The role of empathy in police interviewing with suspects

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Outline of Talk

- Background:
  1. Rapport and Empathy in the PEACE Cognitive Interview: Police guidelines and research findings
  2. EMPATHY: Core definitions
  3. EMPATHY in professional (health) context

- Aims of further linguistic research

- Findings from preliminary analysis: EXAMPLES

- Perspective from professional police interviewers?

Interview communication style may facilitate retrieval (Fisher and Geiselman, 1992)

The PEACE CI (current Home Office Investigative Interview framework): Planning and Preparation + Engage and Explain + Account + Closure + Evaluation

Initial Police Learning and Development Programme (IPLDP): explain the aims of the interview; rapport building; report everything; never guess; uninterrupted free recall; encourage concentration; mental reinstatement of context; witness compatible questioning (open vs close questions).

Achieving Best Evidence guidelines (Home Office 2011:189): “A guiding principle for developing rapport is to communicate empathy….the interviewer should convey to the witness that they have respect and sympathy for how the witness feels”

Training protocol Centrex (2004): officers are advised to develop “empathy in their voice” (p48) and “…show empathy as appropriate”
Rapport-building (R-B) paramount to successful investigative interviews with witnesses (e.g. Dando, Wilcock and Milne, 2008) and suspects (e.g. Meissner et al. 2012; Alison et al. 2013).

R-B techniques used frequently in interviews with witnesses and suspects (e.g. Walsh and Bull, 2012; Semel, 2013).

Empathy is perceived as important component of rapport-building (Oxburgh et al., 2015).

PROBLEM: Unclear definitions of R-B, empathy and their usefulness in obtaining Investigative-relevant Information.
Background:
Core definition of EMPATHY


“Empathy occurs when we suspend our single-minded focus of attention and instead adopt a double-minded focus of attention”

“Empathy is our ability to identify what someone else is thinking of feeling and to respond to their thoughts and feelings with an appropriate emotion”
Background: Expression of EMPATHY in medical consultations

Linguistic studies (e.g. Suchman et al. 1997; Wynn and Wynn 2006; Martinovski et al. 2007)
Medical consultation training material (e.g. Piasecky 2003; Silverman et al. 2013 and Moulton 2007)
Medical literature (e.g. Hojat et al. 2002) → Pounds, 2011:

1. **Eliciting** patients’ feelings and views e.g.: *What are you concerned about?*

2. Expressing explicit or implicit **understanding and acknowledgement of patients’ feelings and views** e.g.: *I understand that you are upset/ anxious/ confused*

3. Expressing **acceptance** of patients in the form of:

   **Praise** and **positive judgment**
   e.g.: *You are working hard to make a living.*

   **Non-judgmental** and **supportive** expression
   e.g.: *It is not surprising that you are concerned about your future.*

**Is this possible/ relevant/ useful in a police interviewing context?**
Aims of further linguistic research (discourse analysis/ pragmatics)

- Analysing the language used in interview exchanges to identify further examples of verbal empathic expression than suggested in the literature and with more precision.

- Assessing effectiveness of specific communicative techniques in producing Investigative-relevant Information - IRI (Vallano and Schreiber Compo, 2015).

- Focusing on UK context (majority of studies focus on US context in which it is acceptable for rapport and empathy to be used manipulatively as a ‘softening-up’ technique to obtain a confession).

- Considering how interviewers’ use of empathic expression may be increased/optimised where it appears to be linked to higher IRI?
Interviewers’ Empathic Strategies:

Examples from preliminary analysis

[Note missing verbal information (pauses, hesitation etc.) and non-verbal clues!]
1. Response to empathic opportunities
   (Oxburgh et al. 2015)

Sus: They took us inside, big people took us inside as if we were thieves. They called us thieves without finding anything on us and that wasn’t a nice experience….I felt ashamed towards this girl I’m working with, I’m a chef, this is my job. Monday and Wednesday I attend university in [PLACE]… We are stressed with work so I just said to her let’s go out and have a good time… It’s the first time in my life I come to [PLACE]…I know my cousin….I think he is not a thief, I dunno about the other guy…

Int: You mentioned your cousin and the other guy were you with them in the club all night?

[In data: Suspicion of stealing a mobile phone – 6-5-2012]
2. Spontaneous empathic expressions
(Oxburgh et al. 2015)

Int: I know this must be very difficult for you but I have to ask you

[Prefabricated]
3. Backgrounding guilt and foregrounding acceptance

Int: Has anyone forced you to come to [PLACE] to steal phones and is it something that you don’t want to do but you felt you had no choice?

Sus: No

[In data: Suspicion of stealing a mobile phone – ?]
4. Taking the suspect’s perspective: Mitigation

Int: So, party, back to your house, you collect the knife then to the shop where you have got your vodka, you saw the fight, you panic you didn’t want to get into trouble

Sus: Of course, yes

Int: So you got rid of the knife?

Sus: Yes

…..

Int: … the fact you got rid of a knife, you must have known it was wrong to have a knife in your possession….

[In data: Suspicion of being in possession of an offensive weapon, 14-10-2012]
5. Taking the suspect’s perspective: Benefits

Int: *It’s important to you, just for you, to tell us what’s happened. You need to get it out of your system because at the moment from where we’re sat you’re quite screwed up about it all.*

[In Johnson, 2008, UK context]
6. Eliciting suspect’s feelings: Positive

Int: *How do you feel now about having told us what you’ve told us?*

Sus: *A bit better*

Int: *Do you?*

Sus: *Yes, I am. I’ve never been able to tell anybody about it because I’ve never got close enough, really, you know, to anybody, except for [partner’s NAME]*

[Johnson, 2008 – UK context]
7. Eliciting suspect’s feelings: Negative

Int: My concern, NAME, is that the picture I am being painted is that you are extremely sexually frustrated and that you are approaching every female at every opportunity

Sus: Not everybody, sometimes. Maybe my sex drive is high, maybe that’s why…

[In data: Suspicion of sexual assault – 30-11-2012]
8. Taking the victim’s perspective

**Int:** If it was your sister and I behaved to her in a similar way as you behaved to this lady, how would you feel as a family member?

**Sus:** Obviously I’d get upset. I understand what you are thinking.

**Int:** So after the incident last Friday did you feel that you had done something wrong or is it just now?

**Sus:** I actually got a bit scared because I thought she was a little bit scared.

[In data: Suspicion of sexual assault – 30-11-2012]
9. Expressing agreement with suspect

Int: We don’t disagree on a huge amount of what yourself and the lady is saying but, NAME, a term we use in England is the devil is in the detail, this lady is saying that she has always tried to talk to you, be friendly and polite but that you have always come on to her in an over friendly way. Do you understand?…

Sus: She was acting and behaving friendly so I was acting friendly to her. Maybe I was a little bit pushy.

[In data: Suspicion of sexual assault – 30-11-2012]
Can you recognise any of these strategies and can you comment on their value?

See list of EXAMPLES reproduced on handout


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