

## Book Review

### **Communication in Investigative and Legal Contexts: Integrated Approaches from Forensic Psychology, Linguistics and Law Enforcement**

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#### ***Communication in Investigative and Legal Contexts: Integrated Approaches from Forensic Psychology, Linguistics and Law Enforcement***

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*Communication in Investigative and Legal Contexts: Integrated Approaches from Forensic Psychology, Linguistics and Law Enforcement* is the newest addition to the Wiley series in the Psychology of Crime, Policing and Law, which is committed to publishing volumes that research and promote best practices in international investigative interviewing techniques. The intended audiences for this series are psychologists and “all those concerned with crime detection and prevention, policing and the judicial process” (p. ii).

Aptly, the editors of this compilation – Dr. Gavin Oxburgh, Forensic Psychologist; Dr. Trond Myklebust, Assistant Chief of Police; Dr. Tim Grant, Forensic Linguist; and Dr. Rebecca Milne, Forensic Psychologist – state that their purpose is:

to provide readers with an in-depth coverage of the complex area of communication in forensic contexts. This includes the investigative interviewing of victims and witnesses, the investigative interviewing/interrogation of suspected offenders and high-interest groups, during discourse in courtrooms and via legal intermediaries and interpreters (p. 6–7).

In order to accomplish these aims, the editors bring together scholars in an insightful new way. Rather than compiling chapters on a central theme written by individual scholars from different disciplines, in this volume, the editors created interdisciplinary teams

of two-to-four writers for each chapter, which were comprised of researchers from a variety of academic fields (e.g., psychology, criminology, applied cognition, linguistics, and law), public service (e.g., state and federal police, military intelligence), and private practice (e.g., government consultancy, interpreters, lawyers). Authors were also from a variety of international locations (e.g., Australia, Canada, Finland, the Netherlands, New Zealand, Norway, the United Kingdom, and the United States), giving the compilation more applicability for a wider audience.

Tracing the long history of research on investigative interviewing from Stern's (1904) original study, the editors highlight the volume's emphasis on multidisciplinary diversity in their introduction through their two primary goals: "to improve the quality of the interview and bridge the gap between the fields of psychology, law enforcement and (forensic) linguistics" (p. 2). They outline where the area of investigative interviewing currently stands in terms of best practices and they acknowledge global organizations such as INTERPOL, CEPOL, IPES, and IIRG that continue to aid in the professionalization of such practices. The result of these efforts is a highly original volume that reviews a broad array of literature, presents a wide range of interdisciplinary perspectives, and suggests relevant and timely directions for best practices in research and application of investigative interview techniques.

The book is organized thematically into six sections: I. Communication, Language and Memory (chapters 2–3); II. Communicating with Victims and Witnesses (chapters 4–6); III. Communicating with Suspects (chapters 7–8); IV. Communicating in the Courtroom (chapters 9–10); V. Specific Communicative Tasks (chapters 11–14); and VI. Conclusions and Future (chapters 15–16). While the ordering of and connection between the individual chapters within each theme is not always clear, the chapters themselves provide in-depth examinations of their stated topics. Thus, in order to highlight the strengths and contributions of each chapter *and of the compilation as a whole*, the following review provides an overview of the chapters according to a few currently unstated, but important themes for readers that may help align the research contained within the volume in a new way.

### *1. An Overview of Common Methods of Interview and Interrogation*

There are two chapters that provide excellent historical accounts and summaries of the main methods of police interviewing: chapter 7, "Interviewing Suspected Offenders" (Oxburgh, Fahsing, Haworth, and Blair), and chapter 5, "Interviewing Adult Witnesses and Victims" (Dando, Geiselman, MacLeod, and Griffiths).

While located mid-way through the book, chapter 7 provides an excellent introductory frame to the rest of the chapters in the volume. The authors begin by describing the worldwide miscarriages of justice that have resulted from poor interview strategies (Kassin and Gudjonsson, 2004). They review the long-standing acceptable tradition of using torture up until as recently as 1984 when the United Nations Convention Against Torture was ratified. However, even despite such international progress, they cite statistics from Amnesty International that still report widespread abuse within criminal justice systems, with the U.S., Russia, China, and Turkey, among others, leading allegations of torture (Conrad *et al.*, 2014).

Given the clear need to address this persisting issue, the authors summarize the two main forms of interview techniques that currently exist: the Reid Technique, which began in 1947 and is commonly used across the U.S. and in parts of Canada; and the PEACE Model, which was adopted in the early 1990s and is used across England, Wales, New Zealand, Australia, Norway, and the Netherlands.

The authors describe the primary stages of the two methods with the Reid Technique focusing on interrogation – “a guilt-presumptive process and a closed social interaction led by an authority figure who already believes in the perpetrator’s probable guilt” (p. 146) – and the PEACE Model focusing on investigative interviews – a process wherein victims, witnesses, or suspects are interviewed in a search for the truth. Since the authors argue that all interviews should be investigative interviews regardless of interviewee status (e.g., suspect, eye witness), this chapter perfectly starts the discussion for the remainder of chapters that follow.

Also providing an overview of investigative interviewing methods is chapter 5, which describes two successful approaches to the interviewing process within the PEACE Model. The first is performing a cognitive interview in order to obtain an interviewee’s account with minimal interference from the interviewer. The second is using conversation management in order to allow the interviewer to both control and manage the interview. The former approach is used with cooperative witnesses while the latter is used with reluctant or uncooperative ones—the aims of both are to gather information in a non-confrontational manner.

Each method is built upon current well-tested scientific principles and contributes to an investigator’s “toolbox of techniques designed to elicit specific kinds of information” (p. 82). That said, the authors also address how problems can arise when memory retrieval processes are improperly used or when an interviewer reverts to improper question formats. Challenges also arise when such techniques are applied with vulnerable witnesses.

## *2. Information Gathering Techniques*

Covering various methods of gathering information in different interview contexts are chapter 2, “Exploring Types and Functions of Questions in Police Interviews” (Grant, Taylor, Oxburgh, and Myklebust), chapter 6, “The Role of Initial Witness Accounts within the Investigation Process” (Gabbert, Hope, Carter, Boon, and Fisher), chapter 8, “A (Nearly) 360’ Perspective of the Interrogation Process: Communicating with High-Value Targets” (Narchet, Russano, Kleinman, and Meissner), and chapter 11, “Hostage and Crisis Negotiation, Perspectives on an Interactive Process” (Braten, St-Yves, Royce, and Laforest).

The authors of chapter 2 examine the inadequacies of traditional typologies of question types within police interviews that are based on “words” as opposed to “function” (p.18). Word-based taxonomies, for example, are those found in *The Practical Guide to Investigative Interviewing* (Centrex, 2004) a commonly used police training manual in the UK. Questions are categorized as: open (beginning with the “wh” question words), closed (requiring a yes/no response or a closed-set answer), and leading (suggesting an answer). The stated functions of such questions are to elicit information and establish its credibility.

However, questions can serve a multitude of additional functions such as “making assertions”; “performing requests, corrections, and challenges”; and “demonstrating power and control” (p. 18). Therefore, the authors perform an original analysis of the account phase of five suspect interviews. Using Conversation Analysis, they reveal two main functional question types: topic initiation questions and topic facilitation questions. These findings supplement Heydon’s (2011) work on the use of topic initiation questions to control the suspect and further support the need to recategorize questions by topic management instead of question type.

Chapter 6 describes the stages a witness may go through during an event, the kinds of interactions he or she may experience, and how methods of information gathering during initial encounters with a witness may affect later ones. For example, during the first stage, the witness may engage with a police emergency call handler, the success of which has been linked to the call handler’s use of a script to gather information (Leeney and Müller-Johnson, 2011). During the second stage, witnesses will engage with front line responders, many of whom are hampered by a lack of extended interview training, time due to the situation, or personnel to appropriately cover the number of witnesses. In this case, Self-administered Interviews were found to have positive results for engaging with multiple witness in major crime events (Gabbert *et al.*, 2009).

The final two chapters on information gathering focus on high-stress, sensitive context techniques. Chapter 8 focuses on intelligence interviews in the context of the global war on terror, drawing on prior interviews with interrogators, interpreters, and analysts (Russano *et al.*, 2014a,b). The authors preform a qualitative analysis of the issues identified by survey participants when interviewing high-value targets and recommend training for such professionals using a systems-based framework (Senge, 2006) that “serves as a vehicle for better understanding the overarching interrogation process and how that process might be enhanced through organizational learning” (p. 175).

Chapter 11 highlights successful crisis negotiation models used by law enforcement organizations such as the NYPD’s “Talk to me” and the FBI’s “*Pax per conloquium*” (‘resolution through dialog’) that focus on communication (St-Yves and Collins, 2012). They demonstrate how negotiators can successfully change potentially volatile behavior through models that promote active listening, express empathy, build rapport, and finally influence the subject (Vecchi *et al.*, 2005). The authors of chapters 8 and 11 highlight the importance of building rapport, using open-ended question strategies, and creating a positive, relaxed communication style to aid in achieving a successful outcome in high-stress contexts.

### 3. Reliability and Credibility of Witness Testimony

Four chapters contribute to the theme of witness reliability and credibility through discussions of how a witness’s memories and narratives are constructed in and affected by various criminal and legal contexts: chapter 3, “Recall, Verbatim Memory and Remembered Narratives” (Ost, Scoboria, Grant, and Pankhurst), chapter 4, “Interviewing Child Witnesses” (La Rooy, Heydon, Korkman, and Myklebust), chapter 9, “Courtroom Questioning and Discourse” (Henderson, Heffer, and Kebbell), and chapter 12, “Verbal Lie Detection” (Vrij, Taylor, and Picornell).

Chapter 3 is the foundational chapter for this theme. While this chapter is highly psychological in orientation, it provides a very accessible review of current understanding of the general stages of memory (i.e., encoding, storage, and retrieval) and of the different kinds of memory (i.e., semantic, procedural, episodic, and future). The authors focus on episodic memory – the what, where, and when of past events (Tulving, 2002), which is most relevant to the context of witness testimony.

Given the range of literature that has problematized the reliance on memories of recalled events in witness testimony (e.g., Bernstein and Loftus, 2009), the authors examine three stages in memory retrieval: remembering, validation, and communication (Blank, 2009), and discuss strategies for overcoming limitations of each within interview settings. For example, avoiding the repetition of questions on a particular topic has proven to increase witness certainty of recalled memories (e.g., Ackil and Zaragoza, 2011). Similarly, since this is a potentially new setting for the interviewee, telling them that a response of “I don’t know” is encouraged, if that is the case, provides more accurate information during an interview (e.g., Waterman *et al.*, 2004).

With this psychological foundation to understanding the role of memory in criminal and legal contexts, chapters 4 and 9 highlight specific instances where problems with recall or remembered narratives affect various parts of the legal process. Chapter 4 examines issues of suggestibility, recall, and communication strategies with a specific vulnerable population: child witnesses. Specifically, if investigators are not aware of best practices for interviewing children at their various stages of development, which differ dynamically from those of adults, problems will arise that affect memory and can result in false or forgotten memories.

For example, interviewers need to be aware of regional and developmental differences in phonology that may affect interviewer comprehension, in comprehension of vocabulary related to time, in the ability to comprehend complex sentence structure or pronouns, and in pragmatic understanding of the purpose of the interview. As in other chapters, being well-prepared, using rapport building strategies (appropriate for children), asking open-ended questions, and providing frequent summaries of the witness’s narrative have been found to provide the most accurate recall. Accessing freely available, scientifically-tested training protocols such as the NICHD specific for child witnesses (e.g., Lamb *et al.*, 2008) are recommended.

Chapter 9 problematizes reliance on memories in witness testimony, particularly in the context of cross-examinations in court. It has been well-attested that cross-examination strategies such as using suggestive questioning techniques that can lead to reduced witness accuracy in recalling and retelling past memories (e.g., Loftus, 1996; Gudjonsson, 2003), ultimately affecting a witness’s credibility in the eyes of the jury. The authors problematize this issue by highlighting the fact that cross-examiners are not only trained to use such strategies but that they do so purposefully in order to manipulate witnesses (Heffer, 2005). The authors call for change within the overall courtroom process (e.g., providing a more relaxed atmosphere, using plain language) in an effort to move lawyers from current cross-examination strategies that affect witness recall to a more evidence-based cross-examination model.

Finally, chapter 12 focuses on how reliable particular deception detection models are in actually detecting deception in witness statements. While current models such

as Criteria-based Content Analysis, Reality Monitoring, and Scientific Content Analysis have been found to have mixed results in discerning liars from truth-tellers, the authors present a new approach that has been found to have promising results: the Verifiability Approach. This approach is based on the premise that truth-tellers provide more verifiable details than liars, especially when interviewees are told of this method in advance of providing a witness statement (e.g., Nahari and Vrij, 2014). The authors follow up by presenting strategies for encouraging witnesses to provide more information under a heavier cognitive load in order to support the use of such a model for detecting deception in witness statements, thereby providing stronger witness reliability.

#### *4. Working with Experts and Interpreters*

Within this theme, there are three chapters that address aspects of working with professionals outside traditional law enforcement and legal roles: expert witnesses in chapter 10, “Expert Witness Communication” (Fadden and Solan); intermediaries in chapter 13, “Vulnerable Individuals, Intermediaries and Justice” (O’Mahony, Marchant, and Fadden); and interpreters in chapter 14, “The Interpreter-Mediated Police Interview” (Fowler, Vaughan, and Wheatcroft).

The authors of chapter 10 examine the interaction between lawyers and experts in adversarial systems and highlight their complementary, but conflicting goals. Specifically, lawyers would like the analyses of their expert witnesses 1) to be credible, 2) to be comprehensible to a lay jury, 3) to provide strong support for the lawyer’s case, and 4) to withstand potentially difficult cross-examination methods. These goals are mirrored in leading handbooks on trial advocacy that teach law students how to communicate and work with expert witnesses (e.g., Mauet, 2013). However, while experts align with the first goal, goals two and four may be more difficult to accomplish due to the precise nature of academic language and methods of presenting scientific findings, and goal three contradicts the lawyer’s underlying purpose of employing an expert, whose goal is to provide scientifically-grounded, objective analysis of the evidence.

The authors additionally provide a concise review of the legal standards by which experts are accepted in court in the U.S. and Canada – in comparison to those in the U.K. – and suggestions for reform are called for to lessen the conflicting goals in this legal context.

Chapters 13 and 14 discuss the use of intermediaries and interpreters in police interviews and in court. Chapter 13 particularly outlines research from England, Wales, Australia, and Canada supporting the need to increase support for registered intermediaries – trained professionals from psychology, speech pathology, social work, nursing, and teaching, among other disciplines, who aid a witness and legal professional in situations where communication and comprehension need facilitating. Drawing on Eades’ (e.g., Eades, 1992, 2008 extensive work on cross-cultural miscommunications in court, the authors detail two case studies that present examples of and rationales for using various communication strategies in which intermediaries are trained during trial with vulnerable witnesses such as children, non-native speakers of the language, and adults with intellectual disabilities.

Similarly, chapter 14 outlines problems with and successes of integrating interpreters into the interview process from two perspectives: police and interpreters. The

authors point out that while police in the UK are used to working closely with interpreters throughout the investigatory process, they have little formal advice on how to do so. As such, problems can arise when interpreters are used during cognitive interviews, for example, given the nature of the open-ended narrative process required of such interviews. The authors offer two possible solutions: interpreting a witness's message simultaneously in a low voice (Colin and Morris, 1996) and taking extended notes of the witness's narrative before interpreting (Hale, 2007). Similar problems can arise during the translation of a written statement in court if an interpreter does not have knowledge of the appropriate register of a witness statement (Hale, 2007), which may affect the way a jury views the witness.

### *5. Conclusions and Future Directions*

The final two chapters (15 and 16) summarize directions for future research identified by the authors within the volume, especially as they relate to best practices for improving cognitive interviewing techniques. Specifically, chapter 15, "Improving Communicative Practice: Beyond the Cognitive Interview for Adult Witnesses" (Westera and Powell), reviews research on the Cognitive Interview process and presents more nuanced aspects of the process that still need further research. Such areas include examining best strategies for different interview contexts, various levels of interviewer expertise, requirements of different crime types, availability of recording devices, and type of interviewee. In chapter 16, "Communication in Forensic Contexts: Future Directions and Conclusions", the volume's editors conclude by addressing areas of research they believe to be important for continued progress within the field. Areas include ways to streamline and standardize investigative interviewing procedures, work more successfully with vulnerable witnesses, and integrate intermediaries such as experts and interpreters more seamlessly into the legal process. They conclude by highlighting the absolute necessity of interdisciplinary collaboration between researchers and practitioners in both legal and law enforcement contexts.

### *Assessment of the Volume*

Overall, this volume provides a unique, insightful compilation of chapters that encourage the continued development of more effective techniques of investigative interviewing. This is demonstrated by the multidisciplinary perspectives throughout as well as by the rich avenues for future research presented at the end of each chapter and in the final two chapters of the book. That said, there are three areas that could be strengthened—all of which are related to organizational cohesion.

First, as noted previously, there are different thematic ways that the individual chapters could have been organized that may have highlighted the strengths of each more effectively. Given the diverse range of audiences for whom this book is intended, the editors could have provided suggestions for different thematic groupings in the introduction that may have aided those from different perspectives in academia and practice—psychology, linguistics, law, and law enforcement – in their approach to accessing the materials most beneficial to their differing needs. Since the individual chapters are extremely thorough and well-written, providing options for additional thematic orga-

nizations would help highlight each chapter's contribution to the differing needs of the book's different audiences.

Second, while compiling an edited volume of *singly-authored* chapters by multidisciplinary authors is a daunting task, compiling one of *multiply-authored* chapters by multidisciplinary authors is an even greater one. Because of this challenge, there is a considerable amount of overlap between the literature reviews and historical coverages in many of the chapters. For example, as noted by the authors of chapter 2, “[m]ost investigative interviewing chapters in the current volume begin with [a] wealth of psychological literature” (p. 17); this is indeed true to the extent that much of it is repeated in chapters with similar themes. Similarly, chapters 2, 5, and 7 all provide thorough (and excellent) overviews of the PEACE Model. Instead of repeating such background and scholarly information, one introductory chapter could have been dedicated to reviewing the history and current state of investigative interviewing techniques and another could have provided a general literature review of the key themes in the volume, allowing the remaining chapters to focus more explicitly on their specific topics, studies, and suggestions for best practices moving forward.

Third, if permissible by the series editors, a single unified bibliography for the volume would have also helped decrease the overlap between chapters since many reference much of the same literature. This may also have helped draw attention to the citations that are missing from certain chapters (e.g., three of the in-text citations on interviewing vulnerable witnesses, among others, from chapter 5 are missing in the bibliography) – an issue that should be checked for all chapters and corrected in the next edition.

Despite the organizational limitations, the individual chapters in this volume provide an excellent overview of the current state of investigative interviewing that is carried out in a number of Western countries and, most importantly, it offers many useful suggestions for future cross-disciplinary research. Thus, through the collaborative cross-disciplinary efforts that are highlighted throughout, the contributors successfully achieve the editors' two primary goals: “to improve the quality of the interview and bridge the gap between the fields of psychology, law enforcement and (forensic) linguistics” p.(2).

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