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Forensic Practitioners

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Orientation to Forensic Interviewing Techniques

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Useless fact of the day



There are more stars in the universe than there are grains of sand on all the world's beaches

Outcomes

- Describe what interviewing is
- Describe what forensic interviewing is
- Discuss why forensic interviewing is important
- Provide an overview of how psychology fits into forensic interviewing
- Discuss the main forensic interviewing techniques
- Discuss person-centred interviewing
- Discuss how interviewing techniques should be assessed and measured

What is interviewing?

- An interview is a conversation aimed at obtaining desired information from a respondent

- Interviews differ from normal conversations:
 1. Interviews take place in a controlled environment; and

 2. Parties to an interview have established roles: one person (the interviewer) questions to the respondent (the interviewee), who is expected in turn to answer or attempt to answer the enquiries

Different types of interviewing

- Depends on the context of the interview (e.g. telephone call for research purposes vs terrorist being questioned over a bombing)
- Different types, including:
 - Mass media interviews;
 - Opinion polls;
 - Clinical/therapeutic interviews;
 - Job interviews;
 - Police interrogation; and
 - Forensic interview.
- Various others
- Purpose of each interview differs – e.g. therapeutic interview – aims to assess, diagnose and improve an individual's psychological well-being

What is forensic interviewing?

- As with any other type of interview, it aims at obtaining information (in a controlled environment between interviewer and interviewee)
- A forensic interview has a unique purpose which distinguishes it from other types of interviews – it aims to gather relevant information for **legal purposes**.

Interrogation vs Interviewing

- Most American authors distinguish between interrogation and interviewing
- According to them, interrogation refers to the “questioning of a suspect” in a “vigorous” manner – especially since the interrogators already “know” or suspect that the involved person committed the crime, whereas interviewing takes place in a more relaxed environment and only involves people (other than a suspect) who might be able to give supporting information
- Some other authors refer to “information-seeking” and “admission-seeking” interviews. Information-seeking refers to interviews with witnesses and third parties, whereas admission-seeking interviews involve suspects
- Referring to forensic interviews, specifically in the private environment in which we operate as forensic accountants, as “interrogation” and/or “admission-seeking” interviews is **problematic**.

Interrogation vs Interviewing (continued)

- We don't always know who are suspects and who are not
- Even if the interviewee is a suspect, assigning guilt pre-maturely might lead to subjectivity and selective use of the information received. This might even lead to a false confession
- Subjectivity should be avoided, because it "taints" the interviewer – especially in terms of the person-centred approach (referred to later in this lecture)
- Therefore, it is better to refer to all forensic interviews as interviews. If the person is a suspect, the interviewer can simply adjust the way he/she presents the incriminating evidence (near to the end of the interview)

Why is forensic interviewing important?

- Economic crime is on the rise – Corruption watch calls it a “South African pandemic”
- Economic crime is very complex
- Reasons motivating economic criminals unique and intricate
- Various underlying criminal theories
- One of these theories: Fraud Triangle – opportunity, pressure and rationalisation
- E.g. Pressure has its own criminal theory, known as the Strain theory
- Strain theory has six underlying elements/aspects

Why is forensic interviewing important? (continued)

- Reasons for economic crime more complex than most other crimes, e.g. serial pickpocketing (often financing for drug addiction on day-to-day basis v long-term “American Dream” – Strain theory)
- Profile also different than other criminals – economic criminals well educated, executive positions and older (36 – 55 years old) vs “street criminals” – not well educated, unemployed and younger (13 – 27 years old)
- Because the reasons motivating a person to commit economic crime is so complex, unique approach is need in detecting, investigating and preventing economic crime
- Must take into account the complexity of person and crime when investigating crime, also when conducting forensic interviews with suspects, witnesses and third parties

Why is forensic interviewing important? (continued)

- Therefore, how you approach and conduct an interview is very important!
- Why conduct an interview?
 - Pioneer of forensic interviewing in SA, Prof Charl Vorster, states that interviews are the best tool to obtain information. E.g. admission to crime better than 500 documents implicating crime

Commercial Forensic Practitioner vs Police

- **Remember:** When we refer to Commercial Forensic Practitioners or Forensic Accountants, we refer to investigators in the PRIVATE SECTOR
- Police officials have greater powers, including when conducting interviews
- We have to approach forensic interviewing carefully, taking our limited mandate in consideration, as well as relevant law aspects and available literature

Transdisciplinarity of forensic accounting

- Forensic accounting is a transdisciplinary field
- This means that individuals transcend from their subject fields and “move” between these fields in order to achieve the greater goal
- Vs Interdisciplinarity (more narrow, no over-arching or movement between fields)
- Forensic accounting:
 - Accounting;
 - Law;
 - Information technology; and
 - Humanities and Social sciences
- Forensic interviewing part of humanities/social sciences

Different types of forensic interviewing techniques

- There are many different types of forensic interviewing techniques
- Most have not theoretical basis – they are not based on theory or methodology, but informal techniques formulated by retired police officers or forensic investigators. A lot of these methods contain certain steps
- These are not necessarily "tried and tested"
- We are only going to refer to potential techniques that have some theoretical foundation

Forensic interviewing & Psychology

- Forensic interviewing (specifically from a person-centred approach) draws on psychological theories and models
- Psychology supports forensic interviewing, by offering greater clarity and depth in arriving at a cogent explanation of human behaviour.
- Interviewing in psychology aims to discover how people think, act and feel
- The origin of psychology as a science dates to 1879, when Wilhelm Wundt (1821–1894) opened the first psychology laboratory in Germany

Forensic interviewing & Psychology (Continued)

- Several psychological theories developed from these experiments and other research, including:
- Psychoanalysis – developed by Sigmund Freud (1856–1939) , it refers to the exploration of the unconscious to bring into consciousness inner conflicts that may originate in the earliest infantile experiences. These include primitive sexual drives, forbidden wishes and fears
- Behaviourism – based on the studies of John B. Watson (1878–1958), this theory focuses on a person's behaviour instead of the study of a person's consciousness. Behaviourism highlights simple conditioning as the underlying reason why people think, feel and act in certain ways. E.g. babies born as "blank pages". Also refer to Pavlov's dogs
- Humanistic psychology – argues that people have free will and are significantly motivated by future plans, goals and growth. The Person-centred approach has its roots in Humanistic psychology

Forensic interviewing & Psychology (Continued)

- Forensic psychology is the branch of applied psychology which is concerned with the collection, examination and presentation of evidence for judicial purposes
- It is a relatively new field of specialisation within psychology (began after World War II)
- Initially, clinical psychologists performed assessments in legal contexts, but Lionel Haward provided the first testimony in a criminal case in 1958 and subsequently established forensic psychology and practised it for over 40 years

Forensic interviewing techniques

- PEACE model;
- HUMINT (Human Intelligence);
- Cognitive interviewing;
- Kinesic interviewing;
- The Reid technique; and
- The Person-centred Approach

PEACE model

- PEACE is a suggestive acronym:
 - P – Preparation and Planning
 - E – Engage & Explain (First phase of interview)
 - A – Account, Clarify & Challenge (Where the interviewer can challenge any discrepancies)
 - C – Closure of the interview
 - E – Evaluation (of how the interview went according to the interviewer)
- Often positioned as an alternative to the Reid technique
- Aims at using a non-accusatory interviewing approach where new information is compared against the interviewee's previous statements and available evidence

PEACE model (cont.)

- The PEACE model was developed by several influential academics, psychologists, lawyers and police experts. Its main aim is to curb the risk of a potential false confession by the interviewee.
- The PEACE model is advocated as an ethical and fair approach to interviewing, since it aims not to employ subjective presumptions of guilt, nor does it engage in explicit confrontation
- This type of technique sees interviewing as investigative rather than accusatory.
- Base on fairness, openness, workability, accountability, and fact finding rather than merely obtaining a confession.
- Closed-ended questions, undue influence and emotional manipulation are hence avoided, increasing the probability that the interview will be free from the risk of a false confession.
- The PEACE model has its origins in extensive empirical research

HUMINT (Human Intelligence)

- Interrogation technique used mainly in military and intelligence environments in the United States of America
- It contains similarities to criminal interrogations such as the Reid technique, but is normally not limited to obtaining confessions and information about events in the past.
- It usually consists of foreign national suspects and sources, including individuals who might be threats to national security

Cognitive interviewing

- This technique is grounded in the theory of cognition
- Cognition – memory, perception, attention, speech and other psychological activities.
- A successful interview according to this method will be one where an interviewee relives a specific event; then communicates the information of the event to the interviewer.
- Essentially, the interviewer should apply the so-called “witness vision” strategy during the interview, where he/she visualises the interviewee’s experiences and adjusts his/her follow-up questions in relation to the interviewee’s mental record.
- A fine-tuned form of cognitive interviewing is known as the Enhanced Cognitive Interview (ECI). The ECI is similar to cognitive interviewing, but more organised (9 phases).

Cognitive interviewing (cont.)

- Consists of applying open, non-suggestive questions to the interviewee
- Similar versions – Hypnotic interviewing and Liverpool Interview Protocol (LIP)
- Time-consuming and expensive process
- Complex procedure that demands significant training of interviewers
- Increases **confabulations** in interviewees - perceived subconsciously as being true and presented to the interviewer accordingly, but which are in actual fact distorted – and creates psychological pressure which might lead to lies
- It's association with hypnotic interviewing is problematic - majority of federal states in the USA where witnesses were subjected to the hypnotic investigative technique, these individuals were barred from giving evidence in a court of law (also in UK)

Kinesic interviewing

- A multiphase behavioural analysis system
- An individual's observable outward body behaviours and terms of speech can be used to identify his/her emotional state
- In other words: verbal and non-verbal signs
- E.g. sitting crossed arms and avoiding eye contact might mean the interviewee is hiding something
- Cannot identify untruthfulness, rather increased stress
- Not very reliable
- Seen in conjunction with BAI (Reid)

The Reid technique

- A technique based on the nine steps of interrogation formulated by John E. Reid.
- It is mainly applied to criminal investigations and in situations where the interviewee's guilt is deemed "definite and reasonably certain"
- Consists of the 2 general phases – Behavioural Analysis Interview (BAI) and the Reid 9 Steps of Interrogation
- BAI – Verbal, Paralinguistic (Verbal responses that do not contain words) and Non-verbal cues
- BAI done by police officers – no training in psychology

The Reid technique (Cont.)

- Step 1: Confronting the interviewee or “suspect” with an accusation that he or she committed the specific offense
- Step 2: Introducing a theme by establishing a hypothesis regarding the motive for the crime (also known as the moral excuse)
- Step 3: Discouraging the interviewee’s denial of guilt by repeating the moral excuse mentioned in Step 2
- Step 4: Overcoming the interviewee’s additional reasons, after initial denial, for being innocent;
- Step 5: Displaying sincerity towards the interviewee;

The Reid technique (Continued)

- Step 6: Recognising the interviewee's passiveness;
- Step 7: Using an alternative question – a suggestion concerning an aspect of the crime that leads to an admission;
- Step 8: Promoting a discussion where the suspect orally describes details of the offense to establish guilt; and
- Step 9: Converting an oral confession into a written one.

The Reid technique (cont.)

- Critique:
- BAI not reliable
- BAI performed by people who are not psychologists
- 9 steps – intimidating
- 9 steps – evidence 1st, questions later (vs investigative interviewing techniques)
- 9 steps – inhumane (average interview 16 hours long in USA, deprivation of water, use of minimisation)
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The Person-centred approach

- Developed by Carl Rogers (Rogers) within a psychotherapeutic context
- Has since been extended beyond psychotherapy
- Involves "seeing" the true self through the eyes of another (self-actualisation)
- To achieve this form of self-actualisation, the variables of empathy, congruency and unconditional positive regard is employed by the interviewer
- Interviewer should acknowledge and "move beyond" his own subjective nature due to personal bias, needs, priorities, prejudices and expectations
- How? By applying empathy, congruency and unconditional acceptance

How do we determine the "best" interviewing technique?

- There isn't such a thing as the "best" or "right" interviewing technique
- Each technique has its own unique approach and strengths
- However, the particular technique must be in line with the relevant law aspects. If not, the evidence obtained from an interview might be deemed inadmissible in a court of law and render the investigation fruitless
- Relevant law aspects:
 - Bill of Rights (The Constitution): Section 10 – Human dignity, Section 12 – Freedom and security of the person, Section 14 – Privacy, Section 35 – Arrested, detained and accused person;
 - Law of Evidence: Admissions and confessions

How do we determine the "best" interviewing technique? (Cont.)

- CPA: Section 213 – Written and oral statements, Section 217 – Admissions/confessions must be done freely and voluntarily, in sound and sober senses, and without undue influence
- Labour law – Bill of Rights Section 23 (1) & LRA Section 186: Fair labour practices

How do we determine the "best" interviewing technique? (Cont.)

- Also NB what academic literature says. Remember:
- Extensive UK inquiries = challenged the notion that forensic interviews consist of difficult encounters with suspects who resist confessing to crimes unless they are forced to do so by the interviewer.
- On the contrary, UK researchers have found that the majority of forensic interviews involve “relatively simple and straightforward interchanges with reasonably compliant suspects”
- The interviewees were “such co-operative individuals that they should have presented no serious difficulties to a moderately competent interviewer”
- Vs Confession-seeking interviews

“Homework”

- Eavesdrop on a conversation between two people: you friends, acquaintances or even strangers. The conversation may be about anything. It is, however, important that the relevant persons are not aware that you are listening in. Do the following:
 1. Write down the conversation. It should be at least two pages long.
 2. Discuss whether active listening by both parties was present.
 3. Discuss whether the three elements of the person-centred approach were present. Motivate.

Quote of the day

- "Don't give sweet talk, but sour performance."

-Anon



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