Eliciting information in investigative interviews with sexual offence suspects: A procedural justice approach

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Abstract

The interview of anyone accused of a sexual offence is a critical step within the police investigation. Public disquiet in the UK surrounding prominent miscarriages of justice and concerns around police misconduct led to the development of rapport based, information gathering interviewing. The cases had undermined trust in police procedures and the evidence that came from such interviews. The ensuing reforms led to a growing interest from researchers and a substantial body of applied research into interviewing practices emerged (Baldwin, 1993; Bull & Cherryman, 1995; Bull & Milne, 2004; McGurk et al., 1993; Savage & Milne, 2007). Interviewing is central to the information available to decision making across the criminal justice process. The intersection of procedure and wider concepts of justice and fairness are examined within social justice theories (Rawls, 1971; Thibault & Walker, 1975 1978; Tyler & Blader, 2003) which predict the effects of variation and bias on individuals and their perceptions of fairness within the administration of justice processes. This thesis will examine investigative interviewing through a procedural justice lens and its influence on information elicitation from individuals investigated in sexual offence investigations.

Chapter one introduces the investigation of sexual offences, specifically the interviewing of persons suspected of a sexual crime and then continues with the development of police interviewing within England and Wales, highlighting the importance of interviewing aligning with procedural justice principles. Chapter two is a literature review and Study Space Analysis (SSA) focussed on the research available on the interviewing of suspects in sexual offence investigations and identified gaps examining procedural fairness in this area. Chapter three explores interviewer processes and behaviours within interview in rape investigations and its effect on information elicitation, positive behaviours relationship to information yield and the impact of inappropriate questions. Chapter four examines police investigators experiences of sexual offence investigations and identifies the organisational and personal factors that shape their work. Chapter five explores the investigation and interview from the perspective of the person accused of a sexual offence and how quality of treatment and decisions are experienced. Chapter six discusses the findings within this thesis and its strengths and limitations. The chapter concludes with recommendations for the development of further research.

This thesis had the following aims: (i) to review the development of investigative interviewing practice and processes within sexual offence police investigations in England and Wales from accusatory to information gathering interviewing methods; (ii) to analysis the current

research literature-base contributing to the understanding of investigative interviewing of persons suspected of sexual offences; (iii) to evaluate current interviewer practices using a sample of real police interviews involving rape allegations; (iv) to explore the experiences of interviewers in sexual offence investigations and adherence to procedural justice principles; (v) to develop understanding of the lived experience of individuals subject to investigation and interview for a sexual offence allegation, and; (vi) to consider whether a focus by interviewers on procedural justice principles could elicit greater cooperation and information retrieval from suspects in sexual offence interviews.

Acknowledgements

Every PhD though it may feel at times like a lone effort, requires the support of a great team. Firstly, I would like to thank my supervision relay team, Professor Gwyneth Doherty-Sneddon who was there at the start and carried me over the finish line and Dame Professor Vicki Bruce for your unstinting support and wise guidance at the critical times. Also thank you to Professor Gavin Oxburgh who started this with one email, I got there in the end. I would like to thank the N8 Policing Research Partnership for their support and assistance with this research project and to everyone at the police forces and probation service involved who gave freely of their valuable time and expertise to assist with my research requests. To my PhD buddy Dr Will Webster, your presence, support, and friendship. To Dr Nicole Adams-Quackenbush, my favourite Nova Scotian, thanks for setting me right and seeing things your way. To my girls, Megan and Phoebe, your love and support means everything. I hope you can enjoy a little of the pleasure I take from all your accomplishments. I am so proud of you both, you can do anything. I would not have made it here without the love of my own special Canuck, Barbara Anne. You believed in me and stuck with me throughout for which I am truly grateful and slightly amazed. Thank you for all that you and Jacky bring to my life. Lastly, to mum and dad, always in my thoughts, it all turned out ok. The contents of this thesis are influenced by every individual who entrusted their own experiences to me as an investigator over the years. The harm and damage inflicted by sexual violence blights society and causes immeasurable suffering, affecting all our lives, the answers lie within us.

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List of Abbreviations

The following abbreviations are used within this thesis. They are referred to in full on their initial use within the text. They have been listed below in alphabetical order:

ACPO   Association of Chief Police Officers

BAI   Behavioural Analysis Interview

CC   Continuer Comfort

CI   Cognitive Interview

CJS   Criminal Justice System

CM   Conversation Management

CPS   Crown Prosecution Service

CPTU   Central Planning Training Unit

CU   Continuer Understanding

EO   Empathic Opportunity

EOC   Empathic Opportunity Continuer

EOT   Empathic Opportunity Terminator

ICIDP   Initial Crime Investigators' Development Programme

IPA   Interpretative Phenomenological Analysis

IPLDP   Initial Police Learning and Development Programme

IRI   Investigation Relevant Information

MOJ   Ministry of Justice

NPCC   National Police Chiefs Council

PACE   Police and Criminal Evidence Act

PALIT   The mnemonic acronym for specific items of IRI (**P**erson; **A**ction; **L**ocation; **I**tem; **T**emporal)

PEACE   The mnemonic acronym for the police interview training course (**P**lanning and preparation; **E**ngage and explain; **A**ccount, clarification and challenge; **C**losure; **E**valuation)

PIP   Professionalising the Investigation Programme

Dissemination of Research

I have been mindful throughout this PhD that it has been a privilege to have the opportunity to conduct research in an area familiar from many years working as an investigator and recognising the value of research-based knowledge. I have sought to reach out to practitioners and researchers alike to share insights and consider the findings that I have attained because of these research collaborations. This has assisted to foster understanding and new research partnerships between academics and practitioners increasing understanding of the benefits of effective collaboration.

Peer-reviewed conference presentations

Pankhurst, G., & Robertson, B. (2019). Empathy and emotional valence in the recall of   negative episodic memory using a validated memory task. *Presented at 12th Annual Conference of the International Investigative Interviewing Research Group (iIIRG),27th June, Stavern, Norway.*

Gabbert, F., Wright, G., Hope, L., Webster, W., & **Pankhurst, G.** (2018). The benefits of rapport and empathy in information gathering contexts. *Symposium presented at the 11th Annual Conference of the International Investigative Interviewing Research Group (iIIRG), 4th July, Porto, Portugal.*

Pankhurst, G., & Webster, W. (2017). Study Space Analysis: An evaluation of concept applied to investigative interviewing. *Symposium presented at the 10th Annual Conference of the International Investigative Interviewing Research Group (iIIRG), 6th July, Monterey, California, USA.*

General presentations

Pankhurst, G., & Webster, W. (2016). Sexual offence investigations: Interacting with the complainant. *Presentation presented at the Cleveland Police Sexual Offence Investigation Technique (SOIT) Conference, 29th September, Middlesbrough, UK.*

Chapter 1. An Introduction to the interviewing of suspects within sexual offence investigations

1.1 Chapter Summary

This chapter provides a literature review of the development and practice of suspect interviewing applied to the investigation of sexual offences. The prevalence of sexual violence within societies remains an area that is subject to continued official scrutiny and public disquiet across many countries. There are longstanding concerns regarding many aspects of sexual violence and misconduct that reach far beyond the criminal justice system and into fundamental aspects of our individual and communal lives. Factors that are highly relevant to the effectiveness of judicial processes are the significant underreporting of sexual violence to the police and the subsequent high levels of case attrition in sexual cases that are replicated across many countries (Daly & Bouhours, 2010; Angiolini, 2015; Office for National Statistics, 2021). The research described within this thesis was conducted within the jurisdiction of England and Wales who share the same legislation and judicial processes. Serious concerns have driven substantial developments in both investigation and court practices to improve service provision and support for individuals involved with sexual offence cases.

A critical stage of the investigation of any sexual offence is obtaining an account from those parties involved. The objective is to maximise the information obtained and, as far as possible, ensure that it is relevant, complete, and accurate. Investigators use established guidance and are trained to use methods including, the PEACE framework, Conversation Management Model (CM), Cognitive Interviewing, and Achieving Best Evidence (ABE) Guidance to assist them in this process. These models will be explained and discussed in more detail below. This thesis deals with investigative interviewing as it relates to persons suspected of responsibility for the offence under investigation. This chapter will look at the backdrop of sexual offending and why it requires a specific focus within this thesis, with distinctive features not present in many other criminal investigations. The changes within interview practice instigated in the 1980s and continued through the 1990s was developed to minimise the potential for malpractice and coercion by police in the interview environment (Shawyer et al., 2009). The requirement to record police interviews, and the opportunity this has provided researchers, to be 'in the room,' has revealed previously hidden and often problematic behaviours. The subsequent research has driven many developments to improve

and professionalise operational processes. The move from accusatory, confession-based interviewing practices through to the rapport-based, information gathering investigative interviewing used today is reviewed including the impact of these changes and their significance to sexual offence investigation, a 'unique' crime type requiring skills not used in 'everyday' interviews (Benneworth, 2007; Cherryman & Bull, 2001). The chapter closes with a consideration of Procedural Justice Theory (Thibault & Walker, 1975; Lind & Tyler, 1992; Tyler & Blader, 2000; Blader & Tyler, 2003) and its implications to investigative interviewing processes and impact on those individuals who are involved.

1.2 Introduction

This thesis emerges from a long personal history of involvement in sexual crime investigations and interviewing those who are accused. They were rarely straightforward investigations and often evoked strong emotions, investigations and individuals that remain with one long after a case is concluded. One such case was an interview with a man who had come to notice within a wider investigation into sexual offences against children. He had been arrested at his home address with his family present. I was one of the investigators who interviewed him, a routine that I had carried out hundreds of times before over the years. The man was cooperative and answering questions. He was also very emotional and distressed at different points of the interview. He was struggling to manage the stress of the situation, whether the interview itself or the impact of consequences arising from the offences we were investigating. The interview was in the presence of his solicitor who could also see that this was a difficult interview for everyone involved. The interview concluded and after referrals to support organisations, the person was bailed from the police station. I found out the next day that he had taken his own life, leaving a wife and son to deal with the aftermath. I think over that interview often given the eventual outcome and wonder what could or should have been different in the circumstances. It underlined for me that there is no routine, mundane, or simple when dealing with such interviews. The requirements for compassion, respect, fairness, and impartiality when conducting investigations are not optional: they are critical. I wanted to find out just how important they are to achieving the best interview outcome for all and what that requires from investigators.

The effective investigation of crime remains dependent on gathering accurate and complete information from individuals using interviews[1], notwithstanding the advances in evidential opportunities presented by the availability of forensic science, CCTV, or electronic data. The investigation of crime is a core duty for police officers and within that task the investigative interviewing of a suspected person remains a key event within any investigation (College of Policing, 2013). It is through the testimony of people connected to the events that information and evidence can be correctly assessed and contextualised with appropriate significance given to such items as physical evidence (fingerprints, DNA, clothing, or weapon). The gathering of evidence by interview is of special significance in sexual offences as restricted evidential opportunities may be available beyond the accounts given by the parties involved due to the offence circumstances (Read et al., 2009; Westera & Kebbell, 2014). Many sexual offences are committed by parties known to the victim, rising to 90 % of serious sexual offences (Ministry of Justice, Home Office & the Office for National Statistics, 2013; Richards, 2011) and are likely to occur in private situations where only the two parties involved are present. It is also a crime type where significant delays between the event and subsequent reporting of the offence are not uncommon. These factors can limit the availability of corroborating or independent evidence of the event to aid the investigation.

This thesis will use the term victim or complainant for any person who has reported to police an allegation of crime for investigation. It remains common practice for the police to refer to the individual reporting as a victim and is reinforced within many guidance documents at local and national level (College of Policing, 2020). The use of this term from the outset is implicit in accepting a) the event described has happened, b) the individual was the aggrieved party, and c) the event occurred as described. The counter argument is that a person reporting an allegation is at that stage, a complainant since none of these elements have yet been confirmed (Henriques, 2016, pp. 13-19). This issue is relevant to consideration of the assumptions that may underpin the mechanism of investigative bias, guilt presumption on the part of the investigator and the subsequent errors it may create. The underlying presumption of guilt by an interviewer can lead to changes in the way the interview is conducted and reduce information yield (Adams-Quackenbush et al., 2022; Hill et al., 2008). The term suspect or person suspected will be used throughout this thesis and describes an individual who is subject to police investigation, either named by the complainant or identified through other means. The identifier does explicitly imply guilty, culpability, or that an event has

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[1] All formalised communication seeking information by an investigator with a witness, victim, or suspect should be considered an interview.

taken place. It may assist the reader when considering passages from this thesis to stop and consider whether the view they have formed may alter if written using different identifying terms.

The issue of consent to the sexual act is of primary consequence in many sexual offence cases and the fine grain details of events from the parties involved, the complainant, witnesses, and suspects, can be critical to determining the nature of the consent, or its absence (Westera & Kebbell, 2014). Sexual offences often closely mirror the circumstances of everyday lawful activity and can make decision making challenging for juries. A critical area regularly arising within sexual offence investigation is the requirement for the prosecution to prove a guilty intent (*mens rea),* a fundamental element along with the wrongful act (*actus reus*). This can often only be examined with the parties concerned in a contested case by detailed testimony of the circumstances surrounding the incident. This testimony originates as the product of the interview process. The complainant/victim of a sexual offence will be interviewed by a specially trained officer, this interview will be visually recorded and will form the evidence in chief for the victim. Consent or its absence may in some cases only be established through the interview. There are occasions where it is of particular importance such as, where there is a pre-existing relationship between the two parties. Sexual offences can also often be perpetrated against individuals with vulnerabilities, exploited by those committing offences. Testimony may not be as complete if communicated by those traumatised, children, older persons or individuals with mental illness or impairment. This can place greater demands on the interview process with the person accused of such as offence.

Sexual offences are predominantly interpersonal crimes that have a high social impact and can have long lasting personal effects for victims, including but not limited to; physical impacts such as, injury or infections; psychological and emotional impacts including fear, anxiety, suicidal ideation, and post-traumatic stress disorder (PTSD); financial impacts including relationship breakdown, loss of employment and medical expenses (Morrison et al., 2007). One in ten victims of sexual assault by penetration or rape attempt suicide, 3% become pregnant due to the assault and 3% contract a disease (Office of National Statistics, 2018). Within England and Wales, it is estimated that 20% of women and 4% of men have experienced some form of sexual assault over the age of 16 (Office for National Statistics, 2018). The incidence of sexual assaults remains stable within England and Wales (National Crime Survey, 2017), however reports to police have increased substantially since 2011 and stand at over 150,000 reports per year. An example of this increase in reporting is that over five years the reporting of rape increased from 20,751 in the year 2013/14 to 53,977 in 2017/18.

Greater reporting of sexual crime has replicated across several western countries over the last couple of decades but has not been accompanied by a corresponding increase in rate of convictions (Daly & Bouhours, 2010). This increased reporting represents a significant and considerable commitment of police resources to conduct effective and professional investigations into crimes considered amongst the most serious by society. The investigation of sexual offences remains an area of policing subject to regular public scrutiny and concern. Investigation failures can lead to public criticism of police actions and reduced community trust and confidence (Dodds, 2017). The attrition rate for sexual offence complaints within the criminal justice process remains high despite continued efforts at reform (Gregory & Lees, 1996; Kelly et al., 2005; Daly & Bouhours, 2010). Daly and Bouhours (2010) conducted a review of studies looking at the attrition of rape cases through the justice systems of Australia, Canada, USA, England, Wales, and Scotland. The review did identify some consistent findings across these countries. The overall conviction rate for any sexual offence during the previous 35 years across jurisdictions was 15% (of offences reported to the police). There had also been a significant decline in conviction rates when comparing the most recent period in the study (1990-2005) for England, Wales, Canada and, to a lesser degree, Australia. It is also an offence type that has a lower reported conviction rate compared to other offences. The frequent quoted figure of a 6% conviction rate for rape in the UK is, however, potentially misleading (Stern, 2010). Stern found that if measured on rape offences when an individual accused had been subsequently charged for the offence, the conviction rate rose to 58% (Stern, 2010). The direct relevance of these figures is that the investigation and interviewing phase is a significant area within the overall criminal justice process and one where police practice can directly impact on the outcomes for the parties concerned. The main recommendation in the report by Kelly et al. (2005) was for enhanced evidence gathering and case-building during rape investigations. This underlines the importance of obtaining complete, accurate, and relevant information within the investigative interview to assist to determine involvement, culpability, or indeed the innocence of an individual. The information gained will not only have investigative significance, but also assist in assessing potential public risk. These factors highlight the complex challenges for investigators and others within the criminal justice process when dealing with sexual offences. These investigations represent a substantial resource commitment for police in an area that demands specialist knowledge, the highest standards of professional competency and communication skills. Those individuals accused of such offences are also likely to suffer negative consequences such as, relationship breakdown, loss of job, housing, or reputation regardless of the investigation outcome. Consequently, all sexual offence interviews are high stakes procedures containing complexity,

emotion, pressure, and consequence. It is against this landscape that this research has been conducted into a critical element of sexual offence investigations, the interview with the suspect.

Individuals suspected of sexual offences including rape and child sexual abuse are far less likely to plead guilty or be convicted compared to other serious crimes, such as murder (Office for National Statistics, 2015). Sexual offences often committed in private circumstances can limit evidence to the accounts of the parties involved (Myklebust & Bjørklund, 2010). This increases the relative importance of all the investigative interviews within the enquiry including with the suspect, since it can provide crucial information to further the investigation and improve case building. The legal and ethical nature of the interview process is also vital in ensuring that this information can be adduced in any subsequent court process. The way police investigators seek information and evidence through questioning varies according to jurisdiction, knowledge, training, and experience. Traditionally the focus of interviewing has been on the person suspected of the offence being investigated. Confessions were regarded as very strong evidence of 'guilt' and 'good' interviewers were considered those who were able to obtain interview confessions to the crime investigated (Griffiths & Milne, 2006). This led to dubious and coercive tactics and techniques being used regularly in interview to 'persuade' an interviewee to admit their culpability and provide a confession. This was an appealing prospect for investigators, confirming their investigative bias, resolving the investigation successfully and simplifying case management. This approach brings with it the very real risk of coercion, errors, and potential for false confessions (Kassin & Gudjonsson, 2004). As Baldwin (1993) highlighted in a review of 600 audio and video recorded interviews, there were "glaring deficiencies in officers' abilities to achieve accepted interviewing standards" (p.335). At that time, it was clear that there was still a prevalent culture within the police to seek a confession during investigative interviews. This may not have been wholly surprising with the absence of specific interview training and the influence of established practice in some other western countries. There remains extensive use of confession-based approaches in areas such as North and South America.

1.2.1 Accusatory Interviews

There are many differing methods and tactics used by investigators across organisations, jurisdictions, and countries. The dominant approaches being an accusatory interrogation with the objective of eliciting admissions or confession and the non-accusatory, information gathering investigative interview (Gudjonsson,1994; Kassin, et al., 2010). An accusatory approach requires a

guilt determination by the investigator based on the investigation and other elements including assessment of their behaviour. This approach has been trained to thousands of investigators within law enforcement agencies and within the private sector over several decades (Blair, 2005; Kassin & Gudjonsson, 2004). It is widely known and used by investigators across the USA and in some areas of Canada, the objective is to secure a confession from the interviewee through social persuasion and coercion using psychological manipulation (Blair, 2005; Kassin & Gudjonsson, 2004). This style of interview approach is highly problematic and based on flawed guilt assumption.

Accusatory interrogation has come under considerable scrutiny and criticism in recent years both from the courts and academics (Kassin & Gudjonsson, 2004; Leo, 2008). The manual 'Criminal Interrogations and Confessions' states interrogations 'frequently require the use of psychological tactics and techniques that could well be classified as "unethical," if evaluated in terms of ordinary, everyday social behaviour' (Inbau et al., 2013, p.xi). The justifications given for such tactics is that some cases due to insufficiency of evidence can only be solved by obtaining confession; offenders will not ordinarily admit guilt unless questioned under conditions of privacy and over an extended period, and whether the suspect is innocent or guilty, investigators must employ less refined methods than those used in everyday interactions between people. The use of psychologically coercive and manipulative techniques to elicit confessions has been shown capable of causing individuals to falsely confess when innocent (Gudjonsson, 2003; Kassin, 1997; 2005; Leo, 2008). Skerker, (2010) also highlighted that beyond the risks of false confession to the individual, coercive techniques could harm police relations with the community and encouraged potential corruption and unethical practices by interviewers. It is the actualisation of these risks that acted as the catalyst for the major changes to interviewing practices seen within the UK from the 1970s. The use of such coercive methods is not compatible with principles of procedural justice and corrodes public trust and confidence in police processes. Investigators cannot operate impartially and objectively if their decisions are made on a subjective and prejudicial basis. One tactic that has been used regularly in accusatory interviews is deception by interviewers, lying about strength and presence of incriminating evidence. This can irreparably damage trust with the individual and undermines wider legitimacy and confidence in police actions. The move from accusatory and confrontational interviewing to information gathering has been widely supported by research findings as ethical and effective (Baldwin, 1993; Bull & Cherryman, 1995; McGurk et al., 1993; Williamson, 1993).

1.2.2 The development of the PEACE framework for Investigative Interviewing

Police interviews remained largely unchanged within England and Wales for much of the twentieth century. The first general guidance for police in how they were expected to act when interviewing suspects came in the form of Judges Rules established in 1912 (St. Johnston, 1966). The guidance was primarily concerned with confession evidence and how it was to be obtained during police interviews. The rules sought to protect the fundamental right of individuals not to self-incriminate themselves and that any confession evidence had been obtained voluntarily, without threats, inducements, tricks, or force. Courts were to take account of whether police adhered to these rules in deciding on confession admissibility as evidence. However, judges had discretion and they could rule on a case-by-case basis allowing for subjectivity and variation to occur within such relatively broad guidance. As discussed elsewhere in this chapter, confessions may provide compelling evidence but can also lead to miscarriages of justice when obtained through incompetent interviewing or deliberate malpractice. Softley (1980), described how, 'police can employ a range of tactics to increase the pressure on the suspect to confess or to remove the shame or guilt which may inhibit a confession' (p.32). The lack of a strong regulatory framework together with an absence of formal training contributed to the need for substantial change.

Public concern about police interviewing practices increased as high-profile prosecution cases were overturned, associated with the use of improper and oppressive methods to obtain confessions. This led to a Royal Commission on Criminal Procedure in 1980 that initiated substantial reform in police processes and contributed to the development of applied research studies on interview procedures. Irving (1980) was among the first published studies examining what was occurring within the interview room, observing 76 interviews with suspects involved in various common offences. There were 60 suspects within the interview sample and n = 35 (58%) made admissions, which the author considered to be the primary purpose of the interview. Manipulative techniques were observed in approximately two-thirds of these interviews. Irving and Hilgendorf (1980) made the observation that no formal interview training was given to police officers at that time and that learning took place experientially from observing more experienced colleagues who were also untrained. The study though limited in scope did highlight the potential issues in police processes that could give rise to miscarriages of justice.

The conduct of investigative interviews within England and Wales underwent significant changes due to the introduction of new legislation controlling police procedures (Police and Criminal

Evidence Act, 1984). One major change resulting from this legislation was the introduction of routine audio recording of investigative interviews with suspects. Interview records had previously been contemporaneously handwritten by officers as a record of the content of the interview. Independent recording provided transparency to the process and allowed researchers a means to study the interview process in real world situations. Baldwin (1992) described the importance police placed on the suspect interview and how seeking a confession was still regarded as highly significant. What was highlighted in his review of 600 audio and video recorded interviews were that only a minority of officers were competent and able to achieve accepted interviewing standards. Applied research on interviewing practices was at this stage just emerging and it required a significant paradigm shift to address the interviewing deficiencies that were apparent.

The lack of formal police interview training was highlighted through the limited and unskilled quality of many of the interviews under scrutiny (Baldwin, 1992; Williamson, 1993). The newly developed training took place throughout England and Wales in the early 1990s when officers received written guidance in two booklets: *A guide to interviewing* (CPTU, 1992a) and *The interviewer's rule book* (CPTU 1992b). The implementation through written guidance and a five-day training course provided police officers with an ethical framework for conducting interviews with victims, witnesses and suspects and introduced the PEACE framework (see Milne & Bull, 1999, p.158). When applied to suspect interviews it marked a transition away from hypothesis-driven and confession-based interviewing objectives to questioning in a professional, fair, and respectful way to elicit accurate and comprehensive accounts generating information (Clarke et al., 2011).

The PEACE acronym marks each phase of a five-stage interview structure; **P**lanning and preparation, **E**ngage and explain, **A**ccount, **C**losure and **E**valuation. The following figure shows the five phases of the PEACE interview structure including pre and post interview tasks, each phase to be completed sequentially (College of Policing, 2013). The interviewer's role is to obtain and verify the accuracy of the interviewee's account, identify and test potential lines of enquiry and ultimately clarify and challenge the account offered if necessary (See figure 1.1).

The phases of the PEACE framework are described below:

Planning and preparation – This phase takes place pre-interview when the interviewer identifies the aims and objectives for the interview having reviewed the available investigation information. The plan should be recorded and include practical considerations such as the location, timing, exhibits, and support needs. The interviewer should be confident that they have planned a clear framework

for the interview structure and roles of those involved (if more than one interviewer). An assessment of the characteristics of the interviewee should also be completed to identify any barriers to effective communication and potential requirement for support. This phase should be completed and recorded prior to the interview commencing.

Engage and explain – This is the initial phase of the actual interview when the interviewer seeks to establish and maintain rapport with the interviewee. It is also when any legal rights, ground rules, topics, and objectives to be covered in the interview need to be clearly provided and explained by the interviewer and understanding checked with the interviewee. It is only once this is complete that the interview process moves to seeking a narrative account.

Account – The interviewer should seek to obtain an initial account from the interviewee by use of appropriate open questions (Tell, Explain, Describe) to initiate memory recall. This account should be supported by active listening and without interruption until the interviewee has indicated they are finished. It is within the account phase that interview techniques such as CI or CM can be used (Fisher & Geiselman, 1992; Shepherd, 2013; Gudjonsson & Pearse, 2011). Appropriate probe questions can be used to seek further detail on specific topics in a structured way until all investigation relevant areas have been covered. It is only then once all information has been obtained that the interviewer should seek to clarify and confirm any areas of incongruity with other evidence known. Once this phase is complete and the interviewer has established all the relevant information that the interviewee can provide, they can move on to closure.

Closure – This phase within the interview should only commence once all topics have been fully explored and the interviewee confirms they have provided all the information that they intend to share. It is then an opportunity to check understanding by summarising the main areas and clarifying any issue of misunderstanding or dispute. The interview can then move to more neutral topics and deal with next steps. The objective is to ensure that the interviewee has had full opportunity to provide their account and that they are clear about the process in which they are involved. It is beneficial to maintain a rapport throughout and conclude the interview in a positive manner.

Evaluation – This concluding phase occurs post interview and is an important and often overlooked area of practice. The interviewer should review the interview to ensure that they have covered all the aims and objectives set within the planning and preparation phase. An evaluation of the account given to identify new information or evidence provided by the interviewee and how it fits within the investigation. A review of the interviewee is also advisable to ensure that any risk or support factors

are identified. The interviewer should also exercise the skill of self-reflection and identify their own areas for development and learning from each unique interview.

Figure 1.1 Flow chart of PEACE interview model from College of Policing guidance
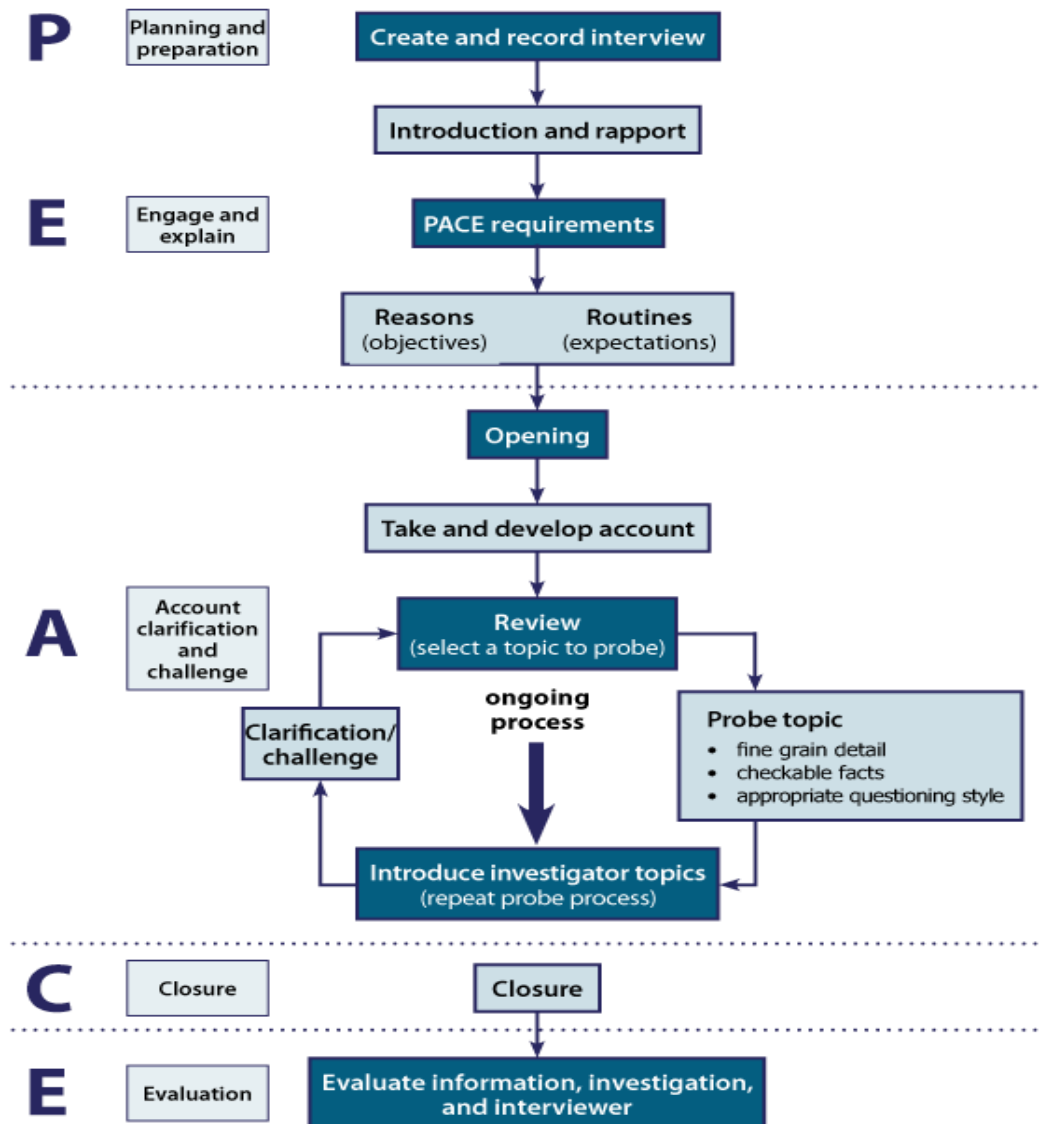
Note. The five-part framework of PEACE is linear and the additional directional arrows within the Account phase signify the need to repeat the process of topic probe and review until all areas have been covered. Reproduced from College of Policing Investigative Interviewing APP (http://www.college.police.uk/app/investigation/investigative-interviewing/investigative-interviewing#peace-framework). In the public domain.

Research did indicate significant improvements in interviewing skills and knowledge after training in the PEACE model (McGurk et al., 1993), however, this positive reflection should be considered against the absence of formal training that had gone before. Clarke et al. (2011) also noted that although the skills of interviewing officers had improved since the implementation of PEACE, more complex social and communication skills remained elusive and difficult to maintain post training. The move from confession-seeking interviewing to the PEACE model introduced greater structure, transparency, accountability, and training to the interviewing task (Gudjonsson & Pearse, 2011). It was founded on a need to minimize police malpractice and provide greater transparency and accountability. The guidance on the practical elements of PEACE interviewing was accompanied by a set of principles. The following section considers these investigative interviewing principles and how they align with principles of procedural fairness.

1.2.3 Principles of Investigative Interviewing

The Association of Chief Police Officers (ACPO) and UK Home Office introduced seven core principles to provide values that guide interviewers, and they form the basis of investigative interviewing practice (Home Office Circular 22/92). These original seven principles have had minor amendments since the introduction of the Core Investigative Doctrine (Centrex, 2005), the principles of investigative interviewing are currently as follows:

1. The aim of investigative interviewing is to obtain accurate and reliable accounts from suspects, witnesses and victims about matters under police investigation;

2. Investigators must act fairly when questioning victims, witnesses or suspects. They must ensure that they comply with all the provisions and duties under the Equality Act 2010 and the Human Rights Act 1998;

3. Investigative interviewing should be approached with an investigative mindset;

4. Investigators are free to ask a wide range of questions in an interview in order to obtain material which may assist an investigation and provide sufficient evidence or information;

5. Investigators should recognise the positive impact of an early admission in the context of the criminal justice system.;

6. Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.;

7. Even when a suspect exercises the right to silence, investigators have a responsibility to put questions to them;

The principles provided foundational values to supplement the practical operational guidance provided to interviewers. The principles are congruent with communicating decision making and quality of treatment as described in the four-component model of procedural fairness (Blader & Tyler, 2016). The principles of investigative interviewing set out clearly what the organisation expects from its interviewers in how the guidance is to be interpreted. Principle two is explicit in the expectations interviewees can expect regarding fair conduct within an interview setting. They apply to all interviews though interviews with those suspected of an offence will be framed within legal rights, including the right not to self-incriminate.

1.2.4 Evaluation of the PEACE Model

The literature-base that focuses on evaluating the PEACE model of interviewing continues to grow (and will be discussed throughout this thesis) and falls into one of three specific categories: (i) the evaluation of suspect (and to a lesser extent witness and victim) interviews; (ii) the use of questionnaires/semi-structured interviews to survey staff, and; (iii) a combination of the two former approaches. The applied research has dominated this research area and there has been limited experimental work on the various strands of the framework. McGurk et al. (1993) were the first to evaluate the impact of the PEACE model before it was 'rolled out' to the police service. They found that initial improvements were made by the sample of interviewers and were sustained over the first six months. However, these findings must be treated with caution given that the sample of interviewers were made aware that they were being assessed and so could have made a conscious effort to alter their usual practice due to being observed. Furthermore, the sample only consisted of suspect interviews, so it is not known whether the skills were transferable to witness and victim interviews. In contrast, Bull and Cherryman (1995) noted that interviewers had poor questioning techniques, a lack of rapport development (and maintenance) and shortfalls in empathy and flexibility. Again, these results must be interpreted cautiously due to some of the interviews being conducted with vulnerable suspects. Both studies were conducted around the period when the PEACE model of interviewing was first implemented and so the credibility of the findings may be limited given that the training material was still in its infancy. The focus on suspect interviewing research followed the calls for reform over the issue of malpractice. Most interviews conducted by the police are interviewing witnesses and victims of crime in formal and informal settings and the guidance and principles can apply to any information gathering interview.

A pivotal evaluation of the PEACE model of interviewing came nearly a decade after its introduction (Clarke & Milne, 2001). The study obtained responses from a representative sample of forces across England and Wales and had three main aims:

1. To identify good practice for the management and supervision of investigative interviewing;
2. To evaluate the extent to which PEACE interviewing techniques for suspect interviews had been incorporated into workplace practice, and;
3. To evaluate the extent to which PEACE interviewing techniques for witness and victim interviews had been incorporated into workplace practice.

This piece of research contributed to an understanding of the real impact of both the commitment to interview training for all officers and the fundamental legislative reforms to police powers created by the Police and criminal Evidence Act, 1984. Clarke and Milne (2001) noted that improvements were still required in relation to specific skills, such as rapport-building and that there were some notable concerns in relation to the use of specific aspects of the model. The pre-interview planning and preparation still needed to be improved given its benefit to effective interview structure. Despite expressing concerns regarding the practice of some interviewers, Clark and Milne found that some positive interview practices had started to become embedded (e.g., the use of *open*-ended questions and allowing the interviewee to give a full account). Another observation was the improvement in the ethos and ethical approach to interviewing reflecting the core principles of investigative interviewing. This did provide objective evidence that the changes to legislation and guidance had supported the development of procedural fairness within the interview environment.

1.2.5 Investigative Interviewing Training

The Foundation PEACE training course adheres to National Occupational Standards (NOS) for investigation and interviewing. The purpose is to prepare investigators for priority and volume crime investigations. Those offences that are classified as serious and complex crime are covered by specialist interview training courses. In England and Wales, these courses take place over a three-week period and focus on suspect interviews (Griffiths & Milne, 2006). There are separate specialist interview training courses designed for interviewing witnesses and victims, with or those involving child interviews and sexual offence investigations.

In England and Wales, the Initial Police Learning and Development Programme (IPLDP) was introduced in 2005 to standardise the training of probationary officers. The investigative interview training was brought into the Professionalising the Investigation Programme (PIP). This set further the expected minimum standards for the conduct of investigations and interviewing. The IPLDP provides officers with recognised accreditation at foundation PIP Level 1 (see Table 1.1).

The PiP levels provide a standard progression through investigation complexity that incorporates additional training as required. This standardized practice means that regardless of experience or role, all investigators should be working to the same guidance and legislation across different crime types and police areas. This is a significant factor given the 43 different police forces within England and Wales and the potential for local variations. The PiP levels and their competencies are directly relevant to consideration of how a police force delivers their investigation and interviewing responsibilities. They form a basis for examining whether police procedures within investigation and interviewing are compatible with procedural fairness. The guidance can offer a framework for good practice, however, identification of problematic or bad practice requires active oversight and awareness.

Table 1.1 Professionalising the Investigation Programme (PIP) levels and responsibilities

PIP level	Example of role	Investigative responsibility
1	Uniformed constable/police staff/supervisors	1. Conduct priority and volume crime investigations 2. Interview suspects, witnesses and victims for priority and volume crime investigations.
2	Dedicated investigator (i.e. Detective)	1. Plan and conduct serious and complex investigations. 2. Plan, conduct and evaluate interviews with witnesses and victims for serious and complex investigations. 3. Plan, conduct and evaluate interviews with suspects for serious and complex investigations.
3*	Senior Investigating Officer (SIO)	1. Lead investigator in cases of murder, stranger rape, kidnap, or crimes of similar complexity. 2. Manage major investigations.
4	SIO/Officer in overall command (OIOC)	1. Manage critical, complex, protracted and/or linked serious crime. 2. Responsible for the review of investigations in other force areas (as appropriate).

Note. The progression of PiP levels provides opportunity for enhanced investigative and interview training based on role, experience, and rank. National standards define the competencies required for each PiP level.

* This PIP level is split into various core and specialist roles including the interviewing of vulnerable witnesses and the specialist interviewing of suspects.

1.2.6 Investigative Interviewing Areas of Concern

The focus of concerns with interviewing will differ according to the role of the observer. The investigator may prioritise operational needs, such as, furthering the investigation, testing the evidence and reducing the areas of uncertainty. The lawyer may prioritise legal process and evidential content within the interview. The person subjected to interview may focus on how they felt or the behaviour of the interviewer. The needs and roles of all actors within the interview domain should receive consideration when looking at areas of concern. Since the research project conducted by Clarke and Milne (2001), research has continued to examine different aspects of the investigative interview and interviewer behaviour. Issues had been identified by Bull and Cherryman (1995) and were reinforced further by Clarke and Milne (2001) that interviews were not productive, and interviewers were not utilising good practice. The concern being that unproductive interviews that did not provide much additional information were wasting resources and hampering investigations. The use of unproductive or inappropriate question types by interviewers was common (Bull & Cherryman, 1995; Clarke & Milne, 2001). The use of poor questioning could lead to reduced information and increased errors coming from the interviewee. A separate issue was the lack of rapport being developed and maintained throughout suspect interviews (Bull & Cherryman, 1995; Clarke & Milne, 2001). Rapport is considered an important element of the interviewing process in developing and maintaining positive communication and interaction with the interviewee. The importance of rapport to effective interviewing had been a component of training and a consistent feature within research findings. The common absence within real interviews is a concern both in terms interview effectiveness and quality of treatment of interviewees. These areas of concern are core elements of the PEACE interview framework described as a rapport based, information gathering interview. The next sections will discuss these areas of concern, questioning and rapport use in greater depth.

1.2.7 Interview Question types

Question use in interviews has generated considerable research interest in considering effect on information yield when used during investigative interviews with suspects, victims, and witnesses (see Clarke et al., 2011; Myklebust & Bjørklund, 2006; 2009; Oxburgh et al., 2012; Oxburgh et al., 2013; Shepherd & Griffiths, 2013). There is broad agreement that using *open-ended* questions (e.g., those starting with 'Tell me…', 'Explain…', 'Describe…') and more *probing* forms of questions (e.g., 5WH questions – 'What', 'Where', 'When', 'Why', 'Who' and 'How') are productive. They

provide interviewees the opportunity to provide narrative answers and leads to a higher yield of information and greater accuracy (Aldridge & Cameron, 1999; Cederborg et al., 2000; Davies et al., 2000; Loftus, 1982; Milne & Bull, 2006; Myklebust & Bjørklund, 2006). A consistent finding has been that interviewers do not make sufficient use of *appropriate* questions (Baldwin, 1993; Davies et al*.,* 2000; Lamb et al., 1996; Myklebust & Bjørklund, 2006). The use of *inappropriate* questions (i.e., *closed, leading, multiple, forced choice, opinion/statement*) by interviewers has been reported over many years and has a deleterious impact on the interview. Interviewees will not be encouraged to use free recall memory increasing the probability of error in the provided answers (Dent, 1982; 1986; Dent & Stephenson, 1979; Lamb & Fauchier, 2001; Orbach & Lamb, 2001). The consistent use of closed and other inappropriate questions is counter to procedural fairness as it limits the voice of the interviewee. They are only expected to respond within the interviewer defined limits set by the question. This may lead information loss for the investigation and a sense of unfair process from the interviewee. The taxonomy of question types is not universally accepted and can be unclear when comparing different research findings (Poole & Lamb, 1998). For a more detailed explanation regarding the categorisation of different question typologies, please see chapter three of this thesis.

1.2.8 The use of rapport

Rapport building is an integral element of the interaction during investigative interviews, regardless of whether it is with a suspect, witness, or victim (College of Policing 2013; Ministry of Justice, 2011). A humanitarian interviewing style characterised by using supportive attitudes and behaviours (e.g., empathy and respect), can facilitate communication and improve the quality of the interaction, rapport is often used to describe such interactions (Holmberg & Christianson, 2002; Vanderhallen et al., 2011; Alison et al., 2013). Whilst there is no agreed definition on the exact meaning of 'rapport', the concept has traditionally been referenced by therapists in a clinical setting, citing the importance of establishing a 'therapeutic alliance' (Bedi et al., 2005). Some definitions of 'rapport' appear to conflict, as in practitioner guidelines offered in England and Wales and the US respectively: *"A positive mood between interviewer and interviewee."* (Achieving Best Evidence; Ministry of Justice, 2011, p. 70), and *"The establishment of a relationship, which does not have to be friendly in nature."* (The Army Field Manual, 2006, section 8.3). Some academic researchers believe that 'rapport' involves a "…harmonious, sympathetic connection to another" (Newberry & Stubbs, 1990, p. 14) whereas other, more theoretically driven conceptualisations identified and described attentiveness, positivity and coordination as the non-verbal components associated with the

relationship between interacting individuals (Tickle-Degnan & Rosenthal, 1990). Although definitions of rapport are sometimes conflicting, most indicate interconnecting components of openness and an 'interest' in the other party (sometimes referred to as 'mutual attentiveness'; Newberry & Stubbs, 1990; Tickle-Degnan & Rosenthal, 1990). Miller and Rollnick (2002 p.25) describe interviewing as something you do *with* rather than *to* people. This seems to capture well the essence of rapport.

During the early stages of an interaction, mutual attention is important for the purpose of building a relationship as it is essential to show an interest in the other party. It is argued that attentiveness facilitates the creation of focused and active engagement (Holmberg & Madsen, 2014; St-Yves, 2006). Paying attention is synonymous with active listening, whereby the listener, without interrupting, interprets what the other party is expressing, and through demonstrating active listening behaviour encourages the other party to talk and interact (St-Yves, 2006). In addition to active listening, another type of behaviour that helps facilitate the mutual attentiveness during an interaction and has been used as a measure to define 'rapport' is reflective listening (Alison et al., 2015). This is characterised by the listener being able to accurately reflect something that the other party has expressed to encourage further discussion or clarification (Alison et al., 2013). This humanistic approach is also having the ability to understand the perspective of the other party, appreciating their emotions and then communicating that directly, or indirectly (Davis, 1983; Oxburgh & Ost, 2011). Oxburgh et al., (2013) developed a model for measuring empathic responses within interviews based on the theoretical principles of the empathy cycle outlined by Barrett-Lennard (1981). The model focused on four key variables (empathic opportunities, empathic continuers, empathic terminators and spontaneous empathy) that were central to the interaction between interviewer and interviewee (See chapter 3).

Limited empirical research examines empathic interviewing styles in relation to its impact and efficacy during the investigative interviewing process. The research that has been conducted has tended to focus more on the investigative interviewing of suspects/offenders and their perceptions of the police interview (Holmberg & Christianson, 2002; Kebbell et al., 2006; Kebbell et al., 2010; Oxburgh & Ost, 2011; Oxburgh *et al*., 2013; Oxburgh et al., 2015). Previous research has found that the use of an empathic interviewing style leads to: (i) more confessions when interviewing suspects (Kassin & Gudjonsson, 2004); (ii) provides more investigation relevant information (IRI) when used together with appropriate forms of questions (see Oxburgh *et al*., 2013; 2015), and; (iii) that offenders are more likely to admit to their crimes when interviewed in a non-

judgemental manner (Holmberg & Christianson, 2002; Kebbell *et al*., 2006; Oxburgh & Ost, 2011). Researchers have argued that there are clear indications that the use of non-humane tactics in investigative interviews is wholly ineffective, and that more empathic, rapport-based strategies have more of an effect in generating relevant information from the interviewee (Alison *et al.,* 2013). These findings are reflected in the discovery of specific qualities that have been found in 'skilful' police interviews, amongst which positive communication skills, empathy and open-mindedness were all present (see Bull & Cherryman, 1995). The limited research that has focused on this concept in relation to investigative interviewing has generally noted the positive impact it can have on the interview process (see Dando & Oxburgh, 2016; Holmberg & Christianson, 2002; Kebbell et al., 2006; Oxburgh et al., 2012). The interview requires various elements to be present to achieve success including legislation, guidance, training, knowledge, and skills. There is a theoretical underpinning that offer support to how these elements may work successfully together.

1.2.9 Psychological Theory and the Investigative Interview

The eight core principles of Investigative Interviewing and the PEACE framework of interviewing share common values and together with legislative changes they have driven a move away from accusatory and coercive practices of the past and embed effective and ethical interviewing standards within the police. The literature has also offered support for elements of the PEACE framework of interviewing and aided developments to improve operational effectiveness. The primary original purpose of minimising police malpractice and coercion within interviewing was directed at promoting fairness and impartiality to the interview process. This objective, critical as it was also aligned with the values of procedural fairness. The principles of procedural justice can be seen to run through the PEACE framework. The 'Engage and explain' stage encourages the use of *active listening to assist the interviewer in establishing and maintaining rapport* through to the 'Closure' stage advising the interviewer to explain to the interviewee what will happen next as this should *facilitate a positive attitude towards the interviewee helping the police in the future*. The values from the different interviewer guidance will now be discussed in relation to Procedural Justice Theory (PJT).

1.2.10 Procedural Justice Theory (PJT)

PJT derives from social psychology and relates to the notion of fairness, dignity, respect, and due process in legal proceedings. Individuals involved in legal procedures are more likely to accept

and comply with process outcomes if they consider the process fair and impartial. The earliest studies regarding the psychology of procedural justice recognised that the opportunity for an individual to present information relevant to any decision enhances their judgements relating to the fairness of the decision-making procedures (Thibaut & Walker, 1975; Walker et al., 1974). Early theories regarding PJT attempted to explain procedural justice by referring to the assumptions made by the perceiver about the potential outcomes that various procedures would result in (Leventhal, 1980; Thibaut & Walker, 1975). Key components of PJT include (see Lind & Tyler, 1992 for a full review):

- Participation or Voice–the opportunity for the person to give their own side to a dispute and have the information considered by the decision maker;
- Dignity – this includes being treated with respect and politeness, having individual rights acknowledged by the decision maker, and;
- Trust – that the authority is concerned with the welfare of the individual.

Fair treatment by an authority, defined in terms of voice, dignity, and trust directly shapes procedural justice judgements and signifies that the individual in question is a valued member of the group. Lind and Tyler (1992) also suggest that people want to be treated fairly by authorities, independent of the outcome of the interaction. Tyler and Blader (2003) argued that fair treatment, in turn, would then facilitate co-operation by strengthening a person's tie to the social order. The strengthening of the tie promotes the value of membership within the group, which then increases the level of confidence in the authorities (police), which subsequently provides encouragement to others. These findings correlate with those of Bull and Cherryman (1995) who found that specific qualities, like those antecedents that make up PJT (e.g., voice, dignity and trust), were found to be present within skilfully conducted police interviews. Similarly, in terms of interviews with suspects of crime, many authors have highlighted the importance of being empathic, respectful, and humane when interviewing suspects, again, comparable to the procedural justice framework antecedents (e.g., Holmberg & Christianson, 2002; Kebbell *et al.,* 2006; Oxburgh *et al.,* 2013; Shepherd, 1991). PJT predicts that complying with the principles of procedural fairness will lead to effective interviews measured through information yield, positive interviewer behaviour and interviewee satisfaction. The need for continuing perceptions of fairness from individuals within a system dealing with offences that are so prevalent and damaging as sexual crimes is critical. The impact of sexual crime is long lasting and severe and can have life changing consequences. It can mean, for persons

convicted of such offences, an involvement with authorities many years beyond the end of any sentence due to risk management within the community.

1.3 Chapter Conclusion

When conducting an investigative interview, regardless of whether it is with a suspect, witness or victim, the interviewer has the same objectives: to obtain complete, accurate and reliable information that moves the investigation forward. This chapter has introduced the complex nature of investigating and interviewing sexual offence allegations and some of the challenges facing interviewers in such cases. An overview of the evolution of interviewing practice in England and Wales examined how interviews have changed and outlined the guidance available for interviewers on conducting effective investigative interviews. Research conducted to date has examined the impact various interviewing and interrogation techniques can have on interview outcomes. The elements that are effective and identifying possible areas for concern. However, research has also shown how individuals perceive and react to these changes and how they may influence attitudes and behaviour. What is apparent is the need for well-trained officers, who have an ethical approach, act fairly, and with an investigative mindset. This is imperative when conducting sexual offence investigations given the 'unique' nature of the crime and how the relevant information often required is highly sensitive and personal (Benneworth, 2007; Marshall, 2001). The chapter concludes by identifying key components of PJT (Lind & Tyler, 1992) and their relationship to the guidance and research on investigative interviews.

The following chapter will examine the research that has contributed to the literature base applied to improving the efficacy of interviews with suspects in sexual offence investigations. To date, the research that is available is complex, wide-ranging, and somewhat inconclusive. The use of a Study Space Analysis (SSA) will review the exact nature and methodological designs of those studies that have begun laying the foundation for other researchers to expand on and offer recommendations based on psychologically informed guidance.

Chapter 2. A literature review and study space analysis of interviewing sexual offence suspects

2.1 Chapter Summary

The significant challenges presented to investigators in sexual offence investigations are particularly present within the investigative interview. The body of applied research within this specific area of interviewing is slowly developing, though currently quite limited in scope. The literature review identified issues with the scope and depth of studies available. A significant factor was the origin of data samples from countries with different jurisdictions and interviewing guidance. This is an important factor for consideration when evaluating research from a procedural justice perspective. To arrive at a clearer understanding of the areas within this topic that require attention, a Study Space Analysis (SSA) was used to evaluate relevant studies. The aim of using this method was to identify the methodology and variables used to support the research findings and identify the areas of research concentration within the field and omissions that warrant future attention. Emergent themes were strongly influenced and embedded within the prevailing criminal justice system and interviewing culture of the researcher's data collection environment. The contrast between the accusatory, confession-based interviewing and rapport-based information gathering approaches was readily apparent in the themes identified. These themes included, the effect of suspect confession decisions, offence characteristics and interactions, and the influence of victim age (adult or child). Strength of evidence (or its perception) being a positive factor in confession elicitation, and a humane interviewer approach was associated with more confessions, whereas a dominant approach was linked with increased denials. There was some indication that suspects with vulnerabilities (e.g., mental or personality disorders) may respond atypically within interview situations, however, this factor was not widely identified or featured within the included studies. Overall, there were fewer studies on information gathering investigative interviews present within the research base than those studying confession-based interrogation. Finally, gaps and future directions for potential research within the extant literature are discussed in relation to the suspect interviewing in sexual offence investigations.

2.2 Introduction

The investigation of sexual offences[2] presents significant challenges to investigators when conducting enquiries (Westera & Kebbell, 2014). Criminal investigators will seek to determine whether an offence has been committed, attempt to identify who is responsible, and strive to secure admissible evidence to enable a prosecution process (Milne & Bull, 2006). The investigative interview (or interrogation in some countries) with individuals suspected of committing an offence remains a key event within that investigation process. A productive interview outcome can generate fresh lines of enquiry and *prima facie* evidence to either support a prosecution or enable the early exoneration of innocent persons (College of Policing, 2013). The private nature of sexual offences and the limitations on direct evidence make the complainant and suspect accounts central to the case (Oxburgh & Ost, 2011; Read et al., 2009). The task of interviewing the suspect accused of the offence to seek an complete account is crucial to the overall investigation and any subsequent criminal proceedings. The fundamental legal principle remains that an individual is innocent until proven guilty and is entitled not to self-incriminate. The decision on whether to speak and what information to give the police remains with the person interviewed. The high stakes consequences of this police process require a skilled and professional approach to ensure impartiality and fairness to the person interviewed.

2.2.1 Interrogation and Investigative Interviewing

The conduct of investigative interviews with suspects varies across countries and jurisdictions, however, much research in this area has taken place in jurisdictions where two distinct and different interview models are adopted (*accusatory, guilt presumptive and rapport based, information gathering*). These concepts are described in greater detail in Chapter One. The term *interrogation* generally describes an accusatory process to confront a suspect considered to be guilty of an offence and is not an interchangeable term with an *investigative interview* which is to gather information and determine ground truth (Inbau et al., 2013). Conversely, the *investigative interview* uses a search-for-the-truth approach, and a commonly known approach is the PEACE model of investigative interviewing. with an emphasis placed on the use of appropriate questioning and empathy, as well as the development and maintenance of rapport (Oxburgh et al., 2016).

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[2] This term encompassing a heterogeneous range of offences that will vary according to national and international jurisdictions.

2.2.2 Interviewing in Sexual Offence Investigations

The effective interviewing of suspected persons in sexual offence cases requires the development and maintenance of co-operation from the interviewee (Dando & Oxburgh, 2016; Gudjonsson, 2006; Kebbell et al., 2008; Oxburgh & Hynes, 2015; Read et al., 2009). Holmberg and Christianson, (2002) described the perceptions of convicted offenders (sexual offence and homicide) to the attitudes of interviewers, characterised as either *dominant* or *humane*. The former is characterised by aggression, hostility, and insulting behaviour, as opposed to the latter which is typified by a positive attitude, compassion, respect, and acknowledgement. The PEACE model advocates a *humane* approach to facilitate the eliciting of information. The *dominant* approach in interviews is associated with more denials from persons suspected, whereas a *humane* approach is associated with empathy and more admissions (Holmberg & Christianson, 2002; Kebbell et al., 2010; Oxburgh et al., 2015).

Research conducted in the UK indicated that police officers would show more empathy in murder cases than rape cases and stated that they would not show any empathy to suspects when investigating crimes against children (Oxburgh et al., 2015). In this study, interviewers acknowledged that compassion and empathy are important aspects within interviews, although research does suggest that such elements are rarely present (Cherryman & Bull, 2001; Dando & Oxburgh, 2016; Oxburgh et al., 2012). These findings do suggest that the interviewer approach is sensitive to offence characteristics, and this can influence the attitudes and behaviour of the interviewer and other parties within the interview room. This would indicate a failure to remain impartial and separate the individual from the alleged behaviour. An explicit indication of confirmation bias and contrary to impartial treatment and procedural fairness.

2.2.3 Decision-making and Confessions During Interviews

All suspects will make important decisions during any police interview, to speak or remain silent, fabricate lies, to tell the complete truth or a partial version of the truth (Hilgendorf & Irving, 1981). Many factors impact upon the decision to confess, one being the perceived strength of evidence against a suspect which is reported as being a strong positive predictor of a confession (Beauregard & Mieczkowski, 2011; Gudjonsson, 2003; Holmberg & Christianson, 2002). Perceptions of deficiencies in the weight of evidence, like a sole complainant account (as in many sexual offences), may influence a suspect in deciding whether to provide a detailed account given the

potential negative personal consequences (e.g., loss of liberty, employment, and notoriety) (Beauregard & Mieczkowski, 2011; St-Yves, 2006). Convicted sexual offenders self-report that a sense of shame and guilt associated with sexual crimes against children can lead to partial confessions to relieve internal pressures felt by the individual (see Gudjonsson, 2006; Gudjonsson & Sigurdsson, 2000; St-Yves, 2006). In the Icelandic study of 89 convicted offenders, Gudjonsson and Sigurdsson (2000) found that individuals convicted for child offences had a higher confession rate compared to adult rapists, although neither rate was significantly higher than non-sexual offenders. A concern when considering the likelihood of confession are those individuals with mental disorders. Gudjonsson (2003) describes difficulties with such interviews that can include confusion in comprehension, a lack of awareness of consequences, as well as potential for acquiescence and suggestibility. The factors influencing decisions taken by sexual offence suspects within the interview room is an area of importance both for investigators and academic research given the notable differences in interrogation and investigative interviewing methods across different countries. The present study sought to identify and review the main topic areas present within the extant research-base. A systematic search and analysis of studies relating to the investigative interviewing/interrogation of suspects in sexual offence investigations was conducted to provide an understanding of the main findings and gaps within existing literature.

2.3 Method

2.3.1 Analytical Design

A Study Space Analysis (SSA) was used to review the published literature on the investigative interviewing/interrogation of sexual offence suspects. The SSA was developed by Malpass et al. (2008) to assist in assessing the extent and sufficiency of a specific literature-base. They argue that by examining all variables (including independent and dependent variables), together with the methodologies used allows the identification of both areas of concentrated research and identifies gaps within a knowledge base. This method of analysis chosen because a systematic review would focus primarily on the topic areas and themes found within the studies, with less focus on methodology. A meta-analysis would solely focus on research findings and may not identify the areas within the field that had insufficient coverage. The SSA allows the maturity of the literature base to be assessed for both breadth and depth. This is important to inform consideration of developments in subsequent research and future public policy recommendations.

2.3.2 Inclusion/exclusion Criteria

Articles included peer-reviewed quantitative and qualitative research designs relating to the investigative interviewing and/or the interrogation of sexual offence suspects with and without mental health disorders. Initial searches were conducted without a time frame to ensure maximum capture; however, no relevant studies were found prior to 2000 which met the inclusion criteria. The exclusion criteria included all review papers and any studies that had not been peer-reviewed or published.

Five databases were used for the search: (i) *PsychINFO;* (ii) *Scopus;* (iii) *Web of Science;* (iv) *Ingenta*, and; (v) *Ovid.* The following key words were used: police, law enforcement, investigator, interviewer; interviewing style, rapport, behaviour, rapport-building, rapport-maintenance, working alliance, empathy, cognitive empathy, affective empathy, behavioural empathy, humane interview, dominant interview, authoritarian, coercive; investigative interviewing, interrogation, questioning, question types; suspect, perpetrator, accused, detainee; information, confession, admission, account, disclosure, information, evidence; sex offence, sex offender, sexual abuse, child sexual abuse, rape, penetration, indecent assault, sexual assault; mental disorder, mental health, psychopathy, personality disorder, borderline personality disorder, antisocial personality disorder, narcissist, narcissism, psychopathic.

To ensure the results were comprehensive, searches were also conducted using names of known authors who had previously published articles on this topic. Overall, the searches identified 20 relevant studies including 14 quantitative, two mixed-methods, and four qualitative papers.

2.3.3 Procedure for Coding Included Studies

All quantitative studies were broken down into their constituent elements and sub-elements (i.e., independent variables [IV], dependent variables [DV], plus methodological and procedural variables). All variables for each study were then identified and entered onto individual matrices. Each individual matrix was then merged to form one complete matrix which represents all variable variations within the experimental designs represented[3]. The variable combinations across all studies were then explored for areas of research focus (and absence) across a diverse range of experimental designs. An example matrix is given at Table 2.1.

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[3] The complete matrix is available from the corresponding author

Table 2.1

Example of DV/IV Matrix *

		Independent Variables					
		Rape (Adult)	Child Sexual Abuse Molestation	Offender convicted Serving prisoner	Offender perceptions Own interview/ Ideal interview	Offender reported confessing to police	Vignette condition Control Humanity Dominance Cognitive distortions
Dependent Variables	Likelihood of confessing	1	1	1	1	1	1
	Perceptions of fairness and how well the police interviewed	1	1	1	1	1	1
	Perceptions of seriousness of the crime	1	1	1	1	1	1

Note. The figure 1 denotes the presence of the variable within study 7 experimental design and once matrices combined overlapping variables from other studies will be identified

* Example Study 7

The qualitative papers could not be placed within the SSA matrix due to the absence of independent or dependent variables. These studies are included and described within the results section according to their subject focus.

2.4 Results and Discussion

This SSA aimed to identify and review the main topic areas within the extant research that relates to the interviewing/interrogation of suspects within sexual offence investigations. Both quantitative and qualitative studies are reflected in the results.

2.4.1 Quantitative Studies

Each of the 16 studies, comprising quantitative and mixed methodological designs, were evaluated with their constituent elements identified from the study method section. Overall, a total of 106 IVs and 36 DVs were identified and assessed (see Appendices A for a full breakdown of variables).

Table 2.2 shows the included studies identified by unique reference number (see reference list for specific reference) according to the IV and DV sub-groups. For example, IV 3 (Offence Factors) and DV 1 (Confession) were considered in nine papers (see references 1, 2, 3, 5, 6, 9, 11, 15 & 16), whereas IV 3 (Offence Factors) and DV 4 (Information) were studied in just two papers (see references 10 & 12). All included studies contained IV 3 (Offence Factors) and featured across all experimental designs. Studies varied in their description of offence type which is understandable given the heterogeneous nature of sexual offences and the different terminology used for offences across the jurisdictions represented within the SSA. Methodologies differed with several studies using self-report measures from convicted offenders', whilst others utilised case file or interview data.

Table 2.2

Frequency of studies on sexual offence interviews arranged by key IV/DV sub-group identified by SSA

Dependent Variables (DV)	Independent Variables					
	IV1- *Interviewer Factors*	IV2- *Victim Factors*	IV3- *Offence Factors*	IV4- *Suspect Factors*	IV5- *Investigation Factors*	***Totals**
DV1- *Confession*	Frequency: **2**	Frequency: **6**	Frequency: **9**	Frequency: **8**	Frequency: **3**	**10**
	7. Kebbell et al. (2008) 11. Oxburgh et al.(2015)	1. Beauregard & Mieczkowski (2011) 3. Beauregard et al. (2010) 9. Lippert et al. (2010) 11. Oxburgh et al. (2015) 15. Beauregard et al. (2017) 16. Faller et al. (2016)	1. Beauregard & Mieczkowski (2011) 2. Beauregard & Mieczkowsk (2012) 3. Beauregard et al. (2010) 5. Gudjonsson & Sigurdsson (2000) 6. Holmberg & Christianson (2002) 9. Lippert et al. (2010) 11. Oxburgh et al. (2015) 15. Beauregard et al. (2017) 16. Faller et al. (2016)	1. Beauregard & Mieczkowski (2011) 2. Beauregard & Mieczkowsk (2012) 3. Beauregard et al. (2010) 6. Holmberg & Christianson (2002) 7. Kebbell et al. (2008) 9. Lippert et al. (2010) 15. Beauregard et al. (2017) 16. Faller et al. (2016)	1. Beauregard & Mieczkowski (2011) 9. Lippert et al. (2010) 16. Faller et al. (2016)	
DV2- *Empathy/ Affect*	Frequency: **4**	Frequency: **1**	Frequency: **6**	Frequency: **1**	Frequency: **2**	**6**
	4. Dando & Oxburgh (2016) 10. Oxburgh et al. (2012) 11. Oxburgh et al. (2015) 13. Oxburgh et al. (2006)	11. Oxburgh et al. (2015)	4. Dando & Oxburgh (2016) 6. Holmberg & Christianson (2002) 10. Oxburgh et al. (2012 11. Oxburgh et al. (2015) 12. Oxburgh et al. (2014)	4. Dando & Oxburgh (2016)	4. Dando & Oxburgh (2016) 10. Oxburgh et al. (2012)	

13. Oxburgh et al. (2006)

Dependent Variables (DV)	IV1- *Interviewer Factors*	IV2- *Victim Factors*	IV3- *Offence Factors*	IV4- *Suspect Factors*	IV5- *Investigation Factors*	*Totals
DV3- Questioning/ Planning	Frequency: **1**	Frequency: **0**	Frequency: **4**	Frequency: **1**	Frequency: **2**	**4**
	10. Oxburgh et al. (2012)		8. Kebbell et al. (2010) 10. Oxburgh et al. (2012) 12. Oxburgh et al. (2014) 14. Read et al. (2014)	8. Kebbell et al. (2010)	10. Oxburgh et al. (2012) 14. Read et al. (2014)	
DV4- *Information*	Frequency: **1**	Frequency: **0**	Frequency: **2**	Frequency: **0**	Frequency: **1**	**2**
	10. Oxburgh et al. (2012)		10. Oxburgh et al. (2012) 12. Oxburgh et al. (2014)		10. Oxburgh et al. (2012)	
DV5- *Offender*	Frequency: **1**	Frequency: **0**	Frequency: **2**	Frequency: **1**	Frequency: **0**	**2**
	7. Kebbell et al. (2008)		5. Gudjonsson & Sigurdsson (2000) 7. Kebbell et al. (2008)	7. Kebbell et al. (2008)		
*Totals	**5**	**6**	**16**	**10**	**6**	

* **Totals** = Some papers fall into multiple categories but the totals relate to the number of studies (from N=15) the IV/DV were found in.

Note. Figures in parentheses identify each study used in the SSA by reference number given (see reference list). In bold, at the top of each cell, the frequency of papers with each DV (rows) and IV (columns) is reported. Each cell them gives the citation number (linked to reference list) and the appropriate citation. The reader will note that disproportionate number of papers focus on Offence and Suspect Factors as IVs whilst Victim, Suspect, and Interviewer Factors are underrepresented in the literature. For DVs, most papers focused on Confessions whilst Questioning/Planning, Information, and Offender characteristics were rarely, or never explored in the literature.

Table 2.3 shows a total of 309 intersections (from n = 14 quantitative and n = 2 mixed methodology studies) across all IVs and DVs. An 'intersection' was defined as an identified IV (e.g., interviewer gender) and DV measured (e.g., empathic verbal behaviour). Some experimental designs produced more intersections than others leading to asymmetric weighting within some sub-groups. For example, eight studies contained IV 4 (Suspect Factors) manipulations measuring DV 1 (Confession). These intersections amounted to 27% (n = 82) of total intersections, yet six papers containing IV 3 (Offence Factors) and measuring DV 2 (Empathy/Affect) accounted for only 13% (n = 39) of intersections. The largest concentration of intersections occurred with manipulations of IVs 3 and 4 measuring DV 1 (23% & 27%) respectively. DV 1 represented 61% (n = 187) of the total intersections across all IV sub-groups, reflecting the clear emphasis still on confession as an interview outcome. Applied research will reflect the confession-seeking interrogation methods originating from jurisdictions where it is still dominant.

Table 2.3

Intersection frequency of included SSA studies by IV/DV sub-group indicating concentration and gaps in research area

Dependent Variables	Independent Variables					
	IV1- *Interviewer Factors*	IV2- *Victim Factors*	IV3- *Offence Factors*	IV4- *Suspect Factors*	IV5- *Investigation Factors*	**Totals**
DV1- *Confession*	3 (1%)	16 (5%)	71 (23%)	82 (27%)	15 (5%)	**187 (61%)**
DV2- *Empathy/ Affect*	17 (6%)	4 (1%)	39 (13%)	4 (1%)	9 (3%)	**73 (24%)**
DV3- *Questioning/ Planning*	2 (1%)	0	11 (4%)	2 (1%)	5 (2%)	**20 (6%)**
DV4- *Information*	2 (1%)	0	4 (1%)	0	1 (0%)	**7 (2%)**
DV5- *Offender*	2 (1%)	0	16 (5%)	4 (1%)	0	**22 (7%)**
Total	**26** (8%)	**20** (6%)	**141** (46%)	**92** (30%)	**30** (10%)	**309**

Note: Figures in parentheses provide percentage of total intersections represented by each sub-group across all included studies. The columns with zero entries indicate research gaps within topic area.

2.4.2 Exploration of the emergent themes

The following themes emerged from the qualitative studies:

IV 1 - Interviewer factors

Consisting of seven IVs providing 8% (n = 26) of the total recorded IV/DV matrix intersections, this IV represented five studies within the SSA (see Tables 2 & 3). Three studies (Dando & Oxburgh, 2016; Oxburgh et al., 2012; Oxburgh et al., 2006) utilised actual interview transcripts of suspects of child sexual offences and provide specific information on interviewing officers' age, gender, and level of training. Another study (Oxburgh et al., 2015), utilised a self-report questionnaire to seek officers' perceptions of sexual offence interviews and included similar interviewer information. Using sexual offence scenarios followed by interview vignettes, the final study in this IV (Kebbell et al., 2008), sought the perceptions of convicted sex offenders on whether the offence was depicted as more or less serious by the interviewer and whether the interviewer was considered to be fair. The latter two are the only included studies that contained a focus on interviewer factors and confession. Kebbell et al. (2008) asked participants how likely a confession was based on interviewer behaviour, whereas Oxburgh et al. (2015) asked officers to rate the importance of gaining a confession within an interview.

IV 2 - Victim factors

This sub-group contained 12 separate factors representing six studies within the SSA (see Table 1). It has 6% (n = 20) of the total number of intersections, all occurring in DVs 1 (Confession) and 2 (Empathy/Affect)(see Table 2). This IV is an important aspect in the investigation of sexual offences due to specific offence classifications which are often separated by gender and/or age of victim. Three studies relied on data from semi-structured interviews with convicted offenders and supplemented with police records (i.e., Beauregard & Mieczkowski, 2011; Beauregard et al., 2010; Beauregard et al., 2017). One study by Oxburgh et al., (2015) utilised a self-report questionnaire to obtain the perceptions of police officers regarding the characteristics of interviews with sexual offenders and murderers dependant on the age of the victim. The final two papers (Faller et al., 2001; Lippert et al., 2010) utilised case file data and researched sexual offences with a child victim manipulating factors including gender, age at onset/disclosure, intra-, or extra-familial abuse, and age at time of interview.

IV 3 - Offence factors

This IV contained 32 separate factors from all studies (n = 16), accounting for 46% (n = 141) of the total intersections and was the largest group of measured manipulations (see table 2). This IV was represented in intersections across all DV sub-groups, however, 23% (n = 71) of intersections fell within DV 1 and considered in nine studies (see Table 1). Four were related studies linked by a common author who analysed data obtained from serving prisoners (n = 624) looking at dynamic elements of the offence/suspect and its relation to confession measures (Beauregard & Mieczkowski, 2011, 2012; Beauregard et al., 2010; Beauregard et al., 2017). Findings from those studies highlighted the importance of the suspects' belief in the strength of evidence against them as the prime indicator of guilt. A marginal increased likelihood of confession by those assaulting a child as opposed to an adult victim was also identified. Beauregard and Mieczowski (2011) and Beauregard et al. (2017) analysed suspect characteristics (incl. specialist or versatile offender, personality type and their effect) for decisions to confess. Unemployed introverts, a small group (14.5%) of the total participants were found to be more likely to confess. Overall, this research analysed the potential influence of factors that precede the interview environment on decisions to confess.

Data relating to this IV was obtained in studies from convicted prisoners and/or case records in all except one study (Oxburgh et al., 2015) which sought to establish police officers' perceptions of interviews in cases of sexual offences and murder involving child and adult victims. One study by Holmberg and Christianson (2002) used Swedish inmates (n = 83) and found the rate of confessions for sex offenders was lower (29%) than murderers (49%). The offenders' views from their original police interviews were analysed and the offence type differentiated as to how they were dealt with. For example, interviews with sex offenders were characterised by dominance and offenders reported higher levels of anxiety, felt less respected, more condemned and insulted by interviewers than those interviewed for murder. Where a more humane interview approach was used, offenders felt more respected and fairly treated. An Icelandic study by Gudjonsson and Sigurdsson (2000) found suspect confession rates during interviews were higher: 77% for violent offenders (n = 32); 61% for rapists (n = 36); and 83% for child molesters (n = 23). This study also found that sex offenders were more introverted than violent offenders, however, there was a significant difference in the confession behaviour between rapists and child molesters with nearly 50% of rapists retracting their interview confession or admissions before trial.

IV 4 - Suspect factors

This IV was represented across ten papers and contained 38 separate factors accounting for 30% (n = 92) of total intersections (see Table 3). The greatest concentration of intersections occurred with DV 1 (n = 82) highlighting the greater focus on confession-elicitation within the literature-base. A notable disparity is the comparison between DV 1 (Confession) and DV4 (Information) in this regard (n = 0; see Table 3) indicating a clear absence of any intersection with the latter. No studies were found to have analysed the specific effects of this IV on information-retrieval during police interviews. Only one paper considered suspects' perceptions of strategies used by interviewers to elicit confessions (Kebbell et al., 2010) which accounted for all the intersections with DV 3 (Questioning/Planning). The results of the latter study supported the use of ethical, humane interviewing and the avoidance of strategies such as minimisation and maximisation.

IV 5 - Investigation factors

This sub-group has 17 factors within the IV (see Appendix A) and was considered in six studies (see Table 2). There was a total of 10% (n = 30) of intersections with the DV sub-groups and the majority (n = 15) occurred within DV 1 (see table 3). These intersections were found within three studies (see Table 2). One study (Beauregard & Mieczkowski, 2011) considered the strength of evidence as a measure of confession, whilst the other two (Faller et al., 2001; Lippert et al., 2010) considered case file data to identify *investigation factors* such as evidential characteristics, video-taped complaint, and medical examinations to measure confession rates. Lippert et al. (2010) also reported on the impact that other elements of the investigation (e.g., polygraph testing or corroborative evidence) can have on the interview outcome. All three studies support strength of evidence as a factor in eliciting confessions.

DV 3 was considered in two studies with Oxburgh et al. (2012) using closed investigations relating to child sexual offences. They analysed the experiences of officers who interviewed sex offenders, and the level of PEACE interview training to measure the use of appropriate and inappropriate questions used within. The study by Read et al. (2014) used data from child ex-offender interviews conducted in England and Australia using a mixed methodology. The findings showed evidence of ethical and fair interviewing practices, however, three areas are emphasised as requiring improvement: (i) transparency in the purpose and structure of the interview, (ii) lack of open questions particularly in obtaining the narrative account, and (iii) difficulty with appropriate challenge of suspects account.

2.4.3 Areas of research inattention

As highlighted in Table 3, there are numerous areas of inattention within the research literature. The fewest intersections relate to IV 2 (gender & age characteristics) where there was only 6% (*n* = 20*)* occurring between DVs 1 and 2. The IV sub group to which an individual IV was assigned depended on the experimental design of the study, for example, the victim's relationship to suspect was classified within IV 2 whereas the suspect's relationship to a victim was classified within IV 4.

Some sub-groups had no intersections including IV 4 (Suspect Factors) and DV 4 (Information)(see Table 3). The absence of studies in this specific area is surprising given the international and widespread use of information-seeking interview models such as PEACE. It contrasts with the number of included studies (*n* = 8) measuring IV 4 and DV 1. There are no intersections between IV 4 and DVs 3, 4 and 5 thus highlighting a further area in relation to confession-based interviews not replicated in studies of information seeking interviews. IV 5 and DV 5 contained no intersections which was unexpected given the reported link between strength of evidence and the elicitation of confessions (Beauregard & Mieczkowski, 2011; Gudjonsson, 2006; Kebbell et al., 2010). A possible explanation in these cases may be the difficulty of obtaining comprehensive research data in this sensitive area of study. It can also be seen within table 3 that specific IV sub-groups are not equally represented within the available literature.

2.4.4 Qualitative Studies

Although included as part of this SSA, four qualitative studies were excluded from the combined matrix because in this type of methodology, there are no IVs or DVs. However, specific themes emerged that complement the findings of the quantitative research. Researchers Read and Powell (2011) asked criminal justice professionals and experts to identify key elements within a well conducted interview with suspects of sexual offences. Many processes and problems had commonality with general interview practice, such as the regular use of inappropriate questions rather than appropriate (open) questions by interviewers. Specific themes that emerged in Read and Powell's study were allowing the suspect to answer allegations put to them, interviewers transferring the locus of control to the suspect, techniques to overcome emotional barriers, and focussing on the relationship between the suspect and the victim.

The use of language was explored by Benneworth (2006; 2009; 2014) in police interviews with suspected paedophiles. Using a content analysis, Benneworth (2006) identified a body of descriptive terms used in interviews and found that officers used more 'physical' (e.g., sexual activity and body contact) terms in questioning. However, suspects appeared to use more 'emotional' terms (e.g., relationship and feelings) in responses. Benneworth (2009) subsequently carried out a discourse analysis on one of the interviews used in her 2006 study and identified interactional difficulties for the suspect including the interviewer speaking far more than the suspect. Benneworth-Gray (2014) used discourse and conversation analysis to analyse the way in which interviewers talked about 'truth' and 'honesty' in three interviews with suspected child sex offenders. She argues that a police interviewer should retain an awareness that 'truth' and 'honesty', and how they are expressed, are affected by different perspectives (e.g., the complainant, interviewer, or suspect). These studies indicate that providing the suspect with 'space' within the interview to provide an uninterrupted account (in their words and without judgement by the interviewer) may be beneficial to the interview aims but is a complex and demanding task.

2.5 General Discussion of Findings

Research on interviewing suspects in sexual offence cases is an emerging area that has utilised varied methodological designs to examine elements of the interview process. The factors identified within the current research literature have been placed into sub-groups according to their focus, with some preceding the actual interview process, captured within *victim, suspect,* and *offence* IV sub-group. Other factors mainly occur in the interview itself and are represented within *interviewer* and *investigation* IV sub-groups. There are common themes arising within both confession-based interrogation and information-gathering interviews relating to factors that influence interview outcomes. These themes fall broadly within the following areas: (i) offence characteristics, (ii) interviewer approach, and (iii) interview structure. These themes are discussed in further detail below.

2.5.1 Offence characteristics

The nature of sexual offences is heterogeneous; thus, offence characteristics can vary greatly. These characteristics exist prior to the interview process and are described within IV 2, IV 3

and IV 4. The breadth and depth of variables indicate the diversity of characteristics across this offence type. The studies used descriptors to define offenders such as *rapist*, *child molester* and *murderer*. These terms cover a variety of legal offences and a wide variety of circumstances. One common distinction used was whether a victim of the offence was an adult or child. Beauregard and Mieczkowski (2011) argue that a 'one size fits all' approach to interview strategy may be less effective with sexual offenders and that an interaction between factors can impact on confession decisions. This approach supposes that the interviewer has a comprehensive and accurate knowledge of the events and that the person interviewed is responsible. A tailored approach based on differences in offence behaviours systematizes investigative bias. Several studies suggested differences in interview behaviour toward confessions by offenders who committed offences against children and those who offended against adults when measuring confession rates (Beauregard & Mieczkowski, 2011; 2012; Beauregard et al., 2017; Gudjonsson & Sigurdsson, 2000). The work on the relationship between personality and confession rates in sexual offence suspects has indicated a correlation between these factors amongst some offenders. It is unclear whether such differences would occur within information-gathering interviews and is worthy of further study to determine whether offence characteristics may alter the dynamics of the interview interactions. There are indications of this in the differences found in language use between interviewer and interviewee (Benneworth, 2006; 2009).

Various studies obtained the views of convicted offenders when considering offence characteristics and confession measures (Beauregard et al., 2010; Beauregard et al., 2017; Beauregard & Mieczkowski, 2011; 2012; Gudjonsson & Sigurdsson, 2000; Holmberg & Christianson, 2002; Kebbell et al., 2010). The use of convicted offenders in research to assess effective interview practice can create a methodological bias. Participants in such studies have received substantial custodial sentences and represent the most serious end of the offending spectrum. This creates an automatic exclusion of persons, receiving minor sentences, acquitted at trial, or those exonerated through effective interviewing. In addition, self-reported data (in some cases) may be subject to significant time delay before collection in the study of up to 10 years in the study by Holmberg and Christianson (2002). Consequently, the focus on *offence* and *suspect* factors should be considered in the light of these notable limitations. If we are to move towards procedurally fairer interviewing, applied research needs to acknowledge those areas that are problematic. Research findings have shown significant issues with guilt presumptive and confession seeking interview practices. The

prevalence of confessions within study measures suggests that the need for a paradigm shift also applies to this area of research.

Westera, Kebbell and Milne (2016) argued for improvements to the investigation of rape cases and that *system variables* should be an area of focus for future research. These system variables are elements within the control of the criminal justice system and thus capable of monitoring and development. Findings from research within such areas such as *interviewer* and *investigation* IV sub-groups may represent the best opportunities to promote efficient development within applied settings.

2.5.2 Interviewer approach

The extant literature would support a conclusion that it is beneficial to interview sexual offence suspects in an ethical and humane manner and may impact on their decisions during interview (Gudjonsson, 2006; Holmberg & Christianson, 2002; Kebbell et al., 2008; Kebbell et al., 2010; Oxburgh & Ost, 2011; Read et al., 2009; Read & Powell, 2011). There is variation in the descriptions used to identify those factors present in a *humane investigative interview*. Holmberg and Christianson (2002) defined a humane interviewing style as the interviewer having an inherent interest in the suspects' behaviour and needs, characterised by empathy and co-operation. Read et al. (2009) describe rapport-building to ensure that the interviewee perceives that they will be heard, understood, and not judged - in sum, the autonomy of the interviewee is respected. There are positive effects to such a pro-social approach whether the suspect is guilty or innocent of the offence including reducing the conditions that promote false confessions (Gudjonsson, 1999a; Gudjonsson, 2003; Kassin & Gudjonsson, 2004). The United Nation's Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment has endorsed this approach advocating for a universal protocol and development of a non-coercive, ethically sound, information seeking model of interviewing that is evidence-based, research-driven and empirically founded (Mendez Principles, United Nations, 2016). The research findings are clearly supportive of a procedural fairness approach embedding the principles of respect, impartiality, and voice with interviewing. The identification and practical application of behaviours congruent with these principles appears more elusive.

A theme emerging within the research on interviewing suspected sex offenders has been the study regarding the use of verbal empathic behaviours. This is considered one of the building blocks

of rapport-building (St-Yves, 2006; Vanderhallen & Vervaeke, 2014). However, studies by Oxburgh et al. (2012; 2014) found that verbal empathy did not have a significant effect in terms of the amount of investigation relevant information (IRI) obtained during interview. However, interviews that contained more empathic interactions also contained a greater number of appropriate questions with a significant increase in investigation relevant information. However, the relationship between greater appropriate question use and verbal empathic behaviour remains unclear. A concern found in one study was that more inappropriate questions were asked in cases of child sex offences than in homicide or filicide cases (Oxburgh et al., 2014).

Researchers that have attempted to measure verbal empathy within sexual offence interviews suggest that it remains at a low level (Dando & Oxburgh, 2016; Oxburgh et al., 2012; Oxburgh et al., 2014). Dando and Oxburgh (2016) found that female interviewers displayed considerably more incidences of spontaneous verbal empathy than their male counterparts. However, the available literature indicates that, overall, officers find empathic interactions difficult when conducting interviews with suspected sexual offenders, which may be due to negative views they hold of that offender cohort (Oxburgh et al., 2015; Oxburgh et al., 2006; Soukara et al., 2002). Participants in the study by Soukara et al. (2002), reported that interviewers' social skills were greatly tested in child sexual abuse cases. This last observation is an area of interest that requires greater research as the background and attitudes of the interviewer tasked could be as significant to outcomes as the offence characteristics are for suspects.

There is strong support from the available literature-base that a humane, ethical approach to investigative interviewing clearly has benefits when dealing with suspects generally, and specifically within sexual offence interviews. An empathic approach, when interviewing some individuals may be ineffective if an empathic cycle cannot be established (Oxburgh & Ost, 2011). Quayle (2008) suggests that interviewing a suspect with psychopathic traits may require the interviewer to modify their approach proposing greater formality, minimal rapport-building, and minimal overt displays of emotion should be used with such suspects. This is contrary to the settled research view on aspects of effective interviewer behaviours in a humane and rapport-based interview. Do such suspects present less empathic opportunities or are interviewers showing reduced empathic behaviour? This has not been tested and research is required to establish if an empathic approach is effective in such cases or whether different approaches need to be developed and prove more effective.

2.5.3 Interview Structure

The methodologies used by researchers was to establish specific information from individuals convicted of sexual offences and police officers or from the analysis of actual interviews. The factors that influence the decision to confess, deny or provide information are key considerations within interview structures. A recurring theme is the strength of evidence as a positive factor in decisions to confess (Kebbell et al*.,* 2010; Lippert et al*.,* 2010). Interviews with sexual offence suspects may have limited evidence or evidence solely from the complainant. What is not clear from the current research is when or how evidence is presented and how a suspect decides on its relative probity or weight in the case against them. The availability of real interviews for research remains limited and, in some jurisdictions, interviews are not routinely audio or video recorded. Read et al. (2014) analysed Australian and UK actual interview transcripts and found that evidence was mostly disclosed in the first third of the interview, with information from the complainant's statement being the most commonly presented evidence. A procedurally fair interview process should be transparent, this is does not necessarily require revealing all the evidence that police possess at the outset. The nature of sexual offences means that often the complaint is the primary evidence and so, as above it is often explored with the suspect. This is a problematic approach as a free narrative account from any witness is best obtained without the suggestibility risks in contaminating post-event information, which includes the suspect. However, it is an ethical approach to provide the suspect with the basis of the evidence against them at the interview outset. The other issue is that using the complaint account to generate the question structure encourages the use of closed or inappropriate questions. This decreases the generation of new information within the interview. A concentration on the account of the suspect through open questions until all areas have been fully covered strengthens the opportunity to use the complaint account effectively to test the evidence. This approach is procedurally fair having given respect and voice to the account of the suspect before any contrary evidence is explored and clarified.

2.5.4 Study Limitations

This SSA is not without limitations since the inclusion criteria was interviewing in sexual offence investigations, general investigative interviewing articles with a peripheral link to sexual offences may have been omitted. The study by Soukara et al. (2002) for example, contained only a single specific reference to child sexual offences within a wider study of investigative interviewing. A considerable body of research on police interviewing has developed over the last few decades

running to hundreds of papers. The specific area of interviewing in sexual offence investigations is still an emerging topic area and so only contains included studies since 2000. The qualitative studies do provide a valuable insight to such an applied area of research. However, it was not possible to include them within the SSA matrix and are separately described so as a result they do not appear within the description of subgroup factors. A final limitation was the variable description given to different investigation, interviewing or interrogation practices described within the research, making comparison between variable descriptors difficult. An agreed taxonomy of terms for sexual offences may assist with the necessary degree of precision for future research.

This study sought to establish and consider the extant literature-base surrounding the interviewing of suspects in sexual offence cases and builds upon a more substantial base of general investigative interviewing research. We found that the available literature on factors that exclusively consider the investigative interviewing/interrogation of suspects in sexual offence cases is somewhat restricted. A challenge for researchers moving forward will be whether research findings in this area are replicable across different interviewing/interrogation approaches and for sexual offence suspects with vulnerability including: (i) mental health issues; (ii) personality disorders, and (iii) learning difficulties or disabilities. The investigation of sexual offences remains a complex and demanding challenge for police and has long lasting consequences for all parties involved. The research base in this area of high public concern is currently limited and there remain many gaps in developed knowledge. The topic area directly influences development of public policy and guidance. It is important that research in this area continues to expand to enhance understanding and inform effective public policy recommendations.

2.6 Chapter Conclusions

The chapter utilised a SSA to explore the specific area of suspect interviews in sexual offence investigation. The included studies (*n*=20) were broken down by methodology and variables to identify concentrations and gaps within the research literature. Areas that featured were offence characteristics: (Child molester v Rapist); Interviewer approach (Humane v Dominant); and interview structure (evidence, questioning). There was a concentration of research in confession elicitation with few studies focused on information gathering approaches that are more likely to reflect procedural fairness principles. The following chapter will explore a data sample of real interviews from two UK police areas. These interviews were coded using a framework to examine factors throughout interviews that use an information gathering approach.

Chapter 3. An exploration of procedural and interaction factors on information elicitation in rape investigation interviews.

3.1 Chapter Summary

This chapter introduces a quantitative empirical study that examines current interview practices within police rape suspect interviews. Developments to more effective and ethical interviewing have been supported by empirical research from applied settings as examined in the previous chapter. The breadth of methodologies utilised within the applied research conducted in this field and represented within the SSA did identify the following areas of interest, offence characteristics, interview structure, and interviewer approach. This study will consider those areas identified using a novel coding framework to analyze a sample of investigative interviews (n=26) of suspects in rape investigations. The coding framework explores the factors of offence characteristics (adult/child victim), interview structure (time), and interviewer approach (question types, positive/negative behaviours). Those factors form the independent variables for analysis. The dependent variable was information yield as measured by investigation relevant information (IRI). Whilst it was hypothesised that more negative behaviours would be present in interviews involving a child victim, the analysis showed no significant difference in interviewer behaviours across offence type by victim (adult/child). Whilst good practice dictates that effective interviews should have more appropriate questions, research in this area has consistently found that inappropriate questions dominate. Consistent with previous research in this area, there were significantly more inappropriate questions asked across all interviews. When considering the impact that interviewer behaviour has on interview efficacy, consistent with previous research that suggests positive interviewer behaviour can lead to more effective interviews with sexual offence suspects (measured by greater information yield), the present study found that positive interviewer behaviour did predict interview Information Yield (IRI). This finding supports the adoption of procedurally fair attitudes and behaviour to increase information elicitation with interview. The prevalence of inappropriate question types is concerning given such question types have been associated with reduced information yield and increased errors (Oxburgh et al., 2012) and may impact on the effect of positive behaviours increasing IRI. The chapter concludes with consideration of the implications from these findings for applied settings.

3.2 Introduction

Equity of process in justice procedures is crucial and the police role as gatekeepers to the criminal justice system requires trust and legitimacy to operate with public consent (Goodman-Delahunty, 2010; Mazerolle et al., 2013). The processes and behaviour of police officers and their interactions with private citizens is rightly scrutinised and notably when exercising any legal powers. This public examination holds true for the interviewing of suspects under investigation to establish their culpability or innocence and remains a fundamental investigative imperative (Bull & Milne, 2004; Oxburgh & Ost, 2011). The errors and malpractice in this specific police-public interaction domain has led to major reforms in the past and continues to command critical attention (Gudjonsson, 2003; Kassin & Gudjonsson, 2004; Koen & Bowers, 2018; Leo & Ofshe, 1998; Savage & Milne, 2007; Haworth, 2018). The empirical study in this chapter examines how applied research findings are operationalised in rape suspect interviews where theory, procedure, and task demands intersect.

The quality and quantity of information elicited within any interview with relevant parties to an investigation, including the suspect is of fundamental consequence (Dando & Oxburgh, 2015; Read et al., 2009). It supports the investigation objectives and assists to inform decision-makers from investigation outset through to its eventual outcome. The private circumstances present in many sexual offence allegations make independent information gathering problematic and solely reliant on the two parties involved. Information obtained ethically and fairly, whether an account, admissions, or confession evidence voluntarily offered by a guilty suspect, can accordingly be of benefit to all parties (Beauregard et al., 2010; Kebbell et al., 2006a; Read & Powell, 2011). Confession evidence can support a secure conviction, relieve pressure, and demands on victims, and reduce court costs and trial burden (Gudjonsson, 2006; Kebbell et al., 2006a). A potential personal benefit for a guilty suspect is therapeutic jurisprudence from an interview process that is conducted humanely (Wexler & Winick, 1992; Madsen, 2017). It supports the accused to improve their psychological wellbeing through relieving the internal pressure of guilt and shame experienced by some individuals because of their offending behaviour (Gudjonsson, 2006). It can assist in shortening the justice process allowing quicker access to rehabilitative support and potentially a reduced sentence at case conclusion. There is great value in developing deeper understanding of the factors underpinning effective and ethical interviewing due to the adverse impacts of sexual crime at an individual and societal level (Giles et al., 2021; Conti et al., 2017). The factors identified

within the previous chapter are explored in this study to examine how interviewers act within real interview settings and whether this aligns with best practice and procedural fairness principles. The factors of *Offence Characteristics*, *Interview Structure*, and *Interviewer Approach* will be considered below.

3.2.1 Offence Characteristics

An influential factor is the characteristics of the offence given the diverse nature of sexual crimes, and this is reflected with differences found within the interview environment (Beauregard & Mieczkowski, 2011; St-Yves, 2006). The most prominent variant in offence characteristic is that of the age of the victim. This is consequential to investigators in sexual cases as the age of the victim can impact on the evidence required and that may be available through interview. There is potential for victims to cover a broad range of developmental stages, physically, cognitively, linguistically, and socially. This may influence whether, to what extent and depth, an evidential account can be obtained from them (Davies & Westcott, 1999; Rivard et al., 2017; Lyon, 2014; Carnes & Nelson-Gardell, 2000). A separate element would be the issue of consent to sexual contact, child offences do not require such evidence beyond proof of the age of the child (statutory age of consent is 16 years in UK), since a child cannot consent to sexual contact. This is a marked difference to the high number of sexual allegations between adult parties that often raise the issue of consent, requiring detailed questioning of the suspect about their actions and behaviour to establish consent, or the belief of consent being relied on by the suspect (Westera & Kebbell, 2014). The taxonomy in research is hence often expressed dichotomously, categorised as adult or child victim reflecting the different needs of each category in applied settings. This differentiation can also be seen in skills training, professional guidance, and organisational structure within the police that is similarly divided (College of Policing, 2019). In the current study, two types of interviews were compared comprising a between-subjects' design: interviews involving child victims and interviews involving adult victims.

3.2.2 Interview Structure

The interview structure with the suspect is regulated by legislation and standardised through guidance and training (Soukara et al., 2002; College of Policing, 2019). The distinct elements and phases of the PEACE framework should be an identifiable structure within any compliant interview. The interviewer should have comprehensively reviewed the available information to plan and

prepare for the interview. The timing of the interview can impede this important element. The timing of interviews can regularly be outside of the control of the investigator and subject to extraneous factors. The interview would ideally take place following an investigation when evidence and information has been evaluated. An interview early within an investigation can leave the interviewer with an incomplete and limited understanding of the evidence and information. The potential negative impact of this being limited interview outcomes and failed investigations. The strength of evidence is regarded as a positive indicator within suspect confession decisions (Gudjonsson, 2006; Kebbell et al., 2010). Confessions though not a direct objective, are beneficial, if obtained fairly and given freely by a person responsible for the crime investigated (see p.13 Chapter 1). The timing of when to reveal case information within the interview can also impact interview outcomes (Granhag & Hartwig, 2008,2015; see Oleszkiewicz & Watson, 2020 for review). The revealing of evidence is associated with the procedural fairness principle of transparency. Police can withhold certain information to check the veracity of a suspect's account. However, if information is withheld without obvious strategic and tactical value, it is likely to generate mistrust in the suspect, reducing openness and reciprocity (Häkkänen et al., 2009; Alison et al., 2013). The PEACE framework at each stage can be seen to align with Procedural Justice principles (see Roberts, 2010,2011) (see Table 3.1).

Table 3.1

The PEACE model structure aligned to relevant procedural justice principles.

PEACE Phases	Procedural justice principle
Planning and preparation	Impartiality, Fairness, Transparency
Engage and explain	Respect, Transparency, Impartiality, Voice
Account	Voice, Respect, Impartiality, Fairness, Transparency
Closure	Respect, Voice, Fairness, Impartiality
Evaluation	Impartiality, Fairness

Note. All PEACE phases are fully compatible with a procedurally fair interview process

The interviewer seeks to move through the PEACE framework sequentially (see Chapter 1, Fig 1.1) therefore, time intervals are relevant within the structure of the interview and are considered within this study. Various changes over the course of the interview can be influenced by many factors, including cognitive demands (Oxburgh & Hynes, 2016; Hanway 2020; Hanway & Akehurst, 2018), memory issues (Fisher & Geisleman, 1992; Kebbell & Milne, 1998; Hope & Gabbert, 2019), and affective responses (Holmberg, 2004; Alison et al., 2007). Structure provides capacity for interviewers to manage these demands within a dynamic interview environment (Hanway & Akehurst, 2018). The conversation management (CM) approach (Shepherd, 2007; Shepherd & Griffiths, 2021) is an effective and established method for use during the Account stage of the PEACE framework. CM consists of three phases, the *interviewee* agenda, *investigative* agenda, and *clarify and confirm* agenda. These phases should ensure that new information is consistently sought throughout the interview process. Each agenda should be systematically completed before moving on to the next ensuring all topic areas are covered within the interview (Jay & Pankhurst, 2021). The Account phase should be initiated using open questions to obtain a detailed, free narrative account of events without interruption, and be followed up with appropriate probing questions (Oxburgh et

al., 2010). The suspect at this stage would have multiple opportunities to provide information without challenge. This opportunity for voice is a core procedural fairness principle and allows the person accused the opportunity to respond to the allegation. It is only in the concluding clarify and confirm agenda that discrepancies or differences between the account given by the suspect and the investigator's knowledge of the case are explored. This maximises the information already provided by the suspect before any contradictory information is revealed and the suspect will have been fixed to an account.

The interviewer has an advantage in controlling the known information that they provide to the suspect about the investigation and circumstances of the allegation before the interview commences. A decision to withhold items of evidence to test the veracity of the suspects account, as with techniques including the strategic use of evidence method (SUE), can be used effectively without pressure or coercion (Granhag & Hartwig, 2008,2015; see Oleszkiewicz & Watson, 2020 for review). This method protects the innocent suspect by giving them several opportunities to provide their own account without challenge and ensure that other evidence will be explained or explored without coercion or pressure from the interviewer. This has the potential benefit of revealing deception or misunderstanding through a planned approach to evidence presentation. It may be necessary to move back to an earlier agenda if the suspect does alter their account within the clarifying phase. It is only once all matters are clear that the interview can move to closure. It is important to move the interview to a neutral topic and close without negativity as often sexual offence investigations can be protracted and with the necessity for multiple interviews. An interview evaluation should include the interview objectives, case review, and personal review of the interview performance (Walsh et al., 2017). These advantages though they appear significant for the interviewer are limited and the suspect does retain advantages of their own, including their level of engagement and report option as to the nature and detail of their answers.

The first and most important advantage is that the burden of proof always lies with the prosecution, so the suspect is under no obligation to prove innocence or cooperate with the investigation including answering questions. They retain the decision on whether to provide answers and are not under any compulsion to respond. A guilty suspect is aware of the circumstances of the allegation and may have planned for the eventuality of being investigated and questioned. It is in such cases that a conversation management approach and SUE may be an effective and ethical approach. The care in use of available evidence to test veracity of account requires detailed and structured questioning. The previous chapter indicated that strength of

evidence was found to be a factor in confession focused interviewing (Beauregard & Mieczkowski, 2011; Kebbell et al., 2010). A suspect interview reliant on the complainant account can be refuted without the suspect providing additional detail and physical evidence of sexual contact can be explained as present due to consensual sex. This is common within sexual offence interviews when the complaint is put to the suspect in the form of statement questions where elements of the complaint are put to the suspect (Read & Powell, 2011). Beyond denial there is then insufficient exploration of the 'whole story approach' as advocated by Tidmarsh (2017). The insufficient particularisation of detail is problematic in sexual cases and leads to a twofold concern, by limiting new information yield, and not supporting the suspect to give an expansive and informed account (Read & Powell, 2011). The interviewer use of question type is influential to both to the quantity and the quality of information they can obtain (Myklebust & Bjørklund, 2006; 2009; Oxburgh et al., 2012; 2013; Shepherd & Griffiths, 2013). The observation above suggests that use of structure, appropriate questioning, and particularisation of detail should lead to a yield of new information throughout the interview.

3.2.3 Appropriate and Inappropriate Questions

Question types described within the research literature has focused on identifying the effects of different question type use on information elicitation (see Clarke et al., 2011; Oxburgh et al., 2012; 2013; Shepherd & Griffiths, 2013). Although, there is general agreement on the use of open questions producing more items of information and fewer errors, the taxonomy of specific questions has lacked specificity and consensus between researchers (see Oxburgh et al., 2010; Ministry of Justice, 2022). This study will use the categories of *appropriate* and *inappropriate* questions. *Appropriate* questions will assist free recall responses and encourage a more expansive answer; *Inappropriate* questions are more likely to reduce responses and rely on recognition memory (Lamb & Fauchier, 2001; Orbach & Lamb, 2001; Dodier & Denault, 2017). The maintenance of appropriate questions through the interview process is indicative of a well conducted interview with the highest potential for accurate information. The question taxonomy used within this study is that adapted by Oxburgh et al., (2012) from Griffiths and Milne (2006) (See table 3.2 below). The factor of question type extends across the active interview structure, moving from open towards more probing, specific closed questions as the interviewer moves through each topic. Each topic should approximate a narrative funnel, where information is broad and general in response to open questions, moving to focussed, specific information in response to appropriate probing questions. The function of question as well as linguistic construction is important and this is a feature of the

planning and approach of the interviewer (Grant et al., 2016). It is helpful to understand basic memory function to ensure that the interview structure and questioning has a logic, constantly moving from topic to topic is cognitively demanding and unlikely to assist memory performance.

3.2.4 Interviewer Approach

The interview process described above provides an ethical and effective procedural approach (interview structure) to the suspect interview consistent with the current literature findings. There are interaction factors encountered within sexual offence interviews. The suspect denial is a common position for interviewers to encounter within suspect interviews (Beauregard et al., 2010; Gudjonsson & Sigurdsson, 2000). The possibility always exists of denial arising from the innocence of the suspect. This requires careful and detailed questioning to ensure that sufficient information is gathered to ensure they can be safely eliminated from the investigation. For the guilty suspect, there is incentive to deny or minimise their involvement in such a serious offence and rely on the absence of inculpatory evidence to evade prosecution. Allegations reliant on complaint evidence alone may be strengthened by a suspect who provides information to investigators in interview even though it may be circumstantial to the offence event. Denial is also a coping strategy in guilty individuals and familiar to those professionals who work with sexual offenders' post-conviction (Lord & Willmot, 2004). The guilty suspect may experience shame or guilt providing a psychological basis for denial through fear of exposure yet be conflicted by an inner tension to confess through guilt and remorse (Read et al., 2009; Gudjonsson, 2006). The interview can be an emotionally demanding situation both for the interviewer and the suspect (Soukara et al., 2002; Oxburgh et al., 2006). The interviewer should still provide opportunity for the interviewee to provide comment on the allegation and surrounding circumstances. This is covered in the investigative interviewing principles and is congruent with the procedurally fair principle of impartiality. We now turn to the interviewer and the interaction factors that may be present within the investigative interview.

3.2.5 Interviewer Behaviour

Effective interviewing requires the development and maintenance of co-operation from the suspect (Dando & Oxburgh, 2016; Gudjonsson, 2006; Kebbell et al., 2008; Oxburgh & Hynes, 2015; Read et al., 2009). Holmberg and Christianson (2002) in their well cited study describe two contrasting interviewer characteristics in the interview experiences of sexual offenders and

murderers, termed dominant and humane, the latter was found to be more effective in eliciting information and admissions (Kebbell et al., 2010; Oxburgh et al., 2015). The PEACE framework, as an example of such a humane interview, advises the use of rapport, appropriate questioning, attentiveness, and listening skills (Oxburgh et al., 2016). Although interviewers recognise that compassion and empathy are important aspects within such interviews, these elements are not consistently present (Cherryman & Bull, 2001; Dando & Oxburgh, 2016; Oxburgh et al., 2012). It can be argued that a definition and measurement of empathy within applied research lacks consensus. The consistent research support for empathy as a component of rapport within interview should be taken with a note of caution as it is unclear exactly how this is conveyed to interviewees.

Police officers, considered against other professional groups, tend to hold the most negative and stereotypical views of suspected sex offenders (Hogue,1993; Holmberg & Christianson, 2002; Lea et al., 1999). This creates the potential for dissonance in officers who hold and suppress negative opinions to display consistent positive behaviours. The need for affective suppression presenting additional cognitive demands for some officers. The presence of negative behaviours can be especially damaging to effective interviewing. The interviewer displaying behaviours, such as, anger, disgust, and judgement, whether verbally or by actions, is likely to erode trust and damage rapport (Adams-Quackenbush et al., 2019; Alison et al., 2013). The display of negative behaviours towards suspects in sexual cases may be of particular concern given the level of public enmity towards those accused of sexual crime. The low self-esteem, and internalized shame and guilt held by some suspects is likely to lead to disengagement and withdrawal from interviews displaying negative behaviour (Gudjonsson, 2006; Kebbell, et al., 2010). It is an overt display of disrespect and lack of impartiality that is contrary to procedural fairness principles. In the current study, the frequency of positive and negative behaviours was compared across both child and adult interview types, positive and negative behaviours were also considered as predictors to the amount of IRI obtained in interviews.

3.3 Hypotheses and predictions

The present study aims to establish how procedural and interactional factors impact information gathering within sexual offence suspect interviews. The following elements were analysed, whether: (i) interviewer behaviour was influenced by offence type; (ii) the use of question type was influenced by offence type; and (iii) the effect of interviewer behaviour and question type

on information yield measured in IRI. The following hypotheses were generated based on the findings from previous research:

Hypothesis₁ – *Interviewer behaviours will be influenced by the investigation offence type*

This hypothesis recognises that interviewers are presented with complex challenges when information gathering in sexual offence investigations. The offence characteristic of adult or child victims will influence the behaviour of interviewers when conducting a suspect interview. The following predictions were made to test this hypothesis.

The first prediction is that there would be more positive behaviours than negative behaviours irrespective of offence type. This prediction is based on the applied research, operational training, and anticipated conduct within an ethical and effective interview process using a rapport-based information gathering approach (see Gabbert et al., 2021).

The second prediction is that increasing positive interviewer behaviours overall within interviews will produce higher amounts of IRI obtained across offence types. Interviews that contain '*humane*' behaviours, including rapport, displays of empathy and use of listening skills contain more IRI than those interviews classified as *'dominant'* (Alison et al., 2013; Holmberg & Christianson, 2002; Kebbell et al., 2006; Oxburgh et al., 2013).

The third prediction is that negative interviewer behaviours will generate decreased amounts of IRI across interview types. The use of coercive and dominant behaviours leads to increased denial and resistance from the interviewee (Alison et al., 2013; Holmberg & Christianson, 2002).

The last prediction is that positive interviewer behaviours will predict higher amounts of IRI obtained across the course of the interview. Rapport building and maintenance behaviours are widely recognised as important in achieving beneficial interview outcomes (Abbe & Brandon, 2014; Alison et al., 2013; Gabbert et al., 2021; Hartwig et al., 2005; Vallano et al., 2015; Vanderhallen et al., 2011).

Hypothesis₂ - *Question type use will be influenced by the investigation offence type*

The use of appropriate questions within interviews produces a greater information yield than inappropriate question use. Sexual offence investigations are reliant on the information gathered from the parties involved. However, applied research reports that interviewers use more

inappropriate than appropriate question types when conducting interviews (Oxburgh et al., 2014; Oxburgh et al., 2012). The following predictions were made to test this hypothesis.

The first prediction is that more *inappropriate* than *appropriate* questions will be asked irrespective of offence type. Research supports the use of *appropriate* questions over *inappropriate* questions as more effective in information elicitation. However, applied research has consistently identified that more *inappropriate* questions than *appropriate* questions are asked in interview (Davies et al*.,* 2000; Myklebust & Bjørklund, 2006; Oxburgh et al*.,* 2012; 2014). This raises the prediction that the current study's finding will be consistent with the applied research findings.

The second prediction is that the frequency of *inappropriate* questions will be influenced by offence type. There will be a greater frequency of inappropriate questions present in the child offence compared to adult offence type. Interviewers in investigations involving a child victim report them as difficult and stressful to conduct (Soukara et al., 2002; Oxburgh et al., 2006) associated with police officers holding more negative views toward sexual offenders than other offenders (Holmberg & Christianson, 2002; Holmberg, 2004). This can manifest in the greater use of inappropriate question types by the interviewer (Oxburgh et al., 2014). Language divergence between interviewer and suspect may also lead to greater use of closed and other inappropriate question types in this offence type given the difference in descriptive language (Benneworth, 2006).

The third prediction is that question type frequency will be influenced across offence types as a result of time. A planned and structured interview should be identifiable through use of appropriate questions throughout (Griffiths, 2008; Farrugia et al., 2019). An increased frequency of questions as the interview time progresses would indicate a ceiling effect in information yield (Shepherd & Griffiths, 2021).

Hypothesis$_3$ – Information yield will vary across the interview time

The information yield frequency should continue throughout an information gathering interview with a cooperative interviewee and conclude once no further information is forthcoming. However, over the course of interview time questioning attains a focus on specifics leading to a reducing information yield as the interview progresses. The information yield will vary as the interviewee reaches the extent of information that they are able or willing to provide, also the questioning has reducing productivity. The first prediction is that the information yield will reduce across the course of the interview. The information yield is likely to be high early in the interview as new information is first provided. If open questions have been asked, then responses should contain

descriptive narrative answers. The lack of particularisation and increased use of inappropriate question types will reduce response information (Read & Powell, 2011; Oxburgh et al., 2014; Shepherd & Griffiths, 2021). However, in a well-planned, structured interview new information should be forthcoming throughout as new investigation relevant topics are explored using positive behaviours and appropriate question types.

3.4 Method

3.4.1 Sample

This study received ethical approval from the Faculty of Medical Sciences Ethics Committee, Newcastle University and two police areas within England assisted by providing access to data samples consisting of audio recordings of investigative interviews with male rape suspects (n=26). The offence allegations were adult (n=11) and child victims (n=15) at the time of the offence. These interviews were conducted within sexual offence investigations between 2012 and 2015. A number of the original provided recordings were excluded (n = 10), due to recording error or sound quality (n = 3), an offence not meeting the inclusion criteria (n=2) and interviews in which the suspect invoked their right to silence (n=5). All interviews were from closed investigations with all criminal justice proceedings concluded. The researcher did not have access to other case data or investigation outcomes related to the interview content. The officers conducting these interview data were all interview trained to PIP level two and with specialised sexual offences investigation training (see Chapter One, p.16).

3.4.2 Interview coding procedure

The interview recordings were coded manually by the lead researcher using a coding framework (Appendix B). This framework together with a guidance document on the coding criteria within the framework (Appendix C) were both developed by the researcher for this study. The audio recording was reviewed, and the transcript of the interview checked for accuracy. The interview transcription is completed verbatim, certain elements are omitted if they add no meaning to the script, mainly ums, errs, repetitions and false starts. The coding was completed manually by the researcher on site at police premises. Inter-rater reliability was addressed by use of a separate vetted researcher coding a sample of the interviews (n=4) independently using the coding framework for accuracy and consistency of interviewer behaviour, question type, and IRI.

The reliability assessment after initial coding was 86% agreement and consistency was agreed after further discussion to reach 100% agreement. The transcripts had personal and identifying data removed during analysis to ensure anonymity of the parties involved. Any removed information had an identifier put in parentheses, for example [name] or [location]. Detailed coding then took place across the following:

(i) *Interviewer behaviours* were coded using section 4 and 5 of the coding frameworks. Each example of the behaviours was coded within each interview. These behaviours with examples from the interview data are set out in the below table 3.2

(ii) *Question types,* these data were coded from Section 6 of the coding framework. The overall total number of each type of questions used during each interview was coded. The question type was split into *appropriate* (open, probing and encouragers/acknowledgments) and *inappropriate* questions (echo, closed, forced choice, multiple, leading and opinion/statement). The different question types with examples from the interview data are set out in the below table 3.3 (Oxburgh et al., 2012).

(iii) The interview yield was measured using Investigation Relevant Information (IRI). IRI consists of: **P**erson information, **A**ction information, **L**ocation information, **I**tem information and **T**emporal information (PALIT; see Hutcheson et al., 1995; Milne & Bull, 2003; Oxburgh et al., 2012). Each information item was coded only on first mention ensuring only new investigation relevant information items would be counted toward total information items.

(iv) To examine the structure of the interview and trace the phases and changes across the interview length the interviews were divided into 5-minute time intervals. The analysis considered data between 5 minutes and 65 minutes, the initial 5 minutes was excluded as it would comprise the introduction and rights. To average data across the whole interview would potentially mask findings within the dynamic changes of the information yield. This provided the opportunity to track productivity of question type through the interview. interview structure. A period of 5-minute intervals provided a granularity that would identify changes in behaviour and question type use over time. The choice to analyse across 12 separate time intervals (60 minutes) was based on the overall interview mean across offence types.

Table 3.2

Example Interviewer behaviours from sexual offence interview coding framework

Category	Interviewer Behaviour	Example
Positive	Rapport maintenance	Active Listening Reflective Listening Humane Interaction Personalisation
Positive	Empathy	Empathic Interaction Empathic opportunity continuer *spontaneous comfort continuer comfort spontaneous understanding continuer understanding*
Negative	Guilt Presumption	Guilt Presumption Hypothesis Minimisation Maximisation
Negative	Empathy	Empathic Interaction Empathic opportunity Terminator

Note. A full description of the example behaviours coded can be found in the coding guidance (Appendix C)

The transcript was initially compared with the audio recording to ensure accuracy. Each transcript was then coded manually for interviewer behaviours and question type. The transcript would then be further coded for IRI. These data were all entered manually into SPSS version 27.0.0. The interview lengths differed, to ensure that total scores rather than averages were measured, the first hour of each interview was considered as a total and broken into 5-min time intervals (to allow for repeated measures analysis across time). This provides the total information yield across time.

The total number of appropriate and inappropriate questions were recorded for each 5 min interval across the entire length of each interview, these data were analysed using both a univariate ANOVA to determine overall differences, and a Repeated Measures ANOVA was used to explore difference in question type over the course of the interview. Interviewer behaviour was used to predict information yield (via IRI) using linear regressions to compare each behaviour type.

Information yield was determined by totalling each of the items in the PALIT structure. A Repeated Measures ANOVA compared IRI across the first hour of the interviews in 5 min time intervals

The frequency of three categorical variables were tested for association via separate Chi-Squared tests. (i) Behaviours (positive and negative) were compared against offence type using a 2x2 contingency table. (ii) Likewise, a similar analysis compared offence type (adult vs child) to question type (appropriate vs inappropriate. (iii) A Chi-Squared analysis (2 x 5 contingency table) compared the frequency of PALIT items to question type (appropriate and inappropriate). The analyses were run on SPSS in my presence by Dr Barbara-Anne Robertson.

Table 3.3

Example Interviewer question types from sexual offence interview coding framework

category	Question type	Example
Appropriate	Open	"Can you tell me about your relationship…" "Explain to me how you ended up at the address?" "Describe the situation that night?"
	Probing	"What have you had to drink?" "Whose property is that?"
	Encourager / Acknowledgment/Bridge	"Right, ok then." "Has he?"
	Echo	Suspect: "Just depression." Interviewer: "Just depression?"
Inappropriate	Closed	"Have you still got the text message?"
	Forced Choice	"Right, was it a punch or a slap?"
	Multiple	"Right, what can you tell me about that then, where it was, what happened, how that came about?"
	Leading	*"Because presumably you were concerned about her getting pregnant?"*
	Opinion/statement	"So I suggest the reason that she's coming forward with the information is because that's exactly what did happen"

Note. A full description of the example question types coded can be found in the coding guidance (Appendix C)

Table 3.4

Description of information items within PALIT used to measure IRI within interview.

IRI item	IRI category description
Person	**The who**: Any information about people (e.g. names, age, clothing, appearance, shoes, hair, tattoos, voice, accent, injuries, profession etc.). Can refer to witnesses, suspects, self, victim, bystander, etc.
Action	**The how**: Any information that describes an action in some way (e.g. 'I went to the house', 'I gave him a cuddle', 'I tried to fight him off). Could include offence related or unrelated actions.
Location	**The where**: Information relating to places (e.g. address, streets, houses, descriptions of same, etc.). Could include where the offence took place, where suspect, victim or witness lives, work addresses, alibi addresses etc.
Item	**The what**: Any information that describes an item used, or mentioned, by the victim. Could include weapons, drugs, alcohol, animals, furniture items etc. NOT PERSON SPECIFIC ITEMS LIKE TATTOOS.
Temporal	**The when**: Any information that relates to dates, times, before, after, later, following etc. Not person specific age (in years – this should go into Person information).

Note. A full description of the information descriptions coded can be found in the coding guidance (Appendix C)

3.5 Results

This present study sought to establish how procedural and interactional factors influence information elicitation within sexual offence suspect interviews. The following elements were analysed, whether: (i) interviewer behaviour was influenced by offence type; (ii) the use of question type was influenced by offence type; and (iii) the effect of interviewer behaviour and question type on information yield measured in IRI overall, and by offence type. The aims of the study were to focus on the factors of offence characteristics (adult or child victim), Interview structure (time), and interviewer approach (behaviour/question type) and whether they influence information yield measured in IRI.

3.5.1 Data Screening

The interview sample ranged in duration between 15-120 minutes ($\bar{X}$ = 59 minutes; *SD* = 23.38) and were split by Offence type; Adult (*n* = 11, $\bar{X}$ = 63 minutes; *SD* = 22.02), and Child (*n* = 15, $\bar{X}$ = 60 minutes; SD = 25.76). An independent samples t-test was conducted t(24) = 0.34, *p* = 0.74 = 26 minutes ± 57 seconds (SEM) revealing that there was no significant difference in the length of interview dependent on offence type.

3.5.2 Hypothesis₁ – Positive behaviours predict Information Yield, whereas negative behaviours do not.

The interviewer behaviour coded across these transcripts' changes through the duration of the interview. Interviewer behaviour was coded as either *positive* or *negative*. The offence type was categorised as *adult* or *child* and related to the age of the victim at the time of the offence. The following predictions were made to test this hypothesis.

It was predicted that there would be more positive than negative behaviours independent of offence type. This prediction was supported, and a significant association was found between positive interviewer behaviour across offence types. Interviewer behaviours were coded according to the coding framework (section 4/5) as either positive or negative, the frequency of these behaviours was tallied for both child and adult offence types. A Chi Squared analysis was used to test for any association between the two categories (behaviour type and offence type) using a 2 x 2 contingency table. The Chi Squared analysis produced a significant result, χ2 (1) = 122.39, p < 0.001

indicating an association between offence type and interviewer behaviour (see Fig 3.1A). Further exploration of the frequency of behaviour types revealed that far more positive behaviours (93.3 %, 1590/1705) were present across all interviews than negative behaviours (6.7%, 115/1705). More behaviours were scored in adult (961) than child (744) offence type interviews with less than 1% (8/961) of those being negative behaviours in adult interviews. In contrast, in child interviews, negative behaviours made up 14.4% (107/744) of the total. The difference in interview length between child and adult offence type was not significant and so the reduced use of positive behaviour and increase in negative behaviour incidence found in the child offence type interviews may indicate that differences are present between offence type.

Figure 3.1

Effects of Interviewer behaviour on information yield measured as IRI across interview time.

Behaviour Frequency		Behaviour Type		
		Positive	Negative	Totals
Offence Type	Child (15)	637 (86%)	107 (14%)	744
	Adult (11)	953 (99%)	8 (1%)	961
Totals		1590 (93%)	115 (7%)	1705
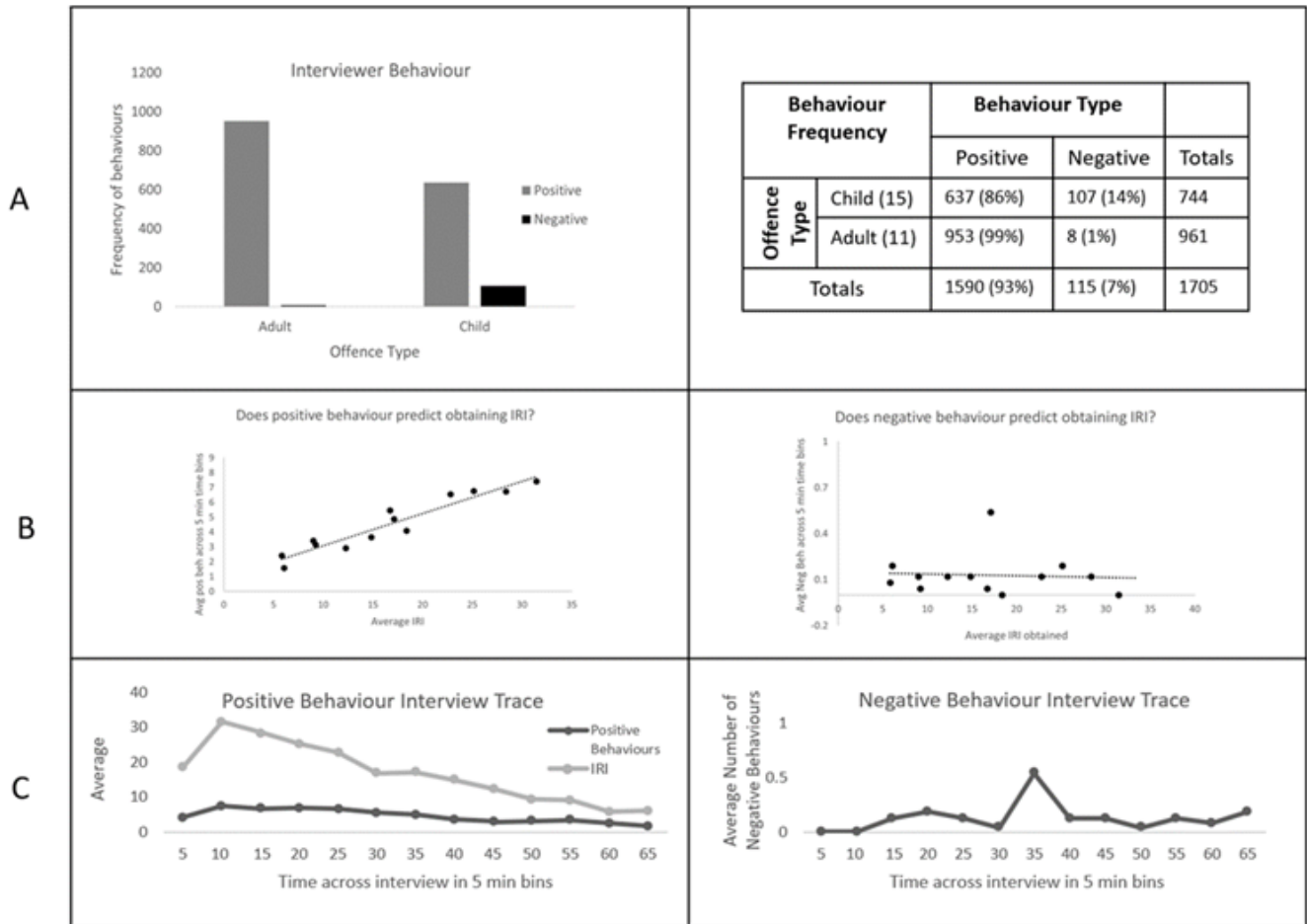
Note. Figure shows how interviewer behaviour impacts IRI yield, specifically, how positive behaviours increase IRI. Panel A (left) shows the frequency of positive and negative behaviours by Adult or Child offence type. Panel B (right) shows the frequency and proportion of behaviour by offence type, more positive behaviours were present in interviews and whilst negative behaviours made up a small proportion, more were seen in child offences. Panel B shows the result of two linear regressions where (left) positive behaviours did predict IRI yield but (right) did not for negative behaviours. Panel C shows behaviour in 5 min intervals across interview. (left) More IRI is obtained over the first 30 minutes of the interview , whilst (right) negative behaviours make up a small portion of the total behaviours present, the portion of negative behaviours increases at 35 min.

Positive interviewer behaviour predicts higher information yield

The second prediction tested the impact of positive interviewer behaviours by considering the amount of IRI obtained across offence types. The impact of interviewer behaviour on achieving IRI was first considered using a multiple linear regression using the Enter method with two dependent variables, i) total positive behaviours and, ii) total negative behaviours to predict the total IRI across all interviews. This analysis considered the total number of each behaviour across the entire length of each interview. This model accounted for only 12.8% of variance, $R^2 = 0.13$, $F (2, 23) = 1.69$, $p = 0.207$. The unstandardised beta coefficient for total positive behaviours produced a non-significant result, $\beta = 0.12$, $t = 0.27$, $p = 0.8$. The result for negative behaviours was only near significance but importantly, produced a negative value, $\beta = -5.12$, $t = -1.78$, $p = 0.08$.

If negative behaviours do negatively impact obtaining IRI, this finding could be critical to better understanding how these behaviours might impact investigations. Considering only the total number of behaviours and total amount of IRI for an interview, however, may miss out any subtle impact that the behaviours may have over the course of an interview. For this reason, interviewer behaviour and IRI were again considered, but averaged into 5-minute time bins across the first hour of the interview. The average number of positive behaviours was used to predict the average amount of IRI produced across the first hour of the interview, $R^2 = 0.91$, $F (1, 11) = 109.64$, $p < 0.001$. In contrast, when negative behaviours (averaged into 5 min time bins) were used to predict the same IRI values the result was not predictive, $R^2 = 0.023$, $F (1, 9) = 0.207$, $p = 0.66$. This finding supports the third prediction, in that negative interviewer behaviours did not have a positive effect on generating IRI across interview types and the fourth prediction that positive behaviours will increase information yield. These data are shown in Figure 3.1 panel B.

Positive interviewer behaviour increases information yield

Given the finding that positive interviewer behaviours predict information yield whilst negative behaviours do not, Interview Trace plots were generated to show the relations between interviewer behaviour and IRI across the length of sexual offence interviews. Figure 3.1 panel C (left) shows positive behaviours plotted against IRI obtained in 5 min time bin intervals across the length of an interview. Negative behaviours (right) are plotted alone (the IRI values are the same as for positive behaviours) due to the low number of negative behaviours, plotting against IRI would require adjusting the Y-axis scale to a degree that trace of negative behaviours over the course of the interview was diluted. These plots show that interview behaviour impacts information yield, and

that information yield changes over the course of the interview, appearing to decrease over time. These results support hypothesis one that positive interviewer behaviours predict increased information yield and negative behaviours do not. There was a positive relationship between information yield and positive interviewer behaviour. Information yield decreased across the course of the interview. Negative interviewer behaviour was limited with higher prevalence in child offence interviews.

3.5.3 Hypothesis$_2$ - Question type will be influenced by the offence type

The first prediction that more *inappropriate* than *appropriate* questions will be asked irrespective of offence type was supported. It was predicted that more inappropriate than appropriate questions would be asked in both offence type interviews. To test this prediction, a univariate ANOVA with the Number of Questions as the dependent variable and Question Type (appropriate vs inappropriate) and Offence Type (Adult vs Child) as Fixed Factors was run. A main effect of Question Type was found, F (1, 48) = 16.43, p < 0.001 to be significant, appropriate questions $\bar{X}$ = 90.07 ± 15.4 versus inappropriate questions $\bar{X}$ = 178.15. However, contrary to prediction, the main effect of Offence Type, was not significant F (1, 48) = 2.43, p = 0.13. Adult Offence $\bar{X}$ = 117.18 ± 16.5 versus Child Offence $\bar{X}$ = 151.03 ± 14.14 questions. There was no significant interaction between these variables, Question Type x Offence Type F (1, 48) = 0.223, p = 0.64. These data are shown in Figure 3.2., panel A.

Figure 3.2

More inappropriate questions were used across offence type and interview over time.
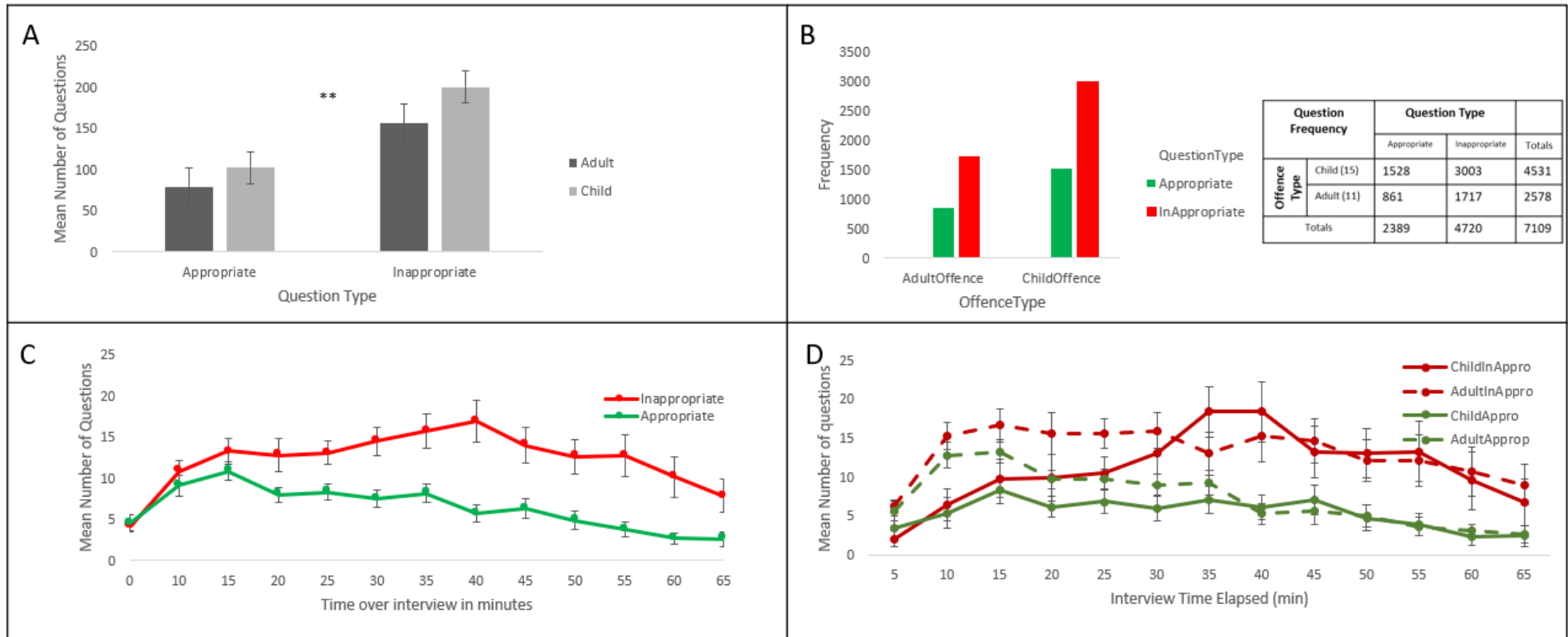
Note. Panel A of the figure shows the question type across interview types. Panel B shows the question type frequency by offence type and shows no association of question type between offence type and the total question type frequencies across offence types. Panel C shows that inappropriate question type use was significant across interview time intervals. Panel D shows the question type by offence type across interview time intervals. There was no effect of offence type.

Inappropriate question type did not vary as a function of offence type

The finding that more inappropriate questions were asked was explored further using the frequency of question types asked in adult and child offences to determine whether offence type influenced question type. A Chi Squared analysis tested for any association between the frequency of questions asked across the two categorical variables: 1) Question Type (Appropriate vs Inappropriate) and 2) Offence Type (Adult vs Child). Accepting the null hypothesis of a Chi Squared analysis indicates independence between the variables, $F(1) = 0.08$, $p = 0.8$, as found here, there is no significant association between question type and offence type. Importantly, what the Chi Squared analysis does produce are proportional values that allow for direct comparison by offence type see Figure.3.2.B. Considerably more questions overall were asked in child offence interviews (64% 4531/7109) than in adult offence interviews (36%, 2578/7109). Of all inappropriate questions asked (4720), 64% of those occurred in child offence interviews (3003/4720). When appropriate questions were considered (2389), again 64% (1528/2389) were in child offence interviews, which is two-thirds more than in adult interviews 36% (861/2389).

The difference between inappropriate and appropriate questions over the course of the interview was explored using a Repeated Measures ANOVA. The average number of questions were calculated into 5 min time bins across the length of the interview, with Time and Question Type loaded as Within-Subjects' variables. The main effect of Question Type already reported was confirmed, along with a main effect for Time $F(12, 288) = 5.629$, $p < 0.001$ and a significant interaction between Time and Question Type suggesting that the number of Appropriate and Inappropriate Questions asked did indeed vary over the course of the first hour of the interviews, $F(12, 288) = 4.6$, $p < 0.001$ see Figure 3.2.C. This analysis was run again including offence type as a Between-Subjects' variable, and these data are plotted on Figure 3.2.D. Again, the difference between offence and question type was not significant as tested by a three-way interaction (Question Type * Offence Type * Time), $F(12, 288) = 0.55$.

3.5.4 Hypothesis₃ Information yield measured in IRI decreases across the course of the interview

The prediction that information yield would vary across the length of the interview was supported as tested by a Repeated Measures ANOVA with Time as a Within-Subjects' variable to consider the average amount of IRI (information yield) collected in five minute time bins across the first hour of the interviews. Offence Type was the Between-Subjects' factor. There was a significant main effect of Time, F (12, 288) = 21.02, p < 0.001 indicating that information yield varied over the course of the interview. As shown in panel A of Figure 3.3., information yield decreased over the course of the interview. Information Yield did not vary depending on the offence type, F (1, 24) = 0.611, p = 0.44, and the interaction between Time and Offence Type was not significant, F (12, 288) = 0.93, p = 0.52. These results suggest that whilst information yield did significantly decrease over the course of the first hour of the interview, this decrease was similar in both interview types.

Information yield (IRI) is comprised of five factors which all contribute to detailed items of information that are important to investigative interviews. Question types (appropriate and inappropriate) were considered across each of these five factors (PALIT: Person, Action, Location, Item, Temporal). A Chi Squared analysis considered these as separate categories using a 5 x 2 contingency table, $\chi2$ (4) = 6.32, p = 0.18. This non-significant result suggests that there was no association between these categories, as one might expect should they be differentially coded to represent different aspects of an event. This type of frequency analysis allows for proportions to be compared across these categories. Of all IRI coded (5962 items), 76% (4542/5962) of information came from appropriate questions. The factors which yielded the most investigative relevant information were Person (30%) and Action (36%) see Fig 3.3 panel B.

Figure 3.3

Information yield by question type and offence type across time intervals
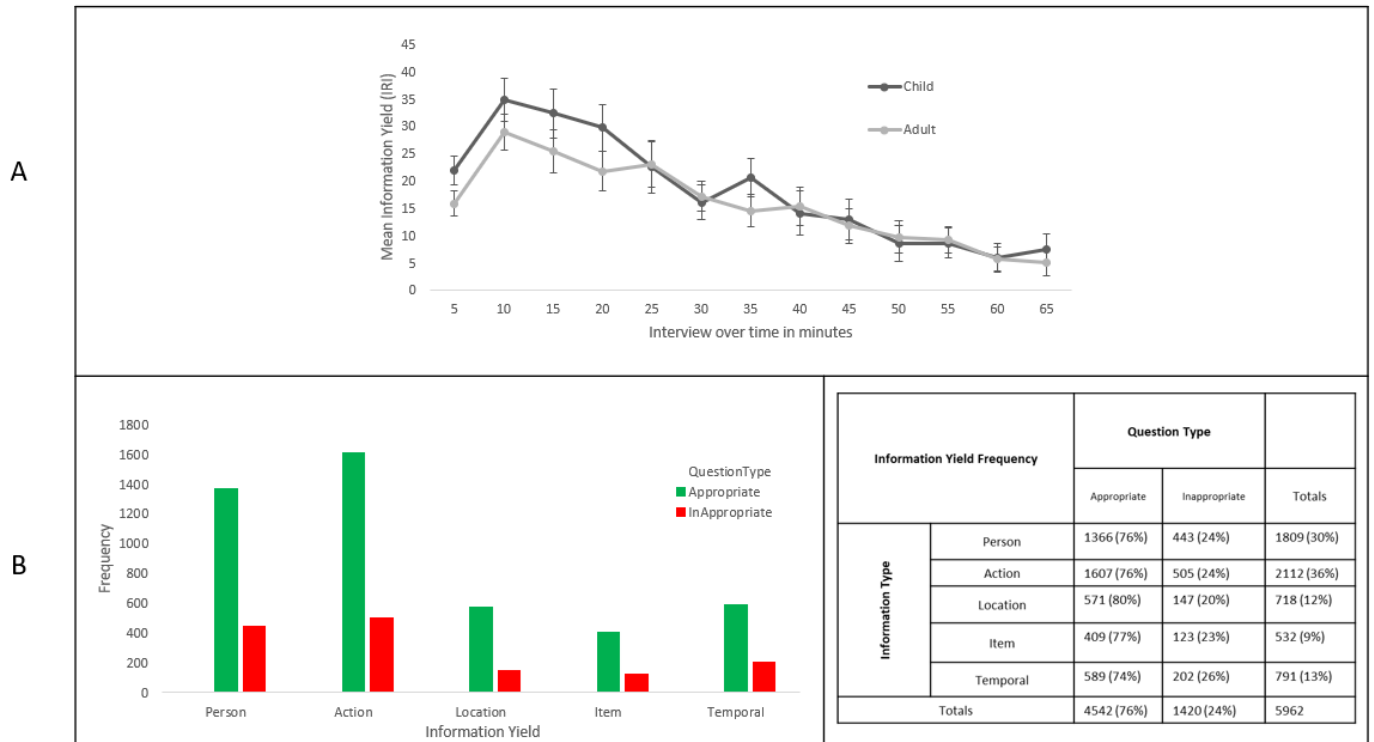
Note. Panel A shows the information yield across offence types and time intervals. Panel B shows the overall effect of question type on information yield with no significant effect across information type. Total number of question type to category of information and percentages.

3.6 Discussion

The purpose of this study was to explore the following interview factors within a sample of real rape suspect interviews. The factors included were Offence Characteristic (adult or child victim), Interview Structure (time), and Interviewer Approach (positive/negative behaviour; appropriate/inappropriate questions). The effects of these on the interview was evaluated by the information yield as measured using investigation relevant information (IRI). The between subjects' condition of offence type categorised as adult or child victim was considered with the analysis of each independent variable and will be discussed regarding each hypothesis.

3.6.1 Interviewer behaviour

Hypothesis one was supported as there was a positive relationship between information yield and positive interviewer behaviours. Negative behaviours were limited, though more prevalent, in child offence type interviews. Information yield decreased across the course of the interview. Positive behaviours remained consistent through time within the interview though information yield reduced as the interview progressed.

The association between positive behaviours and offence types within interviews indicates the operational use of rapport-based behaviours. This is encouraging since it correlates with the findings of effective interviewing in applied research (Alison et al., 2013; Holmberg & Christianson, 2002; Kebbell et al., 2006; Oxburgh et al., 2013). The minimal presence of negative behaviours across interviews supports information gathering and procedurally fair practice. Alison, et al. (2013) found that the presence of negative behaviours could be detrimental to maintaining trust and rapport with an adverse effect on the effective elicitation of information. The negative behaviours present, though limited appeared with greater frequency in the child offence interviews. The child offence type interviews had more negative behaviours and fewer positive behaviours overall, though the data sample contained more child offence interviews. This finding would support previous research indicating difficulty in interviewing in child offence type investigations (Soukara et al., 2002; Oxburgh & Ost, 2011). The accumulation of difficulties presented by this specific offence type, such as, limited evidence, victim age, or situational factors may impact interview outcome. A reduction in positive behaviours and more incidents of negative behaviour within the interview, may be harmful to information yield and damage any ongoing cooperation. The effects of victim

type on the interview can be complex and interact in a variety of ways to limit an effective interview outcome.

The reduction of information yield over time in the interview is a product of interview phase, limits of memory recall, and report option by the interviewee. However, these reasons may mask lack of planning and structure, increasing cognitive demands, failure to particularise information. The finding does show that positive behaviours alone are insufficient to sustain information yield throughout an interview and need to work with other factors to be effective. It is not possible to determine from these findings whether the cooperation and offering of information by the interviewee is promoting positive interviewer behaviour, or negative behaviours by the interviewer are a response to a suspect perceived as uncooperative and not engaged. The greater number of negative behaviours within child offence type interviews may be indicative of information being harder for the interviewer to elicit in these interviews; it also required far more questions to obtain the information (see also Fig 3.2B).

3.6.2 Question Types

The second hypothesis that question type use would vary by offence type was not supported. The first prediction that more inappropriate than appropriate questions would be asked across offence type was also supported with significantly more inappropriate questions being used overall. This is consistent with previous applied study findings (Davies et al., 2000; Myklebust & Alison, 2000; Myklebust & Bjørklund, 2006; Oxburgh et al., 2012; 2014). There is a continuing discussion on question typology and labelling within research with function being important along with narrative form (Grant et al., 2016). It is generally accepted that inappropriate question types (see Table 3.3) produce reduced information yield and increase error rate (Fisher et al., 1987; Clark et al., 2011; Griffiths & Milne, 2006; Milne & Cherryman, 2011). This result would indicate that interviewers still quickly revert to specific focussed questioning rather than appropriate questioning. This is of specific concern within sexual offence interviews when narrative evidence is of such importance. Webster et al. (2020) found that contrary to the general trend reported, that more appropriate questions were asked when interviewing rape complainants. This may indicate a difference in eliciting information from complainants as opposed to suspects.

The second prediction that question type would be influenced by offence type was not supported. There was not a significant difference between appropriate and inappropriate question use by offence type. Question type use was consistent across offence types though there were

differences of note. The child offence type interviews (*n*=11) accounted for 64% of the total number of questions asked, whereas adult offence type (*n*=15) only 36%. This disparity does suggest that together with the increased negative behaviour, interviewers are influenced by offence type. The prevalence of inappropriate questions across offence type indicates a more general issue concerning how interviewers gather information through questioning. Snook et al. (2012) reported very high levels of inappropriate questions in their study using a sample of suspect interviews in Canada. The inappropriate question types share the property of retaining a high degree of control with the interviewer (Griffiths et al., 2011). This allows the pace, direction, and level of detail to be interviewer led, but it reduces the opportunity for voice and to hear the full narrative of the interviewee contrary to procedural fairness principles.

The last prediction was that the frequency of question type use would be influenced by offence type across time. Confirming the overall result, that inappropriate questions were used significantly more throughout the hour of interview analysed. There was no difference between offence type over time and the prediction was not supported. This result does indicate that the issue of inappropriate question use is systemic and not offence type specific. In line with previous research inappropriate questions were used at a ratio of 3:1, inappropriate to appropriate questions (Oxburgh et al., 2012). It has been argued that closed specific questions can be appropriate or inappropriate, being an example (Griffith & Milne, 2006). The time within the interview when a question is asked is important, it would be anticipated that more closed specific questions would appear later in the interview. Specific questions do retain control with the interviewer and indicate difficulty in transferring the locus of control to the interviewee (Reid & Powell, 2011). This is contrary to procedural fairness, by limiting the ability of the interviewee to give their account fully.

This was not the case as inappropriate questions were used more in every stage of the interview. The move to probing questions early in the interview reduces the availability of information generated by the interviewee and this in turn influences the ability to test any account given against the available evidence. Appropriate probe questions were coded within this study, and it is argued that many of the inappropriate questions could have been posed differently to invite a more expansive answer.

3.6.3 Information Yield

The final hypothesis was that information yield would decrease over the course of the interview and this was supported by the results. There was no effect of offence type on information yield over

time. It is anticipated that there will be some decrease in information yield over the interview as the interviewee reaches the limits of memory recall or as a function of report option, deciding not to verbalise information recalled. It is concerning that the decline in information continues through the interview course since 76% of the information gathered in total came from appropriate questions. Another way to describe these results is that 66% of total questions asked by the interviewer only generated 24% of the information yield. Positive behaviours predicted information yield; however, it needs to be used with appropriate questioning. This finding is consistent with other research when looking at empathy and question type. They found no effect of empathy on information elicited, though, more appropriate questions were used in empathic interviews (Baker-Eck & Bull, 2022; Oxburgh et al., 2014).

3.6.4 Strengths and Limitations of Study

This study benefits from data analysed directly from audio recordings of police interviews with suspects being questioned about allegations of rape. This gives this applied study a high degree of ecological validity. There are a limited number of studies using real interviews and very few examining sexual offence interviewing given the challenges in accessing this sensitive data. There were limitations with this study as anticipated with any empirical research. The data obtained was a narrow sample size (*n*=26) of interviews, the included interview recordings all coming from two police force areas in England. This did provide over 26 hours of data in total. The child victim offences came from a single force (*n*=15) and the adult victim offences were split between that same force (*n*=6) and an adjoining force area (*n*=5). Each force has its own independent capability and autonomy in the training provided to interviewing officers though national standards and guidance are provided by the College of Policing. The interviewers would therefore have received comparable instruction on interviewing practice and were working under the same legislation. These recordings were provided with limited demographic and case information beyond the inclusion criteria for each interview. It was not possible to establish ground truth for any of the included interviews or the case disposal beyond the fact that all cases were closed investigations. It is not possible from audio recording or transcript to assess the effects of the contact or interactions occurring outside of the interview room. This limitation is in part addressed in following chapters using qualitative methodology to gain deeper understanding of the investigative environment.

3.6.5 Future Directions

The need to continue to develop our understanding of effective sexual offence investigation and interviewing has rarely been so pressing. The findings from this study do indicate that there is reason for some optimism in the use of positive interviewer behaviours by officers across these data. The need for a humane approach to sexual offence interviews has been a consistent finding in achieving cooperation from suspects (Holmberg & Christianson, 2002; Kebbell et al., 2006). Though the level of positive behaviour was consistently high there were some negative behaviours, occurring with more frequency in the child victim offence type. This potentially degrades rapport and trust with the suspect and is likely to lead to withdrawal of cooperation and a reduction in information yield (Alison et al., 2013). Future research focussed on minimising negative behaviours from interviewers and identifying phases of the interview that increase the risks of negative behaviour would be beneficial. The use of inappropriate questions and decreasing return in information yield was clear over the course of the interview and this may be exacerbated by increasing cognitive load and reducing information yield (Hanway & Akehurst, 2018). Research into the physiological demands of the interview room over time may indicate the optimum frequency for interview breaks. There is still a considerable proportion of the interview that is potentially not as productive in information elicitation due to use of inappropriate questions. This may benefit from studying how interviewers prioritise and move through interview topics to achieve the interview objectives. An area of interest would be whether interviewers are aware of unproductive interview interactions and whether they can adapt questioning approach. There does remain much to examine in how to effectively elicit information from sexual offence suspect interviews. Research will always present challenges within such a complex and demanding area. It is critically important for researchers to address this topic given its importance to society and its impact on individual lives

The principles of information gathering, rapport-based interviewing as characterised by the PEACE framework was evident within these data results. Interviewers used positive behaviours supporting effective interviewing in line with applied research. Negative behaviours were not numerous though more prevalent within child offence type interviews. Awareness of the damage negative behaviours can do to effective interviewing could be highlighted to those tasked with child offence interviews. This finding is consistent with other applied research highlighting the difficulties interviewers face when investigating offences against children. Greater awareness of the disparity in information elicitation between appropriate and inappropriate question use may assist interviewers to consider their own practice through personal evaluation. The fact that 76% of overall

information was obtained through appropriate questions suggests that too much of the interview time is unproductive given the prevalence of inappropriate questions. This has a considerable resource implication given the number of sexual offence investigations conducted each year by police. A well planned and structured interview with a cooperative suspect should consist of mainly appropriate questions and continue to generate information throughout. The results of this study showed that this was consistent across all information types. This would indicate that the argument made that closed questions are required to confirm, clarify, or gain specific detail is overstated. Inappropriate questions were consistently unproductive, yet they are used extensively. The use and function of questions is necessary to prioritise within interview training given its impact on information elicitation.

3.7 Chapter Conclusion

The present study found that far more positive interviewer behaviours were present across interviews and were predictive of information yield across the interview. Interviewers use significantly more in*appropriate* than *appropriate* questions and information yield reduced over the course of the interview, most information coming from appropriate questions. The following chapter is an empirical research study that examines the perspectives and lived experiences of police sexual offence investigators. The focus is on factors that influence the interviewers' approach and behaviour, both within the investigative interview process and the wider investigation.

Chapter 4. Police officer perspectives on sexual offence investigation

4.1 Chapter Summary

The previous chapter used an empirical quantitative study to examine core aspects of the interviewing process in a sample of real rape interviews. The aim of this study was to analyse how effectively interviewers were complying with guidance, legislation, and interviewing principles to elicit information. A relationship between positive interviewer behaviours and increased information yield was present in these data and supports the role of procedural fairness in improved interview outcomes. The preponderance of inappropriate questions use was concerning along with a general reduction in information elicitation over time within the interview. The following chapter describes an empirical qualitative study containing the perceptions of police officers (UK) investigating sexual crimes and conducting suspect interviews. These officers (*n* =11) belonging to a police area in the North of England participated in semi-structured interviews about their role and experiences. The transcripts of these interviews were analysed using an interpretative phenomenological analysis (IPA) methodology (Smith & Osborn, 2003). This analysis isolated three superordinate themes and eight subordinate themes across these data sample. The Superordinate themes were *Organisational Pressures* consisting of subthemes *Demands* and *Scrutiny*; *Personal Factors* with subthemes of *Resilience*, *Responsibility*, and *Motivation*; lastly, *Professional Conduct* consisting of *Control*, *Compassion*, and *Challenges*. Investigators face increasing workloads both in numbers of investigations and in the level of complexity against a backdrop of reduced resource availability (Davies & Westcott, 1999). There was awareness of the scrutiny from working in this high demand, high risk area and public disquiet at reducing effective prosecution (Daly & Bouhours, 2010; Angiolini, 2015; O'Neil et al., 2018). The personal factors supporting investigators to manage emotional stress included compassion satisfaction and motivation to help others (Conrad & Kellar-Guenther,2006) as well as achieving a conviction outcome. There was a desire to do a professional and thorough investigation and remain impartial. Interviewers sought to control the interview through effective planning. They were aware of the difficult task for the suspect and that they may be frightened by the process. The challenges included limited evidence and the difficulty of interviewing child sexual offenders. The strengths and limitations of this study and future research possibilities are discussed.

4.2 Introduction

The gathering of information by interviewing remains a crucial element of investigation (Milne & Bull, 2006). The challenges faced when interviewing for sexual offences are greater than for many other offences (Cherryman & Bull, 2001). The relationship between parties often leads to limited availability of independent evidence and a reliance on the evidential account of the complainant, with a scarcity of independent or corroborative evidence (Oxburgh & Ost, 2011). This makes the interview with suspects in these cases of significant value to an impartial investigation. The work of Holmberg and Christianson (2002) indicated the value of a humane approach consisting of a positive attitude and passion and respect from the interviewer. The use of empathy and compassion though recognised as important by interviewers was rarely found to be present (Cherryman & Bull, 2001; Dando & Oxburgh, 2016). It should be noted that there is not general agreement on a method to accurately measure empathic interaction concern within interview though Dando and Oxburgh (2016) provides a method for verbal utterances.

The interviewing of sexual offence suspects is undertaken by officers with specialist training given the unique nature of that crime type. Oxburgh et al. (2006) found that officers used significantly more negative emotional utterances (disgust, anger, and contempt) when conducting interviews with suspected child sex offenders. This was found if they had not conducted prior interviews with the child victim. This finding suggests the influence of other factors in the behaviour and regulation of emotion by interviewers. This was further recognised in the choice of language used by interviewers compared to the suspect, potentially leading to dissonant and reduced communication (Benneworth, 2006).

The consideration of influencing factors on the interview cannot dismiss the wider investigation process. The impact on the suspect begins at first contact with the police and through arrest and detention. The process is well underway before any interview commences. Blader and Tyler (2003) described a four-component model considering decision making and quality of treatment both at the formal and informal level. The informal level considers how the members of the group such as police officers interpret the rules and procedures within their role. Individuals who are treated fairly and humanely are more cooperative (Sunshine & Tyler, 2003). This suggests that beyond the efforts of the interviewer, wider interactions within the investigation process can act as an influence on the cooperation of the suspect. This potential effect has been absent from research to date.

4.3 The present study

The study presented in this chapter seeks deeper understanding of the perspectives of police officers responsible for the investigation and interviewing of suspects in sexual offences. Building on the findings of chapter three this qualitative study examines investigators experiences both in the interview room and of the wider investigation process.

4.4 Method

4.4.1 Design

Data collection was in person, semi-structured interviews conducted and recorded by the researcher with each participant. This method of data collection was used to then generate interview transcripts prepared for examination using an Interpretive Phenomenological Analysis (IPA) (Smith & Osborn, 2003). This methodology is an inductive process allowing appreciation and understanding of each participants perspectives given through their self-interpretation and description of the studied phenomena (Pietkiewicz & Smith, 2014). Participants could describe their own priorities and experiences, so that the categories and themes would then be self-generated (Smith et al., 2009). IPA was the preferred method of analysis for this study as the aim was to examine the unique experiences of interviewing sexual offence suspects and the wider investigation process. The researcher involvement is a dialectic, interpretive association with these data, using phenomenology, hermeneutics, and an idiographic approach to the analysis (Smith, 2004).

The *phenomenological* process brings the voice of the participant to the fore in describing phenomena from their own unique viewpoint. The restrictions created by taxonomy and categorisation created by preconceptions of the researcher are minimised by the participant articulating and describing their own experiences. Eidetic reduction is then used by the researcher to isolate the essential components of that experience. Secondly, the *hermeneutic* approach seeks understanding through interpretation. The researcher using an iterative process looks beyond the text of the participant responses and uses a hermeneutic cycle to move repeatedly between the particular and the whole as an active contributor to the analysis (Smith, 2004). A dual interpretation, or double hermeneutic approach is used, considering the meaning attributed by the participant to their experience and the researcher then seeking explanation and meaning for that attribution (Smith & Osborn, 2008). This analytical process provides a comprehensive and productive analysis

result. The *idiographic* individual and specific focus on each narrative ensures that no account is amplified beyond another. Each has its own intrinsic value and context ensuring that the researcher does not miss importance in the specific when seeking nomothetic themes and phenomena (Smith et al., 2009 p.29).

Reflective Box 1

The participants in this study were very generous with their time and contributions. They all work under considerable time pressures and workloads and yet were thoughtful and considered in their responses giving sufficient opportunity to cover the topic in detail. I revealed to each of them before interview that I had previously worked in the same role. This assisted to build trust and a common shared experience to draw from within the interview. I believe it was important to be open about my knowledge and to save them having to explain procedural issues with which I would be familiar. They had all agreed to participate with a wish to support developing and progressing the police response to sexual offence investigation. The participants were highly motivated and though not all were still working in that area of investigation, still believed it important to share their experiences. Initial contact was via email and the response rate was very high from officers still within the organisation. The response to initial contact was positive and all officers expressing an interest were interviewed.

4.4.2 Participants

IPA sampling requires experience of the studied phenomena requiring the participant sample to have recent experience of sexual offence investigation. A purposive sample of police officers from one police area were recruited. The participants (n = 11, female = 7, male = 4, White British) ranged in age from 36 to 54 years, and currently or recently working within sexual offence investigations. The length of service with the police was between 10 and 28 years, M = 17.55, SD = 6.18.

4.4.3 Participant recruitment

Recruitment for this study was arranged through the participating police area in England. All participants were initially contacted by work email approached as investigators who were or had worked within the sexual offence or child protection investigation teams within the five years preceding this study. The researcher was vetted to conduct this research and all participants had the required specialist training to work within that role. The sample was recruited from all officers who conducted interviews as a lead or secondary interviewer within the study described in chapter three. Once the officer responded the researcher made contact to provide general information on the study and to arrange an appointment if the officer wished to contribute. There were no incentives to participants contributing to this study. The study received ethical approval from the Newcastle University Faculty of Medical Sciences Ethics Committee.

4.4.4 Materials and procedure

The participants were all serving police officers at the time of the study data collection. The researcher compiled a list of all officers involved in the sexual offence interview sample analysed in chapter three. All prospective participants were contacted initially by the researcher through the force email system with an invitation and information to make contact if they were interested in participating in the study. Once contact was established an individual appointment was made with each participant officer at a location and time convenient to them. All interviews were carried out at police premises or Newcastle University by the researcher. The researcher was vetted to NPPV2 and had access to police premises. All interviews took place in privacy within interview or meeting rooms. The participant was welcomed and invited to read the information sheet confirming the details of the study and were made aware of the data security and confidentiality and anonymity considerations. Each participant was then asked to sign a consent form prior to the interview.

All the interviews were recorded on an Olympus Digital audio recorder. The interviews ranged between 37mins to 72 mins (M = 53 mins, SD = 11.98 mins. Once the interview was completed the participants was thanked for their contribution, provided the debrief information sheet and given the contact details of the research team.

4.4.5 Data Analysis

The interviews were commercially transcribed to verbatim level and then checked by the researcher against the audio recording for accuracy of content. IPA analysis is concerned with the narrative account and so disturbances, pause length, and syntax were not recorded in the analysis. The eleven transcripts were then read through at least twice completely, to allow the researcher to familiarise with each participant's experiences. The audio recording was played through initially with the transcript to assist the researcher to recall the original interview. The second stage involved a line-by-line examination of the transcript exploring descriptive, linguistic, and conceptual details (Smith et al., 2009). This approach allowed the linking of common elements between these data to develop the super and subordinate themes. The identified themes are represented below in table 4.1.

4.5 Results and Discussion

The analysis of participant interviews identified three superordinate themes and eight subordinate themes across these data sample. The themes present in each participant interview are indicated in table 4.1 below.

Table 4.1

Thematic map of superordinate themes recognised in each participant data.
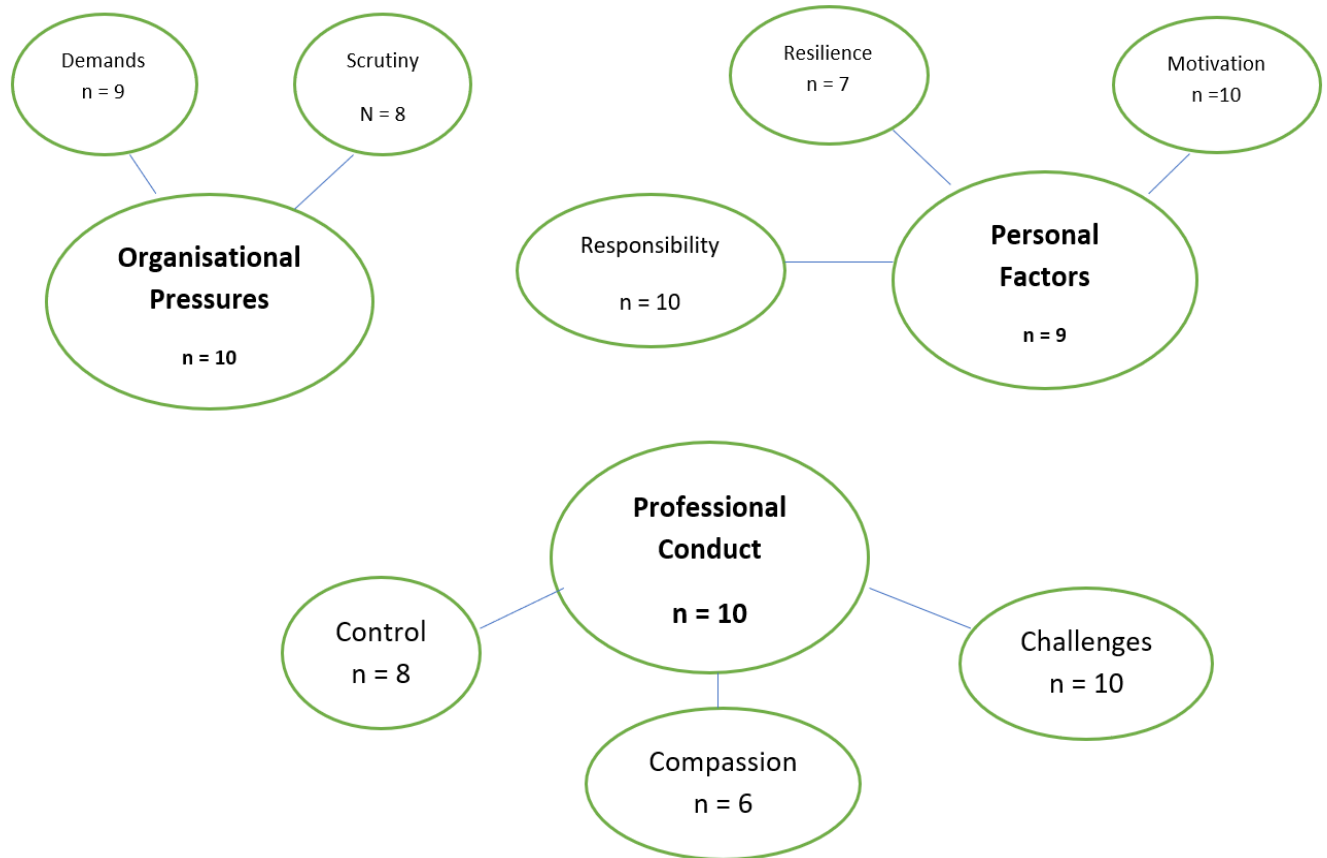
Note. The numbers recorded with each superordinate or subordinate theme are the number of individual participants that referred to these subjects within their interview.

4.5.1 Super-ordinate Theme 1: Organisational Pressures

A super-ordinate theme present was the consistent pressure experienced by participants within this area of work. It is included within this study since in acknowledging these external factors will lead to greater understanding of the whole interviewing environment. The pressures that were foremost in the responses arose from i) demands and ii) scrutiny.

Subordinate theme 1a: Demands

Nine participants considered the demands of the investigation as substantial issues. The workload and volume of investigations was raised as having an impact on their capacity to fulfil their role effectively. There has been significant uplift in sexual offence reporting within the last decade (Office of National Statistics, 2021). This has occurred concurrently with a drop in officer numbers overall and within the detective specialism specifically (Dodd, 2019).

> *"I think the stressful side of things is obviously the amount of cases that you get. So obviously the numbers of reports, which is great, but obviously we don't have the resources." (P4)*

> *"It can be quite demanding because of the volume of work. Often have trying to juggle I would use the word spinning plates quite often." (P8)*

> *"The challenges we've got are workload, is significant, and the amount of people we've got to deal with it." (P9)*

The pressure of juggling resources and competing and balancing demands is not uncommon in policing. However, sexual cases regularly involve protracted and complex issues, support needs, disclosure management, risk management and may take a considerable time to resolve (Office of National Statistics, 2021). The constant prioritisation of tasks can lead from efficiency to taking shortcuts and corner cutting to cope with workloads. Investigative interviewing can become just another task to get through, rather than as a cornerstone of the investigation. This issue is exacerbated by the increasing complexity of investigations involving digital evidence and third-party material (e.g., social service files, medical records) that can arise at any stage of an investigation. Third party material was requested in 36% of rape cases in a recent study based on cases in London, UK (Murphy et al., 2021). It was noted in the same study that police delay due to workload had increased slightly since the study by Hohl and Stanko (2015). The demands described here are direct system variables controlled at an organisation level. The responsibility for prioritisation of resources and relative workloads will reside further up the command structure. The decisions taken will have real consequences for the demands placed on individual investigators and their capacity to work effectively across investigations. The four-component model of procedural justice proposed by Blader and Tyler (2003) includes quality of treatment at an organisation level as a prerequisite for a fair process. The decisions on allocation of available resources have real impact on how processes are perceived by the parties involved. This can be experienced in reduced contact with investigators, delays, incomplete investigations, and ultimately the impartiality and fairness of the investigation.

"I feel now as if it's sometimes harder to get the case across the line. I feel, compared to years ago when I was- in the last five to ten years when I was doing them, to what I've got to do now, there's a lot more work to be done before you can even go to the CPS, and that's a massive pressure." (P11)

"I just think it's a lot harder than any robbery or anything like that which I've dealt with, it's very difficult." (P1)

"The CPS won't consider a charge until you've looked at all the disclosure. The disclosure can take you weeks and weeks and weeks to look at. It sometimes makes me personally feel as if we're looking for things to discredit the case before we even get it to trial." (P11)

"It's just the pure amount of reports. Prioritising work and organising work is something that comes second nature. You have to justify it, I suppose, at some point, if someone questions why you haven't done that on that day, but again that becomes second nature as a police officer, and very accountable." (P5)

The investigator is tasked with managing an increasing volume of cases of varying complexity and reducing resources. Beyond the internal demands from the organisation there are external demands. Police work closely with other organisations within the criminal justice system, such as the Crown Prosecution Service (CPS). These organisations have also had capacity reduced and an increased volume of cases to assess and prosecute. This interagency work can create its own significant demands when performance and case objectives fall out of alignment. The role of the investigator requires a broad set of skills and knowledge. Negotiation and compromise are required alongside a resilience and capacity to manage personal emotions. The emotional demands are individual to each officer, arising from differing factors. The organisational decisions can take a personal toll on investigators given the direct and protracted contact they will have with parties to the investigation.

"I was put into child protection, a role that I didn't necessarily enjoy. Only because I found talking to children about sexual offending not something that I was particularly comfortable with." (P3)

"You could deal with a sexual offence one day for a five-year-old, a sexual offence the other day, and they're completely different, and the person themselves are completely different, the families are completely different. So, each one throws up a different challenge which I have to deal with. One could be very straightforward; one could be very difficult. " (P9)

"As a police officer, I think the challenges are listening to or conducting video interviews of people who've been sexually abused. It can be quite harrowing, at times." (P10)

The role is not suited to everybody carrying a high degree of responsibility and accountability along with the distressing and emotive nature of much of the work. The resource and priority demand factors driven by the organisation provide limited control over the individual investigator

workload. Heavy workloads together with time pressures are sources of officer stress (Wright & Powell, 2006). The investigations are not all equal and the emotional load of a case may disproportionately impact an investigator who is already under workload pressures. They will influence how effectively and efficiently each investigation can be conducted.

> *"My colleague, who I worked with on this particular one, you'd sometimes be on a daily basis, you would just get your rucksack, put it in the boot of the car and you'd be gone all day because you had to get across. We didn't have enough cars, so we had to drop people off on jobs and pick them up again. So, that's demanding and it's frustrating, because you're trying to do the job, but you haven't got enough facilities to do things." (P10)*

The demands felt by investigators within sexual offence investigations are amplified by current resource and workload issues, complex investigation demands, and the emotional load of the offence type. The level of scrutiny given to sexual offences both within the organisation and externally can create a cautious approach toward investigative decision making and this is harder when resourcing is restricted.

Subordinate theme 1b: Scrutiny

The response to sexual crime has rarely been far from the public debate over the last decade. There have been many reports and initiatives to improve police investigation processes (Angiolini, 2015; Ministry of Justice, 2021). This has led to increased scrutiny and oversight at every stage of the investigation process. The management process whether from supervisors, Crown Prosecution Service or courts has led to wariness around investigative actions.

> *"You know if you mess up you can be front page of the paper. I know certainly in this force we have a Rape Scrutiny Panel, so rapes go to the Rape Scrutiny Panel." (P1)*

> *"I think it gives me a lot more work to do, because I think now, from the start you have got to think about back covering. I know what that sounds like, but you have got to think about, "If I don't do something, is it going to bite me on the arse at some point?" Or, "If I don't do something now, is it going to cause issues in court?" (P7)*

> *"Every job you have is a serious case review waiting to happen." (P9)*

As highlighted above many sexual cases require considerable work over months to be trial ready, a major task being the continuing disclosure review (Criminal Procedure and Investigations Act, 1996). This can be extensive and take place even before a prosecution decision is taken. It can involve scrutiny of third-party material, such as schools, social services, medical records, and potentially, reviewing large amounts of digital data from devices of the parties involved. It can also lead to miscarriages of justice when poorly conducted (Smith, 2018).

"I have a personal feeling that we investigate our victims, at considerable length, in a way that we don't go into the past background, so much, of the suspect. I find that a frustrating thing. I am not particularly keen on that." (P3)

"Often, that can be lots, and lots, and lots, and lots of paperwork to get. It takes a lot of time to do that, it takes a lot of time delay to get the information. You don't get an admin day to sit and go though all this, so that's demanding in the fact that you're anxious that you're missing some things in information, because you're dipping back in and out." (P9)

Beyond this protracted process, for a minority of these investigations lies the court process and further forensic levels of scrutiny of procedures. The organisational demands and decisions are far removed from the trial process, and this can leave the officer in the case exposed, there to answer to the court for the conduct and process of the investigation. The external, organisational, and public scrutiny can be a considerable influence on the conduct and outcome of investigations yet can remain obscured and hard to quantify when examining individual processes, such as the interview. The concern expressed by some participants is direct and given the complex nature of these investigations, investigators speak of their anxiety at dealing with the trial process and how they may feel embattled.

"When I'm in that box in front of the red robed judge I'm not going to get shredded for something." (P2)

"Because everyone's been ripped apart in court before, and to be perfectly honest with you, I was never a fan of going to Crown Court." (P10)

The other area described, was the scrutiny that comes from the backdrop of persistent attention and exposure given to this area of investigation and police work in the public sphere.

"It's all got to be explained and bottomed out, and sexual offences, wrongly again, are heavily scrutinised by politicians and media. So, again, that's a unique part of the sexual offence world, unfortunately, and there are recent headlines which don't read very well with regards to third party. It's a hard battle, very unique." (P5)

"When other forces - again, this sounds awful - are on the news and they've made mistakes. I'll sit and I think, "Sometimes, it's there for the grace of God," and I think about my forces, like our systems that we have in place." (P11)

"Sometimes, as organisations, you've just got to hold your hands up, do you know what I mean? As organisations, you have to say, "We've got things wrong with regards to the recent cases where-" I'm sure those police officers accept there was no malice, there were 60,000 text messages to go through." (P11)

Sexual offence investigations are unusual in the level of responsibility and risk held by individual investigators given the high workloads and the potential for serious harm outcomes. The dialogue above shows the pressure of demands and scrutiny that are routinely experienced by a number of these officers. The influence of these pressures will be present in areas shown to be relevant to interview performance, interview structure and behaviours. Investigators under high workload pressures may have less time to plan interviews and effectively review evidence. It could provide an explanation for high use of inappropriate questions, as interviewers maintain greater control over the interview and information provided by the suspect. The anxiety within the accounts arises from the potential for later scrutiny by external inspection, or the court process. The next superordinate theme identified the personal factors that assist investigators to operate within this pressured environment.

Super-ordinate Theme 2: Personal Factors

The next superordinate theme deals with the personal factors raised by the participants in dealing with the different elements of the role and how it influences their decisions and behaviour. The first superordinate theme recounted the external elements influencing the investigator, this second theme examines the inner drivers and attitudes of participants, shaping their responses to the work.

Subordinate theme 2a: Resilience

The concept of resilience in positive psychology has been developing for several decades. It has been increasingly identified as an important element in positive organisational behaviour (Luthans, 2002). Resilience requires the presence of adversity, whether high intensity (crisis) or low intensity (work pressures), and a positive adaption in response to the challenges (Masten, 2001). Research does indicate that resilience may have domain specificity and research with police investigators is beginning to emerge (Fyhn et al., 2016; Harms et al., 2017). This thesis does not explore resilience directly, however, the excerpts below do indicate the impacts that can arise from the high and low intensity threats and challenges presented to investigators through the nature of the investigations.

"I think as a police officer anyway, you do develop a second skin." (P10)

"I think you have to very very quickly learn to switch off. If you don't that offence and that person's emotions can take you over you have to be able to say right you know this is a job." (P6)

"I can't allow myself to be affected by them getting upset because most people that you deal with for sexual offences are upset. My job is to collate the evidence and to keep people calm." (P11)

The self-protective measure of detachment as a coping mechanism is noted (Waters & Ussery, 2007). This trait may positively assist the officer to manage their self-regulation and suppress negative emotions and behaviour. Negatively, the effect of detachment may make the officer appear disengaged and disinterested within an interview situation. The dynamic of repeated exposure to negative emotional experiences can lead to psychological injury (Tuckey et al., 2012). A cumulative impact of this negative exposure over time could have an effect on investigators decision making and quality of treatment on those individuals involved in investigations.

"I think you get a bit, if I can say this, a bit raped out dealing with rapes all the time. Like I say, I've dealt with them all probably for about four or five years in a row." (P1)

"I'm more concerned that I haven't been concerned and that is the honest truth, and I am waiting for it. I'm waiting for it to come because its never come yet." (P2)

"The jobs tend to come round quickly. Which is really demanding on you, personally. We're human, we manage it as best as we can, and." (P5)

"The challenge of a sexual offence for me is its such a long investigation. It can be such a long investigation or even just such a long process." (P6)

"Everybody's just very, very individual, just getting on with it. It's quite an isolating job, in effect, because you do work by yourself, and that shouldn't really be the case." (P9)

These comments highlight that this work takes a toll on officers over time. The comments indicate that interviewers are entering the interview room with many influences beyond the immediate objectives of the interview before them. Research on individual resilience identifies four categories, performance, mental and physical health, work related attitudes and, lastly, change related attitudes (Hartmann et al., 2020). These investigators comments indicate that across the categories though resilience is required to function effectively, over time these coping mechanisms can actualise into negative outcomes, professionally and personally. The next subordinate theme looks at the responsibilities of the investigator from their perspective.

Subordinate theme 2b: Responsibility

The issues raised by the superordinate theme of Organisational Pressures indicates a personal responsibility to the policing team to manage the demands placed upon them. There was an awareness that their individual conduct and professionalism was open to much wider scrutiny.

Decisions made at an organisational level have consequences for investigators at the individual level. However, the experiences shared show a more humanistic view. Primarily, there was a strong focus on the victim both in providing support and doing professional job.

> *"It can be really stressful because you want to do a good job for somebody." (P4)*

> *"Be very supportive with them, and just don't dismiss them, and don't let them feel as if they are not believed, because I think that is the worst thing in the world." (P7)*

> *"To keep that person on board when they're trying to move forward with their life can just be really challenging." (P6)*

> *"It's hard, sometimes to manage victims' expectations, but me, personally, I'm quite frank. Direct, and open and honest with people." (P5)*

The direct expressions of a sense of duty and responsibility toward those who report sexual allegations extends beyond the professional role response of investigating allegations diligently and impartially. The acceptance of the impact and difficulties experienced by the individual highlights the emotional demands of the role. Investigators are often in regular contact with the complainant parties over many months and sometimes years. The support of victims can encroach on the boundaries beyond work. The need to be compassionate and empathetic to the needs of complainants requires the investigator to compartmentalise their own feelings to remain impartial and retain an investigative mindset within the investigation. A potential dissonance is created by the exposure to the consequences of the offence (i.e. trauma impact, psychological effects) yet retaining an impartial and open approach to the suspect. This is a situation that will arise repeatedly, and that tension is evident within some of the following entries.

> *"I've been sat on my drive for a couple of hours when I've had a victim crying down the phone to me."*

> *"I'm going to have to come in earlier in the day, because the people who I have to speak to work shifts as well." I remember him saying to me, "That's absolutely fine. If that's what you want to do, I'll give you the time back if I can." I just said, "I need to," because this girl kept on ringing up saying, "What's happening with this? What's happening with this?" (P10)*

There is also a responsibility to the suspect and an understanding from investigators of the need for a decision informed by a thorough and fair investigation. The responsibility toward the suspect was focused on ensuring the investigation was completed diligently. The identification of the impact on the individual of arrest and investigation was not evident. There were no comments on a responsibility for minimising the emotional impact of the investigation, as there had with complainants. This may suggest that though there is a clear commitment to impartiality, the

underlying attitude remains to perceive the suspect as less deserving of compassion and care than those reporting offences.

> "You're not there for either side. You're there to do an investigation to see what ultimately comes out of it. So, it can be hard not to take sides but you've got to learn to do that, otherwise your judgement can be greatly affected, which would be horrendous." (P5)

> "Think making sure you get it right for me that's my stress making sure I get it right. I don't want someone to be charged who shouldn't be charged but I also don't want someone who is a potential threat to be let out to do it." (P6)

> "I just think the whole nature of it can be stressful because it's a very you know you can people can go to prison for it so you've got to make sure no stone is really unturned and every avenue is sort of looked at regardless of if it's to help the victim or suspect." (P8)

> My opening gambit always was, "What you can expect from me is, I will do my very best and I will investigate this as thoroughly as possible and gather every piece of information and evidence that I can, but in order for me to do that, I ask for you to be truthful with me and tell me the truth. (P10)

The final area of responsibility mentioned was the responsibility to develop officers new to the team.

> "There are a lot of new people in our department, and nobody's got time to look after them and help them, to point them in the right direction, or show them how you work." (P9)

A developed sense of responsibility was present across interviews, the demands and difficulties of the task had not diminished the will to get to the correct investigation conclusion. There was a strong identification and focus on victim support needs. The nature of the investigative process means there is likely to be considerably more contact with the victim than suspect throughout the enquiry. This may be over a considerable period given the current delays in trial dates up to 1000 days from report to trial (Office of National Statistics, 2021). The contact with the suspect is likely to be under compulsion and strict regulation. Investigators will have very limited contact with a suspect beyond their time in detention and beyond. There will be many other officers interacting with the suspect, such as arresting officers and custody teams. The process by its nature will tend to dehumanise the interactions. Responsibility for the welfare of a suspect is shared and so potentially may seem like someone else's responsibility. The primacy of victim focus will be a product of guidance, repeated contact, and support needs, together with a strong motivation to resolve the offence alleged, it remains at the forefront of the investigator's responsibilities.

Subordinate theme 2c: Motivation

Motivation will assist the investigator to manage the stresses and demands of their role. A primary reason and motivator was to successfully convict the offender at court. This view was widely held and mentioned by nearly all participants. It is a commonly used measure to comment on police performance and has been a subject of concern both within the media and research (Daly & Bouhours, 2010). It is a challenging motivator given that the police role is to gather information, investigate, and prepare cases, not to prosecute. The outcome of proceedings is the responsibility of others.

> "Firstly, putting the offender in prison. That's always a satisfying element of any job of a police officer." (P3)

> "The satisfaction I get, and it is going to be the old cliché, is seeing when a rapist that you know is a rapist, goes to prison, and you are seeing the victim getting justice. That is why I do it." (P7)

> "I like putting people away for a massive amount of time." (P2)

> For me, if I can get a conviction in court then that's absolutely brilliant." (P11)

There was motivation to be found within the role and investigation process, rather than the outcome for some officers.

> Obviously if you get a positive result. (Laughter) But I think as well, the satisfaction, sometimes you don't get the results, but you can see closure for that person. (P4)

> "Seeing the turnaround that you can get in some of your victims." (P3)

> I've always wanted to help, and I know it sounds corny, but people that are really at the wrong end of the scale and really need help, and it's one of the hardest jobs within the force, and one of the most demanding, but I get something out of it by doing that for people. (P5)

> "It's nice to get a result at court, but unfortunately with sexual offences you don't always get that, because of the criminal justice system, but you see a change in somebody. You can get them support and counselling, you can explain to them that this isn't the end of your life." (P5)

> "I went into child protection because I wanted to just make a difference, to try and help somebody" (P11).

The importance of the motivation to provide a good service and help to support people through the process of investigation was how some investigators viewed their role. Most investigations do not end at court or with conviction, motivation sourced from the procedural elements of the investigation and their effect is likely to be more sustaining over time.

"I just wanted to do a good job, I suppose. I just really wanted to do a good job and I think that is a motivation in itself." (P10)

"I get great satisfaction from people saying to me, "It just means the world that you've listened and that you believe me," because people worry about coming to the police. Do I like a conviction? Yes, I do. Do I like to lock people up who've done this? Yes, I do, because I feel that people's lives have been ruined." (P11)

"At the end of the trial when the sister said to me, "Thank you for my closure, I will sleep tonight," and then I saw her a couple of day's later and she said, "I had my first full night's sleep in 35 years last night knowing he's behind bars." That, for me, is to give these people closure. That meant a lot to me, that she'd had her first full night's sleep." (P11)

"But we went down the social services route and Dad was not allowed contact, so she was safe. For me, the fact that he wouldn't be able to abuse her again, that was enough." (P11)

"Also, to deal with the offenders is important for me, not just dealing with the victims." (P9)

The following indicates how a wider view on the factors used to retain motivation are important to sexual offence investigators.

"Investigating rapes, it's being positive to be honest. It's keeping your motivation going because when you go to court, I'd say our attrition rate is not very good because again, it's expecting a jury to convict somebody when it's one word against the other." (P1)

"It's difficult on a personal level to keep your motivation up because a lot of times when jobs come in, I can see from my experience whether I think they're going to get charged or not." (P1)

Motivation found within the role can act as a barrier to negate emotional exhaustion (Conrad & Kellar-Guenther, 2006). The coping mechanism of compassion satisfaction may assist to lessen the stresses described above (Menard & Arter, 2013). The development of negative attitudes including cynicism and pre-judgement may represent a maladaptive coping mechanism for those officers' measuring successes through conviction alone. To remain within a pressurised environment where responsibilities, demands, and scrutiny are high, requires motivation. Officers being able to identify core procedural fairness principles within their actions may support continued motivation. It would identify values that they have expressed as being important to them within their professional role.

Superordinate Theme 3: Professional Conduct

The last superordinate theme reveals the areas of professional conduct investigators considered within the suspect interview. This superordinate theme speaks to the quality of treatment and decision making of the investigator at an individual level.

Subordinate theme 3a: Control

The interview room is a controlled environment with a considerable power differential between the investigator and suspect. Control will always be a factor and remain the responsibility of the interviewer to manage the quality of treatment and decision-making that will influence the dynamics and interview outcomes. A humane approach to the interview and avoidance of dominance were recognised as beneficial and in line with research findings (Holmberg & Christianson, 2002; Alison et al., 2013). This approach also allows the individual free choice to provide an account without pressure or coercion. An important principle of procedural justice is for all parties to have voice, the agency and autonomy to contribute to the process.

> *"If I go in to interview somebody and I'm obnoxious and I'm rude and I'm abrupt, they'll just shut down and they won't talk to me. But if I go in and I'm friendly and I'm polite and I speak to them the way that I've spoken to the victim or anybody else I've met that day, I think you get more from them." (P11)*

> *"I don't tend to get arsy or really nasty with people… if you start like that, you lose them straightaway. The person will become hostile and tell you very little. That's not what you want. It's not good for them. It's not good for me, and it's not good for the victim."* (P7)

> *"Get a rapport with the person because I always find I try, certainly in the initial stages, try to be as nice as I possibly can because I want them to talk to me. If I go in and be obnoxious or very direct and abrupt, you're not going to get anything back. If I don't get anything back I can't then bank that for later stages in an interview, if they're not going to talk to you." (P1)*

There was recognition of the principal of transferring the locus of control to allow the suspect to give their account (Read & Powell, 2011). The ceding of control seems to be problematic for some officers. This could in part account for the high number of inappropriate questions asked, as reported in Chapter Three (see fig. 3.2).

> *I try to let them take control, saying it's your opportunity if you can't don't worry about it but what is this all about?" (P2)*

> *"Let them think that they've got a little bit of power, that they've got a little bit of control and realistically they haven't but let them think that." (P2)*

> *You really need to make them feel that you're listening to them and that you do take what they're saying quite seriously and that you're understanding their side of the story so for me it's about building up that trust." (P6)*

> *"Feeling that it's just a bit of a chat. Then, they can let their guard down a little bit and talk to you about things. It seems potentially a little bit innocuous but could give you opportunity to speak to them later in the challenge stage."* (P9)

Well, potentially being friendly, and the tone of voice that you use, asking them if they want a drink of water, all of those little different things that might help somebody feel at ease and then want to talk to you." (P9)

The need to retain control was stronger for some and indicated a much closer management of the ongoing conversation. There were various descriptions indicating a high degree of control rather than management. The goal to direct the interview rather than provide a space to work collaboratively with the interviewee to gather relevant information. This suggests that the rapport based, humane, information gathering interview when conducted with suspects can still retain elements of accusatory, coercive practice.

"If I have a lot of evidence for some cases where you may have, you know, your forensics and things like that, I will be strong with people and put the allegations to them, and be quite forceful and say, "Well, you know, explain to me how this ABC can be wherever forensically it is if you've done nothing wrong." (P11)

"Keeping control of the interview and where you want the person to go, but just being able to get information, where the person not necessarily is wanting to say it but you're using your skills to draw them out, and just keeping somebody talking." (P4)

"It's controlling the interview because I don't want the interview to go somewhere where you don't want it to go. So, I think it's having a controlled interview, asking nice open questions and then nailing them down on the specifics." (P1)

"My experience with sex offenders you need to keep the flow going…you get them up to gas mark 6 and then they go down to gas mark 2 and you've got to get them back up to gas mark 6." (P2)

The need for control may vary with individual confidence levels and the experience and competence of the interviewer. This was noted when talking through the planning phase of interview. There were officers read through the case evidence and had a mental framework for a plan. There were others who entered with keywords to act as topic reminders. Some officers prepared a list of questions primarily to anticipate the potential for a 'no comment' interview.

"What I'd do is go through all the evidence, I don't take anything in with me apart from my book and I'll make notes in my book… I know the job inside out before I go into interview." (P1)

"I tend to follow the PEACE model. when I interview by myself, I can't read and write and interview at the same time I lose my thread so I keep eye contact with the suspect all the time and its only now and then I scribble." (P2)

"I would've gone through what I want to ask, obviously through the statements and through the video interview and the poignant parts I wanted to, obviously, pick out." (P10)

I still do my little WWWWWH, and box things off, and keep going back to those kinds of things. That's my method. I don't know whether that's the way you're supposed to do things now. But, that's in my mind. I'll prepare for… Sometimes, I write some questions down." (P9)

The issue of confidence and control and whether it is noticeable in planning may influence the question type use. The study in Chapter Three highlighted the significant use of inappropriate questions and the impact this had on information yield reducing across interview time. The level of control by the interviewer will increase with inappropriate question types and decrease with more open questioning.

"You know, open the questioning with open questions and then listen… What I'm hoping for is that they give you a lot of information, stuff that you might not even know about or have considered. And then as it goes on, the closed questions are clarifying and are more detailed." (P4)

"If for example I've got a stranger rape and you have loads of evidence, loads of CCTV or a load of forensics, you want to take them down a road that will prove their lies. If it's a relationship one then you haven't got this much, so in relationship ones I'd keep it quite open all the time." (P1)

"Somebody who has completely controlled that interview without the suspect knowing, has psychologically manipulated that suspect into talking I mean not to admitting but covering everything without that suspect realising what is going on." (P2)

The exercise of control within the interview as will become clear in chapter five starts long before entering the room. The decision making about how and when actions are taken such as arrest will influence the effects of behaviour in the interview room. The willingness to allow space for the suspect to give their account through open questions needs the interviewer to give over some control. The capacity to yield given the influences and drivers for interviewer behaviours requires understanding and perspective taking. To remain fair and impartial regardless of the circumstances of the offence is a fundamental of retaining impartiality.

Subordinate theme 3b: Compassion

The capacity to deal with the person and separate them from the circumstances of the offence can be challenging. The interviewing of sexual offence suspects is a direct interaction that can be stressful (Soukara et al., 2002; Kebbell et al., 2006). The investigator may have had contact with the victim and had to manage the impact of the offence circumstances. The idea of a compassionate approach to the suspect may seem at odds with the descriptions given of the interview environment.

"Listening. Quite often, for the things you're interviewing for, they are not nice offences and, if somebody is going to try and give you an account or is prepared to admit something, it takes a lot of doing." (P11)

"Some people are absolutely terrified when they've never been interviewed before. At the end of the day, you're bringing somebody in, if it's a rape, forensics-wise, that's going to be happening. I mean, you're talking, sometimes, young boys, you know, they're absolutely terrified. So, it's important for you to, kind of, put them at ease, I think, which is really important." (P10)

"It has got to be embarrassing to sit and hang your dirty washing out in an interview with someone you don't know." (P7)

"You have got to be even a little bit more sensitive towards the suspect, because you've got to think about when they are in an interview, you are talking about quite sensitive matters." (P7)

"Your liberties have been removed from you, you're not going through a nice experience here, after not really having an understanding, or things not exactly being how they were first put across. So, it isn't a nice experience for people." (P5)

These comments display compassion and an understanding of the vulnerability and difficulty of the position of the suspect. It does seem at odds with the expressions of control in the last section. It is a demonstration of the real duality for investigators expected to be sensitive and empathetic yet robust and resilient to all parties involved. The support needs do not only focus on the victim.

"I know that they are the suspects, but they need signposting to support as well. You have to do some sort of safeguarding with, "Who are they going back with? How are they getting home?" A lot of the time we will take suspects home. How are they getting home? Who is going to be with them?" (P7)

The risks to suspects post detention are quite high with a potential for self-harm and the above comment underlines the continuing duty of care required to all involved parties. The ability to take the perspective of the suspected person and understand that they may be anxious and frightened by the experience of the investigation is important to quality of treatment. The humanity shown in each interaction will underscore trust and support the procedural principles of fairness and impartiality. These attitudes become more important as the challenges increase.

Subordinate theme 3c: Challenges

The last theme under professional conduct considers the challenges within interview experienced by our contributors. One area mentioned that connects with earlier comments on workloads and time pressure is in pre-interview planning.

"I think the only other difficult thing about planning in relation to rape cases, is a lot of time the suspects get interviewed before you even have the victims account." (P1)

"Can you go in and interview this person?" But you don't know, necessarily, that case. You haven't had as much time to prepare or you don't know the victim, and you haven't heard it first-hand." (P4)

"A lot of times you will go into an interview with very little information." (P7)

These observations raise several issues, primarily one of work and time pressure. They also suggest that interviewing is considered a routine task that does not require careful preparation and skill. Lastly, the comment about information is one of when it is appropriate to gain the account of the suspect and the difficulty of sexual offences lacking in independent evidence as found in previous research (Benneworth, 2007; Kebbell et al., 2006). The lack of preparation time or the scant case information may explain the comments on control within the interview environment. An investigator will not wish to appear ill prepared or uninformed about an important topic.

"The first part is obviously engaging and about building rapport with them. It also settles you down in the interview because sometimes you can be nervous going into interview." (P1)

"I think just if the person isn't engaging with you, can be hard, because automatically you want to try and get a conversation going with them. (P10)

"All you're in essence doing is saying, "Right, tell me about it. Tell me what's happened. The victim is saying this." You've got no other evidence to build a challenge phase, so you don't actually have a challenge phase in the interview. It's just a case of a conversation, "You give me your version of events." (P1)

"I try to just kind of approach everyone with quite an open mind and think well you've got your side of the story so you just tell me what and I'll try and take it from there, trying to not judge before you go into interview." (P6)

The challenge presented here is opening and building a rapport often with limited information of the offence allegation. The situation requires the interviewer to keep the interview as open as possible to maximise the information yield through appropriate open questions. The description given is at odds with the findings of Chapter Three (see Fig. 3.2) and investigators may be closing down the suspect responses without being aware that they are restricting information through inappropriate questioning.

"You get as much evidence as you can you build and to me the interview was the final bit. It might make a case, it might break a case, but in the end you're going through a process." (P2)

"I often find, a lot of the time, they throw a lot of what we call 'mud' at the victim. They just tell you all negative, negative stuff about them and it's quite hard sometimes to get them to focus on the questions that you're actually asking." (P4)

"I think some people can be very clouded by what the victim's account is. And I'm not saying I've been being like that, but it doesn't work because they just think, "Well, I'm not talking to you, you've made your mind up," sort of thing." (P4)

"So, you quite often can get an arrogant person. It can be quite hard to break through their arrogance, because I think they know what you know because they know as and when it happened that you're not going to have anything forensically." (P11)

These comments reflect the dynamic challenges in interview with the interviewer managing the interview to focus on their objectives and the suspect deciding to follow a different direction. The challenges described though dynamic are not all unpredictable. All allegations will require an account from the suspect at some point. The interviewer can control to some extend when that may happen and at what stage in the investigation. An information gathering interview approach genuinely seeking the account of the suspect without challenge can take place even at an early stage in an investigation. It can signal an impartial approach, marked by respect for personal agency where the suspect can be listened to, and their account heard.

"Having sex with a child, is just, there isn't any way to justify or understand that. Whatever they said, it's just, for me, in their own mind, then justifying why they've behaved like that, in order to make it feel better for them." (P9)

"they'll openly say that, "Well, I showed that child love," and explain themselves. Which is strange. It's a weird one. Of course you want to know that, but it can also be a hell of a thing to take in... it can be gut-wrenching sometimes" (P5)

"a child victim of rape and managing your own feelings towards the suspect. To not bring them out in an interview, because what he had done to the child was particularly horrendous. I think that was difficult. But what you are recognising is that you have got a job to do, and you put that to one side." (P3)

"well there's been a couple of older ones who came across as it was their god given right found them a challenge" (P2)

"He was challenging interview, not by arrogance or ignorance, just emotionally." (P2)

A direction in interview that can be difficult for interviewers is offenders against children talking openly about offence details. The interview can contain powerful emotions and prove difficult to manage (Oxburgh et al., 2006). These descriptions above show that even when an approach is beneficial and appropriate it may prove challenging to carry out. There was an emotional content to comments about offence investigations involving child victims and greater

difficulty in separating the individual from the offence behaviour. This echoes research examining the differences in language use between interviewer and suspect in child offences (Benneworth, 2006; 2007)

> *"Yes, the offences committed by sex offenders and those type of people psychologically are a different type of person." (P5)*

A final challenge was dealing with the evidential issue of consent within the interview.

> *"It's quite rare that you have a challenge side of things on sexual offences, because it comes down to the legality of consent." (P5)*

> *"Trying to get them to understand the information that you need to know can be quite a challenge and erm certainly I think one of the biggest challenges is consent it's the issue of consent." (P6)*

> *"It's not something that quite often very readily an offender will admit to. It's not one of those things where- especially because most sexuals, nobody does anything like that with an audience." (P11)*

This returns the challenge back to the difficulties of testing the account with limited evidence and the need for particularisation and detail to inform the outcome decisions. This last challenge examines the limitations of many investigations. If one party alleges rape and the other party contends that it was consensual intercourse, the matter may rely solely on what is said, and the questions asked to obtain that account. The importance of peripheral details can be highly significant to eventual outcome.

4.6 General Discussion

There was a high degree of consistency across the range of contributions that suggested some systemic issues. The first superordinate theme Organisational Pressures was present across the interview subjects. The working environment is constantly stretched with a high workload, limited resources, and increasing case complexity. This is accompanied by public concerns about falling conviction rates and victim care, leading to increased external scrutiny. This is a concerning picture within a role that has exposure to high levels of workplace stress and the potential for burnout (Martinussen et al., 2007). The pressure to improve results amid these considerable hurdles is problematic to the considered and thorough approach required to investigate sexual crime effectively. The decisions taken at organisational level due to competing demands may work against procedural fairness principles experienced at a personal level. The impact of workload, resources,

increased demands, victim care, staff welfare and support need to be considered. The example of officers being dropped off across the force area to appointments and away for a whole shift suggests really inefficiencies impacting case work. The impact over time is that officers will feel undervalued and demotivated.

The personal concerns are related to the conditions the officers currently face. The theme of resilience is crucial for investigators who will only see a small number of their cases reach court after significant delay. There is the increased demand of enhanced victim support potentially for over two years. It requires motivation to continue through daily, and to seek satisfaction in the different elements of the role. Resilience is a positive trait to enable continued activity within adverse conditions. A concern was that resilience is not infinite and that a few participants described the empathy erosion and detachment that may signal burnout. There was no mention of the organisation providing effective and active support in such a pressurised role. The responsibility was focussed for many on supporting the victim and conducting a thorough investigation. There was an understanding of the impact on the suspect and the need to ensure that all evidence was gathered whether it was towards or away from the suspect.

The last area professional conduct examined the officers' perspectives of the interview. There was a need to hold control in the interview, though it was recognised that rapport and allowing the suspect to talk was the best way to obtain information. Interviewers were aware of the benefit of open questions yet still found it difficult to allow the suspect to talk freely. There was recognition and some compassion for the difficulty faced by suspects in dealing with the interview. The challenge for interviewers came from a lack of evidence to challenge any suspect account and the difficulty of dealing with the cognitive distortions of a child sexual offender.

This study highlights the interconnectedness of all elements of the investigation and how decisions in a peripheral area can directly influence the conduct of the investigative interview.

4.6.1 Strengths and Limitations of Study

This empirical study sought to complement the quantitative study described in chapter three. The perspectives of these officers provided a deeper insight and understanding of the interviewing environment than available through quantitative methods. There are very few studies directly obtaining the experiences of sexual offence investigators. This study is unique in using an IPA methodological approach. Such an approach provides a high degree of ecological validity in the

themes identified from the participants experiences, through individual experiences it captures the wider influences on the interviewing process. The focussed sample size allowing a greater depth to the analysis. It draws out issues of procedural concern in the current response that emerged across all participants. A number of these issues are yet to be researched in this topic area. There are challenges and limitations within any such applied research. The participants can only represent the environment within their own organisation and community. The legal and procedural guidance is national to England and Wales so there will be commonality in the wider process issues. Local variation will though apply to training, interpretation, and organisational structure and demand. The findings raised within this study may not be ontologically associated across all sexual offence investigators given the variation in jurisdictions and legal custom. The IPA does not seek to produce a generalised view, rather to gain understanding of the distinct experience of each participant and from it seek insight into wider factors. A limitation with this study was that not all participants were still currently in post as sexual investigators at the time of interview. The views expressed will have been influenced by the delay between events and interview. A further limitation can be that specific topical events locally or nationally can affect the framing of answers or the priority they are given by the participants. The data collection was in proximity to a national story about disclosure failures and reviewing digital evidence in rape cases.

4.6.2 Future Directions

There is advantage to the use of qualitative methodology to complement other applied research approaches in this field. The officers who participated in this study and their willingness to share their experiences were knowledgeable, engaged, and committed. They were open in describing the professional and personal experience of investigating sexual offences and interviewing suspects. The superordinate themes that emerged were *organisational pressures*, *personal factors*, and *interview conduct*. This provided an understanding of the influence of wider factors on the efficiency and effectiveness of the investigation. The first theme organisational pressures contribute to the downstream demands placed on them as interviewers. Few studies have considered the influence of the organisational and procedural pressures in this way. The increasing complexity of investigations means that changes and developments in one area can adversely impact the whole. Further research directed at the effects of procedural quality of treatment and investigative decision-making on and by investigators will aid development of efficient, ethical, and fair practices (Tyler & Blader, 2000). Further research on the qualities of resilience and self-

generating motivation within sexual offence investigators would be of assistance in examining their influence on coping strategies and emotional burnout. Considering the interview there was a difference in the understanding of standardised strategic interview planning. This is of real value to sexual offence interviewing where there is a need for detail and particularisation.

4.7 Chapter Conclusion

The qualitative study in this chapter examined the perceptions of police officers investigating sexual crimes and conducting suspect interviews. Participants were interviewed about their role and experiences. The transcripts of these interviews were analysed using an IPA methodology. This analysis isolated three superordinate themes and eight subordinate themes across these data sample: *Organisational Pressures* (*Demands* and *Scrutiny)*; *Personal Factors* (*Resilience*, *Responsibility*, and *Motivation)*; lastly, *Professional Conduct (Control, Compassion*, and *Challenges)*. Investigators face increasing workloads both in numbers of investigations and in the level of complexity against a backdrop of reduced resource availability. There was awareness of the scrutiny from working in this high demand, high risk area and public disquiet at reducing effective prosecution (Daly & Bouhours, 2010; Angiolini, 2015; O'Neil et al., 2018). The personal factors supporting investigators to manage emotional stress included compassion satisfaction and motivation to help others and achieving a conviction outcome (Conrad & Kellar-Guenther,2006). There was a desire to do a professional and thorough investigation and remain impartial. Interviewers sought to control the interview through effective planning. Officers were aware of the difficult task for the suspect and that interviewees may be frightened by the process. The challenges included limited evidence and the emotional difficulty of interviewing child sexual offenders**.**

The following chapter explores the lived experience of four individuals convicted of sexual offences about the investigation and interview process in which they were involved. The aim of the study is to examine the effect of the issues raised through investigation procedure through the experience of those subjected to it. The information was obtained through semi-structured interviews that were transcribed and analysed using an IPA.

Chapter 5. 'Nobody was listening': barriers to trust and cooperation in sexual offence investigation.

5.1 Chapter Summary

The preceding chapter provided an examination of the layered complexity of demands that influence the work of investigators in sexual offences. The difficulty in being able to provide a procedurally just process that allows all parties the opportunity to be heard and respected within the constraints of a resource limited system. The evidential use of memory recall and testimony requires that both parties have equitable opportunity to provide their account of events within sexual complaint investigations. The negative experiences of individuals who report sexual offence complaints are widespread, with descriptions of being met with suspicion and disbelief from police, unable to provide their account without judgement, and feelings of being ignored (Jordan, 2001; Maier, 2007; Patterson, 2011). A voice that does not receive the same prominence or consideration is the person accused and subjected to investigation within sexual investigations. The focus will only shift to the suspect if there is an error or misconduct that proves newsworthy and in these cases the impact on the accused person becomes evident. The process of investigation will have fundamental and lasting impact on an individuals' life whether they are charged or not, guilty or innocent. This chapter focuses on those accused of a sexual crime and their experiences of being investigated and interviewed. It examines their perceptions of the investigation and the barriers to cooperation and communication within the investigative interview that exist for them. The study presented here explores the lived experience of four individuals who went on to be convicted of sexual offences on their route through the investigation and interview process in which they were involved. Data in the form of transcripts was obtained through semi-structured interviews that were transcribed and analysed using an Interpretative Phenomenological Analysis (IPA). This analysis method allows for the examination and interpretation of themes emerging from within the narratives of these participants and to understand the factors that promoted or impeded their collaboration with the police investigation and interview process. The aims of this study were as follows: (i) to better understand the perspectives and experience of those under investigation and interviewed by police in sexual offence investigations; (ii) to seek understanding through the descriptions of participants of the factors important to them as drivers or barriers to cooperation; (iii) examine whether there were any system variables that enhance or diminish the perspective of trust and fairness in the investigation process, and (iv) to evaluate the themes coherence with principles of procedural

justice. The following key themes were identified: (i) *Needs,* this includes self-awareness and focus on the basic, psychological, and self-fulfilment needs of the individual and the responsiveness of the investigator; (ii) *Impact,* including personal fear, anxiety, loss of autonomy, and proximity effects to others, and finally; *(iii) Process,* included information and support provision to suspected persons, neutrality, respect, dignity, and fair treatment by those with authority. The chapter in conclusion will consider the narrative experiences within the current police guidance and practice with possible directions for development to increase procedural fairness within the investigation and enhance cooperation within interview settings.

5.2 Introduction

Sexual crime can evoke strong negative reactions within society often amplified by frequent media attention and the scrutiny of organisational responses to identified concerns (King, 2019). This 'othering' of those accused of sexual offences adversely impacts individuals who experience being investigated for a sexual offence, and it begins from the outset the allegation is made. The gap between accusation and guilt can be a narrow one, those accused of sexual offences are frequently subjected to public censure and shunned if personally identified with a sexual allegation, whether eventually proven or not (Laws & Ward,2011). Sexual offenders are vilified and rejected systemically beyond point of conviction, being segregated within prisons and viewed as low status amongst the general offender population (Burrows, 2016; Craig, 2005; Griffin & West, 2006; King 2019). This stigmatization is further embedded by the post-conviction registration system for managing the reoffending risk posed by sexual offenders that places severe restrictions on their private life, long beyond the completion of any court-imposed sentence (SMART, 2014). The awareness and reporting on sexual violence within society remains pervasive and current, however, public views are not necessarily reflective of the reality of sexual offences, or the risks posed by those accused. The evidence would suggest that dehumanising behaviour or processes used toward those accused of a sexual crime creates isolation and suspicion at each stage of proceedings.

Exploring the experience of individuals subjected to the process of investigation in sexual cases offers insight into those factors that may influence their decisions and behaviours during an interview. Thibaut and Walker (1975) proposed that individuals care as deeply about the processes they are subjected to, as to the eventual outcomes that arise from that process, even if the outcome is personally detrimental or negative. The qualities and operation of the procedures to which they are subjected are factors in determining whether the recipient deems their treatment fair. There

has been considerable debate on defining and operationalising the criteria by which procedural fairness can be measured. The influencing functions of 'decision making' and 'quality of treatment' of procedures at the formal group and individual level as proposed in a four-component model of procedural justice have recurred through this thesis (Tyler & Blader, 2000; Blader & Tyler, 2003). The suspect within an investigation faces many formal group processes, such as arrest, detention, forensic examination, interview, all before a decision on whether the matter passes on to proceed to a court. These processes are heavily regulated by law and defined prescriptive guidance, to steer decision making, formalise justification and recording standards. A further formal process would then commence involving hearings, trial, and possible imprisonment or acquittal involving independent public bodies. This experience will be shaped by the formal processes at each stage, the 'quality of treatment'. The second strata arise at the level of individual interaction. There is dispute as to whether this is a component of procedural justice or separate 'interactional justice'(Bies & Moag, 1986). However, interactions with officers will involve 'decision making' and 'quality of treatment' and these have been seen to influence the individual's perceptions of fairness within policing processes (Mazerolle et al., 2013). The interaction marked by oppression and disrespect can undercut any ethical, fair process and lead to distrust and disengagement from the recipient.

5.2.1 The Investigation Process as a Suspect

The scrutiny of processes involving the suspect within the investigation is essential due to the powers and authority entrusted to the police by the public. The gathering of complete, accurate and relevant information through interviewing is central to the investigation process given the importance of witnesses (Milne & Bull, 1999; Westera & Kebbell, 2014). The approach, or 'quality of treatment', taken in the exercise of their powers is crucial to the perception of legitimacy and trust from those investigated. Holmberg and Christianson (2002) asked Swedish prisoners about the experience of being interviewed. Interviews they described as 'humane' were associated with more cooperation and admissions, conversely, 'dominant' approaches led to more denials and resistance. The researchers also noted that within their participant group, sexual offenders described feeling more insulted and condemned by the police interviewers than did the convicted murderers. A recent study conducted using self-reporting by North American offenders looked at confession and cooperation factors and a relationship was found between a humanitarian style by the interviewer and interviewee cooperation and further, a humanitarian approach together with strength of evidence was related to decisions to confess (Snook et al., 2015). Kebbell et al. (2010) sought the

views of convicted sexual and violent offenders about their interview experiences with the police. These findings also supported a humane interview approach towards sex offenders as being more effective. These studies relied on self-disclosure by convicted offenders and were conducted in jurisdictions where confession seeking interviews proliferate more than an information gathering approach as in the UK over the last thirty years. This indicates an effective approach for eliciting information within the investigative interview relying on 'humane' processes and the potential impact of incompetent or malicious, accusatory behaviours. These studies all support the importance of 'quality of treatment' from investigators to suspects in influencing perceptions and decisions taken by the suspects. The rapport based, information gathering interview described within PEACE training is compatible as an effective procedural approach in sexual offence interviews. It has consistency with principles of procedural fairness as described above, if conducted appropriately.

Procedural fairness gives legitimacy to processes of adjudication through a humane approach to the investigation process, characterised by impartiality, fairness, voice, and transparency. These values will be observable through the decision making and quality of treatment at individual and group level. This signifies to a suspect the values of trust and an expectation of fair treatment, confident that officers will act impartially. The presence of procedural justice within a suspect interview may affect their decision to answer questions put by the interviewer. Kebbell et al. (2006) found that about half of the participants (persons convicted of sex offences) in their study reported that they had not decided whether they would confess or deny the offence before being interviewed. The suspect that has been treated in a dominant and hostile way may consider the interviewer to be acting in an unfair manner and so lose perceived legitimacy (Watson & Angell, 2007). The derailing of a potentially productive interview can happen quickly and without the need for overt hostility. Reactance to tone, confrontation or judgement can stop the flow of information (Alison et al., 2020, p.46). St-Yves (2006) conducted research directed at the factors involved in a suspected sex offenders' decision to confess. The study linked confessions by sex offenders to two major factors: a) the personal consequences (shame, humiliation) for the interviewee and b) the attitude of the investigator. An effective and ethical investigative interview is influenced by factors outside of the interactions between interviewer and suspect alone. To explore the influence of these factors further, the present study examines the real experiences of individuals who have faced an investigative interview as a suspect.

5.2.2 The Present Study

The qualitative methodology used within the present study is to examine the lived experiences of individuals subject to investigation for a sexual offence. The aims of this study were as follows: (i) to better understand the perspectives and experience of those under investigation and interviewed by police in sexual offence investigations; (ii) to seek understanding through the descriptions of participants of the factors important to them as drivers or barriers to cooperation; (iii) examine whether there were any system variables that enhance or diminish the perspective of trust and fairness in the investigation process, and (iv) to evaluate the identified themes coherence with procedural justice theory.

5.3 Method

5.3.1 Design

Data for this study was collected by means of semi-structured interviews and provided participants flexibility to explore their own experiences within the study question framework. This method of data collection was suitable to generate transcripts for examination using an IPA (Smith & Osborn, 2003). A fuller explanation of this methodology is provided in Chapter Four.

The participants provided their interviews within the regular appointment times at their assigned probation premises. This ensured participants a familiar and safe environment to be interviewed. The open-ended questions allowed participants to choose their own words and priorities when describing their own experience (Smith et al., 2009). The analysis described above was then conducted by the researcher to interpret the descriptions and perceptions of their experience of the investigation process and being interviewed as a suspect.

5.3.2 Participants

Participants (*n*=4) who took part in this study were adult males (over 18), White British (*n*=3) and Black Non-British (*n*=1), aged between 24 and 48 years (*m*=33) convicted of a sexual offence and under supervision of the National Probation Service at the time of data collection. All participants had received a sentence imposed by a court after pleading guilty or being convicted after trial. This was a purposive sample based on the experience of the participants as suspects within a sexual offence investigation conducted under the laws and procedures for England and Wales. The investigations and interviews were conducted by officers from a single police force in

the north of England. The police investigations took place within the five years preceding this study. The original sexual offences were not the subject of this study and information was not sought on the circumstances or timing of those events. The participants had all completed their court-imposed sentences and were under supervision within the community at the time of their involvement in this study. There were no incentives provided to participants for contributing to this study.

Participant recruitment

Reflective Box 1

The recruitment of participants in this study raised numerous complexities. Recruitment was via the NPS who were extremely helpful in facilitating this study and acted as gatekeepers. All participants were under probation supervision within the community at the time of data collection. I was mindful given the topic sensitivity and the supervised environment that no participant should feel pressurised or obligated to participate. I relied on the expertise of probation officers to identify and recruit participants willing to contribute and be interviewed. All initial contact was through email with the probation officer and each officer had a very high workload of clients. This presented difficulties when setting appointments as often individual clients did not attend having changed appointments or the officer was otherwise engaged. Several interview appointments remained ineffective as a result and could not be rearranged within the data collection window.

It was agreed with probation before data collection that I would not seek or require offence information or any case documentation to prepare to conduct the interviews. This provided reassurance to participants regarding confidentiality and allowed me to enter the interview with increased objectivity. Reflecting on this, I realise that I have interviewed many such individuals in the past as an investigator, but not without any knowledge of their recorded background. I believe it was appropriate in this case and allowed the foregrounding of the participant voice and the role of expert in their own experience.

The access required for this research study was granted by the National Probation Service (NPS) and ethical approval from the Faculty of Medical Sciences Ethics Committee, Newcastle University. A meeting was held with the NPS cluster head before data collection, and it was agreed that a request would go to all offender managers within the cluster to ask them to identify potential participants from their own clients and to make the initial approach to gauge interest in participation. This approach ensured that potential participants would remain anonymous until the data collection and to discuss participation with a trusted professional to identify any concerns. The anonymity and confidentiality of each participant was very important given the sensitivity of the topic and concerns participants may have about the impact of identification.

Reflective Box 2

The only contact between researcher and each participant being at the point of interview allowed limited time to put the participant at ease, build a rapport and ensure optimum data collection. All the interviews were conducted at the Probation Office premises. Reflecting on this approach I am reassured that the participants felt comfortable within familiar surroundings and felt able to talk freely with me to varying degrees. However, the working probation office location was understandably subject to regular disturbance and noise. There were interview duration time pressures due to the full schedule of appointments and limited interview space available. A longer period of introduction, briefing, and interview available to the researcher may have yielded deeper insight from participants. These participants were generous in coming forward to speak and share their experiences on a deeply difficult personal topic. The familiarity of the location may have assisted them to feel able to be as open as they were with an unknown person. I would have valued the opportunity to have some contact with participants before the interview appointment given the sensitivity of the interview topic or longer with participants. There is a high turnover of appointments for the managers during the day. I anticipate that this could have influenced the participants expectations of anticipated interview length. This may have influenced the depth and detail of some answers given by the participants. There was some indication of self-editing on the part of some contributor's answers.

The probation offender managers identified ten clients who would be suitable and willing to participate. Each of the clients was then spoken to by their manager and information given about the study and participation. It was only if they were willing to contribute that the manager would make email contact and an appointment arranged to meet the participant. An interview would only go ahead if the participant agreed having been briefed by the researcher and consent checked again immediately at the commencement of the interview. Initially there were ten potential participants, however, due to changes in manager, appointment absences, and lack of interview room space only four interviews were able to be completed. All four interviews were conducted at the NPS premises within rooms used to meet with clients within the normal working day. The interviews took place across client appointments to minimise disruption to each participant and manager. The sample of four participants was appropriate for the IPA methodology used and allowed sufficient attention and focus on each unique participant contribution. The sample size (n=4) is commensurate with published IPA studies and is appropriate to the aims of this descriptive study (Smith et al., 2009, p.52). It was not possible logistically to extend the data collection period and all potential participants had been provided the opportunity for inclusion. This was a highly marginalized group, and the topic content had the potential to be personally difficult and upsetting for those taking part. The attrition rate in potential participants was not surprising given the alignment of needs between inclusion criteria, location, willingness to participate and availability. The homogeneity of the purposive sample group was based on two factors, interpretative concerns, and pragmatic considerations (Pietkiewicz & Smith, 2014). The first factor was considered through participant selection from one geographic area and using offence parameters and professional assessment. The second factor consideration was the sensitivity of this topic and participant pool requiring limitations to the data collection within a working environment.

5.3.3 Materials and Procedure

All interviews were conducted by the lead researcher at the same probation premises. The interviews were audio-recorded on an encrypted digital voice recorder. The interviews (*n*=4) varied in length from 18 to 39 minutes (*M* = 31 minutes, *SD* = 8.78 minutes). The participant was thanked at the conclusion of the interview and given a debrief form. The welfare of each participant was checked post-interview by the researcher and any concerns or questions answered prior to debriefing before the participant left.

The interview structure was divided into the areas below and developed narrative on the

participants' experiences relating to:

1. First contact with police during investigation.

2. Parts of the investigation that were stressful.

3. The police interview; what you remember, what you felt.

4. How did police approach change through the interview.

5. How did police ask about what happened.

6. What did you consider most effective.

7. What did you consider least effective.

The interview topic areas were initiated by the use of an open question type (TED) that invite a narrative response (see Chapter 1 and 3 for question type definition). These would be supplemented with appropriate probe questions (5WH), used to extend or clarify information provided by the participant. Participants had been provided with information before the interview on avoiding sharing personal information and speaking about their offence. If required, participants were reminded of this during the interview and redirected to the topic. If the participant became emotional during the interview they were asked if they wished to stop the interview. The participants that were upset at stages during the interview all asked to continue with the interview to conclusion.

5.3.4 Data Analysis

The interviews were recorded on an encrypted digital voice recorder and then transcribed verbatim into a line-numbered transcript by the researcher. The transcript was then checked against the audio recording to ensure accuracy of content. The chosen analysis of IPA required accurate transcription of all verbal interactions between the research interviewer and the participant. It was not proportionate to transcribe to the level of recording syntax, pauses, guggling, and other elements of spoken language as these elements did not constitute part of the data analysis. The first stage of analysis required each interview manuscript to be read through at least twice completely, to allow the researcher to focus in on the unique voice of each participant's experiences. The audio recording was played through initially with the transcript to assist the researcher to recall the flow and rhythm of the original interview. The second stage involved a line-by-line examination of the transcript exploring descriptive, linguistic, and conceptual details. Initial comments and notes were then developed with a participant led, phenomenological spotlight to bracket the main topics of importance. The emphasis being placed by the researcher on the choice of described events and

contextual language selection of the participant in providing their description. An extract from P2 transcript with initial analysis is provided in Table 5.1.

Table 5.1

A transcript extract from Participant 002 about their investigation including initial researcher notes.

Transcript Extract	Initial comments
P2: You're just sat in a room. You don't have a clue what time it is or what.	Passive. Bewildered, confused, disoriented, isolated.
I: Right.	
P2: You don't know when they are next going to come to the door, or… Or anything like that.	**Room** environment is recalled.
I: Yeah. So you say it plays with your head. What sort of things were you thinking about at the time, you were saying you…	
P2: Not being in the cell	Absence of agency or control. State of dependency. **Door** *confinement*
I: Not being in the cell. So it's kind of an immediate, um,	
P2: You don't want to be in here.	Short and clear statement. *Cell confinement is the primary focus and concern.* A mechanism for error.
I: Yeah. Okay. Um, how, do you know long you were, you were in there?	
P2: I can't remember.	**Immediate**.
I: Was it sort of, you know, hours or days or…	*Detention is the focus.*
P2: Uhh, maybe it was a day?	Articulates the impact of being placed in a cell. (first time arrested)
I: Right. Okay, so fair, fair amount of time then. Okay. Were you there overnight?	
P2: Think so, aye.	Significant event, memory coarse grain .
I: Right okay.	Long period of time, limited support and contact.
P2: 24 hours rings a bell.	Overnight in cell.
	<u>Potential for cumulative stress and anxiety over a</u>

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		sustained period in detention. Impact on ability to make decisions, recall events, take in information.

The third stage of analysis required bracketing the transcript commentary into emergent themes. The researcher at this stage of the analysis having worked through each transcript and identified the emergent themes raised by each participant. A relevant title for each set of comments was added to each transcript. The same extract from P2 is shown below with the theme title assigned to development commentary (Table 5.2).

Table 5.2 A transcript extract from Participant 002 interview with theme development comments from researcher.

Transcript Extract	Theme development comments
002: You're just sat in a room. You don't have a clue what time it is or what.	**1. Needs – b. Psychological**
	Bewildered, confused, disoriented, isolated.
I: Right.	**2. Impacts – a. Personal**
002: You don't know when they are next going to come to the door, or… Or anything like that.	Room environment is recalled.
	1. Needs -b. Psychological
I: Yeah. So you say it plays with your head. What sort of things were you thinking about at the time, you were saying you…	absence of agency or control. State of dependency.
002: Not being in the cell	**1. Needs – b. Psychological**
I: Not being in the cell. So it's kind of an immediate, um,	Cell confinement is the primary focus and concern. A mechanism for error. Short term decision.
002: You don't want to be in here.	**2. Impacts – a. Personal**
I: Yeah. Okay. Um, how, do you know long you were, you were in there?	Articulates the impact of being placed in a cell very directly. (first time arrested)
002: I can't remember.	**2. Impacts – a. Personal**
I: Was it sort of, you know, hours or days or…	Not clear on details, yet highly significant event. P2 less detailed (memory impaired? Trauma?)
002: Uhh, maybe it was a day?	
I: Right. Okay, so fair, fair amount of time then. Okay. Were you there overnight?	Long period of time with support and contact externally controlled.
002: Think so, aye.	Included overnight in cell. Limited answers avoidance, memory errors?
I: Right okay.	**2. Impacts – a. Personal**
002: 24 hours rings a bell.	Potential for cumulative stress and anxiety over a sustained period in detention. Impact on ability to make decisions, recall events, take in information.

The final phase combined the dominant identified themes across interviews to form a definitive grouping through strong theme association. Themes with an insufficient evidential basis for inclusion were discarded at this stage.

5.4 Results and Discussion

The present study explored the following areas within each participant interview, i) to develop understanding of the lived experience of sexual offence suspects under investigation, (ii) to identify factors that may act as drivers or barriers to cooperation; (iii) examine investigation/interview processes and interactions that influence the perspective of trust and fairness, and (iv) to evaluate the emergent themes coherence with principles of procedural justice. The methodology is data driven and inductive the areas outlined above formed the basis of the interview structure. Three super-ordinate themes emerged from the iterative analysis, *Needs, Impacts, and Process.* Each participant placed a different weighting to the super ordinate themes through their unique narrative. The super ordinate themes were further categorised into six sub-ordinate themes (see Table 5.3).

Table 5.3

Super and sub-ordinate theme coverage by participant with occurrence rate in parentheses.

	P1	P2	P3	P4
Super-ordinate Theme				
1.Needs	Yes (29)	Yes (14)	Yes (09)	Yes (17)
2.Impact	Yes (20)	Yes (22)	Yes (26)	Yes (26)
3.Process	Yes (34)	Yes (14)	Yes (27)	Yes (23)
Sub-ordinate Themes				
1.a. Basic Needs	Yes (05)	Yes (03)	Yes (04)	Yes (06)
1.b. Psychological Needs	Yes (24)	Yes (11)	Yes (05)	Yes (11)
2.a. *Personal Impacts*	Yes (15)	Yes (18)	Yes (20)	Yes (24)
2.b. *External Impacts*	Yes (05)	Yes (04)	Yes (06)	Yes (02)
3.a. *System Variables*	Yes (16)	Yes (07)	Yes (17)	Yes (10)
3.b. *Interviewer Interactions*	Yes (18)	Yes (07)	Yes (10)	Yes (13)

Note. The occurrence rate of responses across participant relevant to themes development provides a measure of its importance.

5.4.1 Super-ordinate Theme 1: Competing Needs

The initial super-ordinate theme that featured in all interviews was the range of *Needs* expressed by participants. They articulated immediate needs, these being sufficiently significant to be memorable and subsequently recounted. The participants expressed their frustrations arising from needs remaining unfulfilled or when at variance with the requirements of the officer or investigation process. Small acts of humanity and kindness were also recalled. It is helpful when considering the sub-ordinate themes that follow to use the dual interpretation approach. The participant in describing the identified need, directly or indirectly has signified it has personal

consequence to them. The second consideration is the impact of that need within the wider interaction processes with officers. Providing food and drink or a blanket is a routine task for those working in custody environments, it may be far more meaningful to the person detained.

Sub-ordinate theme 1A: Basic Needs

The importance to each participant of even a small act of kindness and humanity in meeting basic needs was apparent. The offer by officers of a drink, food, or supplying a blanket was present in every narrative. All mentioned the basic and fundamental needs, food, drink, sleep, or warmth and the act of offering or denying that need. These minor actions within the surrounding circumstances of the investigation, worthy of comment, suggests the significance they held for the individual. This is a personal act of acknowledgement and humanity, person-to-person, within an impersonal and dehumanising process. The investigation for the suspect is marked by compulsion and a loss of personal autonomy. The act of arrest, restraint either physical (handcuffs) or environmental (cell) reinforcing the removal of personal autonomy and their reliance on others to meet basic needs. The act of providing for such basic needs may assist in reducing the physiological and psychological demands on the individual. It is hard to remain focused and attentive when cold, scared, tired, and hungry. Reducing the physiological needs of the individual will diminish attention or motivation on having those primary needs met. This may assist them to focus attention to the requirements and demands of the investigation process.

> *"Every time I was put into the cell they'd always provide like water and stuff, and food if you asked. Or if they said, you know..."* (P1)

> *"There were a cup of tea in me cell so, and I love a cup of tea so."* (P2)

> *"So, I think I only got the blanket later on, so freezing cell, because it was around this time. No, sorry. September time around, so, it was still quite chilly."* (P3)

> *"They finally took me out, would you like some tea or hot chocolate."* (P3)

> *"So, we were so excited we hadn't slept that night before and pretty much, I was, I was on my knees. And, you know, I was interviewed at that point."* (P4)

> *"He then said, have a seat, would you like some water. He was very pleasant and that was fine."* (P4)

The provision of care to persons in police custody is provided by staff independent of the investigation team. Each small act provides opportunity to build trust with the person in detention. The three core constituents of trust are present in such these interactions, benevolence, ability, and integrity (Mayer et al., 1995; Borum, 2010). The structuring of the custody process and facilities can

greatly change the nature of this interaction. The physical facilities are designed for safety and ease of cleaning, utilitarian and sparse with little privacy. This amplifies the importance of each human interaction. Conversely, neglecting, ignoring, or denying needs was also recalled by participants and had the capacity to damage trust. The failure to recognise or meet the basic needs of the individual may create a barrier to interaction through breaching of trust whether by the interviewer or another individual within the interview process.

> *"They wouldn't let me take my medication…I need my medication when I first get up."* (P1)
> *"You're just sat in a room. You don't have a clue what time it is or what."* (P2)
> *"I was basically thrown in a cell and stayed the night, without a blanket about, until later on."* (P3)

The theme of *'Basic Needs'* is relevant throughout the accounts and informs a number of other sub-ordinate themes. The needs expressed by the participants are often short term and rely on the actions of others for resolution. The obligations for police in the care of detained persons is laid out in detail in the Codes of Practice, Police and Criminal Evidence Act, 1984. The behaviour and actions of individual officers or staff will determine the quality of treatment in how those responsibilities are met. Investigators aware of the wider custody environment can develop positive regard and trust with those investigated by monitoring their welfare and needs.

> *"While I was there, they were asking if I was ok, making sure that everything was, professionally as it can be."* (P1)

Sub-ordinate theme 1B: Psychological Needs

The psychological needs that developed from these data could be aligned with the established factors of *Autonomy*, *Relatedness*, and *Competence* (Ryan & Deci, 2017). Loss of *autonomy* reaches beyond physical confinement to the frustration of motivation and will of the suspect leading to internal conflict, anxiety, and pressure. This can build up over time creating a potential barrier to communication if not addressed. *Relatedness* is obstructed by isolation and exclusion for the individual. This individual need is difficult to satisfy when faced with social identification as a 'sexual offender' within an investigation context and isolated from support in detention. P1 described his arrest at his parent's home and in their presence and the humiliation that created. P4 spoke of the reaction from others in the detention area of the police station when the offence was announced to the custody officer when he was processed. The third need is, *competence* and concerns the barriers that can lead to feelings of failure and helplessness for the

suspect linked to the inability to give voice to their own narrative. All four participants directly or indirectly referred to frustrations in meeting these primary psychological needs:

> *"Well I, I wasn't happy at what I'd done, but I could explain what happened, the way it should have been."* (P1)

> *"You haven't got a clue what's going to happen. You don't know whether you going to go to jail straight there and then. I don't know how to put it, you're just sitting around"* (P2)

> *"When I clearly haven't done anything there has been no investigation."* (P3)

> *"They say you're innocent until proven guilty, I don't believe that. That's my view, that is when you go in to somewhere like that that are used to it and they just become very, very cold to it. And I think it's just a job to them."* (P4)

Another psychological need present was that of denial or minimization, a factor common among those investigated or convicted of sexual offences. This can be seen as an adaptive coping mechanism to reduce anxiety and protect low self-esteem (Lord & Willmott, 2004).

> *"She was like 'right you're under arrest for this, this and this' and I was like 'ok' and erm, obviously I was not guilty of, but I'll not go into that."* (P1)

> *"That if you haven't done it then why say you've done it, why?"* (P3)

> *"When I truly knew that I wasn't. Umm, to simplify what I said at the start of this interview. Guilty until proven innocent but in this case guilty, guilty, guilty."* (P4)

Ground truth is not known in any of the original matters, so discussion of denial only relates here to the comments and perceptions of the participants at the time of data collection. There was only one participant P3 who still maintained a complete denial of involvement in the original incident. P1 and P4 gave partial denials regarding their culpability for specific actions alleged at the time of the investigation though admitted to others. This need to deny or minimise was offered by the participant, though there were no direct questions from the researcher about the offence or their actions or guilt. It was sufficiently important to those participants to clarify with the researcher their perceived position, regardless of their status as convicted of the offence, though the answers could be dissonant even within different parts of the same interview. A notable absence of comment from any of the interviews was direct mention of the other party, the offence victim. The police investigation and interview were significant events that happened to them, the participants. They appeared to have minimal reflection on the circumstances or decisions that had led to their involvement in the process. The clear emotional distress that was evident from their negative experience through the investigation did not appear to be identified with the victim or the act of reporting the matter to police. This was despite the need to articulate denial to some degree and

minimise. There was a disconnect within the described narratives in that the circumstances of the offence and their own culpability was compartmentalised and separated from the procedure and process of investigation and conviction. It is interesting that this

5.4.2 Super-ordinate Theme 2: The Impact Factors

The impact factors that were apparent from all the narratives within all interviews formed the second super-ordinate theme. The *Impact Factors* were related both to the investigation and the interview process. The impact could be short term or lasting with the capacity to influence the decisions and perspective of the suspect. The impacts were divided into two sub-ordinate themes, personal, and external.

Sub-ordinate theme 2A: Personal Factors

All participants were consistent in describing the personal impacts the investigation had made on them. The first contact with police did influence impressions of the subsequent investigation, for example, P1 was arrested in the early morning at his parent's home, P3 was arrested late night outside the location of the incident. The impact of this initial contact created fear and anxiety among some participants (P1, P3). The arrest initiates a process in which the individual remains a passive actor under external control. These immediate impacts occur during when the suspect may have a minimal understanding of the situation. There was a distinction made by the contributors between uniformed police and the investigator responsible for the interview. This was described in terms of the officer's experience, approach, and interactions with them. The role of the uniformed officers in initial contact remained peripheral unless it was considered negative by the participant. This separation of role may assist in removing the interviewer directly from identification with the act of physical restraint by arrest and the negative affective it may evoke in the person arrested.

> *"They arrest you on an early morning. And they come in, they don't even give you a chance to get up, they just basically put your handcuffs on, and you're gone."* (P1)
>
> *"The police van doors were opened, and he said could we have a word with you. So I wasn't sure what it meant but I had a bad feeling, because I had never been involved with the police at any point."* (P3)
>
> *"You know when the allegation was read out to the duty sergeant, you, know, people turn around and stare and, you know? It makes you feel guilty at that point."* (P4)

The affective and isolating impact of confinement in the cell after arrest and during the investigation was present in all accounts. The description of being held in the cell was commonly associated with

feelings of disorientation, anxiety, and a lack of information from the police. This detention is an inevitable reality within most investigations and a period during which many operational tasks will be taking place. The investigator will have competing priorities for their immediate attention and with limited time and resources. It will be the staff within the custody facility that will provide for the needs and minimise the negative personal impacts on the person detained.

"Well, I was scared, because I have mental health issues. So, I was scared the fact that I was going to be in confined space for the maximum period that they could keep. Because like I say it's 24 hours, they've got to release you within 24 hours." (P1)

"You're just sat in a room. You don't have a clue what time it is or what." (P2)

"Well, they just opened the door and tell you, they open the flap and tell you." (P2)

"The police station, so that, that was a new experience and I finally managed to go to sleep, and when I woke up I was just, I was in a state of confusion. I was feeling claustrophobic, and I did say, could you please let me out, or at least like chain me to a bench or something, I don't mind." (P3)

"So, when I went to bed, it was, you can't even call it a bed. I was kind of just in the hope that I'm going to wake up the next day, and just be in my own house. And when I woke up and I saw the bright lights and just like, just white walls all around and like everything was like steel and, it is kind of like, you're really in this with both feet and stuff so... I would say like I was a bit in disbelief more than anything." (P3)

"And then I was left in a cell for many hours, many hours. I guess that's what they have to do. It seemed forever. Umm, you know it wasn't a nice place to be." (P4)

The investigative interview will follow the uncertainty, isolation, and anxiety described in the period of detention. It is the first point at which the suspect will have the opportunity to answer the allegation made against them. They may be in contact with police for the first time and this interview could have personal life changing outcomes. The pressure is tangible:

"It was, was this particular officer made me hate the police force." (P1)

"Just the questions they were asking, and the way they were asking them." (P2)

"I've done it once and fucking hell. That was enough for me." (P2)

"I certainly did feel pressure. I could feel the temperature in the room increasing." (P3)

"Umm, made me feel guilty. You know, making me feel guilty." (P4)

The interview process was emotionally impactful for each participant. P1 had difficulty interacting with the investigating officer and believed that they were unwilling to listen to his account. He believed that she had a pre-determined view of the offence circumstances. P2 described the interview in the most emotional terms. He appeared to have difficulty in coming to terms with the graphic details of the offence within the questioning, describing it as "sickening".

The personal impacts that were of long-term concern also featured in the descriptions. The effects on employment (P1, P4), or education and study (P3), may not be immediate considerations in short term decision making. They could go on to have a greater negative life influence for the individual. Other impacts included the reputational damage through public awareness and media coverage, restricting privacy and affecting relationships (P4). These participants were all convicted at the end of their proceedings though many of these impacts could arise regardless of judicial outcome. The potential consequences described below are generated from involvement in a sexual offence investigation irrespective of guilt:

> *"prior to this I had no convictions whatsoever. At all. I could work in care homes and stuff like that. But now obviously I can't."* (P1)

> *"I've lost a few relationships on the way."* (P1)

> *"Didn't really want to go back there. It's all been and gone, it's in the past and I just wanted to move on."* (P2)

> *"I mean, I can, I don't, I don't even know where to start with that because pretty much every negative emotion that can, that's on this whole table, I went through it . At different periods."* (P3)

> *"Umm, obviously a lot angry, let down, disappointed, periods of depression, anxiety, lack of trust, umm, I don't know, victimized, just a lot, really, like. There's, there's too many, I could spend pretty much an hour just, just describing, just words sort of like, umm, explain the feelings really."* (P3)

Sub-ordinate theme 2B: External Impacts

The consequences that arise for the individual from the investigation originated at first contact with the police. This applied to the arrest of P1 at his parent's address. This included a search of the premises and P1 describes the profound impact it had on the family from that day on. P3 described how his mother travelled thousands of miles to support her son. P4 lost his relationship with his daughter, she also lost an important relationship with her father.   The impact on the family unit can extend to a loss of income and family home, disrupted education, relationship breakdown, divorce, and social isolation. These are life altering consequences that can arise without warning and continue to affect lives long after the conclusion of any investigation (Duncan et al., 2022; Bailey & Klein, 2018). The effects can include emotional harm from damage to relationships, isolation, and the physical and psychological breakdown of family units. It is an impact with few support options for those affected as they have no defined role in the investigation process and no clear end point. The impact on the family of P3 included his mother travelling thousands of miles to support him. The investigation process in effect ending his studies and impacting his ability to remain in the country. The impact on his family and friends he believes would have been capable of destroying

someone. He articulated the feeling of being lost in a process where no one saw him as an individual. He thought that he was just another number or statistic.

Participant 2 in reflecting on the difficulty of being interviewed about the offence was able to acknowledge the impact on those responsible for investigating such cases. He expressed his own emotional struggle within the interview process while realising the impact of being repeatedly exposed to such offence details. This is an unexpected observation and perspective from the suspect within an investigation. The potential for secondary traumatic stress within investigators is increasingly recognised (MacEachern, et al., 2019). However, it is notable that the potential for harm and emotional toll on the investigators should be so readily identified by the suspect during interview. The language used and his projection of the negative affect onto the officers indicates the level of distress he experienced within the interview when confronted with the circumstances of the offence.

5.4.3 Super-ordinate Theme 3: Process

The final super-ordinate theme arising from the accounts was titled *Process* and examines the perceptions of procedures and officer interaction. The interview sits within a wider investigation environment and the impact that these may have on the individual within the interview becomes visible through their narrative. Participants were directly affected by quality of treatment and decision making at a group level, whether at arrest, premises search, or within custody. They also have a more direct and immediate impact from the investigator. This was reflected in the sub-ordinate themes below.

Sub-ordinate theme 3A: System Variables.

This sub theme explores the participants comments on the procedural elements of the investigation and the self-identified points of increased tension experienced by the participants.

"It was, it was a shock because getting woken up at seven o'clock in the morning to be told you're under arrest, and then handcuffed, they didn't give me a chance to get dressed or anything. And then they took the handcuffs off so I could get some trousers on and what have you, and I was stuck up there for about eight hours, they're allowed to keep you 24." (P1)

"Two or three male police officers were out when I pulled up, and told um, that the police were looking for us. Obviously for the offence related. And he was really canny, pulled us to one side, told us to wait, on the radio, radioed through, and obviously took us inside." (P2)

"That's when one of the gentlemen said, we are arresting you for the offence and then I was put in handcuffs and taken away to [location]. So, I was in a bit of a daze, because I, I was just confused,

because I didn't commit the offence to begin with. So I was a bit, I don't know what I can explain, just in this state of disarray." (P3)

"Umm, well on the day of the alleged offence, umm, I took myself to the police station." (P4)

"I was taken into an interview room and I was left there for an hour or so I would say. I don't know, you may check on that but, I don't know, but that seemed to be the length of time. Umm, and then obviously the, the, the police officers, umm, had gone to the, you know, the house. Umm and, had interviewed her. And then obviously the police officer that I'd obviously said, you know, umm, what had happened to, he then arrested me and cautioned me." (P4)

The situation for each participant was different in their first contact with police. P1 was arrested from his parent's home in the early morning. P2 and P4 went to the police station after finding out about the allegation and P3 was arrested near the location of the incident. P1 and P3 were clearly affected by the circumstances of their arrest and the immediate sense of powerlessness and loss of autonomy is evident. Both P1 and P3 make mention of the use of handcuffs. This was far less evident with P2 and P4 who had precipitated action by attending the police station and so retained some control of their immediate situation. Operational decisions may have required certain actions to be taken and these may not be obvious to the individuals affected. This makes the provision of information and transparency of action so important. Process demands poorly explained can readily lead to negative perceptions forming. These can in turn influence trust and cooperation from the suspect long before an interview takes place. It may be that information was provided and not processed by the individual at the time.

"I got took to the police station, they put me in a cell." (P1)

"Not really, because I wasn't sure of what I was arrested for at the time." (P1)

"I went to the police station. They said, tell them and I said aye, they put us in a cell." (P2)

"You know when the allegation was read out to the duty sergeant, you, know, people turn around and stare and, you know? It makes you feel guilty at that point." (P4)

It is shock to be deprived of liberty and all describe aspects of the dehumanising process of the investigation. The loss of privacy and the isolation of waiting in a cell.

"I feel like they could have been a bit more civil, and just a bit more humanlike and stuff, like be like just robots in a uniform and just I don't want to say throwing their weight around, but that's how it was, really. I think, yeah." (P3)

"And then I was left in a cell for many hours, many hours. I guess that's what they have to do. It seemed forever. You know it wasn't a nice place to be." (P4)

"I was still in a state of shock that, because this, from the minute I was escorted out, to them opening the doors to the police station, to me being put in the, the cell, it happened so quickly, that the first process I didn't even have time to like really gather or digest. The second process being led into a cell, of course I was a bit like not really afraid but, you're being thrown in a

place that you've never ever entered, so it wasn't something that I felt natural about. So it was, it was a bit basically I cut all the emotions out if I could describe it as that." (P3)

"*In the physical sense, I did, that we're just arrived by the station and they're taking me out, they told me to like, takeoff what I was wearing, they gave me like a t-shirt or something like that. So in the physical sense, I was really aware of everything but I, I still had some, a lot of confusion.*" (P3)

"*I did the fingerprint, I did that what's it called that, mugshot, So, when I was doing my fingerprints I found, I found it a bit odd that my sensitive data, when I clearly haven't done anything there has been no investigation.*" (P3)

Privacy was stripped away as an element of the process. The overt actions of an arrest or search of a residence, the exposure to scrutiny from others, and taking samples (Fingerprints, DNA, swabs). All of these may take place before the interviewer is able to establish a rapport and build trust with the individual to conduct the interview.

Sub-ordinate theme 3B: Interviewer Approach

The second sub-ordinate theme deals with the interviewing officer influences within the interview process from the suspect perspective.

"*I had to wait until I got released on bail, after the interview. But the interview was like drawn out between like two-hour interviews then they would have a break, so the brief could talk to me, like the solicitors could talk to me.*" (P1)

"*The police that didn't look after me was the investigating officer, themselves, I won't say he or she I'll just say themselves, erm because they were too busy, interviewing, they wanted to know everything, they were rushing me… I had to see a doctor, because of my disabilities, the doctor had to tell them they had to slow down, get me some help in so I could speak.*" (P1)

"*Umm, I don't know if there was a lot to say. I think it was either did you do it or didn't you. I think that's how it was really put, it, really, I think that the clinch of the whole thing was that that's what it was.*" (P4)

"*But, so when you're first getting interviewed and that, it's just it all just seems to go one way and you haven't got a clue what's going to happen.*" (P2)

The descriptions are of control being exerted within the interviewing process. This manifested in an impression of not being listened to or heard. The interviewer having pre-judged the circumstances and not receptive to alternatives.

"*I would have liked to get my side across. Umm, I, I don't believe that I could have…But I would have liked to.*" (P4)

"*It's not like you're asking questions, being listened to, so to speak.*" (P2)

"*The type of questions that they are asking, the, how graphic they are and stuff. And then asked the same questions over and over again but in different ways.*" (P2)

"*Aye. It's all one way.*" (P2)

"*I think it was a biased interview.*" (P3)

"The person talked over me all the time, never gave me a chance to speak, until, I had to answer the question that they thought was relevant. And if I didn't answer the question that was relevant the solicitor would say, 'shut up' or… 'my client needs a moment'." (P1)

These comments are suggestive of a more accusatorial form of interviewing and would be considered unacceptable were they present in a complainant interview. The concerns expressed are that the individual was unable to put forward their own account of events and they describe a lack of voice. This being described as them feeling that they were not listened to, felt judged, and were not believed. There was also the perception of investigative bias being present, an absence of impartiality.

"But she was out, the female officer was out to get me at the time." (P1)

"The investigating officer didn't want to listen. And the other officers did want to listen because, it was relevant to the case. And that, it went smoothly from there." (P1)

"You are totally going to disregard me telling you that the statements are flawed because you have your own agenda to make me a statistic and put me behind bars. So that's when I knew really here the gloves are off." (P3)

"That, you know, everybody's made their mind up, you know, the police have made their mind up, everybody made their mind up." (P4)

The personal view of the interviewer was evident to the suspect in the approach taken to questioning and the available evidence. P1 directly describes the change he felt when speaking to officers who he felt were listening to his account. P3 and P4 describe the frustration of feeling unheard.

"He was trying to, trying to suggest that the note that I wrote to [name] was a note admitting to what I'd actually done. And I said, no hold on a minute. The note basically stated, you know, look I hope you're okay, you know. It looks bad I get where you're coming from." (P4)

"When he was sort of coming from the point of view of like blaming me, that's when I really felt the need to really like tune in on those witness statements, and actually like expose something. And I'm glad that I did I felt, because that is monumental in terms of like the whole process." (P3)

5.5 General Discussion

The aims of this study were as follows: (i) to better understand the perspectives and experience of those under investigation and interviewed by police in sexual offence investigations; (ii) to seek understanding through the descriptions of participants of the factors important to them as drivers or barriers to cooperation; (iii) examine whether there were any system variables that enhance or diminish the perspective of trust and fairness in the investigation process, and (iv) to

evaluate the themes coherence with principles of procedural justice. Three themes were developed from these data: *Needs*, *Impact*, and *Process*.

The first theme acknowledged by all participants was the importance of recognising, acknowledging, and providing for need. The removal of liberty by arrest is a substantial act of power and control, placing responsibilities on the police and establishing vulnerability in the detainee. The recognition of vulnerability due to health issues, age, disability, or communication factors is well regulated though there are differences between force areas (Farrugia, 2021). Police custody has an extensive welfare checklist to determine support requirements on initial arrival of any person arrested. The experiences described by the participants are of an immediate state vulnerability created through loss of autonomy, relatedness, and competence (Ryan & Deci, 2017). The recognition of this state vulnerability by the investigator and minimising that needs deficit is a basis for the building of trust and rapport when the interview takes place. McCartan et al. (2021) examined the perceptions of individuals accused of sexual offences and their interactions with the justice system. The participants spoke of feeling powerless, subject to processes that were done to them, rather than for or with them. The journey through the justice process was considered dehumanizing. This negative state, for the individual can begin from the earliest stages and first points of contact with the police.

The custody environment is a utilitarian 24-hour working location. It is rarely quiet, private, or comfortable and is designed to deal with a broad range of eventualities. It can be a frightening and anxiety inducing experience for the uninitiated. What is clear from the accounts provided is that the experience was traumatic and frightening. The language and affective descriptions from participants are comparable to those expressed by victims of crime when encountering the investigation process. Minimising stress in custody may aid the investigation and interview process. Needs go beyond the basics of sustenance and greater acknowledgement of the negative influence of detention and custody on the individual is needed. The provision of information within the detention period and interview is partly laid down in statute guidance and informally through local procedures. The participants despite the gravity of the situation retained very little of the information that they would have been told in custody regarding their rights.

The impact of the investigation and interview process was immediate for all participants. The affective impact has been described above but also there was the isolation and anxiety from being detained and without information or support (Skinns & Wooff, 2021). The dehumanising impact of detention itself was also notable with the degradation of autonomy experienced by

individuals. The arrest and detention process will always be a stressful and pressured situation for individuals under investigation and all procedures should be developed with this in mind.

Thirdly there was process and interaction. The exercise of power should always be a considered one. Process is about achieving the best possible outcome with the most efficient use of resource. The early morning arrest of P1 led to several outcomes that were unrelated to the needs of the investigation. The family had to witness his arrest and learn of the nature of the allegation, leading to a sense of humiliation and disruption to the family. P4 was interviewed late in the evening having had no sleep the night before. If police would not interview a witness in a particular environment, should it be considered with the suspect, unless justified. The negative interactions were more memorable to the contributors in influencing their own perceptions and attitudes than positive behaviour (Alison et al., 2013). The importance of getting each interaction right matters, as negative experiences take primacy. Values such as respect and impartiality are stable. If an investigator is dismissive or rude to an individual once, it indicates that those values are not present.

5.5.1 Strengths and Limitations of Study

The intention of this study was to gain insight into the experiences of those undergoing a sexual offence investigation as a suspect. This perspective is rarely represented within the literature and is unique to each individual voice. There are challenges within much applied research and this study was no exception. The purposive sample was drawn from a marginalised and stigmatised population, selection and data collection being facilitated by a third party (NPS). The strengths within this study are in the high ecological validity of these data. The themes drawn from the participant narratives indicate commonalities in their experiences irrespective of each unique circumstance. The distance in time between the participants experiences and their study contribution provided the opportunity for reflection on those elements that had most personal and lasting salience. Each participant involved had been convicted of a sexual offence; the ground truth of each case remaining unknown to the researcher. This permitted participants to express their personal experience of the investigation without the filter of the offence circumstances, the individual prioritised over their behaviour.

This study due to the IPA methodology recruited a small sample size and so could not represent the general experience of a sexual offence suspect and that is not its intended purpose. The experience for every individual will be distinctive in its qualities though certain common features arise. IPA seeks to draw from the unique and personal experience of each contributor to

provide a depth to more generalist approaches. A limitation of this study is in only hearing the experiences of those individuals convicted of sexual offences. This did mean that there was a significant delay between their investigation experiences and data collection interviews. Time will have a deleterious impact on memories and post event information may alter the impression and accuracy of their accounts (Memon et al., 2010). The participants in this study will have encountered many professionals throughout the criminal justice process and they may have had to provide many details repeatedly. It would be advantageous for future research in this area to have contact with potential participants closer to the time of the investigation. The experiences of those who are investigated and released without further action or dealt with through other disposal options is not represented here. All participants were from proceedings that had been concluded and considered 'closed'.

5.5.2 Future Directions

This study has shown that those subject to investigation have a valuable contribution to offer in developing understanding of the complex dynamics of the interview environment and willing to share their experience. The process of investigation is heavily regulated and complex. It can be a difficult and bewildering environment for those subjected to its focus. To gather information from suspects in sexual cases requires sensitivity and skill. This begins with planning contact and actions through detention and interviewing. Each element of the process can affect the likelihood of eliciting information. Future research should be directed towards the area of understanding and retention of information by suspects within custody. It is equally of concern whether important information is withheld by police about detention and investigation matters or that it is provided and not understood and retained by the suspect. Another area of interest is the influence of state vulnerability and anxiety on information elicitation in custody settings and whether there are factors that may reduce the impact. The interview was difficult for all participants; however, they do indicate the benefit of adhering to procedural justice principles. The need to feel heard (voice), to believe the investigation is not biased (impartiality), be provided information at all stages (Transparency), and that investigators act with respect (Fairness). These principles should be examined within current training and operational settings to prioritise embedding within investigators.

5.5 Chapter Conclusion

This chapter set out to explore the narratives of suspects within a sexual offence investigation and identify themes from the participants experiences that develop our understanding of what encouraged or supressed their cooperation within the interview and wider investigation process and whether system variables altered sensitivity to trust and fairness in the investigation process. Participants were willing to share their challenging personal experiences with openness and a wish for their perspectives to be better understood. The four interviews provided were from individuals with diverse personal life experiences and each had a unique standpoint viewpoint. The interviews identified three superordinate themes of

The last chapter will present a general discussion of the thesis considering the findings of the SSA and each of the empirical studies. This will be followed by recommendations and implications for the effective elicitation of information in the interviewing of sexual offence

Chapter 6. Discussion and Conclusions

6.1 Chapter summary

Sexual violence and misconduct remain a matter of deep and pressing concern among many societies around the world. They are crimes that can have lasting and severe consequences for those individuals affected and for wider society. The last decade has seen numerous enquiries, high profile cases, and public movements revealing the challenges faced by victims, the corrosive harm to communities, and the failure of organisations to act effectively (O'Neil et al., 2018). The raised public awareness has been accompanied by increasing levels of reporting, however, that has not been replicated in a rise in conviction rates (Daly & Bouhours, 2010). This has led to increased scrutiny of the processes of sexual offence investigations and how they are conducted by the police and other agencies. The challenges run throughout the criminal justice system where there has been a reduction in resources and services despite significant rising demand. Considerable work continues to take place to improve investigation processes and support victims of sexual crime through the criminal justice system (Angiolini, 2015; Hohl & Stanko, 2015). The understandable drive to improve the experience of the justice system processes for victims can overshadow the function of the process. The criminal justice process must determine a finding of facts and culpability and relies on the evidence placed before the court without prejudice. This thesis focuses on elements of the investigation process that provide that evidence and the considerable challenges that remain to ensure that procedural fairness is assured. There are many complexities and unique elements to such investigations, and they can be challenging to investigate for those involved. Sexual violence and harassment can occur across the range of human interactions, relationships, genders, and cultural norms. Sexual crimes are a covert and private occurrence, the details often known only to the parties involved. A crucial element within that investigation process is the gathering of information through investigative interviewing to establish what, if anything as happened and who was involved (Milne & Bull, 2016). These interviews can be difficult and stressful for interviewers to conduct and can evoke difficult and intense emotions (Oxburgh et al., 2006). Sexual offence interviewing has been described as a 'specialist' skill and more demanding than routine interviews (Cherryman & Bull, 2001). All sexual offence interviews are a high stakes task often containing emotion, complexity, and a requirement for detail. It is against this backdrop that this research has been conducted into a critical procedure within sexual offence investigations, the interview with the suspect.

The interest in procedural justice principles has been an emerging priority, appearing within the policy and guidance of CJS organisations, such as the National Probation Service. The processes of sexual offence investigation have consistently come under scrutiny and regular criticism as failing to meet the needs of those who encounter its organisations. The embedding of procedural fairness into investigative interviewing has been a gradual process of development based on legislation, training, and guidance. If procedural fairness was operating effectively through the investigation and proceedings, there would be less concern and disquiet at the efficiency and effectiveness of current processes. The aims addressed in this thesis were: (i) To review the development of investigative interviewing practice and processes within police investigations in England and Wales from accusatory to information gathering, rapport based interviewing approaches; (ii) to review the current research literature-base contributing to the understanding of interviewing of sexual offence suspects; (iii) to evaluate current interviewer behaviours within a sample of real police interviews in rape investigations; (iv) to explore the experiences of interviewers in sexual offence investigations with a procedural fairness focus; (v) to develop understanding of the lived experience of persons subject to investigation and interview for a sexual offence allegation, and; (vi) to consider whether a focus by interviewers on procedural justice principles could elicit greater cooperation and reduce barriers to information retrieval from suspects in sexual offence interviews.

This concluding chapter will cover the main findings from the review of interviewing development and how it aligns with procedural fairness. The SSA and review define the limits of applied research in sexual offence interviewing. The subsequent empirical studies analysis interview behaviour and its influence on information yield in real police interviews. A study examining interviewer perspectives of investigation and interviewing to explore influences beyond the interview room. Lastly, a study on suspect's lived experiences of being subjected to investigation for a sexual offence. This sensitive topic area presents applied researchers with significant challenges through the research lifecycle. The complexity of investigations and changing landscape of legislation, guidance and local practice make generalisation difficult. However, drawing back from a fine grain view of specific actions in the interview room can provide some clear direction on productive developments that may provide a positive influence the conduct of the interview process. The difficulties encountered with each thesis study its strengths and limitations will be examined. The recommendations arising from the findings include the direction of further research and the potential implications for police interviewer training and practice within sexual offence investigation.

6.2 Background to Investigative Interviewing Practice

The origins of psychological research into investigative interviewing arose from public concerns surrounding miscarriages of justice that centred on dishonest or deficient interviewing practices (Poyser & Milne, 2011, 2015). This thesis records the move away from accusatorial and guilt presumptive interviewing methods towards more open and rapport based, information gathering interview processes. This paradigm shift occurred within UK policing during the 1990's and its influence continues to this day with the increasing acceptance internationally of noncoercive, rapport based, information gathering interviewing as best practice (Miller, 2021). The change signified a move from methods that were considered problematic to the interests of justice and had caused judicial and public concern. Accusatory confession-based interviewing could not be considered as compatible with procedural justice. A development that started out to minimise coercive and corrupt practice was moving towards a more procedurally just and fairer process. The benefits of the PEACE framework of investigative interviewing were developed by professionalising and standardising the approach to this core skill at a national level (McGurk, et al.,1993). Interviewing had become more ethical, more effective, and standardised, in parallel interviewing and moved towards a process that could sit comfortably within procedural justice principles. The initial driver was incompetent or dishonest interviewing of suspects within police custody; however, the PEACE framework provided an ethical approach that could be applied to any information gathering interview whether a victim, witness, or a suspect. Additional techniques sit within the PEACE framework, including CM for use with less cooperative interviewees (Shepherd, 2007), or free recall and the CI for use with cooperative interviewees (Fisher & Geislman, 1982). These methods have remained the interviewing standard within the UK since their adoption. Clark and Milne (2001) found encouraging signs that elements of positive interview practices had become more common such as, the use of open questions and allowing accounts to be given by the suspect. The values reflected in the seven core principles to investigative interviewing were visible in the behaviour of the interviewers. There were still areas to address including poor questioning with the use of inappropriate questions and a lack of rapport maintenance in suspect interviewing (Clarke & Milne, 2001). The professional development for interviewers is formalised in the PiP process and it allows officers to gain confidence and experience before moving onto more complex investigation and interview situations. The each step through the PiP are supported by additional specific professional training. There do remain issues with available resource for training and many officers who attend these courses will receive limited continuing interview training or skills updates. Training

is not an issue addressed within this thesis; however, reflexion and supervision are core components of developing practice. Interviewers that are not aware of issues with their methods, such as, poor question use are likely to repeat mistakes. This is also linked to the operational issue of limited supervision and review of interview product. Organisational directive in the form of legislation, guidance, and training provides a framework, they cannot predict how individual officers will enact them. Standards are not static, and they require careful vigilance and monitoring. There has been a substantial shift toward professionalising the investigation and interview process and with that have come improvements to procedural fairness. The challenge is how to retain and improve standards in a pressurised and resource poor environment at organisation and individual level.

The professionalisation of interview practice has seen significant changes around sexual offence investigation. A driver for change has been the experience of complainants in sexual offences within the investigation and trial process. Those reporting sexual offence allegations have a right to routinely be video interviewed and the recording used as their evidence-in-chief should the matter come to trial. Complainants have access to other measures such as intermediaries to ensure they can provide best evidence. There has not been a similar focus on the gathering of evidence from the suspect. There has been a focus on protecting the rights those suspected of a crime from a legal standpoint, less so on the personal toll and impact of the investigation process. The principles of procedural fairness require that all parties can fully participate in the process and have voice within it, as active participants. The discussion will now focus on the research literature in the specific area of interviewing sexual offence suspects and on how research findings map to a procedurally fair process.

6.2.1 Research on the Interviewing of Sexual Offence Suspects

The body of applied research in interviewing within sexual offence investigations is slowly developing, though currently quite limited in scope. The factors influencing decisions taken by sexual offence suspects within the interview room is an area of importance both for practitioners and applied researchers. There are substantial differences in interviewing methods across different countries making direct comparison between research studies problematic and potentially unhelpful. A literature review of studies relating to the investigative interviewing/interrogation of suspects in sexual offence investigations was conducted to provide an understanding of the main findings and gaps within existing research. To have a deeper understanding of the areas of research within this topic requiring attention, an SSA was used to evaluate suitable studies (Malpass et al.,

2008). The findings discussed in chapter two highlight the areas of concentration and inattention in relation to this topic area.

Research on interviewing suspects in sexual offence cases is an emerging area that has utilised primarily applied methodological designs to examine elements of the interview process. The studied variables included factors preceding the interview process, *victim, suspect,* and *offence* factors. Other factors represented were related to police response, *interviewer,* and *investigation* factors. Common themes arising within both confession-based interrogation and information-gathering interviews related to factors that influence interview outcomes. These themes covered the following areas: (i) offence characteristics; (ii) interviewer approach, and (iii) interview structure. The dominant offence characteristic was victim type categorised as *adult* or *child*. The categorisation between adult and child offences was a feature that indicated a contextual difference between these interviews. Affective reaction to offences against children leading to feelings of anger, hostility, and disgust were present. This is a potentially troubling finding, since offences against children may rely heavily on information coming from the person accused, whether that be towards or away from their guilt. Negative behaviour is likely to reduce or minimise the effectiveness of the interview. This also suggests a predetermined assumption of guilt and so likely to cause problematic behaviours within the interview. The primary finding within interviewer approach supported the use of a humane and rapport-based approach within interview (Holmberg & Christianson, 2002; Kebbell et al., 2008; Kebbell et al., 2010; Oxburgh & Ost, 2011). Dominant and accusatory behaviour was found to not be effective (Holmberg & Christianson, 2002; Alison et al., 2013). This finding reinforces the benefits of moving away from negative behaviours within the interview that are likely to reduce cooperation from the interviewee. It is also entirely consistent with procedural fairness principles in showing respect and allowing the interviewee to put their account fairly within the interview. Interview structure highlighted the strength of evidence as a positive factor in decisions to confess (Kebbell et al*.,* 2010; Lippert et al*.,* 2010). Interviews with sexual offence suspects may have limited evidence or evidence solely from the complainant. How evidence is presented, and a suspect decides on its relative probity or weight in the case against them is not clarified. There remains breadth in the information that must be given to a suspect before they are interviewed about their involvement in an offence. This is a question of providing sufficient information to allow the suspect to understand the allegation against them. It does not require that they are aware of all the evidence that is in the possession of the police. Strength of evidence was featured within the studies concerned with confession evidence and in the decision-making process of the interviewee. It had limited relevance within information gathering interviews.

The SSA showed clusters of findings supporting the relevance of the highlighted factors. There had not been a replication of studies between different interviewing models. There were clear findings that support the benefit of procedural fairness in dealing with sexual offence interviews. This remains a new and complex area of work though able to draw on the more established literature on investigative interviewing. Areas of difficulty that were identified were transparency within the process, interviewers' difficulty in ensuring suspects can follow the process, the use of open questions, obtaining a narrative account and to clarify and confirm. These are all elements that could respond to specific development input within continuous training. The contribution of psychological research to policy and practice can apply to this crucial area, as it has done for the wider interviewing environment. To determine the impact of these identified factors within real interviews, offence type, interviewer behaviour, and interview structure were examined in Chapter Three.

6.2.2 Procedural and interaction factors in rape investigation interviews

The objective of effective and ethical sexual offence interviewing is supported by developing the empirical research base informing enhancements in operational practices. The purpose of this study was to explore the following interview factors within a sample of rape suspect interviews. The factors included were Offence Characteristic (adult or child victim), Interview Structure (time), and Interviewer Approach (positive/negative behaviour; appropriate/inappropriate questions). The effects of these on the interview was evaluated by the information yield as measured using investigation relevant information (IRI). it was hypothesised that more negative behaviours would be present in interviews involving a child victim, the analysis showed no significant difference in interviewer behaviours across offence type by victim (adult/child). Whilst good practice dictates that effective interviews should have more appropriate questions, research in this area has consistently found that inappropriate questions dominate. Consistent with previous research in this area, there were significantly more inappropriate than appropriate questions asked across all interviews. When considering the impact that interviewer behaviour has on interview efficacy, consistent with previous research that suggests positive interviewer behaviour can lead to more effective interviews with sexual offence suspects (measured by greater information yield). The present study found that positive interviewer behaviour did indeed predict interview Information Yield (IRI). The prevalence of inappropriate question types is concerning given such question types have been associated with reduced information yield and increased errors (Oxburgh et al., 2012) and may counteract the effect of the positive behaviours in increasing IRI. This study was supportive

of the use of positive interviewer behaviour in embedding ethical and effective interviewing practice. The prevalent use of inappropriate questions is a consistent finding across research studies (Oxburgh et al., 2012; Oxburgh et al., 2014). The analysis did not show significant differences due to offence type. The study supports procedurally fair conduct as positive interviewer behaviour significantly increasing information yield. The adoption of procedural justice principles embedded within the training and guidance will influence behaviours and so lead to more effective interviews. The issue of inappropriate question use needs to be addressed as it leads to poor use of resources through ineffective interview time. To better understand the factors influencing interviewer decision making and behaviour a qualitative study was conducted with sexual offence investigators about their perceptions of the investigation and interview process.

6.2.3 Police perspectives of the investigation and interview of sexual offences

The perceptions of police officers with experience of sexual offence investigations were examined within a qualitative IPA study. There was a high degree of consistency across the range of contributions that suggested some systemic issues. The first superordinate themes of Organisational Pressures, Personal Factors, and Professional Conduct were present across nearly all the contributors. The working environment of the police investigator is constantly stretched with increasing workloads, reduced resources, and ever-increasing case complexity. This is accompanied by public concern about failing investigations and falling conviction rates, leading to increased scrutiny. This is a concerning picture within a role exposed to sustained levels of workplace stress and the potential for burnout (Martinussen et al., 2007). The pressure to improve results amid these considerable hurdles is problematic given the considered, sensitive, and thorough approach required to investigate sexual crime effectively. Resilience is crucial for investigators who will only see a small number of their cases reach court after significant delay. There is the increased demand of enhanced victim support potentially for over two years. It requires motivation to continue through and to seek satisfaction in the different elements of the role. Responsibility was focussed for many on supporting the victim and conducting a thorough investigation. There was an understanding of the impact on the suspect and the need to ensure that all evidence was gathered whether it was towards or away from the suspect. The last area professional conduct examined the officers' perspectives of the interview. There was a need to hold control in the interview, however, it was recognised that rapport and allowing the suspect to talk was the best way to obtain information. These views were at odds with the finding in Chapter Three of inappropriate questions throughout the interview and a reducing information yield. It does suggest that control may be a

reason for the excess of inappropriate questions despite their limited value. There was recognition and some compassion for the difficulty faced by suspects in dealing with the interview. The investigators spoken to provide comprehensive views and understand their role well. It suggests that input on procedural justice theory may assist them to be aware of the benefits of attitude driven behaviours in producing effective interviews. The challenge for interviewers came from a lack of evidence to challenge any suspect account and the difficulty of managing the cognitive distortions of an individual accused of a sexual offence against a child. These are issues that could be resolved by effective interview planning. This study highlights the interconnectedness of all elements of the investigation and how decisions in a peripheral area can directly influence the conduct of the investigative interview. It also indicates that caution must be exercised when considering research findings within such a complex and dynamic area.

6.3 Barriers to trust and cooperation in the interview process from the experiences of the suspect.

The final study of this thesis is a qualitative study aiming to examine the perspectives and experience of those under investigation and interviewed by police in sexual offence investigations. The insight of their lived experience would provide a view from the other side of the interview room and to seek understanding of the drivers or barriers to cooperation and providing information. If elements of the process influenced the degree of trust or fairness felt in the investigation process. Three themes were developed from these data: *Needs*, *Impact*, and *Process*. Needs were acknowledged by all participants as was the importance of recognising, acknowledging, and responding by police. Arrest is a substantial act of power and control, placing responsibilities on the police and establishing a state vulnerability in the detainee. The recognition of vulnerability due to health issues, age, disability, or communication factors is well regulated though there are differences between force areas (Farrugia, 2021). Police custody has an extensive welfare checklist to determine support requirements on initial arrival of any person arrested. The experiences described by the participants are of an immediate state vulnerability created through the loss of autonomy, relatedness, and competence (Ryan & Deci, 2017). The recognition of this state vulnerability by the investigator and minimising that needs deficit is a basis for the building of openness, trust and rapport when the interview takes place. Primarily, it is an opportunity to show respect for the individual through recognition of their basic human needs. These simple acts communicated well can counter the dehumanising effect of arrest and detention.

The custody environment is a utilitarian 24-hour working location. It is rarely quiet, private, or comfortable and is designed to deal with a broad range of eventualities. It can be a frightening and anxiety inducing experience for the uninitiated. What is clear from the accounts provided is that the experience was traumatic and frightening. The language and affective descriptions from participants are comparable to those expressed by victims of crime. Minimising the stress of custody may aid the overall investigation and interview process. Needs go beyond the basics of food and rest, a greater acknowledgement of the influence of detention and custody on the individual is required. The provision of information within the detention period and interview is partly laid down in statute guidance and informally through local procedures. It was clear that not much of the important information was retained by those in custody though the study interview took place some months after the time in police custody. Transparency in ensuring that individuals understand each stage of the detention process is often left to the officers involved in custody processing. The investigator can assist communication and trust with the individual by checking their understanding regularly. These two important principles of procedural fairness are important to the persons suspected and they are easy elements for the investigator to address by engagement. Attending to them can be part of the wider interview process, ignoring them is a missed opportunity for engagement.

The impact of the investigation and interview process was immediate for all participants. The affective impact has been described above but also there was the isolation and anxiety from being detained, and without information or support (Skinns & Wooff, 2021). The loss of autonomy and dehumanising impact of detention was also notable. Skinns and Wooff (2021) refer to the degradation of autonomy experienced by individuals in detention, there was also process and interaction. The exercise of power should always be a considered one with the minimum proportionate power used. Process is about achieving the best possible outcome with the most efficient use of resource. The early morning arrest of a participant led to several outcomes that were unrelated to the needs of the investigation. The family had to witness his arrest and learn of the allegation leading to a sense of humiliation and disruption to the family. Another contributor was interviewed late in the evening having had no sleep the night before. If police would not interview a witness in a particular environment or circumstance, should it be happening with the suspect unless fully justified. The negative interactions were more memorable to the contributors in influencing their own perceptions and attitudes than positive behaviour consistent with previous research (Alison, et al., 2013). The investigation process is never simple or easy and the effects on the individual suspected are immediate and severe. Each element of the investigation and interview

can be assessed directly against procedural fairness principles, they act as a roadmap to an effective and ethical process accepted by those subjected to its actions.

6.4 Limitations of Thesis Research

This thesis has strengths and limitations as with any attempted empirical research. The main strength of this thesis lies in a truly authentic voice and perspective applied to a limited research area. The applied studies in this thesis have high ecological validity with all these data direct from those operating in the research space and studied by an experienced practitioner. This research field is rapidly developing driven by the demands to develop and improve investigative outcomes in sexual cases. The research literature base for interviewing in sexual offences is a new and developing field. A limitation of the use of the SSA methodology in Chapter Two was that this emerging topic area only contains included studies since 2000. The qualitative studies are not suitable for inclusion within the SSA matrix and so were separately described. The variety of methodologies and differences in study criteria make comparison relatively difficult due to the low number of studies. The value of the SSA will increase as more studies are completed and start to reduce the knowledge gaps within the topic area. A limitation is the ability to generalise across very different legal systems. There are considerable differences in the training and legal structure of interviewing in the US, a major contributor to the research literature. A separate concern is the body of research that is persuasive about the need to move away from confession seeking interview models. The presumption of guilt required in accusatory interviews is incompatible with procedural justice principles of impartiality and fairness. This means that applied research using confession as a measure should be considered with caution. Chapter Three was the analysis of rape interviews and required a high degree of preparation to gain access to this sensitive material. It was only possible with the invaluable support of the force area concerned. The ability to achieve robust findings and provide informed advice to policy makers requires continued access to such data. A strength of this thesis was the support of the N8 Policing Research Partnership that created the climate to develop collaborative relationships with practitioners. The availability of interview data is ever improving as forces move to server stored data. This will ease the difficulty of security of physical items. The modest sample size reflects the difficulty in accessing data for inclusion but also the considerable time required to extensively code interviews of this length. The practice of working from audio and transcript means that it is not directly possible to analyse planning or evaluation phases of the interview. Chapter four was improved by the quality of the contributions from the officers. Each gave freely of their time even though they were under considerable work pressure.

The contributions provided a deep insight into their experiences of the role they carry out. The officers did provide insight into the wider factors that influence the interview environment. They can only be representative of the area in which they have worked and a comparison with a demographically diverse and geographically dissimilar area would strengthen the findings. The contributors to Chapter Five were courageous to share their experiences and a strength of this study was to hear from a group largely silent in the research on this area. The National Probation Service were very supportive of the research and gave much assistance to ensure it was successful. The small sample size reflected the difficulty in accessing this participant group. A limitation was the logistical needs of data collection within NPS premises limited time with the participants and was prone to distraction and interruption. Overall, applied research within this area is time consuming and subject to delay as police contacts move role and in awaiting the appropriate clearance to collect data. It requires tenacity and a willing contact within each partnering agency committed to development through research evidence.

6.5 Recommendations for Future Research

6.6 Thesis Conclusions

The present thesis sought to develop our understanding of the influences on information elicitation in sexual offence interviews with suspects. The dynamic interview environment is only made more complex by the emotive and high stakes nature of the offence type investigated. This thesis explored the question of the influence of procedural justice theory and its principles on the effectiveness of interviewing individuals accused of sexual offences. Developments towards procedurally fair processes are not only ethically sound, but the evidence also supports that they are effective and lead to better interview outcomes through improving information elicitation. If the principles of respect, transparency, impartiality, and voice are embedded into training and guidance, it may assist officers to consider better quality of treatment and decision making through the interview process as fundamental to its success. The findings of this thesis support the benefits of providing focus to these principles at every stage of the investigation and interview of sexual offences.

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* Denotes that the study was included in the Study Space Analysis with reference number.
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Appendices

Appendix A : Independent Variable Sub-groups

IV 1 - Interviewer Factors

1. Interviewer Gender: Male/Female
2. Interviewer child protection trained and regularly employed on investigations that involved child sexual abuse and the interviewing of alleged child sex offenders.
3. Interviewer minimum of tier 1 PEACE trained
4. Interviewer interviewed victim previously: Yes/No
5. Officer conducting suspect interview
6. Officers perspective of interview responses: Self/Other
7. Vignette condition: control(neutral)/Humanity/Dominance/Cognitive distortions

IV 2 - Victim Factors

1. Victim gender: Female/Male/Not given
2. Victim previously known to offender: Yes/No
3. Victim from a criminogenic environment: Yes/No
4. Age of victim: Adult (16 years<)/ Child (12 years>)
5. Victim type: Adult/Child
6. Child (Victim) characteristics: Age at onset: (0-6)/(7-12)/(13-17)
7. Suspect-child relationship: Interfamilial/Extrafamilial
8. Child disclosure: Yes/No
9. Time to disclosure: Hours after/ Days after/ Months after
10. Support at time of disclosure: Yes/No/Ambivalent
11. Child characteristics: Child age at time of onset of abuse/child age at disclosure/child-suspect relationship

IV 3 - Offence Factors

1. Murder/manslaughter/serious assault (Adult victim)
2. Murder/manslaughter/serious assault (child victim)
3. Rape (Adult victim)
4. Rape (Child victim)
5. Sexual assault/offence (Adult victim)
6. Sexual assault/offence (Child victim)
7. Child sexual abuse/child molestation
8. Type of Abuse: Interfamilial/Extrafamilial
9. Alcohol consumption prior to crime: Yes/No
10. Consumption of pornography prior to the crime: Yes/No
11. Deviant sexual fantasies prior to the crime: Yes/No
12. Structured premeditation prior to the crime: Yes/No
13. High risk of apprehension: Yes/No
14. Intrusive sexual acts committed against the victim: Yes/No

15. Victim forced to commit sexual acts on the offender: Yes/No
16. Level of violence used to commit crime: None/Minimal/More than necessary
17. Moment crime was committed: Day/Night/Both night and day
18. Offender knew the victim: Yes/No
19. Drugs prior to the crime: Yes/No
20. Length of the crime
21. Resistance from victim
22. Victim selection
23. Coercive approach to commit crime
24. Weapon used to commit crime: Yes/No
25. Reaction from offender to victim resistance
26. Nature of sexual acts committed
27. Humiliation of the victim: Yes/No
28. Injury inflicted on victim: Yes/No
29. Vaginal/anal intercourse: Yes/No
30. Duration of abuse: One week or less/More than one week
31. Frequency of abuse: Once/More than once
32. Abuse characteristics: Type of sexual abuse suspect was charged with/ Sexual abuse duration/sexual abuse frequency

IV 4 - Suspect Factors

1. Offender Convicted/serving prisoner
2. Offender Suspected
3. Offender in a relationship: Yes/No
4. Race of offender: White/Non-white
5. Offender is a regular alcohol user: Yes/No
6. Offender presents with an Antisocial Personality Disorder: Yes/No
7. Offender presents with a Borderline Personality Disorder: Yes/No
8. Offender presents with Narcissistic Personality Disorder: Yes/No
9. Offender presents with an Avoidant Personality: Yes/No
10. Offender presents with a Dependent Personality: Yes/No
11. Offender presents a Passive-Aggressive Personality: Yes/No
12. Offender presents with an Impulsive Personality: Yes/No
13. Age of offender
14. Offender over 18 years old
15. Offender years of education completed
16. Age at onset of criminal career
17. Total crimes against the person
18. Total number of sexual crimes
19. Total crimes against property
20. Total variety of criminal career
21. Marital status/relationship of offender: Lives alone/Is in a relationship
22. Offender's personality: extroverted/introverted
23. Offenders criminal career
24. Offender regular abuse of alcohol
25. Offender dependent on alcohol
26. Offender regularly uses drugs
27. Offender regular abuse of drugs
28. Offender dependent on drugs
29. Offender regularly watch pornographic movies

30. Offender regularly visit strip-joints
31. Offender regularly has sex with prostitutes
32. Offender had a job at time of crime
33. Self-reported feelings of guilt following crime: No/Yes
34. Previous Convictions/criminal career: Specialist/Versatile
35. Offender perceptions: Own interview/Ideal interview
36. Offender reported confessing to police: Confessor/Denier
37. Suspect age: 18-30/31-40/41-50/51+
38. Suspect characteristics: Suspect income/suspect employment/Whether the suspect lived with the child at the time of disclosure

IV 5 - Investigation Factors

1. Interview model used PEACE
2. Interview conducted under police caution
3. Interview from a 'closed' investigation
4. Overall criminal investigation model: CAC (Child Advocacy Center)/Comparison
5. Individual community: Alabama A (CAC)/ Texas A (CAC)/ Texas B (comparison)/ Texas C (comparison)
6. Evidential Material: Yes/No
7. Medical Evidence: Yes/No
8. Mental Health: Yes/No
9. Behavioural evidence: Yes/No
10. Sexual abuse against another child: Yes/No
11. Eyewitness evidence: Yes/No
12. Corroborating witness: Yes/No
13. Joint CPS (child protective services) and LE (law enforcement): Yes/No
14. Videotaped interview: Yes/No
15. Jurisdiction: England/Australia
16. Strength of evidence
17. Case processing characteristics: Protective services and law enforcement involvement/videotaping of child interviews/medical exams; polygraph administration and results/suspect legal representation

Dependent Variable Sub-groups

DV 1 – Confession

1. Decision to confess/confession obtained: Yes/No
2. Confession outcome: Do not confess/Confess partially/Confess completely
3. Post-conviction confession: No/Partially/Yes
4. The offender admits his responsibility: No/Partially/Yes
5. The offender admits the negative consequences for the victim: No/Partially/Yes
6. Participants attitude toward allegation between full admission and total denial
7. Establish the importance of gaining a confession
8. Confession decision to police: At interview/Subsequently at trial
9. Likelihood of confessing/Confession Rates
10. Extent of confession
11. Offender plea to a sex crime

DV 2 - Empathy/Affect

1. Occurrence of Empathy types: Spontaneous comfort empathy/Continuer comfort empathy/Spontaneous understanding empathy/Continuer understanding empathy)
2. Frequency of Empathy types: Spontaneous comfort empathy/Continuer comfort empathy/Spontaneous understanding empathy/Continuer understanding empathy
3. Occurrence of Empathic Opportunities
4. Frequency of Empathic Opportunities
5. Participants rate extent to which they perceive the attitudes of the interrogator
6. Participants rate the emotional responses experienced during interview
7. Presence of Empathy: Interviewee: Spontaneous Empathy/ Interviewee: Empathic opportunities/ Interviewer: Empathic continuers/ Empathic terminators)
8. Number of emotional utterances made by interviewer during interview
9. How stressful officers report the interview to be
10. Establish the emotional involvement of officers during interviews
11. Establish how much empathy (if any) they would show to the suspect
12. Establish if participants understood the difference between empathy and sympathy

DV 3 - Questioning/Planning

1. Question type: Appropriate/Inappropriate
2. Different questioning strategies: Evidence presenting/Ethical interviewing/Humanity/Dominance/Minimization/Maximisation/Cognitive distortions
3. Transparency of interview process: Caution given/ Use of sketch plans/timelines/Caution after break/Break/Evidence presentation/Understanding of caution/Explanation of interview structure/Add/alter account/Appropriate structure/logical/Allegations introduced early/Planning and preparation/Allegations with detail
4. Appropriateness of questioning techniques: Open ended/Specific/Closed/Minimal encouragers/Leading/Statement – formal/Statement – evidence/Statement – instructive/Statement – clarifying/Imposing/Interruptions/Multiple/confusing/Forced choice/Badgering/Cross-examination/Palmer questions/Invites denial/Hypothetical/Poor language use
5. non-judgemental approach
6. Understanding context

DV 4 – Information

1. Amount of Investigation Relevant Information obtained; People, Action, Location, Item, Temporal

DV 5 – Suspect

1. Offender Personality Type: Psychoticism (P)/ Extraversion (E)/ Neuroticism (N)/ Lie or social desirability responding (L)/ Socialization/Compliance/Self-deception/Other-deception

2. Relationship with Victim: Relation/friend/acquaintance/stranger
3. Offender reported as intoxicated during commission of offence: Yes/No
4. Differences Between Groups on the GCQ-R: External pressure/Internal pressure/Perception of proof/Drug intoxication/Legal rights/Resistance
5. Perceptions of fairness and how well the police interviewed
6. Perceptions of seriousness of the crime

URN.

Analysis of investigative interviews for sexual offences suspects with and without mental disorder

Data Coding Framework – Part 1

Section 1 – Details of Interview

1.1 Interview length in total: ……………… minutes

1.2 No. of previous interviews conducted with suspect: ………………………

1.3 Length of each interview: …………………………………………………

1.4 No. of breaks taken during interview/s: …………………………………..

1.5 Number of Interviewers: ……………

1.6 Interviewer 1: **M/F**   Interviewer 2: **M/F**

1.7 Suspect: Male, over 18 years: **Y/N**

1.8 Suspect mental health status: **MD/NMD**

1.9 Suspect mental health condition: ……………………………………………

1.10 Offence being interviewed for: ……………………………………………

1.11 Other persons present:

Solicitor/Legal	App.Adult	Intermediary	Other (state)
☐	☐	☐	☐

1.12 Interview outcome:

Tick which of the following applies most (one tick only)

Full co-operation (No admission) = suspect is fully engaging and talking in interview but denies the offence, provides alibi or implicates another party.	
Full co-operation (Full admission) = admits personal involvement in whole offence.	
Partial co-operation (No admission) = suspect only partially engaged and talking does not answer relevant questions and denies the offence.	

<mark>Partial co-operation</mark> (admission) = admits elements of the offence or lesser offence but denies full offence.	
<mark>Non co- operation</mark> (No admission) = suspect responds 'no comment' throughout interview.	
Prepared Statement: Y/N	

Section 2 – Engage and Explain

2.1 Did the police officer provide the date, time and location?

Date	Y/N
Time	Y/N
Location	Y/N

2.2 Main interviewer's introduction & role explanation:

Name	Y/N
Rank	Y/N
Police force	Y/N

Name of Unit	Y/N
Role of main interviewer	Y/N

2.3 Identification of all other person/s present and their role:

PRESENT	
Identifies/acknowledges other person/s present	Y/N
Identifies/acknowledges Legal Adviser/Solicitor	Y/N
Identifies/acknowledges Appropriate Adult/Registered Intermediary/other	Y/N
ROLE	
Provides or invites a brief description of their role	Y/N
Provides or invites a thorough description of their role and ensures suspect understanding of their role	Y/N

2.4 Suspect right to legal advice:

Informs suspect of right to free, independent, legal advice (FILA)	Y/N
Provides explanation of right to FILA	Y/N
Asks if the suspect has had enough time to talk to legal advisor or would like to talk to a Legal Advisor if not present	Y/N

Suspect is reminded the interview can be stopped at any time to talk to a Legal Adviser	Y/N
If the legal advisor is not present, explores why legal advisor is not present and reminds of the right to have a legal advisor at any point during the interview should they want one.	Y/N

2.5 Recording procedure and notice:

Informs suspect that the interview is being recorded	Y/N
Explanation of recording procedure	Y/N
Suspect told that they will be provided with a notice at the end, which explains how they can get a copy of the tapes/discs	Y/N
Suspect told that a copy of the tapes/discs will be sent to the legal advisor	Y/N
Suspect told that any questions can be asked to legal advisor/officer about the tapes/discs	Y/N
Suspect informed that the tapes/discs may be played in court	Y/N

2.6 Police caution:

Caution provided	Y/N
Caution explained by being broken down into individual components	Y/N
Suspect is asked questions relating to each individual component of the caution	Y/N
Suspect is encouraged to explain in their own words what the caution means	Y/N
Interviewer reiterates key points of the caution	Y/N
Interviewer liaises with Legal Adviser or Appropriate Adult to confirm they are happy the suspect understands the caution	Y/N

2.7 Explanation of reasons for arrest and interview topics:

Reasons and grounds for arrest explained	Y/N
Relevant law identified for reasons of arrest	Y/N
Interview topics briefly stated	Y/N
Details of interview topics explained in detail	Y/N
Suspect informed the interview is an opportunity to provide their account	Y/N
Details of exhibits to be referred to during the interview are provided.	Y/N
Pre-Interview briefing information summarised	Y/N

2.8 Explanation of interview routines, expectations, topics (route map) and exploration of significant statements:

Details provided regarding interview routines	Y/N
Details provided regarding interview expectations	Y/N
Details provided regarding interview topics	Y/N
Details provided regarding whether any significant statements made	Y/N
Any significant statements are read out to the suspect	Y/N
Suspect is invited to add anything further to significant statements	Y/N
Suspect is informed of interviewers taking notes during the interview	Y/N
Suspect is informed that this is a search for the truth	Y/N

Overall score for Section 2

Low-	Low+	Mid	High-	High+

Section 3 – Account

3.1 First account:

Interviewer asks suspect for first account	Y/N
Interviewer provides encouragement to suspect to provide their first account	Y/N
Appropriate question used to obtain suspects first account	Y/N
Following first account, interviewer asks suspect if they have anything further to add	Y/N
Interviewer thanks suspect for providing their first account	Y/N

Overall score for Section 3

Low -	Low +	Mid	High -	High +

Section 4 – Interviewer Behaviours and interactions

Rapport Building:

4.1 Evidence of empathy by interviewer	Y/N
4.2 Evidence of active listening by interviewer	Y/N
4.3 Evidence of reflective listening by interviewer	Y/N
4.4 Evidence of open, humane, relaxed approach by interviewer	Y/N
4.5 Evidence of personalisation by interviewer	Y/N
4.6 Evidence of good initial contact by interviewer	Y/N

Rapport Maintenance:	
4.7 Number of times empathy shown by interviewer (see sec 5)	■
4.8 Number of incidents of active listening (AL) by interviewer	
4.9 Number of incidents of reflective listening (RL) by interviewer	
4.10 Number of humane interaction (HI) incidents by interviewer	
4.11 Incidents of personification (PI) by interviewer	
Timing and interview phase location of incidents	

Interaction	Time/ Phase	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P
AL										
RL										
HI										
PI										

4.12 Evidence of Communication Accommodation by Interviewer

Did the interviewer demonstrate Language modification, (CAT) during the interview	Y/N
Did the interviewer demonstrate CAT spontaneously	Y/N
Did the interviewer demonstrate CAT after intervention of third party	Y/N

Timing and interview phase location of CAT interactions

Interaction	Time/ Phase	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P

CAT									

4.13 Does the interviewer persist with his/her own hypothesis when the suspect is providing their account: <mark>Y/N</mark>

Interaction	Time/Phase	T/P	T/P	T/P
INT/HYP				

4.14 Did the main interviewer engage in the following behaviours:

Minimization: <mark>Y/N</mark>

Interaction	Time/Phase	T/P	T/P	T/P
Minimization				

Maximisation: <mark>Y/N</mark>

Interaction	Time/Phase	T/P	T/P	T/P
Maximisation				

Overall score for Section 4

Low -	Low +	Mid	High -	High +

Section 5 – Empathic Interactions

5 Timing of Empathic Interactions and location within interview phases

Interaction	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P
EO											
SC											
CC											
SU											
CU											
EOC											
EOT											

Overall Score section 5

Low -	Low +	Mid	High -	High +

Section 6 – Question Types

6.1 Code for question type and function for both interviewers (use FIT)

Appropriate Questions overall total:

Question Type	Interviewer 1			
	Function (TIQ)	Function (TFQ)	Function(RAQ)	Other
Open-ended Q (TED)				
Probing (5WH)				
Encouragers/Acknowledgements				

Question Type	Interviewer 2			
	Function (TIQ)	Function (TFQ)	Function (RAQ)	Other
Open-ended Q (TED)				
Probing (5WH)				
Encouragers/Acknowledgements				

Inappropriate Questions overall total:

Question Type	Interviewer 1			
	Function (TIQ)	Function (TFQ)	Function (RAQ)	Other
Closed questions				
Forced choice questions				
Leading questions				
Opinion/statement questions				
Multiple questions				
Echo statements/questions				

Question Type	Interviewer 2			
	Function	Function	Function	Other

	(TIQ)	(TFQ)	(RAQ)	
Closed questions				
Forced choice questions				
Leading questions				
Opinion/statement questions				
Multiple questions				
Echo statements/questions				

The question type, function, timing and interview phase will be recorded on FIT, if available.

Overall Score section 6

Low -	Low +	Mid	High -	High +

Section 7 – Suspect Characteristics

7.1 How many instances of the following suspect behaviours were there during the interview:

Behaviour	Time/Phase	Context

7.2 Suggestibility		
7.3 Compliance	196	
7.4 Acquiescence		

Overall Score section 7

Low -	Low +	Mid	High -	High +

Section 8 – Investigation Relevant Information (IRI) (case specific detail PALIT) overall total

8.1a. Interviewer 1

	Person	**A**ction	**L**ocation	**I**tem	**T**emporal
Open-ended					
Probing					
Encouragers/Ack.					
Closed					
Forced Choice					
Leading					
Opinion/Statements					
Multiple					
Echo					

8.2

8.1b. Interviewer 2

Did the interviewer ask the suspect about the specific issue of consent to the act investigated

Does interviewer asks about the issue of consent	Y/N
The number of occasions questions on issue of consent occur	
The timing and phase within interview of issue of consent questions	

Overall Score section 8

Low -	Low +	Mid	High -	High +

Section 9 – Closure

9.1 Summary of events and future processes/agenda:

Summary of Interview topics and events	Y/N
Explanation of future processes/agenda	Y/N
Encourages suspect to add anything further to the interview	Y/N
Encourages suspect to ask any questions	Y/N
Suspect is thanked at the end of the interview	Y/N

9.2 Managing the tapes:

Interviewer explains the reason for sealing master tape/disc	Y/N

Acknowledges when tape/disc machine beeps and appropriately informs suspect what that indicates whether at end of tape/disc or due to recording fault	Y/N
Records date and time	Y/N
Provides reminder of the purpose of the tapes, i.e. played in court or transcript	Y/N
Issues notice for the tape to suspect/Legal Adviser	Y/N

Overall Score section 9

Low -	Low +	Mid	High -	High +

Overall Interview Rating Score

Low -	Low +	Mid	High -	High +

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Analysis of investigative interviews for sexual offences suspects with and without mental disorder

Part 1 Data Coding Framework Guidance

Introduction

This guidance is to provide assistance and interpretation for researchers engaged in coding data for Part 1. It is to be used in conjunction with the Coding Framework. It provides reference sources and interpretation assistance for each proposed data point from the data content. The data will be in the form of video/audio/transcript records of real-life suspect interviews for sexual offences. The parameters for inclusion within the data set are as follows; the sexual offence alleged will be rape or attempted rape or sexual assault by penetration of an adult or child, the suspect (interviewee) will be over the age of 18 years and will be in two groups those with an identified mental health disorder and those without. The data format will be a factor in how the framework can be applied and guidance on each will be provided.

The aim of the coding in Part 1 of the study is to identify the presence or absence of factors within an effective investigative interview. The factors will all fall under one or more headings within an effective interview hierarchy, these are; *Legal*, *ethical*, *structural* and *interactional*. The sections follow the linear progress of a structured PEACE[4] investigative interview. It is not proposed in this study to look at the planning and preparation phase. Each section will have a brief overview and each coded element explained in detail. There is a notes section at the end to record any observations or expand on a coding decision.

Warning: These interviews may contain graphic and distressing descriptions of sexual offences. If you may be affected by the content of any interview, please speak to the lead researcher or supervisor before commencing any coding.

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[4] **P**lanning & Preparation, **E**ngage & Explain, **A**ccount Clarify & Challenge, **C**losure, **E**valuate

Section 1- Details of Investigation

Sections **1.1** to **1.12** form the overview of the interview record to be coded and provide context to the later sections. It will not form part of the overall scoring matrix

1.1 *Interview length in total* – The total interview duration in minutes (round down if <30 secs and round up if >30 secs) to complete the interview with the suspect regarding the offence under investigation. This should be taken from the electronic timing marker or recording on the disc/tape. Check before commencing if the interview was completed as one or whether other discs/tapes may need to be accounted for in the total time. The total interview time should be considered as the interview with the particular suspect regarding the original allegation to be completed. If there is indication that the suspect is to be interviewed regarding an unrelated matter then this should be recorded in the notes section and coding finished at closure of the primary allegation. This may occur for example if evidence of another offence comes to light during a premises search, such as drugs or stolen property.

1.2 *Number of previous interviews conducted with suspect* – The overall number of interviews conducted with the suspect regarding the offence under investigation. These may have taken place on separate occasions but must relate to the same offence.

1.3 *Length of each interview* – The combined interview times should agree with the total interview duration at **1.1**. This data is necessary to identify variation across different interviews separated in time. Interviews relating to the same offence may be separated by a considerable time period if a suspect is bailed pending enquiries.

1.4 *Number of breaks taken during interview/s* – This total should include short breaks taken within a single interviewing session and breaks as a result of multiple interview

sessions within one period in custody. Interviews separated by different periods in custody (Bail to return) should not by counted as a break.

1.5 – 1.6 provide information on the interviewers. A separate sheet with the coding URN number will be retained with the source interview and will contain identifying details for the interviewing officers (To enable contact for part 2 of the study).

1.5 *Number of interviewers* - This is the number of interviewers present in the interview room during the interview. If the individual officers conducting the main interviewer role changes over the course of the interview the interview should be disregarded from the data set.

1.6 *Interviewer Gender* - This will be relevant to determine whether gender has significance in any differences in type or frequency of empathic behaviours identified. Gender differences have been noted in previous research (Baron-Cohen & Wheelwright, 2004; Dando & Oxburgh, 2016).

1.7 *Suspect M O/18 years: Y/N* – Any female or person under the age of 18 years at the time of interview should be excluded from this data set. The reason for this is that the incidence of female suspects investigated for the offence criteria is extremely low and the custody/interview processes for juveniles are sufficiently different to effect the conduct of interview. Appropriate adults should always be present in juvenile interviews.

1.8 *Suspect mental health status* – This information should be indicated by the presence of an appropriate adult in the interview and/or information indicating that police have identified and acknowledged the mental disorder. If there is no such indicator the interviewee should be marked as having no mental disorder (NMD). If clear references to mental health issues are made by the interviewee contrary to their status, record the time and details in the notes section of the framework.

1.9 *Suspect mental health condition* - As reported within police records or disclosed within interview.

1.10 *Offence investigated* - The offence investigated should be a completed or attempted sexual offence of rape or assault by penetration. The alleged victim can be an adult or child and be female or male.

1.11 *Other persons present* -

Solicitor/Legal Advisor: The presence or absence of this individual is relevant for comment on the issue of autonomy of decision by the suspect. The decision to co-operate or not throughout an interview and/or the use of a prepared statement will be made together with advice from the solicitor. The decision process is of interest as research indicated that the approach taken by an interviewer may influence the suspects decisions (Holmberg & Christianson, 2002; Snook, Brooks & Bull, 2015; Kebbell, Hurren & Mazerolle, 2006).

Appropriate Adult: The presence of this individual is relevant as it may be a strong indication of mental disorder given that all suspects in sample data will be over 18 years old.

I*ntermediary*: The presence of this individual is relevant as a clear indication of communication issues and may be a strong indication of mental disorder.

Interpreter/social worker/other: For mention only.

1.12 *Interview outcome* -

Fully co-operative (No Admission) - The suspect remains engaged and answers questions throughout the interview. Examples would include; providing an alibi or denying the

offence while providing alternative explanation. The suspect provides a full and fine grain detail account of their explanation/defence with sufficient information to instigate lines of enquiry. Example – '*At 10pm I left my friends Jack and Tony at the Red Lion and the cab took me home. It was an Uber cab and I have the message on my phone as I checked*.'

Fully co-operative (Full Admission) - The suspect remains engaged and answers questions throughout the interview. The suspect provides a full and fine grain detail account of their involvement in the alleged offence with sufficient information to instigate or confirm lines of enquiry. Example – '*I saw her get off the bus and when she crossed the road I followed her until she was next to the parked car I then punched her from behind and pushed her to the floor*.'

Partial co-operation (No admission) - The suspect is selective about engaging with the interviewer and provides answers during some sections of the interview. They deny involvement in alleged offence but provide no supporting information. Example – '*I was out at the club that night with some mates, but I don't want to involve them. I may have spoken to her but I never went anywhere with her, I never touched her*.'

Partial co-operation (Admission) - The suspect is selective about engaging with the interviewer and provides answers during some sections of the interview. They admit some involvement in alleged offence but provide information of material difference to the allegation. Examples – '*I remember having a conversation with her online but I can't remember checking how old she was*'; '*I did go back to the flat with her and slept there. We were both drunk and I may have touched her but I didn't rape her*'.

Non co-operative (No Admission) - The suspect does not engage and does not answer questions - *No comment*.

Prepared Statement – Y/N The presence of a prepared statement is indicative of a decision made with the benefit of legal advice. It should set out the suspects position without exposure to the risks of the account being tested by questioning.

Section 2 – Engage and Explain

2.1 – **2.8** This section is largely regulated by the Police and Criminal Evidence Act 1984, Codes of Practice, Code C (Detention, treatment and questioning), Code E (Audio interviews) and Code F (Visual interviews). These codes provide statutory guidance to police on the procedures to be observed when enacting their powers. Failure to comply can lead to evidence, e.g. recorded investigative interviews being ruled inadmissible. An effective interview therefore should comply with these codes. This section will form part of the overall interview score.

2.1 *Did the police officer provide the date, time and location* – Code C, 11.7, 12.7 Code E, 4.4

2.2 *Main interviewer introduction & role explanation* – Code C, 11.7, 12.7 Code E, 4.4

2.3 *Identification of all other person/s present and their role* – Code C, 11.7, Code E, 4.4

2.4 *Suspect right to legal advice* – Code C, 11.2, Code E, 4.5

2.5 *Recording procedure and notice* – Code C, 11.7, Code E, 4.4

2.6 *Police Caution* – Code C, 10.1, Code E, 4.5

2.7 *Explanation of reasons for arrest and interview topics* – Code C,11.1A, Code E, 4.1

2.8 *Explanation of interview routines, expectations, topics (route map) and exploration of significant statements* – Code C, 11.4 Code E, 4.6

Overall score for Section 2

The sections above are divided into 45 separate Yes/No options. The total yes options should be counted and the score entered in the box.

Low -	Low +	Mid	High -	High +
0-9	10-18	19-27	28-36	37-45

Section 3 – Account

This section is grounded in the research finding that the most accurate memory recall will be obtained through initiating a free recall by means of an appropriate open question (Fisher, Geiselman & Raymond, 1987;Griffiths & Milne, 2006;Oxburgh, Myklebust & Grant, 2010).

3.1 *First account:*

Overall Score for Section 3

This contains 5 sections with a yes/no option. The total yes options to be scored and placed in the box.

Low -	Low +	Mid	High -	High +
0-1	2	3	4	5

Section 4 – Interviewer behaviours and interactions

Rapport building:

This section looks at specific evidence of core skills such as rapport building behaviours and pro-social interaction required for good interviews (Bull & Soukara, 2010). This skill is considered of particular importance when interviewing suspects for sexual offences or those that are psychologically vulnerable (Gudjonsson, 2006; Gudjonsson, 2003). An exception to this may be in cases where the suspect has psychopathic traits (Quale, 2008). The sections **4.1** to **4.6** identify behaviours associated with building and maintaining rapport (Vanderhallen & Vervaeke, 2014).

4.1 *Evidence of empathy by interviewer* – This will be dealt with in detail in section 5 if the option is yes then this must be reflected in the entries in section 5.

4.2 *Evidence of active listening by interviewer* – This includes non verbal communication beyond the scope of this study. The use of utterances, such as 'hum', 'ok' and 'I see' are evidence of active listening if used to encourage continuance by the suspect. Other examples could be use of echo probing by use of minimal key words from the suspects narrative to encourage continuance, e.g. Susp "I stopped by the door as it was open…" Int "the door was open…"

4.3 *Evidence of reflective listening by interviewer* – The ability to accurately reflect something the suspect has said to encourage further discussion or clarification (Alison, Alison, Noone, Elntib & Christiansen, 2013) This is evidenced by the use of summaries indicating and checking understanding of the information the suspect has provided, e.g. int " You stopped to get some money at the cashpoint before you went to the pub, have I got that right?"

4.4 *Evidence of open, humane, relaxed approach by interviewer* – This would be evidenced by respecting the autonomy of the suspect. Use of the preferred name of the suspect during the interview. Adhering to ground rules e.g. by not talking over suspect. Reacting to needs outside interview objectives e.g. "If it gets to hot or uncomfortable just let me know and we can take a break". Remaining calm if subject to hostility, anger, abuse by suspect.

4.5 *Evidence of personalisation by interviewer* - This may be evidenced by interviewer sharing some personal information with the suspect e.g. int " My sons the same, I can't get a sensible word from him once he starts playing Fifa"

4.6 *Evidence of good initial contact by interviewer* – This is evidenced by how the interviewer uses the formal engage and explain phase to interact with the suspect. Use of name, checking understanding and comfort e.g. " David, thank you for confirming your understanding of the caution, don't worry, I will remind you of the caution if we have a break for any reason. Please let me know if you want to have a break at any time…"

There are 6 sections containing yes/no options

4.7 to **4.11**

These sections are to record the time and the interview phase that these behaviours are recorded. This is to identify the maintenance of rapport behaviours throughout the interview process.

Timing should be from the initiation of the specific behaviour taken from the electronic timing marker.

The location phase within the interview will be identified using the following codes for all relevant sections:

EE - Engage & Explain

FA - First Account

TP - Topic Probing

CC - Clarify & Challenge

4.12 *Evidence of Communication Accommodation by interviewer*

This is evidence of particular importance when dealing with vulnerable suspects with mental disorders. Communication Accommodation Theory (Gallois, Ogay & Giles, 2005; Myers, Giles, Reid & Nabi, 2008) indicates flexibility and accommodation in interactions on the part of the interviewer are likely to lead to more trust and impressions of competence. It would include ensuring that the suspect has understood the question posed e.g. int " I'm sorry, my fault, I did not ask that question in a clear way. Did you meet Billy yesterday?"

Timing should be from the initiation of the interaction taken from the electronic timing marker.

The location phase within the interview will be identified using the codes for all relevant sections outlined above.

4.13 *Does the interviewer persist with his/her hypothesis when the suspect provides their account.*

This is to evidence the potential presence of confirmation bias e.g. int " You got her drunk and when she was asleep you got in bed and raped her, didn't you".

Timing should be from the initiation of the interaction taken from the electronic timing marker.

The location phase within the interview will be identified using the codes for all relevant sections outlined above.

4.14 *Does the interviewer engage in the following behaviours:*

Minimization; Maximisation – These are negative behaviours that are likely to lead to psychological pressure on the suspect and the possibility of false admissions or confessions occurring, particularly with vulnerable suspects (Irving & Hilgendorf,

1981;Gudjonsson, 2003). Minimization is the use of language to detract from the severity of the allegation e.g. int ' It is easy to lose all your inhibitions when drunk, I am sure you would not have done that otherwise, would you? Maximisation is the emphasise on the severity of the crime also the potential for a significant sentence if convicted e.g. int ' This is serious, we cannot help you if you won't help us, you could go to prison for years'

Overall score for Section 4

The sections above are divided into 9 separate Yes/No options. The total yes options should be counted and the score entered in the box. **Be aware** the 3 Yes/No option questions for **4.13** and **4.14** are negative behaviours and therefore a No should be the scoring option for these questions

Low -	Low +	Mid	High -	High +
0-2	3-5	6-8	9-11	12

Section 5 – Empathic Interactions

Empathic Interactions

This section is a brief overview as to whether the interviewer used any of the four empathy interaction types; *spontaneous comfort* (SC), *continuer comfort* (CC), *spontaneous understanding* (SU) and *continuer understanding* (CU) (Dando & Oxburgh, 2016). Additionally, whether the suspect provides *empathic opportunities* (EO) and the interviewer

responded to these with use of an *empathic opportunity continuer* (EOC) or an *empathic opportunity terminator* (EOT)(Oxburgh & Ost,2011).

Empathy Type	Example
(SC) spontaneous comfort;	*If you want any more time let me know I can stop the tapes and let that happen…*
(CC) continuer comfort	*Do you think you are able to carry on, or would you like to take a break…*
(SU) spontaneous understanding	*I appreciate how difficult this situation must be for you, but it is important that you try to remember what happened…*
(CU) continuer understanding	*I can see that you are upset, can I help you in any way, what can I do to help?*

Empathy type	Example
(EO) Opportunity	*I am finding this whole process extremely difficult to deal with…*
(EOC) Continuer	*That's ok, I completely understand how difficult it is, but please try and stay focussed…*
(EOT) Terminator	*I don't care how difficult this is for you, just answer the question…*

Overall Score for Section 5

The scoring for this section will be a score for each different interaction behaviour noted. The empathic interaction will be studied in greater detail. This is just to assist in an overall grading score. It should be noted that EOT is a negative score so if there are EOT within the interview a mark should be taken away, this is why the grid below only extends to 6 marks.

This contains 5 sections with a yes/no option. The total yes options to be scored and placed in the box.

Low -	Low +	Mid	High -	High +
0-1	2	3	4	5-6

Section 6 – Question Types

Open Questions (sometimes known as 'TED' questions- tell, explain, describe) can be defined as those which allow a full range of responses and are framed in such a way that the suspect is able to give an 'open' and unrestricted answer (Milne & Bull, 1999).

Probing Questions (sometimes known as identification questions or as '5WH' – what, where, when, why & how) normally require a more topic-specific answer than open questions and are extremely useful when attempting to follow-up or obtain further detail from a previous question (Dickson & Hargie, 1997; Griffith & Milne, 2006). The category which was also added to this question type.

Encouragers/acknowledgers are use by the interviewer to encourage the suspect to continue talking OR acknowledges something the suspect has previously stated.

Echo Questions can be defined as a repeat of the words used by the suspect, which are then echoed by the interviewer in the follow-up probe to the suspect (Fiengo, 2007).

Closed Questions 'close down' the range of responses available to a suspect and can be responded to (although not always) with a 'yes' or 'no' answer (Dickson & Hargie, 1997).

Forced Choice Questions only offer the suspect a limited number of possible responses, none of which may include the correct option.

Leading Questions entice the suspect to an expected or desired response and are assumption-laden.

Opinion/Statement Questions pose an opinion or involves putting a statement(s) to the suspect, as opposed to asking a specific question (Griffiths & Milne, 2006)

Multiple Questions (sometimes known as multipart questions, (Kebbell, Hatton & Johnson, 2004) are ones which constitute a number of sub-questions (2 or more) asked all at once.

The following question function codes will be used; Topic/Account Initiation questions (TIQ), Topic/Account Facilitation Questions (TFQ) and Restricted Answer Questions (RAQ) from (Oxburgh, Myklebust, Grant & Milne, 2016).

TIQ – used to introduce new topics or initiate free recall.

TFQ – may or may not elicit new information and serve not to introduce a new topic but to progress an existing topic.

RAQ – mostly feature in No Comment interviews act as a follow up to information provided by the interviewer.

The questions will be coded using the Forensic Interview Trace (FIT) and will provide an overall score for section 6 based on the level of appropriate questions used by type and function.

Section 7 – Suspect Characteristics

This section is included as the mental health status of the suspect is a particular independent variable within this study. Research has shown a relationship between mental health issues and possible behaviours in interview such as suggestibility, compliance and acquiescence (Gudjonsson, 2003). Suggestibility is the quality of being inclined to accept and act on the suggestions of others and can occur in response to leading questions e.g. int: 'you then threw the bag in the skip, didn't you' susp ' I don't remember where the bag went, but I must have thrown it in the skip '(proposition accepted and believed by suspect). Compliance is the tendency to go along with propositions, requests or instructions e.g. int ' You waited at that bus stop deliberately so you would meet her when she left school..' susp ' yeah, ok if you say so'. Acquiescence is the acceptance or agreement without objection e.g. int ' The car was a red mini ' susp 'yes it was red' int ' or a silver ford' susp 'yes it was a silver ford.

Overall Score for Section 7

This contains 3 behaviours. The scoring for this section will be 1 mark for each behaviour as the interviewer should avoid all interactions that may lead to these suspect behaviours.

The total marks to be scored and placed in the box.

Low -	Low +	Mid	High -	High +
3	2	1	0	0

Section 8 – Investigation Relevant Information (IRI)

Case Specific Information

Person (The Who): Any information about people (e.g. names, age, clothing, appearance, shoes, hair, tattoos, voice, accent, injuries, profession etc). Can refer to witnesses, suspects, self, victim, bystander, etc.

Action (The How): Any information that describes an action in some way (e.g. 'I went to the house', 'I gave her a cuddle', 'I smashed the brick over her head'). Could include offence related or unrelated actions.

Location (The Where): Information relating to places (e.g. address, streets, houses, descriptions of same, etc). Could include where the offence took place, where suspect, victim or witness lives, work addresses, alibi addresses etc.

Item information (The What): Any information that describes an item used, or mentioned, by the suspect. Could include weapons, drugs, alcohol, animals, furniture items etc. NOT PERSON SPECIFIC ITEMS LIKE TATTOOS.

Temporal (The When): Any information that relates to date, times, before, after, later, following etc. Not person specific age (in years- this should go into Person information).

The issue of consent is of critical importance in many sexual offence investigations (Stern, 2010). All offences within this study with adult victims require the issue of consent to be present evidentially. Offences against children differ in that proof of age will remove the evidential burden of consent.

Overall Score for Section 8

This contains 6 separate information categories with the inclusion of consent. The total number of categories included within the interview to be scored and placed in the box.

Low -	Low +	Mid	High -	High +
0-1	2	3	4	5-6

Section 9 – Closure

The closure of the interview is important in order to ensure that the suspect has had opportunity to provide their full and detailed account and that any ambiguities and misunderstandings are resolved. The maintenance of rapport and a working relationship also remains important. There are also legal requirements to be observed.

9.1 Summary of events and future processes/agenda allows the interviewer to review the interview and ensure that the suspect has the same understanding of the interview process. It is the opportunity for the suspect to make any final statement and reinforces their autonomy of decision.

9.2 Managing the tapes this covers the legal requirements of the PACE Codes of Practice