicate authority over others and that the best way to maintain control in a social situation is to remain calm (Thomas Jefferson, phnet website). McRae (1998) argues, with considerable justification, that a person who deals with a difficult individual should focus mostly on controlling their own behaviour.

Even if the interviewer could elicit respect by responding assertively to lying, neither disrespect nor lying is the real problem. The problem is lies which cannot be shown to be lies, and which reinforce the position of a guilty suspect in such a way that they cannot be successfully prosecuted. Lying does not necessarily indicate that the suspect is guilty, but if they are, and they misinterpret the mild approach of the interviewer as weakness or gullibility, which leads them to underestimate the interviewer's knowledge and professionalism, which in turn causes them to try and lie their way out of trouble, this may well be to their disadvantage. While what happens in a suspect interview is important, what happens in a criminal trial is even more important, so if a guilty suspect loses respect for the interviewer during the interview, and then tells them lies which are not possible to defend in court, the interview should be considered a success, not a failure. Moreover, preventing a suspect from denying the crime could amount to preventing an innocent person from clearing themselves of suspicion, and perhaps missing an opportunity to prevent a miscarriage of justice.

Several authors favour a relaxed and non-accusatory approach to questioning suspects (eg. Farber, Harlow, & West, 1957; Heydon, 2005; Keats, 1993; Mohandie, Hatcher, & Raymond, 1998; Palmiotto, 2004; Pearse, 2006; Schein, 1971; Shuy, 1998; Vrij, 2006). A mild interviewing approach is consistent with the need to quickly establish rapport with an interviewee, which is widely thought to be an important aspect of successful suspect interviewing (Buckwalter, 1983; Department of the Army, 2006; Mayer, 2008; Shepherd, 1993; Van Meter, 1973). Rapport takes time to develop, and is not likely to be enhanced by directly confronting a suspect with evidence against them.

A non-accusatory suspect interviewing style also has strategic advantages. Taking a passive "hands off" approach with a potential adversary, while waiting for them to make a wrong move, is an old idea. Napoleon for instance is reported to have said "Never interrupt your enemy when he is making a mistake" (Quotations page website, unpaginated). The oldest known example of how this notion might apply to forensic contexts may be from Ray (1678, p. 209), who declared "Give a thief rope enough, and he'll hang himself." By this rationale, a suspect who insists on telling lies should be allowed to continue doing so, at least when the lies seem implausible. Even in cases where such lies do at first strike the interviewer as plausible, it has been pointed
out that there are times when it can later be shown that the suspect has given a false account of themselves, and this can greatly damage their case (Brown, 2001; Dixon, 2006b; Holmes, 2002; Innes, 2003; Salhany, 1994). Consequently, some writers (eg. Macdonald & Michaud, 1992; Napier & Adams, 2006; Ord et al., 2004; Savino & Turvey, 2005; Zulawski & Wicklander, 1992) advise that a suspect should be allowed to give an uninterrupted free account of their actions, even if it is clearly untrue. There are various merits to this approach. One of the simplest points related to the question of whether or not suspects should be encouraged to lie, is offered by Ekman (2001), who argues that the more the suspect says, the easier it becomes for an observer to correctly determine their veracity. Although it seems doubtful that this is always so, there may be much merit to this idea. Ekman (p. 182) describes how one police interrogator trainer advocates a "Trojan Horse strategy" by which the interviewer gives the impression that the suspect’s lies are being accepted at face value so that the suspect becomes ever more entrapped in their own fabrications. Goffman (1970, p. 177) described such a scenario as a "frame reversal", and regarded it as a potentially powerful strategy. One of the most fundamental principles of suspect interviewing is "everything you say can and will be used against you", and suspects often talk themselves into further trouble.

In providing their own version of events, any speaker, but especially a deceitful one, takes the risk of making inconsistent or contradictory statements. An extreme (and probably fictional) illustration of this is given by Rokeach (1960, p. 3), about two people who meet unexpectedly; "'Why have you not returned the pot I lent you?' one says to the other. 'I did not borrow your pot,' the other replies. 'Besides, it was broken when you lent it to me and besides, I have already returned it to you intact.'"

The most effective use of evidence during a suspect interview need not involve its actual disclosure. An interviewer may be able to tell when a suspect is lying if their claims are inconsistent with the known case evidence. In these situations, it may be decided to allow, or even to subtly encourage, the suspect to go still further by continuing to make implausible denials which can later be used against them. This means that immediate disclosure of evidence may be less prudent than initially withholding it from the suspect.

Then again, there is no reason why encouraging a suspect to lie has to be incompatible with disclosing evidence to them, provided that the disclosure is made late in the interview rather than early. If an interviewer allows the suspect to develop their account to the "point of no return", beyond which it is too late for them to change their story without admitting they have been lying, and then confronts them with evidence
which is contrary to this story, the suspect will probably be caught by surprise, and may find this very unsettling. Even if the suspect successfully hides their emotional reactions to the evidence but fears they have failed to do so, this may still work to their psychological disadvantage. Such a strategy is similar to one which lawyers have used when examining witnesses they wish to discredit (Wellman, 1986), which has been described as "commit and contradict" (Park, 2003, p. 146).

According to a former police officer (Holmes, 2002), when a suspect told him implausible lies, he liked to later demolish their credibility by conducting a role play in court, based on the interview transcript, where he would play the interviewer's role and the prosecutor would play the suspect's role. It appears that, at least under some circumstances, a suspect's lies are legally admissible as a means of discrediting them in the courts of several countries, including the USA (Leo, 1996b), Australia (Gans & Palmer, 2004; Ord et al., 2004), and the UK (Jennings, 2001; May, 1986, 1990).

The strategy of encouraging a suspect to lie in order to uncover the truth may seem paradoxical, or at least a very roundabout way to proceed, but does have much to recommend it. It requires either late evidence disclosure, or no disclosure at all, so here is another argument against the early disclosure of evidence in suspect interviewing.

3.12 Questions

Perhaps one reason why suspect interviewers might prefer the proactive interviewing strategy of disclosing evidence to a suspect is that they perceive the more passive alternative of simply questioning them, to be a "softer", and less compelling option. However, some would argue that proper respect for others requires that they be listened to. Indeed Mackay (1995) holds that a failure to listen violates the integrity of those who are trying to be heard. From a more practical perspective, if an interviewer asks questions in an apparently sensitive way, this may show the suspect that they are willing to listen to them, which can help to gain their cooperation by establishing rapport. There is reason to believe that asking questions can actually be a potent means of controlling social interactions. According to Bok (1989), when a person complies with requests to provide another with information, this tends to enhance the authority of the person who receives this information. Many authors have written about the potential ability of questions to influence the behaviour of others (eg. Dorpat, 1996; Fisher et al., 1999; Fletcher, 1988; Gorden, 1980; Hogan, 1998; Karrass, 1970; Loftus, 1979; Loftus & Palmer, 1974; Orne, Soskis, Dinges, & Orne, 1984; Payne, 1973; Saner, 1997; St. Aubyn, 1975; Tracy & Arden, 2006). Even Aristotle (circa 350 BC/1954) suggested that if a series of questions is employed to manoeuvre someone into an apparent
contradiction, that person might flounder when asked to explain the inconsistencies between their previous responses.

Vrij, Mann and Fisher (2006) questioned 80 university students using either an information gathering or accusatory interviewing style. The participants then completed Likert scales which recorded the degree of cognitive difficulty they had experienced during their interview. Contrary to the popular view that interviewees find accusatory interviewing approaches to be especially difficult to deal with, these authors found that participants perceived the information gathering interviews to be more cognitively demanding. This finding would seem to support the proposition that questioning a suspect is not any easier on them than is a more confrontational approach. This finding is consistent with the position taken by US Army interrogation manuals (Department of the Army, 1992, 2006) that simply asking for information directly, while making no attempt to pressure or trick the interviewee, is usually an effective approach. The 2006 Army manual also suggests that seemingly irrelevant questions may be used to make it more difficult for the interviewee to concentrate on fabricating convincing lies. The strategy of asking the interviewee about information which is already known, in order to test their veracity, is also advocated in this manual.

Asking questions is not necessarily incompatible with disclosing evidence, and could even be an indirect way to intentionally achieve disclosure. This function of questions can have both positive and negative effects. Some suspects might react less defensively if evidence is put to them in the form of a tactful question rather than as a direct accusation. Unfortunately however, the information suggested by a question is not always easy to predict or control. According to Dorpat (1996), questions always impart a certain subtle meaning, and some authors (e.g. Hatherill, 1971; Macdonald & Michaud, 1992) point out that this could result in messages being sent which the interviewer does not wish to reveal.

Questions are useful because they can be designed to either give less away than a corresponding statement would, or to deliberately suggest something in an indirect way. They also allow a questioner to control the subject of the interview. Furthermore, questions have the advantage that, to those who are being questioned, they do not obviously appear to have the ability to do these things. On the downside however, some of these powers can work against an interviewer at times. According to the National Crime Faculty (1996) persistent questioning is not necessarily unfair to the suspect, but Baldwin (1992) identified persistent and repetitive questioning as a common suspect interviewing fault, while Ord et al. (2008) claim this practice may be regarded by judges
as oppressive. At any rate, as pointed out by Dillon (1990), careful listening is usually more important in an interview than is actual questioning. Furthermore, as is the case with evidence disclosure, it may be risky to rush the questioning of a suspect.

### 3.13 The timing of evidence disclosure

As previously outlined, there is little disagreement about the importance of evidence in eliciting confessions, but if evidence is something which an interviewer can use to shape the outcome of the interview, when should it be disclosed? The answer to this question is not clear, but in addition to the considerations which have already been outlined, there is good reason to expect that the timing or order in which evidence is disclosed to a suspect should make a difference to the way they respond to it. According to Anderson's (1981) information integration theory, the order in which information is received by an individual can make a significant difference to the way it is perceived, and much empirical research does appear to support this view (eg. Crano, 1977; Hogarth & Einhorn, 1992; Jones & Goethals, 1972; Krosnick, Li, & Lehman, 1990; Ruble & Feldman, 1976; Tetlock, 1983; Wang, Zhang, & Johnson, 1998). "Order effects" have been reported for the placement of questions in surveys (Clark-Carter, 1997; Powel & Amsbary, 2006; Robson, 1995), personal disclosures in social situations (Archer & Burleson, 1980; Argyle, 1981), financial valuations (Clark & Friesen, 2006), mock-juror's reactions to expert testimony (Leippe, Eisenstadt, Rauch, & Seib, 2004), and the sequence of arguments within a message (Bettinghaus, 1968). Others have claimed that in everyday life (Jamieson, 1985; Perelman, 1982), as well as in forensic contexts (Hastie, 1993; Pennington & Hastie, 1993; Zabell, 1993), the impact of any attempt to persuade a listener depends partly on the timing by which arguments are made or information is disclosed. Indeed, Vinkhuyzen and Szymanski (2005) have argued that the order in which things happen is basic to all human activity.

Part of the reason that the order of evidence disclosure seems to be important in some contexts is because of the power of "first impressions." Wainwright (1999) claims that initial judgements are very powerful, and seldom revised to any significant degree, while Anderson (1981) points out that any new information must be incorporated into the impression which was originally made by the first information received. Similarly, the question of how to start a suspect interview is important because the beginning of an interview often has a significant effect on the rest of it. The interrogation manuals of O'Hara and O'Hara (2003) and Zulawski and Wicklander (1992) put the claim that the behaviour of the interviewer at the beginning of the interview tends to create a climate which persists throughout the entire exchange. While these manuals make no attempt to
provide empirical support of this position, the study of Baldwin (1992) does appear to do so. After analysing 600 suspect interviews conducted in London police stations, Baldwin concluded that the overall tone was set early in the interview, and those which began poorly seldom improved significantly.

It is natural that the time at which a suspect learns of the evidence against them might influence their decision to make a confession or denial. A suspect who is immediately told, for example, that there is videotape of them at a crime scene, may be more likely to admit to being there than is a suspect who does not learn about this videotape until they have already denied ever visiting that place. It is also possible that the timing of evidence disclosure may influence the suspect's perception of its strength. Another consideration in regards to evidence disclosure timing is that it can easily be manipulated in real world interviews, unlike factors such as evidence strength, government regulations, or the suspect's personality, which, while also important, are much more difficult to control. This fact alone makes disclosure timing worthy of study.

3.14 Early disclosure

It could be argued that there is little point in having evidence of guilt if it is kept hidden, and early evidence disclosure is in fact a common suspect interviewing strategy. Leo (1996a; 2002) observed suspect interviews in the USA and found that officers commonly confronted suspects with the evidence against them in the primary stage of the interview. Indeed the study of Wald et al. (1967) showed how some American detectives disclosed evidence to suspects before the interview had even begun. One factor in the timing of evidence disclosure has to do with the processing of information. Reasoning from the perspective of cognitive dissonance, Festinger (1962) held that individuals who have not yet made a decision will be more likely to accept information which seems relevant to it than are those who have already made the decision. By this rationale it might be wise for an interrogator to seize the initiative by promptly disclosing evidence of guilt before the suspect decides not to confess, and hence becomes less receptive to new information.

Another consideration is that evidence can be used to make a suspect feel guilty, and some hold that inducing guilt in others can be an effective way to manipulate them (Blackburn, 2001; Dorpat, 1996; Kowalski, 1997; Somner & Baumeister, 1997). It has been suggested that if a suspect experiences feelings of guilt this may cause them to comply with an interviewer's requests (Meltzer, 1961) and perhaps even confess (St-Yves, 2006a). One way to elicit guilt in the suspect might be to immediately and directly confront them with evidence of their alleged crime.
Wagenaar et al. (1993) hold that in legal settings, the advantage often goes to those who make their case first. Hence, a further reason that interviewers might disclose evidence immediately accords with both the inherently coercive nature of suspect interviewing, and traditional police culture; the desire to establish control as quickly as possible. Though interviewers who prefer a dominant approach will presumably aim to be in command of the suspect at all times, the beginning of the interview seems particularly critical in this regard. Kinnee (1994) for example emphasises the importance of establishing early control of a suspect interview while Holmes (2002, p. 59) proposes a "confession formula" whereby "Leverage Plus the Force of the Assertion of Guilt Equals Confession", in which leverage is "the weight and amount of evidence." Machiavelli (1515/1973, p. 127) insisted "men will always do badly by you unless they are forced to be virtuous." These viewpoints are entirely consistent with bringing guilt-suggestive evidence into play from the very beginning of an interview. While the strategy of abruptly disclosing evidence may lack sophistication, this simplicity could work to its benefit. However, scant systematic research on the effectiveness of directly confronting suspects with evidence has been conducted, and until this work has been done opinions about such an interviewing strategy can be little more than speculation.

### 3.15 Withholding evidence

According to Heydon (2005), it is common during suspect interviews for both interviewers and suspects to refer to case evidence as a way of supporting their own version of events. While the desire to back up one’s position with evidence is natural and reasonable, there are a number of reasons why interviewers should exercise caution and restraint when considering the disclosure of evidence to suspects. Disclosing case evidence can cause problems such as jeopardising the privacy, confidentiality and perhaps even safety of third party victims or witnesses. And from a strategic perspective, disclosing information too soon can be unwise. Granhag and Hartwig (2008) argue, probably correctly, that in a suspect interview the role of evidence is most critical when the suspect does not know about it or cannot be sure if it is known to the interviewer. Consequently, many writers claim that early disclosure of evidence by suspect interviewers is inadvisable (eg. Buckwalter, 1983; Bull & Milne, 2004; Dillon, 1990; Fahsing & Rachlew, 2009; Hartwig, Granhag, Strömwall, & Vrij, 2005; Hartwig, Granhag, & Vrij, 2005; Kidd, 1940; Napier & Adams, 2006; Savino & Turvey, 2005; Shuy, 1998; Vrij, 2004a, 2004b).

Irrevocability of disclosure is one of the greatest vulnerabilities suffered by a suspect. Any disclosures they make, even those which initially seem to support their
innocence, cannot easily be withdrawn if they turn out to be damaging, in which case they might be developed and exploited to their expense, whereas disclosures which are genuinely to their credit can be ignored by an interviewer in many cases. In this scenario the perceptible guilt of the suspect is likely to go up, but not down. While such a "ratcheting" effect generally favours the interviewer, they too might succumb to it if unwise enough to reveal information which the suspect could use to protect their own position. This is another argument against early evidence disclosure.

While giving information away hastily may carry potentially significant strategic losses, what may be just as important is that the very act of immediately disclosing evidence to a suspect can put an unnecessarily antagonistic tone on the whole interview, which can be difficult to undo later. Hence, Weston and Wells (1997) advise in their interrogation manual that, at least in the early phases of a suspect interview, no mention should be made of case evidence because the suspect may interpret this as a threat. The likelihood of extinguishing all hope of a cooperative relationship, as well as the cost of any such alienation, is particularly high at the interview's opening moments. Ord et al. (2004) claim that in the early stages of a suspect interview it is preferable to discuss mundane and uncontroversial matters rather than the alleged offence because this encourages the suspect to become accustomed to speaking freely before more contentious issues are raised. Similarly, Yeschke (2003) holds that the first seconds of an interview are critical because they give the interviewer a chance to show calmness, fairness and compassion; immediately confronting suspects with evidence of guilt risks squandering this opportunity. According to Vrij (2003a), interviewers who demonstrate a willingness to listen to a suspect's account have a better chance of being liked by the suspect, and therefore the suspect is more likely to talk to them. This is part of the reason Vrij cautions against hasty disclosure of information to a suspect. Likewise, under the "conversation management" model of interviewing (Milne et al., 2007; Shepherd, 2007; Shepherd, & Milne, 1999), the suspect is encouraged to give their own account before the "police agenda" or "challenge" stages of the interview take place.

If suspects are confronted with graphic evidence that they have committed crimes regarded as especially shameful, such as the sexual abuse of children, they could experience enough revulsion at their own actions to reflexively deny all responsibility for the offence, and refuse to discuss it. Such an outcome, though always undesirable, will generally be less problematic if it occurs later in the interview rather than sooner, so by this rationale, if evidence of a particularly sensitive nature is to be disclosed at all, it might be best to delay disclosure where practicable. If a suspect is especially vague or
evasive, there may be times when disclosing evidence is the only way to get them to talk about the alleged crime, but even in these cases there seems little advantage in making such disclosures during the early stages of the interview.

Another reason it is customary for at least some evidence to be selectively held in reserve by an interviewer is that if a confession is recorded, the evidence that was withheld can be checked against that supplied by the suspect (Gordon & Fleisher, 2006; Inbau et al., 2005; Napier & Adams, 2006; Powel & Amsbary, 2006). If the suspect was provided with everything known about a crime then it might not be possible to determine whether details of their confession truly reflect memories of committing the offence, or were simply learned during the interview.

As police and prosecutors might like to think that a suspect's statement contains specifics which "only the perpetrator would know", the practice of withholding specific evidence from them seems, on its face, to be a sensible way of assisting with the verification of confession validity. Some authors however (eg. Leo, 2008; Wagenaar et al., 1993) are sceptical about this, arguing that the police use a number of tricks to deliberately impart specific case evidence to the suspect so as to set them up for the argument that because the suspect could only have obtained such information by committing the crime, their knowledge of it demonstrates their guilt. While these authors seem to raise a valid point here, there are still times when checking a suspect's account against evidence which has been withheld from them is quite useful.

A noteworthy example of a carefully thought out late evidence disclosure strategy occurred when the former Gestapo chief Adolph Eichmann was interrogated for a total of 275 hours by Israeli Police Captain A. V. Less (von Lang, 1982/1983). Less was assisted by a team of researchers who consulted many documents, including several volumes of the Nuremberg trials transcripts. When finally interrogated, it was noted that certain words of denial uttered by Eichmann seemed to indicate he was lying, so these phrases were interpreted as cues for the need to obtain more documentary evidence to assist with further questioning. Less claimed that, thanks to the intensive work of his support team, it was usually only a matter of time before he was able to confront Eichmann's denials with contradictory evidence. Such thorough preparation appeared to pay off, and Eichmann was convicted of war crimes and hanged.

Another example of a successful late evidence disclosure strategy occurred when the academic James Reston was employed to do research in preparation for a televised interview of former President Richard Nixon (Reston, 2008). Reston prepared for this interview by referring to many thousands of pages of documents, and discovered several
pieces of information which had not previously been known. Reston then wrote a systematic plan for the interview which outlined possible responses Nixon might make to the questions and potential ways to address these. The interview apparently started off in a light-hearted manner which was calculated to cause Nixon to underestimate the potentially embarrassing nature of the case against him. Unfortunately for Nixon, this was followed by a gruelling exchange during which he was taken by surprise with highly incriminating evidence of his role in the Watergate affair. According to Reston, Nixon was unable to emerge from this treatment with his credibility intact.

Early evidence disclosure can be used as a way to place further pressure on a suspect, and suggest to them that things will only get worse if they do not confess, but one problem with this approach is that it may "prime" the suspect by activating psychological defences which may actually build up pressure in the opposite way to that intended by the interviewer. Persuasive tactics which seek to exploit fear are especially risky according to some (e.g., Perloff, 2008), and may easily backfire. Brehm (1966) theorised that the more pressure is placed on a person the more they perceive a threat to their freedom and the more they tend to resist this perceived threat. Even in the everyday world, a common occurrence which most people have experienced at some time is to initially feel cooperative with the person they are dealing with, but to become less so once they perceive that attempts are being made to bully them.

Apart from being downright counterproductive in many cases, attempting to intimidate the suspect by disclosing the evidence against them may not be necessary. As previously stated, and as noted by several researchers (e.g., Baldwin, 1992; Bull, 2002; Moston et al., 1992), suspects are often obliging and helpful even in the absence of any apparent pressure from the interviewer, and those suspects who do seem evasive or uncooperative might truly be experiencing difficulty with their memories. Some authors claim that the retrieval phase of memory, the phase most pertinent to suspect interviewing, is more important than commonly thought (Roediger & Gallo, 2002; Tulving, 1991). Rubin (1998) argues that the retrieval of information from autobiographical memory is a complex process which may take 10 seconds or longer to complete. There is no good reason to assume that impatience or coercion can improve the speed or reliability of memory retrieval. In fact, high levels of stress and emotional arousal seem to impair cognitive function (Eyre & Alison, 2007; Janis & Mann, 1977; Means, Salas, Crandall, Jacobs, 1995; Pezdek & Taylor, 2002).

Heydon (2005) asserts that presenting evidence which is contradictory to the suspect's account is not likely to be effective in getting them to change their story, and if
this is true it would seem that the risks of disclosure, regardless of how it is timed, outweigh the benefits. Not only can a good case be made against the early disclosure of evidence, in many interviews evidence should not be disclosed to the suspect at all, and some authors have cautioned that it may be unwise to reveal information to a suspect at any time (Department of the Army, 1992; Shearer, 2005; Van Meter, 1973). Quarmby (2004) has correctly pointed to the need to prevent criminals from acquiring knowledge of the intentions and capabilities of law enforcement agencies, while Shepherd (2007) claims that some police in the UK are in the habit of never revealing hard evidence, such as DNA or video footage, to a suspect. Some suspects attempt to use an interview to learn as much as they can about the case against them (Lyman, 1999). Given that evidence disclosure is always somewhat risky, even late disclosure may be unwise.

In a book entitled *Military studies in the jihad against the tyrants*, reportedly written to assist terrorist groups, it is stated that any questioning by government authorities should be seen as an opportunity to obtain information, and readers are advised that upon being released, the terrorist suspect should inform their confederates of everything they experienced when interviewed (Smoking gun website, Seventeenth lesson, Part A). If some terrorist groups train their members to deliberately gather information from their interviewers, this is another good reason to exercise care about disclosing evidence to them.

While it is possible that, as discussed in the previous chapter, a suspect might confess if they experience emotional guilt at being presented with evidence of their legal guilt, there are at least two problems with this approach. Firstly, it is ethically questionable to deliberately make someone feel guilty. Secondly, if a suspect realises that attempts are being made to manipulate their feelings and behaviour, this is likely to harden their resolve to resist them.

Another advantage to late evidence disclosure is that it tends to make it more difficult for suspects to tell convincing lies. Several researchers in the field of deception detection hold that comparing a suspect’s account with other information is perhaps the most effective way to determine whether or not they are telling the truth (eg. Hartwig et al., 2006; Vrij, 1999, 2004a, 2007). The value of relying on evidence to detect deception is also supported by the empirical findings of Park, Levine, McCormack, Morrison and Ferrara (2002), who asked 202 university students to remember a lie they had been told and to explain how they had discovered that it was a lie. Only 2.1% said that they had relied solely on verbal or nonverbal behaviours of the liar to detect the lie; in the majority of cases the participants had used some combination of information from third
parties or hard physical evidence to do this. In other words, there is at least some empirically based reason to believe that in the real world, people tend to successfully detect lies not by analysing body language or speech, but rather by comparing the information provided by a speaker with information from other sources.

In light of the above considerations and research findings, it might be expected that using existing evidence to assist with lie detection when questioning suspects would have received much attention in the literature, although Granhag and Strömwall (2004) have expressed surprise that this has not actually happened. To redress what they considered to be a neglected area of research, Hartwig et al. (2005) conducted an experiment where 58 undergraduate students were questioned about a mock-theft. When these participants were first asked to provide an account of their actions, and later presented with the evidence against them, observers managed to obtain an overall accuracy rate of 61.7% in correctly judging their truthfulness, as compared to only 42.9% when evidence was presented at the beginning of the interview. Hence, there is also some support for the merits of a late evidence disclosure strategy in the empirical research literature on deception detection.

The strategic use of evidence (SUE) technique (Granhag, Strömwall, & Hartwig, 2007; Hartwig et al., 2006; Hartwig, Granhag, & Strömwall, 2007) seems promising. These authors conducted an experiment where police academy trainees interviewed mock-suspects. Those who were trained in the SUE technique achieved an impressive deception detection rate of 85.4%, compared to only 56.1% among those who were not so trained. One key feature of SUE is that the suspect is uncertain about the case evidence. Another feature is that this evidence is not disclosed to them until the later stages of the interview, if at all. Granhag and Hartwig (2008) point out however that the development of SUE is still in its early stages and requires more empirical research.

3.16 Research methodologies

The research conducted so far on suspect interviewing may be categorised as one of four types. In the first type, observations have been made of real suspect interviews by researchers including Leo (1996a), or analyses have been made of some form of records (such as audiotapes, videotapes, transcripts or questionnaires) associated with these interviews (eg. Baldwin, 1992; Benneworth, 2006; Moston et al., 1992; Newbury & Johnson, 2006). These studies have the great strength of being based on actual suspect interviews which have very real consequences for the suspect and interviewer. On the other hand, because there is no opportunity to randomly assign participants to conditions, or to manipulate any variables in such studies, it can be
difficult to draw conclusions about causes and effects. Another limitation to this design is that it is seldom possible to establish "ground truth", for instance, the guilt or innocence of suspects in these studies may never be known. Also, it may not be feasible to ensure that the sample of interviews on which these studies are based is representative of the general population of all such interviews.

The second type of study involves surveys of people’s views on suspect interviewing. Like observational studies, these surveys cannot always be drawn from representative samples. Also, due to potential biases such as a desire to portray oneself in a socially desirable manner (Crowne & Marlowe, 1960; McCrae & Costa, 1983), there is doubt as to how accurately respondents tend to complete surveys. However, when surveys are of police officers (eg. Kassin et al., 2007) or criminal offenders (eg. Holmberg & Christianson, 2002), this methodology enables information to be obtained directly from those who have been closely involved in suspect interviews and so, also like observational designs, the external generalisability of findings from these studies can be quite good.

The third type of methodology is experimental. Kassin and Kiechel (1996), for example, conducted an experiment where undergraduate students were asked to type letters on a keyboard as these were read to them. The students were told that they were taking part in a reaction time experiment, and were warned not to touch the ALT key on the keyboard because doing so would cause experimental data to be lost. In actual fact the study was designed to investigate false confessions, and all students had been unknowingly and randomly assigned to one of four conditions, defined by the speed with which the letters were read out to them, and by the presence or absence of false evidence against the student. Studies of this kind provide excellent control and manipulation of the variables of interest, and allow random assignment to experimental conditions. As applied to suspect interviewing research, the use of experimental designs means that the experimenter is well aware of the actual evidence against the suspect at all times. Even better, the experimenter has complete freedom to arrange for this evidence to be disclosed to the suspect at any time they wish, because unlike the interviews of real criminal suspects, there are no significant ethical or legal implications to evidence disclosure in a mock-crime setting. The main drawback to this design is that since ethical and legal considerations prevent it from being employed in actual forensic contexts, it must be used in laboratory contexts with participants such as university students, which casts doubt on the generalisability of findings.

The last type of suspect interviewing research is the case study. Leo and Ofshe
Suspect interviewing

(1998), for instance, based their study of false confessions on 60 specific cases in which a confession had been made to the police, but where other evidence suggested the confessor was not guilty of the crime in question. Gudjonsson (2003) also describes the case of George Heron, who was interviewed by police in the UK about the murder of a seven year old girl, and alleged by these officers to have confessed to this crime. At the subsequent trial the judge ruled that because the interview had been improperly conducted, Heron’s confession was inadmissible, and he was acquitted. Similarly, Fahsing and Rachlew (2009) relate a case in which a man was questioned by Norwegian police officers for around 180 hours in relation to an alleged murder. Again, the police claimed the suspect confessed to the murder but in this case, he was convicted before a higher court overturned the conviction. These cases are important because they provide a picture of interviewing tactics, including the misrepresentation of case evidence, which cannot readily be gained through the use of other research methodologies.

The key research question of this thesis is how evidence can be most effectively employed by interviewers during suspect interviews. More specifically, do evidence strength and evidence disclosure timing shape the outcome of such interviews, and if so, how? While, as previously outlined, there is some consensus that evidence strength (or at least perceived evidence strength) is a critical factor in suspect interviewing, neither the direct effect of evidence disclosure timing, nor the way in which this timing might relate to evidence strength, have been empirically investigated to any significant degree. Hence, there currently seems to be no sound basis for preferring any particular evidence disclosure strategy over another when interviewing suspects.

If there is any such thing as the "ideal" suspect interviewing research methodology with which to explore the research question of this thesis, it might combine all of the best features of the method types which were discussed above, with none of the limitations. For example, real suspects in actual criminal investigations could be randomly assigned to conditions where the variables of interest are manipulated, and then interviewed by police officers in police stations. However, it would be very difficult to precisely manipulate factors such as evidence strength and disclosure timing in actual forensic contexts without also causing undesirable changes to other variables as well posing ethical problems. In fact it is not always possible for a researcher to even know what the available evidence is when a suspect is interviewed about a genuine crime. Hence, no single approach seems capable of adequately addressing the complex area of suspect interviewing. This conclusion is entirely consistent with the observation that to achieve good convergent validation, or
"triangulation" (Fitzgerald & Cox, 2002; Hagen, 2005), a variety of methods are sometimes required to study a subject comprehensively. As pointed out by Robson (1995), using multiple methods of investigation is a valid way of circumventing the inevitable confounds which are created when a particular method of measurement unduly influences what is being measured.

3.17 Summary

The strategic use of evidence in suspect interviews was discussed in this chapter. The general importance of evidence disclosure was examined, and some of the difficulties which can arise when suspects enquire about evidence were outlined. The underlying tension between openness and secrecy was then discussed. Factors which may be associated with evidence disclosure such as intentional distortion, credibility, quality, perceived fairness, resentment and reciprocity were then covered. Various ways of responding to suspects’ lies were discussed, as were the merits of simply asking a suspect questions rather than disclosing evidence to them. The timing of evidence disclosure was then considered, and it was argued that a strategy of initially withholding evidence is preferable to immediately confronting a suspect with the evidence against them. Finally the methodologies which have been used for empirical research in suspect interviewing were discussed. The findings of this research suggest a critically important role for evidence in suspect interviews, yet little empirical work has been done on the specific role of evidence timing in suspect interviews. To address the unresolved question of how evidence should actually be used in a suspect interview, the studies in this thesis were designed to employ multiple methods.
Part Two: Empirical research

The following section concerns the empirical studies conducted for this thesis. Chapter Four describes an analysis of 59 transcripts of suspect interviews which were conducted in Australia. The next study is an experiment in which students commit mock-thefts. These students are later questioned about the thefts, at which time the strength and disclosure timing of eyewitness evidence against them is manipulated. Study Three is then presented, where students read vignettes about violent assaults and then rate both their likelihood of confessing to the assault, and their views on various suspect interviewing approaches. Finally Study Four, which is also based on vignettes, but designed to elicit qualitative rather than quantitative data, is presented.
Chapter Four: The role of evidence in the interviewing of Australian suspects: An analysis of police transcripts

4.1 Introduction

Transcripts of interviews provide detailed information about suspect interviewing which is difficult to obtain elsewhere. Information from transcripts does not suffer from the biases or errors in memory which may distort personal accounts provided by suspects or interviewers. Transcripts also give a clear and accurate indication of the timeline of events such as evidence disclosure to the suspect, and this is a great advantage when the researcher wishes to study the relationship between disclosure timing and variables such as confessions. Unlike experimental simulations and questionnaires, in actual suspect interviews the stakes are high, with confessions potentially resulting in convictions.

Benneworth (2006) used transcript analysis for 11 interviews of suspected paedophiles by police in the UK. Within this material, Benneworth identified a group of 42 words which referred to emotional interpersonal bonds between the suspect and alleged victim, and another group of 20 words which described physical contact between them. Benneworth predicted that suspects and interviewers would tend to use different words when describing the alleged offences, and her analyses confirmed this. It was found that suspects demonstrated a preference for using emotional rather than physical words to describe their relationships with children, while the interviewers showed a preference in the opposite direction.

Heydon (2005) analysed 13 suspect interviews conducted at a single police station in Australia (rural Victoria) between 1993 and 2000. So as to make her findings broadly applicable to everyday practice, Heydon deliberately restricted her sample of interviews to those which did not pertain to the most serious crimes. The alleged offences associated with these interviews included assault, possession of cannabis, burglary, theft, car theft, possession of illegal firearms, and indecent exposure. Heydon was given audio tapes of these interviews, but transcribed them into a written format before analysing them. Heydon concluded that police tend to rely on a strategy of attempting to persuade suspects to admit to the police version of events, and that this approach is seldom successful. While the lack of entirely random sampling of interviews in the studies of Benneworth (2006) and Heydon (2005) means they suffer from questionable generalisability, such research does nevertheless add significantly to our current understanding of suspect interviewing.

To date, little empirical work has focused on when officers disclose evidence to
suspects, or how they do so. Although research suggests that case evidence plays a critical role in the outcome of suspect interviews in the UK (eg. Moston et al., 1992; Phillips & Brown, 1998), not much is known about the manner in which evidence is disclosed during suspect interviews in Australia, or the timing with which such disclosures are made in these interviews. Thus, this study was developed to determine how and when evidence disclosure actually occurs in suspect interviews in Australia.

The methodology employed to analyse the data was thematic analysis (Borrell, 2008; Hayes, 1997; Pollio & Ursiak, 2006). Thematic analysis is a method of discovering, analysing and reporting patterns within qualitative information. In this study it was primarily used to explore the temporal structure of the interviews with regards to evidence disclosure, and to investigate how this structure relates to suspects’ responses to the interview.

The interviews used in the present study concerned suspected sexual offences, with the exception of three which related to a series of blackmails and robberies. Conducting research of this kind requires the cooperation of industry stakeholders, and it was possible to obtain the transcribed records of interview of suspected sexual offenders, but not of interviews associated with other types of crime. The rationale behind Study One was to analyse factors associated with the role of evidence in real suspect interviews, such as the timing of its disclosure, and to explore how such disclosures relate to the outcome of these interviews.

4.2 Method

4.2.1 Materials

This study was based on 59 anonymised transcripts of suspect interviews which were conducted between 2001 and 2008 by officers of an Australian police service. To protect the confidentiality of suspects and police, all places, names and dates had been deleted from the transcripts before they were passed to the researcher. Questions and answers in each interview were consecutively numbered, and the same format was used to denote them; for instance both the 25th question in an interview, and the answer to it, would be referred to as "q 25." Where symbols such as "--" were used in the transcripts, they are reproduced here just as they were found in the original. Both quantitative and qualitative analyses were used. Thematic analysis (Hayes, 1997; Pollio & Ursiak, 2006) was conducted on data associated with evidence and with interview outcomes (for instance confessions and denials). In this procedure items are coded into categories based on the themes they suggest.

Only a single interview was available for most suspects but for six suspects
(10.2%), two separate interviews were provided. At least two police officers were present in all of the interviews, a primary officer who did most of the questioning, and a second "corroborator." The gender of these officers is unknown. The ranks held by the primary officers were as follows; one Constable, five Senior Constables, one Leading Senior Constable, 31 Detective Senior Constables, four Detective Acting Sergeants, two Detective Sergeants, and eight Senior Detectives. The ranks held by the corroborators were one Constable, seven Senior Constables, 26 Detective Senior Constables, one Sergeant, one Detective Acting Sergeant, four Detective Sergeants, and twelve Senior Detectives. No information in regards to the training history of these officers is available, but it is customary for all probationary constables from this police service to be given basic interview training, which generally involves monitoring of their field interviews, formal lectures, and examinations. Some of these officers would also have received more advanced training, especially those required to interview children.

In five interviews the suspect appeared to have issues with cognitive functioning, so "independent third parties" were present to provide extra support for the suspect, although this person was not always in attendance for the entire interview. One of the suspect’s sisters was present at his interview, another’s father was present, and two suspects were supported by their mother during their interview. Ethical clearance for this study was granted and all research was conducted in accordance with protocol number PSY/06/07/HREC.

4.2.2 Procedure

4.2.2.1 Interview structure

As an initial step, a thorough reading of the transcripts was made with a view to developing an appropriate coding system for the data they contained (see Hayes, 1997; Pollio & Ursiak, 2006). As previously discussed, when evidence is disclosed in a suspect interview it may be presented either immediately, or after the suspect has been given the opportunity to state their own free account. However, in certain interviews either no evidence may be disclosed or no opportunity may be given to the suspect to provide a free account. These considerations suggest four categories of suspect interview structure, which have been used to code the interviews used in the present study. The first category is "Free account preceded evidence disclosure." In these interviews the suspect was asked an open question, such as "So what happened from there?" or "Can you explain that a bit more?", before any evidence was disclosed to them (these examples, and the ones which follow, are all direct quotes taken from the transcripts). For the purposes of this categorisation, evidence disclosure was broadly
defined to include any manner of even hinting at evidence, such as for example telling a suspect accused of assaulting a woman that "She’s alleged a number of things" or that a complainant has asserted the suspect "touched her." Disclosure was defined in this way because, as outlined in Chapter 3.5, subtle and indirect means are sometimes used to influence a suspect’s perception of the evidence against them.

In the second category, "Evidence disclosure preceded free account", the order of events of the first category was reversed, with disclosure occurring first. Most of the interviews included a fairly standard "concluding question", and these were not taken into account when classifying interview structure. In other words, interviews in which the only free account question occurred at the end were categorised as "A free account was not requested." Interviews where the suspect was only asked closed or specific questions, such as "Are you heterosexual?" or "Where did you sleep?", were also classed as "A free account was not requested." Interviews where no form of evidence disclosure was made, not even indirectly, were classed as "Evidence disclosure was not made" (there were no transcripts in this study in which neither evidence disclosure nor an invitation to give a free account occurred).

4.2.2.2 Evidence type

The type of evidence disclosed was coded into three categories. The first was some form of statement which supposedly had been made by another party who was not present at the interview, and this was coded as "eyewitness testimony." It proved infeasible to divide this category into subcategories based on the source of the statement, such as complainants versus witnesses, because these statements were generally described by the police as "allegations" or "complaints", without actually specifying who had made them. The second category was "physical evidence", which included such forms as DNA and hair. The final category of evidence type was "unspecified", which was used when the interviewer vaguely referred to evidence without actually specifying what it was, for example by stating "I have new and relevant facts to that matter." Apart from using statements to disclose evidence (as in the above examples), interviewers also used questions, by asking, for example, "What can you tell me about [complainant’s name deleted] having bruises on her?".

4.2.2.3 Interview outcome

Eight categories were used to code interview outcomes. These categories were intended to capture and reflect the full spectrum of possible outcomes from complete denial at one extreme to an apparently complete confession on the other. Those suspects who denied all knowledge of any offence, or made a statement such as "I'm innocent",
were classed as Complete denial. Those who denied doing anything illegal, but admitted to behaviours such as accidental or non-sexual physical contact with children or deliberate consensual contact with adults, were classed as Qualified denial. In one interview in this outcome category, the suspect admitted to "very minimal" contact with the complainant. Suspects who neither confessed nor denied the offence, but said in effect that they might have done something wrong, but could not remember doing this, were classed as Claimed memory loss. Suspects in this category made responses to allegations against them such as "I might've had a blackout" or "I can’t remember."

Suspects who admitted to committing some of what was alleged to have happened, but also denied some of it, were classed as Partial admission. Suspects in this group included one who stated "I’ll admit to flicking him but not fondling him" and another who admitted to the possession of child pornography but then stated he would "deny wholeheartedly" additional allegations that he had sexually assaulted a child. Suspects who first denied but then confessed were classed as Eventual full confession. Those who confessed at the first opportunity were classed as Immediate full confession. One example of a statement which was categorised as a confession was elicited in an interview where a suspect stated he had made a "sexual assault" on the alleged victim, and then gave details of deliberately committing a sexual penetration of this child. Another example of a confession occurred when a suspect appeared to admit to sexual assault, but was not entirely explicit about what he had done. This suspect was then asked "Do you understand that what you have done to her is rape?", and he replied "Yeah." Those who declined to comment on anything to do with the case, were classed as No comment about case, while those who spoke about the general background of the case, but not the actual charge against them, were classed as No comment about charge.

4.3 Results

In this section the length of the interviews is reported, as is interview structure, type of evidence disclosed, the manner of its disclosure, and interview outcome. No attempt was made to statistically test for relationships between any variables because the study's design means that even if significant relationships were found, it would not be possible to disentangle causal relationships.

The interviews ranged from 16 to 392 minutes in length, with a mean of 68.20 minutes ($SD = 69.59$). The number of questions asked in the transcripts ranged from 77 to 2,663, with a mean of 426.17 ($SD = 387.47$). All suspects were apparently male. Their dates of birth had been deleted from the transcript, so their ages were unknown. Interview structure and outcome are displayed in Table 4.1.
<table>
<thead>
<tr>
<th>Interview structure</th>
<th>Number and percentage</th>
<th>Complete denial</th>
<th>Qualified denial</th>
<th>Claimed memory loss</th>
<th>Partial admission</th>
<th>Eventual full confession</th>
<th>Immediate full confession</th>
<th>No comment about case</th>
<th>No comment about charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free account</td>
<td>33 55.9%</td>
<td>7</td>
<td>11</td>
<td>1</td>
<td>5</td>
<td>nil</td>
<td>7</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Evidence disclosure</td>
<td>11 18.6%</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>A free account was</td>
<td>11 18.6%</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>nil</td>
<td>nil</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>not requested</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence disclosure</td>
<td>4 6.8%</td>
<td>nil</td>
<td>2</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>2</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>was not made</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>59 99.9%</td>
<td>13</td>
<td>16</td>
<td>3</td>
<td>7</td>
<td>2</td>
<td>12</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

*Note. Percentage totals do not add to 100% because of rounding*
4.3.1 Interview structure

*Free account preceded evidence disclosure.* The most common interview structure, used in 33 (55.9%) interviews, was to first encourage the suspect to give a free account before any evidence was disclosed, for example by making a statement such as "Tell me about what you did."

*Evidence disclosure preceded free account.* In 11 interviews (18.6%), evidence disclosure preceded a free account. In one of these interviews for instance, the interviewer told the suspect "we have had at least two more complaints" before asking him to give his version of events.

*A free account was not requested.* In 11 interviews (18.6%), the suspect was never asked to provide their own free account.

*Evidence disclosure was not made.* In four interviews (6.8%), no evidence disclosure occurred during the interview.

*Complexity of actual interview structure.* Although all 59 interviews could be coded in terms of the four categories listed above, these categories did not completely capture the complexity of the timing with which evidence disclosure was actually made. In one interview, for example, the interviewer began by making an indirect reference to "allegations", so this interview was classed as "Evidence disclosure preceded free account." This officer did not say anything more about evidence until q 162 when he stated to the suspect "Okay. Have you got anything you wanna say about the allegations that I've-I've put to you? And when I say allegations, it's been alleged that", and he put specific allegations to the suspect, whereupon he again asked "is there anything you wanna say about --?" This approach virtually amounted to asking for a free account and disclosing the evidence simultaneously. This suspect immediately made what seemed to be a flat denial of the allegations against him, stating "Well, it's a lie", and he continued to insist on his innocence. Hence, it seems that either this suspect was not guilty of the charge against him, or the evidence disclosure strategy used in this interview failed to produce the effect which the police desired.

4.3.2 Type of evidence disclosed

Some form of evidence disclosure was made in all but 4 (6.8%) of the interviews. In 52 (88.1%) of the interviews, eyewitness testimony was disclosed and in 20 (33.9%) of interviews physical evidence was disclosed. In an interview where the suspect was accused of stalking a number of females and stealing from them, the interviewer read out a list of 28 items of physical evidence which the police had allegedly taken from the suspect’s home. This evidence included plastic envelopes
containing human hair which the interviewer claimed had been stolen from suitcases owned by the complainants. Physical evidence disclosed during the other interviews was comprised of a jumper with cat hair on it, a shirt, a tape recording, two knives, a sword, handwritten notes, a photocopy of a handwritten note, pornographic images on a computer, two phone text messages, two apparent DNA matches, two cases of closed circuit television camera recordings, two cases of documented medical examinations of complainants, a driver's licence found in the street, "a brown substance", two wallets, a bicycle, and two groups of photographs, one of which included an image of fingerprints on a dusty surface.

In seven interviews (11.9%), evidence of an unspecified nature was referred to. In five of these interviews, interviewers told the suspects that "other information has come to light", that the "similarities" between two rapes were "striking", that there were "many more" instances of criminal behaviour apart from those which the officer had already mentioned, that "new and relevant facts" had been obtained, and that the police had "forensic evidence" (which was never described in any more detail). In the other two interviews in the unspecified category, the evidence was not only unspecified in nature, but it seemed that the police had yet to actually obtain it; one suspect was told that "a brief of evidence will be compiled", while the other was informed that the interview would be suspended so that the police could obtain documents "and so forth."

4.3.3 Disclosing evidence by asking questions or by making vague references to it

In seven interviews (11.9%) questions were used to imply the presence of evidence. In four of these instances the questions seemed worded so as to give the impression that evidence was currently available. Suspects were asked "What can you tell me about [complainant’s name deleted] having bruises on her?", questioned about the complainant’s "injuries", and asked if it was true that the complainant had been "placed on her knees" during the assault. The fourth suspect, who was accused of raping a woman on a beach, was asked what his shoe size was. It is possible that the police had obtained shoe prints from the sand which they believed might match the shoes of this suspect. It is also possible that they had no such evidence, but wanted the suspect to consider the possibility that they did have it so that he would be more inclined to confess to the crime.

In the remaining three interviews where questions were used to disclose evidence, this evidence seemed hypothetical in the sense that it may not have actually existed at the time of the interview, but might conceivably exist at some time in the future. When an officer told a suspect that three young boys had allegedly seen him
masturbating on a couch, he at first claimed that "I wasn't exactly masturbating, just rubbing my penis", but he then stated that he had in fact been having sex with their mother on the couch when the boys walked into the room unexpectedly. The officer then asked "What if [mother's name deleted] provides a statement saying that you weren't having sex on the couch on that occasion?" The suspect replied "Well, then I'll just provide one saying we were." The officer's question about the couch incident appears to be a good example of hypothetical evidence disclosure, because it refers to evidence that could plausibly exist either at the present time or in the future, but may never exist. Moreover, it shows that even evidence of a somewhat negative nature, which suggests that the suspect did not do something, might in some cases constitute evidence against them; not necessarily direct evidence that they have committed a crime, but evidence that the defensive position they have attempted to take in response to the allegations might be untenable.

In the final two interviews where questions were used to suggest the presence of evidence, this evidence was DNA. A suspect who had been adamantly denying the molestation of a nine year old girl was asked "should we find DNA in that spot, would you have any reason for your DNA to be near-on her vaginal area of her leotard?" If the intention of this question was to disturb, disorient or incriminate the suspect, it seems to have worked. His reply was "I don't know whether-you know, some-for some reason my hand might've brushed past her but- - -." This response could easily be seen as incriminating by a police officer, judge or juror, who might expect an innocent person to answer such a question with a simple "No", or "You won't find my DNA there." In his second interview, when it was pointed out to this man that his DNA had in fact been found inside the girl's leotard, he stated he had "no idea" how to explain this. Another suspect claimed he had only briefly made contact with a young girl’s shoulder. However, when he was then asked if he would be able to explain the discovery of his DNA on her underpants, "if that should occur", he conceded he may have also touched her "stomach", a potentially critical admission. Thus, asking questions in order to disclose evidence appears to have at least some of the desired effect in these cases.

Even when evidence was disclosed in the form of statements rather than questions, the police tended to refer to it in a vague and indirect way. For example, when a suspect stated that he had recently spoken to one of his friends, the officer replied "So have we", but did not elaborate on what, if anything, had been learned from this conversation. Likewise, another officer cryptically referred to "a chat" the police had with the suspect's sister, apparently suggesting that a statement might have been
taken from this person, but without explicitly saying this. Another suspect, who was accused of molesting children in a shopping centre, was told that there were many cameras there, "So everywhere you go, you get caught on video", but the interviewer did not go so far as to claim that any video recordings of the suspect actually existed.

4.3.4 **Attempts by interviewers to learn of the suspect’s knowledge of evidence**

Five (8.5%) of the officers asked the suspect about their knowledge of the evidence against them. One referred vaguely to the evidence against the suspect as "these allegations", and then said to him "See, I haven't gone into any detail yet-yet, but are you aware of them prior to coming here?" The suspect simply answered "Yes" whereupon the officer seemed to push for a fuller reply by saying "Okay. What's your knowledge of them?" The suspect seemed to remain unwilling to divulge many details of his knowledge of the allegations against him, so it seemed that he either did not know much about them, or chose not to show that he did. The other four examples of the interviewer asking the suspect about evidence were "do you know why you're here?", "have you got any idea why you've been brought here?", "you're obviously aware of the reason that you're here?" and "do you know what the allegations are?" In all of these cases, the officer asked these questions before disclosing evidence to the suspect, with the exception of one case where no evidence was disclosed at all during the interview.

4.3.5 **Attempts by suspects to learn of the interviewer’s knowledge of evidence**

Suspects made an apparent attempt to learn about the interviewer's knowledge of the case evidence in 12 (20.3%) of the interviews. When such attempts were made, interviewers showed reluctance to disclose evidence. For example, when a suspect asked if he could "hear the account "of the complainant, the interviewer seemed to disclose only a very small portion of this information. When another suspect was accused of both sexual assault and aggravated burglary, he stated, "I'm just curious about the aggravated burglary." The officer's only reply was "Okay"; he did not supply any further details on the matter. When a suspect said to the interviewer "you should say what I've been accused of because I've got no idea", this officer responded "I'm going to get to the allegations", but did not actually do this. A further suspect asked if he could read a letter provided by the complainant, but his request was refused. When an interviewer disclosed part of a complainant's statement to the suspect, and asked him to respond, the suspect answered "I'd like to know what else she said." At this point the interviewer's corroborator intervened, and reminded the suspect that he had failed to answer the question which was put to him. One officer disclosed an allegation that the suspect had stolen money from a purse and had also taken "another item" from it. He
then asked this suspect "What do you say to that?" The reply was "No comment. What was the other item, if you don't mind me asking?" The officer did not reveal this information, but instead retorted "Well, maybe you can tell me."

4.3.6 Attempts by suspects to introduce evidence

On four separate occasions (6.8% of the interviews), suspects referred to evidence which could supposedly support their own position. Two suspects spoke of witnesses who, they claimed, could provide information in the suspect’s favour. Another offered to produce a report from a psychologist which apparently supported his version of events. The fourth suspect suggested to the interviewing officer that a friend of his could confirm that he had no involvement in the alleged crime.

4.3.7 Interview outcomes

Complete denials were recorded in 16 interviews (22.0%). The most common interview outcome, recorded in 16 interviews (27.1%), was a Qualified denial. Three suspects (5.1%) consistently maintained they could not remember the crime, and these were the only interviews classified as "Claimed memory loss." Partial admissions were made in seven interviews (11.9%). Two suspects (3.4%) made an eventual full confession. One initially stated that he could not recall what had happened, but the police had only to make an indirect reference to a complainant's statement, and then ask him to give his account, before he confessed. The second suspect also claimed at first not to remember assaulting a number of children (this claim seemed somewhat plausible because the alleged offences had apparently occurred a few years previously, and the suspect may have had memory problems due to drug and alcohol abuse), but after considerable testimony from complainants was disclosed to him he finally admitted to most of the alleged assaults. Twelve suspects (20.3%) made an immediate full confession. Two suspects (3.4%) provided details to the police such as their name and address, but then declined to answer any further questions. Four suspects (6.8%) answered questions related to the charges against them such as their relationship with the complainant, but made no comment when directly asked about the actual charges against them.

4.3.8 The relationship between evidence disclosure timing and confession rates

It was not possible to determine causality with regards to disclosure timing because of the multiple confounds which were present (e.g., evidence strength, age of victim, etc). Therefore, the following results are descriptive only. The four interviews in which no evidence was disclosed yielded two immediate full confessions and two qualified denials. In the eleven interviews where evidence was disclosed before a free
account question was asked, one partial admission and five confessions were recorded. These results represent a 54.5% rate of eliciting some form of incriminating statement after early disclosure was made, although it seems that evidence disclosure was a significant persuasive factor in only one of these interviews. When evidence was disclosed before a free account question was asked (or in interviews in which no free account question was asked at all), responses to these disclosures included "Utter bullshit", "No comment", no audible response, "They're speaking shit", an irrelevant comment which failed to actually address the evidence, various denials, and claims that the suspect could not remember what happened. A suspect who was confronted with a text message he had sent to a complainant, admitted to sending it, but still denied the charges against him.

In the 33 interviews where evidence was disclosed after the free account question, five partial admissions and seven confessions were recorded, which meant that the rate of obtaining an incriminating statement was 36.4%, so this strategy did not seem to be any more effective at eliciting admissions or helping to clarify the guilt or innocence of the suspect. Responses to these late disclosures included "No comment", "Bullshit", "That is not my recollection", "If there was contact it was very minimal", no audible response, various denials, evasive non-answers, and claims of poor memory for the incident. However, when one suspect was told that his jumper had been found in the home of a woman who complained he had raped her, he stated "She stole my fuckin' jumper, man." This was scarcely an admission, but may have damaged his credibility. In another interview, when the suspect was confronted with the complainant's statement, he stated "I tried to kill her." While this was a potentially critical admission, this suspect never seemed to make any serious attempt to claim innocence at any point in his interview. Another suspect was confronted with witness testimony that a man had been seen masturbating and looking through the windows of houses. He admitted he was responsible for doing this, but he had already confessed to the more serious charge of rape before any evidence was disclosed. Likewise, when two other suspects were confronted with evidence late in their interviews, they conceded that allegations of committing sexual assault were correct, but they had already admitted to these crimes at the free account stage.

Late disclosure did seem to be effective when a suspect was told that a complainant alleged he had threatened to spray paint in her eyes, and he confirmed that this was true. It also seemed to be partially effective when a suspect who had been denying a charge of rape was confronted with evidence that he had stolen money from
the victim and then lied to the police about doing this. At this point the suspect admitted to the theft and to lying about it, but persisted in denying the rape. Another suspect had previously admitted to knowing the complainants, but denied any sexual contact with them. When confronted with their statements that he had touched them in a sexual manner, he made a partial admission to touching them, but continued to insist that there was no sexual intent behind this.

Qualified denials were more common when a free account question came first (11, or 33%) than when evidence disclosure came first (two, or 18.2%) and this further complicates comparisons between how suspects responded to the two approaches. None of the suspects who began the interview with firm denials changed their position substantially, even when confronted with evidence of their guilt. Twelve suspects (20.3%) made an immediate confession in the absence of any apparent pressure by the police to do so. In one of these interviews, the officer remarked that the suspect had already confessed to police before the interview began, and it is possible that other suspects had done this as well. While most of the suspects in this study were quite talkative, 38 (64.4%) made no audible reply to at least some questions.

4.4 Discussion

The proportion of suspects for whom two interviews were obtained (10.2%) seems roughly in line with the reports of Cassell and Hayman (1996), who found that 9.2% of the criminal suspects in their sample were questioned more than once. All but two of the interviews (96.6%) included a question near the end which asked if they wished to make any further statement, and this seems consistent with what Weston and Wells (1997, p. 140) have described as "the classic concluding question: 'Is there anything else you wish to talk about or any correction you wish to make in your story at this time?"' The concluding question was usually only answered with a "No", perhaps because the suspect sensed it was intended mostly as a formality, or perhaps because they had already said everything they wanted to.

It is possible that the evidence was not disclosed in certain interviews because it was so strong that the police believed a conviction was already inevitable, and if the suspects also perceived it to be very strong, they could have confessed because of this perception rather than because of the way the interview was conducted. Moreover, once a suspect made a confession, the interviewer may have decided that there was no good reason to disclose any evidence to them. This could have created a negative correlation between evidence disclosure and confession rates which is due to the effects of confession on evidence disclosure rather than vice versa.
Not all suspects were consistent in their claims, but none made a confession and then retracted it. Once an interviewer had elicited a confession, they were generally able to persuade the suspect to provide considerable further detail about what they had done, which would have made it difficult for the suspect to change their story later. There may have been cases where qualified denials only incriminated the suspect still further. For example one conceded that he had held a knife against a woman and tied her up before having sex with her, but then claimed she had consented to this treatment. In two other interviews, the suspects stated that although they had first met the female complainants in the street only a few moments before having sex with them just a short distance away in a semi-public area, these women had taken the initiative in asking them for sex. These three cases were all ones in which the free account came first, and it seems impossible to know if an early evidence disclosure strategy would have been more (or less) effective.

While only three suspects in this study consistently claimed to have little or no memory of the alleged crime, the statements of several others were at times so vague and noncommittal as to suggest that they were either genuinely unsure of their role in the crime, or were attempting to give this impression. It is not unusual for suspects to state that they cannot recall what happened at the time of the alleged offence (Bylin & Christianson, 2002; Christianson & Merckelbach, 2004), and the effect of such claims on the outcome of an investigation is not always clear. Judges or juries may find certain claims of poor memory to be difficult to accept, but on the other hand, alleging loss of memory might allow a suspect to successfully sidestep particularly awkward questions from the interviewer.

Consistent with the findings of previous empirical research that it is usually difficult to persuade suspects to confess if they do not wish to (eg. Baldwin, 1992; Heydon, 2005; Newbury & Johnson, 2006), evidence disclosure seldom had the effect of eliciting incriminating statements from suspects in this study. Also consistent with Baldwin's (1992) findings, 20% made an immediate confession in the absence of any apparent pressure by the police to do so. In fact, suspects who confessed tended to do so in the early stages of the interview rather than later, possibly suggesting that they had already decided to confess before the interview began.

Certain aspects of the manner in which the suspects and interviewers of this study referred to case evidence are in accordance with the literature reviewed in Chapter 3.15. For instance, the tendency in this study for both interviewers and suspects to disclose evidence in an attempt to support their own version of events has also been
observed and reported in the empirical work of Heydon (2005). Likewise, attempts by suspects of the current study to learn of evidence against them are in line with Lyman’s (1999) observation that suspects tend to do this, and the reluctance of interviewers to agree to disclose evidence to suspects is entirely consistent with the claim of Shepherd (2007) that police officers are often disinclined to reveal evidence to a suspect. As far as is known, the finding of this study that interviewers attempt to discern what suspects know about the evidence against them has not previously been noted in the literature, although this finding also accords with the importance of evidence. Indeed, all of the above findings highlight the central role played by evidence in suspect interviews.

4.5 Limitations

The outcome of interviews in this study may have been influenced by their quality. Conducting formal measures of interview quality was outside the scope of the study, but no relationship between quality and any other variable (such as evidence disclosure strategy) was apparent. Therefore, no attempt was made to control for the potential effects of interview quality. As outlined in Chapter 2.4, another factor which might be expected to affect suspect interviews is the presence of legal advisors. However, because a lawyer was in attendance at only one interview in this study, this factor had little impact on the overall results. The almost complete absence of legal representation for the suspects in this sample is consistent with the observation of Moston (2009) that few suspects in Australia have a lawyer with them when interviewed by police. This dearth of legal advice might be expected to lead to more frequent confessions, although the rates of confessions (the sum of Immediate and Eventual confessions) and partial admissions obtained in this study, which were 23.7% and 11.9% respectively, are somewhat lower than the corresponding rates from the literature reviewed in Chapter 2.4, in which rates for confession alone are often 50% or higher. Alison and Howard (2005) reported more modest rates of 15% for confessions and 32% for admissions from suspects in South Australia, but the ratio between confessions and admissions in their figures (with fewer confessions than admissions) is the reverse of that found in the present study. Although they do not specifically state how they defined admissions, it could be that Alison and Howard operationalised them in a broader way than was done in the present study, which might explain at least some of the discrepancy between their results and the present ones. If the interviews categorised as qualified denials in this study had also been classed as admissions, which would not have been unreasonable, this would have boosted the admission rate to 39%, closer to the rate reported by Alison and Howard.
The inability of transcripts to reflect features such as tone of voice, body movements and facial expressions means that they cannot provide a completely accurate picture of what transpired during these interviews, because nonverbal behaviours may have powerful effects during interpersonal exchanges (Mehrabian, 1972). Another consideration is that it is not possible to know whether or not any suspect had previously been questioned by the police before the interviews on which this study were based were conducted. If suspects had already had substantial contact with the interviewing officer this could have had a bearing on the way the interview is conducted, but there is no way to know whether this was the case with any, or how it might have influenced the interview.

Furthermore, as this was not an experimental study it is difficult to know what effects evidence disclosure had on interview outcome. Caution should be used when comparing the confession rates associated with early versus late disclosure because the design of this study means that any causal relationship between disclosure timing and confession rates could not be properly explored. One possible reason for the fairly high rate of incriminating statements in interviews where the evidence was disclosed early is that the evidence was stronger in these cases. Presumably, an interviewer who has strong evidence would be more willing to disclose it than an interviewer who has only weak evidence, and this tendency could create a positive correlation between evidence strength and early disclosure. Furthermore, as the case evidence associated with these interviews cannot be determined, it is impossible to know if the evidence which was disclosed in the interviews constituted all of the available evidence. No attempt was made in this study to explore the relationship between evidence strength and any other variable, because it was not feasible to measure evidence strength.

Transcripts were included in this study only on the basis of their availability. Therefore, they may not be a random sample or representative of suspect interviews which are typically performed by police in Australia. Furthermore, it was sometimes difficult to determine whether or not a suspect was admitting to a crime during the interview, because the age of the alleged victim was not always made explicit in the transcript. In cases where the propriety of physical contact between a young complainant and an older suspect was questionable, the suspect would have a vested interest in overstating the age of the complainant. This may not have been a problem for the police however, who probably already knew the date of birth of the complainant, although the actual date of any offence may have been less certain.

Future researchers may wish to employ the Griffiths Question Map method of
analysing suspect interviewing transcripts (Griffiths & Milne, 2006). This method categorises questions into eight types but more importantly, maps them against time. The Griffiths Question Map however is suited to analysing audio tapes than the written transcripts used in this study because electronic records contain more precise information about the timing of questions and answers than do transcripts.

4.6 Conclusions

The finding that several suspects and interviewers attempted to elicit information about case evidence from each other is in line with empirical findings about the importance of evidence in suspect interviews (eg. Gudjonsson et al., 2004; Kassin et al., 2007; Moston, et al., 1992; Soukara et al., 2002). Nevertheless, while disclosure of evidence was common in this study, few suspects significantly revised their position during their interview. Those who initially denied the crime did not make major admissions during the interview, while others seemed willing to confess even when there did not seem to be much external pressure on them to do so. This finding does not sit well with the general position taken by interrogation manuals that interviewing style is critical to interview outcome, but is in accordance with the reports of some researchers (eg. Baldwin, 1992; Moston & Stephenson, 1994) that attempts to persuade suspects to confess are often unsuccessful. The finding of this study that the majority of evidence disclosed was eyewitness testimony is consistent with the empirical findings previously outlined (eg. Kebbell & Milne, 1998), that this type of evidence appears to be the most frequently available in criminal cases. In light of this, the evidence employed in the remainder of the studies of this thesis will be eyewitness testimony.

The results of this study are based solely on observations rather than experimental manipulations, so any conclusions as to cause and effect between disclosure timing and interview outcome are speculative. While evidence disclosure featured in 93% of the interviews, the actual role it played was not clear, and this point requires further investigation. In contrast to Study One, therefore, Study Two was designed to allow the manipulation of two important variables, evidence strength and evidence disclosure timing. Another major difference between these studies is that in Study One, it was not possible to systematically gather information about the interviewee’s mental state or perceptions of the interview process, whereas in Study Two, participants provided ratings of their emotional reactions and their assessments of how the interviews had been conducted.
Chapter Five: When should evidence be disclosed in an interview with a suspect?

An experiment with mock-suspects

5.1 Introduction

As previously discussed in this thesis, the optimal means of disclosing evidence to suspects is a matter of some controversy. Interrogation manuals such as Kinnee (1994), Holmes (2002), and Inbau et al. (2005) emphasise that interviewers should establish early control over a suspect when interviewing them. Potentially, one way to achieve this aim could be to directly and immediately confront suspects with the evidence against them, and certain observations of suspect interviews (e.g. Leo 1996a; 2002) suggest that this approach is in fact common, at least in the USA. On the other hand, several authors have argued against the making of early disclosures of evidence to a suspect (e.g. Buckwalter, 1983; Bull & Milne, 2004; Dillon, 1990; Fahsing & Rachlew, 2009; Hartwig, Granhag, Strömwall, & Vrij, 2005; Hartwig, Granhag, & Vrij, 2005; Kidd, 1940; Napier & Adams, 2006; Savino & Turvey, 2005; Shuy, 1998; Vrij, 2004a, 2004b). While many opinions about the potential effects of various methods of timing the disclosure of evidence to suspects have been offered, there currently seems to be no empirical basis for favouring one interviewing method over another. Given that the actual effects of evidence disclosure timing on the outcome of suspect interviews seem never to have been systematically tested in a controlled manner, Study Two was designed to manipulate both evidence strength and the time at which this evidence was disclosed, and to measure the effects of these changes. This Study employed a mock-theft paradigm where university students were observed and questioned under closely controlled conditions.

As previously mentioned, eyewitness testimony is the most common type of evidence used in criminal investigations (Phillips & Brown, 1998; Scheck et al., 2003). It is also known to vary greatly in strength and quality (Cutler & Penrod, 1995; Kebbell & Wagstaff, 1999), and this strength can be experimentally manipulated. For these reasons, the evidence used in this study was eyewitness testimony. This study has been published in the Journal of Investigative Psychology and Offender Profiling (see Dissemination section).

5.2 Hypotheses

Given the considerations which have already been outlined, and in accordance with the opinions of several researchers in the field of investigative interviewing that it may be unwise to disclose evidence to suspects during the initial stages of an interview (e.g. Hartwig et al., 2005; Vrij, 2004a, 2004b), Hypothesis one was that more
confessions would be obtained when the evidence was disclosed late in the interview than when it was disclosed early.

In light of previous empirical findings (Moston et al., 1992; Phillips & Brown, 1998), Hypothesis two was that more confessions would be obtained when the evidence was strong than when it was weak.

5.3 Method

5.3.1 Design

A 2 x 2 between-subjects design was used. The independent variables were the strength of the evidence, which was manipulated by disclosing weak versus strong eyewitness statements, and the time at which this evidence was made known to participants, which was manipulated by disclosing the statements early versus late in the interview (see Procedure section for more details). The main dependent variables were whether participants made a confession, and their ratings of their likelihood of doing so.

5.3.2 Participants

The participants were Australian first year psychology students, randomly allocated to one of four conditions. A total of 95 participants successfully completed all phases of the study. They received course credit, and also gained the opportunity to be awarded ten dollars. Their mean age was 20.88 years (SD = 6.30), with a range of 17 to 56 years. There were 76 females and 19 males in the study.

5.3.3 Procedure

Ethical clearance for this study was granted and all research was conducted in accordance with protocol number PSY/12/06/HREC. Participants were told that they would be taking part in a study of criminal investigation, and that they would be assigned to either a theft condition, in which they would be asked to steal an object, or to an innocent condition. Participants were led to believe there was an innocent condition so that they would assume they could make a credible denial of their responsibility for the theft, but there was not actually a genuine innocent condition in the study. In spite of this, some participants were provided with innocent instructions. This was done because it was thought that if all participants had received instructions to steal the phone this may have become widely known among the participant pool when the students discussed the experiment among themselves, which might have jeopardised much of the basis of the study. Data from individuals who had received the innocent instructions was not analysed.

The instructions for Phase I, which required participants to locate a mobile phone, were handed to them in an envelope (see Appendix A). To encourage
participants to engage closely with their task, the phone was deliberately hidden. The instructions were carried out in a room which had a large one-way mirror in one wall and a camera mounted on another. For the entire time that they were in the room, the participants were observed through the mirror by the experimenter, who made written notes about their appearance and behaviour.

Three days after the mock-theft, participants returned for Phase II of the experiment (those who failed to return were not included in any analyses). At this point participants were randomly allocated to one of four conditions; Early Weak, Early Strong, Late Weak and Late Strong. For the early conditions, the following procedure (as outlined in Appendix B) was employed. Participants were first informed that they were suspected of stealing a phone. At step two, an eyewitness statement in apparent support of this allegation was read to them. Participants were then asked to rate, on a ten-point Likert scale, their likelihood of confessing to the crime. The fourth step was designed to make the experiment more realistic, and to provide an incentive for the participants to behave in a plausible manner; participants were promised $10 which they could keep if they successfully fooled a mock-jury into believing they were innocent, and were offered $5 if they confessed to the theft, but those who made a denial which was not believed received no money. This system of payment was taken from Kebbell et al. (2006, p. 481), who explain it as follows; "The rationale for giving participants $10, which they could then potentially lose, was that people are more risk averse concerning losing something than to gaining something (Larrick, 1993). The financial incentives were designed to approximate the relative consequences of denying and being convicted, denying and not being convicted and confessing and being convicted." Payment to participants was actually made on the basis of whether the interviewer believed they were telling the truth.

Participants were then asked "Do you confess or deny stealing the phone?" (step five) and "What happened in the room that day?" (step six). The next step was to again ask participants to rate their likelihood of confessing on the Likert scale. Participants were then asked "Do you confess to stealing the phone?". Finally, they completed the questionnaire shown in Appendix C. The procedure for late conditions was identical to that used in early except that the timing of disclosure was manipulated by simply reversing the positions of steps two and six. In this way evidence disclosure timing was carefully controlled, while all other variables were held constant.

When completing the questionnaire, participants were first asked "How strong do you think the evidence against you is?" in order to obtain ratings which would enable
a manipulation check to be conducted to test whether or not evidence strength had been successfully manipulated across conditions. Similarly, they were asked "How accurate do you think the evidence against you is?" to confirm that ratings of evidence accuracy also varied across condition as a function of the manipulation of evidence strength, although it was expected that ratings of strength and accuracy would not be completely identical. Participants were requested to rate their perceptions of guilt, pressure, fairness, aggression and humanity because there is reason to believe these variables are important to the outcome of suspect interviews (Holmberg & Christianson, 2002; Milne & Bull, 1999; St-Yves, 2006a, and see Discussion section). Questions nine to thirteen concerned attempts by participants to deceive the interviewer. These questions were included because it was originally intended to explore phenomena associated with deception such as the "illusion of transparency" (Gilovich, Savitsky, & Medvec, 1998), and "duping delight" (Ekman, 2001). However, it was later decided not to pursue this line of investigation, so the data obtained from these questions is not reported here.

Questions 14 and 15 addressed whether and why participants confessed. As outlined in Chapter 2.5, suspects’ motivations for confessing is a complex and potentially critical issue, and this is why participants were asked to explain why they had confessed.

Evidence strength was reduced in the weak conditions by changing parts of the eyewitness statement concerning the behaviour and description of the participant (eyewitness evidence in real criminal cases is often inaccurate-see Kebbell & Wagstaff, 1999). For instance, if a participant had immediately taken the phone as soon as they entered the experimental room, the statement was altered to say that they had first searched in various places before finding it. Likewise, details of the clothing, hair style and colour, and height and build of the participant were also distorted. Thus, in the eyewitness statements used in the weak conditions both the true behaviour and the actual appearance of participants were deliberately modified. In contrast, accurate information as to the participant's actions and appearance was correctly preserved in the strong conditions (see Appendix D for an example of an eyewitness statement). Hence, the only difference between the early and late conditions was the time at which the evidence was disclosed, and the only difference between the weak and strong conditions was the strength of this evidence.

The female interviewer was instructed to maintain a calm, professional and confident demeanour throughout her contact with each participant. As she was kept blind to the experimental design and hypotheses, it is unlikely that her behaviour varied significantly across conditions. The use of a single interviewer also meant that any
effect of interviewer gender was controlled for. Although the participants were asked if they understood their instructions for Phase II, and further explanation was provided if they appeared not to, two individuals indicated that they could not comprehend what was expected of them, so the data they provided was eliminated from analyses, leaving only the 95 participants upon whom this study is based.

5.4 Results

In the results section a manipulation check of the effects of evidence strength is first made. A one-way between-subjects ANOVA was performed for this check because this is a suitable test when the effects of only one independent variable are being tested (Jaccard & Becker, 1997). Two-way between-subjects ANOVAs were then performed on the likelihood of confessing data, as well as on several other Likert-scale ratings. According to Jaccard and Becker, ANOVAS of this kind are appropriate to use when the following conditions are met; the dependent variable is quantitative in nature and measured on a level which has interval characteristics, and the independent variables are between-subjects in nature, have two or more levels, and are combined to form a factorial design. The present study meets these conditions. As applied to analyses such as the Likert-scales used in the present study, the ANOVA procedure also relies on the assumptions that values are normally distributed and values in each condition share the same variance, although each of these assumptions are quite robust to violation (Howell, 1992; Jaccard & Becker, 1997). Moreover, parametric tests such as ANOVA are generally more powerful than their nonparametric counterparts (Howell, 1992; Jaccard & Becker, 1997). Hence, the ANOVA procedure and parametric tests such as t-tests were deemed appropriate for analysing the data of this experiment. A logit model was used to analyse the confession data. Logit model analysis is widely considered as suitable for analysing frequency data such as these confession rates (eg. Agresti, 2002). A Pearson correlation test was conducted between participants' ratings of evidence strength, and their decisions to confess because this test is appropriate for examining the association between two such variables which have been randomly sampled from the population of interest (Jaccard & Becker, 1997).

5.4.1 Manipulation check

As a manipulation check in regards to the influence of evidence strength, a one-way ANOVA was performed across all four conditions which revealed that participants' ratings for the question "How strong do you think the evidence against you is?" varied significantly across condition, $F(3, 91) = 77.35, p < .01$. A follow up independent groups t-test confirmed that, as expected, participants' ratings for this question in the
Strong conditions \((M = 8.12, \ SD = 1.83)\) were significantly higher than those in weak, \((M = 2.62, \ SD = 1.80), t(93) = 14.76, p < .01.\) Thus, the manipulation of evidence strength appeared to be successful.

### 5.4.2 Confession rates

As mentioned previously, each participant was given two opportunities to confess. Confessions made at the first opportunity shall henceforth be referred to as "First Confessions", and those made at the second opportunity shall be referred to as a "Second Confessions." Another measure of confession rates used in this study are confessions made at any time, which will be referred to as "Any Confessions." Any Confessions are simply the responses to question 14, "Did you confess to stealing the phone at any time?". These responses were checked to confirm they were answered correctly. A total of 53 participants (55.8%) made a First Confession, 52 (54.7%) made a Second Confession, and 62 (65.3%) made a confession at least once (an Any Confession). Confession results are displayed in Table 5.1.

| Table 5.1                                                                 |
|---|---|---|---|---|
| **Confession Rates for Participants at First, Second and Any Opportunity** | **Confessions** | **Weak** | **Strong** | **Total** |
| **Timing** | **First** | **Second** | **Any** | **First** | **Second** | **Any** | **First** | **Second** | **Any** |
| **Early** | 6 (27.3) | 15 (62.5) | 21 (45.7) | 7 (31.8) | 17 (70.8) | 24 (52.2) | 7 (31.8) | 17 (70.8) | 24 (52.2) |
| **Late** | 16 (66.7) | 16 (64.0) | 32 (65.3) | 6 (25.0) | 22 (88.0) | 28 (57.1) | 16 (66.7) | 22 (88.0) | 38 (77.6) |
| **Total** | 22 (47.8) | 31 (63.3) | 53 (55.8) | 13 (28.3) | 39 (79.6) | 52 (54.7) | 23 (50.0) | 39 (79.6) | 62 (65.3) |

*Note. Percentages in brackets*

A logit model was run on confessions at any time as the dependent variable, and early/late disclosure and weak/strong evidence as independent variables. There was a significant effect of disclosure timing, \(z = 2.54, p < .05\), with 24 confessions recorded in response to early disclosure and 38 in response to late. There was also a significant effect of evidence strength, \(z = 2.96, p < .01\), with 23 confessions in response to weak evidence and 39 in response to strong. There was no significant interaction between disclosure timing and evidence strength, \(z = 0.74, p > .05\). A Pearson correlation test between participants' ratings of evidence strength, and their decision to confess at any
time, also yielded a positive result; \( r(93) = .40, p < .01 \). In the strong conditions no participant changed from confessing to denying but eight changed from denying to confessing. In the weak conditions only one participant changed from denying to confessing but ten (all in Late Weak) changed from confessing to denying.

5.4.3 Likelihoods of confessing

As previously stated, Likert-scale ratings of likelihood of confessing were also taken. These ratings are a more sensitive measure of differences between conditions than dichotomous measures of confess versus deny, and they also capture any within-subjects effects of individual changes to confession likelihoods during the interviews. The first likelihood of confession ratings shall be referred to as "First Likelihoods" and the second shall be referred to as "Second Likelihoods." A 2 x 2 x 2 ANOVA (early/late x weak/strong x first/second) with repeated measures on the third factor was conducted on participants' ratings of their likelihood of confessing. See Table 5.2 for these results. There was no significant main effect of disclosure timing on ratings of likelihood of confessing, \( F(1, 91) = 0.00, p > .05, \eta^2 = .00 \). There was a significant main effect of strength of evidence, \( F(1, 91) = 23.13, p < .01, \eta^2 = .20 \), with the likelihood of confessing being higher in the strong conditions (\( M = 6.95, SD = 2.23 \)) than the weak conditions (\( M = 4.74, SD = 2.24 \)). There was no significant difference between first and second likelihood of confessing, \( F(1, 91) = 2.16, p > .05, \eta^2 = .02 \). There was a significant interaction between disclosure timing and likelihood of confessing, \( F(1, 91) = 5.19, p < .05, \eta^2 = .05 \). There was also a significant interaction between strength of evidence and likelihood of confessing, \( F(1, 91) = 37.25, p < .01, \eta^2 = .29 \). Finally, a significant interaction was found between timing and strength and likelihood of confessing, \( F(1, 91) = 18.16, p < .01, \eta^2 = .17 \). The interactions were explored with follow-up \( t \)-tests using an alpha level of \( p < .05 \). In the late conditions likelihoods showed significant changes over time, decreasing in response to weak evidence and increasing in response to strong. In the early conditions, likelihoods increased when evidence was strong, but did not significantly change when it was weak.
Table 5.2
*Mean Likelihood of Confessing Ratings by Timing, Strength and First and Second Likelihood of Confessing*

<table>
<thead>
<tr>
<th>Timing</th>
<th>Weak</th>
<th>Strong</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Likelihood of Confessing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>Second</td>
<td>Total</td>
</tr>
<tr>
<td>Early</td>
<td>4.55 (3.00)</td>
<td>6.25 (2.71)</td>
<td>5.43 (2.95)</td>
</tr>
<tr>
<td></td>
<td>5.00 (3.09)</td>
<td>7.58 (2.59)</td>
<td>6.35 (3.09)</td>
</tr>
<tr>
<td></td>
<td>4.77 (2.23)</td>
<td>6.92 (2.23)</td>
<td>5.84 (2.24)</td>
</tr>
<tr>
<td>Late</td>
<td>6.04 (2.46)</td>
<td>5.84 (2.28)</td>
<td>5.94 (2.35)</td>
</tr>
<tr>
<td></td>
<td>3.38 (1.76)</td>
<td>8.12 (2.11)</td>
<td>5.80 (3.08)</td>
</tr>
<tr>
<td></td>
<td>4.71 (2.23)</td>
<td>6.98 (2.24)</td>
<td>5.84 (2.23)</td>
</tr>
<tr>
<td>Total</td>
<td>5.33 (2.80)</td>
<td>6.04 (2.48)</td>
<td>5.69 (2.65)</td>
</tr>
<tr>
<td></td>
<td>4.15 (2.59)</td>
<td>7.86 (2.34)</td>
<td>6.06 (3.08)</td>
</tr>
<tr>
<td></td>
<td>4.74 (2.24)</td>
<td>6.95 (2.23)</td>
<td>5.84 (2.24)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations in brackets

5.4.4 Why participants confessed

The reasons participants gave for confessing are shown in Table 5.3. Some participants gave more than one reason, which is why the 87 reasons given for confessing exceed in number the 62 participants who actually confessed.

Table 5.3
*Why Participants Confessed: Frequency Across Conditions*

<table>
<thead>
<tr>
<th>Reason</th>
<th>Early Weak</th>
<th>Early Strong</th>
<th>Late Weak</th>
<th>Late Strong</th>
<th>Study Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilt</td>
<td>4 (7)</td>
<td>7 (17)</td>
<td>13 (16)</td>
<td>10 (22)</td>
<td>34 (62)</td>
</tr>
<tr>
<td>Evidence</td>
<td>1 (7)</td>
<td>14 (17)</td>
<td>1 (16)</td>
<td>14 (22)</td>
<td>30 (62)</td>
</tr>
<tr>
<td>Pressure</td>
<td>2 (7)</td>
<td>3 (17)</td>
<td>1 (16)</td>
<td>3 (22)</td>
<td>9 (62)</td>
</tr>
<tr>
<td>Other reason</td>
<td>2 (7)</td>
<td>3 (17)</td>
<td>4 (16)</td>
<td>5 (22)</td>
<td>14 (62)</td>
</tr>
</tbody>
</table>

*Note.* Total number of confessions for the condition in brackets

Guilt was a common reason for confessing in the early conditions, being cited in 45.8% of cases, and even more common in the late conditions, cited in 60.5% of cases. In the strong conditions evidence was the most common reason given for confessing, but in the weak conditions it was the least common. This finding again seems to underscore the power of evidence in suspect interviews. In Late Weak, 16 of the 24 participants confessed at First Confession. Only one of these 16 cited the evidence as a reason for confessing, whereas 13 of the 16 cited guilt as a reason for confessing. At Second Confession, after hearing the weak evidence against them, 10 of these 16 people retracted their confession. It seems then that in Late Weak guilt exerted an upward pressure on confession and weak evidence acted to counter its effect.

Fourteen participants claimed they confessed for a reason other than guilt, evidence, or pressure. These reasons are listed below;
"I would not get away will (sic) lying as I am not good at it"

"because stealing is something that I never will do. I was in the extremely situation (war), very hungry, nearly dying of hunger and I do not steal. This experiment for me was extremely embarrassment."

"Feel like I violated someone else."

"I am a terrible liar and I would have laughed or done something embarrassing if I tried to lie."

"I try to always be honest…even if it is not in my best interest."

"$5 monetary reward."

"Because the reason I gave wasn't (sic) very believable." (This participant had previously claimed she was looking for her lost earring).

"When I nervous I laugh couldn't lie w/o giving it away."

"In a real life situation-I would have confessed because the 'grief' I would experience @ having someone else, an innocent party involved, would be greater for me to reconcile than having the consequences of my actions to bear."

"Feel guilty lying."

"and the lady was nice so I felt bad deceiving (sic) her."

"Also because the offer of money for a confession was tempting."

Two participants marked the "other" option but did not give any more details.

Ratings for pressure, guilt and fairness are displayed in Table 5.4. The overall mean scores for reported feelings of pressure and guilt were 5.45 ($SD = 2.47$) and 5.97 ($SD = 2.43$), respectively. Those who tried to deceive the interviewer evaluated their "bad" feelings about this attempt at a mean of 5.35 ($SD = 2.42$), and of those who had decided to confess at some point, 54.8% claimed that feelings of guilt were involved in this decision. Two-way ANOVAs (early/late x weak/strong) were conducted on the ratings for pressure, guilt and fairness. Strength had a significant main effect on pressure $F(1, 91) = 19.66, p < .01, \eta^2 = .18$, with higher ratings in the strong conditions ($M = 6.42, SD = 2.35$) than in the weak conditions ($M = 4.36, SD = 2.12$). Means were also higher in the strong conditions for guilt ($M = 7.13, SD = 2.01$) than in the weak ($M = 4.74, SD = 2.23$), $F(1, 91) = 29.63, p < .01, \eta^2 = .25$, and higher in the strong conditions for fairness ($M = 8.00, SD = 1.53$) than in the weak ($M = 7.14, SD = 1.89$), $F(1, 91) = 5.75, p < .05, \eta^2 = .06$. There were no significant effects of timing, and no significant interactions, for any of the measures.
Table 5.4

Mean Likelihood of Confessing Ratings by Condition for Pressure, Guilt and Fairness

<table>
<thead>
<tr>
<th>Ratings</th>
<th>Timing</th>
<th>Weak</th>
<th>Strong</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Strength</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pressure</td>
<td>Early</td>
<td>4.52 (2.14)</td>
<td>6.70 (1.89)</td>
<td>5.71 (2.31)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td>4.21 (2.13)</td>
<td>6.16 (2.72)</td>
<td>5.20 (2.61)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4.36 (2.12)</td>
<td>6.42 (2.35)</td>
<td>5.45 (2.47)</td>
</tr>
<tr>
<td>Guilt</td>
<td>Early</td>
<td>4.73 (2.27)</td>
<td>6.83 (2.15)</td>
<td>5.80 (2.43)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td>4.75 (2.23)</td>
<td>7.44 (1.87)</td>
<td>6.12 (2.45)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4.74 (2.23)</td>
<td>7.13 (2.01)</td>
<td>5.97 (2.43)</td>
</tr>
<tr>
<td>Fairness</td>
<td>Early</td>
<td>7.16 (2.25)</td>
<td>8.04 (1.46)</td>
<td>7.64 (1.91)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td>7.12 (1.54)</td>
<td>7.96 (1.62)</td>
<td>7.55 (1.62)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>7.14 (1.89)</td>
<td>8.00 (1.53)</td>
<td>7.58 (1.76)</td>
</tr>
</tbody>
</table>

Note. Standard deviations in brackets

5.5 Discussion

5.5.1 Evidence strength

As compared to the disclosure of weak evidence, strong evidence appears to have made participants significantly more likely to do the following in this study: to rate the evidence against themselves as strong and accurate, to rate the interviewer as being more fair to them, to rate their Second Likelihoods of confessing as higher, to make both a Second and an Any Confession, and to report their experience of guilt and pressure as higher. In the strong conditions no participant changed from confessing to denying but eight changed from denying to confessing. Furthermore, when participants confessed, those in the strong conditions were significantly more likely to identify their feelings of guilt and pressure, and the evidence against them, as being at least part of the reason they had done so.

The positive correlation between reported feelings of guilt and evidence strength found in this study is consistent with the finding of Kebbell at al. (2006) of a positive correlation between suspects' reported feelings of guilt and evidence accuracy. Hence, the practice of disclosing strong evidence with a view to inducing feelings of guilt in the suspect may have at least some basis to it. There may well be positive features to guilt; Hosser, Windzio and Greve (2008) conducted a study of 1,243 inmates from six prisons in Germany, and concluded that feelings of guilt were associated with less recidivism. Nevertheless, both the ethical and the strategic implications of inducing guilt in a suspect interview seem uncertain, and are perhaps questionable. Furthermore, while it is not surprising that prison inmates might feel guilty about their crimes, it is more difficult to understand why experimental participants who have only pretended to
commit a theft would feel much guilt about this.

It is possible that the difference in fairness ratings between the weak and strong conditions is due to the fact that disclosure of weak and inaccurate evidence tended to make suspects perceive the interviewer as unfair. If so, this might partially account for why weak evidence is less likely to elicit confessions; it could be that when suspects, whether innocent or guilty, are confronted with spurious evidence against them, this offends their sense of justice and fairness to the point they become less compliant. Regardless of which effect is stronger, an increase in perceived fairness in response to strong evidence, or a decrease in response to weak, it would still seem important for an interviewer to have good quality evidence.

The finding that strong evidence seemed (albeit insignificantly) to discourage deception on the part of the suspects is also interesting in that it hints at another potential benefit of evidence strength. However, in this study any such effect, even if it were genuine, could perhaps be explained by the fact that deceptive behaviour in Late Weak was boosted somewhat artificially when 10 of the 16 participants who had initially confessed took advantage of an opportunity which they may not have been given in a real suspect interview, and withdrew their confessions after learning of the weak evidence against them. If suspects do tend to discount the potential power of evidence which they consider to be weak, this mindset could prove to be maladaptive for them, because as Kebbell et al. (2006) have pointed out, even evidence which contains inaccurate details about clothing and behaviour can still be very incriminating when presented in court.

5.5.2 Evidence disclosure timing

Timing of evidence disclosure had significant effects. Late disclosure caused more mock-suspects to confess, and made them more likely to change from confessing to denying, than did early disclosure. Among participants who confessed, early disclosure was also positively correlated with reported feelings of pressure. These results appear to be supportive of the evidence disclosure strategy employed in the strategic use of evidence (SUE) technique advocated by Hartwig, Granhag, Strömwall, and colleagues (Granhag et al., 2007; Hartwig et al., 2006; Hartwig et al., 2007) whereby evidence is initially withheld from suspects. Conversely, the lower confession rates obtained when evidence was disclosed early in the interview casts doubt on the efficacy of the disclosure strategy reported by Leo (1996a; 2002), who noted that American police officers tend to immediately confront suspects with evidence.
5.5.3 Interactions between evidence strength and disclosure timing

Early disclosure of weak evidence yielded only six First Confessions (27.3%), the lowest such rate for any condition by far, whereas late disclosure of weak evidence elicited no further confessions and resulted in 10 of the 16 previously made confessions being retracted, yielding a Second Confession rate in Late Weak of only 25%, which was also lower than the corresponding rate for any other condition. It makes sense that because those in the late conditions were obliged to rate their first likelihoods of confession in ignorance of the evidence against them, when they later became aware of this evidence, they revised their likelihoods of confession upwards or downwards depending on evidence strength. Movements between First Likelihood and Second Likelihood in the early conditions are more difficult to explain because in these conditions evidence disclosure preceded both likelihood ratings. The increase between First Likelihood and Second Likelihood in Early Strong may reflect that it took time for the strength of the evidence to sink in to participants in this condition, although if this is true then it is not clear why there was no corresponding decrease between First Likelihood and Second Likelihood in Early Weak. It could be that since the majority of participants in Early Strong (15 out of 24) had already confessed at First Confession by the time of Second Likelihood, there was a certain inertia at play which acted to strengthen their desire to again confess at Second Likelihood. Another possibility is that the "negative" effect of weak evidence was simply more immediate than the "positive" effect of strong. If cognitive processing of weak evidence is indeed more rapid than that of strong, this consideration would seem to add even more weight to the argument that weak evidence should not be disclosed to suspects when the purpose of the interview is to obtain a confession from them.

5.5.4 Retraction of confessions

Most participants' decisions to reverse initial confessions appeared to be consistent with sound decision making. While making a confession to the police and then retracting it might be a dangerous practice in the real world, it seems a sensible choice to make under the conditions experienced by these ten individuals in Late Weak. The finding that no participants in Early Weak changed from confessing to denying may have been due to calculated decisions on their part, or perhaps it reflected a commitment bias to persevere with their original choice, or possibly these participants were simply not fully aware of the potential advantages of denying their guilt when the evidence against them was weak. All confession retractions occurred in the Late Weak condition. Thus, to the question of when weak evidence should be disclosed, the answer may be
never. The retraction of confessions in response to weak evidence seems to provide further corroboration of the power of evidence strength in suspect interviewing.

The implications of confession retraction in response to weak evidence are not entirely clear. Guilty suspects could decide to retract genuine confessions once they realise that there is no hard evidence of their guilt. On the other hand, if case evidence really is weak, and a confession is one of the few indications of a suspect’s guilt, this is precisely the sort of situation which is likely to result in a miscarriage of justice (eg. Chafee, 1956; Gudjonsson, 2003). When evidence is very strong, most retractions of confession may not be particularly significant, because the suspect is likely to be guilty, and is also likely to be convicted whether they confess or not. When the evidence is weak however, the retraction of a confession means that investigators are left with a case based only on weak evidence and a retracted confession. In such cases they may also be left with a personal belief that the suspect must be guilty, because many seem to think that false confessions are rare (e.g., Cassell, 1998; Gosselin, 2007). Under these circumstances, acceptance of the initial confession as valid might lead to the conviction of an innocent person (because weak evidence is consistent with innocence), but its rejection as invalid might lead to a guilty person escaping prosecution, because the case against the suspect would collapse once the confession was rejected. If false confessions are more common than generally thought (see Chapter 3.5), it is conceivable that post-confession disclosure of weak evidence might, under some conditions, serve as a "reality check" whereby a suspect suddenly realises they should reconsider the bogus confession they have just made. This study was unable to shed more light on this important subject because by its design, all participants were "guilty", so false confessions were virtually impossible.

5.5.5 Further considerations

In this study feelings of guilt seemed to be involved in just over half of all confessions made. The evidence against them was also a common reason which participants gave for confessing, but only in the Strong conditions. Although some of the reasons which participants gave for confessing were quite rational (for instance two wrote that they had confessed for the financial reward), others mentioned factors such as "grief" and "war" which appeared to make less sense. This could be interpreted to mean that some participants failed to take proper care when explaining their decisions to confess, possibly because this step was the very last part of the procedure, and the interest or concentration of these individuals had faltered by this time.

One possible explanation for the finding of this study that the decrease of
confession rates and likelihoods in response to weak evidence was more striking than the *increase* of these variables in response to strong evidence is that weak evidence generally does more to diminish the frequency of confession than strong evidence does to increase it. If this were so, the conventional wisdom that evidence exerts its main influence when it is strong, by exerting an upward pressure on confession rates, might have to be revised along the lines that evidence truly does most of its work when it is weak, by exerting a *downward* pressure on confession. A more likely explanation however, would seem to lie in how the specific conditions of the current experiment shaped the expectations of participants. Most participants were probably aware of the presence of the one-way mirror and camera in the room, and so they might have expected to be observed while taking the phone. In fact some participants actually gazed into the mirror in an apparent attempt to see through it, and one even tried to close the blinds across this mirror, presumably to prevent anyone from seeing what she was doing. While the wall-mounted camera in the room was never actually used in this experiment, participants had no way of knowing this. Perhaps it is not surprising then that the presentation of an accurate eyewitness statement accorded with participants’ assumptions that their actions had been recorded, and hence left them unmoved, whereas they may have been surprised at the poor quality of the weak evidence, and therefore more influenced by it when deciding whether or not to confess. In other words, participants could have been expecting strong evidence to be presented to them, which could explain why they took more note of the evidence when it was weak.

A better understanding of how suspects perceive the evidence against them might assist interviewers to use it more effectively. Future researchers may wish to deliberately manipulate suspects' perception of the evidence against them in various ways. For instance, they could lead suspects to believe that the evidence against them is weak, and then measure their responses to the disclosure of strong evidence. As Granhag and Hartwig (2008) have observed, interviewers often tend to focus on their own strategies at the expense of considering how the suspect is thinking.

### 5.6 Limitations

The only crimes associated with this study were thefts committed in one particular room. It is likely that the effect of evidence disclosure varies across crime type and also perhaps across various physical environments, so limiting the scope of these variables may also limit the generalisability of these results. Another possible limitation of the study is that the weak evidence was very weak. It could be that, in real-world practice, interviewers would hesitate to disclose such statements out of fear this
could strengthen the resolve of the suspect to deny the crime (and perhaps with good reason, as the present findings suggest this could well happen).

A further factor in regards to generalisability is that an experiment can never reproduce the emotional tension or potential consequences of a genuine suspect interview. Nevertheless, many participants did seem to feel emotional involvement with the study. Some appeared uncomfortable about committing the "theft", and as already stated, one claimed she felt as if she had "violated someone else" when doing so. Then again, it is not necessarily clear if there is any qualitative difference between the guilt reported by these participants and that felt by suspects and offenders in the real world.

5.7 Conclusions

The finding that participants were more likely to confess when evidence against them was strong is consistent with previous research (see Chapter 2.5), and could be of practical usefulness to interviewers who have to decide whether or not evidence should be disclosed. While the disclosure of strong evidence can sometimes help to elicit a confession, interviewers should be wary about disclosing weak evidence, which could potentially have the opposite effect. Although interviewers need to gather as much evidence as possible before a suspect interview, they should not put too much faith in this information, because they can seldom be sure it is entirely reliable.

While confession frequency was significantly boosted by high evidence strength, the main contribution of this study is the discovery that late disclosure was more likely to generate a confession than early disclosure. As far as is known, no such empirical result has previously been published. This finding is significant in that it adds to our understanding of a variable, disclosure timing, which in forensic settings is far more amenable to manipulation and control than are factors such as evidence strength.

It was thought that basing Study Three on violent crimes might show whether or not any relationships between evidence strength, disclosure timing and confession rates apply to assaults as well as to the thefts of Study Two. While there are obvious parallels between property and violent crimes, such as the frequent presence of evidence, there are also differences. For example, as outlined in Chapter 2.5, it could be that there is often more physical evidence available in property crimes than violent crimes, which could influence the association between evidence and confession rates across these offence types. It is also possible that violent crimes tend to be driven by less rational impulses, such as anger, than property crimes. If so, these differing motivations could reflect different characteristics of the offenders who commit property versus violent crimes, which could influence their behaviour when interviewed by the police.
Chapter Six: Students' ratings of the desirability of various suspect interviewing approaches, and their quantitative responses to vignettes

6.1 Introduction

When conducting a study based on violent assaults, it is not ethically or practically feasible to ask participants to actually engage in mock-assaults in a similar fashion to the mock-thefts of Study Two. Therefore, in Study Three vignettes were used to portray the assaults to suspects. Another advantage to using vignettes is that, unlike the laboratory setting used in Study Two, there is no need to restrict the crime to a particular location, and it can be set in a variety of contexts, which involve multiple individuals and behaviours.

It would have been advantageous to use prisoners for this study to obtain the views of people with direct personal experience of suspect interviewing. A study based on prison inmates who had been convicted of violent crimes was designed and conducted but unfortunately, only four prisoners agreed to participate. As this number was far too small to yield meaningful results, the study was redesigned to use undergraduate psychology students instead. Students have often been used in previous suspect interviewing research (e.g., Gudjonsson, Sigurdsson, Bragason, Einarsson, & Valdimarsdottir, 2004; Gudjonsson, Sigurdsson, & Einarsson, 2004; Kassin & Norwick, 2004), and their generally high level of intelligence and sound literary abilities are assets for studies of this kind. Good reading skills could be important to the outcome of this study because manipulation of the independent variables, especially evidence strength, was achieved through changes in the wording of the vignettes which were fairly subtle, and which may not have had the intended effects if the reader did not notice them and interpret them correctly. Furthermore, participants in this study were required to read and respond to a considerable amount of material, which is something that students are probably more accustomed to than are those from most other groups, including prisoners. Obtaining the views of people who are far removed from the insular world of suspect interviewing is sensible in that it could bring fresh ideas to light. In addition, as university education becomes more widespread, university students become more representative of the general public, and the proportion of the Australian population which attends university has increased in recent years. In Queensland between 1995 and 2001 for example, the number of students enrolling in higher education rose by 27% (Phillips Curran, 2003). Moreover, as a practical matter and as mentioned previously, the logistics of surveying large numbers of prisoners or police officers are much more difficult than are those involved with using students.
It might be expected that young students would be unlikely to have had much prior contact with the criminal justice system. Perhaps surprisingly however, after Gudjonsson, Sigurdsson, Bragason, Einarsson, & Valdimarsdottir (2004) surveyed Icelandic students with a mean age of only 18 years, these authors reported that 25% of these students claimed at some point to have been interviewed by the police about a suspected crime. While the generalisability of this finding to an Australian context is unclear, it does seem to suggest that at least some university students in Australia have been questioned by police as criminal suspects. However, in contrast to the approach taken by Gudjonsson et al., it was decided that asking the students of this study about their history of contacts with the police would have raised ethical problems and confidentiality issues, so they were not asked to provide this information.

This study had two main aims. Firstly, vignettes were used to manipulate the strength and disclosure timing of evidence, and the effects of these manipulations on confession were measured. This design was based on the methodology employed by Kebbell et al. (2008). Since all the assaults occurred in public places, the offender would probably assume that an eyewitness could have made a statement to the police about them, and this factor was expected to make the eyewitness evidence in the strong conditions seem more credible and realistic. Because participants were asked to provide their likelihood of confession ratings on a Likert scale (rather than actually making a confession or denial as in Study Two), the main dependent variable in this study was "confession peak", which was simply the highest point on the likelihood of confession scale which participants endorsed during their interview. Thus, a quantitative as opposed to frequency or dichotomous measure was used to gauge confession outcomes.

The second aim of the study was to explore participants’ views on optimal suspect interviewing strategy. To achieve this aim, participants were provided with a 39 item questionnaire which sought their opinions on various suspect interviewing techniques. This questionnaire was developed and enhanced from the one used by Kebbell, Alison, Hurren and Mazerolle (in press). In light of Study Two’s findings, the questionnaire also included four new items regarding evidence disclosure which addressed both the overall importance of evidence disclosure in a suspect interview, and the timing with which it is made.

6.2 Hypotheses

All hypotheses were derived from the findings of Study Two. Hypotheses one to three relate to the vignettes;

Hypothesis one-confession peak ratings would be higher in late than in early
conditions.

Hypothesis two-confession peak ratings would be higher in strong than in weak conditions.

Hypothesis three-positive correlations would be found between evidence strength and participants' ratings of pressure, guilt and fairness.

Hypothesis four relates to the questionnaire;

Hypothesis four-participants would demonstrate a general preference for a late evidence disclosure suspect interviewing strategy.

6.3 Method

6.3.1 Design

A 2 x 2 within-subjects design was used. As in Study Two, the independent variables were the strength of the evidence, which was manipulated by disclosing weak versus strong eyewitness statements, and the time at which this evidence was made known to participants, which was manipulated by disclosing the statements early versus late in the interview. The main dependent variable was how likely the participants claimed they would be to confess to the crimes.

6.3.2 Participants

Ninety six psychology students ranging in age from 17 to 48 years, with a mean of 21.57 years (SD 6.47), participated in this study. There were 74 females and 22 males. They received course credit for their participation, but no financial payment.

6.3.3 Procedure

Ethical clearance for this study was granted and all research was conducted in accordance with protocol number PSY/11/08/HREC. All data was gathered in written form. Participants were first given a package of four vignettes (see Appendix E) which described scenarios in which a person commits a violent assault, and is later questioned by the police about it. These vignettes were set in the diverse contexts of a pub, a party, a taxi rank and a shop, but in an attempt to hold all extraneous factors constant, they were all fixed at 120 words in length, and each were designed to describe a similar level of provocation for the assault.

Manipulation of the first independent variable, evidence disclosure timing, was manipulated in the vignettes by referring to it almost immediately in the early conditions, but not revealing it in the late conditions until the suspect had been asked to rate their likelihood of confessing and give their own free account. Manipulation of the second independent variable, evidence strength, was achieved in the strong conditions by using accurate statements regarding the clothing and behaviour of the suspect. In the
weak conditions, the evidence was deliberately distorted by changing the clothing of the suspect from "blue jeans and a black shirt" to "black pants and a white shirt", and by changing the actions of the suspect from twice punching the victim in the head or face, to knocking him down and kicking him in the back or stomach. After reading each vignette, the prisoners were twice asked what their likelihood of confessing to the crime would be, and then answered six more questions about that vignette.

The four vignettes, multiplied by the four conditions (Early Weak, Early Strong, Late Weak, and Late Strong), yielded 16 possible combinations, but these could be assembled in 24 different ways. Each participant received a different package of vignette-condition combinations, but all were given a total of four vignettes which included all four scenarios (pub, party, taxi rank and shop), and all four experimental conditions. A 4 x 4 Balanced Latin Square was then used to achieve four different orders of presentation for the vignette scenarios, which yielded a total of 96 different bundles of packages. For this reason, 96 student participants, each completing one bundle of forms, were used in the study.

After the 24 different assemblies of the vignette-scenario combinations had been made up, flips of a coin were used to decide which column of the Latin Square would be used to determine their order of presentation. The final step in the randomisation process was shuffling the completed bundles, so that each participant had an equal chance of receiving any one of them. However, when making up the complete bundles, the order of presentation was always the same; first the vignettes package, then the "How the police should interview suspects" questionnaire, and then the form which recorded age and gender. The rationale behind this fixed order was so that all participants would read through the vignettes and answer the questions about them, which may have been the first time they had considered such issues, before being asked to give their opinions on optimal interviewing strategy. It was hoped that this design would yield more thoughtful and better informed data from the participants.

Unlike Study Two, participants in this study were asked only to give their likelihood of confession, not to make a "yes or no" determination about whether to confess or to deny. The quantitative data elicited by this design gives greater statistical power than that provided by dichotomous yes or no responses. Limiting data collection only to Likert scales also simplified the study, and may have been less taxing on participants, thus allowing more vignettes to be completed before participants lost concentration. In a real suspect interview, a major consideration is how strong the suspect's wish to confess becomes. Consequently, the main dependent variable of this
study was "confession peak", which is simply the highest point on the likelihood of
confession scale endorsed by the prisoner for a vignette in a particular condition.

After responding to the vignettes, participants completed a 39 item questionnaire
(see Appendix F) designed to elicit opinions about "How the police should interview
suspects" in regards to violent offences. Thirty-five of these questionnaire items were
taken from those used in a study of offenders convicted of sex and violent crimes in
Australia (Kebbell et al., in press). These items address questions such as whether or not
interviewers should display calmness, friendliness, understanding, neutrality, patience, a
positive attitude, supportiveness, cooperation, sympathy, or aggression to suspects.
They also address tactical considerations such as whether interviewers should attempt to
minimise or maximise the seriousness of the alleged offense. Five of Kebbell et al’s
questionnaire items are in regards to the role of evidence in suspect interviewing. These
items focus on how important evidence is, for example "A police interviewer should
have as much evidence as possible to show the suspect during the interview", as well as
on the issue of actual evidence disclosure, for example "A police interviewer should tell
the suspect that the evidence shows that the truth will eventually come out."

Kebbell et al. (in press) state that in developing the items of their questionnaire
they were influenced by previous work which includes the perception of proof concept
proposed by Gudjonsson and Sigurdsson (1999) as well as the tactics of minimisation
and maximisation (which were discussed in Chapter 3.5) derived from the interrogation
manual of Inbau et al. (2001) and the research of Kassin and McNall (1991). Only
moderate statements were included in these items so that any confessions elicited by
them in an interview would probably be legally admissible; extreme minimisation or
maximisation was not employed in any item. The questionnaire items were deliberately
designed to be leading so as to provoke an unambiguous response from respondents.

In light of the findings of Study Two, four new items were added to the
questionnaire used by Kebbell et al. (in press). These were designed to address three
distinct questions, optimal evidence disclosure timing, whether weak evidence should
be disclosed to a suspect, and whether strong evidence should be disclosed to them. The
question of evidence disclosure timing was addressed with two questionnaire items;
item 10, "A police interviewer should ask the suspect to give their own side of the story
before disclosing the evidence against them", and item 26, "A police interviewer should
disclose the evidence against the suspect before asking them to give their own side of
the story." These items were each worded so that any suggestion that the respondent
should answer in a particular way (for instance by agreeing with the merits of late
disclosure in item 10) was counterbalanced by the phrasing of the other item (as in agreeing with the merits of early disclosure in item 26). Similarly, the issue of disclosing weak and/or strong evidence was addressed by item 18, "A police interviewer should disclose evidence to the suspect if the evidence is strong", and by item 34, "A police interviewer should disclose evidence to the suspect if the evidence is weak."

Adding the four new items about the role of evidence to the original questionnaire (which as stated above, included five items in regards to evidence), meant that the participants responded to a total of nine questions which concerned the role of evidence in a suspect interview. This group of nine questions was broken down into two subgroups, "evidence importance", of three items, including for example "A police interviewer should have as much evidence as possible to show the suspect during the interview", and "evidence disclosure", of six items, including for example "A police interviewer should emphasise the strength of the evidence against the suspect" (see Appendix G). Participants responded to these items on five-point Likert scales. Questions from the original questionnaire which addressed matters such as the display of calmness and aggression during suspect interviews were retained as filler items, but only the results associated with the nine evidence items are reported here. In the final step of the procedure, participants completed a form which recorded their age and gender (see Appendix H).

6.4 Results

6.4.1 Vignette results

As was the case in Study Two, a manipulation check of the effects of evidence strength was conducted. For the same reasons as applied to Study Two, ANOVAs, Bonferroni corrections and a Pearson correlation test were also conducted on the data from this study. A one-way repeated measures ANOVA revealed that participants' ratings for question one, "How strong do you think the evidence against you was?", varied significantly across condition, $F(3, 285) = 195.93, p < .01, \eta^2 = .67$. Post hoc Bonferroni pair wise comparisons showed that as predicted (and at an alpha level of $p < .01$), participants' ratings for this question in the Early Strong condition were significantly higher than those in Early Weak, and such ratings in the Late Strong condition were significantly higher than those in Late Weak. Hence, as was the case in Study Two, manipulation of evidence strength was successful.

6.4.2 Changes to likelihood of confessing

As might be expected, changes to likelihoods of confessing trended downwards in Late Weak and upwards in Late Strong. Only four participants in Late Strong went
against the general trend by decreasing their confession likelihood rating between first and second likelihoods, as compared to the 18 in Late Weak who also defied the trend by increasing these ratings. These findings indicate that the effect of strong evidence to increase likelihoods of confessing was more marked than the effect of weak evidence to decrease them. There were nine instances in Late Weak where First Likelihood ratings of one were recorded, which meant that no further decreases on the scale were possible, and in Late Strong, four First Likelihood ratings of ten were recorded, which meant that no further increases were possible.

Mean likelihoods of confessing are displayed in Table 6.1. A 2 x 2 x 2 ANOVA (early/late x weak/strong x first/second) with repeated measures on all factors, was conducted on these values. There was a significant main effect of disclosure timing on ratings of likelihood of confessing, $F(1, 95) = 18.30, p < .01, \eta^2 = .16$, with higher likelihoods in the early conditions ($M = 6.08, SD = 1.82$) than in the late conditions ($M = 5.46, SD = 1.66$). There was a significant main effect of strength of evidence, $F(1, 95) = 202.30, p < .01, \eta^2 = .68$, with these likelihoods being higher in the strong conditions ($M = 6.82, SD = 1.69$) than the weak conditions ($M = 4.72, SD = 1.81$). The difference between first and second likelihood of confessing was also significant, $F(1, 95) = 21.21, p < .01, \eta^2 = .18$, with the second likelihood of confessing ($M = 6.05, SD = 1.66$) exceeding that of first likelihood ($M = 5.50, SD = 1.73$).

Table 6.1

<table>
<thead>
<tr>
<th>Timing</th>
<th>Likelihood of Confessing</th>
<th>Weak</th>
<th>Strong</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First</td>
<td>4.27 (2.32)</td>
<td>7.63 (2.24)</td>
<td>5.95 (1.82)</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>5.14 (2.44)</td>
<td>7.30 (2.14)</td>
<td>6.22 (2.00)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4.70 (2.24)</td>
<td>7.47 (2.03)</td>
<td>6.08 (1.82)</td>
</tr>
<tr>
<td>Early</td>
<td>First</td>
<td>5.19 (2.34)</td>
<td>4.91 (2.25)</td>
<td>5.05 (2.05)</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>4.30 (2.21)</td>
<td>7.46 (1.91)</td>
<td>5.88 (1.67)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4.75 (1.87)</td>
<td>6.18 (1.80)</td>
<td>5.46 (1.66)</td>
</tr>
<tr>
<td>Late</td>
<td>First</td>
<td>4.73 (1.98)</td>
<td>6.27 (1.79)</td>
<td>5.50 (1.73)</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>4.72 (1.96)</td>
<td>7.38 (1.80)</td>
<td>6.05 (1.66)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4.72 (1.81)</td>
<td>6.82 (1.69)</td>
<td>5.77 (1.59)</td>
</tr>
</tbody>
</table>

*Note. Standard deviations in brackets*
There were significant interactions between disclosure timing and likelihood of confessing, $F(1, 95) = 9.04, p < .01, \eta^2 = .09$, between strength of evidence and likelihood of confessing, $F(1, 95) = 47.80, p < .01, \eta^2 = .34$, and between disclosure timing and strength of evidence, $F(1, 95) = 25.12, p < .01, \eta^2 = .21$. There was also a three-way interaction between disclosure timing, evidence strength and first/second likelihood of confessing, $F(1, 95) = 104.26, p < .001, \eta^2 = .52$. This interaction was explored with $t$-tests, using a alpha level of $p < .05$, which revealed that there was no significant difference in First Likelihoods between Late Weak and Late Strong, no significant difference between First Likelihoods and Second Likelihoods in Early Strong, and no significant difference in Second Likelihoods between Early Strong and Late Strong, while all other pairwise comparisons were significant. The means for likelihood ratings against disclosure timing and first/second likelihood are displayed in Figure 6.1 when evidence was weak, and in Figure 6.2 when evidence was strong.
**Figure 6.1.** Mean likelihood ratings as a function of evidence disclosure timing and first/second likelihood when evidence is weak.

**Figure 6.2.** Mean likelihood ratings as a function of evidence disclosure timing and first/second likelihood when evidence is strong.
The interaction is explained by the mean likelihood of confessing ratings increasing between first and second likelihood in the Early Weak condition, and decreasing between first and second likelihood in the Late Weak condition (see Figure 6.1). In contrast however, in the Early Strong condition there was only a modest decrease in mean likelihood of confessing ratings between first and second likelihood, whereas in Late Strong there was a marked increase in these ratings (Figure 6.2).

### 6.4.3 Confession peak ratings

As outlined above, the highest likelihood of confession rating obtained, or confession peak, was recorded each time a participant responded to a vignette. Mean ratings for this variable are displayed in Table 6.2.

<table>
<thead>
<tr>
<th>Table 6.2</th>
<th>Mean Confession Peak Ratings by Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Timing</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Early</td>
<td>5.28 (2.38)</td>
</tr>
<tr>
<td>Late</td>
<td>5.67 (2.22)</td>
</tr>
<tr>
<td>Total</td>
<td>5.48 (1.88)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations in brackets

A two-way repeated measures ANOVA (early/late x weak/strong) was conducted on participants' confession peak ratings. There was no significant main effect of disclosure timing $F(1, 95) = 0.03, p > .05, \eta^2 = .00$, so Hypothesis one was not supported. There was a significant main effect of evidence strength $F(1, 95) = 168.15, p < .01, \eta^2 = .64$, with higher confession peaks in the strong conditions ($M = 7.72, SD = 1.75$) than the weak ($M = 5.48, SD = 1.88$), so Hypothesis two was supported. There was a significant interaction between disclosure timing and evidence strength, $F(1, 95) = 6.87, p < .05, \eta^2 = .07$. Because the magnitude of the main effect of evidence strength was more than nine times that of the interaction term, greater attention is devoted to the main effect. Nevertheless, this interaction was explored with follow-up paired group $t$-tests using an alpha level of $p < .05$. It was found that peak ratings in Early Weak did not significantly vary from those of Late Weak, but peak ratings in Early Strong were significantly higher than those in Late Strong. Part of the explanation for this pattern could be simply that peak ratings are naturally more sensitive to the generally high ratings made in the strong conditions than to the low ratings made in the weak, and so the fact that there were twice as many opportunities to make these ratings in the early conditions as in the late had more influence in the strong conditions than in the weak.
Another possible explanation is that, as outlined in the next section, floor and ceiling effects may have distorted some of these results, and the ceiling effects may have artificially depressed peak ratings in Late Strong.

### 6.4.4 Pressure, guilt and fairness

Two-way ANOVAs (early/late x weak/strong) were conducted on ratings of pressure, guilt and fairness (see Table 6.3 for means). Disclosure timing had no significant main effect on ratings of pressure $F(1, 94) = 2.22, p > .05, \eta^2 = .02$, or guilt $F(1, 94) = 1.93, p > .05, \eta^2 = .02$, but did have a significant main effect on ratings of fairness $F(1, 95) = 8.36, p < .01, \eta^2 = .10$, such that these ratings were higher in the early conditions ($M = 6.56, SD = 1.30$) than the late conditions ($M = 6.18, SD = 1.33$). Strength had a significant main effect on ratings of pressure $F(1, 94) = 124.26, p < .01, \eta^2 = .58$, guilt $F(1, 94) = 41.78, p < .01, \eta^2 = .30$, and fairness $F(1, 95) = 75.36, p < .01, \eta^2 = .45$, increasing all of them, so Hypothesis three was supported. There were no significant interactions for pressure $F(1, 94) = 0.62, p > .05, \eta^2 = .01$, guilt $F(1, 94) = 2.58, p > .05, \eta^2 = .03$, or fairness $F(1, 95) = 0.47, p > .05, \eta^2 = .01$.

<table>
<thead>
<tr>
<th>Ratings</th>
<th>Timing</th>
<th>Weak (SD)</th>
<th>Strong (SD)</th>
<th>Total (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pressure</td>
<td>Early</td>
<td>5.04 (2.00)</td>
<td>7.19 (1.98)</td>
<td>6.11 (1.66)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td>4.94 (1.96)</td>
<td>6.88 (1.65)</td>
<td>5.91 (1.47)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4.99 (1.77)</td>
<td>7.04 (1.58)</td>
<td>6.01 (1.42)</td>
</tr>
<tr>
<td>Guilt</td>
<td>Early</td>
<td>6.12 (2.29)</td>
<td>7.27 (2.15)</td>
<td>6.69 (1.88)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td>5.76 (2.28)</td>
<td>7.31 (1.99)</td>
<td>6.53 (1.82)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>5.94 (2.17)</td>
<td>7.29 (1.91)</td>
<td>6.61 (1.76)</td>
</tr>
<tr>
<td>Fairness</td>
<td>Early</td>
<td>5.89 (1.64)</td>
<td>7.21 (1.59)</td>
<td>6.56 (1.30)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td>5.46 (1.79)</td>
<td>6.96 (1.62)</td>
<td>6.18 (1.33)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>5.68 (1.47)</td>
<td>7.08 (1.40)</td>
<td>6.38 (1.20)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations in brackets

### 6.4.5 Questionnaire results regarding evidence importance

See Table 6.4 for the data derived from the five-point Likert scales, where a rating of one indicates strongly agree, three indicates neutral, and five indicates strongly disagree. Items are ranked in order of mean agreement rating, with the most popular at the tops of the tables. Answers to all three of the evidence importance items suggested that participants generally believed evidence is important in a suspect interview.
Table 6.4
Mean Ratings for Evidence Importance Items from the "How the Police Should Interview Suspects" Questionnaire

<table>
<thead>
<tr>
<th>Agree</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>A police interviewer should have as much evidence as possible to show the suspect during the interview</td>
<td>1.95</td>
<td>0.91</td>
</tr>
<tr>
<td>A police interviewer should have a very detailed account from the accuser, to read to the suspect during the interview</td>
<td>2.40</td>
<td>1.04</td>
</tr>
<tr>
<td>A police interviewer does not need to collect all the evidence before interviewing the suspect</td>
<td>3.78</td>
<td>1.07</td>
</tr>
</tbody>
</table>

6.4.6 Questionnaire results regarding evidence disclosure

On the subject of evidence disclosure (see Table 6.5), participants generally favoured emphasising evidence strength rather than downplaying it. They agreed with the disclosure of strong evidence but not weak evidence. With regards to disclosure timing, participants were slightly opposed to disclosing evidence to a suspect "before asking them to give their own side of the story", and strongly agreed that "A police interviewer should ask the suspect to give their own side of the story before disclosing the evidence against them." These findings support Hypothesis four.

Table 6.5
Mean Ratings for Evidence Disclosure Items from the "How the Police Should Interview Suspects" Questionnaire

<table>
<thead>
<tr>
<th>Agree</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>A police interviewer should ask the suspect to give their own side of the story before disclosing the evidence against them</td>
<td>1.71</td>
<td>0.78</td>
</tr>
<tr>
<td>A police interviewer should emphasise the strength of the evidence against the suspect</td>
<td>1.84</td>
<td>0.79</td>
</tr>
<tr>
<td>A police interviewer should tell the suspect that the evidence shows that the truth will eventually come out</td>
<td>1.93</td>
<td>0.82</td>
</tr>
<tr>
<td>A police interviewer should disclose evidence to the suspect if the evidence is strong</td>
<td>2.38</td>
<td>1.03</td>
</tr>
<tr>
<td>A police interviewer should disclose the evidence against the suspect before asking them to give their own side of the story</td>
<td>3.50</td>
<td>1.10</td>
</tr>
<tr>
<td>A police interviewer should disclose evidence to the suspect if the evidence is weak</td>
<td>3.73</td>
<td>0.97</td>
</tr>
</tbody>
</table>

A Kendall's correlation of concordance on the combined results from all nine items (the three Evidence importance questions plus the six Evidence disclosure questions) yielded a significant result, \( W(8, N = 96) = .47, p < .001 \), indicating general agreement among participants in regards to desirable interviewing strategies.
6.5 Discussion

In this study the tendency for strong evidence to increase likelihoods of confessing seemed greater than the tendency for weak evidence to decrease these likelihoods. This pattern contrasts with that of Study Two, where weak evidence lowered confession rates more than strong evidence raised them. In Study Two, most participants probably noticed the large one-way mirror and fixed video camera in the experimental room, whereas participants in Study Three had less reason to expect that their actions had been witnessed or filmed. Therefore, participants in Study Two may have been more likely to expect to be confronted with strong evidence than were those in Study Three, and these differences in expectations could explain the differing responses to evidence disclosure across the two studies.

A comparison between Tables 5.1 and 6.1 reveals that the pattern of results for confessions are very similar in Studies Two and Three, even though this variable was measured in a dichotomous manner in Study Two, and in terms of peak ratings in Study Three. Similarly, Tables 5.2 and 6.2 indicate that, as expected, evidence strength had the significant effect of increasing mean likelihoods of confessing in both Study Two and Study Three. In contrast however, while there was no significant main effect of disclosure timing on ratings of likelihood of confessing in Study Two, in Study Three significantly higher likelihoods were obtained in the early conditions. The explanation for this finding seems to be that in the early conditions of both of these experiments the impact of evidence disclosure was measured twice; initially at First Likelihood and then again at Second Likelihood, whereas in the late conditions the participant’s expectation of evidence was initially measured at First Likelihood before the actual impact of evidence was measured at Second Likelihood. Given that, as mentioned above, participants’ expectations of evidence strength seemed generally lower in Study Three than in Study Two, the First Likelihood ratings in the late conditions of Study Three were also somewhat low, and were therefore exceeded by the corresponding values in the early conditions.

In both Study Two and Study Three strong evidence had the effect of increasing ratings of pressure, guilt and fairness (see Tables 5.4 and 6.3). As to the effects of evidence disclosure timing on ratings of pressure, guilt and fairness, in Study Two none of these effects were significant whereas in Study Three the only significant effect was an increase in fairness ratings in the early conditions.

In Late Weak, four participants rated both their First and Second Likelihoods at one, which suggests that they might have lowered their second rating in response to the
weak evidence had they not already "run out of room" on the scale. Conversely, three participants in Late Strong rated both their First and Second Likelihoods at ten. Thus, there seemed to be some evidence of floor and ceiling effects in this study, which could have partially masked the effects of late disclosure.

In Study Two, late evidence disclosure increased the tendency to confess, but in Study Three it did not. One possible explanation for this is that evidence disclosure in Study Three simply lacked the impact it had in Study Two because the participants had not actually committed a mock-theft, or perhaps because of the way evidence was presented in written form rather than being verbally stated. This explanation is implausible, because strong effects for evidence strength were obtained in both studies. An alternative explanation is that the differing crime types (theft versus violent assault), across the two studies were responsible for the differing responses to disclosure timing. Again, this possibility does not seem credible.

The most probable explanation for the lack of a significant effect for disclosure timing in Study Three is as follows. In Study Two, participants in the late conditions gave a free account of their behaviour to the interviewer before the evidence against them was disclosed. Thus, those who claimed innocence would have tended to form at least some psychological commitment to this claim, as well as a certain connection with the interviewer, before being made aware of the evidence. In contrast, at the free account stage of the late conditions in Study Three, participants merely read a statement from a police officer they never actually met, and were invited to explain what had occurred at the scene of the alleged crime. So in Study Three, participants had no human interaction with anyone during the free account stage, which could have made them less likely to feel any vested interest in claiming innocence. Therefore, when evidence was finally disclosed to participants in Study Three, there was no reason for them to be disconcerted by it in the same way that some participants in Study Two would have been. If this interpretation is correct, it suggests that it may not be actual disclosure timing as such which dictates the impact of evidence on a suspect, but whether the suspect makes a meaningful commitment to a certain position before being confronted with evidence which casts doubts on that position.

As to the results of the questionnaire, there was widespread agreement about the importance of evidence in suspect interviewing, and greater endorsement of a late evidence disclosure strategy than an early disclosure strategy. There could be a number of explanations for the finding that participants did not generally favour withholding strong evidence from a suspect. Firstly, it may be that a policy of withholding strong
evidence is in fact unwise and ineffective for obtaining confessions, and the participants have correctly sensed this. Secondly, as the vignettes highlighted the strength of the evidence, and the timing of its disclosure, but did not directly address the strategic disclosure question of "openness versus secrecy", it may be that many participants never seriously considered this issue until completing the questionnaire, and perhaps not even then. If this is the case, the present study may have failed to engage the imagination of the students on the pros and cons of evidence disclosure for suspect interviewing.

Thirdly, the participants may have been conditioned by sources such as television programs and mainstream literature to assume that an "upfront" evidence disclosure policy is the obvious choice for a suspect interview.

Perhaps significantly however, the items which advocated *emphasising* evidence strength and suggesting that the evidence *shows* the truth will come out, were more highly endorsed than was the item which suggested that strong evidence should actually be *disclosed* to the suspect. This may indicate that participants favoured indirect means of referring to the evidence over explicitly stating what the evidence is. Such an approach is consistent with much of the literature reviewed in Chapter 3.5, where it was noted that several authors (eg. O'Hara & O'Hara, 2003; Rabon, 1992; Zulawski & Wicklander, 1992) have advocated a strategy of merely implying that evidence is available, a strategy which does in fact seem to be widely used, at least in North America (see Kassin et al., 2007 in Chapter 3.5). Moreover, the general lack of approval of participants in this study for disclosing weak evidence would appear to indicate that they are sensitive to the possibility that suspects might become less likely to confess once they realise that there is no strong case against them. However, the lack of any qualitative data collection in this study means that the question of *why* participants behaved and responded as they did could not be systematically explored. Five participants in this study indicated some intention to justify their answers by writing comments next to the Likert scales, and this suggests that a qualitative approach might have elicited further information.

**6.6 Limitations**

When participants in this type of study are requested to rate the evidence against them, the mere fact that this question has been asked will draw their attention to the evidence, and so perhaps strengthen its effect. This could possibly have occurred in this study, and might explain some of the ratings movement between First and Second Likelihoods of confessing.
6.7 Conclusions

When responding to the vignettes, participants seemed more sensitive to the strength of evidence than to the timing of its disclosure. Nevertheless, when asked to provide their opinions on optimal suspect interviewing strategy, they did display a preference for late disclosure.

Perhaps the problem of floor and ceiling effects in this study illustrates the issue of credibility once again, at least indirectly. Participants in Late Strong who chose a response of "ten" when asked about their First Likelihood of confessing were left with no way of increasing this rating when later presented with strong evidence against them, and those who first chose "one" in Late Weak could go no lower. Hence, their initial ratings seem somewhat careless, and not very credible. Although the two situations are of course very different in many ways, there may be a parallel here with the manner in which some interviewers initially use exaggeration or minimisation with a suspect, only to later find that they have left themselves with no further manoeuvring space, and have undercut their own credibility. Study Four was designed with a view to avoiding any potential issues caused by extreme Likert scale ratings. Furthermore, because a key focus of this thesis was to employ a variety of approaches to investigate the role of evidence disclosure, a qualitative approach was used to extend and broaden the data obtained in the previous studies.
Chapter Seven: Students' opinions on various suspect interviewing approaches, and their qualitative responses to vignettes

7.1 Introduction

As outlined, there was reason to believe that floor and ceiling effects may have distorted the data obtained in Studies Two and Three. Part of the design rationale of Study Four was to circumvent this problem by specifically offering participants the option of making a more extreme response, even when they had already given the most extreme possible response available to them when answering the previous question. Another purpose of Study Four was to make a qualitative exploration (using thematic analysis—see Hayes, 1997; Pollio & Ursiak, 2006) of university students' views on suspect interviewing. This was thought to be a worthwhile objective because of the following considerations. Suspect interviewing is in some ways an insular and conservative area, and it is sometimes said that people who are "too close" to something have greater difficulty seeing it clearly than do those who are more removed from it. Heuer (1999) for example has observed that intelligence analysts who begin work on a problem that is new to them may quickly make discoveries which have completely escaped those who have been working in the same area for years. On this view, while the typical backgrounds and life experiences of students might differ greatly from the world of suspect interviewing, this might actually be an advantage for a study such as the present one. It could make sense to gather the views of psychology students about this field, as they represent an intelligent and generally liberal minded group who come for the most part from a different socioeconomic bracket than either suspects or suspect interviewers. It was hoped that such characteristics would place the students in a good position to provide fresh insights on suspect interviewing which are not easily available from more traditional sources. In this study, participants first responded to vignettes of violent assaults, and then completed a questionnaire about their views on suspect interviewing.

One of the few studies which resembles this one was conducted by Culhane, Hosch and Heck (2008), who surveyed 561 participants in the USA about which "techniques they would use in a police interrogation" (p. 7). Participants were comprised of three groups, current law enforcement officers, students who intended to work in law enforcement, and students who did not intend to work in this area. It was found that very few participants from any of the groups approved of coercive techniques such as threatening the suspect or depriving them of food or water. On the other hand, the practice of "Yell at suspect" (p. 8) was endorsed by around one third of the
participants. As reported by these authors (p. 11) "It was interesting that the same six techniques were the most ascribed to by all three groups. The six were (a) 'Identify contradictions (mistakes) in the suspect's story,' (b) 'Appeal to the importance of cooperation from the suspect,' (c) 'Confront suspect with evidence of guilt,' (d) 'Appeal to suspect's self-interest,' (e) 'Appeal to detectives' experience/authority,' and (f) 'Appeal to suspect's conscience.'" It seems then that, across all three groups, passive and humane approaches were more popular than aggressive ones, although the moderately high acceptance of "yelling" could be seen as both surprising and as cause for concern.

The study of Moston and Fisher (2007) is probably the closest in design to the present one. These authors asked 200 Australian university students to rate their opinions about the acceptability of 13 suspect interviewing tactics which are legally permissible in Australia. Participants read a fictional transcript of an interview of a man suspected of sexually abusing his neighbour's daughter. Moston and Fisher found that while there was little consensus about the acceptability of some tactics, only three were rated as unacceptable by a majority of participants; pointing out cues to deception, minimisation, and implying that the interviewer was omnipotent. Overall, the results of the Culhane et al. (2008) and Moston and Fisher (2007) studies suggest that most university student participants of this study would be unlikely to approve of deceitful or manipulative suspect interviewing tactics. However the present study differs from this previous work by employing vignettes which focus more on the actual offences than on the interviews which follow them. More importantly, the present study, unlike those of either Culhane et al. (2008) or Moston and Fisher (2007), was designed to manipulate evidence strength in order to measure the effects of this change.

7.2 Hypotheses

The hypotheses of this study were derived from the previous findings of this thesis. Hypotheses one to three relate to the vignettes and Hypothesis four relates to the questionnaire;

Hypothesis one-some participants who chose the most extreme alternative for their First Likelihood ("Not at all likely to confess" or "Extremely likely to confess") would go still further in giving an even more extreme answer at Second Likelihood.

Hypothesis two-in Late Weak there would be a general decrease in confession likelihoods.

Hypothesis three-in Late Strong there would be a general increase in confession likelihoods.

Hypothesis four-participants would demonstrate a general preference for a late
7.3 Method

7.3.1 Design

A within-subjects design was again used for Study Four. The only independent variable was the strength of the evidence, which was manipulated by disclosing weak versus strong eyewitness statements. The main dependent variable was whether the participants' likelihood of confessing rose, fell, or remained the same.

7.3.2 Participants

Eighty six participants took part in this study, 59 females and 26 males (one participant did not provide their gender). Their ages ranged from 16 to 47 years ($M = 20.38$, $SD = 4.85$). All participants were first year psychology students who received course credit for taking part.

7.3.3 Procedure

Ethical clearance for this study was granted and all research was conducted in accordance with protocol number PSY/11/08/HREC. Participants read and responded to four vignettes, and then completed a questionnaire and a form which recorded their age and gender. The vignettes used were based on those used in Study Three, but were redesigned so that for Second Likelihood of confessing, participants were asked to choose between only three options, which were no change in likelihood, an increase in likelihood, or a decrease in likelihood (see Appendix I). Only the late conditions of the vignettes were used in this study because in these conditions the effects of evidence disclosure are more readily apparent, as are floor and ceiling effects.

The use of four scenarios and two conditions (Late Weak and Late Strong) yielded eight combinations. Every participant was randomly assigned to four of these eight combinations, so that each was presented with all four scenarios and both conditions. There were only four ways to make up packages which achieved this goal, but when a 4 x 4 Balanced Latin Square was used to randomise the order in which the items of the packages were presented, this yielded a total of 16 different packages. It was therefore decided that the number of participants used in the study should be evenly divisible by 16. Five x 16 (80) packages were produced and completed by participants. However, when a further six participants became available it was decided that these individuals should also be included because the benefits of this extra data outweighed any potential undermining of the randomisation process. So six additional packages were randomly drawn from a complete bundle of the 16 possible packages and then administered, bringing the total number of participants to 86.
The questionnaire used in this Study was similar to the one used in Study Three, but to extend its scope and enable it to produce qualitative data, four changes were made to it. Firstly, the instructions were changed in order to expand the issues which the participants were being asked to consider, and modified so they no longer restricted the crime type to only violent crimes (see Appendix J). Secondly, the Likert scales were replaced with blank spaces and participants were asked to write their comments here. Thirdly, the open question "Any other comments?" was added at the end of the questionnaire with the intention of encouraging the participants to provide any ideas they had on the subject.

Finally, given that the interpretation of a suspect's nonverbal behaviour as forensic evidence is a matter of contention (as outlined in Chapter 2.7), a further question was added to the questionnaire used in this study, item 40, "A police interviewer should interpret the body language of the suspect to try and see if they are lying." This item was deliberately placed after the others so that it would not create any order effects which might complicate comparisons between the findings of this study and the previous ones. The same form as used in Study Three (Appendix H) was used to record participants' age and gender. In the results sections, results for the vignettes are first outlined, followed by those from the questionnaire. Most of the data obtained in this study was qualitative, and no statistical analyses were made.

As was the case with the transcripts of Study One, thematic analysis (Hayes, 1997; Pollio & Ursiak, 2006) was conducted on all questionnaire data which related to the role of evidence. A careful reading of the data revealed 16 categories. These were Need for evidence, Dominance, Evidence and demeanour, Evidence and professionalism, Evidence disclosure-clear agreement, Evidence disclosure-qualified agreement, Evidence disclosure-clear disagreement, Disclosure of weak evidence-clear agreement, Disclosure of weak evidence-qualified agreement, Disclosure of weak evidence-clear disagreement, Deliberate distortion of evidence-clear agreement, Deliberate distortion of evidence-clear disagreement, Fairness, Evidence disclosure-early, Evidence disclosure-late, and Evidence disclosure-other. Spelling mistakes in the questionnaire responses were corrected.

7.4 Results

7.4.1 Vignette results

One participant, for all four answers, gave at First Likelihood the answer "Not at all likely to confess" followed by "I am now less likely to confess than the first time I was asked" at Second Likelihood. Another participant, for all four answers, gave the
first answer "Very likely to confess" followed by "I am now more likely to confess than the first time I was asked", whereas another, for all four answers, first endorsed "Extremely likely to confess" followed by "I am no more and no less likely to confess than the first time I was asked." While the data provided by these participants seemed to show no sensitivity at all to evidence strength, the majority of participants displayed the expected patterns, as can be seen by the results displayed in Table 7.1. There were two instances where the participant did not provide a legible response to a questionnaire item. Hence, Table 7.1 contains results for only 342 responses, two less than the 344 which should be expected (four scenarios multiplied by 86 participants equals 344).

Table 7.1

<table>
<thead>
<tr>
<th>Condition/Vignette Scenario</th>
<th>Increase</th>
<th>Change Decrease</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weak A</td>
<td>8</td>
<td>24</td>
<td>10</td>
</tr>
<tr>
<td>Weak B</td>
<td>11</td>
<td>26</td>
<td>8</td>
</tr>
<tr>
<td>Weak C</td>
<td>5</td>
<td>28</td>
<td>9</td>
</tr>
<tr>
<td>Weak D</td>
<td>9</td>
<td>21</td>
<td>11</td>
</tr>
<tr>
<td>Weak total</td>
<td>33</td>
<td>99</td>
<td>38</td>
</tr>
<tr>
<td>Strong A</td>
<td>30</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Strong B</td>
<td>35</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Strong C</td>
<td>29</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Strong D</td>
<td>30</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Strong total</td>
<td>124</td>
<td>10</td>
<td>38</td>
</tr>
</tbody>
</table>

The pattern of results was quite similar across all vignettes and conditions (a possible exception is discussed below). This suggests that, as intended, scenario type made little difference to the results. After combining the data across the weak conditions, it was found that out of the 26 lowest possible ratings for First Likelihood which were recorded, 11 were lowered still further at Second Likelihood by endorsement of the option "I am now less likely to confess than the first time I was asked." Similarly, out of the 15 highest possible ratings for First Likelihood which were obtained in the strong conditions, 6 were raised even further when the option "I am now more likely to confess than the first time I was asked" was selected at Second Likelihood. Hypothesis one was therefore supported. Somewhat unexpectedly, five of the extreme First Likelihood scores became even more extreme by increasing in the weak or decreasing in the strong conditions. However, results do seem to confirm that floor and ceiling effects probably played a role in Studies Two and Three. In the weak conditions the majority of the changes to likelihoods of confessing were downwards,
while in the strong conditions the majority were upwards. This pattern indicates that manipulation of the independent variable was successful, and also supports Hypotheses two and three.

7.4.2 Questionnaire results

Need for evidence. There were 15 instances where participants stressed the need for evidence in suspect interviewing. Two examples of these were "It’s just a waste of time if you don’t have at least some hard evidence" and if there is not much evidence then "why is that person a suspect?"

Dominance. There were 17 cases of participants describing the evidence as a means of obtaining dominance over the suspect, including "The more evidence the more pressure on the suspect" and the assertion that evidence can be used to "make suspect feel trapped."

Evidence and demeanour. In apparent contrast to an emphasis on dominance, two participants suggested that a calm demeanour by the interviewer might lead the suspect to believe that the "interviewer knows the truth" and that the police "are confident they have proof."

Evidence and professionalism. In three cases participants referred to the relationship between the possession of evidence and the perception that the police are conducting themselves in a professional manner. These included the statements that lack of evidence by police makes them seem "unorganised" and not "professional."

Evidence disclosure-clear agreement. Three responses seemed clearly in favour of disclosure, for instance "evidence should always be disclosed", and "Disclosure is a two way road. If you disclose there is more chance they will."

Evidence disclosure-qualified agreement. Thirteen responses advocated disclosing evidence under specific circumstances or in limited amounts, for example, making disclosures as a "last resort", or disclosing "certain bits of small evidence."

Evidence disclosure-clear disagreement. Nine examples of clearly arguing against evidence disclosure were recorded. These included warnings that emphasising evidence strength "will cause a greater amount of disharmony with the suspect" and that evidence disclosure could "seem like bravado from the police."

Disclosure of weak evidence-clear agreement. Thirty responses concerning the disclosure of weak evidence were obtained. Only one of these was entirely in favour of disclosing weak evidence; "Agree-allow for verification/disowning of incorrect evidence & prompt information from suspect."
**Disclosure of weak evidence-qualified agreement.** Eleven of the thirty responses about weak evidence advised that it should be disclosed in certain situations. These included the claims that weak evidence should be disclosed "If it can provoke a response", or "after the suspect gives his side of the story."

**Disclosure of weak evidence-clear disagreement.** In 18 cases, participants seemed clearly and firmly opposed to the disclosure of weak evidence to suspects. These responses included "Hell No", and "No! The lawyer will pick up that they don't have enough evidence and will nail the police."

**Deliberate distortion of evidence-clear agreement.** Ten responses argued in favour of deliberately distorting evidence. Two appeared to recommend exaggerating evidence strength in stating "tell them this evidence is strong when it’s actually weak" and "could make evidence seem stronger than it is." In contrast, another answer which favoured the disclosure of weak evidence stated "yes makes them think that you don't have the big evidence." This person might have been hinting at the strategy of deliberately leading the suspect to believe that the evidence is weaker than it really is, but it seems impossible to confirm this.

**Deliberate distortion of evidence-clear disagreement.** Only one response argued against evidence distortion by stating "if the suspect was misled then his affidavit won’t stand in court."

**Fairness.** As to the question of whether suspects should be treated fairly, there were 18 references to the need to refrain from misleading them about evidence. For instance two participants stated that the strength of the evidence should be emphasised if this evidence is "genuine", and that "a suspect should be entitled to know what evidence is available."

**Evidence disclosure-early.** The majority of participants appeared to prefer a late evidence disclosure strategy. Only four responses which actively argued in favour of early disclosure were recorded. These included the claim that early disclosure "doesn’t give suspect opportunity to lie" and that late disclosure "often gives chance to lie first."

**Evidence disclosure-late.** Thirty-one arguments in favour of a late evidence disclosure strategy were recorded. Of these, 18 justified their position against early disclosure by claiming this approach made it easier for a suspect to "work own account around" the evidence and to "change their story" to account for this evidence. Three participants claimed that an advantage of late evidence disclosure is that it gives the suspect the opportunity to confess without any pressure being placed on them. The remaining ten responses favouring late disclosure incorporated a variety of justifications
for this approach including the statements that when suspects are told of the evidence against them they will "only refute evidence" and "if people won't hear out my side of the story I pretty much just shut off."

Evidence disclosure-other. Three participants gave responses which did not necessarily favour either early or late disclosure. These included the suggestions that evidence "should be revealed at critical points" or divulged "over time."

Questionnaire items concerning evidence were also coded into three categories, "Negative", "Neutral", and "Positive." Many participants made simple comments such as "disagree", "no" or "false", versus "agree", "yes", or "true." In these cases it was a straightforward matter to classify their responses as Negative or Positive. If a participant gave an answer such as "not in most cases" or qualified their position with "yes, but", this response was also recorded as Negative or Positive, as appropriate. If the participant wrote a statement such as "it depends", "sometimes", or "maybe" this was classed as Neutral. See Tables 7.2 and 7.3; as was the case with the corresponding tables used in Study Three, the most widely endorsed items were placed above the less popular ones.

Table 7.2
Responses to Evidence Importance Items from the "How the Police Should Interview Suspects" Questionnaire

<table>
<thead>
<tr>
<th>Question</th>
<th>-</th>
<th>nl</th>
<th>+</th>
</tr>
</thead>
<tbody>
<tr>
<td>A police interviewer should have as much evidence as possible to show the suspect during the interview</td>
<td>2</td>
<td>16</td>
<td>63</td>
</tr>
<tr>
<td>A police interviewer should have a very detailed account from the accuser, to read to the suspect during the interview</td>
<td>12</td>
<td>11</td>
<td>51</td>
</tr>
<tr>
<td>A police interviewer does not need to collect all the evidence before interviewing the suspect</td>
<td>55</td>
<td>13</td>
<td>10</td>
</tr>
</tbody>
</table>

Note. - represents negative, nl represents neutral and + represents positive

Table 7.3
Responses to Evidence Disclosure Items from the "How the Police Should Interview Suspects" Questionnaire

<table>
<thead>
<tr>
<th>Question</th>
<th>-</th>
<th>nl</th>
<th>+</th>
</tr>
</thead>
<tbody>
<tr>
<td>A police interviewer should ask the suspect to give their own side of the story before disclosing the evidence against them</td>
<td>4</td>
<td>9</td>
<td>69</td>
</tr>
<tr>
<td>A police interviewer should emphasise the strength of the evidence against the suspect</td>
<td>4</td>
<td>15</td>
<td>64</td>
</tr>
<tr>
<td>A police interviewer should disclose evidence to the suspect if the evidence is strong</td>
<td>3</td>
<td>16</td>
<td>59</td>
</tr>
<tr>
<td>A police interviewer should tell the suspect that the evidence shows that the truth will eventually come out</td>
<td>6</td>
<td>15</td>
<td>57</td>
</tr>
<tr>
<td>A police interviewer should disclose evidence to the suspect if the evidence is weak</td>
<td>52</td>
<td>9</td>
<td>15</td>
</tr>
<tr>
<td>A police interviewer should disclose the evidence against the suspect before asking them to give their own side of the story</td>
<td>62</td>
<td>7</td>
<td>11</td>
</tr>
</tbody>
</table>

Note. - represents negative, nl represents neutral and + represents positive
When the data were analysed in this way, it was again found that participants strongly favoured a late evidence disclosure strategy, with 80.2% agreeing with item 10, that suspects should be asked to give their own side of the story before evidence is disclosed to them, and only 12.8% agreeing with item 26, that the evidence should be disclosed before the suspect is asked to give their side of the story. Hypothesis four was therefore supported.

Seventy four participants (86.0%) expressed agreement with item 40; "A police interviewer should interpret the body language of the suspect to try and see if they are lying." Several of these individuals were particularly emphatic in their endorsement of this item; in fact no other item in the study received such enthusiastic approval. Positive responses included "Yes, effective in determining whether answers are truthful" and "Agreed. Body language and other non-verbal behaviour is a good way of gauging suspect's guilt." Eighteen responses were more limited and qualified in their endorsement of item 40, for example "Good to direct interview but not to base decision upon", and "Yes. However, this should not be the basis of conviction." Interestingly, two of these qualified responses referred to the relationship between body language and evidence. The first was "YES but should incorporate this with other evidence not rely on it alone as an indicator of deception." The second stated that body language is "not concrete evidence but more of an indication of whether interviewer feels more investigating is needed." Only three participants (3.5%) indicated clear disagreement with item 40. One stated "police interviewers would have to be much more qualified, and even then these ‘tells’ aren’t always accurate. So no." Another stated "No I think this field has too many stereotypes on body language that can be easily misread."

Eighteen participants (20.9%) made an intelligible and meaningful response to the question "Any other comments?" The more thoughtful answers to this item included "all these questions depend on the situation and who the suspect is. One method of interviewing will not suit all suspects." This answer addresses the need for flexibility which will be discussed in the general discussion. Only five of these participants referred to evidence when responding to this question. These answers were; "attitude & interviewing techniques should be specific & adapted to suit the suspect, amount of evidence & type of offence", "provide evidence after", "Most of all, evidence needs to be strong before questioning, to back every accusation up", "Evidence is most likely to elicit confession in these cases", and "Police should be allowed more freedoms in evidence gathering-warrants only give suspects a chance to hide things-evidence gathered illegally should not be discounted." Another participant answered the "Any
other comments?" question by writing "Comments are based on my own practical reactions to scenarios." This answer seems to provide support for the design structure of this study whereby the questionnaire was placed immediately after the scenarios with a view to encouraging the participants to consider the relevant issues before being asked to provide opinions about them.

7.5 Discussion

The strong consensus among participants about the central importance of evidence to the suspect interviewing process is entirely consistent with the views of police officers from the UK (Soukara et al., 2002) and the USA (Kassin et al., 2007). Both the present study, and that of Culhane et al. (2008), found that the tactic of confronting suspects with evidence of their guilt was widely endorsed by participants. In contrast, the finding of the present study that 74% of participants agreed an interviewer should emphasise the strength of the evidence is not entirely consistent with the finding of Moston and Fisher (2007) of a lack of consensus about the acceptability of the "futility of denial" tactic, where an interviewer claims "The evidence that we have is so strong there really is no point in trying to hide anything." Similarly, in the present study disclosure of strong evidence was widely advocated as an acceptable tactic whereas Moston and Fisher reported the "direct challenge" approach of confronting suspects with evidence also lacked consensus as to acceptability. However, while there are many similarities between them, none of the items seem directly comparable across these studies, and it seems likely that even minor changes in the wording of items of this type could result in large differences in the way participants respond.

The phrasing of the questionnaire items was leading in the sense of suggesting a particular answer to participants, which entails the risk that their responses were unintentionally distorted. However, this does not appear to have been a significant problem given that the effects of any such tendency for participants to be led seemed to have cancelled itself out over multiple items. For example, while responses to the item "A police interviewer should ask the suspect to give their own side of the story before disclosing the evidence against them" were overwhelmingly positive, there was a correspondingly negative reaction of almost equal magnitude to the item that "A police interviewer should disclose the evidence against the suspect before asking them to give their own side of the story."

In the strong conditions of the "B" or "Party" scenario, the suspect's girlfriend is claimed to have made a statement against him whereas in the strong conditions of the other scenarios only third parties such as, for example, a taxi driver or bartender, make
incriminating statements. It might be expected then that the evidence of the Late Strong Party conditions would have a greater impact than that of the other conditions. According to Table 7.1, there does appear to be reason to suspect that this might in fact be the case, although any such effect is unintentional, and was not deliberately designed into the study. Another reason to suppose that the strong evidence associated with the "Party" scenario may have carried special weight is the comment of one participant. While participants were not asked to make any written comments in this part of the questionnaire, and few did, this participant wrote on the form at Late Strong Party scenario that if the people who gave statements against the suspect included "his own girlfriend", then "he doesn't have much chance of denying it." If the results for the "Party" scenario are indeed slightly "lopsided" against the others, this would not seem to present any particular problem for the interpretation of this study's results. In fact, if there is any real difference between the results of the Party scenario and other scenarios, this is probably due to a positive correlation between evidence strength and evidence impact, which would make it entirely consistent with some of the hypotheses of this thesis, and not inconsistent with any of them. As was the case with the Study Three, the tendency for strong evidence to raise the likelihood of confessing seemed stronger than the tendency for weak evidence to lower it. Again, the explanation for this pattern is probably that, unlike Study Two, participants had little reason to expect the evidence to be strong before they had heard it.

Participants did not receive any reward or incentive for making a special effort to complete this study. Even so, several clearly took an interest in it. A cursory filling in of the paperwork took only around 15 minutes, but some took more than an hour to complete it. Although none of the participants were invited to remain in the room after they had finished the study, some stayed on to discuss their views on suspect interviewing or to ask the experimenter about the progress of the research. It does appear then that this study succeeded in obtaining the close attention and engagement of many of those involved.

7.6 Limitations

The order of the three answers to Second Likelihood of confessing was fixed as opposed to randomised, as was the order of the questionnaire items. Randomisation might have created its own problems, especially for the Second Likelihood answers, where it could have caused confusion to participants, but the failure to randomise could possibly have led to unwanted order effects.

The instructions for the "How the police should interview suspects"
questionnaire were designed to be broad enough to encourage creative and original thinking, but this was perhaps achieved at the cost of making them somewhat imprecise and vague. Moreover, these instructions could be seen as ambiguous because they first emphasise the best way to make a suspect more likely to confess, but then mention concerns such as ethical requirements and suspects' rights, issues which some might see as obstacles to the obtaining of confessions. Even so, these instructions did generally appear to have the desired effect of eliciting thoughtful discussion about many of the complex issues associated with suspect interviewing.

7.7 Conclusions

While most participants felt that strong evidence should be used as leverage and weak evidence should not be disclosed at all, it was also pointed out that disclosure of weak evidence could have the beneficial effect of allowing misunderstandings about the evidence to be straightened out. Late disclosure of evidence was generally favoured over early disclosure. One of the most striking findings was the overwhelming support for the practice of interpreting a suspect's nonverbal behaviour as evidence of deception or veracity. This result from psychology students is of concern because (as outlined in Chapter 2.7) it is not consistent with research findings in this area.
Part Three: Conclusions

Chapter Eight: General discussion

8.1 Overview

To reiterate the findings reported in this thesis, in Study One an analysis of 59 suspect interviewing transcripts showed that evidence was disclosed to suspects in over 90% of cases, although this was usually done in a subtle and indirect manner. In 56% of these interviews, the suspect was asked to provide a free account of their actions before evidence was disclosed to them, and in 19% of interviews this order was reversed, with disclosure preceding a free account. The most common outcome, which occurred in 27% of interviews, was the making of a qualified denial by the suspect. In only 3% of interviews did the suspect first deny the offence and then fully confess to it. The general lack of success in persuading suspects to confess was partly due to the failure of evidence disclosure to make much apparent impression on them. There were two interviews where indirect references to DNA evidence did seem to have a significant impact on the suspects, but even in these cases no confessions were actually obtained. The findings of this study were that while evidence disclosure was common, it was not effective in eliciting confessions. No findings as to the effects of evidence disclosure timing could be made in this study.

Study Two allowed the effects of evidence disclosure timing to be investigated in a far more controlled and systematic way. This was an experimental study where unlike Study One, random assignment to conditions allowed conclusions about causality to be drawn. The finding as to disclosure timing was clear; late disclosure elicited more confessions than early disclosure. On the other hand, in cases where confessions had been made before any evidence was disclosed, subsequent disclosure of weak evidence caused most of these confessions to be retracted, so delaying the disclosure of weak evidence certainly did not increase its ability to elicit confessions. The retraction of confessions in response to weak evidence had not been predicted, and does not seem to have been reported in any previous empirical study. In contrast, the positive influence of strong evidence on confession rates is in line with previous empirical findings (eg. Moston et al., 1992) and occurred as hypothesised. In the strong conditions, evidence was the most common reason given by participants for confessing, but in the weak conditions it was the least common reason. Participants’ ratings for pressure, guilt and fairness were increased by strong evidence, but unaffected by disclosure timing.

In Study Three, likelihood of confession ratings peaked at a higher level in the strong conditions than the weak conditions, but were not influenced by evidence
disclosure timing. Unexpectedly, mean likelihood of confession ratings in the early conditions significantly exceeded those in the late conditions. When weak evidence was disclosed in the late conditions, participants responded by lowering their likelihood of confession ratings, and this reaction was somewhat analogous to the retraction of confessions recorded in Study Two. As was also the case in Study Two, participants were sensitive to fairly minor features of the evidence against them, such as changes to details about their clothing and behaviour as allegedly recounted by eyewitnesses. Another similarity between Studies Two and Three was that ratings of pressure, guilt and fairness were all increased by strong evidence. Unlike Study Two however, in Study Three ratings of fairness were significantly higher in the early conditions. Data from the questionnaire of Study Three revealed that the disclosure of strong evidence was widely endorsed, but there was widespread agreement that weak evidence should not be disclosed. Late evidence disclosure was more popular among participants than was early disclosure.

The findings of Study Four mirrored those of the previous studies in several respects. Late disclosure (no early disclosure occurred in this study) led to an increase in confession likelihoods when evidence was strong, and a decrease when it was weak, as predicted. Participants in Study Four were not asked to rate their experience of pressure, guilt or fairness (the study was designed in this way to allow more time to be spent on the collection of qualitative data), so no comparisons between these variables across Study Four and the other studies are possible. As was the case in Study Three, participants generally agreed with disclosing strong, but not weak, evidence, and favoured a late disclosure strategy.

In the remainder of the general discussion, the theoretical and practical implications of thesis findings in regards to evidence strength and evidence disclosure timing will be examined. The strengths and limitations of this thesis will then be critically discussed. Suggestions for future research will then be presented, followed by a consideration of the potential applications of the thesis findings. Finally, the overall conclusions of this thesis will be drawn out.

8.2 Theoretical implications of findings regarding evidence strength

The finding of a central importance for evidence in suspect interviewing is consistent with the theoretical models of confession which were outlined in Chapter 2.5 (eg. Gudjonsson, 2003; Inbau & Reid, 1962; Irving & Hilgendorf, 1980; Moston et al., 1992), all of which incorporate a role for evidence in the interviewing process. Studies Two, Three and Four of this thesis were designed with two levels of evidence strength,
and like the study of Phillips and Brown (1998), in which two levels of this variable were also used, a significantly higher confession rate was found when evidence was strong. Based on the current state of research in this field however, it seems very likely that a positive relationship between confession rates and evidence strength will continue to hold regardless of the number of levels of evidence strength which are considered or used. As outlined in Chapter 2.5, when Moston et al. (1992) employed three levels of evidence strength in their study, a strong association between confession rates and evidence strength was found. Cassell and Hayman (1996) categorised the strength of evidence against suspects into four levels and again, strong and consistent positive relationships between evidence strength and confessions were indicated. Hence, the association between evidence strength and confessions does seem to be a robust one which transcends the number of levels used to operationalise evidence strength, and does not simply stem from the research method or design employed.

The positive relationship between evidence strength and confession rates probably develops when suspects perceive the evidence against them as strong, and hence decide that a confession would better serve their interests than would denial. There would seem to be considerable sense in a suspect attempting to take advantage of an opportunity to present themselves as cooperative and reasonable when they perceive the only alternative to be the making of a denial which is unlikely to be believed and might undermine their credibility and make them appear to be especially deserving of prosecution. In interviews where evidence is strong a suspect may also be more inclined to view confessing as a way of presenting their own version of how the crime occurred.

In Studies Two and Three, participants rated the pressure they experienced during their interview, as well as the fairness of their treatment by the interviewer, and in each of these studies a positive association was found between evidence strength and ratings of pressure and fairness such that participants rated both pressure and fairness more highly when the evidence against them was strong. These findings are of potential theoretical significance because in a suspect interview the variables of perceived pressure and perceived fairness might be expected to be negatively, not positively, correlated. As previously outlined (Kramer et al., 1995, in Chapter 3.8), a person who experiences social pressure to comply with demands on them is perhaps more likely to experience feelings of resentment and unfairness than they are to believe that they are being treated fairly. A positive relationship between evidence strength, perceived pressure and perceived fairness, probably arises because the possession of strong evidence may give interviewers the appearance of professionalism and legitimacy,
whereas their possession of only weak evidence may make them seem less competent. Moreover, the actual disclosure of weak evidence could perhaps make an interviewer appear to be disinterested in the apparent discrepancy between the dubious nature of the available evidence against the suspect, and their treatment of that suspect as a possible offender. In turn, this could lead the suspect to believe that the interviewer is also not interested in being fair to them. If, as the findings of this thesis suggest, the possession and disclosure of strong evidence is able to simultaneously accomplish the seemingly mutually exclusive goals of placing pressure on a suspect, but in a manner which the suspect accepts as fair, this is all the more reason for evidence to be accorded primary status in criminal investigations in general, and suspect interviews in particular.

The findings of Study Four suggest that many undergraduate psychology students regard the interpretation of nonverbal behaviour as a reliable means of deception detection, a belief which is contrary to the findings of much empirical research (eg. Vrij, 2008). The high regard in which nonverbal behaviour seems to be held as a potential indicator of deceit also makes a valid interpretation of the major thesis findings more complicated, because the value of understanding the roles played by the strength and disclosure timing of evidence cannot be fully realised until the concept of evidence itself is clearly understood. For instance if police officers and psychologists agree on the importance of evidence in suspect interviewing, there remains the risk that this will have different meanings within each profession according to the different understandings of what "evidence" means. The way in which language is understood and used will always influence the impact it makes. Terms such as "evidence", "suspect", "strength", "disclosure", "confession", and "interview" have imprecise and arguable meanings, which leaves considerable latitude for people to selectively use them to suit their current needs and purposes, especially in the inherently adversarial forensic context.

8.3 Practical implications of findings regarding evidence strength

The finding that evidence strength is important to the outcome of suspect interviews is consistent with previous empirical findings (eg. Moston et al., 1992). If evidence is a central aspect of suspect interviewing, it follows that good quality evidence should be gathered from the earliest stages of an investigation. Several authors agree it is important for an interviewer to have sound background information before they question a suspect (Brown, 2001; Buckwalter, 1983; Goodale, 1982; Kinnee, 1994; National Crime Faculty, 1996; Woods, 1990). Rose (2006) was reportedly told by a former FBI agent that this investigator usually needed about three months to prepare for
an important interview of a suspect. Unfortunately though, given the time and effort
which may be required to carefully gather and analyse this material, and to plan how it
might best be presented to the suspect as evidence of their guilt, it is perhaps not
surprising that, according to some authors, these tasks are often neglected (Maguire,
1994; Ord et al., 2008; Schafer & Navarro, 2003). Some empirical studies of suspect
interviewing do seem to suggest that preparation for suspect interviews is not always
thorough. Baldwin (1992) noted that police officers often seemed unfamiliar with even
basic case evidence when they questioned suspects. Walsh and Milne (2008) studied 99
interviews of benefit fraud suspects in the UK by investigators from the Fraud
Investigation Service. Poor preparation was apparently a common weakness of these
interviews, and seemed to be positively correlated with denials from the suspect.
Interestingly, Soukara et al. (2002) report of their UK study that 40 per cent of police
officers stated that the presence of good quality evidence meant less preparation was
required for an interview, so perhaps the initial time expenditure in gathering evidence
prior to an interview might be repaid even before it is actually conducted.

One reason more planning is not done before suspects are questioned is that
interviewers are often busy people, and many police officers report they sometimes lack
sufficient time to adequately prepare for interviews (Baldwin, 1992; Plimmer, 1997;
Taylor, 1980). While it is easy to disparage the police for not taking more care to
thoroughly gather evidence prior to an interview, and then planning how to make the
best use of it during the interview, it is not so easy for officers to deal with the pressures
they feel to question suspects as soon as possible. Waiting until a strong case has been
built against a suspect before confronting them might allow them sufficient time to
fabricate an alibi, attempt to intimidate witnesses, destroy evidence, leave the country,
or generally plot their defence. In the case of crimes which have received attention in
the media, there may be much pressure on the police to act quickly to detain a suspect,
although they might prefer more time to gather further evidence. Similarly, in military
contexts, when a battle is underway or an attack is believed to be imminent, the value of
information held by the enemy is very time sensitive, so interrogators may not have the
luxury of careful preparation, and could be forced to try and obtain a prisoner's
statement as quickly as possible. Similar considerations may also apply in counter-
terrorism situations.

The amount of time that suspects can be held in custody is sometimes limited by
law, which might also limit the preparation which can be done for their interview. In
Queensland for instance, suspects may only be detained for eight hours unless
authorisation from a justice of the peace or magistrate is obtained to extend this time 
(Police Powers and Responsibilities Act of Queensland, 2000, Section 403). Police holding 
a suspect without charge in relation to indictable offences in the UK must obtain 
authorisation from a magistrates’ court to detain them for more than 36 hours 
(Police and Criminal Evidence Act, 1984, Code of Practice C, Section 15, as amended 
July 2006).

When a suspect is not already in custody, the police may have quite sensible 
reasons for deferring their capture and questioning, but doing this entails the risk that if 
this person commits further offences, they will be vulnerable to public criticism that the 
community was exposed to unnecessary danger when an offender was identified 
without being immediately apprehended. Furthermore, suspect interviewing must often 
be interposed between the identification and prosecution of a suspect, two processes 
which are best completed rapidly if, as is often the case, they depend on the memories 
of eyewitnesses, which are likely to deteriorate over time (Kebbell & Wagstaff, 1999). 
Hence, suspect interviewing cannot always wait until optimal conditions are available. 
Even so, the findings of this thesis bolster the already considerable literature on the 
importance of gathering hard evidence before suspect interviews are conducted. This 
evidence gathering process will often include the interviewing of eyewitnesses, which 
again, highlights the critical role of good interviewing skills in forensic investigations 
(see Fisher & Geiselman, 1992).

It might be tempting to conclude that because evidence strength is positively 
correlated with confession rates, strong evidence should be disclosed to suspects 
whenever it is available. For a number of reasons, this conclusion does not seem 
warranted from the findings of this thesis. Firstly, if the disclosure of strong evidence is 
indeed effective in eliciting confessions then this should have been apparent from the 
transcripts of interviews used in Study One, and this was not the case. Secondly, if the 
perception of high evidence strength is more important than actual evidence strength 
then overt disclosure of evidence can only be expected to increase evidence rates if it 
also increases perceptions of evidence strength, something which it cannot always be 
expected to accomplish (see also, Moston & Stephenson, 1993). Furthermore, even if 
disclosing strong evidence could successfully boost a suspect’s perception of its 
strength, other adverse and largely unpredictable consequences might also stem from 
such disclosure which might outweigh its positive effects. For example (as previously 
outlined in Chapter 3.15), disclosure might inform the suspect about the best way to 
defend themselves from accusations, could compromise the confidentiality of third
suspects, or might simply cause suspects to become more committed to their denials.

When interviewers disclose evidence in the belief that it is strong, one of the risks they are taking is that the suspect will perceive it as weak, and with the exception of Study One, which did not permit conclusions about the effects of weak evidence disclosure to be made, findings from all studies in this thesis suggest that confessions are less likely in the presence of weak evidence. Indeed, Study Two showed that suspects confronted with weak evidence against them tended to deny guilt even when they had previously admitted to it. Confession retraction in response to weak evidence indicates that not only is strong evidence likely to increase confession rates, but weak evidence is likely to decrease it. Gudjonsson (2003) proposes that while innocent suspects may retract their confession because it is entirely bogus, some guilty suspects may also retract it because they have come to understand that there is no other hard evidence against them apart from the confession which they have truthfully, but rashly, already provided to the police.

As a practical matter, these considerations suggest that apart from taking care to gather the strongest possible evidence before questioning a suspect, interviewers who wish to obtain a confession which can withstand any future legal challenges should refrain from disclosing weak evidence to them. The disclosure of weak evidence may not always be unwise however. When case evidence is weak, this could be because the suspect is not guilty, and ideally, the retraction of a confession under these circumstances should alert investigators to possible problems with the validity of the confession. While disclosing weak evidence may have the benefit of encouraging a suspect to establish their innocence, which is potentially a very worthwhile outcome for all concerned, it is also possible that the disclosure of weak evidence could motivate the suspect to explain why the evidence is weak, and this could help to resolve the matter. For instance, a suspect presented with weak evidence against them might be able to identify some other person as the perpetrator, which could result in the conviction of the true offender. There is also the question of a suspect’s right to know about the evidence against them. Arguably, fairness demands that suspects are informed of all case evidence, even when this does not suit the interests of potentially prosecution-minded or guilt-presumptive investigators, and even if it is not required by law.

Disclosing apparently strong evidence to a suspect can be a way of pressuring them to confess, but it is not clear whether pressure is generally effective in causing people to comply with demands. In some situations pressure may well lead to compliance. In others, it may lead to resentment and resistance. Overall, it seems
unlikely that any simple linear relationship between pressure and compliance exists, so even from a purely strategic perspective, putting pressure on others is risky, and may have unpredictable consequences. It has long been known that pressure may have the counterproductive effect of producing "reactance" (Brehm, 1966), and according to Cialdini and Goldstein (2004), recent developments in the literature and empirical research on compliance suggest that approaches which are subtle, and operate outside of conscious awareness, may be more effective in influencing others than are direct and overtly coercive approaches. When legal and ethical considerations are factored in, using coercive methods to obtain statements from suspects is even less attractive because this approach could be viewed unfavourably by courts, and risks a public backlash about treatments which are perceived as unfair. Also, once leverage is applied in an adversarial situation, there is often the temptation to increase it, and this can sometimes escalate a conflict beyond the point which is wise, reasonable, or legal.

A coercive or dominant interviewing style has several disadvantages, and making anything which could be interpreted as a threat against a suspect carries risks for the interviewer. For example, the very act of presenting inducements or threats to a suspect is ethically dubious, and is not legal in Australia. Moreover, once any type of a threat is made by one person to another, one of only two things is likely to happen, the threat maker will carry it out, as promised, or they will not. There could be strategic disadvantages in either case. If an interviewer actually carries out the threat they have made, by for instance charging the suspect or keeping them in custody, they may not actually have wanted or needed to do this. They will also have lost the advantage of surprise by forewarning the suspect about what they intended to do. If on the other hand the interviewer does not carry out the threat, this could be seen as indicating that their original tough position had no basis, which could undermine their credibility. If this happens, the consequences for both interviewer and suspect could be unfortunate, because once credibility has been lost then any future warnings by the interviewer are less likely to be taken seriously, even if they are in fact quite genuine. Hence, using evidence as a means of leverage against suspects is questionable on several grounds.

However, disclosing evidence to suspects is not necessarily a form of pressure. Much depends on the manner in which disclosure is made. An interviewer may tactfully refer to evidence against the suspect in a way which does not seem accusatory. An interviewer could also deliberately give the suspect the impression that their assistance is needed to interpret evidence, in which case the rapport between the two parties might
actually be enhanced. In such cases, sensitivity, flexibility and good social skills may all be more important than the actual disclosure strategy employed.

**8.4 Theoretical implications of findings regarding evidence disclosure timing**

The positive influence of late evidence disclosure timing on confession rates has not been previously reported in any published empirical work. It is however consistent with the advice given in certain interrogation manuals (e.g., Buckwalter, 1983; Kidd, 1940; Shuy, 1998; Zulawski & Wicklander, 1992), and by researchers active in this field such as Bull and Milne (2004), Vrij (2004a, 2004b), and Hartwig, Granhag, Strömwall and Vrij (2005). If suspects who are initially prevented from knowing about the evidence against them are more likely to confess than are those who are immediately made aware of such evidence, this suggests that suspects’ decisions to confess or deny are largely governed by cognitive processes which involve weighing up the perceived costs and benefits of these decisions (e.g., Irving & Hilgendorf, 1980). If suspects being interviewed were primarily motivated by unconscious drives or urges (e.g., Reik, 1961), such as the desire to relieve themselves of guilt feelings, one would not expect the effects of evidence disclosure timing (nor of evidence strength) on interview outcome to be as great as they appear to be. The finding of significant effects of evidence disclosure timing on decisions to confess is consistent with "rational" theories (e.g., Dawes, 1988) of human choice and behaviour. As argued by Tibbetts and Gibson (2002), while rational choice theory has lost status and acceptance in academic circles in recent years, it remains a viable and defensible theoretical framework, albeit one which should be regarded as complementing, rather than challenging, other perspectives in criminology.

Although the significant effects of evidence disclosure timing do highlight an important role for rational cognitive processes, it does not follow that dispassionate calculations or cold-blooded decision making can fully account for why some suspects confess and others do not. Indeed the "early versus late" timing of evidence disclosure may be a less important factor in suspects’ decisions to confess than whether or not they are trapped by their own lies before being told of the evidence against them, or whether they experience embarrassment and consternation on learning of this evidence. And importantly, it is highly likely that whatever the specific causal relationship between evidence and confessions might be, it is based on perceptions of evidence rather than on evidence as such. There is the evidence which an interviewer has, evidence which the suspect thinks the interviewer may have, evidence which a court will rule to be admissible in a trial, and evidence which is actually disclosed to the suspect during their interview. In some interviews, these forms of evidence are all different. Thus, a
suspect’s subjective perception of the case against them could well have more impact on their behaviour than the timing with which evidence is disclosed to them.

8.5 Practical implications of findings regarding evidence disclosure timing

Based on the empirical results of this thesis, there seems little merit to disclosing evidence to suspects during the opening moments of an interview. Overall, the thesis findings suggest that initially withholding evidence from a suspect, which according to the findings of Study One is common practice in Australia, is a sensible and appropriate way to structure and conduct a suspect interview. One of the main advantages to withholding evidence is that this increases the likelihood that a guilty suspect will unknowingly give an account of themselves which is inconsistent with information known to the interviewer. In this way, the falsity of such an account should be possible to discern, at least in some cases. Encouraging suspects to provide their own free account also provides them with an opportunity to establish their innocence at the earliest possible time, which should be regarded as an important function of suspect interviewing, and a potential benefit to all concerned. From a strategic viewpoint, late evidence disclosure guards against the potential damage of both inaccurate evidence, which can undermine the interviewer's credibility, and accurate evidence, which could inform a guilty suspect about the best way to maintain their own credibility as an innocent person. Late disclosure also helps to preserve flexibility for two reasons. Firstly, a decision to defer disclosure can always be changed, whereas actual disclosure cannot be undone. Secondly, early disclosure of guilt-presumptive evidence may make the interviewer seem harsh, and it is much less sensible to start off in a harsh manner and then try to present oneself as friendly, than vice versa.

Almost from the earliest days of suspect interviewing, it has been noted that flexibility is needed when questioning suspects, and that no single approach can be expected to work all of the time. In *Malleus maleficarum* (1486/1948), Kramer and Sprenger wrote that no one questioning method should be used for suspected witches because this would make it easier for them to evade detection. Furse (1895) argued that because people vary greatly in their personality and response to questioning, varied methods of questioning them were required. In one of the first published interrogation manuals, Kidd (1940) stated that no invariable rules could be applied to suspect interviewing and that interviewers should be prepared to change their interview plan if it seemed ineffective. Kidd also recommended that when weighing up which of two interviewing strategies to use, no information should be revealed which might interfere with the second strategy if the first one fails to work. This important point again argues
Modern authors have also stressed the need for a flexible suspect interviewing approach (Brown, 2001; Buckwalter, 1983; Carney, 2004; Gorden, 1980; Mackey & Miller, 2004; Rabon, 1992; Shepherd, 1993; Shipley, 1996; Shuy, 1998; Van Meter, 1973). DeClue (2005) holds that, at a certain critical point in some suspect interviews, even an apparently minor act by an interviewer could result in a dramatic shift in the interview’s outcome. Flexibility may be needed to quickly identify and exploit such a point. One of the great strengths of a strategy based on not disclosing evidence is that it can be reconsidered at any time. In contrast, a serious weakness of early evidence disclosure is the inflexibility of such an approach, from which there can be no turning back. Once evidence is disclosed, it can never be retracted. While a greater emphasis on flexibility cannot resolve the question of optimal evidence disclosure timing, the irrevocability of any form of disclosure does mean that, at least from the standpoint of maintaining flexibility, late is superior to early. Moreover, from a cognitive perspective, if an interviewer focuses on a suspect's side of the story before focusing on evidence of their guilt, this may foster a mental flexibility and open mindedness which could make them less vulnerable to the sort of premature judgements and excessive "need for cognitive closure" (Ask & Granhag, 2007b, p. 564) which are known to be resistant to correction.

However, one of the dangers here is that an interviewer who successfully uses a late evidence disclosure strategy to trap the suspect into telling "provable lies" might be too eager to conclude that the suspect must be guilty of the crime in question. Even when it can be shown that the suspect has provided an account which flies in the face of hard evidence, and therefore must be untrue, it does not logically follow that the suspect must be guilty. There are a number of reasons why an innocent suspect might lie to the police, such as protecting someone else, or trying to hide the fact that they have committed an act which although not necessarily illegal, might be regarded as embarrassing or shameful. Another problem with attempting to demonstrate a suspect’s guilt by reference to contradictions between their account and the evidence against them is that each of these variables is subject to distortions which are not necessarily related to either deception or guilt. A suspect’s account will sometimes contain honest mistakes due to factors such as poor memory or errors arising from the emotional distress they experience after being arrested. Likewise, as previously discussed in Chapter 3.7, it is not sensible to assume that all evidence against a suspect must be completely sound. Hence, differences between a suspect’s account and the evidence against them should
not automatically be attributed to the dishonesty or guilt of the suspect.

Another drawback to focusing on discrepancies between suspects’ accounts and evidence is that some suspects will be well aware of the evidence against them even when this information has never been explicitly divulged to them by the police. In these situations, a suspect might provide a free account that seems entirely consistent with evidence which has been deliberately withheld from them, but this would not necessarily indicate that their account is factual or honest. While the strategy of initially withholding evidence from a suspect has considerable merit, it would be dangerous to place much faith in it as a means of discriminating the guilty from the innocent.

The relationship between perceived fairness and evidence disclosure timing is potentially important because it seems likely that suspects who feel they have been treated fairly will be more likely to cooperate with their interviewers. It is also important because judges and juries may be less receptive to a prosecutor’s arguments if they believe the defendant was treated unfairly when interviewed by police.

Unfortunately, the association between participants’ ratings of fairness and evidence disclosure timing is not clear from the finding of this thesis. In Study Two there was no significant difference between ratings of fairness across the early and late conditions whereas in Study Three higher fairness ratings were obtained in the early conditions. Possibly, apparently insignificant differences in the wording of the instructions used in these studies explains this difference in how participants perceived the fairness of their treatment by the interviewer. Future research may be needed to clarify what, if any, relationship pertains between perceived fairness and disclosure timing (see Chapter 8.7).

8.6 Strengths and limitations of the research

A mixed methods approach was a central feature of this thesis. Study One was observational, and Study Two used a two-phase experimental, between-subjects design, where suspects committed mock-crimes and were interviewed about them three days later. In Study Three an experiment with a within-subjects design was conducted where vignettes were manipulated to elicit Likert scale ratings, followed by a questionnaire which yielded quantitative data. Study Four used vignettes to elicit increases or decreases in confession likelihoods, followed by a questionnaire which yielded qualitative data. Crime type also varied across experiments; mainly sexual offences in Study One, thefts in Study Two and violent assaults in Study Three. In Study Four the vignette data was again based on violent assaults, but the instructions for the questionnaire were generic in not specifying any particular crime type. The physical context also differed widely across studies. In Study One the location of the alleged
Suspect interviewing 132

crimes was not always specified in the transcripts, but included private residences as well as public areas and motor vehicles. The interviews of Study One were mostly conducted in police stations, although a re-enactment was staged at two crime scenes and two of the suspects were interviewed in their homes as well as at a police station. In Study Two mock-thefts were committed in a laboratory setting, followed by interviews conducted in a different room. In Studies Three and Four the assaults occurred at a party, a pub, a taxi rank and a shop, and were followed by interviews at a police station. Furthermore, evidence was disclosed verbally in Studies One and Two, as opposed to in written form in Studies Three and Four. The diversity of approaches used in this thesis provides reason to believe that these empirical findings are not simply a product of the methodology used to generate them, and are applicable to suspect interviews in general, rather than limited to any particular location, class of suspect, or offence type.

Nevertheless, a number of limitations apply to the research conducted in this thesis. In Study One for example, there was no means of determining the guilt or innocence of any suspect. In the few interviews where evidence was not disclosed it was impossible to know if this lack of disclosure reflected lack of evidence or merely a decision by the interviewer to withhold it. Even in interviews where considerable evidence was disclosed there was still uncertainty about both the suspect’s and the interviewer’s knowledge of evidence associated with the alleged crime. Study One could probably have been greatly improved if suspects’ and interviewers’ perceptions of evidence strength had been measured and compared with variables such as confession rates, but because the only data available were the transcripts, this was not possible.

The interviews of Study Two were simple exchanges which lasted between three and four minutes, unlike true suspect interviews which tend to be more lengthy and complex affairs (see Chapter 2.5). Because four minutes is not usually sufficient time to establish much rapport with a suspect, interviews of this length are not consistent with the approach advocated in much of the literature (see for example Alison & Howard, 2005; Gudjonsson, 2003; Holmberg, 2009; St-Yves, 2006b). The consequences associated with the interviews of Studies Two, Three and Four of this thesis were also far less significant than are those usually associated with real suspect interviews, which potentially include financial penalties, prison sentences, intense feelings of shame and embarrassment, a criminal record, loss of respectability in the community, and perhaps even the loss of one’s family. The lack of any penalties of this kind in Studies Two, Three and Four may explain why these participants were far more inclined to confess in response to the disclosure of strong evidence than were the suspects in Study One,
although another partial explanation may be that the suspects in Study One did not generally believe the evidence against them to be as strong as did participants in the strong conditions of the experimental studies.

The majority of undergraduate psychology students in Australia are female, and this was reflected in the gender composition of participants in Studies, Two, Three and Four. While this low proportion of males certainly contrasts with the gender makeup of those who are usually interviewed by police in the real world (Gottfredson & Hirschi, 1990; Leo, 1996a; van den Haag, 1991; Wilson & Herrnstein, 1985), there seems to be no evidence that a greater number of male participants would have made any difference to the results. This view is consistent with that of Gudjonsson, Sigurdsson, Bragason, Einarsson and Valdimarsdottir (2004), who surveyed 1,080 Icelandic students and found no significant gender differences in the proportion of those who reported making confessions when interviewed by the police. It also accords with the results reported by Kassin and Kiechel (1996—which were outlined in Chapter 3.16), whereby no variable in their study was related to gender.

Most young students probably do not have a good understanding of suspect interviewing processes, and those who are training to enter a profession which emphasises trusting and supporting others may be especially ill prepared to appreciate some of the realities of this area. Psychology students may also be more biased towards humane interviewing approaches than are most members of the community, and this may have been reflected in the responses obtained from them, especially the qualitative data of Study Four. On the other hand, a factor which enhances the generalisability of findings of this thesis is that much empirical research conducted in several countries over many years suggests that the peak age at which citizens become criminal suspects is only slightly lower than the mean age of the university students used in Studies Two, Three and Four (Hirschi & Gottfredson, 2008). Another virtue of the empirical studies of this thesis is that their experimental design allows completely random assignment to conditions to be made; this cannot be said of some the studies previously discussed in the literature review section (eg. Kassin et al., 2007; Soukara et al., 2002).

One problem with testing the relationships between disclosure timing, perceived evidence strength and confession rates in the way this has been done in this thesis is that the participants were only asked to rate the strength of the evidence against them after they had rated their likelihoods of confessing (or made a decision about confessing or denying). This means that there is no reliable way to determine how they felt about the evidence at the most critical time, when they actually made these likelihood ratings or
confessions/denials. The experiments could have been designed so that the participants were asked to rate the evidence strength just before making their likelihood ratings, and future researchers may wish to consider doing this. However such a design could make the experiment less realistic by specifically drawing participants’ attention to the evidence just at the time they are considering a confession, something which probably does not often occur in actual forensic contexts, especially when evidence is weak.

Eyewitness testimony was the primary type of evidence disclosed in Study One, and the only type of evidence disclosed in the other studies. This focus on eyewitness testimony is justifiable in the sense that this is the most common evidence associated with criminal cases (Phillips & Brown, 1998), but even so, limiting the evidence mostly to eyewitness testimony could pose constraints as to the generalisability of findings because the effects of evidence disclosure may well vary according to evidence type. For instance eyewitness evidence may be easier for a suspect to dispute than is evidence such as DNA and fingerprints. On the other hand, if it is true that eyewitness evidence has less impact on suspects than does "harder" physical evidence, this lends even more weight to the findings of this thesis as to the significant effects of evidence disclosure on participants in Studies Two, Three and Four.

In all studies of this thesis the major dependent variables were based on confessions. These variables were specified as confession rates in Study One, confession rates and likelihoods in Study Two, confession "peaks" and likelihoods in Study Three, and confession likelihoods in Study Four. Furthermore, participants in Studies Three and Four were asked to provide their opinions on the best way to obtain a confession from suspects. Focusing attention on confessions as the primary interview outcome is sensible in that (as outlined in Chapter 2.2) they are such an important feature of the criminal justice system. Another advantage to recording confession rates or likelihoods is simply that they are much easier to operationalise and measure than are more complex variables such as interview quality. Nevertheless, while confessions are no doubt a critical consideration in suspect interviews, they should certainly not be regarded as the only meaningful measure of interview success or quality. In some cases, the purpose behind questioning a suspected offender may have nothing to do with obtaining a confession from them, and such interviews may generate much important information of considerable usefulness to investigators. Even the eliciting of apparently trivial remarks or details from a suspect can be quite valuable (Buckwalter, 1983; Fisher & Geiselman, 1992; Macdonald & Michaud, 1992). An example of the potential importance of seemingly inconsequential data is provided by Bowden (2003,
unpaginated), who relates how a military interrogator was told by a terrorist suspect that a "small blue car" regularly went to the home of a senior member of Al Qaeda, Abu Musab al-Zarqawi. Mostly on the basis of this scant information, an air-strike was launched on a particular house, killing Zarqawi.

Another consideration is that even if a suspect continues to deny all wrongdoing throughout their interview, it is possible that the interview may have the effect of causing them to decide to plead guilty at a later time. In such cases, an interview could be particularly effective without there being any obvious indication of this. A further problem in defining interview success or quality in terms of high confession rates is that, even if this definition is only used for research purposes, a guilt-presumptive mindset may still be fostered whereby suspects’ potential innocence is not taken seriously enough. This is a potentially grave danger which, in actual suspect interviews, could initiate a process that results in a miscarriage of justice (Gudjonsson, 2003; Williamson, 2006). In an unknown but probably significant proportion of suspect interviews the suspect is not guilty of the crime in question, and in such cases the eliciting of a confession from them should not of course be regarded as a successful outcome. When researching suspect interviews, it does make sense from a practical standpoint to use confessions as the most important indicator of interview outcome, but such a methodology is questionable for all the reasons outlined above. Simply recording the presence or absence of a confession runs the risk of providing a misleading picture which will never properly capture the actual worth or importance of a suspect interview.

In the actual practice of interviewing in the real world, it seems doubtful whether any simplistic distinction between "early" and "late" evidence disclosure timing, such as that employed in this thesis, can properly capture the myriad and diverse ways in which evidence is actually disclosed to suspects. For example small amounts of evidence can gradually be revealed throughout an interview. Another complication is that "disclosure" itself is not easy to define. Behaviours from an interviewer such as challenging the suspect, focusing questioning on certain topics, or expressing surprise (either verbally or nonverbally) at what the suspect says, can all have the effect, whether intended or not, of imparting information to the suspect about the nature of the case against them. The complex process of evidence disclosure in suspect interviews will require more attention from future researchers, but the use of multiple research methodologies in this thesis was designed to offset and protect against problems which could arise from focusing on just one form of evidence or one single method of disclosing it.
8.7 Suggestions for further research

Future researchers who have access to sufficient resources may wish to conduct research based on real suspect interviews involving suspects and police officers. While as previously noted, it would probably not be possible to randomly assign these cases to experimental conditions, it might be possible to match them on variables such as evidence strength, evidence disclosure timing, crime type, and interviewer experience and training. If so, comparisons could be made between interview outcomes (for example confessions versus denials), and factors associated with interview strategy such as evidence disclosure timing. This methodology would almost inevitably suffer from confounds arising from incomplete control of variables and unpredictable interactions between them, but would nevertheless be likely to improve the current state of knowledge of the suspect interviewing process.

The empirical findings of Igou and Bless (2003) suggest one potential avenue of future research in regards to the relationship between evidence strength and disclosure timing. These authors presented 30 students at a German University with a scenario where someone was trying to advise them about whether or not to purchase an electrical appliance. The students were asked to consider a situation in which this advisor made three strong arguments about the potential purchase and three weak arguments. It was concluded that in "one-sided communications" (the type of exchange which often occurs in a suspect interview where all arguments made by a particular speaker point in the same direction), 70% of participants in this study expected the stronger arguments to be made at the beginning of the presentation, whereas only 20% expected them at the end. These findings seem to imply that when people listen to someone who is trying to persuade them to change their views, they expect the speaker to deliberately structure the timing of their presentation with regard to the strength of each point. What this could mean for a suspect interview is that if the interviewer fails to disclose strong evidence during the initial stages, the suspect might interpret this to mean that no such evidence is available. This perception could assist interviewers who wish to encourage a suspect to lie, because they could initially disclose only weak evidence to the suspect while deliberately withholding any strong evidence. If after hearing the weak evidence the suspect concluded that they now have full knowledge of all the case evidence against them, this may cause them to miscalculate their chances of successfully avoiding responsibility for the alleged offence. Experiments could be designed and conducted to test the effectiveness of such a suspect interviewing strategy.

As mentioned in Chapter 8.5, researchers may also wish to further explore the
unresolved question of how evidence disclosure timing influences suspects’ perceptions of how fairly they have been treated. Several authors emphasise the role of perceived fairness in citizens’ interactions with the criminal justice system (e.g. Bradford, Jackson, & Stanko, 2009; Hawdon, 2008; Herbert, 2006; Hinds, 2009; Tankebe, 2008, 2009), and by including Likert scale ratings of fairness, the study suggested above might cast further light on how these perceptions relate to the suspect interviewing context.

Another possible direction for future research in suspect interviewing could involve the use of more sophisticated methods of manipulating evidence disclosure timing. In the same way that empirical studies regarding evidence strength and disclosure timing need not be limited to merely two levels of evidence strength, there seems no good reason to confine them only to "early versus late" disclosure timing designs. Although it would entail increased complexity, experiments could be conducted where various methods are used to gradually present evidence to suspects throughout an interview, and the effects of these disclosures could be measured in much the same manner as was employed in Studies Two, Three and Four of this thesis.

As pointed out in Chapter 6.6, asking experimental participants in suspect interviewing studies to rate the strength of the evidence against them may possibly have the unintended consequence of distorting the effects of this evidence on their behaviour. Hence, future researchers may wish to conduct such experiments without asking the participants to rate the evidence against them to see if a correlation between evidence strength and likelihood of confessing still holds, although on the downside this design would not easily permit a manipulation check of the independent variable to be made.

8.8 Potential applications of the findings

One implication of the importance of evidence disclosure timing which has been explicated in this thesis is that suspect interviewers should receive extensive training in sound interview preparation and in evidence disclosure strategy. When researchers have observed actual suspect questioning they have sometimes reported an apparent lack of flexibility on the part of interviewers. Baldwin (1992) for example noted that officers did not always seem to be listening to what the suspect was saying and hence failed to adapt their approach as the circumstances required, although some seemed overconfident in their interviewing skills and did not appear to feel the need for further training even when their skills seemed poor. Moston, et al. (1992) reported that some interviewers appeared to rely solely on a strategy such as disclosing evidence to the suspect even when this approach was clearly ineffective. Some claim that the better the quality of case evidence which is gathered before an interview, the more readily will an
interviewer be able to adapt to changing conditions during the interview (Moston et al., 1992; Ord et al., 2004). Edenborough (2002) claims that many people tend to overestimate their interviewing competence. Other authors have expressed the opinion that effective interviewing is far more difficult to master than is commonly realised (Goodale, 1982; Maher, 2004; Rusk & Miller, 1993) and that the interviewing of suspects can be especially demanding (Dillon, 1990; Gilbert, 2004; Gross, 1904/1906; Hatherill, 1971; O'Hara & O'Hara, 2003; Palmiotto, 2004). In spite of this, most police officers receive little formal training in suspect interviewing (Bevan & Lidstone, 1991; Ekman, 2001; Hess, 1997; Leo, 2002, 2008; Milne & Bull, 1999; Morgan, 1990; Mortimer, 1994; Moston et al., 1992; Walters, 2003; Yeschke, 1997).

In an attempt to improve the general standard of interviewing by police officers in the UK, the five-stage "PEACE" interviewing model was formally adopted in 1992 (Williamson, 1994). This change appears to have been part of a significant mindset shift in the UK from an accusatory interviewing approach to a more objective information gathering style (Williamson, 2006). A subsequent evaluation of the success of the PEACE training program was conducted by Clarke and Milne (2001), who sampled 177 suspect interviews from six regions of the UK, in which the majority of the alleged offences related to theft or assault. Around two thirds of the interviewers were PEACE trained, although Clarke and Milne pointed out that comparisons between trained and untrained interviewers were complicated by the fact that almost all police officers in the UK would have had at least some exposure to the PEACE model at that time. To assess the quality of these 177 interviews, a rating scale comprised of 61 items was developed from a range of scales which already existed. Fifteen police officers from diverse regions of the UK assessed the interviews. Some results from this study seem disheartening. For instance, the purpose of the interview was clearly explained to suspects in only 12.4% of interviews, and rapport was rated as skilfully developed by interviewers in only 7% of cases. A mere 18.7% of the challenges against a suspect’s account were rated as professionally made and supported with evidence. More positively, the overall communication skills of interviews appeared to be good. A mean number of 3.8 leading questions per interview were recorded, far fewer than the mean number of 13.1 open questions, which was also an encouraging result. Overall, the evidence for significant transference of skills due to the PEACE training program was limited, although the interviews conducted by PEACE trained officers were significantly longer than those conducted by untrained officers. Comparisons between the results of this study and previous studies seemed to suggest at least some general
improvement in suspect interviewing skills in the UK in recent years, though significant problems remain, suggesting that interviewer training still requires further attention and more resources.

Later studies also indicated weaknesses in forensic interviewing practice. For example, Wright and Alison (2004) analysed 19 interviews of adult witnesses which had been conducted between 1994 and 2000 by police in two separate regions of Canada. These interviews were not a random sample and were all taken from cases which had been successfully closed, which raises the possibility that they were not representative of the general population of interviews commonly conducted in Canada. Even so, the problems identified by Wright and Alison in the way these interviews were conducted are cause for concern. These problems included frequent interruptions of witnesses, leading questions, overuse of closed questions, and a general tendency to seek confirmation of the interviewer’s apparent preconceptions as opposed to encouraging witnesses to provide their own accounts.

A recent development in the UK has been a five-tier system of training for investigative interviewing, ranging from the introductory tier one course to the tier five training of co-ordinators for serious and complex crimes (Griffiths & Milne, 2006). This new tiered system involves more comprehensive training; for example the original PEACE course was only one week long and did not conclude with a formally assessed interview, whereas the tier three course lasts for three weeks and participants must demonstrate specific skills in a role-play interview before they can pass it (Griffiths & Milne, 2006). Preliminary testing by Griffiths and Milne of 15 tier three participants suggested a significant improvement in interviewing skills, albeit with some decline in performance after completion of training. The empirical studies of Soukara et al. (2002), conducted in the UK, and Alison and Howard (2005) in South Australia, found that most police officers do appear to recognise the need for formal training in suspect interviewing, and this should probably be regarded as a positive sign that the training situation may improve. In Australia however, even police officers who work in specialist investigation roles were not normally provided with formal interviewing training until recent times (Moston, 2009), an unsatisfactory state of affairs.

8.9 Conclusions

Taken together, the four studies of this thesis provide empirical corroboration of an important role for evidence in suspect interviewing, suggesting it is a key factor in suspects' behaviour. A more innovative finding of this thesis is that evidence disclosure timing also seems to be a significant factor in the decision making of suspects. The
effects of evidence strength were more robust than were those for evidence disclosure timing, and there was no indication in any study that disclosure timing influenced other variables to the same extent as did high evidence strength. Evidence strength also influenced a wider range of variables. For example in Study Two evidence strength had the effect of increasing participants’ ratings for pressure, guilt and fairness, while evidence disclosure timing had no effect on any of these variables.

Nevertheless, the most important finding of this thesis was that evidence disclosure timing significantly influenced participants’ tendency to confess. The finding of an effect of disclosure timing on confession is important given that it seems never to have been published before. It also has important practical implications for suspect interviewers because evidence disclosure timing is one of the few things in a suspect interview which can be readily manipulated. Many variables such as the evidence against the suspect, the suspect’s personality and criminal history, the interviewer’s personality, local laws, type of crime, and the presence of legal advisors, while almost certainly important to the outcome of many interviews (eg. Gudjonsson, 2003; Moston et al., 1992), cannot be readily controlled or modified by an interviewer. In complete contrast, the time at which evidence is presented to suspects is not generally difficult to manipulate. A further consideration is that the practical usefulness of gathering strong evidence before interviewing a suspect will always be limited by the inherent difficulty of actually doing this, whereas no such limit applies to the timing of its disclosure. Moreover, in cases where overwhelmingly strong evidence is already available then interviewing a suspect may scarcely even be necessary for resolving the case.

Although this thesis demonstrated the importance of evidence disclosure timing, its findings have not fully clarified the actual effects of this variable. As discussed in Chapter 6.5, late evidence disclosure increased the tendency to confess only in Study Two, and not in Study Three. It seems likely that this difference is explained by the lack of personal interaction between suspect and interviewer which occurred in Study Three. It may well be that an interview strategy whereby suspects provide a free account to another person (as occurred in Study Two and also tends to occur in real suspect interviews), and are then confronted with evidence which contradicts their account, is more effective than is a strategy of immediately confronting suspects with evidence, although more research will be needed to adequately test this proposition.

The interviewing of suspects has sometimes been viewed as a lazy and inferior alternative to careful investigation (eg. Bowden, 2003; Coatman, 1959), but it may make more sense to see the two approaches as complementing each other, because prior
investigation can generate factual information which can be very useful for suspect interviewing. Moreover, as eyewitness testimony is generally the most common form of evidence available in criminal investigations (eg. Kebbell & Milne, 1998), this means that investigative interviewing is important not just at the point where suspects are questioned, but well before this time, when case evidence is elicited from witnesses.

In summary, investigators should start by gathering as much information as possible about the suspect and the alleged crime. They should then use this evidence to facilitate and support the interviewing of that person. This evidence needs to be used in a careful and thoughtful way during the interview, and the optimal way of using it would not necessarily entail its actual disclosure. If little or no evidence is available, then in light of issues such as confirmation bias (Ask & Granhag, 2005), it may not be prudent to treat anyone as a suspect, because this could lead to self-fulfilling expectancies which might cause an innocent person to seem guilty, a dangerous state of affairs. When the evidence is weak, investigators should gather stronger evidence before interviewing the suspect. If they cannot do this, it could be because the suspect is not guilty, so perhaps they should look elsewhere for an offender. This approach immediately focuses the attention of investigators onto the evidence, making them less susceptible, although not completely immune, from cognitive distortions such as the presumption of guilt and confirmation bias. Interviewing strategies which focus on the importance of evidence may assist in protecting against some aspects of the "confession culture" which favours the need to elicit confessions over actual case evidence.
References


Suspect interviewing 147


James, N. (2007). Torture: What is it, will it work and can it be justified? In A. Lynch, E. MacDonald, & G. Williams (Eds.), *Law and liberty in the war on terror* (pp. 155-164). Sydney, Australia: Federation Press.


Suspect interviewing


dogmatization of Catholicism. In M. Rokeach (Ed.), *The open and closed mind:*
*Investigations into the nature of belief systems and personality systems* (pp. 376-

M. E. Rolof, & G. R. Miller (Eds.), *Interpersonal processes: New directions in*
*communication research* (pp. 11-38). Newbury Park, CA: Sage.

Roper, L. (2004). *Witch craze: Terror and fantasy in baroque Germany.* Newhaven,
CT: Yale University Press.

(Ed.), *Investigative interviewing: Rights, research and regulation* (pp. 42-63).
Cullompton, UK: Willan.

In T. Williamson (Ed.), *Investigative interviewing: Rights, research and*

Thompson, D. J. Herrmann, D. Bruce, J. D. Read, D. G. Payne, & M. P. Toglia
(Eds.), *Autobiographical memory: Theoretical and applied perspectives* (pp. 47-

Ruble, D. N., & Feldman, N. S. (1976). Order of consensus, distinctiveness, and
consistency information and causal attributions. *Journal of Personality & Social*
*Psychology, 34,* 910-937.

Rusk, T., & Miller, D. P. (1993). *The power of ethical persuasion: From conflict to*
*partnership at work and in private life.* New York: Penguin.

true and false confessions within a novel experimental paradigm. *Psychological*
*Science, 16,* 481-486.


in conversation. In G. H. Lerner (Ed.), *Conversation analysis: Studies from the*
*first generation* (pp. 35-42). Amsterdam: John Benjamins.

Scarborough, Canada: Carswell.

*policing* (pp. 228-258). Devon, UK: Willan.


Appendix A-Participant Instructions used in Phase I of Study Two

Instructions for theft conditions

You have been assigned to the theft condition. What you have to do is to go into the room marked "Experimental Room." Once in the room you are to search for, and steal, a cell-phone. Once you have stolen the cell-phone leave the room and return to the waiting area where the experimenter will meet you. Try hard to act, and feel, as if you are really committing this crime.

Instructions for innocent conditions

"You have been assigned to the innocent condition. What you have to do is to go into the room marked "Experimental Room." Once in the room you are to search for, and find, a cell-phone. Once you have found the cell-phone leave the phone where it is, leave the room and return to the waiting area where the experimenter will meet you."
Appendix B-Procedure used in Early Conditions of Phase II of Study Two
(The instructions at point 4 are taken from Kebbell, Hurren and Roberts, 2006, p. 481).

The interviewer followed the procedure below:
1. "The reason you are here today concerns an allegation of the theft of a cell-phone which occurred on (date)."
2. "I have evidence that suggests you stole the phone. A witness has made the following statement (eyewitness statement was read to suspect-see Appendix D).
3. "Now what I would like you to do is to decide what your likelihood of confessing to this crime would be on a scale from 1 to 10 with 1 being very unlikely to confess and 10 being very likely to confess. Please respond on the form but do not let me see your response" (below scale was given to suspect).

How likely is it that you would confess?

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Not at all likely</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. "Now I would like to give you $10 so that you have an extra $10. Before you can have this money I would like you to decide whether you will confess or deny this crime. If you deny the crime then the evidence against you and your denial will be put forward to a group of mock-jurors. If they find you guilty you will be fined $10 so you will receive no money. If they find you not guilty you will not be fined and will receive the $10 at the end of this semester. If you confess, you will be found guilty, but because you admitted your crime, you will only be fined $5. You will receive the $5 at the end of the semester. All money will be distributed at the end of the semester and you will be notified by email where to collect the money. Do you understand these instructions?"

If suspect indicated that they did not understand, the instructions were slowly re-read to them.
5. "Do you confess or deny stealing the phone?" (Answer was recorded).
6. "What happened in the room that day?" (Answer was recorded).
7. "Now what I would like you to do is to again decide what your likelihood of confessing to this crime would be on a scale from 1 to 10 with 1 being very unlikely to confess and 10 being very likely to confess. Please respond on the form but do not let me see your response." (Suspects were again given the same scale previously used for question three).
8. "Do you confess to stealing the phone?" (Answer was recorded).
9. "Please fill out this questionnaire" (Answer was recorded).
10. This question is for the interviewer:

I believe that the suspect is (circle one);

Guilty

Not guilty

How confident are you in the above judgement of guilt?

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Not at all confident</td>
<td>Not very confident</td>
<td>Very confident</td>
<td>Extremely Confident</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix C-Questionnaire used in Study Two for all Participants

Please answer the following questions and respond to the statements by marking the scale at the appropriate place—one indicates "not at all" and ten indicates the maximum possible rating.

1. How strong do you think the evidence against you is?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all strong</td>
<td>Not very strong</td>
<td>Very strong</td>
<td>Extremely strong</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. How accurate do you think the evidence against you is?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all accurate</td>
<td>Not very accurate</td>
<td>Very accurate</td>
<td>Extremely accurate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. How guilty do you feel?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all guilty</td>
<td>Not very guilty</td>
<td>Very guilty</td>
<td>Extremely guilty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. How pressured did you feel to confess?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all pressured</td>
<td>Not very pressured</td>
<td>Very pressured</td>
<td>Extremely pressured</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Please rate your agreement with this statement-"The interviewer was fair."

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all fair</td>
<td>Not very fair</td>
<td>Very fair</td>
<td>Extremely fair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Please rate your agreement with this statement-"The interviewer was aggressive towards me."

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all aggressive</td>
<td>Not very aggressive</td>
<td>Very aggressive</td>
<td>Extremely aggressive</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7. Please rate your agreement with this statement-"The interviewer showed humanity towards me."

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all humane</td>
<td>Not very humane</td>
<td>Very humane</td>
<td>Extremely humane</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. Did you attempt to deceive the interviewer at any time? (Please circle an answer)

Yes  
No  

(Please go to question 9)  
(Please go to question 14)
9. How hard did you try to deceive the interviewer about your part in the theft of the phone?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all hard</td>
<td>Not very hard</td>
<td>Very hard</td>
<td>Extremely hard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. How successful do you think you were in deceiving the interviewer about your part in the theft of the phone?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all successful</td>
<td>Not very successful</td>
<td>Very successful</td>
<td>Extremely successful</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. How much did you enjoy the challenge of deceiving the interviewer?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all</td>
<td>Not very much</td>
<td>Very much</td>
<td>Extremely</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. How much did you enjoy your success at deceiving the interviewer?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all</td>
<td>Not very much</td>
<td>Very much</td>
<td>Extremely</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

13. Did you feel bad about trying to deceive the interviewer?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all</td>
<td>Not very much</td>
<td>Very much</td>
<td>Extremely</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14. Did you confess to stealing the phone at any time?

- Yes
- No

(Please go to the next question) (That's all we need from you, thanks for your participation)

15. If you confessed, why did you confess? (Please circle one or more of the below responses).

- I confessed because I felt guilty
- I confessed because of the evidence against me
- I confessed because I felt pressure to do so
- I confessed for a reason that is not listed above (If so, please write what this was).

Thanks for your participation in our study
Appendix D-Example of Eyewitness Statement used in Phase II of Study Two

A witness has made the following statement-On (date) at approximately (time), I was waiting in an interviewing room at the Psychology Clinic. I was there as part of an experiment I had signed up for to receive participation credits for my course in Criminology. The interview room was fitted with a one-way mirror and while I was in the waiting room I saw a woman go into the next room through the one-way mirror. I watched her because she was acting suspiciously. She looked through the drawers of a desk in the room. Then she looked inside a black briefcase on the desk. She then went to a black bag behind the curtains and took a phone out of this bag and left the room. The woman looked to be about twenty years old. She was tall and of slim build. She wore a blue sleeveless top, long grey pants and white joggers. She had straight dark shoulder length hair. She wore a gold necklace and had a silver watch on her left wrist."
Appendix E-Examples of Vignettes used in Study Three

At a Party

You are at a party with your girlfriend. You are wearing blue jeans and a black shirt. You go to the kitchen to get a couple of drinks. When you come back, you see that another man, Ollie, is talking to your girlfriend. Ollie smiles at you but you just stare back at him without saying anything. Ollie then turns away from you and starts talking to your girlfriend again.

You put your drink down so that both of your hands are now empty. Ollie also starts to put his drink down, but before he is able to do this, you punch him in the face twice. Ollie calls the police. The police come to the party and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Ollie at the party."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all likely to confess</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The police officer then says to you "Tell me everything that happened at the party."

The police officer then says "I have evidence that you assaulted Ollie. You were seen in the pub wearing blue jeans and a black shirt. Ollie says that you punched him twice in the head. Ollie's friends say the same thing and so does your girlfriend."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all likely to confess</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. How **strong** do you think the evidence against you was?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all strong</td>
<td>Not very strong</td>
<td>Very strong</td>
<td>Extremely strong</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. How **accurate** do you think the evidence against you was?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all accurate</td>
<td>Not very accurate</td>
<td>Very accurate</td>
<td>Extremely accurate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. How guilty do you feel about the crime?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all guilty</td>
<td>Not guilty</td>
<td>Very guilty</td>
<td>Extremely guilty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. How pressured did you feel to confess?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all pressured</td>
<td>Not pressured</td>
<td>Very pressured</td>
<td>Extremely pressured</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Please rate your agreement with this statement-"The interviewer was fair."

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all fair</td>
<td>Not fair</td>
<td>Very fair</td>
<td>Extremely Fair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Please rate your agreement with this statement-"The interviewer showed humanity towards me."

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all</td>
<td>Not</td>
<td>Very</td>
<td>Extremely</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
At the Pub

You are at the pub. You are wearing blue jeans and a black shirt. You see a man named Frank coming through the door of the pub. Frank tries to walk behind you but the pub is crowded so there is not enough room for him to get past. Frank says "Excuse me" but you pretend not to hear him, and carry on with your conversation. Frank then squeezes past you, brushing against you and spilling your drink. You turn around angrily and grab Frank on the shoulder with both hands. Frank tries to keep walking but you punch him twice in the side of his head. Frank calls the police. The police come to the pub and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Frank at the pub. I have evidence that you assaulted Frank. You were seen in the pub wearing blue jeans and a black shirt. Frank says that you punched him twice in the head. Frank's friends say the same thing and so does the bartender at the pub."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all likely to confess</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The police officer then says to you "Tell me everything that happened in the pub."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all likely to confess</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. How *strong* do you think the evidence against you was?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all strong</td>
<td>Not very strong</td>
<td>Very strong</td>
<td>Extremely strong</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. How *accurate* do you think the evidence against you was?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all accurate</td>
<td>Not very accurate</td>
<td>Very accurate</td>
<td>Extremely accurate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. How guilty do you feel about the crime?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all guilty</td>
<td>Not guilty</td>
<td>Very guilty</td>
<td>Extremely guilty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. How pressured did you feel to confess?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all pressured</td>
<td>Not pressured</td>
<td>Very pressured</td>
<td>Extremely pressured</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Please rate your agreement with this statement-"The interviewer was fair."

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all fair</td>
<td>Not fair</td>
<td>Very fair</td>
<td>Extremely fair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Please rate your agreement with this statement-"The interviewer showed humanity towards me."

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all humane</td>
<td>Not humane</td>
<td>Very humane</td>
<td>Extremely humane</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
At a Taxi Rank

You go to a busy taxi rank and walk up to a taxi. You are wearing blue jeans and a black shirt. Before you have even opened the taxi door, the driver starts his meter. You get in and say "Are you trying to rip me off mate? We haven't even started moving yet." The driver replies "Keep your money and get out of here." You grab his arm. The driver tries to push you away while he opens his door. He then climbs out of the taxi. You get out your door, walk over to the driver, and punch him in the head twice. The driver calls the police. The police come to the taxi rank and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with the taxi driver at the taxi rank. I have evidence that you assaulted the driver. You were seen at the taxi rank wearing black pants and a white shirt. The driver says that you knocked him down and kicked him in the back."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all likely to confess</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The police officer then says to you "Tell me everything that happened at the taxi rank."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not at all likely to confess</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. How *strong* do you think the evidence against you was?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not at all Strong</td>
<td>Not very strong</td>
<td>Very strong</td>
<td>Extremely strong</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. How *accurate* do you think the evidence against you was?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not at all Accurate</td>
<td>Not very accurate</td>
<td>Very accurate</td>
<td>Extremely accurate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. How guilty do you feel about the crime?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not at all guilty</td>
<td>Not guilty</td>
<td>Very guilty</td>
<td>Extremely guilty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. How pressured did you feel to confess?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not at all pressured</td>
<td>Not pressured</td>
<td>Very pressured</td>
<td>Extremely pressured</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Please rate your agreement with this statement-"The interviewer was fair."

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not at all fair</td>
<td>Not fair</td>
<td>Very fair</td>
<td>Extremely Fair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Please rate your agreement with this statement-"The interviewer showed humanity towards me."

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not at all humane</td>
<td>Not humane</td>
<td>Very humane</td>
<td>Extremely humane</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
You go to a fish and chip shop to buy dinner. You are wearing blue jeans and a black shirt. The shop is busy so you have to wait in line. Just in front of you is a man named Jason, who seems to be drunk. Jason bumps into you, and you move towards him aggressively. Jason bumps you again, and you push him away. Jason seems to realise you are angry with him, and starts to apologise to you. You start to raise your hands but then drop them again. As soon as Jason takes his eyes off you, you hit him twice in the head. Jason calls the police. The police come to the shop and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Jason at the fish and chip shop."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all likely to confess</td>
<td>Not very likely to confess</td>
<td>Very likely to confess</td>
<td>Extremely likely to confess</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The police officer then says to you "Tell me everything that happened in the shop."
The police officer then says "I have evidence that you assaulted Jason. You were seen in the
shop wearing black pants and a white shirt. Jason says that you knocked him down and kicked
him in the stomach."

How likely is it that you would confess to the assault at this point?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **How strong** do you think the evidence against you was?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. **How accurate** do you think the evidence against you was?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. How guilty do you feel about the crime?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. How pressured did you feel to confess?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Please rate your agreement with this statement-"The interviewer was fair."

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Please rate your agreement with this statement-"The interviewer showed humanity towards me."

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
HOW THE POLICE SHOULD INTERVIEW SUSPECTS

The following questions refer to how you believe a police officer should act in an interview with a suspected violent offender, in order to make them more likely to confess. For each numbered statement, you will be asked to rate how strongly you agree or disagree with the statement.

Each statement can be rated on a 5-point scale, ranging from strongly agree to strongly disagree. Please put a circle around the number that corresponds best with your answer.

If you make a mistake, put a cross through the number and circle the new number.

1). A police interviewer should be calm

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

2). A police interviewer should get to know the suspect before starting the interview

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

3). A police interviewer should give a suspect time to comment

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
4). A police interviewer should suggest to the suspect, that the suspect may have believed the victim encouraged them to commit the offence

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

5). A police interviewer should say that the suspect will feel better if they confess

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

6). A police interviewer should emphasise the impact the crime has had on the victim

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

7). A police interviewer should tell the suspect that the evidence shows that the truth will eventually come out

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

8). A police interviewer should be aggressive towards the suspect

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

9). A police interviewer should show sympathy towards a suspect

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
10). A police interviewer should ask the suspect to give their own side of the story before disclosing the evidence against them

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

11). A police interviewer should rush the interview, and not allow the suspect time for reflection

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

12). A police interviewer should have an understanding of how people who commit offences think

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

13). A police interviewer should say that although the crime was wrong, other people have done worse than the suspect

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

14). A police interviewer should emphasise that the crime will seem worse if the suspect does not give their account of what happened

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

15). A police interviewer should have as much evidence as possible to show the suspect during the interview

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
16). A police interviewer should be friendly

Strongly agree  Agree  Neutral  Disagree  Strongly disagree

1   2   3   4   5

17). A police interviewer should try to understand how a suspect is feeling

Strongly agree  Agree  Neutral  Disagree  Strongly disagree

1   2   3   4   5

18). A police interviewer should disclose evidence to the suspect if the evidence is strong

Strongly agree  Agree  Neutral  Disagree  Strongly disagree

1   2   3   4   5

19). A police interviewer should appear to be neutral

Strongly agree  Agree  Neutral  Disagree  Strongly disagree

1   2   3   4   5

20). A police interviewer should suggest that the suspect may have believed the victim may have enjoyed or not have been particularly upset by the offence

Strongly agree  Agree  Neutral  Disagree  Strongly disagree

1   2   3   4   5

21). A police interviewer should suggest to the suspect that the victim may have exaggerated about the harm caused to them by the offence

Strongly agree  Agree  Neutral  Disagree  Strongly disagree

1   2   3   4   5

22). A police interviewer should say that the suspect will feel worse if they do not confess

Strongly agree  Agree  Neutral  Disagree  Strongly disagree

1   2   3   4   5
23). A police interviewer should emphasise the strength of the evidence against the suspect

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

24). A police interviewer should be patient

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

25). A police interviewer should show a positive attitude towards the suspect

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

26). A police interviewer should disclose the evidence against the suspect before asking them to give their own side of the story

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

27). A police interviewer should appear to be interested in seeking the truth

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

28). A police interviewer should point out that the suspect may have believed that if the victim did not want the offence to occur, they could have done more to prevent it

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

29). A police interviewer should suggest to the suspect, that other factors such as alcohol, drugs and stress caused the offence

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
30). A police interviewer should tell the suspect that it will be worse for the victim if they do not confess

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

31). A police interviewer should have a very detailed account from the accuser, to read to the suspect during the interview

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

32). A police interviewer should take a supportive approach with the suspect during the interview

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

33). A police interviewer should be cooperative with the suspect during the interview

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

34). A police interviewer should disclose evidence to the suspect if the evidence is weak

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

35). A police interviewer should be interested in getting the other side of the story during the interview

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
36). A police interviewer should point out during the interview, that the suspect may believe that society makes a much bigger deal out of offences than they really are

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

37). A police interviewer should say during the interview, that just because the suspect has committed an offence, doesn't mean they are a bad person

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

38). A police interviewer should indicate to the suspect, that if others (friends, family) found out that they lied, the suspect would lose their respect

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

39). A police interviewer does not need to collect all the evidence before interviewing the suspect

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
Appendix G-Items used in Questionnaires of Study Three, by Category

"Evidence importance" items from questionnaire (3 items)

15). A police interviewer should have as much evidence as possible to show the suspect during the interview
31). A police interviewer should have a very detailed account from the accuser, to read to the suspect during the interview
39). A police interviewer does not need to collect all the evidence before interviewing the suspect

"Evidence disclosure" items from questionnaire (6 items)

7). A police interviewer should tell the suspect that the evidence shows that the truth will eventually come out
10). A police interviewer should ask the suspect to give their own side of the story before disclosing the evidence against them
18). A police interviewer should disclose evidence to the suspect if the evidence is strong
23). A police interviewer should emphasise the strength of the evidence against the suspect
26). A police interviewer should disclose the evidence against the suspect before asking them to give their own side of the story
34). A police interviewer should disclose evidence to the suspect if the evidence is weak
The following questions are simply to provide us with some very basic information about you.

1) What is your age?

2) What is your gender (please circle below)?

   Male       Female

THANKS FOR YOUR PARTICIPATION
Appendix I-Vignettes used in Study Four

At the Pub

You are at the pub. You are wearing blue jeans and a black shirt. You see a man named Frank coming through the door of the pub. Frank tries to walk behind you but the pub is crowded so there is not enough room for him to get past. Frank says "Excuse me" but you pretend not to hear him, and carry on with your conversation. Frank then squeezes past you, brushing against you and spilling your drink. You turn around angrily and grab Frank on the shoulder with both hands. Frank tries to keep walking but you punch him twice in the side of his head. Frank calls the police. The police come to the pub and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Frank at the pub."

How likely is it that you would confess to the assault at this point? (Please circle one below)

Not at all likely to confess
Not very likely to confess
Very likely to confess
Extremely likely to confess
The police officer then says to you "Tell me everything that happened in the pub."
The police officer then says "I have evidence that you assaulted Frank. You were seen in the pub wearing black pants and a white shirt. Frank says that you knocked him down and kicked him in the stomach."

How likely is it that you would confess to the assault at this point? (Please circle one of the three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
At the Pub

You are at the pub. You are wearing blue jeans and a black shirt. You see a man named Frank coming through the door of the pub. Frank tries to walk behind you but the pub is crowded so there is not enough room for him to get past. Frank says "Excuse me" but you pretend not to hear him, and carry on with your conversation. Frank then squeezes past you, brushing against you and spilling your drink. You turn around angrily and grab Frank on the shoulder with both hands. Frank tries to keep walking but you punch him twice in the side of his head. Frank calls the police. The police come to the pub and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Frank at the pub."

How likely is it that you would confess to the assault at this point? (Please circle one below)

- Not at all likely to confess
- Not very likely to confess
- Very likely to confess
- Extremely likely to confess
The police officer then says to you "Tell me everything that happened in the pub."
The police officer then says "I have evidence that you assaulted Frank. You were seen in the
pub wearing blue jeans and a black shirt. Frank says that you punched him twice in the head.
Frank's friends say the same thing and so does the bartender at the pub."

How likely is it that you would confess to the assault at this point? (Please circle one of the
three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
At a Party

You are at a party with your girlfriend. You are wearing blue jeans and a black shirt. You go to the kitchen to get a couple of drinks. When you come back, you see that another man, Ollie, is talking to your girlfriend. Ollie smiles at you but you just stare back at him without saying anything. Ollie then turns away from you and starts talking to your girlfriend again. You put your drink down so that both of your hands are now empty. Ollie also starts to put his drink down, but before he is able to do this, you punch him in the face twice. Ollie calls the police. The police come to the party and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Ollie at the party."

How likely is it that you would confess to the assault at this point? (Please circle one below)

Not at all likely to confess  Not very likely to confess  Very likely to confess  Extremely likely to confess
The police officer then says to you "Tell me everything that happened at the party."

The police officer then says "I have evidence that you assaulted Ollie. You were seen at the party wearing black pants and a white shirt. Ollie says that you knocked him down and kicked him in the back."

How likely is it that you would confess to the assault at this point? (Please circle one of the three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
At a Party

You are at a party with your girlfriend. You are wearing blue jeans and a black shirt. You go to the kitchen to get a couple of drinks. When you come back, you see that another man, Ollie, is talking to your girlfriend. Ollie smiles at you but you just stare back at him without saying anything. Ollie then turns away from you and starts talking to your girlfriend again. You put your drink down so that both of your hands are now empty. Ollie also starts to put his drink down, but before he is able to do this, you punch him in the face twice. Ollie calls the police. The police come to the party and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Ollie at the party."

How likely is it that you would confess to the assault at this point? (Please circle one below)

Not at all likely to confess  Not very likely to confess  Very likely to confess  Extremely likely to confess
The police officer then says to you "Tell me everything that happened at the party."
The police officer then says "I have evidence that you assaulted Ollie. You were seen at the party wearing blue jeans and a black shirt. Ollie says that you punched him twice in the head. Ollie's friends say the same thing and so does your girlfriend."

How likely is it that you would confess to the assault at this point? (Please circle one of the three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
At a Taxi Rank

You go to a busy taxi rank and walk up to a taxi. You are wearing blue jeans and a black shirt. Before you have even opened the taxi door, the driver starts his meter. You get in and say "Are you trying to rip me off mate? We haven't even started moving yet." The driver replies "Keep your money and get out of here." You grab his arm. The driver tries to push you away while he opens his door. He then climbs out of the taxi. You get out your door, walk over to the driver, and punch him in the head twice. The driver calls the police. The police come to the taxi rank and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with the taxi driver at the taxi rank."

How likely is it that you would confess to the assault at this point? (Please circle one below)

<table>
<thead>
<tr>
<th>Not at all likely to confess</th>
<th>Not very likely to confess</th>
<th>Very likely to confess</th>
<th>Extremely likely to confess</th>
</tr>
</thead>
</table>

Suspect interviewing

Iwc

212
The police officer then says to you "Tell me everything that happened at the taxi rank."
The police officer then says "I have evidence that you assaulted the driver. You were seen at
the taxi rank wearing black pants and a white shirt. The driver says that you knocked him
down and kicked him in the back."

How likely is it that you would confess to the assault at this point? (Please circle one of the
three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
At a Taxi Rank

You go to a busy taxi rank and walk up to a taxi. You are wearing blue jeans and a black shirt. Before you have even opened the taxi door, the driver starts his meter. You get in and say "Are you trying to rip me off mate? We haven't even started moving yet." The driver replies "Keep your money and get out of here." You grab his arm. The driver tries to push you away while he opens his door. He then climbs out of the taxi. You get out your door, walk over to the driver, and punch him in the head twice. The driver calls the police. The police come to the taxi rank and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with the taxi driver at the taxi rank."

How likely is it that you would confess to the assault at this point? (Please circle one below)

Not at all likely to confess  Not very likely to confess  Very likely to confess  Extremely likely to confess
The police officer then says to you "Tell me everything that happened at the taxi rank."
The police officer then says "I have evidence that you assaulted the driver. You were seen at
the taxi rank wearing blue jeans and a black shirt. The driver says that you punched him twice
in the head. Other drivers say the same thing and so does another passenger in a different
taxi."

How likely is it that you would confess to the assault at this point? (Please circle one of the
three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
At a Shop

You go to a fish and chip shop to buy dinner. You are wearing blue jeans and a black shirt. The shop is busy so you have to wait in line. Just in front of you is a man named Jason, who seems to be drunk. Jason bumps into you, and you move towards him aggressively. Jason bumps you again, and you push him away. Jason seems to realise you are angry with him, and starts to apologise to you. You start to raise your hands but then drop them again. As soon as Jason takes his eyes off you, you hit him twice in the head. Jason calls the police. The police come to the shop and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Jason at the fish and chip shop."

How likely is it that you would confess to the assault at this point? (Please circle one below)

Not at all likely to confess  Not very likely to confess  Very likely to confess  Extremely likely to confess
The police officer then says to you "Tell me everything that happened in the shop."
The police officer then says "I have evidence that you assaulted Jason. You were seen in the shop wearing black pants and a white shirt. Jason says that you knocked him down and kicked him in the stomach."

How likely is it that you would confess to the assault at this point? (Please circle one of the three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
At a Shop

You go to a fish and chip shop to buy dinner. You are wearing blue jeans and a black shirt. The shop is busy so you have to wait in line. Just in front of you is a man named Jason, who seems to be drunk. Jason bumps into you, and you move towards him aggressively. Jason bumps you again, and you push him away. Jason seems to realise you are angry with him, and starts to apologise to you. You start to raise your hands but then drop them again. As soon as Jason takes his eyes off you, you hit him twice in the head. Jason calls the police. The police come to the shop and arrest you.

Three days later you are in an interview room at the police station. The police officer begins the interview by saying "I would like to talk to you about what happened with Jason at the fish and chip shop."

How likely is it that you would confess to the assault at this point? (Please circle one below)

Not at all likely to confess

Not very likely to confess

Very likely to confess

Extremely likely to confess
The police officer then says to you "Tell me everything that happened in the shop."

The police officer then says "I have evidence that you assaulted Jason. You were seen in the shop wearing blue jeans and a black shirt. Jason says that you punched him twice in the head. Other customers say the same thing and so does the shop owner."

How likely is it that you would confess to the assault at this point? (Please circle one of the three options below)

I am now less likely to confess than the first time I was asked

I am now more likely to confess than the first time I was asked

I am no more and no less likely to confess than the first time I was asked
Appendix J-Questionnaire used in Study Four

HOW THE POLICE SHOULD INTERVIEW SUSPECTS

The following questions refer to how you believe a police officer should act in an interview with a suspected offender, in order to make them MORE LIKELY TO CONFESS. Please write any comments you have about the following ideas. For example, you may think that some of these ideas are a good way to get a confession, and some are a bad way.

Feel free to consider any issues you like, such as legal and ethical requirements, the rights of suspects, the rights of society to protect itself from crime, terrorism, etc. Any ideas you have about the interviewing of suspects, or on research into the interviewing of suspects, are welcome. If you have no opinion on any points then just leave them blank.

1). A police interviewer should be calm

2). A police interviewer should get to know the suspect before starting the interview

3). A police interviewer should give a suspect time to comment
4). A police interviewer should suggest to the suspect, that the suspect may have believed the victim encouraged them to commit the offence

5). A police interviewer should say that the suspect will feel better if they confess

6). A police interviewer should emphasise the impact the crime has had on the victim

7). A police interviewer should tell the suspect that the evidence shows that the truth will eventually come out

8). A police interviewer should be aggressive towards the suspect
9). A police interviewer should show sympathy towards a suspect

10). A police interviewer should ask the suspect to give their own side of the story before disclosing the evidence against them

11). A police interviewer should rush the interview, and not allow the suspect time for reflection

12). A police interviewer should have an understanding of how people who commit offences think

13). A police interviewer should say that although the crime was wrong, other people have done worse than the suspect
14). A police interviewer should emphasise that the crime will seem worse if the suspect does not give their account of what happened

15). A police interviewer should have as much evidence as possible to show the suspect during the interview

16). A police interviewer should be friendly

17). A police interviewer should try to understand how a suspect is feeling

18). A police interviewer should disclose evidence to the suspect if the evidence is strong

19). A police interviewer should appear to be neutral
20). A police interviewer should suggest that the suspect may have believed the victim may have enjoyed or not have been particularly upset by the offence

21). A police interviewer should suggest to the suspect that the victim may have exaggerated about the harm caused to them by the offence

22). A police interviewer should say that the suspect will feel worse if they do not confess

23). A police interviewer should emphasise the strength of the evidence against the suspect

24). A police interviewer should be patient
25). A police interviewer should show a positive attitude towards the suspect

26). A police interviewer should disclose the evidence against the suspect before asking them to give their own side of the story

27). A police interviewer should appear to be interested in seeking the truth

28). A police interviewer should point out that the suspect may have believed that if the victim did not want the offence to occur, they could have done more to prevent it

29). A police interviewer should suggest to the suspect, that other factors such as alcohol, drugs and stress caused the offence
30). A police interviewer should tell the suspect that it will be worse for the victim if they do not confess.

31). A police interviewer should have a very detailed account from the accuser, to read to the suspect during the interview.

32). A police interviewer should take a supportive approach with the suspect during the interview.

33). A police interviewer should be cooperative with the suspect during the interview.

34). A police interviewer should disclose evidence to the suspect if the evidence is weak.

35). A police interviewer should be interested in getting the other side of the story during the interview.

36). A police interviewer should point out during the interview, that the suspect may believe that society makes a much bigger deal out of offences than they really are.
37). A police interviewer should say during the interview, that just because the suspect has committed an offence, doesn't mean they are a bad person

38). A police interviewer should indicate to the suspect, that if others (friends, family) found out that they lied, the suspect would lose their respect

39). A police interviewer does not need to collect all the evidence before interviewing the suspect

40). A police interviewer should interpret the body language of the suspect to try and see if they are lying

Any other comments?
Dissemination Section

The below paper is based on Study Two and has been published as;

Running head: EVIDENCE DISCLOSURE TIMING IN SUSPECT INTERVIEWS

When should evidence be disclosed in an interview with a suspect? An experiment with mock-suspects.

Steven Sellers
Griffith University

Mark R. Kebbell
ARC Centre of Excellence in Policing and Security, Griffith University
Suspect interviewing

Abstract

The question of whether to disclose evidence to a suspect early on, or later, in an interview is often of critical importance for police officers’ interviewing strategies. To shed light on this issue an experiment was conducted in which 95 participants each committed a mock-theft as a hidden "witness" observed them. A statement from the witness was presented to them during a subsequent interview in which they were a "suspect." The time at which this evidence was disclosed to participants, and the evidence strength, were manipulated. Each participant was randomly assigned to one of four conditions; Early Weak, Early Strong, Late Weak or Late Strong. Both late evidence disclosure, and strong evidence, produced higher confession rates than did early disclosure or weak evidence, and late disclosure of weak evidence resulted in the withdrawal of most of the confessions which had previously been made.

Keywords: Investigative interviewing, Disclosure, Evidence, Confession
According to Gudjonsson (2007), suspects' perception of evidence strength is the main reason they confess to crimes. In field studies, a strong positive correlation has been found between confession rates and strength of the evidence of guilt as judged by the interviewing officer (Cassell & Hayman, 1996; Moston, Stephenson, & Williamson, 1992). The most common cause of confessions among prison inmates is their belief that the evidence against them is strong (Gudjonsson & Petursson, 1991), and this finding has been replicated in an experimental simulation (Kebbell, Hurren, & Roberts, 2006).

Because evidence is such a crucial consideration in suspect interviewing, interviewers often disclose it to suspects. After conducting a survey of police interviewing practices, Kassin et al. (2007) reported that only 1% of officers claimed they never confronted suspects with case evidence, whereas 22% claimed they always did this. However, while a consensus is emerging that evidence is vital to the eliciting of confessions, there is disagreement about how and when it should be used in suspect interviews. The purpose of this paper is to assess the potential advantages of various evidence disclosure strategies which interviewers might want to consider when questioning suspected offenders.

A strategy used by some interviewers is to disclose evidence almost immediately. Leo (2002) contends that in the USA, police officers often begin an interview by directly confronting suspects with evidence of their guilt. In fact Wald, Ayres, Hess, Schantz and Whitebread (1967) reported the disclosure of evidence by the police to suspects before the interview had even begun.

In contrast, several authors caution against early evidence disclosure (e.g., Bull & Milne, 2004; Hartwig, Granhag, Strömwall, & Vrij, 2005; Napier & Adams, 2006; Ord, Shaw, & Green, 2008; Savino & Turvey, 2005; Shuy, 1998; Vrij, 2004). Zulawski and Wicklander (1992) assert that early and direct accusations against suspects only tend to elicit resistance from them, and once they have made a denial they are unlikely to change their story. Whereas Zulawski and Wicklander offer no empirical evidence to support their position, Baldwin (1992) analysed 200 audiotapes and 400 videotapes of police interviews with suspects before coming to much the same conclusion, noting that in only 20 of the 600 interviews analysed did suspects initially deny the offence but later confess, and in only nine of these cases did the change seem due to the interviewer's persuasive skills.

Some authors (e.g., Buckwalter, 1983; Yeschke, 2003) stress that the first moments of an interview are critical because they allow an interviewer to build rapport with the suspect by displaying fairness and compassion; immediately confronting them with evidence of their guilt risks squandering this opportunity. Interviewers should bear in mind that evidence collected by the police often contains inaccuracies, such as witness's errors of memory, or undue inferences being drawn from forensic evidence, and officers’ recollection of such
material during the interview may also be faulty. A suspect confronted with inaccurate evidence against them may perceive this treatment as unfair, come to distrust and resent the interviewer, and hence withdraw all cooperation. If an interviewer discloses evidence which the suspect believes to be mistaken, their credibility may also suffer. As credibility is strongly associated with persuasiveness (Aronson, 1999; Palmiotto, 2004), an interviewer usually needs solid facts to be taken seriously. Evidence disclosure can be risky at any time, but especially when it is made so early that if the suspect reacts badly to it, they could stop talking before a statement has been obtained from them.

Another reason early disclosure may be strategically unwise is that knowledge of the case evidence can assist a suspect to fabricate an account which seems consistent with both their own innocence, and with the evidence. Moreover, late disclosure has the advantage that if the suspect is guilty, allowing them to commit to falsehoods before confronting them with strongly contradictory evidence may unsettle them (Hartwig et al., 2005). Even if the suspect successfully hides their emotional reactions to such evidence but fears they have failed to do so, this may still work to their psychological disadvantage.

It might be thought that allowing suspects to say whatever they like, instead of trying to use evidence as "leverage" to elicit a confession, could cause them to lose respect for the interviewer. Yet Heydon (2005, p. 181) has argued the police tend to be overly anxious that their control of a suspect will be jeopardised if they do not make overt displays of power, and describes this mindset as the "myth of threatened authority." If the suspect is innocent, giving them an early chance to state their position may resolve the matter so that no further questioning is necessary. If they are guilty, attempting to intimidate them with evidence may not be necessary. Suspects are often obliging and helpful even in the absence of any apparent pressure from the interviewer (Baldwin, 1992; Dixon, 2006; Elshtain, 2004), and those who seem evasive or uncooperative might be experiencing genuine difficulty with their memories. Even authors who favour early evidence disclosure generally acknowledge that it should not be made in an unrestrained manner. It is customary for at least some evidence to be selectively withheld by the interviewer so that if a confession is obtained, its validity can then be tested by comparing this undisclosed evidence against the information supplied by the suspect (Gordon & Fleisher, 2006; Inbau, Reid, Buckley, & Jayne, 2005; Powel & Amsbary, 2006). If the suspect was provided with everything known about a crime then it might not be possible to determine whether details of their confession truly reflect memories of committing the offence, or were simply learned during the interview. However, if the suspect is not prepared to give an account of themselves then asking them to comment on some of the evidence might be the only way to get any statement from them.

Due to legal and ethical constraints, research on evidence disclosure strategies cannot
be conducted with real criminal suspects. Hence, an experiment using mock-suspects was devised. Eyewitness testimony is the most common type of evidence used in criminal investigations (Phillips & Brown, 1998; Scheck, Neufeld, & Dwyer, 2003). It is also known to vary greatly in strength and quality (Cutler & Penrod, 1995; Kebbell & Wagstaff, 1999), and this strength can be experimentally manipulated. For these reasons, the evidence used in this study was eyewitness testimony.

In light of the considerations which have already been outlined, the drawbacks associated with early evidence disclosure appear to outweigh the potential benefits. Therefore, it was hypothesised that more confessions would be obtained when the evidence was disclosed late in the interview than when it was disclosed early. It was also predicted that more confessions would be obtained when the evidence was strong than when it was weak.

Method

Design

A 2 x 2 between-subjects design was used. The independent variables were the strength of the evidence, which was manipulated by disclosing weak versus strong eyewitness statements, and the time at which this evidence was made known to participants, which was manipulated by disclosing the statements early versus late in the interview. The main dependent variable was whether or not participants made a confession.

Participants

The participants were first year psychology students, randomly allocated to one of four conditions. A total of 95 participants received course credit for completing the study. Their mean age was 21 years ($SD = 6.3$), with a range of 17 to 56 years.

Procedure

Participants were told they would be taking part in a study of criminal investigation, and that in Phase I of the experiment they would be assigned to either a "theft" condition, and asked to "steal" an object, or to an "innocent" condition. Participants were led to believe there was an innocent condition so that they would assume they could make a credible denial of their responsibility for the theft. While some participants were given innocent instructions, the data from these individuals was not analysed. Participants were instructed to go into a room and steal a mobile phone, and were observed while they did this (for more details on the methodology see Kebbell et al., 2006).

Three days after the mock-theft, participants returned to be interviewed by a person who was blind to the experimental hypotheses. At this point participants were randomly allocated to one of four conditions; Early Weak, Early Strong, Late Weak and Late Strong. For the early conditions, the following nine-step procedure was employed. Participants were first informed that they were suspected of stealing a phone. At step two, an eyewitness
statement in apparent support of this allegation was read to them. Participants were then asked to rate, on a ten-point Likert scale, their likelihood of confessing to the crime. The fourth step was taken from Kebbell et al. (2006); participants were promised $10 which they could keep if they successfully fooled a mock-jury into believing they were innocent, and were offered $5 if they confessed to the theft, but those who made a denial which was not believed received no money. Participants were then asked "Do you confess or deny stealing the phone?" (step five) and "What happened in the room that day?" (step six). The next step was to again ask participants to rate their likelihood of confessing on the Likert scale. They were then asked "Do you confess to stealing the phone?". After their interview, participants completed a questionnaire which included such target questions as "How strong do you think the evidence against you is?", "How guilty do you feel?" and "If you confessed, why did you confess?". The procedure for late conditions was identical to that used in early except that the timing of disclosure was manipulated by simply reversing the positions of steps two and six. To encourage participants to engage closely with their task, the phone was deliberately hidden. Evidence strength was reduced in the weak conditions by changing parts of the eyewitness statement concerning the behaviour and description of the participant (eyewitness evidence in real criminal cases is often inaccurate—see Kebbell & Wagstaff, 1999). For instance, if a participant had immediately taken the phone as soon as they entered the experimental room, the statement was altered to say that they had first searched in various places before finding it. Likewise, details of the clothing, hair style and colour, and height and build of the participant were also distorted. In contrast, accurate information as to the participant's actions and appearance were correctly preserved in the strong conditions. Hence, the only difference between the early and late conditions was the time at which the evidence was disclosed, and the only difference between the weak and strong conditions was the strength of this evidence.

Results

Confession rates and participant’s ratings of likelihood of confessing

To confirm that manipulation of evidence strength was successful, an independent t-test was conducted on participants' ratings of evidence strength. These ratings were higher in the strong conditions ($M = 8.12$, $SD = 1.83$) than the weak, ($M = 2.62$, $SD = 1.80$), $t(93) = 14.76$, $p < .01$. As mentioned previously, each participant was given two opportunities to confess, and two opportunities to rate their likelihood of confessing. Confessions made at the first opportunity are referred to as "First Confessions", and those made at the second as "Second Confessions." Similarly, first likelihood of confessing ratings are referred to as "First Likelihoods" and the second as "Second Likelihoods." An additional variable referred to as "Any Confessions" reflects responses to the question, "Did you confess to stealing the phone?"
at any time?" A total of 53 participants (55.8%) made a First Confession, 52 (54.7%) made a Second Confession, and 62 (65.3%) made a confession at least once (an Any Confession). Confession results are displayed in Table 1.

Table 1 to go here

A 2 x 2 x 2 ANOVA (early/late x weak/strong x first/second) with repeated measures on the third factor was conducted on participants’ ratings of their likelihood of confessing. See Table 2 for these results. There was no significant main effect of disclosure timing on ratings of likelihood of confessing, $F(1, 91) = 0.00, p > .05, \eta^2 = .00$. There was a significant main effect of strength of evidence, $F(1, 91) = 23.13, p < .01, \eta^2 = .20$, with the likelihood of confessing being higher in the strong conditions ($M = 6.95, SD = 0.32$) than the weak conditions ($M = 4.74, SD = 0.33$). There was no significant difference between first and second likelihood of confessing, $F(1, 91) = 2.16, p > .05, \eta^2 = .02$.

Table 2 to go here

There was a significant interaction between disclosure timing and likelihood of confessing, $F(1, 91) = 5.19, p < .05, \eta^2 = .05$, and between strength of evidence and likelihood of confessing, $F(1, 91) = 37.25, p < .01, \eta^2 = .29$. A significant interaction was also indicated between timing and strength and likelihood of confessing, $F(1, 91) = 18.16, p < .01, \eta^2 = .17$. The interactions were explored with follow-up $t$-tests using an alpha level of $p < .05$. In the late conditions likelihoods showed significant changes over time, decreasing in response to weak evidence and increasing in response to strong. In the early conditions, likelihoods increased when evidence was strong, but did not significantly change when it was weak.

Results for likelihood of confessing were mirrored by those for actual confessions. A logit model was run on confessions at any time as the dependent variable, and early/late disclosure and weak/strong evidence as independent variables. This is analogous to the previous ANOVA, except binary data was used. There was a significant effect of disclosure timing, $z = 2.54, p < .05$, with 24 confessions recorded in response to early disclosure and 38 in response to late. There was also a significant effect of evidence strength, $z = 2.96, p < .01$, with 23 confessions in response to weak evidence and 39 in response to strong. There was no significant interaction between disclosure timing and evidence strength, $z = 0.74, p > .05$.

Ratings for pressure, guilt and fairness are displayed in Table 3. Two-way ANOVAs (early/late x weak/strong) were conducted on these values. Strength had a significant main effect on pressure $F(1, 91) = 19.66, p < .01, \eta^2 = .18$, with higher ratings in the strong conditions ($M = 6.42, SD = 2.35$) than the weak conditions ($M = 4.36, SD = 2.12$). Means were also higher in the strong conditions for guilt ($M = 7.13, SD = 2.01$) than in the weak ($M = 4.74, SD = 2.23$), $F(1, 91) = 29.63, p < .01, \eta^2 = .25$, and higher in the strong conditions for fairness ($M = 8.00, SD = 1.53$) than in the weak ($M = 7.14, SD = 1.89$), $F(1, 91) = 5.75, p <$
Suspect interviewing

.05, \( \eta^2 = .06 \). There were no significant effects of timing, and no significant interactions.

Table 3 to go here

Discussion

The timing of evidence disclosure had significant effects. Late disclosure caused more mock-suspects to confess, and made them more likely to change from confessing to denying, than did early disclosure. Among participants who confessed, early disclosure was positively correlated with reported feelings of pressure. Early disclosure of weak evidence yielded only six First Confessions (27.3%), the lowest such rate for any condition by far, whereas late disclosure of weak evidence elicited no further confessions and resulted in 10 of the 16 previously made confessions being retracted, yielding a Second Confession rate in Late Weak of only 25%, which was also lower than the corresponding rate for any other condition. Thus, to the question of when weak evidence should be disclosed, the answer may be never. The retraction of confessions in response to weak evidence seems to provide further corroboration of the power of evidence strength in suspect interviewing.

The implications of confession retraction in response to weak evidence are not entirely clear. "Losing" a confession may disappoint interviewers. Then again, if the case evidence really is weak, and a confession is one of the few indications of guilt, this is precisely the sort of situation which is likely to result in a miscarriage of justice. When evidence is very strong, most retractions of confession may not be particularly interesting or significant, because the suspect is likely to be guilty, and is also likely to be convicted whether they confess or not. When the evidence is weak however, the retraction of a confession means that investigators are left with a case based on weak evidence, plus a retracted confession. In such cases they may also be left with a personal belief that the suspect must be guilty, because many seem to believe that false confessions are rare (e.g., Cassell, 1998; Gosselin, 2007). Under these circumstances, it could well be that acceptance of the initial confession as valid would lead to the conviction of an innocent person (because weak evidence is consistent with innocence), but its rejection as invalid might cause a guilty person to escape prosecution, because the case against the suspect would collapse once the confession was rejected.

An unexpected finding of this study was that the tendency for confession rates and likelihoods of confessing to fall in response to weak evidence was more striking than the tendency for these variables to rise in response to strong evidence. One possible explanation is that weak evidence does more to diminish the frequency of confession than strong evidence does to increase it. If this were so, the conventional wisdom that evidence exerts its main influence when it is strong, by exerting an upward pressure on confession rates, might have to be revised along the lines that evidence truly does most of its work when it is weak, by exerting a downward pressure on confession. A more likely explanation however, is that
because most participants were aware they might have been seen when committing the theft, they were surprised by any weak testimony against them, but relatively unmoved by strong. A better understanding of how suspects perceive and process the evidence against them might assist interviewers to use it more effectively, so future researchers may wish to deliberately manipulate these perceptions. For instance, they could lead suspects to believe that the evidence against them is weak, and then observe their responses to the disclosure of strong evidence. As Granhag and Hartwig (2008) have pointed out, interviewers often tend to focus on their own strategies at the expense of considering how the suspect is thinking.

As compared to the disclosure of weak evidence, strong evidence appears to have made participants significantly more likely to do the following in this study; to rate the evidence against themselves as strong and accurate, to rate the interviewer as being more fair to them, to rate their Second Likelihoods of confessing as higher, to make both a Second and an Any Confession, and to report their experience of guilt and pressure as higher. In the strong conditions no participant changed from confessing to denying but eight changed from denying to confessing. Furthermore, when participants confessed, those in the strong conditions were significantly more likely to identify their feelings of guilt and pressure, and the evidence against them, as being at least part of the reason they had done so. The finding that participants appeared to perceive the interviewer as treating them less fairly in the weak conditions may be important because it might partially explain why weak evidence is less likely to elicit confessions; it is possible that when suspects, whether innocent or guilty, are confronted with spurious evidence against them, this offends their sense of justice and fairness to the point they become less compliant.

Evidence disclosure in suspect interviews, or the lack of it, may of course have legal consequences. While lawyers may insist that their clients should be informed of the evidence against them before being questioned, some authors claim that the police are not generally obliged to do this in the UK (Hutton & Johnston, 2000; Shepherd, 2007), the USA (Gilbert, 2004; Shearer, 2005) or Australia (Ord et al., 2008). Thus, police interviewers often have considerable discretion to withhold or divulge evidence as they wish.

From a strategic viewpoint, late evidence disclosure guards against the potential damage of both inaccurate evidence, which can undermine the interviewer's credibility, and accurate evidence, which could inform the suspect about the best way to maintain their own credibility as an innocent person. Late disclosure also helps to preserve flexibility for two reasons. Firstly, a decision to defer disclosure can always be changed, whereas actual disclosure cannot be undone. Secondly, early disclosure of guilt-presumptive evidence may make the interviewer seem harsh, and it is much less sensible to start off in a harsh manner and then try to present oneself as friendly, than vice versa. Moreover, from the standpoint of
cognitive distortions, if an interviewer focuses on the suspect's side of the story before focusing on evidence of their guilt, this may foster an open mindedness which could make them less vulnerable to the sort of premature judgements and excessive "need for cognitive closure" (Ask & Granhag, 2007, p. 564) which are known to be resistant to correction. Allowing suspects to provide their own accounts also means that the guilty may be able to portray themselves in a positive light by emphasising mitigating factors (Benneworth, 2006), and this may make a confession more likely. Arguably, encouraging a suspect to state their case before disclosing evidence is also fairer to them than is immediate confrontation. Even if it is not actually more fair, if it appears fair to the suspect this has strategic and rapport enhancing benefits, and it if appears fair to the courts this could have legal advantages if the suspect is later prosecuted. Hence, from the perspectives of rapport building, strategy, fairness, the law, and protection against psychological biases, late evidence disclosure in suspect interviewing seems generally preferable to early.

As with other experiments of this type, certain factors limit the generalisability of these findings to forensic settings, including the use of predominantly female university student participants who have committed no real criminal offence, and the absence of any major consequences of interview outcome for either the mock-suspects or the interviewer. However, as previously stated, alternative experimental designs may not be feasible.

Conclusions

Although interviewers need to gather as much evidence as possible before a suspect interview, they should not put too much faith in this information, because they can seldom be sure it is entirely reliable. While the disclosure of strong evidence can sometimes help to elicit a confession, interviewers should be wary about disclosing weak evidence, which could have the opposite effect. The finding of this study that late disclosure is more likely to generate confessions than early disclosure is important because it adds to our understanding of a variable, disclosure timing, which in forensic settings is far more amenable to manipulation than is evidence strength.
References


Table 1

Confession Rates for Participants at First, Second and Any Opportunity

<table>
<thead>
<tr>
<th>Timing</th>
<th>Strength</th>
<th>Confessions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>First</td>
</tr>
<tr>
<td>Early</td>
<td>Weak</td>
<td>6 (27.3)</td>
</tr>
<tr>
<td></td>
<td>Strong</td>
<td>15 (62.5)</td>
</tr>
<tr>
<td>Late</td>
<td>Weak</td>
<td>16 (66.7)</td>
</tr>
<tr>
<td></td>
<td>Strong</td>
<td>16 (64.0)</td>
</tr>
</tbody>
</table>

*Note.* Percentages in brackets
Table 2  

*Mean Likelihoods by Timing, Strength of Evidence and First and Second Likelihood of Confessing*

<table>
<thead>
<tr>
<th>Timing</th>
<th>Strength</th>
<th>Likelihood of Confessing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>First</td>
</tr>
<tr>
<td>Early</td>
<td>Weak</td>
<td>4.55 (3.00)</td>
</tr>
<tr>
<td></td>
<td>Strong</td>
<td>6.25 (2.71)</td>
</tr>
<tr>
<td>Late</td>
<td>Weak</td>
<td>6.04 (2.46)</td>
</tr>
<tr>
<td></td>
<td>Strong</td>
<td>5.84 (2.28)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations in brackets.
## Table 3

### Mean Ratings by Condition for Pressure, Guilt and Fairness

<table>
<thead>
<tr>
<th>Ratings</th>
<th>Timing</th>
<th>Strength</th>
<th>Weak (SD)</th>
<th>Strong (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pressure</td>
<td>Early</td>
<td></td>
<td>4.52 (2.14)</td>
<td>6.70 (1.89)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td></td>
<td>4.21 (2.13)</td>
<td>6.16 (2.72)</td>
</tr>
<tr>
<td>Guilt</td>
<td>Early</td>
<td></td>
<td>4.73 (2.27)</td>
<td>6.83 (2.15)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td></td>
<td>4.75 (2.23)</td>
<td>7.44 (1.87)</td>
</tr>
<tr>
<td>Fairness</td>
<td>Early</td>
<td></td>
<td>7.16 (2.25)</td>
<td>8.04 (1.46)</td>
</tr>
<tr>
<td></td>
<td>Late</td>
<td></td>
<td>7.12 (1.54)</td>
<td>7.96 (1.62)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations in brackets