

**The Psychology of Investigative Interviewing with Suspects of Serious Offences: An
Examination of Empathy**

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Abstract

This thesis focuses on the psychology of investigative interviewing with regard to how empathy is defined, understood, displayed and effective within the context of investigative interviewing. Investigative empathy has here been examined through four new, empirical studies. The first study examines police interviewers' definitions of and employment of empathy in seven European countries. The second study builds on this by examining types of empathy in actual digitally recorded police interviews with suspects and the relationship between empathy displayed by interviewers with information provided by suspects. In the third study the effect on suspects of appropriate versus inappropriate question types when combined with empathy is examined. In Study 4, police interviewers' responses to questions about one of four vignettes, in which the interviewer's style are varied, are examined to determine whether officers in Germany (where there is as yet no nationally agreed upon interviewing protocol) produce data in line with other countries that have an interviewing protocol (in line with the evolving literature). In this final study, the possible effect of participants' own levels of empathy on their responses is also examined. Overall, the findings underline the importance of appropriate types of empathy and how training in this area should be carefully and purposefully conducted.

Although the present thesis builds on the theoretical knowledge of investigative interviewing, it may also be beneficial to those working in clinical/therapeutic settings in establishing and maintaining a strong therapeutic relationship between client and the professional.

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Above all, I am deeply grateful to Professor Ray Bull, whose guidance, wisdom, and unwavering support have helped push me to the finish line. Thank you for believing in my abilities and nudging me out of my comfort zone (like regularly presenting my preliminary findings). I look forward to us continuing to conduct research together.

Thank you!

As a PhD Candidate

Whilst conducting my PhD studies at Derby from 2014 until 2021 I have actively been involved in the field of criminal psychology and investigative interviewing. I have been invited to give workshops and talks in numerous countries such as South Africa, United States, the Netherlands, Germany, France, Mexico, Belgium, Russia, Finland and Albania mainly on how to gain information but also on the fundamentals of empathy. I have also consistently presented preliminary findings and studies at conferences such as the American Psychology and Law Society (AP-LS); European Association of Psychology and Law (EAPL); International Investigative Interviewing Research Group (iIRG); and the Society for Applied Research in Memory and Cognition (SARMAC). In 2015 (until 2018) I became the Student President of the European Association of Psychology and Law when I co-edited a book as well as traveled to promote students to join the organization. Whilst undertaking my PhD I have also co-authored three book chapters and published two of my studies (Study 1 and Study 2). Study 1 was cited in the 2021 'Mendez' 'Principles of Effective Interviewing'¹ written at the instigation of the United Nations. Studies 3 and 4 were recently resubmitted after revisions were made with two other peer-reviewed journals.

Since 2017 I have been teaching and conducting research at a College/University level in various criminal psychology (and cognitive psychology) domains including investigative interviewing. My current position (since 2019) is at the University of Applied Sciences in the Department of Policing in Bavaria, Germany where I am responsible for EU-funded research projects in terrorism, cybercrime, and radicalization and consultation for the police students and where I also teach.

¹ <https://www.wcl.american.edu/impact/initiatives-programs/center/publications/documents/principles-on-effective-interviewing/>

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“A Nation should not be judged by how it treats its highest citizens, but its lowest ones”

— Nelson Mandela, *Long Walk to Freedom*

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Chapter 1. Rationale and Introduction to the Thesis

Increases in DNA exonerations have recently allowed for a truer picture of false conviction rates to become apparent. Twenty nine per cent of exonerated cases involve false convictions, and the ‘dark figure’ could still be higher (Innocence Project, n.d.). Because many of these false convictions have been as a result of false confessions, this has highlighted the issue of false confessions and their causes, such as coercion within police interrogations (Leo, 2008). Coercion tactics that have come to light at an international level include the now notorious CIA interrogation methods employed in several countries (which included the use of torture; see Fallon, 2017). However, such (arguably inhumane) tactics are not solely an issue for the USA because in recent decades cases in various countries have highlighted very inappropriate interviewing tactics (see Jakob Metzler case in Germany²). These cases (and many more) have placed immense pressure on policy makers, investigative organizations and interviewers to conduct appropriate interviews deemed humane for use in legal and other investigative proceedings.

One consequence of the coercion in some police interviews is that they are now (in some locations) being categorized as legally inadmissible. Even the United Nation’s Human Rights Council’s recently adopted (March 2021) the thematic resolution on torture and other cruel, inhuman or degrading treatment or punishment (United Nations, 2021: A/HRC/46/L.27), thus creating even more pressure on police to conduct appropriate (and arguably humane and ethical) treatment in investigative interviews worldwide. This is one step in moving towards advocating for humane interviewing. As seen in the following section ‘[2.1 Police Interviewing](#)’ in discussing the differences between interrogations and investigative interviewing, the former has been

² <https://www.faz.net/aktuell/gesellschaft/verbrechen-saemtliche-gestaendnisse-im-fall-jakob-nicht-verwertbar-1100551.html>

associated with some arguably inappropriate methods whereas the latter focuses more on research-based methods that allow for the flow of information.

The words 'ethical' and 'humane' (like empathy, as seen later in this thesis) are difficult to define, and it can be much debated about what constitutes either 'ethical' or 'humane'. In this thesis the term 'humane interviews' will be used when referring to literature that itself includes the word 'humane' or when referring to interviews that are lacking deceit, coercion and manipulation and are more information-gathering in nature rather than merely confession-oriented.

Those who advocate for the practice of humane interviews have noted that psychological research has found positive effects that 'humane' interviews (such as the Cognitive Interview) have on the memory/recall of individuals (for more information on memory/recall and Cognitive Interview please see the following: Dickinson, Schreiber-Compo, Carol, Schwartz, & McCauley, 2019; Fisher & Geiselman, 1992). Although this thesis does not focus on memory, it does, however, focus on other cognitive factors that can have a positive impact (such as empathy) on the outcome of a police interview. Specifically, due to the severe consequences a confession brings, an increased importance is placed on gaining truthful accounts. In order to control for a particular type of stressful account and to make sure that there were no effects based perhaps on the differences of serious offences, This thesis focuses on one category of serious crime this being sexual offences and on suspects (not on victims or witnesses). In doing so it reduces variabilities due to types of crimes and interviewee role, though this, of course, constrains generalizability.

Research for almost two decades has been placing increased emphasis on rapport building as one important aspect of gaining information in police interviews. More recently a

few researchers have begun to examine empathy (e.g., in rapport building and its maintenance) in investigative interviews to improve interview quality and to gain more reliable, relevant, and truthful information about an alleged crime. The consensus of such studies (as seen in the section below labeled [2.2.3 Empathy in Investigative Interviewing](#)) has thus far been that empathy seems to be of value in police interviewing settings. However, empathy proven to be difficult due to the differences in measurements and definitions (Duan & Hill, 1996; Preston & de Waal, 2002; Westbury & Neumann). Indeed, empathy in the investigative interviewing literature is also very much still ill-defined and not operationalized. Similarly, empathy is also not well understood by practitioners such as police interviewers (as seen in Study 1 of this thesis). As such, the aims of this thesis are to: (i) examine investigative empathy (Studies 1 and 2); (ii) conceptualize investigative empathy (Studies 1 and 2); (iii) examine the effects of investigative empathy (Study 2) combined with appropriate question types on the outcome of the suspect interview (Study 3); and (iv) examine what role police interviewers' empathy levels have on their assessments of different types of interviewing/interrogating a suspect (Study 4).

The Four Studies

The following four new studies have been designed to examine investigative empathy from a variety of perspectives; (i) internationally focusing on with experienced interviewers' perspectives, (ii) in real life police interviews with suspects, (iii) in other real life interviews with suspects but looking at effects of not only empathy but also of question types, and (iv) in police reactions to (mock) interviews with suspects that varied interviewer style (e.g., humane or dominant) as well as any possible effects of interviewers' own empathy level. Study 1 examines police officers' definitions of empathy in several European countries but also their self-reported

implementation of empathy in interviews with suspects of high stakes crimes (sexual crimes). Study 2 examines verbatim transcripts of police interviews with suspects of high stakes crimes (sexual crimes) to see if there is a relationship between interviewer empathy and the amount of investigative relevant information (IRI) provided by the suspects. Study 3 then examines the relationship between interviewer empathy, IRI, and question types. Lastly, in Study 4 police officers' reactions to (written scenario) interviews with a suspect that varied in interviewing style was analyzed with a particular focus on any difference between a humane style (that is empathic) and a dominant style, together with any effect of the officers' empathy levels.

The thesis also explores the extensive literature (outside of police investigations) on empathy, especially what is referred to as 'cognitive' and 'affective' empathy. In light of the findings from this thesis, the author has developed a scale that could be used to describe interviewers' displayed investigative empathy (i.e., the '*BEST*'; *Baker-Eck Empathy Sensitivity Test*).

Purpose of Investigative Interviews

The purpose of police interviews ideally is to gather valid information about alleged crimes. In order to proceed with investigative interviews, it is essential that a rationale for police interviewing be established. With the information from these interviews, prosecutors have the choice of proceeding with a prosecution or not. In order to gain enough (truthful and relevant) information to understand the surroundings and nature of the alleged crime (and therefore the possible offender), police must (i) establish an 'atmosphere' in which the interviewee decides to talk, (ii) obtain an account from the interviewee, (iii) ask the right types of questions, (iv) listen actively/attentively, and (v) evaluate the verbal information (account) gained. The main focus in

this thesis is on the first component just mentioned: to *establish an atmosphere where the interviewee decides to talk*.

Rapport building has long been used in a myriad of situations in human interactions in order to establish a comfortable atmosphere between two individuals. The rapport-building setting focused on in this thesis is investigative interviewing. Empathy has long been applied in therapeutic settings in order to build a foundation relationship between therapist and client (Bohart & Greenberg, 1997; Rogers, 1975) and can thus be argued to be of importance when building rapport. Growing evidence also suggests that empathy can be a method of establishing effective rapport particularly between two individuals in investigative interviews (e.g., Alison, Alison, Noone, Elntib, & Christiansen, 2013; Walsh & Bull, 2012a). Further, in interviewing suspects of serious crimes (such as sexual offences) empathy has begun to be found to aid in acquiring relevant information from them (e.g., Dando & Oxburgh, 2016). Similarly, in a meta-analytic review it was found that the information-gathering approach was associated with higher amounts of valid and reliable information elicited from suspects (Meissner et al., 2014).

Indeed, over 20 years ago Davis (1983) recommended that police officers show empathy by understanding their interviewees, appreciating their emotions and distress, and communicating this to interviewees both directly and indirectly. Even studies on interviews with terrorists have found that applying an interrogation style that involves rapport and treating suspects with respect, dignity and integrity has been effective in reducing suspects' counter-interrogation tactics and is associated with eliciting more information (e.g., Alison et al., 2013). Possibly one of the most important international developments in recent years is the 2016 report of the United Nations Special Rapporteur on the "*Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment*

of human rights and fundamental freedoms". In this the Rapporteur (Juan Mendez) recommended the drafting of a 'universal protocol' regarding the interviewing of suspects that included the employment of rapport and other ethical/humane interviewing skills. However, the relevant literature lacks a clear and comprehensive definition of both rapport and empathy. Therefore, the current thesis aims to examine empathy in investigative interviews.

In the next chapter's section on 'Empathy in Investigative Interviewing' ([Section 2.2.3](#)) recently developed methods, theories, deficits, issues, and critiques will be discussed and analyzed regarding how empathy might be useful. Empathy is a rather abstract term - difficult to objectively define. Understanding of empathy will be compared across disciplines such as clinical and counseling psychology, social sciences, marketing, and lastly in investigative interviews. The potential effects empathy may have when employed with sex offenders in therapy and in police investigative interviews will be examined. The findings of the present thesis suggest that police interviewing training may be enhanced through the use of empathy.

Chapter 2. Literature Review

2.1 Police Interviewing

In relation to the four new studies to be presented later in the current thesis (and in particular Study 1), the relevant literature on police interviewing will here be overviewed involving (i) the two main approaches to investigative interviewing (accusatorial style and information-gathering style), and (ii) further consideration and criticisms regarding police interviewing.

One aspect of the first new study to be presented in this thesis involves asking police interviewers about the tactics/skills they use when interviewing suspects. Because the word ‘interrogation’ can have negative implications (and has become synonymous with coercive styles of interviewing), some practitioners and academics began in the early 1990s employing the term ‘investigative interviewing’ (Bull, 2019; Milne & Bull, 1999; Williamson, 1993). Investigative interviewing aims to steer away from ‘traditional’ interrogation methods, and adopts more information-gathering strategies (Allison & Brandon, 2014; Allison, Giles, & McGuire, 2015; Dando & Oxburgh, 2016; Fisher & Geiselman, 1992; St-Yves, 2006; Vanderhallen, Vervaeke, & Holmberg, 2011; Walsh & Bull, 2012b; Yeschke, 2003). One of the prominent strategies within information-gathering approaches is the use of rapport (that can involve empathy).

2.1.1 International Training and Interviewing Methods

Internationally, the training of police interviewers varies considerably. Investigators in some European countries are trained in a more information-gathering approach than in other nations, such as the United States of America (USA), in which many organizations utilize a more accusatorial style/method of interviewing suspects (Walsh, Oxburgh, Redlich, & Myklebust,

2016a). The focus within an information-gathering approach is on gaining reliable information, whereas the methods in the USA (and other nations which employ accusatorial-style methods) focus mainly on gaining confessions.

In England, Norway and The Netherlands there exists documented and established national standardized training for police interviewers in information-gathering approaches (Walsh et al., 2016a; Walsh et al., 2016b). In western European countries such as Germany and Switzerland the police are required by law to employ information-gathering approaches (Volbert & Baker, 2016a; Courvoisier, Sellie, & St-Yves, 2016). However, police training in Germany lacks a detailed, nationally regulated format (Volbert & Baker, 2016b). Sweden, contrary to its Scandinavian counterpart Norway, currently lacks national coordination of training for investigative interviews (Fahsing, Jakobsen, & Ökrn, 2016). Only fairly recently has Switzerland begun national standardized training for investigators that includes techniques supported by research findings (Courvoisier, Sellie, & St-Yves, 2016). In Estonia and Slovenia (former ‘eastern European’ countries) there seems to only be minimal formal training in the interviewing of suspects. Their methods may follow, at least in some parts of the interview, an ‘accusatorial-style’ of interviewing (Õpik & Kask, 2016; Areh, Zgaga, & Flander, 2016).

Some countries have adopted the ‘PEACE’ model, such as New Zealand, and others have even gone a step further and created their own model for investigative interviewing based on it. For example, Norway created the 2002 ‘KREATIV’ model that prescribes an ‘innocent until proven guilty’ ethos by recommending that the gathering of information be the primary objective and the adoption of an open-minded disposition (Fahsing & Rachlew, 2009). Other countries, such as the USA, have increasingly been put under critical spotlights regarding their interrogation methods (Gudjonsson, 2012; Kassin, Drizin, Grisso, Gudjonsson, Leo, & Redlich,

2010; Kozinski, 2018), although discussions to remedy this have been begun (e.g., Meissner et al., 2014). In other countries such as Austria, Germany, Japan, Sweden, and The Netherlands, changes are taking place involving more standardized, research-based training for police interviewers that is associated with humane styles of interviewing methods (Walsh et al., 2016a, 2016b). Interestingly, the New Zealand model recommends in their ‘Engage and Explain’ phase for interviewers to (i) treat the suspect with respect; (ii) keep an open mind; (iii) be patient; (iv) empathize with their position; and not be judgmental (New Zealand Investigative Interviewing Suspect Guide).

An online self-report survey by Miller et al. (2018) was administered to police officers from a variety of countries to gather information about their methods of interviewing. This study found that police officers in the USA and Canada were broadly similar in their tactics, techniques, and procedures, which involved accusatorial methods that differed from the other countries such as England, Wales, Australia, and New Zealand. In these latter countries the police reported that they employed rapport- and relationship-building methods more frequently than the other meso-level domains. This emulates aspects of the ‘PEACE’ model, where rapport-building is recommended to commence immediately after initial contact between the interviewer and interviewee during the ‘Engage and Explain’ interview phase and be maintained thereafter (Milne & Bull, 1999).

Only one of the above studies involved police interviewing in Germany where, as yet, there exist no national standards/training regarding the interviewing of suspects (Volbert & Baker, 2015). Therefore, the new study 4 of the current thesis was designed to examine if experienced police officers in Germany would discriminate between several styles of interviewing a (sex crime) suspect. In the Baker-Eck et al. (2020) study (i.e., study 1 of the

current thesis) interviewers in Germany reported including more accusatorial style techniques in their interviews than information-gathering techniques. Therefore, it was thought in study 4 of the current thesis that the participants (all experienced German Police) might show a preference towards a dominant style of interviewing.

Similar to differences between countries' regimes regarding training, there may also be a difference in understanding of empathy, the use of empathy, and the weaknesses and strengths seen culturally in showing and applying empathy. This might particularly be the situation within police organizations where strength may be associated with showing less emotions and taking a harder and less soft approach when it comes to suspects of alleged crimes, often serious crimes. As such, it can be speculated that empathy may be seen as a sign of weakness to some police. Should that be the case, then how effective can empathy even be in such countries? In such an instance can empathy even be trained properly? Study 1 compares police interviewers' definitions and stance on empathy in various European countries and interestingly shows that empathy was similarly understood throughout (Baker-Eck et al. 2020). However, there may be differences in their application of empathy, which would be worth looking into in future studies.

2.1.2 Police Interviewing Models: Accusatory and Information-Gathering

People engage in formal and informal human interactions regularly and across situations which may include job interviews, partnerships, therapeutic settings and criminal settings among others. For each of these, the similarities include a hope for consistent flow of information between two or more persons. The difference between an investigative interviewing setting and the others, however, is that the information extracted is a valuable tool in revealing information about an event, which may lead to substantial (often legal) consequences, especially in investigative interviews of suspects. The more information made available, the clearer the

understanding of what has occurred and the easier it may be to determine what happened and/or to decipher between true and fabricated events (e.g., Vrij, Meissner, Fisher, Kassin, Morgen, & Kleinman, 2017). Investigative interviews are a vital source for deciding to either continue with a prosecution or not. Furthermore, high severity crimes can put immense pressure on police officers to gain information from suspects of severe (or serious) crimes such as sexual crimes and/or murder.

One of the first academic articles on investigative interviewing was published by Stern in his 1904 article entitled: “Die Aussage als geistige Leistung und Verhörprodukt” (“Testimony as a mental achievement and a result of interview tactics”). Today, there are various methods of formal training and guidance for interrogations or investigative interviews, but also there are many countries that have little or no official training in any such methods (Baker-Eck, Bull, & Walsh, 2020a; Volbert & Baker, 2015; Walsh, Oxburgh, Redlich, & Myklebust, 2016b). Furthermore, the term ‘interrogation’ is being replaced by a term with less negative connotations attached to it – ‘investigative interviewing’: the main goal of which is the gathering of information.

Information-gathering methods and confession-oriented methods are the two leading methods globally regarding police interviewing. Information-gathering techniques include establishing rapport within the interview, using direct - but positive - confrontation on discrepancies between account and evidence, and using appropriate question types, and exploratory approaches in order to *gain information*. Conversely, accusatorial methods (also known as confession-oriented methods) establish control of the suspect and use psychological manipulation to achieve a confession whilst using closed-ended, confirmatory approaches (Meissner, Redlich, Bhatt, & Brandon, 2012). ‘Traditional’, criticized (and sometimes even

unethical) methods have now been evaluated and research has shown that these confession-oriented methods (as seen in interrogation models) may lead to higher rates of false confessions (Cabell, Moody, & Yang, 2020; Meissner, Redlich, Michael, Evans, Camilletti, Bhatt, & Brandon, 2014) and do not elicit as much reliable (relevant and truthful) information from suspects as an information-gathering approach (Goodman-Delahunty & Martschuk, 2018 – for more on false confessions see the section below headed ‘[2.1.3.1 False confessions: A criticism of accusatory methods](#)’). Information-gathering approaches (as seen in the United Kingdom, New Zealand, Norway and parts of Australia and Western Europe) incorporate (i) rapport-building, (ii) truth-seeking, and (iii) active listening (Meissner et al., 2012).

Some confession-oriented methods have been heavily criticized for ‘coercing’ confessions out of guilty and innocent suspects, alike (e.g., Kassin, Drizin, Grisso, Gudjonsson, Leo, & Redlich, 2010; Kelly & Meissner, 2015; Meissner et al., 2014). In some severe cases, such as the information leak in 2005 about various unethical tactics utilized in Guantanamo Bay by the Central Intelligence Agency (CIA) of the United States, these methods include sleep deprivation, starvation and water-boarding (Ross & Esposito, 2005 cited in Parry, 2013).

2.1.3 Accusatory Methods: The ‘REID Technique’

The ‘Reid Technique’ is a well-known interrogation method that has been widely applied for decades as the standard for law enforcement at state and federal levels within the United States. The Reid technique has the primary aim of obtaining a confession instead of focusing primarily on obtaining relevant information. It is further characterized by accusation, confrontation, psychological manipulation, and the disallowing of denials (Meissner, et al.,

2012). The method is compartmentalized into two stages. The first stage is the Behavior Analysis Interview (BAI), which is claimed by the Reid organization to enable the detection of truth-telling/lying (guilt/innocence) (Inbau & Reid, 1963). Once it has been established in the mind of the interrogator that the suspect is lying or guilty, the second stage begins which entails the ‘nine step procedure’ that includes the following:

1. Direct Positive Confrontation
2. Theme Development
3. Handling Denials
4. Overcoming Objections
5. Procurement and Retention of Suspect’s Attention
6. Handling Suspect’s Passive Mood
7. Presenting an Alternative Question
8. Having Suspect Relate the Various Details of the Offense
9. Converting an Oral Confession into a Written Confession

The first of these nine steps involves directly accusing the suspect of the alleged crime. When considering the use of this tactic, the Reid Technique teaches that it is important to note how suspects react to particular tactics. For example, direct confrontation can be met with resistance from the person on the receiving end and this resistance must be broken down (Inbau & Reid, 1963). However, it should be noted here that resistance may have implications other than lying.

The second step of ‘Theme Development’, allows the interviewer to suggest ‘excuses’ as to why the suspect may have committed the alleged crime. This is meant to offer a rationale for the suspect and an opportunity for the suspect to admit to the crime and this may be perceived as

a ‘way out’ of a potentially stressful interview. This step may have ethical implications, as depending on the rationalizations of the crime; it may allow interviewees (at least with suspects of sexual crimes) to further distort their cognitions about the (alleged) crime. An example of this to a suspect of rape could be the interrogator saying: “*Maybe the victim wanted it*”; “*Given how she was dressed.*” Such utterances allow for psychologically comfortable explanations as to why the alleged crime could be excusable and may diminish (minimize) the severity of the crime. Step three, ‘Handling Denials’, consists of directly interrupting the suspect any time they utter denials. However, denial does not actually ‘prove’ that the suspect is the perpetrator - innocent suspects may well also deny involvement in a crime.

If an interrogator using the Reid Technique assumes guilt/lying after the BAI and he/she will then focus much more on gaining a confession than gaining more information/intelligence. Additionally, accusatorial interview tactics have been found to include manipulation, isolation, presentation of false evidence, and leading/suggestive questioning. (Brimbal, Kleinman, Oleszkiewicz, & Meissner, 2019; Meissner et al., 2012). Employing such Reid type methods has been found to increase the risk of suspects falsely confessing to a crime (particularly if confronted with fabricated evidence; Gudjonsson, 2012; Kassin, 2021; Kozinski, 2018).

2.1.3.1 Confessions and False Confessions: A Criticism of Accusatory Methods

Although confessions are a widely accepted form of ‘evidence’, a confession can lead investigators to overlook other evidence (Kassin, 2012). In the last couple of decades there has been a large focus not only by researchers but also by the media highlighting that confessions are not always accurate/true. Whilst some confessions can indeed be true, in some instances they

have been found to be false. Research in the last couple of decades has attempted to find the underlying causes of such confessions (for more information on statistics in this area see Innocence Project³).

Before looking at why false confessions occur, perhaps it is first useful to identify why some offenders admit and confess their crimes (true confessions). In a study conducted by Clearly and Bull (2021) the decision-making process of confessions was examined through self-reports of incarcerated persons. In particular, sociodemographic, criminological and contextual factors were evaluated. The findings were that (i) the individual interrogation experiences varied considerably as well as (ii) perceptions of custody, (iii) beliefs about incriminating evidence, and (iv) pre-interrogation intent to confess or deny the crime. What predicted a confession was in those cases where (i) the Miranda rights were waived and (ii) previously deciding to confess prior to the interview. Those that did not confess included the following reasons: (i) being physically restrained, (ii) believing that the police had no evidence, and (iii) intending to deny any allegations.

False confessions, while not directly related to the new studies to be presented in this thesis, have been found throughout accusatorial style interviews (Gudjonsson, 2012) and thus, can be argued to be less consistent within information-gathering approaches that focus on rapport and empathy. As such, the present section will offer a brief overview examining where rapport and empathy might have a positive effect on reducing false confessions. This is particularly relevant for vulnerable populations, who may be likely to benefit from humane interviewing styles that focus on allowing for a calming environment such as building rapport and displaying empathy. False confessions have been shown to be more common among vulnerable individuals

³ <https://innocenceproject.org/>

(Mogavero, 2020). Vulnerable populations that have been found to have high false confession rates include those individuals still developing (i.e., juveniles or children), individuals with mental health conditions, with disabilities, but also those with high personal risk factors such as suggestibility, attention deficit-hyperactivity disorder, substance abuse, and adverse life events (e.g., abuse, trauma) (Gudjonsson, 2018; Mogavero, 2020). Not only are vulnerable populations more susceptible to suggestibility, but they also may not understand the meaning behind some of the legal aspects such as the Miranda warnings (Rogers, Harrison, Hazelwood, & Sewell, 2007). By not understanding the Miranda warnings, many susceptible individuals (such as juveniles) then will waive their rights (August & Henderson, 2020). Regarding juveniles, August and Henderson (2020) highlight that many times parents also cannot adequately protect them from harsh interrogation tactics. As such, it has been recommended that defense lawyers be present at all juvenile suspect interviews (e.g., Vanderhallen, Van Oosterhout, Panzovola, & de Vocht, 2016).

Many investigators in the United States and Canada are trained in accusatorial tactics (Meissner, Redlich, Bhatt, and Brandon, 2012; Gudjonsson, 2012; Cleary & Bull, 2019; Kelly et al., 2019; King & Snook, 2009; Leo, 1996). Specifically, the use of the minimization tactic has been found to be employed at high rates (Kassin et al., 2007; Kelly et al., 2019; Leo, 1996 - for more on minimization see the upcoming section '[2.2.3.2 False Empathy and Minimization](#)'). Meissner et al. (2012) stated that accusatorial tactics include "... accusations, confrontations, psychological manipulation, and disallowing of denials (p.6)." This is in contrast to Western Europe, Australia and New Zealand, where some police nowadays utilize rapport-building, truth-seeking, and active listening (Walsh et al., 2015a; 2015b).

Eastwood, Dunk, and Akca (2020) examined 'persuasion-based' versus 'dialogue-based'

approaches on true or false confessions in a mock setting. 'Persuasion-based' simulates the confession-oriented methods discussed in the section [2.1.3 Accusatory Methods](#) above, and the dialogue-based simulates the information-gathering methods. Participants were asked to cheat and then were subjected to one of the two interrogation styles. True confessions were equally obtained from both interrogation styles. However, the persuasion-based approach generated far more false confessions from innocent participants than the dialogue-based approach, this being in line with previous research findings of the elevated rates of false confessions in such confession-oriented interrogation tactics.

Meissner et al. (2012) also examined what impact different interviewing and interrogating styles had on false and truthful confessions. They conducted two separate meta-analyses focusing on the questioning of suspects using information-gathering and accusatorial methods seeking to elicit confessions. These indicated that the information-gathering approach increased the likelihood of true confessions while simultaneously reducing the rate of false confessions.

Kassin and Wrightsman (1997) described three types of false confessions: (i) *voluntary*; (ii) *coerced-compliant*; (iii) *coerced-internalized*. A voluntary false confession may include a confession for personal reasons, such as admitting to a crime to cover up the true perpetrator, to pre-empt further investigation of another more serious crime, to gain notoriety (Gudjonsson, 1992; 2003; Gudjonsson, Sigurdsson, Bragason, Einarsson, & Valdimarsdottir, 2004; Huff, Rattner, & Sagarin, 1986; Kassin, Drizin, Grisso, Gudjonsson, Leo, & Redlich, 2010; Shepherd, 1996; Sigurdsson & Gudjonsson, 1996; Viljoen, Klaver, & Roesch, 2005). Coerced-compliant false confessions were found to be the most common (Gudjonsson & Sigurdsson, 1994) and are gained via interrogative situations that involve outside pressure (such as police pressure) to

confess, yet the individual maintains the internal belief that they are innocent. Coerced-internalized false confessions involve police coercion resulting in the interviewee believing/internalizing he/she has committed the offence (Gudjonsson, 2016; Kassin, 2007; Milne & Bull, 1999).

Children (and other vulnerable individuals) may be specifically at-risk regarding methods that include use of leading questions or suggestive questioning types (Almerigogna, Ost, Bull, & Akehurst, 2007; Feld, 2013). Further vulnerabilities, such as mental illnesses or learning disabilities, may also increase the likelihood of coerced false confessions (Drizin & Leo, 2004). Research has shown that false confessions may arise due to feelings of guilt about real or imagined transgression from the past that is most likely to appear in people with depression (Gudjonsson, 2003). Furthermore, people with schizophrenia who may have difficulties distinguishing between reality and fantasy may also be at risk of false confessions (Gudjonsson, 2003). This is especially true when interviewees may not see a way of proving their innocence, and thus, confess although they believe themselves to be innocent (coerced-compliant). The definition of a vulnerable witness as defined by the Vulnerable Witnesses (Scotland) Act 2004 is as follows:

- “(1) For the purposes of this Act, a person who is giving or is to give evidence at, or for the purposes of, a trial is a vulnerable witness if-
- a. the person is under the age of 16 on the date of commencement of the proceedings in which the trial is being or to be held (such a vulnerable witness being referred to in this Act as a “child witness”), or
 - b. where the person is not a child witness, there is a significant risk that the quality of the evidence to be given by the person will be diminished by reason of-

(i.) mental disorder (within the meaning of section 328 of the Mental Health [Care and Treatment) (Scotland) Act 2003 (asp 13)], or

(ii.) fear or distress in connection with giving evidence at the trial

(2) In determining whether a person is a vulnerable witness by virtue of subsection (1)(b)

above, the court shall take into account-

a. the nature and circumstances of the alleged offence to which the proceedings relate,

b. the nature of the evidence, which the person is likely to give,

c. the relationship (if any) between the person and the accused,

d. the person's age and maturity,

e. any behavior toward the person on the part of-

(i.) the accused,

(ii.) members of the family or associates of the accused,

(iii.) any other person who is likely to be an accused or a witness in the proceedings, and

f. such other matters, including-

(i.) the social and cultural background and ethnic origins of the person,

(ii.) the person's sexual orientation

(iii.) the domestic and employment circumstances of the person,

(iv.) any religious beliefs or political opinions of the person, and

(v.) any physical disability or other physical impairment which the person has,

as appear to the court to be relevant" (Vulnerable Witnesses (Scotland) Act 2004). As a

disproportionate number of sexual crimes occur within the learning disabled (LD) population (Craig & Hutchinson, 2005; Cooper, 1995; Lund, 1990), it may be important to understand more about interviewing such vulnerable suspects.

Some false confessions may arise out of the interviewees' (or interviewers') need to end the interview. This can occur in interviews in which the interviewing/questioning goes on without the necessary needs of the interviewee being met (e.g., the hierarchy of needs proposed by Maslow, 1943). In an interview that exceeds 'normal' questioning time, interviewees may not be in the 'right state of mind' to continue, especially when they are potentially deprived of their basic needs (such as food, water, warmth, and sleep). In such cases false confessions may arise out of the need to 'just end the interview'. Furthermore, an anxious interviewee who may also be tired, confused, and who is also subjected to highly suggestive methods of interrogation may begin to believe that he/she has committed the crime. The interviewee's memory of the account may even be altered in the process (Ofshe, 1989; Gudjonsson, 1997), as discussed in section [2.1.3.3](#) of this thesis entitled '[Leading and Suggesting Questioning](#)'.

In a study conducted by Mogavero (2020) on individuals who have been wrongly convicted and exonerated since 1989 the results revealed that those accused of sexual offences, particularly sexual murders, had a higher likelihood of giving a false confession than those accused of non-sexual offences. Perhaps this could be because many times the only 'evidence' available may be the account and/or confession. Further, more research is being conducted on whether the admittance of a confession in court is sufficient to allow for a conviction (Selaya, Marcos, Sanmarco, & Arce, 2020). [For more on false confessions also see: Gudjonsson, 2021; Gudjonsson, 2003; Inbau, Reid, Buckley, & Jayne, 2013; McCann, 1998; Ofshe & Leo, 1997.]

2.1.3.2 Psychiatric Disorders and Personality Traits of Persons who Falsely Confess

Although vulnerable populations were not examined directly in the current thesis, due to the level of susceptibility of some populations (such as those psychological/psychiatric vulnerabilities) they can be even more afflicted by interviews that are deemed inhumane and do not involve humane treatments such as rapport-building and empathy. Thus, psychiatric disorders, as an extension of the vulnerable population, are briefly touched upon here. Displaying empathy may be especially needed in order to build rapport as this may reduce susceptibilities within this population. According to the literature, there are three types of people who give false confessions: (i) those who put their trust in people of authority; (ii) those who lack self-confidence; and (iii) those with heightened suggestibility (Ofshe, 1989). Among the individuals with a heightened suggestibility would be many from the vulnerable population mentioned above. Individuals with psychiatric disorders could include psychotic individuals who may in the outset of the interview have difficulties distinguishing between reality and fantasy, such as schizophrenic clients (Gudjonsson, 2003), but could also arguably include neurotic individuals suffering from symptoms such as anxiety.

Neurotic disorders may also involve susceptibilities. For instance, guilt and shame are two common factors found in depression (Webb, Heisler, Call, Chickering, & Colburn, 2007) which may make these individuals susceptible to internalized false confessions. Generalized Anxiety Disorder (GAD) may influence interviews as individuals may be more fatigued than usual, have impaired concentration or feel as though their mind goes blank, and difficulty sleeping (due to trouble falling asleep or staying asleep, restlessness at night, or unsatisfying sleep: DSM V, 2015). As many psychiatric disorders affect daily communication between people, they can therefore unduly influence police interviews. As such perhaps a foundational knowledge of such disorders

may be beneficial to the interviewer to emphasize the importance of certain interviewing skills including questioning.

2.1.3.3 Leading and Suggestive Questioning

Leading and suggestive questioning may not only be harmful to the recall process of individuals with vulnerabilities, it may also unduly influence the memory process of most individuals and possibly have a stronger effect when coupled with possible deprivation of sleep (or the withholding of other basic needs) or fabrication of evidence, etc., (as seen in some of the accusatorial tactics mentioned above).

Studies have repeatedly found that the human brain does not store all perceived information in long-term memory (Tulving, Markowitsch, Craik, Habib, & Houle, 1996; Tulving, 2001). Notable events, unusual/novel details, and information that is unique will probably stand out and therefore will be more likely to be encoded, stored, and retrieved (Tulving, 2001). However, all other seemingly unimportant details (or even familiar details) may be ‘filtered out’/not encoded and therefore not stored (Tulving, 2001). Therefore, (especially for vulnerable interviewees) the inevitably incomplete/imperfect memory details of a crime may be overwritten or re-created by suggestive and/or leading questioning. Suggestive questioning may include statements such as: “... *and where in the room was the white t-shirt?*” The suggestive part of this would be the detail of the white t-shirt, when the interviewee had not mentioned the color of the shirt or the shirt at all in their account. Also ‘Memory Distrust Syndrome’ may occur, in which the interviewee begins to distrust his/her own memory (Gudjonsson, 2006; 2016). This occurs when the interviewee may (at the beginning of the interview) believe in their innocence and then slowly through manipulation and coercion during the interview begin

mistrusting their memory (for more on this see Gudjonsson, 2006; Gudjonsson, 2016). The majority of false beliefs and false memories that occur as a result of coerced-internalized false confessions are as a direct result of manipulative interrogation styles (Gudjonsson, 1997).

2.1.4 Information Gathering Approaches

As will be noted in the first new study to be presented in this thesis, contrasting with accusatory or confession-oriented approaches are information gathering approaches that mainly focus on gaining reliable, relevant, and consistent information. In a growing number of countries (e.g., England) a confession (alone, without other confirming information from the suspect) is nowadays usually not sufficient to mount a prosecution/gain a conviction. The information gathering approach will attempt to gather as much reliable and truthful information as possible from the witnesses, victims, and suspects in order to gain a fuller and broader understanding of the alleged event (than merely provided by a briefly worded confession).

As more research and other information came to light demonstrating the weaknesses of accusatory methods, some investigative/law enforcement agencies around the world began to implement protocols based on information gathering methods. Though there are now several (similar) information gathering models, one of the earliest examples, and most influential, was the PEACE method developed and adopted in England and Wales in 1992 (Milne & Bull, 1999). The PEACE method is highly relevant to the current thesis as it strongly focuses on building rapport (and maintaining it throughout the interview).

2.1.4.1 PEACE Method

In light of unethical interrogations that arose during the 1980's, the police (with input

from psychologists) in England and Wales developed new principles and training for conducting interrogations (from then on known as investigative interviews). This came about partly as a result of the Police and Criminal Evidence Act of 1984 (PACE) and the associated Codes of Practice for police officers. In 1992 two booklets (CPTU 1992a; 1992b) were distributed nationwide to all police officers in England and Wales detailing the new interview techniques (Milne & Bull, 1999).

In contrast to the confession-oriented style of interrogations, this new method of how to interview suspects evolved in order to address the limitations of the aforementioned coercive tactics. The PEACE model was developed as a more ethical way of interviewing. The development of this method transitioned the standard practice to a non-accusatory method of interviewing without an interrogation component, thereby prioritizing information gathering. This model includes five basic steps, one for each letter in the acronym:

1. **P**lanning and Preparation
2. **E**ngage and Explain
3. **A**ccount, Clarify and Challenge
4. **C**losure
5. **E**valuation

This model's non-accusatory approach has steadily gained interest across the globe, now being adopted in several countries (e.g., Australia, New Zealand, Norway, parts of Australia and Canada) and has been recommended to the United Nations by Special Rapporteur, Juan Mendez (United Nations, 2016). It aims to eliminate unethical procedures by focusing on maintaining respect for the interviewee whilst gaining information to create an account of what occurred

during and surrounding the event. Utilization of a humane interviewing technique may reduce the possibility that a case could be dropped or reversed as a result of unethical interviewer behavior, which may induce a false confession induced due to coercive measures (Bull & Baker, 2020; Bull, Valentine, & Williamson, 2009; Leo, 2008). In some investigations and court cases other types of information/evidence are hard to come by (such as sexual assault cases – where often times the only evidence is relevant persons’ accounts) and thus information provided during interviews often has a lot of weight. Therefore, it is important that the accounts gained are comprehensive and valid. Research on gaining comprehensive accounts (especially from suspects) largely commenced after the development in the early 1990’s of the ‘PEACE’ method.

PEACE training materials (the author of the thesis received these during PEACE training at the Surrey Police HQ in England in 2017) illustrate the importance of maintaining a calm environment through the use of clearly defined expectations and transfer of control – the interviewee does most of the talking, dictates the breaks, and should feel free to take as much time as they need. Interviewers should consistently remind interviewees that it is okay to say they ‘don’t know’ or ‘cannot recall something’. Even speech cues are included in the material, *“Interviewer will inform the interviewee they will ask them to focus on these areas, they’ll slow the pace of delivery and lower their voice as they do and then once ready the interviewee will tell them everything that happened in as much detail as possible”*.

A major contribution that the PEACE model brought to police questioning was encouraging officers to establish, employ, and maintain rapport with the suspect (in contrast to an accusatory approach). Rapport in the PEACE model is established from the beginning of the interview and further developed during the ‘Engage and Explain’ phase and should be maintained throughout the entire interview (even if the interviewee is uncooperative or is

providing information that the interviewer would react negatively to in other settings). Building and maintaining this relationship with the suspect was and still is thought to be a key factor in gaining information from suspects. Holmberg and Christiansen's (2002) study of Swedish prisoners found that more of them indicated that they confessed during an interview if they felt respected and acknowledged as human beings than those who felt dominated.

In the training sessions regarding the PEACE model (that the current author attended in England) it was emphasized that building rapport begins (sometimes even before the formal interview) with the first initial contact with the suspect, witness, and/or victim. For example, in suspect interviews, when the suspect is arrested, they are sometimes/often arrested by another police officer who will not be conducting the ensuing interview. Even so, any 'negativity' during the arrest could unduly affect the subsequent interviewer's attempt at rapport building (as mentioned in the 2021 Mendez 'Principles of Effective Interviewing'). To reduce any such negative effects, the interviewer will often first meet the suspect in the 'cell meet' sometimes conducted prior to the interview. This can allow for the interviewer to briefly introduce himself or herself to the suspect, and check on the suspect's wellbeing (warmth, sleep, food, or any other basic needs.). In training, rapport begins with the very first cell-meet, allowing to 'set the tone' of the interview prior to 'officially' commencing with the investigative interview. Similarly, training in other countries such as Germany (Police Akademie, Berlin Spandau) mention the need for a rapport building process without time constraint (information from a furthering educational course the author of this thesis also undertook with other experienced police interviewers). In this training course on 'police interrogations' at the Police Academy in Berlin, police trainees are trained in the '5 minutes to 5 days' rule, symbolizing that rapport may take its time to be built and to not rush this process as it could take as little as five minutes or as long as

five days. In reality, however, (as some participants of the Berlin training stated) they do not have unlimited time to build rapport with the suspect, therefore sometimes needing to reduce it to a few minutes before beginning with the official questioning. However, the importance behind taking time for the rapport-building process is that even whilst building rapport useful case-related information may be identified. Furthermore, by offering a calming atmosphere and building rapport through empathy, memory may be enhanced for both witnesses and suspects (as touched upon above and more fully described below).

One method that was developed to enhance memory recall in police investigative interviews is the *Cognitive Interview* (CI). The CI is especially relevant in this thesis as it allows (from Fisher and Geiselman's 1992 update of it) for a memory enhancing environment that is calm and understanding (perhaps with the help of empathy) and focuses on building rapport.

2.1.4.2 Amount of Investigation Relevant Information (IRI)

When the PEACE method is implemented correctly, then ideally (i) performance and (ii) the aims and objectives of the model should be positively associated (Walsh & Bull, 2015). The goal of gathering information in an investigation versus the goal of gaining a confession was mentioned above and gaining such investigation relevant information can nowadays (in a growing number of countries) be seen as the main objective of a police interview, whether with witnesses and/or suspects. Furthermore, employing rapport (as seen in many information-gathering approaches of investigative interviewing) has been found to elicit more accurate information from suspects (Alison et al., 2013; Collins, Lincoln, & Frank, 2005; Gabbert, Hope, Luther, Wright, Ng, & Oxburgh, 2020; Holmberg, 2004; Vallano & Schreiber-Compo, 2011).

Greater the flow of information from a suspect may enable investigators to ask more of the right type of questions (and thus to obtain a valid account), although research on this notion is needed. Yuille and Cutshall (1986) attempted to define what investigation relevant information (IRI) actually is and used three main categories: (i) person, (ii) object, and (iii) action details. Building on these three detail categories, Phillips, Oxburgh, Gavin, and Myklebust (2012) added (iv) location, and (v) temporal details. They utilized the term ‘item’ instead of ‘object’ to ascertain: (i) who did what, (ii) what items were used, (iii) how it happened, (iv) the location of where it happened, and (v) the time that it happened. Such a categorization may apply to all investigations irrespective of culture/country.

2.1.4.3 The Cognitive Interview (CI)

Similar to the PEACE method, the CI (since Fisher and Geiselman’s 1992 book updated the 1980s original version) firstly focuses on providing a safe and calming environment to optimize memory processes. Up to the 1990’s there was limited information available on how to efficiently conduct interviews with suspects, although witness interviewing guidance (uninformed by empirical research) was had been available in Germany for several years relating to ‘Criteria Based Content Analysis’ (CBCA) and ‘Statement Validity Analysis’ (SVA) (made available in English by Raskin & Esplin, 1991; Steller & Köhnken, 1989; Undeutsch, 1967; 1982 - for more on CBCA and SVA, see the section ‘[2.1.4.6 CBCA and SVA](#)’ below).

The following four constitute the mnemonic aspects/instructions of the CI (Geiselman & Fisher, 1997):

1. Mental Reinstatement of Environmental and Personal Contexts
2. In-depth Reporting

3. Describing the 'To be remembered' (TBR) Event in Several Orders
4. Reporting the TBR Event from Different Perspectives

Recommending each of these instructions was based on widely accepted principles of memory/cognitive psychology to aid memory retrieval (Geiselman & Fisher, 1986). For instance, by attempting to recall items in an altered order could unlock useful (script inconsistent) details or isolate inconsistencies. The CI was found to be more effective than a standard interview requiring neither more time nor more questions (the effectiveness of the CI was examined not only in the pioneering 1980s publications of Geiselman and Fisher but also in a German study Aschermann, Mantwill, & Koehnken, 1991; in England by Bekirian & Dennett, 1993; and the first meta-analysis of the CI was by Koehnken, Milne, Memon, & Bull, 1999).

Several adaptations of the CI have evolved, including the *Enhanced Cognitive Interview* (ECI), *Modified Cognitive Interview* (MCI), and *Cognitive Interview for Suspects* (CIS); although the CI was developed for witnesses and/or victims, it was thought that its processes could be useful when interviewing suspects (Geiselman & Fisher, 1992, 2014). Thus, the CIS was developed, which included an eight-stage procedure to investigating the occurrence of a crime using an information-gathering approach. The eight stages of this procedure are as follows:

1. Rapport and Introduction
2. Narrative
3. Drawing and Sketching
4. Follow-up, Open-Ended Questions
5. Reverse-Order Technique

6. Challenge
7. Review
8. Close

The four steps of the original CI designed in 1984 are visible in this extended version developed for suspects.

The Enhanced Cognitive Interview (ECI) included a framework for rapport building and effective communication which discourages interrupting the interviewee, encourages active listening and encourages the interviewer to allow the interviewee to control the interview. ECI interviewing also specifies interviewee-appropriate questioning, meaning that questions are asked in alignment with the current narrative the interviewee is providing, keeping them within the same recall path (Paulo et al., 2013). In a major deviation from accusatory interview tactics, the updated version published by Geiselman and Fisher in 1992 emphasized the importance of creating a comfortable environment for the interviewee through passing control to them, furthermore highlighting the value of rapport building as an aid in moments when the interview may become difficult for the interviewees.

A study in Portugal compared the use of the ECI against a *Structured Interview* (SI) (where the main differences between the interviews were the use of mnemonics, the transfer of control, and use of mental imagery) found that the ECI elicited more appropriate question types, rapport, communication, and ‘working alliance’, which was associated with more information gathered (Paulo et al., 2015). Growth in cognitive interviewing has primarily focused on validation and development of interview techniques – frequently new techniques are included in various CI models, however the elements that have steadfastly remained are the building of rapport, trust building, and transparency in process for the interviewee. These

elements remain clear in PEACE Training materials (that the author of the thesis undertook), “When being questioned some witnesses may become distressed. If this occurs, the interviewer should consider moving away from the topic for a while and, if necessary, reverting to an earlier phase of the interview (e.g., the rapport phase).” [For further reading on the CI see Bull, Paulo, & Albuquerque, 2019; Dando, Wilcock, & Milne, 2009; Dando, Wilcock, Behnkle, & Milne, 2011; Fisher, Geiselman, & Amador, 1989; Geiselman, Fisher, MacKinnon, Holland, 1986; Fisher & Geiselman, 2010; Gwyer & Clifford, 1997; Koehnken, Thürer, & Zobierbier, 1994; LaPaglia, Wilford, Rivard, Chan, & Fisher, 2014; Memon, Meissner, & Fraser, 2010].

2.1.4.4 KREATIV

After the development of the PEACE model some other countries adopted a similar style that focuses on rapport building and its maintenance and the use/display of empathy. (The new Study 1 presented in this thesis involves interviewers from several European countries.) The KREATIV model of investigative police interviewing in Norway (created over ten years ago) was developed (in light of a false confession case in Norway) partly to prevent false confessions (or at least lower the rate of). It also puts into practice the notion of ‘innocent until proven guilty’ by gathering information and adopting an open attitude/mind regarding the information received. The guidelines for KREATIV (communication, rule of law, ethics and empathy, active consciousness, trust through openness, and information) are strongly based on the British ‘PEACE’ model (Fahsing & Rachlew, 2009). KREATIV has not only become part of basic police training in Norway, officers may further educate themselves in these methods with additional (optional) post-graduate training with ‘KREATIV 1’ (a one-week course) and ‘KREATIV 2’ a more comprehensive course of 280 hours of study focused on interviewing children and other vulnerable people. The instructors undergo a six-week course covering topics

such as human rights, ethical interviewing, interview strategies, communication skills and false confessions (Jakobsen, Fahsing, & Hjelmsater, 2010). Notably, the KREATIV method does not make a clear distinction between witnesses, victims and suspects. Furthermore, it emphasizes deliberately refraining from forcing a confession or confirming police suspicions suspect guilt when no forensic evidence has been established. A third supplementary KREATIV course is in development.

Similar to the first study of this thesis in which police officers across Europe are compared, a study conducted by Fahsing and Ask (2015) compared Norwegian police detectives with police detectives from England. They found that senior detectives in England out-performed senior detectives in Norway regarding investigative decision-making. While one specific reason for this finding cannot be isolated, factors like professional/social culture, variations in education, changes in policy resulting in differing law enforcement demographics were thought to play a role (Fahsing & Ask, 2015). Furthermore, ongoing education was examined as a possible factor, as detectives in England continuously were educated on decision-making matters, whereas in Norway detectives are taught only in their preliminary education and are then not obligated to take part in further decision-making training throughout their career.

2.1.4.5 PRICE Model, Scotland

Similar to PEACE and KREATIV, PRICE (as used in Scotland) also focuses on the building and maintenance of rapport. In 1996 in Scotland, in light of the development and use of the PEACE method in England and Wales, the PRICE model (Preparation, Rapport, Information gathering, Confirming the content, and Evaluation and action - which had been an element of the Detective Training Unit at the Scotland Police College) was adopted nationally for training of

police (Houston, La Rooy, & Nicol, 2015). Similar to the PEACE model, the PRICE model encourages rapport building, open-ended questions, and following the ascribed process in order to try to gather a greater quantity of reliable information. Although Scottish interviewing practice did not initially require video-recorded interviews, in 2011 the recording of interviews became common (Nicol, La Rooy, & Houston, 2015). While many of the same methods as for PEACE are employed, the PRICE model emphasizes methods which seek to ensure that the interviewer maintains control.

Scotland's commitment extends beyond the PRICE model, involving further protections for vulnerable witnesses (witness interviewing discussed in Study 3 of this thesis). Guidance on interviewing such witnesses has been provided by the Vulnerable Witnesses (Scotland) Act of 2004; under this act, interviewers of vulnerable witnesses and intermediaries should complete training following the Scottish Appropriate Adult Network's established standards (Nicol, et al., 2015). In 2011, the Scottish Executive guidelines were released, which outlined procedures for interviewing children. These guidelines follow the structure of introductions, rapport, practice narrative, free narrative, questioning, and closure; but offer flexibility based on witness needs (Nicol, et al., 2015).

2.1.4.6 Memorandum of Good Practice

Also, regarding the interviewing of (child) witnesses, thirty years ago (in 1992) the innovative *Memorandum of Good Practice* (MOGP) was introduced in England and Wales as a guide for child witness/victim interviewing following the 1989 Pigot Report, which recommended video-recorded interviews in lieu of live examination-in-chief in court (Davies & Westcott, 1999). Drafted by psychologist Professor Ray Bull and lawyer Dr. Diane Birch, the MOGP began as a method to ensure that interviews were skillfully conducted in accordance with

legal rules of evidence, coinciding with the 1991 Criminal Justice Act (Davies & Westcott, 1999). Beyond ensuring legal adherence, the MOGP was designed to elicit valid information while remaining sensitive to the vulnerabilities of child witnesses.

The nationwide implementation of the MOGP in England and Wales required that interviewing officers follow the four phases of rapport building, free narrative, questioning, closure. Additionally, principles of the MOGP are that interviews should be conducted as soon as possible following the allegation, in an informal setting with trained interviewers (specific to children), free narrative should be given priority before engaging in explicit questioning, questioning should be given in phases prioritizing open-ended questions before direct questions, and interviews should not usually be longer than one hour (Davies & Westcott, 1999). The body of (mostly psychological) research on which the MOGP was based was similar to that on which the PEACE model was based.

The MOGP was updated with the publication of *Achieving Best Evidence (ABE) in Criminal Proceedings: Guidance for vulnerable and intimidated witnesses, including children* (Home Office, 2002, 2008, 2011, 2022). Based on developments in the time following the implementation of the MOPG, ABE included updates on interviewing children and a whole new section on interviewing vulnerable adult witnesses (Bull, 2010).

Empathy is mentioned (albeit briefly) in the ‘Achieving Best Evidence’ guidelines from the Home Office (2011, p. 189) where it states that “a guiding principle for developing rapport is to communicate empathy.” Although ‘Achieving Best Evidence’ is designed to be employed in interviews with witnesses and/or victims, those who developed the (1992) ‘PEACE’ method made the fundamental realization that suspects are also witnesses. In England and Wales, in the

‘PEACE’ method for interviewing, a cognitive definition of empathy is used when describing the building of rapport (Baker-Eck, Bull, & Walsh, 2020a).

2.1.4.7 CBCA and SVA

As a method of interviewing children, the Criteria-Based Content Analysis (CBCA) [part of Statement Validity Assessment (SVA) that briefly mentions appropriate interviewing] was developed as a method of trying to discern truthful and deceitful statements through a holistic analysis of both the content of the interview and mitigating factors that may affect the credibility of the witness or witness’s statement. This method was initially created many decades ago (in around the early 1950s) and was first fully described in English in 1989 by Steller and Koehnken and later updated in 2014 by Volbert and Steller. CBCA/SVA is based on two main principles, the first, that truthful statements contain more content based on the factual evidence contained in memory, whereas a deceiver must create evidence based on a loose collection of general details; and the second, that deceivers will create a self-serving narrative based on strategic self-presentation (Volbert & Steller, 2014) instead of focusing on details of the account. SVA was initially developed for work with children, primarily children that were possible victims of sexual assault as a means of identifying truthful statements in cases with contradictory testimony from the accused and no outside witnesses (Vrij, 2005). However, the CBCA is not a checklist for determining truths from deceptions, but a guideline to aid in the determination of such. Accusatory interviewing is far less likely than investigative interviewing to produce the criteria on which CBCA relies.

2.1.4.8 Motivational Interviewing

Some counseling styles that include rapport building have been adopted for use in police interviews. These include ‘*Conversation Management*’, ‘*Step-Wise Method*’, ‘*Structured Interview*’, ‘*Inferential Interview*’ and ‘*Motivational Interviewing*’ (for more on structured and inferential interviews see Colwell, Hiscock, & Memon, 2002; Farr & Yuille, 1988; Yuille & Cutshall, 1989). Motivational Interviewing (MI) is defined as: “a directive, client-centered counseling style for eliciting behavior change by helping clients to explore and resolve ambivalence” (Rollnick & Miller, 1995; p. 25). This method is based on collaboration (rather than confrontation), evocation (rather than education), and autonomy (rather than authority) to build a working relationship in order to aid the interviewee to realize their own motivation for change, typically in counseling. It is also a clinical method that requires extensive training of the broad method, practical subtleties, ethical complexities, and flexibility/adaptation in order to be properly applied (Miller & Rollnick, 2002). Adaptations have, however, been made in an effort to teach some of the techniques. The five principles of MI are (1) express empathy, (2) develop discrepancy between clients’ goals or values and current behavior, (3) avoid argument and direct confrontation, (4) adjust to client resistance rather than opposing it directly, and (5) support self-efficacy and optimism (Miller & Rollnick, 2002). Key to the use of this method is the employment of empathy conducted through “reflective listening” (Miller & Rollnick, 2002; p 37).

Based on the use of empathy is the paradox that ‘acceptance facilitates change’. The strength of MI lies in respectfully guiding the interviewee to positive autonomous motivation. With respect to the use of MI in criminal justice, it is usually applied within rehabilitation programs for substance abusers and sex offenders, not until recently with regard to investigative

interviewing. Through the use of empathy, respect, autonomy, and social connection through a collaborative interview effort, offenders find some of their basic social needs met which thereby encourages cooperation. A meta-study conducted by Lundahl, Kunz, Brownell, Tollefson, and Burke (2010) found that MI was effective for distressed parties (as well as for calm) and had a variety of applications. Paralleling the goals of this method to those of investigative interviewing, both seek cooperation in order for the interviewee to accept responsibility, one in the case of a substance abuse problem or sexual offense (treatments for sexual offenses borrow significantly from substance abuse treatments) the other seeking a valid account that might involve an admission of guilt/ confession. The use of these humane interviewing techniques of MI, and their success with ambivalent parties, demonstrates the benefit of respectful, empathic methods.

However, application of MI in law enforcement settings could involve problems, for example, law enforcement is historically (and still is in some countries) a tough culture with an 'us versus them' mentality that favors the tough treatment of criminals; to effectively apply MI would require a massive cultural and mental shift.

The pioneering research of Alison and colleagues has shown that, for example, in the UK interviewing of terrorism suspects, motivational interviewing was positively associated with adaptive interpersonal behavior from the suspect and thus increased interview results (i.e., information gathered; Alison, Alison, Noone, Elntib, & Christiansen, 2013; 2015). Building on this, recent research has further highlighted that MI can successfully be applied in police interviews, particularly when applying MI skills such as (i) reflective listening, (ii) summaries, (iii) rolling with resistance, and (iv) developing discrepancies (Surmon-Böhr, Alison, Christiansen, & Alison, 2020).

However, use of MI in some ‘traditional’ law enforcement settings could involve problems, for example, law enforcement is historically (and still is in some countries) a tough culture with an ‘us versus them’ mentality that favors the tough treatment of suspects/criminals; to effectively apply MI in such settings would require a massive cultural and mental shift.

In the current thesis, the interest lies within skills that pertain to rapport building and empathy, and as such several of the MI skills mentioned above are of interest. Therefore, the principles that determine its success can be taken as examples of how humane interview treatment can inspire interviewees to cooperate. Particularly when it comes to the application of empathy.

The question then lies in what is the most efficient method in acquiring information from suspects? Are there aspects, when employed, that will offer the highest / best outcome of information given? If yes, what are they? What optimizes a great interview? In order to answer these questions, it can be helpful first to look at what does and doesn’t work.

2.1.4.9 The Possible Relationship Between Interview Styles and Suspects’ Behaviors

In a Canadian study by Snook, Brooks, and Bull (2015) incarcerated men in Canada completed a questionnaire about their most recent police interrogation. They found that the likelihood of an interrogation resulting in a confession was greatest when evidence strength and/or scores on a humanitarian interviewing scale were high. In this study humanitarian was described as (i) thanking interviewee for providing information, (ii) showing respect towards interviewee, (iii) making interviewee feel equal, (v) sincerity, (vi) ending interview on a positive note, and (vii) using calming voice.

Kelly, Miller, and Redlich (2016) noted in their study of police interviews conducted in the USA with suspects of serious crimes that interviewer rapport/relationship building was associated with greater cooperation, but that confrontation and emotion provocation was associated with lesser cooperation. In England Leahy-Harland and Bull (2017) analyzed real-life taped interviews with serious crime suspects (i.e., suspected murderers/rapists) and examined the strategies used and types of questions asked by the police and the suspects' responses to these. The information source was audiotape-recorded interviews with 56 suspects, some of which lasted many hours. They found a number of significant associations between interviewer style and suspect responses. For example, rapport/empathy and open-type questions were associated with an increased likelihood of suspects admitting the offence. They also examined which strategies were associated with interviewees continuing to respond relevantly and found positive associations for 'rapport/empathy', 'presentation of evidence', 'requests attention'; but negative associations for 'explicitly asks for account/tell truth', 'emphasizes seriousness of offence', and 'situational futility' (these three being advocated in the Reid technique).

2.1.4.10 Critique of an Information-Gathering Approach

Some countries, (such as England and Wales, the Netherlands, some parts of Germany, and some Scandinavian countries) offer extensive literature on the importance of having a free narrative phase. However, this seems not to differentiate between a compliant suspect and a suspect who is not willing to disclose information and/or make a statement or confession (Volbert & Baker, 2015a). With regard to interviewing suspects, a related criticism has been that information-gathering approaches do not enhance openness in non-cooperative, non-compliant suspects. (However, a major aim of methods such as PEACE is to increase the number of

cooperative suspects.). Conversely, it can be suggested that higher compliance in some (vulnerable) suspects might also lead to false confessions.

In a recent article, the Vermont State Police in the United States modeled a training program for PEACE and was subsequently evaluated (Fallon, Snook, Barron, Baker, Notte, Stephenson, & Trottier, 2020). The results of their evaluation indicated that the police interviewers' knowledge increased and self-reports showed a positive reaction to this training. However, most interesting was that these officers displayed/endorsed items relating to information-gathering approaches, showing they had indeed learned much throughout this training model such as endorsing/placing importance on eyewitness testimony and memory. This is a major step for the introduction of information-gathering approaches in North America.

One of the newest studies (Nahouli, Dando, Mackenzie, & Aresti, 2021) underlying the importance that rapport-building has on memory was conducted on witness interviews. It found that comparing behavioral rapport and verbal rapport, the behavioral rapport condition (as well as behavioral and verbal rapport combined) produced fewer errors than just the verbal rapport alone.

2.1.5 Further Considerations of Investigative Interviewing

The literature has revealed that there are further aspects regarding investigative interviews that may also be relevant to the implementation of empathy. These extra aspects will be described below and they include (i) the importance of free recall, (ii) the amount of investigation relevant information gained (see the new Studies 2 and 3 presented later in this thesis), (iii) mandated audio and/or video recording the interview (for both witness and suspect),

and (iv) training capabilities.

2.1.5.1 Importance of Free Recall

‘Traditional’ confrontational and/or accusatory methods of police interviewing rarely encourage/require the suspect to freely recall an event. Nowadays there is an extensive literature on the importance of offering a free recall session for suspects (and witnesses/victims) that consistently finds allowing for free recall has a positive effect on the amount of information provided. Almost 30 years ago Yuille et al. (1993) noted which factors should be present in order to have an effective interview, these being (a) minimize the trauma of investigation, (b) maximize the information obtained about the event(s), (c) minimize the contamination of the memory trace by the interview, and (d) maintain the integrity of the investigative process. (These minimizations and maximizations are not to be mistaken for minimizing/maximizing the offence – such minimization is a topic considered in Study 4 of this thesis).

Along with such contributions about what might constitute a ‘good’ investigative interview, a growing amount of research is indicating the importance of rapport and empathy in investigative interviews. As mentioned above, in a pioneering study Holmberg and Christianson (2002) found convicted sex offenders to be more likely to admit to crimes when humanely interviewed as opposed to dominant interviews. Kebbell, Hurren, and Mazerolle (2006) in their Australian study found similar results in that the likelihood of suspected sex offenders to confess when they were interviewed compassionately, neutral, and fair was greater than when they were interviewed aggressively and in a biased manner. (More on these studies will be touched upon in the section below [‘2.2.3 Empathy in Investigative Interviewing’](#).) Building on free recall as a

way to recall an event, appropriate question types have also been researched as a way to optimize the outcome of an information-gathering approach.

2.1.5.2 Question-Type, Interviewing Setting, and Basic Needs

In a study conducted on question types in investigative interviews, Lamb et al. (2006) examined interviews with children of alleged sexual abuse. Their results indicated that children gave longer and more detailed responses to open-ended invitations (see Lamb et al., 2008 for more studies like this). In a study conducted on 26 real-life transcripts of interviews with suspected child sex offenders in England, Oxburgh, Ost, and Cherryman (2012) examined the use of empathy and the impact of question type regarding the amounts of IRI obtained. The results indicated that significantly more IRI was provided when asking *appropriate* questions versus *inappropriate* questions. According to Oxburgh et al. (2012) appropriate questions consist of the following elements: (i) open questions, (ii) probing/identification questions, and (iii) encourager/acknowledgement questions. Conversely, inappropriate questions consist of: (i) echoing questions, (ii) closed questions, (iii) forced questions, (iv) leading questions, (v) opinion/statement questions, and (vi) multiple questions. Although there were no significant indications found in this study that employing empathy during investigative interviewing would lead to more IRI, other studies within investigative interviewing have supported empathy's usefulness in gaining more information (Allison & Brandon, 2014; Oxburgh & Dando, 2016; Vanderhallen, Vervaeke, & Holmberg, 2011; Fisher & Geiselman, 1992; St-Yves, 2006; Yeschke, 2003). In a later study by Oxburgh and Dando (2016) on the use of empathy in interviews, these authors note its importance and appropriateness/usefulness in gaining information during interviews.

An overview of earlier research on the possible effects of interviewer question types by Oxburgh, Myklebust, and Grant (2010) found that appropriate questions included ‘TED’ questions (or open questions) that include asking interviewees to ‘Tell, Explain, Describe’. Indeed, open questions have more recently repeatedly been found to elicit longer narratives than closed questions, including more accurate and detailed responses including elaborate explanations (Kelly & Valencia, 2020; Powell, 2013). While the new study to be described below was being conducted, Kelly and Valencia (2020) were also (unknown to the current author) conducting a study examining the association between (a) the proportion of open questions versus closed questions and (b) suspects’ cooperation, which they defined as “...cooperative information was operationalized as offering non-incriminating information that may or may not have been related to the crime, self-incriminating information, including admissions, and alibis” (p. 5).

‘TED’ Questions as open questions could be seen as information-seeking and ‘WH’ questions (i.e., Who, What, When, Where, Why) can be deemed to be closed questions in the sense that they specify an aspect of an event (Oxburgh et al., 2010; Zeng, Huang, Bull, 2020). Maintaining the use of open-ended questions during interviews has been found to be associated with suspects ‘shifting’ from not providing to providing relevant information (Bull & Soukara, 2010 see pages 226 to 228) and is a key characteristic of skilled interviewers (Davies, Westcott, & Horan, 2000; Poole & Lamb, 1998).

Another type of question within investigative interviewing involves the ‘Clarification [and Challenge]’ phase (Milne & Bull, 1999): the clarification questions that often begin with “So you’re telling me that...”, “So what you’re saying is...”, or “So you admit/deny..., and they can play a central role in eliciting evidence from suspects (Almeida & Drew, 2020). By using

such questions, the interviewer attempts to get the suspect to confirm/deny aspects of their own account, locking them into confirming or denying particular information. Almeida and Drew (2020) found that police officers' use of such questions was not done in a neutral way but sought to allow the police officer to gain an admission or denial for a specific aspect of an account. One possible reason for doing this is to transform the suspect's account into a legally more adequate one.

In some countries official guidance has emphasized that inappropriate question types are to be avoided (e.g., Home Office, 2011). However, research (almost exclusively on witness interviewing) has repeatedly found that professional interviewers are nevertheless poor at avoiding use of inappropriate questions (e.g., Lamb, 2016; Skrifvars, Korkman, Sui, van Veldhuizen, & Antfolk, 2020; Verkampt, Dodier, Milne, & Ginet, 2019; Westera, Powell, Milne, & Goodman-Delahunty, 2019). In addition, Leahy-Harland and Bull found in real life interviews with suspects that open questions were only frequently used near to the beginning of interviews. Almerigogna, Ost, Bull, and Akehurst (2007) found that interviewees with heightened anxiety (in their study, children) more often responded incorrectly to misleading questions. The police interviewing process (whether witness/victim or suspect) can itself be an anxiety-heightened situation and thus particular attention should be placed on question types to attempt to reduce false/incorrect responses from interviewees.

In a recent study conducted by Webster, Oxburgh, and Dando (2020) the use of efficacy of question types were analyzed in real-life adult rape victim interviews where they examined the quantity and quality of investigation relevant information (IRI) given in response to appropriate versus inappropriate question types. They found that appropriate questions were asked significantly more than inappropriate questions and that those appropriate questions elicited

significantly more items of IRI. Although this study was conducted with witnesses/victims, similar results could possibly be found when interviewing suspects if the interviewers follow the recommendations about question types in the 2021 Mendez ‘Principles of Effective Interviewing’. Conversely, a study by Launay, Py, Brunel, and Demarchi (2021) focused not only on IRI questions but also on ‘Interviewee Details’ (ID) questions and found that more inappropriate questions were employed than appropriate questions. Of course, the differing countries and thus their training and methods applied may well play a role.

One method of visually documenting question types asked by interviewers is known as the Griffiths Question Map (GQM), which was originally developed to evaluate interviewer skills within investigative interviews with suspects (Griffiths & Milne, 2006). Waterhouse, Ridley, and Bull (2018) documented not only the question types of the interviewer but also the witnesses’ responses in terms of ‘information relevant information’ (IRI) (in interviews with child witnesses). Kelly and Valencia (2020) additionally documented rapport building in their GQM. An updated version of the GQM will be used in Study 3

Lyon and Henderson (2021) discuss the importance of having a balance between rapport-building and open-ended and wh-questions in order to gain more IRI without increasing false reports. Although they mainly discuss such question types and rapport building for child witnesses, they several times mention the importance rapport building has in investigative interviews in general.

2.1.5.3 Cultural Differences and Police Interviewing

Scattered throughout this thesis can be found (some brief) mentions of cultural issues relating to investigative interviewing: particularly as cultural aspects overlap with some aspects

of investigative interviewing. These can be found in the following sections: 1. [KREATIV](#); 2. [Motivational Interviewing](#). Cultural aspects and rapport/empathy are also discussed in the according section 2.2 labeled [Rapport and Empathy](#). This brief section here aims at offering a short understanding of (i) what culture is and (ii) what this means for investigative interviewing internationally.

Upon a brief Google search the definition of culture can be the “ideas, customs, and social behavior of a particular people or society”. Measuring and examining this has been attempted in various ways and a widely understood approach is the notion of ‘individualism’ versus ‘collectivism’ (Hofstede & Bond, 1984). Collectivism places emphasis and importance on the community, whereas individualism places its importance on the rights and concerns of each individual. Individualism has been more pronounced in Western societies, and collectivism in Eastern cultures (Krassner, Gartstein, Park, Dragan, Lecannelier, & Putnam, 2017).

As there are differences between countries on their values and importance placed on community and individual needs, the assumption is that there are as such also differences when it comes to those beliefs regarding regimes, laws, police, and punishment. A study conducted in Norway on the individualism and collectivism in police culture found that there the police organization cultural values were more collectivist than individualistic (Filstad & Gottschalk, 2010) (e.g., decisions made on a daily basis were in the best interest of the police force as a whole and not of the individual). However, this could create a mindset of ‘us’ versus ‘others’ when it comes to police versus criminals, which can be one explanation of why some countries still have coercive interviews (as seen above in the section [2.1.3 Accusatory Methods: The Reid Technique](#)).

Beune, Giebels and Taylor (2010) examined the role culture plays in police interviews by analyzing interviews involving suspects from a low-context culture versus a high-context culture. They found that rational arguments were more effective in gaining case-related personal information from low-context suspects than from high-context suspects. However, high-context suspects responded negatively by not offering information when the police behavior was coded as being kind (perhaps because they did not expect/were confused by kindness). Cultural aspects regarding rapport building and empathy can be found in the corresponding sections: 2.2.1

[Rapport.](#)

In a study conducted on the investigative interviewing process in Malaysia (which is considered a collectivist society; Hofstede, 2011) it was found that although some interviewers who questioned interviewees (suspects and witnesses) used some self-reported rapport-building techniques, many did not see the such techniques as being useful. Furthermore, Leal, Vrij, Vernahn, Dalton, Jupe, Harvey, and Nahari (2018) stated that individuals from collectivistic cultures tend to leave things unsaid, assuming the context of an account will describe what is implied. This can lead to miscommunication, as many things are assumed thus creating an issue when it comes to 'evidence' or full-accounts of victims/witnesses of an alleged crime. However, such communication or miscommunication is not solely an outcome with victims/witnesses, but also with suspect interviewees.

2.1.5.4 Offender/Interviewee Perspectives Regarding Styles of Interviewing

Offences of a sexual nature arguably have relatively higher consequences compared to many other crimes due to their serious nature. Although there are other high-risk, high-stakes crimes (such as murder, human trafficking, robbery with violence etc...), sexual offences have a

relatively higher prevalence rate compared to these (National Crime Victimization Survey, 2019). Furthermore, when investigating sexual offences, it may be more difficult for interviewers to demonstrate empathy compared to some other high-stakes crimes.

Decades ago, Shepherd (1991) innovatively commented on the likely importance of investigators being empathic, respectful, and humane when interviewing suspects. More recently, other authors have contrasted the effects of various styles of investigative interviewing/interrogating (e.g., Bull, 2020, 2013; Bull & Rachlew, 2019; Russano, Kelly & Meissner, 2020; Meissner, Redlich, Michael, Evans, Camilletti, Bhatt, & Brandon, 2014).

Back in 2005 the experienced USA interviewers O'Connor and Carson examined the reasons given by prison inmates convicted of child abuse concerning why they did or did not confess. The main reason confessors provided was due to the respect shown to them by the interviewers. Of those who did not confess, a substantial number indicated that this was because the police had interviewed them in a demeaning or coercive manner. Kebbell, Hurren, and Mazerolle (2006) interviewed convicted Australian male sex offenders regarding (i) the feelings they experienced during their most recent police interview, and (ii) their reasons for either confessing or denying in that interview. They were also asked for suggestions of ways that would improve/optimize police interviews. The participants stated they were more likely to provide confessions if police interviewers were compassionate, neutral, and fair rather than being aggressive and/or showing biases. Kebbell, et al. (2006) also found that only half of the convicted sex offenders with whom a research interview was held said that they had entered the police interview having already decided whether to deny or confess. In fact, less than 20% had planned to deny (and around 30% had planned to confess). The other 50% entered the police interview not yet having decided whether to deny or confess.

In Canada Deslauriers-Varin and St-Yves (2006) found that almost half of prison inmates indicated that just prior to the police interview they had been willing to provide incriminating evidence/or confession, but a quarter of these said that they actually changed their mind during the interview/interrogation due to its nature/style. In Belgium Vanderhallen and Vervaeke (2014) gave a questionnaire to suspects who had just been interviewed by the police and found that interviewee satisfaction was higher for a humanitarian interviewing style. In their study they described ‘humanitarian’ as being respectful and ‘dominant’ as anxiety-inducing. Cleary and Bull (2019) in their USA survey of inmates in jail for a variety of crimes found that the most strongly agreed with statement was that ‘A police interviewer should give suspects a chance to tell their side of the story’ and that the inmates strongly disagreed with interviewers yelling at suspects and behaving aggressively toward suspects. Partly in the light of suspects’/offenders’ perspectives/views some studies have examined the possible relationship between interviewing styles and suspects’ behaviors.

Recently May, Gewehr, Zimmermann, Raible, and Volbert, (2020) in Germany found convicted offenders’ confessions were positively associated with respectful-open interviewer behaviors whereas denials were positively associated with confession-oriented tactics (as had Homberg and Christianson mentioned above).

2.1.5.5 Mandated Interview Recording and Training in Germany

The recording of police interviews has in some countries only been a relatively recent concern, though in others it is acknowledged as part of best practice (and is part of the Mendez ‘Principles of Effective Interviewing’). However, there are still countries that do not employ the

use audio and/or video recording (Walsh, Oxburgh, Redlich, & Myklebust, 2015b). The German Constitution on police jurisdiction lies primarily within the 16 states, which means that each state has its own laws and organization. This also means that each state is, thus, responsible for its training (Volbert & Baker, 2015a). As such in Berlin the use of audio and/or video recording is not utilized, but in Hamburg, for instance, it is. The Bundeskriminalamt [BKA – the German FBI], however, does regularly use it. (In the United States, recording has fairly recently been mandated within federal departments such as the FBI.) However, in Germany each state has its own set of guidelines (Volbert & Baker, 2015b). As of 2020, however, the video recording of interviews has become federally mandated. This is mentioned here because Study 4 in the present thesis involves German police interviewers.

In 1975 the RAND Corporation completed a survey regarding the job duties of police officials (Geiselman & Fisher, 2014). This survey found that 85% of job duties included conversing with citizens. Yet at that time only 2% of participants actually received formal training on how to interview people. Recently in a fast-growing number of countries there are developments to offer training, and not just initial training for police (and others), in investigative interviewing. However, it must be noted that currently the extent and nature of training varies considerably across countries (this will be returned to in Study 1 to be presented later in this thesis). For example, Germany does not have national, official guidelines on type and duration of training on how to conduct police interviews; the only region that offers formal training is Nordrhein Westfalia. However, it is not as yet legally mandated (Volbert & Baker, 2015b). The new studies one and four presented in this thesis involve police in Germany while focusing on empathy/rapport.

2.2 Rapport and Empathy

Until recently, empathy was under-researched regarding investigative interviewing, though there exist more publications regarding rapport. However, authors are nowadays suggesting the value of empathy in investigative interviews (e.g., Baker, 2017; Jakobsen, 2019; Oxburgh, 2012; Pounds, 2019; Webster, 2019), though more research on defining empathy is necessary. Specifically, the literature is demonstrating the positive effects of rapport and empathy can have in police interviews through (i) the information-gathering approaches being implemented in various countries (e.g., England and Wales, Scotland, Norway, the Netherlands, Australia, and New Zealand; Walsh, Oxburgh, Redlich, & Myklebust, (2016a; 2016b) in which importance is placed on building and maintaining rapport with the interviewee; (ii) a positive impact on the memory performance of interviewees; (iii) eliminating coercive/inhumane tactics of police interviewing; (iv) positive effects on amounts of investigation relevant information gained; (v) positive effects on obtaining truthful accounts and true confessions (versus false confessions); and (vi) such positive effects occur even for serious offences such as sexual or terrorist crimes. Rapport building and empathy are related entities, with empathy being an important factor in building rapport between two individuals (e.g., Bull & Baker, 2020). The sections below will focus on rapport and empathy to gain a broader and deeper understanding of both terms, before applying empathy to the context of investigative interviewing in the four new empirical studies to be presented in this thesis.

2.2.1 Rapport

Rapport building means creating a relationship between two people and in the interviewing of suspects this is thought to enhance the flow of information from suspect to interviewer. It has often been employed during therapeutic settings to increase interpersonal communication by developing positive relationships and resulting in positive outcomes (such as a decrease in maladaptive behavior) (Ardito & Rabellino, 2011; Dando, Wilcock, & Milne, 2009; Tickle-Degnan, Rosenthal, 1990).

Though, in a sense a ‘simple’ notion, the application of rapport is actually complex and nuanced in an investigative interview setting; use of rapport building is often necessary in order to maintain appropriateness and professionalism without sacrificing efficacy (For more on rapport in investigative interviewing see Walsh & Bull, 2010; Walsh & Bull, 2012a.)

Tickle-Degnen and Rosenthal (1990) developed an influential theoretical framework for rapport that construes it as being based on three thought-to-be essential elements: mutual attentiveness, positivity, and cooperation. Mutual attentiveness refers to feelings of mutual interest and focus. Positivity is the friendliness, warmth and care expressed by the interacting parties. Cooperation is the balance, harmony, predictability, and regularity of the exchange. These elements vary during interactions. In the early stages of an interaction participants are actively evaluating each other and will typically behave within social and cultural norms while trying to present themselves favorably, often displaying high levels of positivity (Tickle-Degnen & Rosenthal, 1990). Thus, mutual attention usually is high. Differing cultural components may influence the behavioral interaction between individuals, not only in displaying behaviors, but also as interpreting such behavior. (Buetow, 2009). For instance, countries labeled as ‘contact cultures’, such as Latin Americans and southern Europeans, tend to be more comfortable with

informal interactions in physically closer spaces than those in noncontact cultures, such as Asians and northern Europeans (Remland, Jones, & Brinkman, 1995) and can make individuals in other cultures feel confined. As such, when interviewers seek to demonstrate rapport, more thought can go into how the receiver of this may interpret it. Is the display of coming across as it is intended to?

However, cooperation can be low early on, such that initial interactions can be awkward and misunderstandings common while participants are assessing each other (Tickle-Degnen & Rosenthal, 1990). As the interaction progresses, participants usually gain familiarity with each other and the need to continue to present oneself favorably can diminish, in other words, positivity does not then play as important a role. The structure of the interaction typically loosens and becomes more efficient as the parties adapt and become familiar with the communicative style of their counterpart; thus, coordination is increased. Thus, later stages of the interaction are thought to usually continue with the same level of attention with increased coordination and decreased positivity (Tickle-Degnen & Rosenthal, 1990).

Nonverbal cues can play a role in rapport building, being complex and subtle (Tickle-Degnan & Rosenthal, 1987). These nonverbal cues can be affected by the history of the relationship, the individuals, or, more importantly for the purposes of this study, *the function of the interaction*. Based on the type of interaction, the above-mentioned three elements may carry different weight, for instance, in a police interview attention is usually more important than positivity, but the element of positivity must be present in order to effectively build rapport. Some nonverbal cues like eye contact can serve as signs of positivity and attentiveness (as can head nodding, posture mirroring, etc.) but these if not demonstrated appropriately can be taken as threatening or aggressive. Coordination cues are even more complex and their appropriate use

stems partly from the ability to adopt the perspective of the other. Tickle-Degnen and Rosenthal (1990) stated that behavioral cues like forward leaning, direct body orientation, smiling, and head nodding were found (in research in western countries) to create a greater feeling of positivity, therefore, developing greater rapport. However, they did not mention police interviews, which are frequently higher-stress situations. Here it is important to note that rapport is difficult to define both conceptually and therefore objectively (Bull & Baker, 2020).

In therapeutic settings, according to Alison et al. (2015), rapport also involves *autonomy*, *acceptance* and *empathy*. They contended that the level of rapport built within therapy is largely dependent upon and mediated by the interpersonal skills of the therapist whom the client knows is trying to help the client. However, in the interviewing of suspects, few suspects initially believe that the interviewer is there to help them. This context constitutes an important difference in that rapport in an investigation is more likely to be a relationship that lacks the typical warmth of a therapeutic setting, while trying to maintain the key elements of respect and cooperation (Abbe & Brandon, 2013).

Using Tickle-Degnen and Rosenthal's model of rapport, Collins and Carthy (2019) analyzed police transcripts to examine the use of rapport and its relationship to gaining investigation relevant information (IRI). Of the three elements of rapport, attention was most frequently used, although this is expected in the high stakes situations of police interviews (particularly in their study which analyzed the interviews of suspected sexual offenders); this is in line with PEACE training that (as mentioned above) emphasizes active listening (Clarke & Milne, 2001). Coordination frequently occurred in the first part of these interviews (which in their study were divided into equally timed thirds), which is to be expected due to the explanation of rights and processes that occurs at the start. The use of coordination was

positively correlated to gain in IRI. Positivity was the least used element of rapport, likely due to the nature of the setting, nature of the crimes, and likelihood that interviewers might have a negative view of sexual offenders (Oxburgh et al., 2015). Levels of rapport peaked in the first third of the interviews, dropping in the middle and end this being in line with PEACE principles of building rapport during the Engage and Explain phase (though the maintaining of rapport during interviews is important - Walsh & Bull, 2012a). Collins and Carthy (2018) also noted that rapport should not only be established in the early stages of the interview but be maintained throughout it. They interestingly suggested that elements of rapport can be taught.

Brimbal, Kleinman, Oleszkiewicz, and Meissner's (2019) article on rapport argues against coercive interrogation techniques (still common in parts of the USA and in other countries) in favor of investigative interviewing by means of trust and rapport building techniques, citing respected historical examples from World War II, the Vietnam War, and the ongoing USA conflict in the middle east. Their examples highlight the importance of developing a strong sense of trust in order to develop rapport, going against methods and behaviors traditionally employed with 'enemies'. Additionally, the 'interrogators' in their examples all employed respect, understanding, empathy, cultural consideration, risk, and reciprocity. In their cited examples such interviewing resulted in a greater level of cooperation and more valuable information gained. These examples are particularly useful given some of the similarities between these wartime scenarios and police interviews of suspects in very serious cases. In a variety of investigative settings, a fast-growing body of research has nowadays been finding positive effects of rapport (Alison et al., 2013; Brimbal, Kleinman, Oleszkiewicz, Meissner, 2019; Bull & Baker, 2020; Collins & Carthy, 2018; Goodman-Delahunty, Howes, 2016; Oxburgh & Ost, 2011; Walsh & Bull, 2012).

In a study conducted by Collins and Carthy (2018) police interviews with suspects of child sex offences were examined to identify whether rapport with suspects influenced the amount of IRI gained. They coded rapport into three components: (i) attention, (ii) positivity, and (iii) coordination. Correlation was highest between attention and IRI and coordination and IRI; showing a positive relationship between the use of attention and coordination on the outcome (IRI) gained from suspects.

2.2.2 Empathy

Building on the interpersonal skills utilized in rapport building, it is important to try to clearly define empathy, both for the purposes of the four new studies to be presented in this thesis and for effective implementation in police interview settings. Barrett-Lennard (1981) explained that the origin of empathy comes from the word *empathia*, meaning affection and also passion, with a quality of suffering. The “*em* means ‘in’ or ‘into’, and there is the idea at least of going into a strong feeling-connection with another (p. 91).” The term empathy can be considered a fairly ‘modern’ construct as it was only introduced into the English language around the turn of the 20th century by Edward Titchener. Formerly, this term existed and was translated from the German word “*Einführung*”. As many psychologists from across the world traveled to Germany to study psychology’s origin (specifically at Wilhelm Wundt’s experimental/physiological psychology laboratory in Leipzig), this is where these psychologists learned of the word empathy (a closely related concept to introspection, also studied at this time). Previously there was no such word in the English language, and therefore Titchener came up with an English word to describe this notion (Lanzoni, 2018).

So, what did this term in the German language describe? James Baldwin, another psychologist studying empathy during this time (1908), described '*Einfühlung*' (or empathy) as '*semblance*' or creating a make-believe situation set against the backdrop of the real world, as he had seen children do during their play (Lanzoni, 2018; p. 49). While Baldwin was describing empathy as a semblance, James Ward (first minister and later mental philosopher at Trinity College in Cambridge, UK) formally suggested that empathy could be seen as a personification (1908; Lanzoni, 2018). These definitions would be the foundation of subsequent research regarding empathy. However, other researchers have cited Lipps (1907) as the first to introduce '*empathy*' as the translation of '*Einfühlung*' into the English language (Bischof-Köhler, 1991). Whoever it may have been, it is safe to say that it entered the English language around the beginning of the 20th century, possibly simultaneously by various researchers/psychologists.

Regarding definitions of empathy, in a meta-analysis of 386 studies, Hall and Schwarz (2019) found that empathy (i) seems not to be able to be conceptualized by one definition alone; (ii) consists of various forms/types; and (iii) may not be describing what is actually being measured. In other words, perhaps because of its multidimensionality, empathy lacked a specific, unified definition across disciplines and therefore a meaningful method of operationalization, possibly making its application/employment inconsistent and problematic. Furthermore, empathy may be seen as encompassing various 'strengths' depending on (i) the way it is implemented; (ii) the individual displaying empathy; (iii) the situation in which empathy is displayed; and (iv) the type of empathy displayed (Spenser, 2017). That empathy is recognized as being multidimensional, may be increasing in that in articles published between 2001 and 2013 only 33% described empathy as being multidimensional; however, in 2017 this figure was 52%, and

of those 52%, three quarters cited the main distinction to lie between affective and cognitive empathy (Hall & Schwarz, 2019).

Although there have been several researchers across various domains that have talked about/described empathy, this thesis will focus on those constructs of empathy deemed relevant to investigative interviewing and more specifically to the ‘type’ of investigative empathy appropriate in such interviews. More on the appropriateness of the specific ‘types’ will be revealed throughout each new study to be presented in this thesis.

According to Bischof-Köhler (1989), empathy is an experience that expresses itself through understanding *and* participation in the emotional state of another. However, some researchers have separated (i) the understanding from (ii) the participation. It can be argued that *emotional contagion* (participation in similar emotions as another) can be a component of empathy, but it may not be necessary for empathy to exist (Decety, 2012). Eberwein (2009) believes that empathy can be to feel with another without experiencing the pain attached to their feeling. Even further, other authors have brought another component to empathy, the *action* - “Empathy is the ability to put oneself in the emotional perspective of another and to take action accordingly” (Brandl, 2013, p. 114). Thus, empathy could be seen as involving three components (Bischof-Köhler, 1991):

1. The affective component: What makes me participate in the other’s emotions?
2. The social-cognitive component: How do I know it is the other’s emotions?
3. The motivational component: What am I going to do?

A large portion of this thesis will innovatively focus on the differentiation and the appropriateness of the first two components (affective and social-cognitive) within investigative

interviews, in other words the differentiation and appropriateness of cognitive and affective types of empathy.

2.2.2.1 *Affective and Cognitive Empathy*

The complexity of empathy is demonstrated by the many definitions that have been given to it by psychologists (and others) over the years. Part of the complexity arises from the various elements that compose empathy, which could be denoted in early definitions by the 'and' that separates the act of defining the emotional state of another *and* the reciprocation of that emotional state. In gaining a greater understanding of empathy, psychologists have come to realize that empathy breaks down into two forms: cognitive empathy and affective empathy (sometimes referred to as emotional empathy). All of empathy "is argued to be an inductive affective and cognitive evaluative process (Hoffman, 2007 cited in Westbury & Neumann, 2008, p. 66)."

As stated by Cohen and Strayer (1996, p. 988) "the affective component of empathy involves a *concordant emotional response* stemming from another's affective state, and the cognitive component of empathy involves *understanding* another's feelings whether by means of simple associations or more complex perspective-taking processes." This can be summarized as (1) cognitive empathy – 'the intellectual/imaginative apprehension of another's mental state' and (2) emotional empathy – 'an emotional response to... emotional responses of others'. In the therapeutic setting, *affect sharing* is considered one way of displaying empathy (Herzog, 2016). This is a literal mirroring of the client's affects by the therapist but is debated on its appropriateness to 'experience' the same emotions as the client.

In the therapy setting (see Will & Kauffeld, 2018) Greenberg et al. (2001) observed therapists using empathy as a way to build rapport. Watson (2002) examined therapist empathy and found that this included: 1) communicating with interest, concern, and expressive tone of voice; 2) demonstrating levels of emotional intensity similar to the client's; and 3) reflecting client's statements, nuances in meaning, or even implied meaning back to the client.

Cognitive empathy is well-recognized in the clinical domain, where empathy defined in clinical terms is mainly about being able to use one's imagination to look at the point of view of another (Barrett-Lennard, 1981; Baron-Cohen & Wheelwright, 2004; Davis, 1983; Decety, 2012; Greenberg, 2001) and not necessarily feel anything for or with the other person, and is rather incumbent on making cognitive effort to understand another's position in a rational, cognitive way. Particularly for practitioners, cognitive empathy can be considered an important tool as it helps them understand their patients (Gleichgerrcht & Decety, 2012). Similarly, cognitive empathy might be useful for interviewers in investigative interviews (as described below).

Affective empathy, broadly speaking, can be thought of as a form of 'emotional' empathy that involves, to various extents, experiencing and sharing the emotions of another individual (Balconi & Bartolotti, 2014; Decety & Jackson, 2004; Hooker, Verosky, Germine, Knight, & D'Esposito, 2008; Ickes, 1997; Preston & de Waal, 2002; Zahavi, 2015). Affective empathy may involve feeling what the other is experiencing. Cognitive empathy can be thought of as a rational understanding of the emotions and/or situations of another without taking on the emotions of the other (e.g., simply recognizing the emotions in another individual) (Hulme & Middleton, 2013; Jonason & Krause, 2013; Zahavi, 2015). The difference between the two types may involve (i) experiencing the emotions versus (ii) comprehending the emotions of the other (Jolliffe & Farrington, 2006). Rankin et al. (2006) describe cognitive empathy to include three aspects: (i)

perspective taking (Konrath & Grynberg, 2013 also support this), (ii) abstract reasoning, and (iii) cognitive flexibility. Rankin et al. (2006) describe affective empathy to include (i) the capacity or ability to recognize another individual's emotions, (ii) emotional responsiveness, and (iii) the ability to identify the emotions in oneself.

By distinguishing the cognitive understanding of the mental state of another (cognitive empathy) from the emotional affect that may be experienced in response (affective empathy), researchers have aimed to more accurately assess/measure empathy. Both of these forms of empathy differ from sympathy, which is the empathy-motivated response to the distressed party, a distinction that was blurred in some early writings on empathy.

In a study seeking to assess the empathy of conduct-disordered youth, Cohen and Strayer (1996) utilized a variety of measurement tools to try to determine both cognitive and affective empathy levels. Conduct-disordered (CD) youths typically display antisocial behavior, aggression, truancy, and the violation of the rights of others, though most significantly, deficient empathy is a characteristic. Research has demonstrated empathy as a precursor to pro-social behavior, supposing that an understanding of your effect on others will mitigate the likelihood of negatively affecting others (e.g., Spenser, Bull, Betts, & Winder, 2020). Cohen and Strayer found that CD youths demonstrated more personal distress, internalizing the distress in “tense emotional situations, an affective response possibly competing with empathy” (p. 994). They concluded that CD youths lack affective empathy because they tend to internalize the distress, possibly because in their upbringing negative emotional aspects of others meant consequences for them. Therefore, the typical empathic response is, in a sense, blocked by a self-interested response. Due to the cognitive and affective aspects of empathy originating in developmental, clinical and therapeutic psychology, these three areas will be briefly touched upon in the

upcoming sections: [2.2.2.2 Measuring Empathy](#); [2.2.2.3 Empathy in Children and the Development of Empathy](#); and [2.2.2.4 Empathy and Theory of Mind in Clinical Psychology](#).

Before that, a standard of empathy measurement tools will be reviewed in order to understand measurement criteria and scales utilized in research concerning empathy.

2.2.2.2 Empathy in Children and the Development of Empathy

A brief comment on the development of empathy is presented here because it is likely to be relevant to individual differences in interviewer empathy. To resonate with the pain of others has been argued to trigger empathic distress and may provide the foundation for moral development (Hoffman, 1982). According to Piaget's developmental stages, children around ages of 10 to 12 years can start to view moral rules as socially agreed upon guidelines designed to benefit the group (also known as the formal operational stage; Berger, 2014). They have also started to realize that making choices/making decisions can affect everyone and can benefit and/or hurt others. It can be argued that children at this age have started to internalize and develop empathy more at an adult-like/fully developed level.

Principles of morality have been categorized by Kohlberg (1973) as the following three levels with the following six developmental stages *Preconventional level*: (i) obedience, (ii) self-interest *Conventional*: (iii) conformity, (iv) law-and-order and *Postconventional*: (v) human rights; and (vi) universal human ethics. Children around 10 to 12 years old, who begin to think more 'adult-like' in their moral reasoning, are 'located' in the *conventional* level of Kohlberg's moral reasoning stages. This is when the children are concerned about being accepted by others and living up to their expectations. This means, they must also be able to change perspectives

and empathize/understand with the ‘other’ person. This is generally the stage in which adults will also find themselves.

Researchers believe that aspects of empathy occur early in development (Quann & Wien, 2013) such as within the first few weeks after being born, as infants will cry when they hear other infants crying (arguably a form of *emotional contagion*). Gwen (2015) further describes empathy functioning in various further developmental stages: by 6 to 8 weeks children show a *social smile*; by 8 to 10 months, they show concern for others who show sadness; by 12 months they engage in pretend social play which requires changing perspectives; 14 to 18 months they show simple helping; 24 to 36 months they show a deeper understanding for another such as when someone shivers, they may bring a blanket.

Dadds et al. (2008) suggested that both cognitive and affective types of empathy can be found in young children (for more on their measurement see the Griffith Empathy Measure; Dadds et al., 2008). However, when looking at behavioral issues regarding child gender, Zahn-Waxler, Cole, Richardson, and Friedman (1994) found that boys with behavior problems showed deficits in affective empathy, whereas girls with behavioral problems showed the reverse (i.e., high levels of affective empathy were a risk factor for behavior problems with girls). This suggests that perhaps (although more research is needed) there may be an underlying difference between both males and females early on regarding affective and cognitive empathy. Evolutionary theories could potentially explain this difference – for example, Zahn-Waxler et al. (1994, p. 99) believe that “early disruptive behavior patterns may be associated with ideas, beliefs, and feelings about how interpersonal distress and conflict situations evolve and are resolved.”

2.2.2.3 Empathy and Theory of Mind in the Clinical Literature

Empathy has been conceptualized as either a discrete variable only brought forth during situations or as a continuous variable (meaning a person being somewhat empathic in all situations) (Brown, Walker, Gannon, & Keown, 2013). (For more on this please see below in the section '[2.2.3.7 Empathy and Suspects of Sex Offences](#)'). When thought of as a continuous variable, it can be implied that empathy is considered a trait-like quality, displayed to some extent in all situations. However, as a discrete variable it can be applied in (a) particular setting(s), but not in all situations. For the purpose of identifying and defining investigative empathy (meaning empathy found in investigative interviews) we will be focusing on empathy as both a discrete variable (as seen in studies 1-3 in this dissertation) and as a continuous variable (as seen in Study 4 of this dissertation).

Empathy and *Theory of Mind* (ToM) have often been used interchangeably. ToM (also referred to as 'mentalizing' or 'empathic inference' see Stone, 2006) can be thought of as the representational mental state of another individual [the object (another) instead of the subject (oneself)], such as their belief or intention (Schurz, Radua, Aichhorn, Richlan, & Perner, 2014). In other words, it is the ability to change perspectives to the (potential) mindset of another human being, which can be argued to be quite similar to cognitive empathy. ToM is the capability or ability to be able to think about what another individual may be experiencing or thinking about, but not necessarily the accuracy of this (*empathic accuracy*). For the purpose of this dissertation, ToM will be considered an empathic construct, specifically as a type or part of empathy. In Premack and Woodruff's (1978) study with chimpanzees, empathy and ToM were not seen as radically different with theory of mind being defined as "the individual imputes mental states to himself and to others" (p. 515) such as thoughts, intentions, beliefs and feelings.

Spenser, Betts, and Gupta (2015) argue that when there is a presence of prosocial behaviors three components must first be present: (i) Theory of Mind; (ii) Empathic Understanding (which is the ability to share in the emotional states of others; Shamay-Tsoory, Tomer, Aharon-Peretz, 2005 (also see Spenser, 2015); and (iii) Moral Reasoning (which is the ability to differentiate between socially acceptable and unacceptable thoughts and behaviors; Gibbs, Basinger, Fuller, Fulker, 1992 cited in Spenser, 2015). As such it can be postulated that Theory of Mind is a precursor towards emotional empathy and can be argued to possess cognitive empathy abilities through ascribing thoughts, intentions, beliefs and feelings to others.

In the context of *emotional intelligence*, empathy has been defined as (i) understanding the emotional makeup of people and (ii) treating people according to their emotional reactions (Goleman, 2006). Joliffe and Farrington (2006) found that adolescents' extraversion was positively correlated with *cognitive empathy* and neuroticism was positively correlated with *affective empathy*. They also found that females scored higher than males on both *affective* and *cognitive empathy*. For females, higher emotional intelligence correlated with higher empathy.

The definitions by Reniers et al. (2011) of *affective* and *cognitive empathy* will be adopted for this dissertation, *cognitive empathy* being "the ability to construct a working model of the emotional states of others" and *affective empathy* being "the ability to be sensitive to and vicariously experience the feelings of others" (p. 85). In other words, affective empathy will be seen as the emotional side of empathy, such as feeling the same or similar emotions as another individual, whereas cognitive empathy can be seen as the rational side of empathy, such as understanding why a person is feeling the way they are, without needing to experience the same emotions.

Affective empathy may not be appropriate in investigative interviews (to be further discussed in the final chapter in this thesis.). It involves displaying and feeling the emotions of others. If these emotions are feigned in any way by an interviewer, this might be detected by a suspect and thus be counter-productive. A study conducted by Duran, Dochez, Tapiero, and Michael (2020) found that out of three different types of lies (opinions, emotions, and actions), detecting false emotions and opinions was achieved more easily than detecting lies about actions.

2.2.2.4 The Role of Empathy and Rapport in Dyadic Interactions: Psychotherapy and Counseling

Rapport building is of high importance in the therapeutic setting, particularly as therapist and client need to build a foundation and maintain a relationship in order for therapy to be useful (Arnou & Steidtmann, 2014; Duchan & Kovarsky, 2011). When the therapist and the client cannot reach a mutually built relationship with one another, it is recommended that the client seek out another therapist⁴, as the relationship between both is substantial to growth and change within therapy. Therefore, it can be argued that rapport is of utmost importance in the therapeutic setting, and that no definite progress can be made without it.

Initially developing the foundation on which a relationship is built usually takes time. In some therapies it can take a substantial number of hours before that is reached. Well-known methods of developing the relationship are showing respect for what the client is saying, being consistently non-judgmental in thoughts the client may have, and most importantly employing empathy during the sessions is a key contributor (Dang, Westbrook, Njue, & Giordano, 2017).

⁴ <https://www.verywellmind.com/how-to-break-up-with-your-therapist-5221229#citation-1>

The literature on empathy in therapeutic settings describes the benefits of its use (Decker, Nich, Carroll, & Martino, 2014; Elliott, Watson, Bohart, & Greenberg, 2011; Luborsky, Singer, & Luborsky, 1975), and the crucial contribution it makes in building trust and allowing for the client to feel comfortable enough to openly share within the session. Therapists “may demonstrate empathy in session in several ways, including: 1) communicating with an interested, concerned, expressive tone of voice; 2) demonstrating a level of emotional intensity similar to the client’s; and 3) reflecting clients’ statements, nuances in meaning, or unsaid but implied meanings back to them” (Watson, 2002 in Decker et al., 2014, p. 340). With regard to non-verbal communication, a client’s actions, tone and demeanor are mirrored by the therapist in order to build rapport.

Furthermore, Norfolk, Birdi, and Walsh (2007) specifically advocated for a new model in applying empathy in order to build rapport with their clients. The goal of their approach was to establish an understanding of the patient’s perspective on his or her problem. This understanding acted as a foundation to then build and plan the following stages of consultation. Importantly, the understanding was largely determined by the *empathic accuracy* (how accurately one person can infer the thoughts and feelings of another person) achieved by the practitioner and the benefit was, indeed and ultimately, the rapport built between practitioner and patient/client. This again highlights the importance of empathy (and rapport) in a dyadic conversation/relationship/interview. It is, however, important to distinguish appropriate empathic behaviors and understand the subtleties required for successful implementation.

2.2.2.5 Non-Verbal Behavior and Empathy

Among the subtleties that must be considered, non-verbal communication is an important aspect. Non-verbal communication (NVC) can be described as human interaction/communication that does not include speech (Kacperek, 1997). Some decades ago, Mehrabian (1971) stated that 7% of human communication is achieved through the words said, 38% through the tone of voice used, silences present, inflection or other sounds, and 55% of communication is non-verbal. Although, more recent work suggests that these percentages may not be correct, NVC is an important aspect in delivering/conveying potential emotional information and also of contextualizing and complementing verbal communication (Ishikawa, Hashimoto, Kinoshita, Fujimori, Shimizu, & Yano, 2006). Cultural components are relevant to assessing behaviors as empathic or not (the new Study 1 to be presented in this thesis involves comparisons across European countries). The majority of the literature on this topic comes from the medical field. Buetow (2009) discusses three negative ‘spaces’ that may have counterproductive outcomes (1) negative physical space – space that separates the clinician and patient during face-to-face encounters; (2) negative communicative space – that refers to how nonverbal and verbal communication can signify information not exchanged; and (3) negative longitudinal space, such as pauses over time which can influence face-to-face interactions. Negative communicative space includes information that is not exchanged such as within silences, nonverbal actions that exclude some information (such as eye aversion by patients) or verbal communication such as clinicians interrupting patients (of relevance to interviewers interrupting victims, witnesses, or suspects).

Hannawa (2011) found that nonverbal behavior exhibited by medical physicians when delivering negative news, included being more friendly, smooth, and an invested nonverbal style.

The nonverbal behavior of nurses for the elderly was observed by Caris-Verhallen, Kerkstra, and Bensing (1999). In order to establish a good rapport, the nurses employed the following: (i) eye-gaze, (ii) head nodding and (iii) smiling. Although the above-mentioned studies relate to medical settings, it can be contended that such nonverbal behaviors may be useful and appropriate in other potentially emotionally laden situations, such as investigative interviews. Indeed, Wachi, Watanabe, Yokota, Otsuka, & Lamb (2016) found a relationship between police officers' level of empathy and their interviewing styles. But how to best assess interviewers' own levels of empathy?

2.2.2.2 Measuring Empathy

Due to the complex nature of empathy, various tests have been developed in order to attempt to assess levels of empathy within individuals. Whilst examining these tests the author of this thesis found that empathy could be categorized into subsections, these being indirect (e.g., empathic readiness) versus direct (e.g., emotional impact) forms.

The Interpersonal Reactivity Index (IRI; Davis, 1980, 1983) is a measure of dispositional empathy in which empathy consists of a set of separate but related constructs. Specifically, the instrument contains four seven-item subscales, each focusing on separate facets of empathy: (i) perspective taking (PT), (ii) empathic concern (EC), (iii) personal distress (PD), and (iv) the fantasy scale (FS). This measure, developed in the early 1980s, recognized the complexity of empathy and established a view of empathy as a multidimensional construct (Davis, 1983). Davis (1980, 1983), as one of the first to examine empathy in police interviews, noted that empathy involves 'understanding of others' as a main component.

Davis (1980, 1983) also stated that empathy involves appreciating the emotions and distress of another, and that such appreciation can be communicated either directly or indirectly. Similarly, Luff (2010) noted that empathy could be composed of both direct and indirect forms. Indirect empathy may include nonverbal expressions (Lorié, Reinero, Phillips, Zhang, & Riess, 2017) such as active listening that could display openness and a non-judgmental demeanor where direct empathy may also include verbal expression. Vera, Boccaccini, Laxton, Bryson, Pennington, and Ridge (2018) discuss verbal forms of empathic expression, such as “That’s understandable”, “It sounds like you felt sad/scared/upset”, and nonverbal forms such as head nodding or reciprocal facial expression to communicate a sense of shared understanding. The Basic Empathy Scale (BES) was developed based on the definition of empathy provided by Cohen and Strayer (1996, p.523) as “the understanding and sharing in another’s emotional state or context”. This definition encompasses both cognitive and affective empathy. The Multifaceted Empathy Test (MET), originally developed in German and translated into English by Foell, Brislin, Drislane, Dziobek, and Patrick (2018) also tests for cognitive and emotional empathy and has been used to identify empathic impairments in individuals, such as those with autism or psychopathy.

The Empathic Scale, developed by Leibetseder, Laireiter, Riepler, and Köller (2001), is constructed of 25 items, which are taken from various pre-existing tests/questionnaires. All 25 items entail empathic contexts, which the participants answer using a rating scale from: “does not fit at all” to “fits exactly”. The scale can be subcategorized into empathic readiness, which can be argued to be an indirect type and emotional impact – a direct type and as a form of communicative empathy. Both of these categories can be further divided into either cognitive or affective empathy, allowing the scale items to be grouped into four categories.

Baron-Cohen and Wheelwright's (2004) Empathy Quotient (EQ) consists of a questionnaire of 60 items, and it defines empathy as involving cognitive and affective components.

2.2.2.6 Empathy Scales and Tests

In a comprehensive search regarding empathy assessment procedures the following scales and tests were found. This is particularly relevant regarding studies 1 and 2 to be presented in this thesis with the development of the Baker-Eck Empathy Sensitivity Test (BEST) as a method of assessing investigative empathy. It is also relevant to Study 4 as this employs one particular procedure to assess each police officer's empathy using the 'Reading the Eyes in the Mind Test' (REMT – see below). Particularly because the BEST's focus is to be on cognitive empathy, it was important to identify empathy measurements and scales that were cognitive in nature. The table below is also an overview of all empathy 'types' found during this research and of which some aspects were taken into consideration when building/operationalizing investigative empathy (as discussed after Study 2 and again in the discussion chapter of this thesis); particularly when differentiating between cognitive and affective types.

Test name	Description	Source	Definitions
Reading the Eyes in the Mind Test (REMT)	Developed by Baron-Cohen and Wheelwright, it is a test which the person is presented with photographs of facial expressions of emotions - but only the section of the face around the eyes.	Baron-Cohen (2003)	<p>Empathy has at least two components: 'cognitive empathy' is synonymous with ToM, whereas 'affective empathy' entails experiencing an appropriate emotion in response to another's mental state (e.g., feeling pity in response to someone's sadness, or feeling pleasure in response to someone's happiness). Cognitive empathy is impaired in autism, whilst affective empathy likely remains intact.</p> <p>Baron-Cohen et al. (2015). "The "Reading the Mind in the Eyes" Test: Complete Absence of Typical Sex Difference in ~400 Men and Women with Autism."</p>

<p>The Multifaceted Empathy Test (MET)</p>	<p>The Multifaceted Empathy Test (MET) has been found to be a useful and efficient instrument for indexing impaired empathy in different diagnostic groups, in particular due to its measurement of both cognitive and emotional components of empathy within the same task set. The MET is a way of assessing empathy for conditions such as <u>autism</u> and <u>psychopathy</u>.</p>	<p>Dziobek, Rogers, Fleck, Bahnemann, Heekeren, Wolf, & Convit (2007)</p> <p>Foell, Brislin, Drislane, Dziobek, & Patrick (2018)</p>	<p>Empathy is a multidimensional construct consisting of cognitive (inferring mental states) and emotional (empathic concern) components.</p>
<p>Emotional Contagion Scale</p>	<p>Designed to assess people's susceptibility to 'catching' joy and happiness, love, fear and anxiety, anger, and sadness and depression, as well as emotions in general.</p>	<p>Doherty (1997); Hatfield, Cacioppo, & Rapson (1994)</p>	<p>Emotional contagion: "the tendency to automatically mimic and synchronize facial expressions, vocalizations, postures, and movements with those of another person and, consequently, to converge emotionally." - definition by Hatfield, Cacioppo, and Rapson (1994).</p>
<p>Empathic Accuracy</p>	<p>Perceivers infer the thoughts or feelings of one or more target persons from a videotaped record of a social interaction in which the target(s) have participated. Immediately following these interactions, the target persons report the actual thoughts and feelings they remember having had at specific points on the videotape. "Accuracy points" are aggregated to create an overall index of empathic accuracy.</p>	<p>Decety (2012, p. 57-59); Ickes (1993, 2001, 2003)</p>	<p>Empathic accuracy is the extent to which such everyday mind reading attempts are successful (Ickes, 1997, 2003). Empathically accurate perceivers are those who are good at 'reading' other people's thoughts and feelings. Also, the degree to which a perceiver is able to accurately infer the specific content of another person's successive thoughts and feelings (Decety, 2012).</p>

<p>Rothbart's model of temperament in children - measuring "effortful control"</p>	<p>Measures of effortful control appear to tap self-regulatory processes involved in emotion regulation (an important component of empathy). Individual differences in children's adult-reported effortful control have been correlated with their high sympathy or empathy and low personal distress.</p>	<p>Decety (2012); Eisenberg et al.; Rothbart & Bates (2006); Rothbart, Ahadi, & Hershey (1994); Valiente et al., (2004)</p>	<p>Effortful control is defined as "the efficiency of executive attention - including the ability to inhibit a dominant response and/or to activate a subdominant response, to plan, and to detect errors" (Rothbart & Bates, 2006, p. ??).</p>
<p>Roger's therapeutic conditions - measure of empathy/ "unconditional positive regard"</p>	<p>The criterion for determining empathy (and unconditional positive regard) is the client's perception of this attitude (the sixth of the necessary and sufficient conditions).</p>	<p>Decety (2012) Rogers (1959)</p>	<p>Rogers' definition of empathy: "The state of empathy, or being empathic, is to perceive the internal frame of reference of another with accuracy, and with the emotional components and meanings which pertain thereto, as if one were the other person, but without ever losing the 'as if' condition" (1959, p. 210).</p>
<p>Truax & Carkhuff scales</p>	<p>This was the first empathy scale to reliably operationalize empathy into specific behaviors and statements and was specifically developed for use in teaching empathy to students in the helping professions. This scale is completed by an observer or team of observers as they watch participants respond to a stimulus person or in a role-play setting. The scale originally developed as a nine-point scale but was later revised (Carkhuff, 1969) as a five-point empathy scale with a rating</p>	<p>Carkhuff (1969) Decety (2012) More information on the scale also found here: https://sites.google.com/site/empathytraininglitreview/measurements/carkhuff-truax-1967</p>	<p>Divided empathy into 5 different levels (1-5, low to high).</p>

	of one representing low levels of empathic responding and five as high levels of empathy.		
Davis's Interpersonal Reactivity Index (IRI)	<p>The IRI is a questionnaire consisting of 28 questions divided equally among four distinct subscales; 1) Perspective Taking, 2) Empathic Concern, 3) Personal Distress and 4) Fantasy. (Davis 1994, 55-57). In contrast to Mehrabian and Epstein, Davis's scale does not calculate an overall value for empathy but calculates a separate score for each of the subscales.</p> <p>Perspective Taking is focused on cognitive empathy and the remaining three scales are focused towards measuring affective empathy.</p>	<p>Davis (1980; 1983)</p> <p>https://plato.stanford.edu/entries/empathy/measuring.html</p> <p>https://www.aabri.com/manuscripts/121429.pdf</p>	<p>Defines empathy as the “reactions of one individual to the observed experiences of another (Davis, 1983, p. 113).”</p>
Baron-Cohen and Wheelwright's Empathy Quotient (EQ)	<p>These researchers conceptualized empathy as having both cognitive and affective dimensions. The scale consisted of 60 items (40 empathy items and 20 filler items). The EQ only assesses the individual's beliefs about their own empathy, or how they might like to be seen or think about themselves, and that</p>	<p>Baron-Cohen & Wheelwright (2004)</p> <p>https://plato.stanford.edu/entries/empathy/measuring.html</p>	<p>Defines empathy as including a cognitive component—a “drive to attribute mental states to another person/animal”—and an affective component, entailing “an appropriate affective response in the observer to the other person's mental state” (p. 168).</p> <p>Baron-Cohen, S. and S. Wheelwright, (2004) defined empathy as, “the drive to identify another person's emotions</p>

	<p>this may be different to how empathic they are in reality.</p> <p>Regarding the question of whether autism should be regarded as an 'empathy disorder', Baron-Cohen and Wheelwright felt the need to develop a new questionnaire for measuring empathy. Their empathy questionnaire, called the empathy quotient (EQ), defines empathy as including a cognitive component—a “drive to attribute mental states to another person/animal”—and an affective component, entailing “an appropriate affective response in the observer to the other person's mental state” (p. 168). It consists of 60 questions: 40 of them are directly related to empathy and 20 are regarded as filler items in order to distract the subjects “from a relentless focus on empathy” (p. ??). First results using the test seem to verify the hypothesis that autism is associated with impairment in empathy.</p>		<p>and thoughts, and to respond to these with an appropriate emotion” (p. 170).</p>
<p>Mehrabian and Epstein's questionnaire measure of</p>	<p>Mehrabian and Epstein's questionnaire consists of 33 items divided into seven subcategories to measure emotional empathy. The scale included seven subscales:</p>	<p>Mehrabian & Epstein (1972) https://plato.stanford.e</p>	<p>Defines empathy as “a vicarious emotional response to the perceived emotional experiences of others” (Mehrabian & Epstein, 1972, p. ??).</p>

<p>emotional empathy (QMEE)</p>	<p>“susceptibility to emotional contagion,” “appreciation of the feelings of unfamiliar and distant others,” “extreme emotional responsiveness,” “tendency to be moved by others' positive emotional experiences,” “tendency to be moved by others' negative emotional experience,” “sympathetic tendency,” and “willingness to be in contact with others who have problems” (Mehrabian & Epstein, 1972, p. ??). Even though the QMEE distinguishes between these aspects of empathy on a conceptual level, it only assigns a total empathy score to individuals completing the questionnaire.</p>	<p>du/entries/empathy/measuring.html</p>	
<p>Balanced Emotional Empathy Scale (BEES)</p>	<p>This is an update to the QMEE scale, and it focuses on the affective/emotional dimension of empathy.</p> <p>The Balanced Emotional Empathy Scale (BEES) measures components of Emotional Empathy (i.e., vicarious experience of others' feelings; interpersonal <i>positiveness</i>) in a balanced way.</p>	<p>Mehrabian (1996; 1997); Mehrabian & Epstein (1972)</p>	<p>'Emotional Empathy' is defined as one's vicarious experience of another's emotional experiences -- feeling what the other person feels. In the context of personality measurement, it describes individual differences in the tendency to have emotional empathy with others.</p>

<p>Hogan's empathy (EM) scale</p>	<p>Hogan's cognitive empathy scale consists of 64 questions that were selected from a variety of psychological personality tests such as the Minnesota Multiphasic Personality Inventory (MMPI) and the California Personality Inventory (CPI) according to a rather complicated procedure. From almost a thousand questions, Hogan chose those questions in response to which he found two groups of people—who were independently identified as either low-empathy or high-empathy individuals—as showing significant differences in their answers. *Note: (Hogan conceives of empathy in an exclusively cognitive manner.)</p>	<p>Hogan (1969) https://plato.stanford.edu/entries/empathy/measuring.html</p>	<p>Defines empathy as “the intellectual or imaginative apprehension of another’s condition or state of mind” (Hogan, 1969).</p>
<p>Profile of Nonverbal Sensitivity (PONS)</p>	<p>The Profile of Nonverbal Sensitivity (PONS) was designed to measure one's ability to decode nonverbal cues from the face, body, and voice (Rosenthal, Hall, DiMatteo, Rogers, & Archer, 2013).</p>	<p>Rosenthal, Hall, DiMatteo, Rogers, & Archer (2013)</p>	<p>This is really a test of sensitivity to non-verbal cues of emotion, which may relate to empathy.</p>
<p>Dymond Empathy Test (1949, 1950)</p>	<p><i>A Scale for the Measurement of Empathic Ability:</i> The scale was developed by observing a group of participants interact with each</p>	<p>Dymond (1949)</p>	<p>Dymond defined empathy in the tradition of Rogers as the “imaginative transposing of oneself into the thinking, feeling, and acting of another person and so structuring the world as he does” (1949, p. 127).</p>

	<p>other. Each participant evaluated how each of the other participants in the group rated him/her. This was intended to measure how accurately one can predict another's view of oneself.</p>		
<p>The Empathy Test (Kerr & Speroff, 1954)</p>	<p>Kerr and Speroff (1954) created the Empathy Test, in which the participant responded to items according to the way he or she believed certain population groups would respond. The scale consisted of three sections requiring subjects to rank a) the popularity of 15 types of music for a defined type of worker, b) the national circulation of 15 magazines, and c) the prevalence of ten types of annoyances for a defined individual. Researchers who replicated the scale to measure empathy have found validity concerns with the scale (Thorndike 1989).</p>	<p>Kerr & Speroff (1954)</p>	<p>“The ability to put yourself in the other person’s position, establish rapport, and anticipate his reactions, feelings, and behaviors.” (Kerr & Speroff, 1954).</p> <p>During the 1940s and 1950s the term “social acuity” was also used to refer to empathy.</p> <p>http://docs.autismresearchcentre.com/papers/2004_BCandS_W_EQ.pdf</p>
<p>Feshbach and Roe Test for Empathic Ability (1968)</p> <p><u>Also referred to as:</u> Feshbach and Roe</p>	<p>Feshbach and Roe (1968) developed a scale to measure both affective and cognitive empathy in children. The test required children to look at pictures of a child in various circumstances and then</p>	<p>Feshbach & Roe (1968)</p> <p>Feshbach, N. (1978)</p>	<p>Feshbach (1982) offered a conceptual model for empathy that includes three dimensions. Two of these dimensions are cognitive based: a cognitive ability to discriminate among the affective states of others and a more advanced cognitive ability to assume the perspective and role of another person.</p>

<p>Affective Situations Test for Empathy (FASTE)</p>	<p>asked them what they were feeling. Researchers who have tested this scale have criticized it for its poor psychometric properties and for the lack of clarity in scoring (Eisenberg-Berg & Lennon 1980, Hoffman 1982; Eisenberg et al. 2003).</p>		<p>Emotional capacity and responsiveness constitute the third dimension, which is affective based.</p>
<p>Relationship Inventory (RI)</p> <p>Also known as BLRI (Barrett-Lennard Relationship Inventory)</p>	<p>The Barrett-Lennard Relationship Inventory (BLRI): Current and Potential Uses with Family Systems. Barrett-Lennard (1964, 1981) developed the Relationship Inventory (RI), which is one of the widely used empathy scales in selling and sales management. The scale consisted of four subscales: 1) Level of Regard, 2) Empathetic Understanding, 3) Unconditional of Regard, and 4) Congruent Scale. RI scale consists of very strong psychometric properties and out of the four subscales, empathetic understanding is directly linked to measuring cognitive empathy. However, a drawback with regard to the RI scale is that originally it was not developed to measure empathy, although the scale consists of a cognitive empathy subscale.</p>	<p>Barrett-Lennard (1964, 1981)</p> <p>Ganley (1989)</p> <p>https://www.researchgate.net/publication/227829130_The_Barrett-Lennard_Relationship_Inventory_BLRI_Current_and_Potential_Uses_with_Family_Systems</p>	<p>Empathy here is seen as cognitive empathy.</p>

<p>Plank et al. (1996) Empathy Scale</p>	<p>Plank, Minton, and Reid (1996) developed this scale to measure empathy in the sales context. The scale conceptualized empathy as a perceived construct consisting of both cognitive and affective empathies. The biggest advantage in using the Plank et al. (1996) empathy scale in the sales setting is due to the fact that the scale was developed in the sales setting. However, the weakness of the scale is that a researcher cannot measure cognitive empathy and affective empathy separately.</p>	<p>Plank, Minton, & Reid, (1996)</p>	<p>Uses the definitions of both cognitive and affective empathy combined.</p>
<p>The Jefferson Scale of Physician Empathy</p>	<p>Developed by Hojat, Mangione, Nasca, Cohen, Gonnella, Erdmann, Veloski, and Magee (2001) to measure physicians' empathy toward their patients. The scale is directed toward measuring the cognitive dimension of empathy. The scale incorporates 20 items and four factors: 1) physician's view from patient's perspective, 2) understanding patient's experiences, feelings and clues, 3) ignoring emotions in patient care, and 4) thinking like the patient. Its limitations include a lack of</p>	<p>See other columns</p>	<p>In the context of health care, they defined empathy as a cognitive (rather than affective) attribute that involves an understanding of the inner experiences and perspectives of another (in this case the patient), combined with a capability to communicate this understanding to the patient. The key feature of empathy here is understanding rather than affective involvement with patients' experiences. The affective domain is seen as a key component of sympathy, rather than empathy.</p>

	categorizing it into levels as it has a limited number of questions.		
Feeling and Thinking Scale (FTS)	<p>The FTS is an adaptation of the Interpersonal Reactivity Index (IRI, Davis, 1980) for use with children.</p> <p>The IRI contains four independent subscales labeled: Empathic Concern, Perspective Taking, Personal Distress, and Fantasy.</p>	Garton & Gringart (2005)	Definitions set forth in the Interpersonal Reactivity Index (IRI); empathic concern, perspective taking, personal distress, and fantasy. (Arguably both cognitive and affective types).
Basic Empathy Scale (BES)	<p>The BES using 40 items measures five basic emotions (fear, sadness, anger, and happiness) wherein the measurements relate more generally to cognitive and affective empathy and not to a non-specific affective state (e.g., anxiety). A shortened 20-item version is also available, along with a French version for use with adults (Carré, Stefaniak, D'Ambrosio, Bensalah, & Besche-Richard, 2013). Its limitations include that it focuses largely on affective empathic conditions.</p>	Jolliffe & Farrington (2006a)	The BES is based on a definition of empathy proposed by Cohen and Strayer (1996) as the sharing and understanding of another's emotional state or context resulting from experiencing the emotive state (affective) and understanding another's (cognitive) emotions.
Multidimensional Emotional Empathy Scale (MDEES)	<p>The MDEES focuses on the affective/emotional component of empathy. It is intended for use with adolescents and adults. Thirty items describing positive and negative</p>	Caruso & Mayer (1998); Alloway, Copello, Loesch, Soares, Watkins, Miller, Campell,	Uses empathy to mean affective (emotional) empathy through empathic suffering, positive sharing, responsive crying, emotional attention, feeling for others, and emotional contagion.

	<p>emotional situations are responded to on a 5-point Likert-type scale. The MDEES consists of six subscales labeled: ‘Empathic Suffering, Positive Sharing, Responsive Crying, Emotional Attention, Feeling for Others, and Emotional Contagion.’ The total scale score is obtained by summing all the items together.</p>	<p>Tarter, Law, Soares, & Ray (2016)</p>	<p>The reliability and validity investigation of Alloway et al. (2016) found the MDEES to be valid and reliable and furthermore it encompassed skills from IQ and working memory (which are arguably not affective in nature).</p>
<p>Griffith Empathy Measure (GEM)</p>	<p>The GEM was constructed due to the shortage of multi-informant assessment of empathy in children and adolescents (Dadds et al., 2008, p. 111). It is an adaptation of the Bryant Index of Empathy (Bryant, 1982) used by parents to assess child and adolescent empathy (Dadds et al., 2008). The GEM contains 23 items that are rated on a 9-point Likert-type response scale to assess parents’ level of agreement with statements concerning their child. The GEM appears to measure cognitive and affective components of empathy (Dadds et al., 2008).</p>	<p>Dadds, Hunter, Hawes, Frost, Vassallo, Bunn (2008)</p>	<p>Dadds and Hawes (2004) reported that for mothers, correlations between GEM total, cognitive, and affective empathy scores, and Maximum Distress Allowed (measured via the Interpersonal Response Test) were .38, .56, and .30, respectively. Its limitations are....</p>
<p>Questionnaire of Cognitive and Affective Empathy (QCAE)</p>	<p>The QCAE aims to build on earlier measures of empathy in which the constructs were considered to be either too narrow or inaccurate,</p>	<p>Reniers, Corcoran, Drake, Shryane, & <u>Völlm</u> (2011)</p>	<p>Both cognitive and affective empathy is measured here.</p>

	<p>inconsistently defined, or psychometric properties were less than optimal (Reniers et al., 2011). Both cognitive and affective components of empathy are measured. The QCAE is a 31-item measure with a 4-point forced-choice response scale. To create the QCAE, items were derived from the EQ (Baron-Cohen & Wheelwright, 2004), Hogan's Empathy Scale (Hogan, 1969), the Empathy subscale of the Impulsiveness-Venturesomeness-Empathy Inventory (IVE; Eysenck & Eysenck, 1991), and the IRI (Davis, 1980, 1983). Each item was assessed by two raters. If both raters agreed on an item as a measure of cognitive or affective empathy it was included in the measure. The QCAE comprises five subscales (31 items) labeled: perspective taking, online simulation, emotion contagion, proximal responsivity, and peripheral responsivity, respectively (Reniers et al., 2011). The first two subscales measure cognitive empathy and the remaining three subscales measure affective empathy.</p>		
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Toronto Empathy Questionnaire	The development of the Toronto Empathy Questionnaire (TEQ) did not begin with a conceptual definition of empathy other than to consider it at the broadest level and derive a measure based on existing empathy scales.	Spreng, McKinnon, Mar & Levine (2009)	<p>No unique definition of empathy employed here. It uses definitions of empathy defined in other tests and questionnaires.</p> <p>Spreng et al. (2009) factor analyzed responses made on every self-report measure of empathy they could identify, resulting in 142 items from 11 different empathy and related questionnaires including the IRI (Davis, 1980, 1983), Hogan's Empathy Scale (Hogan, 1969), Questionnaire Measure of Emotional Empathy (Mehrabian & Epstein, 1972), BEES (Mehrabian, 1996; 1997), Scale of Ethnocultural Empathy (Wang et al., 2003), Jefferson Scale of Physician Empathy (Hojat et al., 2001), Nursing Empathy Scale (Reynolds, 2000), Japanese Adolescent Empathy Scale (Hashimoto & Shiomi, 2002), and the Measure of Emotional Intelligence (Schutte et al., 1998). An additional 36 items were composed descriptive of individuals with altered empathic responding due to neurological or psychiatric disease.</p>
Impulsiveness-Venturesomeness-Empathy Inventory (IVE) (Empathy subscale)	Eysenck's Impulsivity Inventory was designed to assess the personality traits of impulsivity, venturesomeness, and empathy.	Eysenck & Eysenck (1991)	Not appropriate for testing just cognitive aspects of empathy.
Picture Viewing Paradigms (PVP)	In the PVP, empathy is conceptualized as an individual's self-reported response to empathy-eliciting visual images. The PVP is a simple task in which images depicting individuals (termed	Westbury & Neumann (2008)	Westbury and Neumann (2008) defined empathy on a 9-point scale as "to what degree you are able to imagine feeling and experiencing what the target is experiencing, in other words, your ability to put yourself in the others' situation". They also measured corrugator electromyographic activity and skin conductance responses.

	<p>targets) are depicted in certain situations. Often these are negative (e.g., confinement, injury, grief), but they may also be positive. Participants view the images and make a rating response.</p>		
<p>Comic Strip Task (CST)</p>	<p>The CST paradigm as an indicator of empathy is based on how well one can correctly assess other individuals' mental states (desires, intentions, and beliefs). There are four conditions: theory of mind, empathy, physical attribution with one character, and physical attribution with two characters. In the cognitive empathy condition, participants choose one of two pictures to finish the story that makes the main character in the story feel better.</p> <p>[The CST comes from the original version of attribution of intention by Sarfati et al. (1997), and Brunet, Sarfati, Hardy-Bayle, and Decety (2000).]</p>	<p>Völlm, Taylor, Richardson, Corcoran, Stirling, & McKie (2006)</p>	<p>Testing of cognitive empathy through perspective-taking (requiring the person to put themselves in the shoes of the main character of the story). Its limitations are that it doesn't directly read the emotions of another directly across from oneself.</p>
<p>Picture Story Stimuli (PSS)</p>	<p>Nummenmaa et al. (2008) used 60 digitized color pictures. The pictures comprise two categories depicting two individuals in visually matched aversive (30) and</p>	<p>Nummenmaa, Hirvonen, Parkkola, & Hietanen (2008)</p>	<p>In the Picture Story Stimuli, empathy is conceptualized as the ability to interpret visual scenes and predict the most likely behavioral consequence based on cognitive or affective cues.</p>

	neutral (30) scenes. Participants are required either to ‘watch’ (as though watching TV) the scene or ‘empathize.’		
Kids’ Empathetic Development Scale (KEDS)	Cognitive, affective, and behavioral components of empathy are examined employing emotion recognition, picture-based scenarios, and behavioral self-report methods. The KEDS is “a measure of complex emotion and mental state comprehension as well as a behavioral measure of empathy” (Reid et al., 2012, p. 11). It is a multidimensional measure of empathy for school aged children, encompassing 12 ‘faceless’ pictographs that include scenarios of events or multiple characters.	Reid, Davis, Horlin, Anderson, Baughman, & Campbell (2012)	Cognitive, affective, and behavioral elements of empathy are measured.
Pictorial Empathy Test (PET)	PET includes free-to-use pictures with emotional content and asks the subject to report his level of empathic affective arousal.	Lindeman, Koirikivi, Lipsanen (2018).	Measures affective empathy through pictures.
Empathy & Magnetic Resonance Imaging (MRI)	MRI is a magnetic field neuroimaging technique that produces non-invasive images of the internal structures of the body, including the central nervous system. The MRI technique is a	Banissy, Kanai, Walsh, & Rees (2012); Boyle, Saklofske, & Matthews (2015); Singer (2006)	Certain brain regions react to empathy (e.g., ACC, IFG) and as such are focused on in subsequent MRI (and fMRI) research on empathy. Correlations have been found between self-report measures such as the Interpersonal Reactivity Index (IRI) and the Empathy Quotient (EQ). Banissy et al. (2012) further examined the correlations between grey matter and IRI scores in 118 healthy adults. They found that

	measurement of the activation and volume of particular brain regions.		Perspective Taking scores correlated positively with left anterior cingulate volume (.25).
Empathy & Functional Magnetic Resonance Imaging (fMRI)	Functional magnetic resonance imaging (fMRI) is an extension of MRI in which high-resolution images of activity levels in neural structures are obtained. Whereas MRI provides images of structural brain anatomy, fMRI provides real-time images of brain activity by detecting increased blood supply and metabolic function.	Boyle, Saklofske, & Matthews (2015); Carr, Iacoboni, Dubeau, Mazziotta, & Lenzi, (2003); Krämer, Mohammadi, Doñamayor, Samii, & Münte, (2010); Singer, (2006)	<p>A common technique in fMRI is blood oxygen level dependency (BOLD), which measures the hemodynamic response related to energy use in neurons. Those neurons that are more active will consume more oxygen. fMRI measures are used with tasks or stimuli that elicit empathy (e.g., PVP) and the corresponding brain activation is measured (Singer, 2006).</p> <p>Research using fMRI reveal the following brain regions are associated with the empathic response: medial, dorsal medial, ventromedial and ventrolateral prefrontal cortex, superior temporal sulcus, pre-supplementary motor area, insula and supramarginal gyrus and amygdala.</p>
Facial Electromyography (EMG)	Electromyography is the measurement of the electrical potentials produced by skeletal muscles when they contract. EMG activity has the advantage (over other methods) of being able to detect muscle activity that occurs below the visual threshold. It provides a non-verbal index of motor mimicry. Some theorists believe/argue that this underlies empathic responding (e.g., Preston & de Waal, 2008 cited in Boyle et al., 2015).	Boyle, Saklofske, & Matthews (2015); Westbury & Neumann (2008)	Facial EMG recordings can be obtained by attaching small surface electrodes on the skin over the site of the muscles that play a role in the facial expression of interest. These muscles are primarily the corrugator supercilii, zygomaticus major, lateral frontalis, medial frontalis, levator labii superioris, orbicularis oculi, and masseter. Inferences regarding the intensity of the facial expression are gained by measuring the magnitude of the EMG signal.

From the various tests analyzed above, only two tests were considered as being used for Study 4: 1. Hogan's empathy (EM) scale and 2. the REMT. Both of these tests were chosen due to their ability to categorize participants into levels of empathy. However, because Study 4 consisted of several different steps that combined could result in longer participation times, the REMT was chosen as it had significantly less questions than the Hogan's Empathy Scale. Also, as will be discussed in Study 4, other studies conducted on REMT were able to categorize the results into three different levels (instead of just two as with the Hogan's Empathy Scale), being low, typical and high levels of empathy. Furthermore, it was attempted to find a test for Study 4 that would test more the cognitive side of empathy, rather than the affective side as Study's 1 and 2 showed that cognitive aspects were more appreciated and appropriate in an investigative interview. Other tests also had the limitation that they didn't directly test for the reading of emotions of another individual seated directly across from oneself, which is an important aspect in the interviewing setting.

2.2.3 Empathy in Investigative Interviewing

Given that methods of assessing empathy are available, its role in investigative interviews can possibly be examined. The ‘modern/Mendez view is that interviews with suspects are conducted to (i) gather relevant information from interviewees to help determine guilt or innocence, (ii) to seek the truth, and (iii) to gain information of an alleged occurrence (e.g., Hartwig, Granhag, & Vrij, 2005). With such information derived from suspects during interviews, the police may well be in a better position to understand what occurred. In order to do this a ‘good’ police interview can be contended to obtain the following: (i) investigation relevant information (IRI), (ii) a comprehensive account of the alleged crime, (iii) accurate information (Bull, 2013; Walsh & Bull, 2010). All three of these elements are linked together and in order to gain a more comprehensive and accurate account of an alleged crime, thus more IRI needs to be gathered. So how can investigators elicit more IRI from suspects and witnesses? In order to do this the literature in part suggests that (i) certain question types should be employed (see Milne and Bull, 1999), (ii) a suitable environment is used (Davis, Soref, Villalobos, & Mikulincer, 2016; Dawson, Hartwig, & Brimbal, 2015; Dawson, Hartwig, Brimbal, & Denisenkov, 2017), and (iii) suspect’s basic needs met. All of these can aid in setting an empathic environment for the interview. Indeed, a growing body of work is suggesting that interviewer use of empathy may be effective in investigative interviews (Abbe & Brandon, 2014; Balconi & Bartolotti, 2014; Fisher & Geiselman, 1992; Holmberg & Christianson, 2002; Oxburgh & Ost, 2011; St-Yves, 2006; Vanderhallen et al., 2011; Yeschke, 2003). Keibell, Hurren, and Mazerolle (2006) surveyed incarcerated sex offenders concerning any (i) respect, (ii) understanding, and (ii) empathy (among other skills) displayed by police officers when they were

interviewed regarding their offence(s). They found that these offenders felt more positive about police interviewers who displayed these three factors.

Over 25 years ago Shumann (1993, p. 298) contended that the use of empathy in investigative interviews could be “unfair and presents a bright ethical line that the ethical examiner should not cross [because it] erroneously implies a therapeutic alliance.” Yet a growing body of publications have found or suggest positive outcomes of empathy displayed in investigative interviews (Abbe & Brandon, 2014; Alison, Giles, & McGuire, 2015; Dando & Oxburgh, 2016; Fisher & Geiselman, 1992; St-Yves, 2006; Yesche, 2003; Vanderhallen, Vervaeke, & Holmberg, 2011; Walsh & Bull, 2012) such as increasing rapport, aiding in cooperation and enhancing the flow of information.

2.2.3.1 Empathy and Rapport Building in Police Interviews

Whereas the available literature on the effectiveness of various question types is now extensive, there currently are far fewer studies directly on the effects of rapport building and empathy in investigative interviews, especially in real-life interviews with suspects, but this literature is slowly growing. Although the available studies have found that rapport building plays an important role when interviewing suspects (Alison, Alison, Noone, Elntib, & Christiansen, 2013; Holmberg & Christianson, 2002; Kebbell, Alison, & Hurren, 2008; Kebbell, Alison, Hurren, & Mazerolle, 2010; Read, Powell, Kebbell, & Milne, 2009), few of these have also examined empathy.

Due to the current, popular media attention placed on police behavior internationally, in several countries there has been increased criticism of police interrogating/interviewing, in terms of not only its ethics, but also its effectiveness (e.g., Walsh, Oxburgh, Redlich & Myklebust,

2016). Regarding suspect interviewing in connection with high-risk crimes, such as murder, sexual offences, and terrorism, research is beginning (as stated above) to find that humane styles of interviewing are positively associated with the gaining of information partly by enabling an environment where suspects feel comfortable and willing to cooperate (Alison, Alison, Noone, Elntib, & Christiansen, 2013; Holmberg & Christianson, 2002; Kebbell, Hurren, & Mazerolle, 2006; Leahy-Harland & Bull, 2016). Such environments include the respectful treatment of suspects (Holmberg & Christiansen, 2002; Kebbell et al., 2006) and the building and maintenance of rapport and empathy (Alison et al., 2013).

Empathy could be seen as a separate construct from rapport building, yet it may be a contributing factor towards building and maintaining rapport between two individuals (Oxburgh & Ost, 2011). In a meta-analysis mostly on rapport, empathy was found to be part of verbal rapport building behaviors (Gabbert et al., 2020). Both rapport building and empathy are considered necessary aspects of a humane interviewing style (Alison et al., 2013; Clark & Milne, 2001; Dando & Oxburgh, 2016; Dando, Wilcock & Milne, 2008; Meissner, Redlich, Bhatt, & Brandon, 2012; Oxburgh & Ost, 2011).

In regard to interviewee resistance in an interview, Place and Reid-Maloy (2018) examined the use of empathy strategies to overcome resistance/reactance in order to gain information. Reactance was discussed by them as when an individual believes and internalizes that their freedom of choice is threatened and can pose a threat for an interview when attempting to gain information. They found that the most promising strategy to minimize such reactance is rapport-based interviewing in that it produces a productive exchange while also offering empathy.

Similar to empathy being employed to possibly increase rapport (Bull & Baker, 2020; Alison, Alison, Noone, Elntib, & Christiansen, 2013), open questions have also been found to enhance the building and maintenance of rapport (e.g., Brubacher et al., 2020; Kelly & Valenica, 2020). Kelly and Valencia (2020) noted that investigative interviewing is an "...interaction between two clusters of factors: questions and techniques" (p. 1). Their recent study found that the greater use of appropriate questions and the greater use of rapport-building techniques was associated with more suspect cooperation.

Alison, Alison, Noone, Elntib, and Christiansen (2013) in their analyses of real-life interviews with terrorism suspects examined factors that seemed to have influenced the suspects to reveal relevant information. They found that when interviewers demonstrated rapport skills involving 'acceptance' and 'empathy', suspects were more responsive. Rameson, Morelli, and Lieberman (2012) noted that empathy shown by interviewers might lead suspects to be more willing to provide relevant information/confess.

Miller, Redlich, and Kelly (2018) examined in a variety of countries police interviewers' self-reported interrogation/interviewing methods. Those in the USA/Canada group indicated that they less frequently (i) 'showed suspects kindness' and (ii) 'were patient' than did those in the group from UK/Europe, Australia and New Zealand where the 'PEACE' method (Milne & Bull, 1999) has nationally been adopted. Also, these two groups differed with regard to techniques involving (i) 'confrontation/competition' and (ii) 'collaboration'. When concluding, Miller et al. stated "Our sense is that the American and Canadian interrogators have greater latitude in the techniques they can employ. They...employ a harsher or more coercive style than the other police investigators" and that the other "... group of countries has purposefully moved away from accusatorial interrogation" (p. 17). However, both groups reported using rapport and

relationship building more frequently than other ‘domains’, though there was individual variation in this, thus suggesting that each officer’s personal concern regarding rapport/empathy might be of relevance, which may for some include the use of false empathy.

2.2.3.2 *False Empathy and Minimization*

Minimization was defined by Kassin and Gudjonsson (2004, p. 43) as where "[...] a sympathetic interrogator morally justifies the crime, leading the suspect to infer he or she will be treated leniently and to see confession as the best possible means of escape". This can be interpreted by suspects as promising leniency (such as shorter prison sentences) if they confess. Luke and Alceste (2020) found that when a *moral minimization* tactic was presented, participants expected a reduced sentence. This could imply to suspects that if they confess (due to minimization) leniency will be given in part because the crime is made to seem less severe than it really is. This may have legal as well as moral and ethical issues associated. As such, a distinction between situational understanding of the suspect (such as legal pressures and facing possible conviction) and minimization (*false empathy*) should be made. If the suspect feels they are not believed during their account, and fear they may face conviction, then accepting the leniency offered through minimization may seem like the rational ‘way out’. Minimization may well, therefore, increase the rate of false confessions (Russano, Meissner, Narchet, & Kassin, 2005; for more on minimization see Feld, 2013; Horgan, Russano, Meissner, & Evans, 2012; Kassin & McNall, 1991; Kassin et al., 2007; Leo, 1996; Luke & Alceste, 2020; Narchet, Meissner, & Russano, 2011; Redlich, Kelly, & Miller, 2014). Indeed, in the USA Feld (2013) found that interrogators used various techniques that fell under his categorization of

minimization. Similarly, perhaps there may be ethical considerations relating to an interviewer who is thinking about using false or feigned empathy in the interview.

2.2.3.3 *'Theme Development'*

The ethical and legal risks presented with minimization can also be found in other techniques that may inappropriately employ feigned empathy. Kebbell, Alison, and Hurren (2008) examined offenders' perceptions of police interviewers who demonstrated humanity, or dominance, or an understanding of suspects' cognitive distortions. In their study convicted sex offenders were each asked to read four different vignettes involving (i) a man forcing a female victim into sex and (ii) the subsequent police interview. They found that the offenders (a) indicated that confessions would be more likely in interviews involving police interviewer humanity and compassion rather than dominance, and (b) rated such interviews as being fairer than the dominant interviews. Interviewers demonstrating an understanding of the sex offenders' (possible) cognitive distortions did not have an influence on the likelihood of confessions, but this did have an effect on making the crime being evaluated by the offenders as less serious. Examples of the provision of such distortions could include that a victim may have encouraged, even enjoyed the offence, and/or that society makes too much of a deal out of certain types of offences. This type of interviewer provision is nowadays more usually referred to as 'theme development' (e.g., Boetig, 2005 – "...by transferring partial blame to someone or something else, such as victims, peers, society..." [p. 14]) or sometimes as 'rationalizations' (e.g., Zulawski & Wicklander, 2002 – "...she was asking for it..." [p. 20]).

In the psychological literature theme development can also be considered a form of minimization (Gaines, 2020; Kassin, 2015). Minimizations, theme developments,

rationalizations, and feigned (or false) empathy are all designed to reach the same outcome, a confession. Indeed, in a recent lay-authored article for police officers in the United States Senese (2020 - Senese is the Vice President of John E. Reid and Associates who train the widely known 'Reid Technique') discusses how such themes are meant to reinforce a guilty suspect's rationalizations and justifications which may include (i) blaming the victim for the actions of the offender and (2) blaming outside factors for affecting the offender's judgment. Senese (2020) further lists several minimization themes which may include (i) spur-of-the-moment act versus premeditated; (ii) verbal versus physical threat; (iii) seconds versus minutes of an occurrence; (iv) physical harm having been caused but the victim will recover; (v) one time versus many times; (vi) one individual versus several individuals who were harmed; (vii) no weapon was used; (viii) the intent was just designed to see the victim's reaction; and (ix) suggesting the offender's immaturity or young age. In a very recent study Kaplan and Cutler (2021) examined what methods were applied to elicit information in North American interrogations and among other findings was that minimization tactics were still widely used.

Luke and Alceste (2020) also studied 'theme development' (or catering for/toward the suspects' cognitive distortions by offering a theme or reason for their actions) where they found that when the interviewer offered such a theme development, the suspect provided a confession in the hopes that they would be treated with leniency. As such theme developments not only prove to be difficult for moral reasons, but also may have legal implications such as implying leniency (which seems to be prohibited by law in the USA) (see also Konrath & Grynberg, 2013). In the current thesis, theme development is examined in study 4.

2.2.3.4 Empathic Opportunity

Interviewer use of appropriate empathy requires knowledge of how to create an understanding environment and working relationship between both involved parties. *Empathic opportunities* (EO) within investigative interviews have been termed the moment where an interviewee is expressing underlying cognitions/emotions to which the interviewer has a chance to respond empathically (Dando & Oxburgh, 2016). Davies (1983) recommends that police officers show empathy by understanding their interviewees, appreciating their emotions and distress, and communicating this to interviewees both directly and indirectly.

Oxburgh and Ost (2011) discussed the difficulties of constructing an all-encompassing and systematic definition of empathy, particularly with regard to police interviews. Dando and Oxburgh (2016) noted four aspects of empathy displayed in police interviews: (i) spontaneous comfort; (ii) continuer comfort; (iii) spontaneous understanding; (iv) continuer understanding. They found that the two continuers ('comfort' and 'understanding') uttered by the interviewer after identifying an empathic opportunity from the suspect prompted the revelation of investigation-relevant information from suspects. Empathic opportunity (EO) had been previously defined as when an interviewee "provides some kind of information, consciously or otherwise, in the hope that the interviewer will respond" (Oxburgh & Ost, p. 184). Building on this, Jakobsen (2019) regarding interviews with victims found two additional categories: creating empathic opportunities and cooperation. The former refers to initiating opportunities by the interviewer rather than the interviewee, whereas the latter refers to asking the victim about their feelings and talking about how they have been doing since the criminal offence.

An EO in an interview may thus be an opportunity to display empathy by the interviewer. However, it is not the only opportunity to display empathy that is important. It can be argued that

the entire interview is an opportunity for the interviewer to display empathy, even in its most minimal form. In order to gain rapport between interviewer and interviewee a relationship must be built (Vanderhallen, Vervaeke, & Holmberg, 2011). This relationship cannot be built solely on any chances the interviewee may give to the interviewer, but rather must be brought about by the interviewer and maintained by the interviewer (often more so than by the interviewee). Therefore, it would be meaningful to look at empathy built and maintained by interviewers during interviews. Studies 2 and 3 in the current thesis examine just that - interviewer empathy throughout the interview. These two new studies also assess the IRI gained during interviews to see to what extent *investigative empathy* (as defined below) was displayed by the interviewer in the five minutes prior to each provision of IRI by the suspects.

2.2.3.5 Empathy and Eliciting Human Intelligence

Granhag et al., (2016) describe one method of obtaining HUMINT (Human Intelligence) in which the interviewee remains unaware of the interviewer's intention and objective of information elicitation. Granhag et al. (2016) described a successful interrogation style: The Scharff Technique, named after a successful interrogator [Hanns Joachim Scharff (1907-1992)] working during WWII. He was one of the earliest documented interrogators to create a non-adversarial relationship with the prisoners he questioned. When his methods were analyzed, it was importantly discovered that Scharff was a master at taking on the perspectives of the prisoners he interviewed. He essentially built rapport with them utilizing empathy. The definition of 'perspective taking' was described to include "the ability to take the perspective of others" (Granhag et al., 2016, pp. 136).

2.2.3.6 Investigative Empathy

In order to gain worthwhile IRI (a comprehensive and accurate account), we have seen above that question type and empathy play a major role. Therefore, it would be interesting to examine question types coupled with empathy in order to see their combined effect on the amount of relevant information. Because empathy has rarely been operationalized/defined within investigative research the following chapter ([Chapter 3. Methodology of the Four Studies](#)) will introduce aspects of empathy and definitions of empathy (taken from interdisciplinary literature) that may be relevant regarding investigative interviews, as not all aspects of empathy may be appropriate.

Investigative empathy can be thought of as having (a) different types (Dando & Oxburgh, 2016), (b) indirect and direct versions (Davis 1980, 1983; Luff 2010), (c) verbal and non-verbal aspects (Lorié et al., 2017; Vera et al., 2018) and being comprised of many different factors which lie on a spectrum (Spenser, 2017). Furthermore, Davis (1983) states that some investigators consider empathy to be a cognitive phenomenon. Therefore, it is not so much the mere presence or absence of empathy, but the types of empathy displayed during interviews that is important. Making these distinctions and differentiating between cognitive (rational) and affective (emotional) empathy, for example, may allow for a better understanding of what types are appropriate for investigative interviews.

Studies are beginning to recognize various ‘types’ of empathy and are starting to distinguish between useful/appropriate and possibly inappropriate types of empathy for investigative interviews (Bull & Baker, 2020; Baker, Bull & Walsh, 2020a and b). Among the distinctions is the notion that cognitive types are more appropriate in investigative interviews

than are affective types (Baker-Eck et al., 2020b). However, what has yet to be studied is the possible effect of interviewers' level of empathy.

It is important to note that empathy as described above is from a western perspective, particularly by authors in north America and the UK. One crucial question is whether this form of rapport building between two people can also be employed in the same manner, in other countries. This is examined in part by Study 1 of this thesis which compares police officers' perspectives on investigative interviewing across seven (albeit all European) countries and in study 4 that involves German police officers' comments on sex crime interviews.

2.2.3.7 Interviewer Empathy and Interviewee Responses toward Empathy

Wachi, Watanabe, Yokota, Otsuka, and Lamb (2016) gave a questionnaire to officers who had obtained either a full or partial confession from suspects who had initially denied the allegations. The questionnaires were completed immediately following interviews that met specific criteria such as the nature of the crime, sufficient age of the suspect, and the absence of mental disorders. The questionnaire employed a Japanese translation of the Interpersonal Reactivity Index (IRI) for measuring empathy, the NEO Five-Factor Inventory scale to assess personality, and thirty-nine statements derived from previous studies on which the officers provided information to enable the researchers to determine their interviewing style. The study found that variation in officer empathy was related to interviewing style (although age was found to be the strongest predictor, in that younger interviewers were more likely to employ a confrontational technique). In line with studies reviewed above, this study also found that officers who had scored high on active listening, rapport building, discussion of the crimes, perspective-taking and agreeableness were more likely to have gathered new information or a full confession than officers who employed more confrontational techniques. As mentioned

above, some interviewees may not respond as desirably to displays of empathy as others. Low levels or lack of empathy can be found in some individuals with psychological vulnerabilities and disorders such as Anti-Social Personality Disorder (International Statistical Classification of Diseases and Related Health Problems) and as a result some people may not react, interpret, and experience empathy as do individuals without these disorders.

In a study conducted on adults, the ‘disrupted empathic processing’ was tested as a core component of psychopathy (Seara-Cardoso, Viding, Lickley, & Sebastian, 2015). This study examined the brain regions typically recruited during empathic processing (anterior insula, inferior frontal gyrus, and mid- and anterior cingulate cortex) to see if individuals with high psychopathic traits mirrored this in their neurology. Higher affective-interpersonal psychopathic traits were indeed associated with reduced neural responses to others’ pain (whereas higher lifestyle-antisocial psychopathic traits were associated with increased neural responses to others’ pain).

2.2.3.8 Personality and Interviewing Style

Wachi et al. (2016) in police interviewers found “...significantly higher scores on Extraversion and Agreeableness and lower scores on Neuroticism and Openness (Wachi et al., 2016; p. 153)” than the standard sample as outlined in the Japanese manual. “The current sample seemed more sociable, empathic, mentally stable, and conservative than did adult Japanese males in general (p. 153).”

O’Neill (2011) in his doctoral thesis (also see Bull, 2013) examined investigator personality. Police interviewers were asked ‘What type of personality do successful investigators have?’ The respondents did not identify a single personality type, explaining that a variety of

personalities can achieve success in investigation; however, traits like commitment and motivation as aspects of personality were highlighted, along with confidence, open-mindedness and being neither too extroverted nor introverted. O'Neill also asked respondents to nominate the top ten skills/ characteristics necessary for successful investigators. The top ten, in order of popularity were: communication, enthusiasm/motivation, tenacity, teamwork, objectivity, organizational, knowledge of the law, honesty and integrity, decision-making, and listening. Respondents were further presented with a list of 30 skills/characteristics identified in prior research as being important to the success of an investigator and were asked to rate these for importance on a five-point scale. In order, the most important qualities were communication, motivation, commitment, dedication, persistence, initiative, decision-making, reasoning, listening skills, and integrity. Of the 30 qualities, officers rated education, strategic awareness, leadership, training, and empathy of lesser importance (though his research was conducted over a decade ago when the role of empathy in the interviewing of suspects had hardly been researched and thus not disseminated/trained).

Assessments of personality and of cognitive aspects of intelligence have been undertaken in some countries during hiring processes for law enforcement. However, 'emotional intelligence' has not been widely examined in law enforcement, yet it is gaining traction. Emotional intelligence (EI) has been described as "... a measure of a person's ability to interact with others and understand one's own emotions as well as those of others." (Ono et al., 2011; p. 472). Typically, emotional intelligence is categorized into one of two models, an 'abilities' model or a 'mixed' model (characteristics plus abilities). The 'abilities' model defines EI as individuals' own capability of expressing and understanding emotions (both their own and others'), employing emotional self-control, using their emotions for problem solving, and

capable of emotional growth (Mayer & Salovey, 1997). A 'mixed-model' can include characteristics on how individuals deal with environmental pressures and demands (such as being optimistic, flexible, sympathetic, and maintaining relationships well). The 'mixed-model' definition relates more to a socially skilled, pragmatic, adaptable, and positive person.

Although EI seems rarely to have been studied in relation to law enforcement job performance, it has been studied in a variety of other fields, including managerial performance in various industries. In such settings, EI has been found to be related to stress management, contextual performance, organizational commitment, turnover, and job performance. Thus, emotional intelligence could be a useful indicator of law enforcement success because the nature of some law enforcement work (including the investigative interviewing of sex crime suspects) requires stress management. Also, sometimes a relationship has sometimes been found between emotional intelligence and the ability to determine whether people are truth telling or lying (Bond & DePaulo, 2006; Fiori, 2009; O'Sullivan, 2005), although more research on this is needed.

A personality study of United States Air Force agents from the Office of Special Investigation assessed interviewer training performance, then one year later assessed job performance (with the aid of supervisors). The first assessment did not find any significant associations of interview performance with personality, but the one-year follow up assessment found emotional intelligence to be a significant predictor of interviewer performance. (Ono, Sachau, Deal, Englert, & Taylor, 2011). Ono et al. (2011) examined the relationship between investigators' job performance and their cognitive ability, personality, and emotional intelligence using (i) the Emotional Quotient (EQ) to assess emotional intelligence, (ii) the Shipley Institute of Living Scale (SILS) for intellectual and cognitive abilities, and (iii) the NEO Personality

Inventory Revised (NEO PI-R; which is the standard questionnaire measure of the Five Factor Model (FFM), that provides a systematic assessment of emotional, interpersonal, experiential, attitudinal, and motivational styles). These assessment instruments were given to trainees within the 'Air Force Office of Special Investigation' and compared with their job performance one year later using the 19 item Agent Trainee Performance Report Extended (ATPR-e). This study found that EI was a significant predictor with regard to some aspects of law enforcement, namely 'Interrogation' and 'Investigative Networking'. (The only Big Five personality trait associated with performance was 'conscientiousness', which related to investigative mindset and leadership. With regard to cognitive abilities no significant relationship was found with performance.) Ono et al. (2011) noted that EI assessment shows potential as a predictor for "...identifying applicants with effective interrogation and networking skills in criminal investigation" (p. 487). Aspects of EI may involve abilities to build rapport, to be flexible, courteous, trusting, tolerant, and empathetic.

Akca and Eastwood (2019) investigated the relationship of interviewing with personality by administering the 'Police Interviewing Competencies Inventory' (PICI) to a sample of the general public, who then conducted mock witness interviews amongst each other. Participants who scored higher on agreeableness, openness/intellect, extraversion and communicative-insisting were found to be more 'successful' interviewers than participants who scored lower on these traits. Openness is related to creativity, originality, curiosity, broadmindedness, and sensitivity (Judge, Rodell, Klinger, Simon, & Crawford, 2013 cited in Akca & Eastwood, 2019). Thus, such combined traits of agreeableness, openness/intellect, and extraversion are likely to make for an interviewer with good communicative and listening skills, both verbal and

intrapersonal. Furthermore, agreeableness, openness and extraversion may well assist an interviewer to demonstrate (genuine) empathy.

2.2.4 Empathy – Conclusion

The study of investigative empathy is relatively recent and therefore consensus of how to apply it may differ depending on perhaps (i) differences in backgrounds such as practitioners versus academics (as examined in Study 1); (ii) how to define it (as examined in Study 1); (iii) how to employ it (as examined in studies one and two); (iv) how to optimize it (perhaps combined with question types; Study 3); (v) empathy levels within investigator empathy (as seen in Study 4). What can be said is that this field is advancing and we are collectively moving closer to finding a way to operationalize investigative empathy in order to optimize the outcomes of investigative interviews with suspects. Drawing from other academic disciplines as well as drawing from practitioners (as seen with Study 1 in this thesis) this thesis aims to deliver at least a foundational understanding to concretely being able to understand empathy as well as beginning to implement it in useful and appropriate ways that can enhance the training of police officers to better (again) optimize such a potentially stressful situation for both interviewee and interviewer.

Chapter 3. Methodology of the Four Studies

Ethical Approval and Declaration of Interest

All procedures performed in the following four studies were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards. Data protection guidelines of the General Data Protection Act (2018) have been followed and all data remain anonymous. Informed consent was obtained from all participants included in the studies. The current author of the thesis declares no conflict of interest regarding the following four studies.

"It can be very dangerous to see things from somebody else's point of view without the proper training."
— **Douglas Adams (Hitchhiker's Guide to the Galaxy, #5)**

3.1 Study 1

Investigative Empathy: A Strength Scale of Empathy Definitions based on European Police Perspectives

A version of the following new study has been published as:

Baker-Eck, B., Bull, R., & Walsh, D. (2020). Investigative empathy: A strength scale of empathy based on European police perspectives. *Psychiatry, Psychology and Law*, 27, 412-417.

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Abstract

A growing body of research suggests that empathy may play a major role in establishing and maintaining rapport during police interviews. The benefits of rapport include not only increased cooperation from interviewees, but also gaining more accurate investigation-relevant information. However, despite a large amount of research on empathy which already exists in various domains (largely outside investigative interviewing), there still is, unfortunately, no universally agreed upon definition and very

little research on operationalizing and implementing appropriate forms of empathy, especially within the realm of investigative interviewing. Therefore, the present study was conducted with the goal of better understanding empathy from a police perspective and developing a way to assess and operationalize empathy for use in police interviews with suspects of high-risk crimes (particularly sex offences). The study considers police interviewers' various definitions of empathy in seven European countries, along with other factors. It analyzed police interviewers' self-reports regarding their (i) training and methods employed during interviews, (ii) application of empathy in interviews, and (iii) definitions/understanding of empathy. Based on their answers, the various definitions of empathy were compiled and then placed on a new strength scale. It was found that officers in all participating countries varied within each country in their use of accusatory or information-gathering interview styles, suggesting that the methods employed were largely not systematically and uniformly taught and/or applied. The majority of participants in each country claimed to currently employ empathy in their interviews with suspects, yet they varied on the strength of the definitions provided. In no country was empathy considered useless in interviews and in no country was empathy defined as having aspects that may not be conducive to investigative interviewing (to be discussed later in this thesis).

Aims

The present study aims to: (i) explore the interviewing style police officers in several European countries claim to use (i.e., accusatorial style, information-gathering

style, mixed [both accusatorial and information gathering], or none), and (ii) examine their definitions of empathy. The current study focuses on interviews with suspects of sexual offenses as these are of high importance and in which non-interviewee information may not be available.

Based on the information already presented in this thesis, it was hypothesized that officers who employ an information-gathering approach would: (i) provide ‘stronger’ definitions of empathy, (ii) would show more understanding of empathy’s complexity, and (iii) show more cognitive than affective empathy definitions than officers whose styles involved accusatory or confession-oriented approaches. It was also hypothesized that due to national differences in training regimes, the ‘strength’ of definitions would differ across the seven countries.

Method

Participants

The participants were recruited through police contacts and were police officers ($N=256$) in seven European countries with experience of interviewing suspects of sexual offenses: England (9.4%; $n=24$), Estonia (5.1%; $n=13$), Germany (14.8%; $n=38$), The Netherlands (37.1%; $n=95$), Slovenia (6.3%; $n=16$), Sweden (22.3%; $n=57$), and Switzerland (3.9%; $n=10$). Of the participants 140 were women (54.7%) and 104 men (40.6%) – 12 did not indicate their gender. Their relevant experience in police service ranged from over 15 years to less than a year: over 15 years (60.9%; $n=171$); 11-15 years (15%; $n=42$); 6-10 years (13.2%; $n=37$); 1-5 years (7.5%; $n=21$); and less than one year

(2.9%; $n=8$). Their experience of conducting interviews with sex crime suspects were >15 years (21.2%; $n=58$); 11-15 years (18%; $n=48$); 6-10 years (25.2%; $n=69$); 1-5 years (30%; $n=81$); and <1 year (6.6%; $n=18$). The participants' experience of conducting interviews with suspects had a combined mean of 5.45 monthly interviews with suspects in general, and a mean of 2.74 monthly interviews with suspects of sexual offences.

The Questionnaire

An online questionnaire was made available to contacts in a variety of police organizations. The questionnaire consisted of 35 items, which included questions: (i) about demographics; (ii) about conducting interviews; (iii) regarding training and tactics; (iv) regarding empathy usage in interviews; (v) about empathy in general and empathy within interviews. This questionnaire was translated into the relevant languages. A native speaker of the relevant language then translated the responses back into English. After ethical approval was given, the link to the questionnaire was distributed to eligible participants. The questionnaire involved semi-structured and open-ended questions, yes/no questions, five-point Likert scales, and multiple-choice questions.

Data Coding and Analysis

Participants were allocated to groups regarding interviewing style depending on the answers to the following two questions: (i) "*What methods did your training consist of?*"; and (ii) "*What other methods and tactics do you employ during interviews?*" - their replies were coded into one of four themes, these being (i) accusatorial style; (ii) information-gathering style; (iii) mixed; or (iv) non-identifiable. The mixed category

comprised replies involving methods that were both information-gathering and accusatorial. (If participants offered one technique from an accusatorial interview and five techniques from the information-gathering interview, they were allocated into the mixed interview approach group.) Having completed the coding into groups regarding these themes, the current author again conducted this coding and found no differences between the second coding and the first. Table 1 provides information regarding the definition of these themes and presents examples of methods according to themes, based on the relevant prior literature (e.g., Meissner et al., 2014; Soukara, Bull, Vrij, Turner, & Cherryman, 2009; Walsh & Bull, 2012).

Table 1: Coding for Interviewing Style

Accusatorial	Info-Gathering	Not Identifiable
Rationalization	Invite Free account	'Everything is individualized.
Minimization	Empathy	
Good cop/bad cop	Non-judgmental	<i>“With the presentation of the lawyer there is no opportunity to apply other tactics”.</i>
Pressure	Obtaining information	
Marginalizing victim’s Account	Open questions	
	Relaxation	
Marginalizing crime	Non-verbal attention	
Confinement	Active listening	
Guilt	Listening	
Fake ‘get angry’	Motivational Interviewing	

Reid Interview	Calm conversation
	Allowing for room to talk openly
	PEACE Method
	Open-mindedness
	Patience & time
	Gradual presentation of evidence

Results

Training and Interviewing Approach

Seventy-five percent ($n=163$) of participants indicated that they had received training in conducting interviews/interrogations. Some of the responses concerning the methods and techniques experienced during training were vague, and thus not able to be categorized into themes. However, the answers to ‘*What other tactics do you employ?*’, were much more specific and better able to be categorized into ‘accusatorial styles’, ‘information gathering’, or ‘mixed’ approaches. This revealed that 100 participants indicated using information-gathering techniques, 34 stated using accusatorial techniques, and 24 responded with a mix of tactics (see Table 2). These findings indicate that in every participating country, some officers employ an information-gathering approach while others use an accusatorial style. Only a few participants in England (1 out of 32) and The Netherlands (9 out of 74), both countries which provide extensive, nationalized

training, indicated employing accusatorial tactics. In contrast, more indicated this in Germany (15 out of 31) and Slovenia (4 out of 14).

Table 2: Interviewing Approach by Country

Participants	Accusatorial		Info-Gathering		Mixed		N/I	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Germany (N=30)	15	50%	10	33.3%	2	6.6%	3	10%
England (N=21)	1	4.8%	12	57.1%	2	9.5%	6	28.6%
Switzerland (N=10)	2	20%	5	50%	2	20%	1	10%
Sweden (N=50)	2	4%	30	60%	6	12%	12	24%
Estonia (N=13)	1	7.7%	2	15.4%	5	38.5%	5	38.5%
Slovenia (N=15)	4	26.7%	4	26.7%	2	13.3%	5	33.3%
Netherlands (N=75)	9	12%	37	49.3%	5	6.7%	24	32%

Empathy and Empathic Scores (ES)

The majority of participants (92%, $n=231$ of the $n=251$) indicated that they do employ empathy in interviews. When questioned on their use of empathy, 60% ($n=142$) claimed to employ empathy throughout an interview, whereas 40% indicated that they only use empathy ‘rarely’.

Across all countries, 240 of the participants provided a total of 327 responses/definitions of empathy, with many individuals providing multiple definitions. Many of the definitions were very similar, and some were exactly the same, and 11 themes emerged (see Table 3). Across all countries, the response ‘*Appreciating emotions*’ was most often given as a definition of empathy ($n=99$) and the proportions according to country were: Slovenia (62.5%), Germany (60%), The Netherlands (46.1%), Estonia (45.5%), Sweden (37.3%), England (27.3%), and Switzerland (21.4%) (see Table 3).

Table 3: Number of Response Themes for Empathy Definitions per Country

Empathic Themes	CH	DE	EE	EN	NL	SE	SL
1. Appreciating Emotions ($n=99$)	3	18	5	9	35	19	10
2. Understanding ($n=66$)	4	2	4	11	23	21	1
3. Changing Perspectives ($n=51$)	6	14	1	14	9	6	1
4. Non-Judgmental ($n=30$)	4	0	1	5	14	5	1
5. Respectful ($n=25$)	0	0	2	2	12	9	0
6. Understanding Actions ($n=18$)	1	8	3	3	0	2	1

7. Openness (n=13)	1	2	0	1	7	2	0
8. Listening (n=13)	3	0	0	1	4	4	1
9. Sympathy (n=7)	0	0	0	0	5	2	0
10. Working Together (n=4)	1	0	2	0	1	0	0
11. Similar Language (n=1)	0	0	0	1	0	0	0

*CH=Switzerland; DE=Germany; EE=Estonia; EN=England; NL=Netherlands;
SE=Sweden; SL=Slovenia

The number of definitions provided by each individual was then counted. The higher the number of definitions provided by an individual, the more he or she understood the complexity of empathy. The officers in Germany provided on average the highest number of definitions when describing empathy (2.45 definitions per individual) followed by Sweden (2.27), Switzerland (2.20), Estonia (2.08), The Netherlands (2.02), England (1.95), and Slovenia (1.87).

Of course, empathy can (as can rapport) vary in its strength/degree. The definitions of empathy were then compiled and organized into a new strength scale, with one being the lowest strength and nine being the highest strength in a similar manner to Davis' IRI (1980, 1983) and Spenser's (2017) empathy continuum (see Table 4). Definitions pertaining to "*Sympathy*" and "*Similar Language*" were omitted, because sympathy can be differentiated from empathy, and "similar language" had only one response.

Table 4: Strength Scale for the Types of Empathy Mentioned

Empathy Categorizations	Empathy Types
1. Openness	
2. Listening	
3. Non-judgment/unbiased	<i>indirect (1-4)</i>
4. Understanding (e.g., current situation)	
5. Working together	
6. Changing perspectives	
7. Building rapport	<i>direct (5-9)</i>
8. Understanding Actions	
9. Appreciating emotions/distress	

Similar to other uni-dimensional strength scales (such as the Likert, Thurstone, and Guttman), the current scale is designed to describe strength in a hierarchical manner. However, unlike the aforementioned scales, although empathy can be conceptualized as ascending in strength, some officers' definitions were not cumulative in nature. Our strength scale is based on deriving strength scores from the type of empathy provided in each definition. For example, "appreciating emotions/distress" as a definition does not automatically include the notion of "listening" or "openness".

Due to the fact that on many occasions each of the participants' definitions included more than one element of the strength scale shown in Table 4 (e.g., mentioning 1, 2, and 4 or mentioning only 2, 5, and 7), a way had to be devised for scoring such definitions on the scale in order to assess the strengths of empathy within each of the participants' definitions. An example of this would be: "Allowing myself to be open enough to listen and understand" which was allocated a total empathy score of $1+2+4=7$. A definition that mentioned all of 1 to 6 would thus be given a score of 21 (i.e., $1+2+3+4+5+6$).

An inter-rater reliability check was also conducted on the empathy definition scoring. The English-speaking second rater was a PhD candidate researching police interviewing who coded a random sample of 30 participants' empathy definitions. The inter-rater was sufficiently high ($\alpha = .87$). The empathy definition scores (ES) allotted to each participant were then analyzed using a two-way ANOVA to examine any effect of (i) country and (ii) self-reported interviewing style (i.e., accusatorial, info-gathering, mixed group, not identifiable). Prior to conducting the ANOVA, the assumption of homogeneity of variances was tested and satisfied according to Levene's F test, $F(33,194) = 1.60, p = .028$. The ANOVA indicated that there was a significant main effect of the country [$F(6, 228) = 3.80, p < .05 (p=.001), \eta^2 = .105$]. Post hoc comparisons using the Tukey HSD test indicated that the mean ES for Germany was significantly ($p \leq .001$) higher than the mean ES score for the Netherlands, Sweden and England (see Table 5).

Table 5: Mean Empathy Definition Scores by Country

Participants (<i>N</i> =228)	<i>n</i>	Mean ES	SD
Germany (DE)	31	10.13	4.06
Slovenia (SL)	15	9.29	5.73
Switzerland (CH)	14	8.50	4.69
Estonia (EE)	12	8.09	3.05
England (EN)	31	6.94	3.63
Sweden (SE)	51	6.77	4.21
Netherlands (NL)	74	5.86	3.74

The effect of interviewing style on empathy did not achieve statistical significance [$F = (4, 228) = 2.08, p > .05 (p = .09), \eta^2 = .041$], nor did the interaction between country and interviewing style [$F = (23, 228) = .875, p > .05 (p = .63), \eta^2 = .094$]. Figure 1 demonstrates the significant effect of the country on empathy definition strength (also noting interviewing style). It reveals that the least variation in empathy definition score was for officers in England and The Netherlands and that the largest variation was for Germany and in Switzerland.

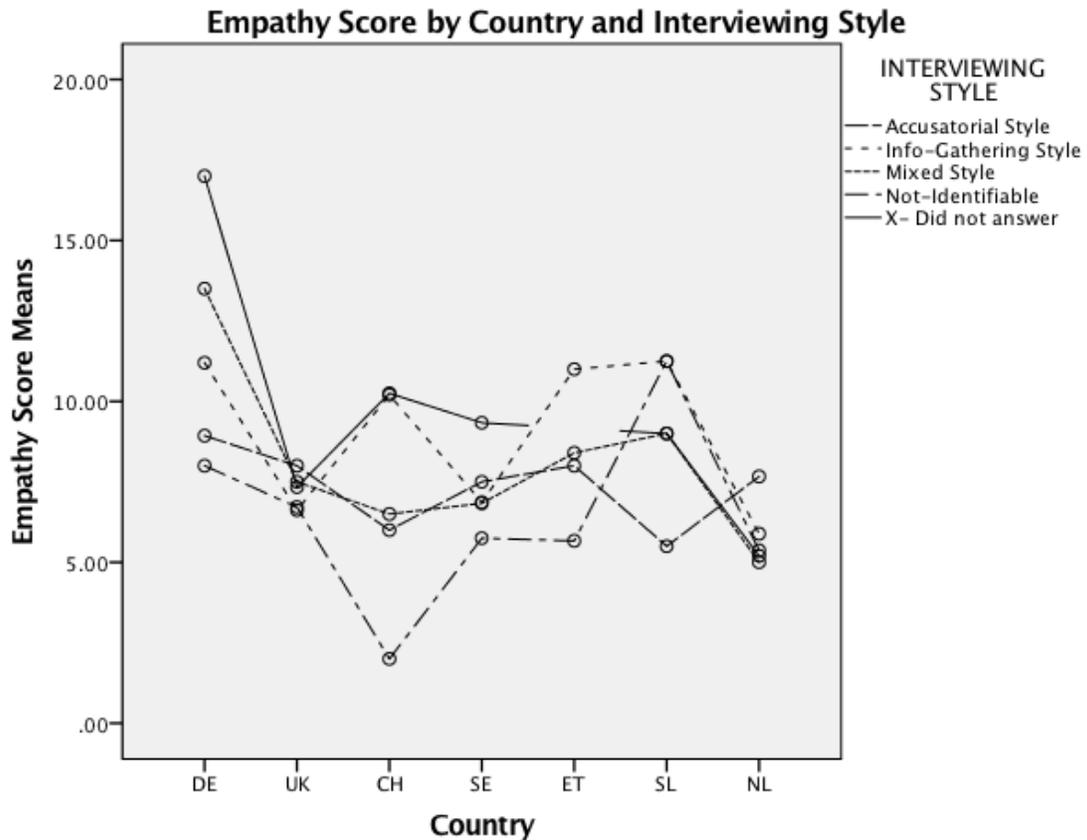


Figure 1: Empathy Definition Score by County and Interviewing Style

Cognitive and Affective Empathy

A majority of officers in all countries provided empathy definitions that were more cognitive than affective: England, 95.8%; Switzerland, 90%; Estonia, 84.6%; Slovenia, 75%; Sweden, 71.9%; Germany, 68.4%; The Netherlands, 61.1%.

Discussion

The present study innovatively explored in several European countries (i) the

training police interviewers received, (ii) if they employ empathy, and (iii) their definitions of empathy, (iv) their apparent knowledge of empathy's complexity, and (v) their self-reported use of empathy. Three quarters (75%) of the participants indicated that they had indeed received some training regarding the conducting of interviews, particularly with suspects of sexual crimes. In six of the seven countries, when asked about their training (and what other tactics they employ during an investigative interview) participants indicated that they employed information-gathering techniques most of the time. The exception was Germany, where half of the respondents indicated they used accusatorial methods.

It was hypothesized that those countries with standardized national training involving information-gathering techniques such as The Netherlands (Van der Sleen, 2009) and England would provide stronger empathy definitions than countries with little or no training, or training in accusatorial styles. However, this was not found. In England, police interviewers have been trained for over 25 years in the 'PEACE' model, which emphasizes information gathering (Milne & Bull, 1999), yet the present study found that officers' average definition scores in England were lower compared to the other countries and more cognitive than affective in nature. Also noteworthy within each of these two countries is that the variation in scores was much lower compared with the other countries, due perhaps to the nationalized training.

A possible explanation for the difference across some countries in the empathy definition scores could be a native language effect (as mentioned in a previous chapter). In German everyday language there is actually a one-word synonym for empathy - *Mitgefühl* - which literally means 'feeling with another person'. The existence of this

word in German may indicate an inclination towards affective empathy (definition of number nine on the strength scale “*appreciating emotions/distress*”) that could explain why empathy definition scores were significantly higher for the German participants. Because this synonym could well be an affective/emotional form of empathy this could imply that the German participants believed affective empathy to be appropriate. However, interviewers experiencing affective empathy could be inappropriate in investigative interviews with suspects due to their need for a strong mental focus on the task at hand and to avoid compassion fatigue (such as seen in clinical settings when therapists can feel exhaustion from displaying emotions; Fansher, et al., 2019; Freudenberger, 1975; Jeung, Kim, & Chang, 2018; MacEachern, Dennis, Jackson, & Jindal-Snape, 2019; Maslach & Jackson, 1981 – for more on this see the final chapter in this thesis). As such, German police officers may benefit from training/information regarding the (i) affective and (ii) cognitive aspects of empathy.

Due to the variance in definitions across countries, it is suggested that ways to employ empathy may not be clear to officers, even experienced officers with and without national standardized training. Although each type of definition was found in every country, the strength of the definitions varied, possibly due to a lack of in-depth understanding of empathy and how to employ it in investigative interviews.

Implications for Police Practice

Police interviewers have the responsibility to build rapport (Bull & Baker, 2020); Walsh & Bull, 2012), and simultaneously adhere to the many institutional demands that come with their job (Antaki, Richardson, Stokoe, & Willott, 2017). Building (and

maintaining) rapport may well involve empathy (as mentioned earlier in this thesis). However, the definitions of empathy differed in strength across countries indicating that police officers internationally have not yet agreed upon a definition of empathy. Although research on investigative empathy is still rather in its infancy, empathic understanding comprises a large part of the humane approach of interviewing, as seen, for example, in the PEACE model. Furthermore, the recommendations of the New Zealand PEACE adaptation⁵ (included in their ‘Engage and Explain’ phase) are similar to the investigative empathy definitions given by the police participants in the current study: (i) ‘treating the suspect with respect is the same as number five on the definitions list gained within the current study; (ii) ‘keeping an open mind’ relates to the first definition of the strength scale; (iii) ‘being patient’ could be seen as a part of listening (number two in the definitions gained in the current study); (iv) to ‘empathize with their position’ is similar to number four (understanding their current situation); and (v) ‘to not be judgmental’ relates to number three on the strength scale. Further, in the study by Surmon-Böhr et al., (2020) one of the adopted MI skills ‘reflective listening’ could be found in the here new strength scale being number two on the scale (i.e., ‘listening’). The other aspects of the adopted MI skills found by Surmon-Böhr et al. (2020) may be relevant in humane interviews but are not perhaps specific to empathy.

Ways of employing empathy are beginning to be understood or operationalized, and research (such as Study 1 presented here) is beginning to show how it can be implemented in police interviews. A more universally agreed upon definition of empathy, [which takes into account its multifaceted and dynamic components (i.e., the different

⁵ <https://www.police.govt.nz/resources/2005/investigative-interviewing/investigative-interviewing.pdf>

types of empathy, direct and indirect forms, aspects of empathy which are relevant and useful within investigative interviews, etc.)] is necessary in order to maximally utilize empathy for investigative interviews. As the amount of research on employing empathy grows, the importance may well be that *investigative empathy* should focus on its cognitive aspects rather than the affective components (for more on this see the final chapter of this thesis). In interviews with suspected sexual offenders or suspects of other heinous crimes, where research suggests that empathy plays a major role, it is crucial to understand which aspects of *investigative empathy* can aid in gaining cooperation from such suspects, without there being undue effects on interviewers (e.g., burnout). The relationship between emotional labor and burnout has been well-documented in the clinical literature (Fansher, et al., 2019; Freudenberger, 1975; Jeung, Kim, & Chang, 2018; MacEachern, Dennis, Jackson, & Jindal-Snape, 2019; Maslach & Jackson, 1981) and should be taken into account regarding interviewer empathy in police interviews. Not all types of empathy may be useful and, as noted above, it may well be important to acknowledge cognitive empathy's benefits and the risks of affective empathy.

International standards are starting to be put into place regarding non-coercive investigative interviewing (e.g., the 2021 Mendez 'Principles of Effective Interviewing'). However, much more needs to be done, including implementing research-/evidence-based training that involves rapport building and the use of appropriate forms of empathy. The present study aims to begin an understanding and stimulate discussion on the important topic of empathy.

Limitations

Inevitably, a study of this nature had to adopt a self-report methodology. Future research could consider examining a sample of actual interviews but this would rely on (i) several countries having full and valid recordings of interviews and (ii) research access being granted (probably unlikely at present in many countries). Also, due to the low number of participants in Switzerland, that sample may not be representative of investigative interviewers in that country.

The lack of an available standardized strength scale led to the development of the current one. As mentioned above, many developed tests on empathy do not include measuring the strength of displayed empathy and thus a new test was needed. Its inter-rater reliability was established and its use helps to provide an introductory understanding of types of empathy in investigative interviews.

3.2 Study 2

Five Types of Cognitive Empathy as Investigative Empathy in A Field Study of Investigative Interviews with Suspects of Sexual Offences

A version of this new study has been accepted for publication as:

Baker-Eck, B., Bull, R., & Walsh, D. (2021). Investigative empathy: Five types of cognitive empathy in a field study of investigative interviews with suspects of sexual offences. *Investigative Interviewing: Research and Practice*, 11, 28-38.

Acknowledgments for Study 2

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Abstract

Empathy in investigative interviews has increasingly become a focus in the recent literature on investigative interviewing as its implementation may aid in building and maintaining rapport. Displaying empathy in interviews is claimed to have positive impacts on the provision of investigation relevant information and the cooperation of interviewees. However, the literature currently omits practically operationalizing empathy, which would provide a means of implementing it effectively in investigative interviews. The present study examines empathic displays by interviewers employed in interviews with suspects of sexual offences in order to see what types are applied as a step towards identifying and possibly defining/operationalizing empathy during

investigative interviews in the future. This study also examines the possible relationship between interviewer empathy and suspects' provision of investigation relevant information. Nineteen audio-tapes of police interviews with suspects of sexual crimes in England and Wales conducted by experienced police interviewers were coded for their empathic displays and suspects' provision of investigation relevant information. Five different types of empathy were found to be employed. Interviews that had higher amounts of suspect information provision involved all five types of investigative empathy, whereas interviews in which fewer types of empathy were displayed suspects provided less information. Thus, the use of investigative empathy in investigative interviews seems to be effective.

Investigative Interviewing

In England and Wales, up to the 1980s some police interviewers used coercive techniques⁶. Partly in light of this some psychologists and experienced detectives develop in 1992 a new method of investigative interviewing. This model is known as PEACE – an acronym for 'Planning and preparation', 'Engage and explain', 'Account', 'Closure' and 'Evaluation' (Milne & Bull, 1999; Clarke & Milne, 2016). A core element of this model is building and maintaining rapport with interviewees and is thought to begin during the 'Engage and explain' phase (Walsh, 2012). The development of PEACE signified a substantial shift in police mindset from coercive techniques aimed at producing confessions to an ethical means of interviewing in order to gain access to information. Since the development of PEACE, other countries such as Norway and the

⁶ <https://innocenceproject.org/how-the-uk-police-interview-suspects/>

Netherlands have followed suit in developing their own methods of interviewing with a similar ethos based on rapport (Walsh et al., 2016). Further, in 2016, United Nations special rapporteur Juan Mendez recommended the development of a worldwide protocol for investigative interviewing using non-coercive means, of which rapport is a core feature (United Nations, 2016). His 2016 report to the United Nations recognized the tendency for coercive means of interrogation to produce false confessions and inaccurate information (Meissner et al., 2014; O'Mara, S., 2015). Additionally, Daniel Jones (United States Senate Torture Investigator who investigated the 'enhanced interrogation' methods of the CIA established after 9/11 in the United States) in a 2019 interview with BBC's *Hard Talk*, offered his opinion that "torture doesn't work as information gained is unreliable and untruthful [...] what works is rapport-building".

Method

Field Data

Field studies of investigative interviewing of suspects of serious crime are rare and challenging to achieve. Despite their challenges, they have benefits that may outweigh other studies, as they are representative of the population being studied. Two recent examples of such hard to come by field research in the area of investigative interviewing can be seen in Surmon-Böhr, Alison, Christiansen, and Alison (2020) and Kim, Alison, and Christiansen (2020).

In the present study the interviews examined were conducted between 2011 and 2016 at four English Police Constabularies. Ethical approval was obtained from the

relevant university and from the relevant Constabularies. The interviews varied in length, from the shortest interview of 70 minutes to the longest interview of 223 minutes. The crimes were all sexual in nature including: possession of indecent photograph, sexual activity with underage person, and rape. The 19 interviews were the audio tapes of 19 male suspects. In 18 of the interviews (94.7%) two interviewers questioned the individual suspect, and in one tape only one interviewer conducted the interview. Each interview involved different interviewers. It is unknown which interviewees may have consulted a legal advisor prior to the interview.

Coding Strategy

Regarding empathy, it is only the behavior of the interviewer that a suspect has available and therefore in the present study relevant behaviors/displays (available in the audiotapes) were coded. Empathy was coded for not only as merely being present or absent, but also for the qualitative nature of its differing types (see below). For the current study empathy was defined as having one or more of the following characteristics (Baker-Eck et al., 2020): (i) active listening, (ii) open demeanor, (iii) being non-judgmental, (iv) working together, (v) demonstrating understanding, (vi) appreciating emotions and distress, (vii) to sense the emotion of the other as he/she is experiencing it, and (viii) expressing the same affect as the interviewee. In Baker-Eck et al.'s study of definitions there was a ninth element: to understand/perceive the internal frame (meaning the individual experiences of a person and their attached emotions) of the other with accuracy but this is very difficult to assess and therefore it is not analyzed for in the present study. The presence or absence of the types of empathy was noted (the types of

empathic displays found are detailed in the [results section](#) of this paper). It was also analyzed when and how empathy was displayed.

The suspects' provision of investigation relevant information (IRI – adopted from Phillips, Oxburgh, & Myklebust, 2012) involved information related to at least one of the following types: (i) person, (ii) action, (iii) location, (iv) item, and (v) temporal details. The present study will also add a sixth type of detail, labeled 'motivational' (or offering a motive). The motivational detail will provide information relating to the possible motives for the alleged crime. Such motivational information may include anything relevant to the motive or the 'why' of the alleged crime, such as desires, or emotions. For example, '*I loved her very much*', or '*I hated her for what she did to me*'. As in Phillips et al. (2012), the IRI gained will provide interviewers with information on: "(i) who did what, (ii) how it happened, (iii) the location of where it happened, (iv) any items that were used, and (v) the time that it happened" (p. 46).

After empathy had been displayed, any IRI provided in the five minutes following the empathic utterance was noted on a six-point Likert scale (0 = *low provision of information* and 5 = *high provision of information*). A score of 5 included relevant IRI provided by the suspect and willing participation and meant that all questions were answered, whereas zero meant that no questions were answered, or they were answered with 'no comment'. The current first author was the only researcher to whom the police organization gave permission to analyze these recordings. Coding of IRI and empathy was clear and no amendments to the coding procedure were needed once coding had been commenced. There were no uncertainties and no coding drift for IRI and for empathy the retest reliability analysis showed no deviations from the initial coding. This re-coding

was conducted by going through a sample of the recordings after completing coding to see if the codes were applied consistently.

Results

The following five types of empathy emerged:

1. Continuous Empathy (Demeanor) – CE
2. Indirect Empathy (Recapping/Repeating back) – IE
3. Current Situational Empathy – CSE
4. Retrospective Situational Empathy – RE
5. Empathic Reassurance – ER

These five types of cognitive empathy were found in different parts/times throughout the interview. *Indirect Empathy* was found after the free recall and after any suspects' statements; *Continuous Empathy* throughout the interview; *Current Situational Empathy* at the beginning of the interview and in the account phase; *Retrospective Situational Empathy* in the account phase; *Empathic Reassurance* at any point of the interview.

Continuous empathy (CE) was empathy shown consistently throughout the interview in utterances such as 'OK', 'Yes', 'Continue', or 'Uh huh'. This is similar to the therapist empathy that Watson (2002; see above) describes as a particular tone, utterance or communicating with interest, concern or expressive tone of voice. *Indirect empathy* (IE) included repeating back (or summarizing) to the suspect what they had just said. *Current Situational Empathy* (CSE) involved showing understanding for the current situation of

the suspect such as *'I understand that you are a smoker, should you at any time in the interview need a break, please let us know and we will stop the tapes and offer you this break'*; *'I know it's difficult to remember, but try.'* This is similar to Pounds' (2019) classification of 'Expressing understanding of others' feelings. In this case, it was classified as the understanding of their current situation. *Retrospective Empathy* (RE) involved empathy for the interviewee at the time of the alleged crime; for example, utterances such as *'I understand you were drunk at this time and cannot now remember; however, I would like you to try to remember as much as possible, and please take your time.'* The difference between CSE and RE is that the former gives an empathic response related to the current situation the interviewee finds themselves in, such as anything related to them in the interview room, related to the arrest or anything else in their current state – whereas the latter (RE) relates to empathic responses given about the situation at the time of the alleged crime. *Current situational empathy* exists in a well-delivered police caution (given in England and Wales before suspect begins talking). Therefore, it was only coded for if it appeared in the interview itself (and not as part of the caution, in which it always occurred).

Empathic Reassurance (ER) was coded as an empathic response to an empathic opportunity given by the interviewee. For example, one participant gave the investigator an opportunity to react empathically by saying: *'I don't quite know which language to use'*. The investigator then replied empathically by saying *'Whatever language you want to use in here is fine, if I have questions, I will then just ask you'* (interestingly, in this particular interview, not only did the suspect then offer information, but in the subsequent

five minutes confessed). It was coined ‘Empathic Reassurance’ instead of empathic response as an empathic response is a general response.

Only one suspect was uncooperative throughout saying ‘no comment’ to every question asked, regardless of the types of empathy displayed. Suspects’ provision of IRI was found to be highest in those interviews where all five types of empathy mentioned above were present (see Table 6). A Spearman Rho correlation was conducted between the amount of interviewer empathy (how many of the five types) and suspects’ IRI. A significant positive relationship was found ($r_s = .543, p < .016$).

Table 6: *Empathy Types and Suspect IRI*

Audio Rec.	CE	IE	CSE	RE	ER	Empathy Amt.	Susp. IRI
1	X	X	X	X		4	3
2	X	X	X	X	X	5	5
3	X	X	X			3	0
4	X	X	X			3	3
5	X	X				2	1
6	X	X	X		X	4	1
7	X					1	1
8	X	X	X			3	4
9	X	X	X	X	X	5	5
10	X	X				2	4
11	X	X	X			3	3
12	X	X	X	X		4	5

13		X	X		X		3	2
14	X	X	X	X	X		5	5
15	X	X	X				3	5
16	X		X				2	5
17	X	X	X	X	X		5	5
18		X	X				2	2
19	X	X	X	X			4	5

*CE=Continuous Empathy; IE=Indirect Empathy; CSE=Current Situational Empathy;
RE=Retrospective Empathy; ER=Empathic Reassurance

All the types of interviewer empathy found in the interviews did not have an emotional component (i.e., affective empathy) and were thus categorized as rational, cognitive types of empathy. Continuous empathy, indirect empathy, current situational empathy, retrospective empathy and empathic reassurance do not require the interviewer to experience any of the same emotions that the interviewee might be experiencing. Each of these types can be seen as solely rational and therefore were categorized as cognitive.

The ‘BEST’ of Investigative Empathy

Note: this section and the section entitled: “[Developing the BEST](#)” was developed post publication of studies one and two and thus is not found in the corresponding publications.

As briefly mentioned above (and more fully discussed in [Chapter 4. Discussion](#) of this thesis), full empathy (both cognitive and affective types - as written about in the literature not involving investigative interviewing) may not be effective during police interviews. Particularly the Scandinavian literature in this area highlights that police officers need to stay emotionally separated to maintain the ability to make informed decisions (Bloksgaard & Prieur, 2021; Inunza, 2015). As such affective types may not be conducive in investigative interviews. Therefore, it is important to utilize a word for the type of empathy deemed appropriate and thus to be employed in investigative interviews. The term *investigative empathy* has previously been mentioned briefly in the investigative interviewing literature (e.g., Dando & Oxburgh, 2016). Investigative empathy aims to: (i) allow for a humane interviewing environment and (ii) aid in the gaining of information from interviewees. Building on this, the present thesis is in part an attempt to build a model of investigative empathy for investigative interviewers to understand, be trained in, and apply in their interviews. Investigative empathy has been operationalized and incorporated as a key component of the new Baker-Eck Empathy Sensitivity Test (BEST) presented here and can be applied to both suspect and witness/victim interviews.

Developing the BEST (and not the worst)

For the development of the Baker-Eck Empathy Sensitivity Test (BEST) a foundational understanding of empathy relevant to investigative interviewing was necessarily gained. The foundation of the BEST only includes cognitive aspects of empathy. The BEST is structured similarly to the empathy scale from Truax and Carkhuff (1967) that has low to high levels of empathy yet only includes cognitive empathy. It

includes Davis' Interpersonal Reactivity Index (IRI) which defines empathy as the "reactions of one individual to the observed experiences of another" (Davis, 1983, p. 113), with a particular focus on 'Perspective Taking' subscale as this is focused on cognitive empathy and the remaining three scales are focused towards measuring affective empathy (Davis, 1980; 1983). Among the most recent empathy scales to have been developed seems to be the Empathy Quotient (EQ; Baron-Cohen & Wheelwright, 2004) on which the BEST to some extent builds, although consideration of other empathy scales/tests of cognitive nature was given such as: Hogan's empathy (EM) scale; cognitive empathy subscale in BLRI (Barrett-Lennard Relationship Inventory); Plank's Empathy Scale; The Jefferson Scale of Physician Empathy (Hojat et al., 2002); Griffith Empathy Measure (GEM; Dadds, M., Hunter, K., Hawes, D., Frost, A., Vassallo, S., Bunn, P., Merz, S., & El Masry, Y., 2008); Questionnaire of Cognitive and Affective Empathy (QCAE; Reniers, Corcoran, Drake, Shryane, & Völlm, 2011). Out of all definitions and tests of cognitive empathy found, the following were taken as a foundation for the BEST:

1. The experience one empathically understands, remains that of the other (Zahavi & Overgaard, 2014)
2. Active listening (Wachi et al., 2016)
3. Offering situational understanding from the suspect's perspective (Hodges & Klein, 2001)
4. Responding with sensitivity and care to the suffering of others (Moral Theory of Empathy) (Zahavi & Overgaard, 2014)

5. Four separate aspects of empathy – social functioning, self-esteem, emotionality, and sensitivity towards others (Davis, 1983)
6. Active perception of others (Dymond, 1949).

Building on this, the experienced police interviewers’ definitions found in Study 1 (that were also cognitive in nature) were then added to build a general understanding of what investigative empathy could well entail. Those definitions (given by every participating country) were as follows (as seen in Study 1 above; Table 1.3):

Table 4 (Repeated from Study 1): Strength Scale for the types of empathy mentioned

Empathy Categorizations	Empathy Types
1. Openness	
2. Listening	
3. Non-judgment/unbiased	<i>indirect (1-4)</i>
4. Understanding (e.g., current situation)	
5. Working together	
6. Changing perspectives	
7. Building rapport	<i>direct (5-9)</i>
8. Understanding Actions	
9. Appreciating emotions/distress	

As shown in table 4, the nine cumulative Steps to the BEST range from minimal empathy to full (cognitive) empathy when the interviews in Study 2 were analyzed. As such the investigative empathy definitions (gained from Study 1) and the investigative empathy types (gained from Study 2) can be seen to overlap and thus contribute to the BEST. See Figure 1 below:

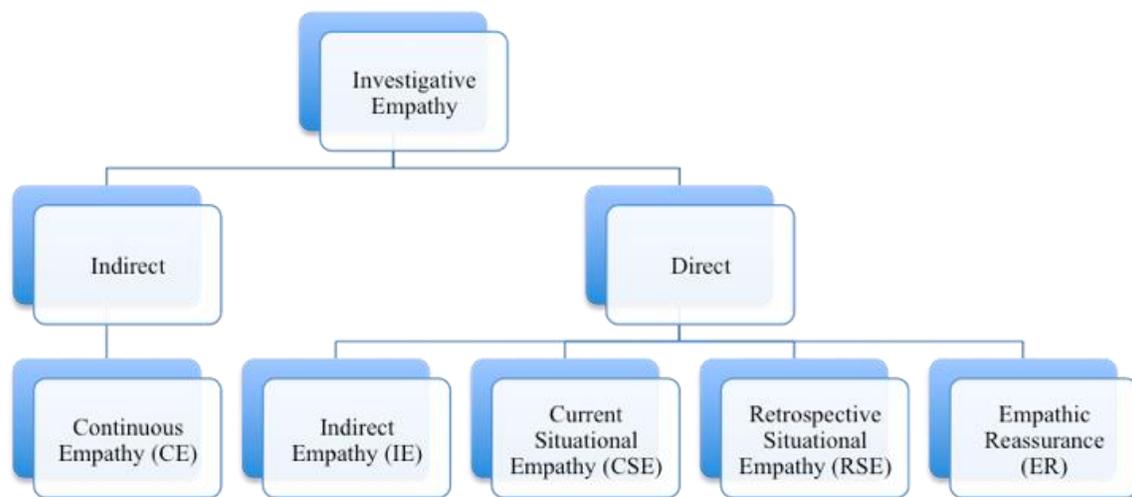


Figure 2: The 'BEST' Model for investigative empathy

The BEST was developed to operationalize appropriate 'investigative empathy'. It has been particularly designed for investigators looking to gain more information from suspects in a police interview by displaying empathy, skillfully.

As a large aspect of understanding other people comes from within the 'empathizer's own head' (Lewis & Hodges, 2012), it is important to note that this 'BEST' is meant to assess empathy by an 'outsider', to gauge whether/to what extent the interviewer shows empathy towards the interviewee. This is not a model for testing the

nature of the empathy felt by the interviewer, but rather as a measure for testing the level of empathy actually demonstrated and thus (possibly) picked up by the interviewee.

Discussion

The findings of the present study demonstrate that these police interviewers employed empathy of a cognitive type, similar to the definitions given internationally by police interviewers in Baker-Eck et al. (2020). Furthermore, five types of empathy were found in these interviews: *Continuous Empathy*, *Indirect Empathy*, *Current Situational Empathy*, *Retrospective Empathy*, and *Empathic Reassurance*. The more empathy types were present, the larger the suspects' provision of IRI. Specifically, in all the interviews with larger amounts of IRI, *Continuous Empathy* was present throughout.

As none of the empathic displays involved an emotional/affective component, all types of empathy found in the present study were forms of cognitive nature. Indeed, Baker-Eck et al. (2020) [as well as Bull and Baker (2020)] contended that appropriate empathy types within an investigative interview should be cognitive rather than affective, and they found that all of the English interviewers defined empathy only in a cognitive way.

Possible reasons for the greater provision of IRI may include that suspects may feel they have been treated with respect, understood and not judged (see Kebbell et al., 2008; Holmberg & Christianson, 2002). The openness that interviewer empathy is likely to create may lead to a less stressful environment that enables suspects to decide to reveal relevant information. Although each of the 19 interviews had received extensive training

in the 'PEACE' method that involves a 'challenge account' phase, no empathy, however, was displayed during this 'challenge phase'. In theory, the challenge phase (as the name hints) requires a direct focus on the objectives from the interviewer and is deemed to clarify any contradictions in the account versus the information/evidence in hand. Therefore, it is difficult to determine if empathy has a useful role in this phase of the interview. More research on this particular topic is needed.

Limitations and Future Studies

One of the limitations of this study (similar to other field studies) was the small number of interviews eventually made available for analysis. A larger sample might help to identify more meaningful patterns with regards to the employment of empathy in a variety of criminal interrogations, including those beyond sexual crimes to include 'white collar' crimes that may attract a different type of criminal, one who may or may not respond to empathy in the same way as found in the present, pioneering study. By nature, a sexual attack which likely causes direct physical harm is very different from a financial scheme that may cause other (indirect) harm to the victim. The differing motives could possibly have an influence on the effectiveness of empathic interviews, as might the pressures the varying punishments for the differing crimes may hold.

It is widely accepted that prejudices and stereotypes influence human interactions and may bias behavior. Police interviewers may experience biases towards particular individuals such as suspects of sex offences, due to the nature and gravity of the alleged crimes (Minhas, Walsh, & Bull, 2016). Such biases may hinder some of them from displaying the empathy needed to maintain rapport with the interviewee and to gain

information. Indeed, research has demonstrated that beliefs about a suspect's guilt can influence interviewer behavior toward the suspect (Adams-Quackenbush et al., 2018; Meissner & Kassin, 2002, 2004).

Additionally, Browne et al. (2013) suggested that some sex offenders may have a deficit that hinders their response to empathy, though this was not found in the present study. This deficit may (among other factors) have allowed the (alleged) crime to be committed. Thus, the types of empathy employed during police interviews with suspects of sex offences could be further examined.

Given that rapport-building (and empathy) is growing in its recognition within the realm of investigative interviewing (e.g., the 2021 Mendez 'Principles of Effective Interviewing'), and that the relevant literature is starting to consider empathy as playing a major role in building and maintaining such rapport, a thorough understanding and definition of empathy is essential to move research and practice forward. However, decades of research from various disciplines (Psychology, Philosophy, Sociology, Medicine) on this topic have revealed that empathy is complex and not easily defined or measured and rather difficult to assess in practice (Pounds, 2019).

In conclusion, this study developed potentially useful codes for different types of empathy and it found cognitive empathy to have a positive association with suspects' provision of IRI. Other types of empathy (such as affective empathy) may prove to be counterproductive and therefore studies on such other 'types' of empathy and their effects on the cooperation of suspects may be worth researching in future studies where such types of empathy are used (as discussed in [Chapter 4. Discussion](#) of this thesis).

3.3 Study 3

Effects of Empathy and Question Types on Suspects' Provision of Information in Investigative Interviews

A revised version of this study has been re-submitted to the *International Journal of Police Science and Management*.

Acknowledgments for Study 3

Thank you to Professor Gavin Oxburgh and Professor Becky Milne for help in the obtaining of the recorded interviews. No conflict of interest to report.

Abstract

It was found in study 2 that in audio-taped recordings of investigative interviews with suspects that the more investigator empathy present, the higher was suspects' information provision. The present study not only examines further the relationship between suspects' IRI provision and interviewer empathy in a different sample of interviews, it also pioneeringly examines the possible relationship of interviewer use of questions types and suspects' provision of information. In the current study verbatim transcriptions of interviews with suspects of sexual offences were coded for (i) types of interviewer empathy, (ii) the proportionality of interviewer 'open' versus 'closed' questions, and (iii) suspects' information provision. The findings indicate that the proportion of open (versus closed) questions and the amount of empathy present had a positive relationship with

suspects' information provision. Whereas in a growing number of countries the training of police interviewers has been emphasizing use of open questions, the present study adds weight to the small amount of research literature on the related importance of interviewer empathy. The effectiveness of use of open questions might be influenced by the amount of interviewer empathy in an interview.

Keywords: Investigative interviewing, suspects, empathy, question types, information provision

Method

The current study examined interviewers' displays of empathy and use of question types in relation to suspects' provision of information in real-life police interviews with suspected sex offenders. It further illustrated aspects of this with a new version of the Griffith Question Map (GQM; Griffiths & Milne, 2006). Thus, the aims of the present study are to examine (i) the association between the amount of empathy employed by each of the police interviewers and the amount of investigation relevant information (IRI) provided by the suspects; (ii) the relationship between the IRI provided by suspects and the percentage of interviewers' 'open' questions; (iii) if particular types of interviewer empathy are associated with suspects' IRI; and (iv) whether interviewers who displayed more types of empathy also used proportionately more open questions than closed questions.

Sample

The sample consisted of 16 anonymized, verbatim, transcribed, full interviews with adult, male suspects of sexual offences, which were provided by a police organization in England. As anywhere in England and Wales, all investigative interviewers had been formally trained in the ‘PEACE’ method (Bull 2019; Milne & Bull, 1999). To be given the (rarely provided to ‘outsiders’) access to such interviews, none of them could be from cases that were not now ‘closed’. Thus, the interviews were from some years ago (all conducted between 2010 and 2011) – however, the basic principles of the 1992 ‘PEACE’ method and the relevant training have changed very little in the intervening ten years (Bull & Rachlew, 2019). As is common practice, in almost all of the interviews a ‘secondary’ interviewer was also present (to become involved if necessary). Of the ‘lead’ interviewers; six were female and ten were male. The alleged activities involved a variety of sexual crimes against adults or children. The average length of the interviews was 68.25 minutes with a standard deviation of 32.35.

Empathy

Empathy was categorized into one of five different types based on Baker-Eck et al. (2021). Continuous Empathy (CE) describes the interviewer’s speech in which the utterances are ‘fillers’ or ‘prompts’ that allow the interviewee to continue talking [also known as *continuers* (Schegloff, 1982) or *backchannels* (Edlund, Heldner, & Pelcé, 2010)]. This includes utterances such as ‘uh huh’, ‘OK’, ‘yes’, ‘I see’ to show that the interviewer is listening (Edlund et al., 2010). Furthermore, these utterances can be seen as relatively neutral (Edlund et al., 2010; Ward & Tsukahara, 2000). Indirect Empathy (IE) includes when the interviewer is attempting to demonstrate understanding of the account

of the interviewee and as such summarizes/reiterates the account in order to clarify (e.g., wanting to understand better) (also known as ‘active listening’ or ‘empathic listening’ Rogers, 1951; Orlov, 1992). Current Situational Empathy (CSE) includes displaying empathy toward the interviewee’s current situation, such as saying: *‘I understand that you are a smoker. Anytime you need to take a break, please let me know.’* Retrospective Situational Empathy (RSE) describes demonstrating empathy about the situation in which the interviewee found him/herself at the time of the alleged crime (but the interviewer not ‘making this up’). This could be utterances such as *“[...] right, after such a long shift you were tired.”*) This is different from ‘minimization’ or ‘theme development’ advocated in interrogator training in some countries (Kelly, Russano, Miller, & Redlich, 2019); minimization is when the crime is morally justified by the interviewer to the interviewee, in the hope that in minimizing the severity of the crime, the suspect will confess (for more on minimization see Kassin & Gudjonsson, 2004; Russano, Meissner, Narchet, & Kassin, 2005). Empathic Reassurance (ER) is when the suspect offers the interviewer a chance to display empathy and the interviewer responds reassuringly with empathy. In one of the tapes ER occurred when the interviewee said: *‘I don’t know which language to use[...]*’ and the interviewer responded by saying: *‘Whatever language you wish to use is perfectly fine in here.’*

Coding Empathy

Thus, the empathy types coded for were:

1. Continuous Empathy – CE
2. Indirect Empathy (Recapping/Repeating back) – IE

3. Current Situational Empathy – CSE
4. Retrospective Situational Empathy – RSE
5. Empathic Reassurance – ER

‘Continuous Empathy’ (CE) is more difficult to assess from text (than from video recordings where information such as tonal pitch or other nuances may not be detected), nevertheless this was able to be coded from the transcripts by noticing utterances such as ‘OK’, ‘Uh huh’, and other small prompts to continue the conversation. IE was coded as those moments that involved the interviewer recapitulating/summarizing what the interviewee said for clarification and their understanding of what the suspect had said. CSE included any utterances that demonstrated empathic understanding regarding the current situation the interviewee was in – for example, taking care of basic needs where the utterance could look something like this: *“I understand you might be thirsty, if at any point of the interview you feel the need to take a break for a drink, please let me know”*. RSE included utterances made by the interviewer that demonstrate understanding of the suspect at the time of the alleged crime. This RSE includes solely the empathic understanding of the situation in which suspects found themselves, such as *“I understand you were angry”*. ER is the response to an opportunity presented by a suspect for the interviewer to show empathy (as seen in the example above).

Coding question types

Question types were categorized into ‘open’ or ‘closed’ questions based on how the literature on investigative interviewing (mentioned above) defines questions. Open questions were questions asked by the interviewer that allowed for a flow of information

from the suspect such as ‘TED’ Questions (*Tell, Explain, or Describe*). Closed questions (such as “*What was the color of her shirt?*”) were coded as questions that typically elicit one-word or very short answers such as ‘yes’, ‘no’, or ‘I don’t know’. On rare occasions a multi-part question was asked (involving both an open and a closed part) - this was categorized as involving an open question. This was done so because such occurrences were often questions like “*So the shirt was red? Could you please further describe this item of clothing?*” The questions asked were coded in one column and when items of information were provided (or not) by the suspect after each question this was noted.

Coding suspects’ provision of investigation relevant information

Investigation Relevant Information (IRI) revealed by the suspects included the following categories of information used in many prior published studies (e.g., Oxburgh, et al., 2012): (i) person, (ii) location, (iii) item, (iv) temporal, and (v) action. A sixth and relevant category was included from Baker-Eck et al. (2021), this being a ‘motivational’ category that involves the interviewees mentioning reasons for why the alleged crime was committed (as was also the case in study 2).

IRI was coded as such when any information was provided by suspects that pertained to one of the six IRI categories. Given the likely relevance of those six categories to an ongoing investigation, although at interview some such information may not at that time seem directly pertinent to the alleged very serious crime, it was coded as IRI because such information would likely be subsequently followed up on in these types of investigations in the relevant country. An item was scored as such anytime the suspect would offer detail, for instance of a computer with pornography on it. All details

pertaining to the computer would be categorized as such. For example, this could include information such as the make and model of the computer, login names, passwords, and/or website names.

Information that was more difficult to code (but could still be coded as IRI - for instance, related to an 'action') was detail provided by a suspect such as 'running or walking' to/from scene of a crime (that may not be directly relevant to the alleged crime) was coded as offering 'action' IRI. Information that was provided by a suspect that did not fit into any of the above codes (i.e., information provided that did not pertain directly to the alleged crime being investigated) was not coded as IRI.

The current first author was the only person given permission to access the transcripts of these highly 'sensitive' interviews. Thus, it was not possible to have a second coder to be able to calculate inter-coder reliability. Had data from a second coder been available, the calculation of inter-coder agreement would have been similar to that conducted in Baker-Eck et al.'s (2021) study.

Griffith Question Map (GQM) and Empathy

As briefly touched upon in the literature review section [2.1.5.2](#) above, the GQM is designed to provide a visual representation of the interview. The GQM specifically shows what question types are employed during an interview. Waterhouse et al. (2018) built on this by adding a second element; interviewee responses in form of IRI thus showing the relationship between question types and IRI visually. Kelly and Valencia (2020) further built on this by adding a third element; rapport. Similar, to Kelly and Valencia (2020) the current study added a third element. However, instead of examining question types, IRI,

and rapport building, the current study focused on question types, IRI, and empathy types. Similarly, as the other studies on GQM mentioned, the current study did this in order to visually show what the possible relationship between empathy and question types combined with the provision of IRI. Specifically, this meant that all the data coded during the interview were then put onto a timeline. Every time a question was uttered it was marked on the timeline along with when and where any empathic utterance occurred - and the interviewee response was added.

Results

In six of the 16 interviews all five types of interviewer empathy were present (Continuous Empathy, Indirect Empathy, Retrospective Situational Empathy, Current Situational Empathy, and Empathic Reassurance). Four interviews had four types of empathy present (not the same types in each of the four interviews). Four interviews had three types of empathy. One interview had two types of empathy. Two interviews had one type of empathy. Thus, in all interviews at least one type of empathy was present. Figure 2 demonstrates for the three PEACE phases (Engage and Explain, Account, and Closure) of the current sample's 16 'PEACE' method interviews the types of empathy displayed by the interviewers. It can be seen that CSE (Current Situational Empathy) and CE (Continuous Empathy) were the types most often employed (in all three phases of the interview). CSE was significantly higher in the 'Engage and Explain' phase, this being the phase that (in part) explains to the suspect what will occur throughout the interview. For a visualization of empathy types and phases of the interview please see Figure 2

below.

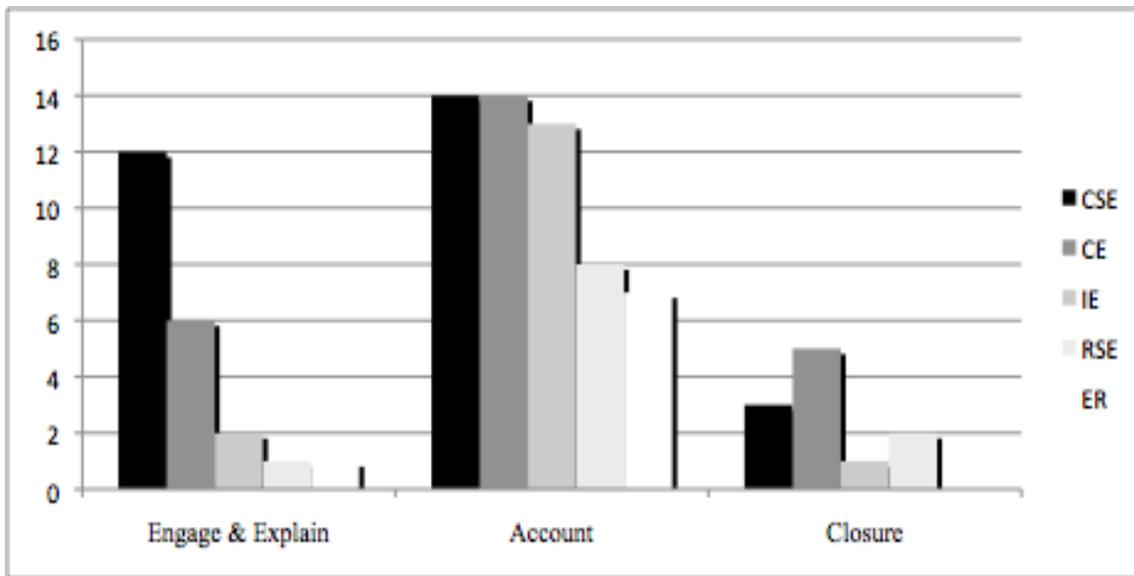


Figure 3: Empathy Types and Interview Phases

To see if particular types of interviewer empathy are associated with suspects' IRI, higher interviewer empathy (per interview) was deemed to be when four or five different types were present and lower was when zero to three (of the five) types were present (as in study 2).

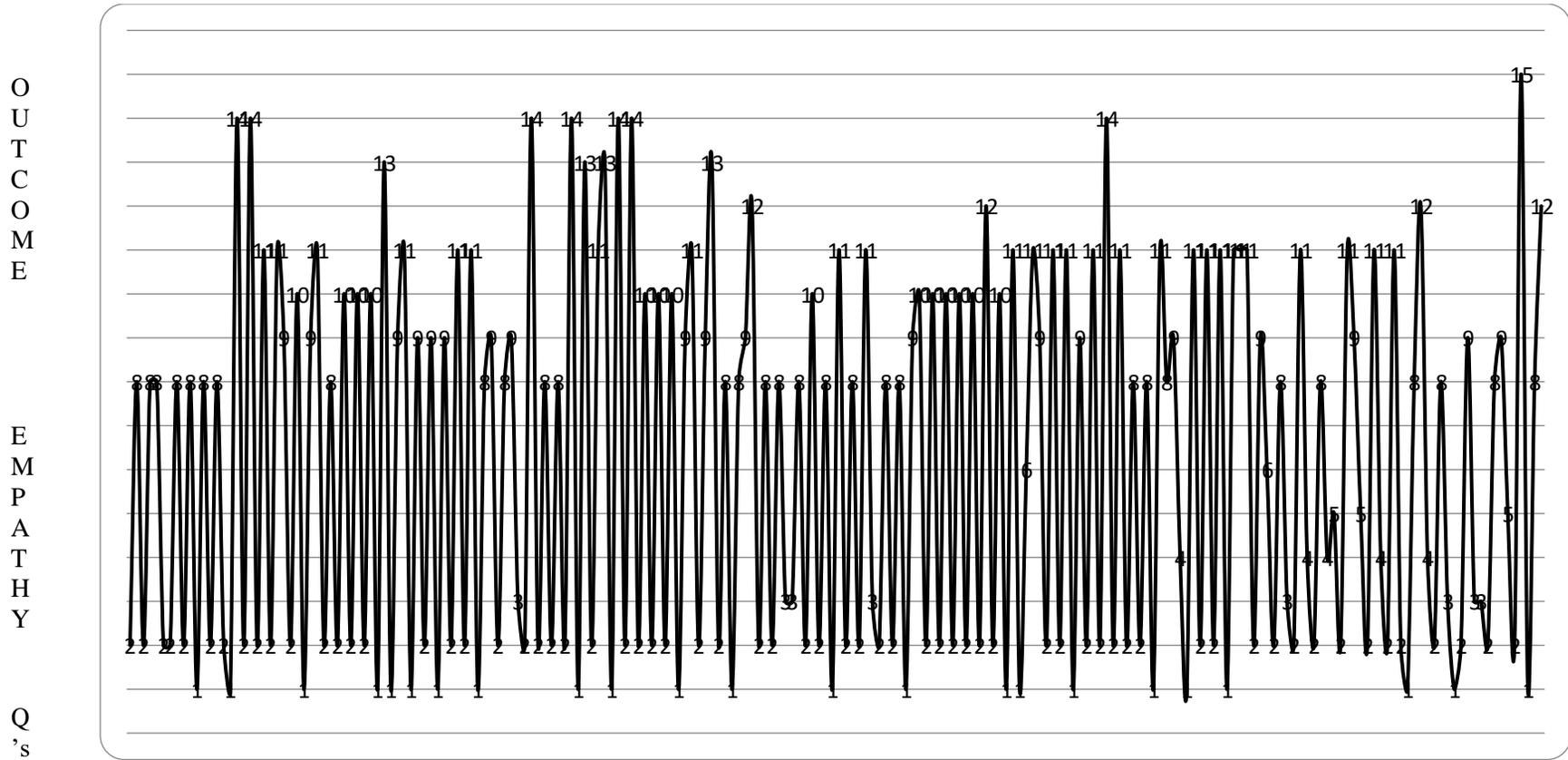
A multiple linear regression was performed to predict suspects' information provision in relation to (i) the proportion of open questions and (ii) extent of empathy displayed in each of the 16 interviews. A significant regression was found ($F_{2,13} = 4.928, p < .026$) with an R^2 of .431. Participants' predicted IRI is equal to $-0.12 - .653$ (Empathy Amount) + $.036$ (number of Open Questions). In other words, more provision of IRI was found when a combination of appropriate questions and a high extent of empathy was displayed. A further multiple linear regression was conducted to predict IRI

based on each of the particular empathy types (CSE, CE, IE, RSE, ER). No significance was found ($F_{5,10} = 2.861, p < .074$), with an R^2 of .589, meaning that no particular type of empathy on its own was a significant predictor for greater suspect IRI.

A simple linear regression was conducted to evaluate whether interviewers who displayed more types of empathy during the interview also used proportionately more open than closed questions (in percentages: any proportion of over 50% open questions). This found no effect ($F_{1, 14} = 0.789, p < .389$, with an R^2 of .053, meaning that amount of empathy displayed was not related to the percentages of open questions asked.

Figure 3 demonstrates a new type of GQM of one of the 16 interviews with the innovative added components of (i) interviewer empathy and (ii) suspect provision of IRI. It shows a very detailed pattern of what happened in this interview, with time within the interview going from left to right. Along the horizontal axis (a) at the bottom of the figure are each of the interviewer's questions (i.e., 'open' or 'closed' – numbered either 1 or 2), (b) in the middle of the figure are each empathy utterance by the interviewer (numbered 3 to 7), and (c) at the top of the figure are the suspect's corresponding IRIs (numbered 8 to 13) and whether the suspect is providing admission or denial (numbered 14 and 15). In this BEST GQM (i.e., Baker-Eck Empathy Sensitivity Test Griffiths Question Map) it can be seen not only which type of questions were asked when, but also when each type of interviewer empathy occurred, and each of the suspect's IRI.

Figure 4: BEST GQM (i.e., with empathy types, question types, and IRI)



15 Admission; 14 Denial; 13 IRI Motive; 12 IRI Location; 11 IRI Item; 10 IRI Temporal; 9 IRI Action; 8 IRI Person; 7 ER; 6 RSE; 5 IE; 4 CE; 3 CSE; 2 Closed Question; 1 Open Question

Discussion

Evidence-based policing is becoming increasingly popular around the world and thus the findings of the current study have implications for modern police training. Importantly, the proportion of interviewers' open questions versus closed questions and extent of empathy displayed were found to have positive association with suspects' provision of investigation relevant information. Thus, in investigative interviews a combination of higher (i) proportions of open questions and (ii) extents of cognitive empathy (i.e., four or more of the five types) may well be effective in gaining greater information from suspects. No single type of empathy was by itself found to have a significant relationship with suspects' IRI, again implying that indeed it is a combination of most of the five empathy types that is crucial. However, although no direct causation can be claimed, it is interesting that in the BEST-GQM as time progresses several aspects of empathy closely precede the admission. Particularly it was observed that the Empathic Response (ER) type of empathy was present before an admission.

No significant association was found between the number of types of empathy displayed and the proportion of open questions employed. Those interviewers who managed to ask a higher than 50% proportion of open questions were thus not necessarily those who also demonstrated four or more of the five types of empathy. Therefore, trainers, supervisors and managers should not assume that an interviewer who is proficient at asking open questions will necessarily also be good at displaying a greater variety of cognitive empathy. Indeed, whereas a growing number of investigative organizations around the world have been training interviewers to use open questions, very few as yet offer training in (especially cognitive aspects of) empathy.

Some further observations were made during the data coding process. For example, the types of questions asked during the early ‘Engage and Explain’ phase of the interviews were largely clarification questions, such as asking the suspect if they understood what was being said to them, such as *‘Do you understand?’* referring to the ‘caution’, or what to expect in the subsequent interview. Because of this there was a relatively large number of closed questions in that opening (non IRI-seeking) phase of the interview. Some closed questions during the ‘Account’ phase did elicit relatively longer responses – for example, the question *“Did she delete any messages while you were there?”* prompted the suspect to go into a fairly lengthy explanation, as did *“Do you recall sending those types of texts to others?”*

Many of the closed questions (in every interview) were actually clarification questions, such as reiterating what the suspect had just said to confirm that it had been understood clearly [which could also fall under Indirect Empathy (IE)]. Often during the account phase, the interviewers’ questions would be open and then followed by closed to clarify aspects of the suspect’s ‘free narrative’ response to the open question. The interviewers would then move back to open questions followed by related closed/clarification questions (as they are trained to do in England). Therefore, when the proportion of closed questions is higher than open questions, it may well partly be because of use of such clarification questions to make sure that the suspect’s account had been clearly understood.

Current Situation Empathy (CSE) was found to be employed more than the other types of empathy during the ‘Engage and Explain’ phase, probably because it indicated interviewers trying to make the environment more comfortable for the suspect such as

offering drinks, mentioning breaks and showing understanding of the suspect in the current (i.e., interview) situation. In the ‘Account’ (i.e., major IRI-seeking) phase the types of empathy that were largely employed in the interviews were not only CSE but also CE (continuous empathy) and IE (indirect empathy). In the ‘Closure’ phase few interviewers employed empathy, a finding that also has implications for training, supervision and management.

Empathic reassurance (ER) does not need to be present for an interview to be deemed skilled, as it will only be present if the suspect utters relevant words of their own will. Interviewers using RSE should avoid this being too close to minimization, because there is a fine line between showing understanding of the situation in which the suspect found him/herself at the time of the alleged crime and offering reasoning/’themes’ for the suspect’s behavior regarding the alleged crime (to be examined in the new study 4).

Limitations, Implications, and Future Studies

The present study’s novel findings may only apply to interviews with suspected sex offenders and therefore such findings may not be generalizable to other types of suspects (or indeed to victims and witnesses), though the available, relevant literature does suggest such generalizability. Also, given that a sizeable proportion of people found guilty of crimes (e.g., those in prison; see Section [2.1.3.1 Confessions and False Confessions: A Criticism of Accusatory Methods](#)) have cognitive and/or social deficits that would probably have classified them as ‘vulnerable’ at the time of interview (Bull & Griffiths, 2019), the use of greater types of (cognitive) empathy is very likely to be appropriate for them.

Academics (such as university researchers) and practitioners (e.g., police officers) do not always agree/'see eye to eye' and therefore getting police officers to comply and apply research findings in their interviews can sometimes be difficult (e.g., Winerdal, Cederborg, & Lindholm, 2019). As such, it is vital that researchers present their findings in a way that police officers can understand, accept and apply. For example, Lumsden (2016) emphasized the importance of relevant research findings being accepted and understood by police in order for them to be put into practice. However, the receptivity of research by police officers is increasing internationally (partly due to work within and by the International Investigative Interviewing Research Group) , particularly within Europe as seen with Baker-Eck et al.'s (2021) study of police self-reported willingness to include and display empathy within interviews. This shows us that the research being conducted in the area of investigative interviewing is not only being recognized but, more importantly, applied at least in some locations.

Recent innovative research found that empathy and compassion are increased when there is a presence of a second interviewer (Tkacukova & Oxburgh, 2020). Although the present study did record whether or not there was a second interviewer present, it was not the focus of the current study. However, studies in the future could opt to look at whether empathy types and amounts differ when there are more interviewers present (and depending on how they behave).

If researchers in the future are able to obtain access to a larger sample of interviews, including with vulnerable suspects, they could use the present innovative, explorative study as a guide.

Conclusion

This is the first study to empirically examine jointly the association of empathy and of question types with suspects' information provision. It innovatively found that when interviewers demonstrate more types of (cognitive) empathy and higher proportions of open questions suspects do actually provide more relevant information. As such, this underpins (i) the importance not only of effectively training investigators/interviewers in the skills of displaying appropriate types of empathy and of appropriate types of questioning, but also (ii) that relevant management, supervision and evaluation practices/procedures need to be in place – especially because police interviewers in many countries/organizations are not yet efficient regarding these important skills (e.g., Miller, Redlich, & Kelly, 2018; Winerdal, et al., 2019).

3.4 Study 4

How do German Police Officers React to Various Styles of Interviewing a Suspected Sex Offender and is their Empathy Level Important?

A revised version of this study has been re-submitted to *Policing: An International Journal*.

Acknowledgments for Study 4

Thank you to the individual police participants taking part in this study and a big thank you to Dr. Holger Nitsch and Konrad Stangl for aiding with the data collection process.

Abstract

At the instigation of the United Nations' 'Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment', an extensive 'Universal protocol' (i.e., a world-wide document) on interviewing/interrogation styles was disseminated in summer 2021. Its implementation across the world is likely to be influenced by current practices in various countries (such as rapport building and empathy employed). The aims of the present study were (i) to examine German police officers' responses to questions about four different styles of interviewing a suspect and (ii) to see whether interviewers' level of empathy is associated with their reactions to the interview styles. There were significant effects of interview style ('humane', dominant', 'theme development' or 'neutral') regarding (i) interviewer fairness towards suspect, (ii) interviewer's understanding on suspect's thought-process toward the crime, (iii) whether the

interviewer was aggressive, or (iv) humane, (v) whether the interview was conducted well. Officers' empathy level only had an effect for the dominant interviewing style.

Keywords: *police interview, interview style, empathy, investigative interviewing*

Background to Investigative Interviewing Research in Germany for Study 4

Only one of the above new studies reported in this thesis involved police interviewing in Germany where, as yet, there exist no national standards/training regarding the interviewing of suspects (Volbert & Baker, 2015). Therefore, the present study was designed to examine if experienced police officers in Germany would discriminate between several styles of interviewing a (sex crime) suspect. In the Baker-Eck et al. (2020) study interviewers in Germany reported including more accusatorial style techniques in their interviews than information-gathering techniques. Therefore, it was thought in the current study that the participants (all experienced German Police) might show a preference towards a dominant style of interviewing.

Aims

The aims of the current study were to: (i) to examine German police officers' responses to questions about four different styles of interviewing a suspect of sexual crime (described in written vignettes); and (ii) to see whether interviewers' own level of empathy might be associated with their reactions to the interview style vignettes.

Method

Participants

Participants were 109 German police officers studying further police education and were recruited by the first author, accessed through two police colleges (in Berlin and Bavaria). The laws specifically pertaining to police interviews are the same among the States within Germany and are taught as such (I; German penal code). Further education, however, does vary but it was not possible to gather relevant information on this from the participants. Females constituted a third of the sample. The age of the participants ranged from 20 to 42 years, with the mode being 34 years of age. Length of police experience ranged from 2 to 25 years, and over 80% had prior experience of conducting investigative interviews.

Procedure

Participants were briefed and debriefed as an essential part of the consent process offering an explanation of the aims of the study. They were then given a hard copy questionnaire consisting of four parts: (1) information sheet, debriefing and basic demographic questions (i.e., about age, policing experience); (2) the 'Reading the Eyes in the Mind Test' regarding empathy (for justification on this test please see [Section 2.2.2.7 Empathy Scales](#)); (3) one of four vignettes; (4) eight questions about the vignette.

Participants were recruited through announcement of this study during classes. Those interested in taking part in this study were asked to stay after class (in their classroom) and given as much time as they needed to take part in and complete their participation, though the total time made available by the police colleges was, understandably, not

unlimited. Participants were advised that the questionnaires they were given were not identical and that they should not talk to each other whilst completing the questionnaire.

Participation was anonymous, no personal identifiers being asked for. After completion, the documents were then physically given to the first author and safely stored.

Participants were allocated into one of three empathy levels (high, typical, or low) based on data in Ahmed and Miller's (2011) study with healthy participants ($N=123$; no gender difference found by them) in which a typical score range for the REMT (on it scores can range from 0-36) was found to be 27.3 ± 3.7 . Thus, a 'typical' empathy score range could be deemed to be 23 to 31, a 'high' empathy score range was 32 to 36 and a 'low' empathy range 0 to 22.

Materials

The questionnaire was adapted from Kebbell, Alison, and Hurren's (2008) vignette study with sexual offenders. The questionnaire consisted of the following eight questions (for each question a response scale ranging from zero to ten was provided):

1. What is the likelihood of a confession in this interview?
2. To what extent did the interviewer understand what the suspect was thinking about regarding his sexual offending?
3. How fair was the police interviewer to the suspect?
4. To what extent did the police interviewer make the crime seem more serious than it was?
5. How aggressive was the police interviewer toward the suspect?

6. To what extent did the police interviewer show humanity toward the suspect?
7. How well was the interview conducted?
8. How serious was the crime that the suspect committed?

Police interviewing vignettes were also adapted from Kebbell, et al.'s (2008) study involving sex offenders' reactions to police interviewing styles. The vignettes (described below) differed as follows: (i) a 'Humane Style' described the building and maintaining of rapport; (ii) a 'Dominant Style' described more confrontational interviewing; (iii) a 'Theme Development Style' involving police officers suggesting themes/rationales regarding the (possible) crime (Kebbell et al. referred to this as "cognitive distortion" but nowadays this is probably better described as "theme development"); and (iv) a 'Neutral Style' described a neutral interview – that was neither humane as the literature describes nor dominant nor involving theme development).

Neutral/Control Group

The interview room at the police station was fairly plain. It contained some furniture and there was also a clock with a white face and black hands hanging on the wall. The room was a pleasant temperature, neither being too hot nor too cold. There was a ceiling light in the room and a light switch by the door. The police officer wore a long-sleeved shirt that buttoned up at the front and at the wrists. He also wore long gray trousers, a pair of gray socks, and simple black lace-up shoes. He also had a standard silver watch on his left wrist. The police officer outlined the evidence against Michael. The police officer said that Katie had identified Michael as the offender.

Humane Group

The interview room was plain. The police officer wore a long-sleeved shirt that buttoned up at the front and at the wrists. He also wore gray trousers, a pair of gray socks, and black lace-up shoes. He also had a standard silver watch on his left wrist. The police officer took time to get to know Chris before starting the interview. The police officer also seemed to be trying to understand just how Chris was feeling. The police officer outlined the evidence against Chris. The police officer said that Susanne had identified

Chris as the offender. The police officer showed sympathy towards Chris and seemed to show a positive attitude towards him. The police officer was also co-operative with Chris throughout the interview.

Dominance Group

The interview room at the police station was fairly plain. The room was a pleasant temperature. The police officer wore a long-sleeved shirt that buttoned up at the front and at the wrists. He also wore gray trousers, a pair of gray socks, and black lace-up shoes. He also had a standard silver watch on his left wrist. After starting the interview, the police officer showed some agitation towards Martin. The police officer was also aggressive towards Martin. The police officer outlined the evidence against Martin. The police officer said that Jenny had identified Martin as the offender. The police officer was impatient towards Martin. The police officer was unfriendly towards Martin. The police officer was also unsupportive towards Martin during the interview.

Theme Development Group

The police officer outlined the evidence against Tom. The police officer said that Anna had identified Tom as the offender. The police officer suggested that Tom may have believed that Anna had encouraged him to commit the offence. The police officer showed an understanding of how people who commit sexual offences think. The police officer suggested that maybe Tom believed that Anna had enjoyed or may not have been particularly upset by the offence. The police officer suggested that Tom may believe that society makes a much bigger deal out of sexual offences than they really are. The police officer suggested that Tom may believe that if Anna did not want the sexual offence to occur, she could have done more to prevent it.

Statistical Analysis and Results

First, an analysis was performed to examine whether the random allocation of participants to one of the four vignette groups resulted in any differences in empathy scores across the groups. The number of participants in each of the four vignette groups were as follows ($N=109$): *Control Group* ($n= 59$), *Humane Group* ($n=17$), *Dominant Group* ($n=17$), and *Theme Development Group* ($n=16$). However, the number of participants changes with each question on the questionnaire as not all participants answered all questions. Secondly, possible differences across the four vignette groups

(humane, dominant, theme development, or neutral) were examined regarding their answers to the questionnaire. Thirdly, within each of the vignette groups, the relationships between participants' empathy scores and their answers to the questions were examined.

A Levene's test indicated that no significant difference across vignette groups regarding participants' empathy scores [$F(3,106) = 2.56, p=.059$], meaning that all four vignette groups had comparable numbers of low and typical empathy level participants. Then a MANOVA was conducted across the four vignette groups regarding the answers to the vignette questions and this was significant [$F(24, 258.728) = 11.257, p,<.005$; Wilk's $\Lambda = 0.126$, partial $\eta^2 = .50$]. Therefore, ANOVAs were conducted for each question to see for which questions there were differences across the vignettes.

Significant differences were found for question 3 'Fairness to the suspect' [$F(3, 83) = 17.371, p = 0.00, n =87$]; question 2 whether the interviewer understood what the suspect was thinking about the crime [$F(3,81) = 60.926, p = 0.00, n =85$]; question 5 whether the interviewer 'was aggressive' [$F(3, 80) = 265.615, p = 0.00, n =84$]; question 6 whether the interviewer 'showed humanity' [$F(3, 80) = 39.093, p = 0.005, n =84$]; question 7 whether the interview was 'conducted well' [$F(3, 80) = 67.759, p =0.000, n =84$]. No significant effect was found for three questions: (1) 'Likelihood of Confession' [$F(3,77) = 2.319, p=0.082, n =81$]; (4) 'Making the Crime more Severe than it was' [$F(3,81) = 0.496, p=0.686, n =85$]; and (8) the 'Severity of the Crime' [$F(3,79) = 0.051, p=0.985, n =83$]. Table 7 presents the number, means, and standard deviations of the answers to the questions about the vignettes, where the answers varied on a scale from 0-10.

Table 7: Vignette Condition and Responses to the Questions (N=109)

	Control (n=59; 54%)		Humane (n=17; 15.5%)		Dominant (n= 17; 15.5%)		Theme D. (n=16; 15%)		F	Sig.
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>		
Likelihood of Confession by Suspect (Q1)	5.28	2.84	6.65	2.62	4.13	2.93	5.27	2.97	2.161	.098
Fair to Suspect (Q2)	6.50	2.63	6.82	2.74	1.69	1.92	2.87	3.21	18.437	.000
Understood what Suspect thought About the Crime (Q3)	2.96	2.66	5.76	3.35	1.25	1.65	4.53	3.75	7.702	.000
Made Crime more Severe (Q4)	1.75	2.17	0.82 (1.70)		1.69 (1.99)		1.13 (2.39)		1.037	.380
Police Aggressiveness (Q5)	1.80 (2.26)		0.71 (1.72)		9.25 (1.44)		0.13 (0.35)		74.877	.000
Humanity to Suspect (Q6)	4.66 (2.67)		7.06 (2.86)		3.38 (3.10)		4.87 (2.85)		4.852	.003
Good Interview (Q7)	4.53 (2.79)		5.29 (2.93)		1.50 (1.32)		1.60 (2.90)		9.698	.000
Severity of Crime (Q8)	9.09 (1.53)		9.06 (1.82)		8.80 (1.57)		9.33 (0.90)		.305	.822

For the high, typical or low empathy groups only two of the entire sample of participants had empathy scores in the ‘high’ range and only one of these answered all the questions, therefore it was not possible to have a group of participants with a ‘high’ empathy score. However, a comparison between ‘typical’ and ‘low’ empathy levels was possible.

For each of the four vignettes (separately because each participant only read one vignette) a MANOVA was conducted to examine the effect of participant empathy level (i.e., typical or low – see Table 8). Only for the dominant interviewing style a significant effect of empathy level was found [$F(8, 6), 11.533, p = .004$; Wilk’s $\Lambda = .061$, partial $\eta^2 = .939$]. For the Neutral Interview vignette participants’ empathy level had no effect [$F(16, 86), .711, p = .776$; Wilk’s $\Lambda = .780$, partial $\eta^2 = .117$] nor did it for the Theme/Cognitive Distortion interviewing group [$F(8, 6), 1.897, p = .226$; Wilk’s $\Lambda = .283$, partial $\eta^2 = .717$]. (Because the participants of the ‘Humane interviewing style’ had only participants with ‘typical’ empathy scores a MANOVA could not be conducted on this group.)

Table 8: MANOVA Interviewing Style, Empathy level, and Questions

	Control (n=59: 15%)				Humane (n=17: 15.5%)				Dominant (n=17: 15.5%)				Theme D. (n=16: 15%)				F	Sig.
	Typical E		Lower E		Typical E		Lower E		Typical E		Lower E		Typical E		Lower E			
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>		
Q1	5.23	2.95	5.29	2.85	6.64	2.62	0.00	0.00	6.25	2.19	1.71	1.50	5.78	2.64	4.50	2.59	21.276	.000*
Q2	6.49	2.61	6.18	2.77	6.82	2.74	0.00	0.00	2.63	2.13	0.86	1.21	2.67	3.50	3.17	2.23	3.724	.076
Q3	2.66	2.73	3.65	2.52	5.76	3.35	0.00	0.00	1.13	1.25	1.57	2.15	3.67	3.91	5.83	3.43	.251	.625
Q4	1.80	2.35	1.71	1.96	0.82	1.70	0.00	0.00	0.75	1.16	3.00	2.16	1.11	2.98	1.17	1.33	6.552	.024*
Q5	2.17	2.66	1.06	1.14	0.71	1.72	0.00	0.00	9.13	1.81	9.29	1.11	0.22	0.44	0.00	0.00	.041	.842
Q6	4.71	2.57	4.29	2.82	7.06	2.86	0.00	0.00	4.38	3.62	2.71	2.21	5.22	3.31	4.33	2.16	1.103	.313
Q7	4.46	2.75	4.06	2.68	5.29	2.93	0.00	0.00	1.63	1.19	1.57	1.51	2.22	3.60	0.67	1.03	.006	.940
Q8	9.14	0.97	8.88	2.39	9.06	1.82	0.00	0.00	9.13	1.25	8.43	1.90	9.22	0.97	9.50	0.84	.722	.411

To follow up on the significant MANOVA regarding the participants who read the ‘Dominant interviewing style’ vignette, ANOVAs were conducted for each question within that group, which indicated that there were significant effects of empathy (typical versus low) only for the two following questions ‘Likelihood of Confession (Q1)’ [$F(1,14) = 22.056, p = 0.00$], and ‘Made Crime more Severe (Q4)’ [$F(1,15) = 9.265, p = 0.008$]. This indicates that there were differences between low and typical empathic participants for (i) the likelihood of a confession and (ii) whether they thought that the crime was being made out to be more serious than it was. Those with a low level of empathy compared to those with a typical level indicated that the dominant style of interviewing would (i) more likely lead to the likelihood of a confession and (ii) make the rape crime presented in the vignette more severe than it actually was.

Discussion

The present study found that the variation in vignette interviewing style did have effects on experienced police officers’ answers to the questions relating to (i) ‘fairness towards suspect’, (ii) ‘whether the interviewer was aggressive’, (iii) whether they perceived the interviewer ‘showed humanity to the suspect’, (iv) whether the ‘interviewer believed to know what the suspect thought about the crime’ and (v) whether the interview was ‘conducted well’. Given that very few relevant studies have been conducted involving German police officers, such findings are in line with the growing literature on international investigative interviewing and, importantly, with the 2021 ‘Principles of effective interviewing’).

The lack of effect for (i) ‘likelihood of a confession’ may indicate that these German police officers were under the impression that interviewing style is not related to the likelihood

of confessions, which is contrary to the growing body of research on this specific topic. Also, no effect for (ii) ‘making the crime more serious’ suggests that these officers also were not aware of the possible effects of ‘rationalizations’/‘theme development’ that attempt to lessen suspect culpability. The lack of an effect for ‘crime severity’ indicates that the differing interview styles did not actually affect police officers’ perception of the actual severity of the rape, which is a desirable outcome. It is also useful to note that one person’s understanding of fairness and aggression may differ from another person’s, as such future studies could look at attempting to control for this.

Regarding empathy level (or differences in empathy levels), only within the dominant interviewing style group (but not the ‘control’ or ‘cognitive distortion’ groups) were there effects for two of the eight questions (differences between low and typical levels of empathy). This suggests, contrasting with the effect of empathy found in Japan by Wachi et al. (2016), that variation in the German officers’ empathy level had limited influence. This could be because empathy had not been part of these German officers’ training – however, in Baker-Eck et al. (2020 – study 1 in this thesis) it was police officers in Germany who provided stronger definitions of empathy than officers in other European countries. So perhaps an understanding of empathy does not equal having internalized what that empathy means and being able to act empathically in an interview – a notion that could benefit from training in this area. The only effects found were for the two questions: (i) likelihood of confession, and (ii) making the crime more serious than it was. Regarding the likelihood of confession, Table 8 demonstrates that it was the low empathy officers whose data (i.e., mean = 1.71) differed from all of the other participants in the study and not just the ‘typical’ empathy officers who read the ‘dominant’ interviewing vignette. Why regarding a dominant interview, officers lower in empathy would

estimate confession to be noticeably less likely could possibly be explained by their lesser ability to empathize with/put themselves in the role/place of a suspect who is being interviewed in this manner (that the literature says is more likely to cause confessions).

Also, for the dominant interview, the officers lower in empathy rated the interviewer to be making the crime seem more serious than it was (mean = 3.00) to a significantly greater extent than did those of a 'typical' level of empathy (mean = 0.75). The average rating of all of the other participants was 1.30 – thus, the significant effect is being caused by the officers lower in empathy. Possible explanations could be (i) that those with 'typical' rather than 'low' levels of empathy were better able to empathize/identify with the crime victim and/or (ii) given that rape victims typically have less control over the behaviors expressed during rapes, and thus are usually assumed to be the 'underdog' (i.e., when people perceive a person to be dominant/the winner, they support the loser) (Goldschmied, 2005; Schmitt-Beck, 2008). As a consequence, the participants with lower levels of empathy did not find the dominant interviewing style toward the suspect to be making the crime more serious than it was.

As with all studies, the current one has limitations. For example, the police officers were from only two police organizations, though from different parts of the chosen country. Over 75% of them, on purpose, were experienced in conducting investigative interviews, so the current findings might not apply to newly recruited police. Although investigative interviewer use of empathy is recommended in the 2021 'Mendez Principles', this concept is not easy to define and therefore operationalize (Bull and Baker (2020) – although this applies to many important concepts (e.g., love, trust).

Implications

In the light of psychological research (some of which was mentioned above) a growing number of countries have to date already decided to nationally adopt a model/approach of interviewing suspects that does not rely on a (traditional) dominant approach. However, in a related study (1 in this thesis) Baker-Eck et al. (2020) found that 50% of German police investigators indicated that they used an ‘accusatorial’ interrogation/interviewing method and only 33% an ‘information gathering’ method. Adoption and implementation of the ‘Principles’ will likely be challenging/problematic in countries that currently to a noticeable extent do employ accusatorial, manipulative and confession-driven interviewing models. Therefore, it is important to gather relevant information from professionals in under-researched countries such as Germany. With regard to the recommendations within the ‘Principles’, the current study encouragingly found that variation in interviewing style did have effects on experienced police officers’ answers to the questions regarding fairness towards suspect, whether the interviewer was aggressive, whether the interviewer ‘showed humanity to the suspect’, and whether the interview was ‘conducted well’.

Chapter 4. Discussion

"Empathy nurtures wisdom. Apathy cultivates ignorance."

— Suzy Kassem

4.1 Empathy

Empathy has been difficult to operationalize in any domain despite many attempted definitions, aspects, and types. It has thus far been a somewhat abstract concept difficult to conceptualize empirically as evidenced by the lack of concrete methods on how to apply it (as seen in the section '[2.2.3 Empathy in Investigative Interviewing](#)' of this thesis). The literature regarding police interviewing is increasingly emphasizing the importance of a 'humane' style of interviewing – which can be described as interviewing which includes rapport building/maintenance and the implementation of empathy. This thesis has sought to conceptualize 'investigative empathy' which can be employed within investigative interviews.

The findings from Study 1 demonstrated that almost all police officers, regardless of country and interviewing styles, indicated that empathy can play an important role in the investigative interviewing of suspects. Interestingly, all the types of definitions were present to some extent in all countries, though the average 'strength' of the definitions varied across countries. Most definitions given were of cognitive nature, perhaps suggesting that many police officers already understood that some aspects of empathy (i.e., affective) may not be conducive to investigative interviews. The strengths of the definitions of empathy varied considerably across the countries and within countries, except in the two countries (England and the Netherlands) where mandatory systematic training is given to police regarding investigative interviewing. This suggests that systematic training may impact how empathy is considered.

However, when asked how they apply empathy, the answers varied; and many did not answer the question at all, perhaps suggesting that they did not know how to apply it. Furthermore, Study 1 also found that some of the definitions of investigative empathy included both cognitive and affective types, suggesting that such police officers did not have an appreciation of the potential risks of the latter. All this suggests that particular emphasis on empathy during investigative interviewing training is needed.

Study 2 then revealed five types of empathy that were employed by interviewers who had undergone thorough, systematic PEACE training in England. Having gone through such training, the author of this thesis is aware that the topic of specific types of empathy is not covered in such training. However, because the empathy types were actually similar across/throughout the analyzed interviews, this could suggest that such cognitive types of empathy (empathy with emotional distance) are implied (during training) to be appropriate. Indeed, such cognitive types of empathy (when combined) were found to be associated with suspects' greater provision of information, implying that such types are indeed useful to a positive outcome of investigative interviews with suspects of serious crimes.

As previous studies have focused on the importance of asking the right types of questions, Study 3 focused on the types of empathy (as found in Study 2) combined with the appropriate types of questions and it found that the highest provision of information was indeed when appropriate questions were combined with higher amounts of (cognitive) empathy types displayed. Knowing this, training should focus on the combination of appropriate question types and appropriate investigative empathy types in order to optimize the outcome of interviews with suspects. A further innovation in this study was the development of an enhanced version of the Griffith Question Map that not only noted for the first time the types of empathy employed but

also suspect provision of investigation relevant information (the 'BEST-GQM'), that visually aided in showing the relationship between question types, empathy displays and investigation relevant information provided.

Having developed a foundation of investigative empathy, Study 4 focused on police perspectives and found that police in Germany (where very little relevant research exists) did indeed respond differently to vignettes that varied in interviewing style, but that officers' own level of empathy had few effects. This suggests that perhaps interviewers' own level of empathy does not have an impact on the ability to display empathy (and therefore that such levels may not have an effect on the provision of information).

4.1.1 Empathy Throughout the Interview

Similar to whether rapport should be maintained throughout the interview or just in the 'rapport-building' phase, it has been questioned whether empathy should also be implemented throughout the interview, or if it should only be applied during the initial rapport-building phase. Some research has found that rapport should be maintained throughout the interview to optimize the outcome (Walsh & Bull, 2012a). Empathy, as a fundamental aspect of building rapport, may therefore also need to be applied at appropriate times throughout the interview.

The studies in the present thesis that examined empathy with real audio recordings of interviews did analyze empathy throughout the interview beginning with the Introduction and 'Engage and Explain' phase of the PEACE interview and ending with the 'Closure' phase. The results indicate that particular types of investigative empathy were more displayed in certain parts of the interview, such as 'Current Situational Empathy' that was predominantly seen in the 'Engage and Explain' portion of the interview or 'Indirect Empathy' that was mostly seen in the

‘Account’ phase. However, it was concluded that displays of empathy were useful and appropriate throughout the interview.

4.2 The BEST (and not the worst)

The Baker-Eck Empathy Sensitivity Test (BEST) was developed as a way to help understand what the various types of investigative empathy should entail. ‘BEST’ offers a foundational understanding of (i) the definitions or *characteristics* of empathy that investigative empathy should involve as well as (ii) investigative empathy *types*. The definitions were given by active, experienced investigative interviewers (see Study 1) and could therefore be deemed as an appropriate basis for building investigative empathy. Five *types* of investigative empathy were found in the audiotapes analyzed in Study 2 and transcripts of audiotapes analyzed in Study 3 of the current thesis. The BEST is a combination of those definitions/characteristics found in Study 1 and the cognitive types of empathy found in Studies 2 and 3.

The types of investigative empathy found while analyzing the tapes in Study 2 and transcripts of tapes in Study 3 were all of cognitive nature. This could (i) have something to do with the training, or (ii) perhaps have something to do with the ‘innate’ characteristics of the interviewers. To the knowledge of the author of this thesis, there is no specific police training on appropriate (cognitive versus affective) types of empathy being conducted currently anywhere in the world. Further studies could be conducted to specifically analyze training in this area. However, it can be considered beneficial to emphasize displays of investigative (i.e., cognitive) empathy for investigative interviews, particularly with suspects of high stakes/risk crimes, in national training of police interviewers. The ‘BEST’ could be useful in this.

4.3 Implications: The relationships between the four new studies and the current field of investigative interviewing

4.3.1 Defining, Operationalizing, and Applying Empathy

A major prior issue regarding the use of empathy in investigative interviewing was the lack of concrete definition and operationalization of empathy for use in investigative interviewing in general and with suspects specifically. Although much of the growing international literature emphasizes the employment of empathic displays within interviews, it lacks concrete guidance on how to do this. Furthermore, it seems there has been little to no guidance on distinguishing between appropriate and possibly inappropriate types of empathy (minus the feigned empathy that can be part of the ‘minimization tactic’ – to be discussed below). Thus, the four studies of the present thesis had the particular aim to provide a foundational understanding of investigative empathy through definitions and types in order to provide a clearer understanding for researchers and practitioners of it (as discussed above).

4.3.2 Recommendations of an Information-gathering Approach

The literature on the interviewing of suspects emphasizes the importance of various aspects. Of particular importance in an information-gathering approach is establishing an atmosphere in which the interviewee feels comfortable enough/willing to talk and provide information. As seen in the literature review section [2.2 Rapport and Empathy](#) of the current thesis, there now exists a now extensive literature on the importance of rapport building/maintenance and a much smaller literature demonstrating empathy to provide a neutral (and thus a non-threatening) atmosphere in order to reduce stress and tensions allowing for a calm environment in order to gain an account. However, as mentioned above, how exactly to

display this empathy had not been researched, although some research (as seen in the wider literature review) does discuss actively listening (which is also one of the nine investigative empathy definitions in this thesis, as seen in Study 1). Indeed, study 1 of the current thesis mentioned nine types of empathy that could be useful in establishing and maintaining such an environment, as recommended in the literature. Keeping in mind these nine types of empathy, Study 2 and 3 further discussed the types of empathy that could be used in order to maintain such an environment throughout the interview. This could be done through (i) understanding how to act empathically and (ii) understanding what types of empathy to apply. This should make empathy (i) easier to understand for interviewers and (ii) more easily applicable.

The CI was initially designed in the 1980s merely to aid memory processes, but its further developments (e.g., Fisher & Geiselman, 1992) also mentioned establishing a non-stressful environment (as taught in the PEACE training the current author undertook in 2018). Also allowing for the interviewee to take their time without the interviewer interrupting reduces the chance that the interviewer may be hasty and use leading/suggestive questions that could unduly influence the interviewee. Empathy found in the studies of the current thesis could enhance this process as it may well allow for a calming, non-stressful environment to enable optimal recalling.

Another recommendation that the information-gathering literature emphasizes is not to use minimization tactics, which can be commonly found in many interrogations in a variety of countries. Minimization could involve feigned empathy as this falsely offers understanding/explanations for a suspect's behavior, minimizing its severity. In the current thesis, 'Retrospective Situational Empathy-RSE' was empathy displayed retrospectively to demonstrate understanding regarding the alleged crime (here mainly in order to show actively

listening through re-capitulating what the interviewee says) but never as minimization of the crime itself. RSE was found in the analysis of the audiotapes in studies two and three, which involved information-gathering approaches. The relevant literature discusses minimization as a coercion tactic, which may contribute to false confessions and thus false confession rates may be reduced if suitable types of empathy are applied (along with the absence of coercive tactics).

Asking the right questions has been shown to increase the provision of information as touched upon in the literature review part of the current thesis. With regard to asking the right/appropriate questions in investigative interviews, Study 3 found that using the right question type(s) in combination with displayed empathy was associated with increased provision of relevant information (more than just question types or empathy alone). This important new finding could thus be incorporated into training.

4.3.3 Legal Implications and Training Recommendation

A major concern around the world has been and continues to be wrongful convictions (and failures to bring perpetrators to justice). Through the innocence project in the United States the number of wrongful convictions has been brought to light and is still increasing (Innocence Project, n.d.). As seen in the literature review of the current thesis, false confessions often occur in some countries due to police coercion. Having a concrete, operationalization of empathy (as this thesis has now built a foundation for) should allow for a fuller (and therefore) more motivated understanding of why and how to employ empathy properly, and thus, contribute towards the reduction in false convictions based on false confessions. Moreover, as false confessions are often extracted through police coercion and manipulation, training police in appropriate and now more concrete types of empathy could help to prevent such interrogations

(where information is gained from coercion and/or manipulation) from being admissible in court, while increasing the number of appropriate prosecutions to court and to verdicts.

4.4 Limitations

4.4.1 Field Studies

As with many other studies conducted in applied settings, all four new studies presented in this thesis had time delays that might possibly make the findings non-current. For the first study, gaining police responses to the questionnaire was time consuming. Study 1 began with far more countries worldwide (e.g., United States, South Africa, and Malaysia), however this number was reduced because only very few (one or two) questionnaires were completed from such countries. Waiting for these prolonged the first study out by one to two years. Eventually, in order to proceed with the thesis, the countries that could not provide more than one or two questionnaires were omitted.

Also gaining access to recordings of real-life police interviews with suspects in serious cases (for studies two and three) also proved very difficult and time consuming. For Study 4, the time delay here was in gaining access via the Police College in Bavaria to participants. For Study 1 the overall participant number was high ($N = 256$), and for Study 4 it was reasonably high. However, for studies two and three the samples were much smaller (but at the limit of what was permissible) and therefore generalization from these two studies could be limited.

4.4.2 Researcher Bias

Another possible limitation of research is that it may be difficult for the researcher to distance themselves from their own biases (Bishop, 2019; Pannucci & Wilkins, 2010) and/or to

distance the participants from the researcher's biases and/or for the participants to influence the researcher. However, because the author of this thesis was not in direct contact with the participants, it was possible to reduce the possibility of the participants influencing the researcher. That is, Study 1's survey was conducted online; Study 2 and Study 3 were tape recordings already made; and for Study 4 the questionnaire was handed out in classrooms where the researcher had minimal interaction with participants.

4.4.3 Self-reporting Studies

Participant bias may play a role in self-report studies. As studies one and four were both self-report studies, there is a possibility that the answers given were based on what and how the participants felt the researcher wanted them to respond. Or they may answer with a social desirability bias, giving answers that they deem to be culturally/socially acceptable answers. This is difficult to gauge, but it needs to be at least touched upon as a possibility (for other relevant studies on police self-reports see, for example, Chung, Ng, & Ding, 2021; Dando, Wilcock, & Milne, 2008; Miller et al., 2018; Soukara, Bull, & Vrij, 2002; Walsh & Oxburgh, 2020).

Lastly, as the four studies were conducted in Europe, it is difficult to say whether empathy may produce the same results in investigative interviews in other parts of the world (e.g., from a cultural perspective). It was interesting that all countries that participated in Study 1 had similar definitions (only varying by the strength of these definitions), but would other countries, more eastern or more western, have similar definitions and/or understanding of empathy (e.g., for individualist versus collectivist societies; Beune et al., 2010; Ilies & Zahin, 2019)?

4.4.4 Limitations with Police Research and Practice

Lumsden (2016) talks about how crucial police officers' receptivity to research is in order for its findings to be implemented into practice. The United Kingdom has been a front-runner in applying methods strengthened through research into police practice. However, in other countries (such as Germany) this still proves to be difficult.

In the United States, interrogators/interviewers can be taught on the job or merely experience their own interviewing, though in some parts of the USA there has been organized training such as in-house or third party involving, for example, the Reid Technique (Inbau & Reid, 1963; Inbau, Reid, Buckley, & Jayne, 2013), the Kinesic Interview (Walters, 2003) or the Wicklander-Zulawski and Associates method (Zulawski, Wicklander, Sturman, & Hoover, 2001) [Kelly & Meissner, 2015]. Similarly, Germany does not have national, official guidelines on type and duration of training on how to conduct police interviews. The only region that offers formal training is Nordrhein Westfalia, but it is not legally mandated (Volbert & Baker, 2015b).

Botke, Jansen, Khapova, and Tims (2018) discuss the difficulties of transferring theoretical knowledge into practice, particularly when trainees omit to apply their theoretical knowledge gained once going into or back into practice. Botke et al. (2018) emphasize that this is especially true when it comes to the implementation of 'soft skills' (e.g., interviewing skills). Therefore, it can be difficult for police officers to apply their knowledge of empathy in their interviews, even if training(s) were to be amended to include appropriate and inappropriate types of empathy. However, Fallon et al.'s (2020) study on the positive outcomes of implementing the PEACE model in Vermont to police officers gives hope that empathy may also have positive outcomes in training within the USA.

As perhaps with other domains, the discrepancy between theory and practice is quite large in policing and it can still be difficult for researchers (psychologists) to ‘convince’ police of the usefulness of the literature/theories in this area and thus the dangers that police continue in their previous styles still linger.

4.4.5 Difficulties in Defining Abstract Terms

As with other abstract terms, empathy can be difficult to define. Therefore, this thesis focused on seeking to improve the defining of investigative empathy, involving the types of empathy that could be deemed useful in investigative interviews. Study 1 found that some of the police definitions of empathy included both cognitive and affective types, which might create problems as mentioned above.

4.4.6 Interviewer Empathic Abilities

According to Carkhuff and Truax (1967) a high level of empathic responding is when the interviewer reflects each emotional nuance offered by the interviewee and responds accordingly. However, if their own empathic ability is not high (as found for some in Study 4) interviewers may not be able to pick up on such empathic opportunities. Yet, it is theorized that due to the fact that some rapport building methods can be taught (as discussed above in the literature review) that perhaps these investigators could be taught to recognize and respond to such opportunities, accordingly. Studies could be conducted in the future (also see the next section) to examine if investigators with varying levels of empathy could indeed be taught to recognize such opportunities given. Furthermore, a study on individuals’ levels of empathy (high versus low) and their perception/interpretation of another’s level of pain (Demers, Saumure, Fiset, Cormier,

Kunz, & Blais, 2019) found an effect. However, displaying too much empathy, or perhaps the wrong type of empathy may be counterproductive

4.5 Future studies

This thesis suggests that empathy may indeed be effective in investigative interviews with suspects (particularly of serious crimes) because (i) it enhances the information gathered (and thus is likely to lead to a greater number of appropriate prosecutions and court verdicts), (ii) it can be argued to stay within legal guidelines (and what some researchers show to be ‘humane’) in investigations as a non-coercive method, (iii) it may reduce the number of cases potentially thrown out of court for the use of adverse interviewing tactics and (iv) when applying appropriate types, it may possibly reduce *compassion fatigue* (discussed in the next [Section 4.5.1 Building on Study 1](#)) rates within investigative interviewers. In order to further optimize these, building on these studies could be beneficial and may include the following.:

4.5.1 Building on Study 1

Future studies could build on this new study by exploring further the views of police in a greater variety of countries and cultures where definitions/opinions and the acceptability of coercion may be different from in Europe. Do individualistic and collectivist societies view empathy differently? (For more on individualist versus collectivist societies see the seminal work of Hofstede & Bond, 1984). As stated above, all four new studies in the current thesis were conducted in individualistic societies. The research findings of such future studies might aid police officers in their interviewing of individuals from other cultures by providing them with an understanding of how both interviewee and interviewer empathy may play a role.

Although differences between cognitive and affective empathy were not compared in detail in this thesis, prior research in a variety of domains (as discussed in the section [2.2.2.1 Affective and Cognitive Empathy](#) of this thesis) has focused on the importance of distinguishing between the two. Further research/writings could try to more fully distinguish between these two types. Although this could prove to be difficult, as affective empathy types were not found within the interviews examined in this thesis. Perhaps it can be examined whether affective empathy is present in interviews in other countries with or without systematic training. *Affective empathy* (such as experiencing the emotions of the interviewee) may not protect interviewers emotionally and therefore could hinder them from their task, especially as they need to process the received information in an unbiased way. (Sympathy was among the definitions only a few police officers provided in Study 1.). Affective empathy in investigative interviews may create problems for interviewers such as higher/quicker burnout rates (Fansher et al., 2019), possibly due to compassion fatigue, which is essentially exhaustion caused by the constant display of compassion (Baker-Eck et al., 2020; Fansher et al., 2019; Foley & Massey, 2020; MacEachern et al., 2019). Therefore, it could be recommended that affective empathy be avoided in investigative interviews (and therefore this to be a factor in the design of relevant training), though more research on this new topic is probably necessary.

Compassion fatigue can be thought of as a type of burnout - a burnout where an individual has shown too much empathy and becomes tired/worn out of doing so (Foley & Massey, 2020). If not managed properly this can have damaging effects on police officers/interviewers, such as (i) poor performance, (ii) sickness, (iii) lack of job satisfaction, (iv) poor morale, and (v) lack of empathy (Baird & Jenkins, 2003; Bourke & Craun, 2014). Therefore, it is vital that police interviewers take the necessary precautions/preventative

measures. (Unfortunately, often being exposed to affective empathy inducing accounts is a normal part of the job of interviewers/investigators.)

Bischopp, Piquero, Worrall, and Piquero (2018) describe policing as being consistently identified as one of the most stressful occupations. In 1979, Axel and Valle even declared policing to be considered the most psychologically dangerous profession. Furthermore, depression has been found to be high within the police (Kop, Euwema, & Schaufeli, 1999). In a study by Husain (2019), police officers working in urban areas showed high levels of depression. Nejati (2017) emphasized that depression can decrease empathic accuracy in the detection of the internal state of another. As such, it can be argued that the mental wellbeing of police interviewers is of importance for being able to conduct an optimal interview that includes their employment of investigative empathy. Furthermore, depression occurs more often in individuals with normal to high empathy (O'Connor, Berry, Lewis, Mulherin, & Crisostomo, 2007), and yet (cognitive) empathy may be needed for a 'good' interview. Further research on the two types of empathy regarding the effects on police interviewers could be conducted. Police interviewers who have high levels of empathy may also be at greater risk of developing depression. It would also be interesting to see if there is an association between interviewer empathy and burnout/stress rates. Also, perhaps future studies could examine tiredness/depression after interviews that had high levels of empathy.

4.5.2 Building on Study 2

In the present thesis, 'Current Situational Empathy' related to empathy that was shown/displayed toward the interviewee regarding their current situation and was differentiated from 'Retrospective Situational Empathy' (RSE), which focused more on displaying empathy

toward something relating to a past situation. Situational empathy in general has been examined in a study (i.e., Batson & Ahmad, 2001) where participants were told to imagine feelings and perspectives of others in a dilemma or situation. When participants were actively told to do this, they were more likely to show pro-social behaviors and attitudes leading participants to want to cooperate with others more (Batson & Ahmad, 2001; Cohen & Insko, 2008). Perhaps future studies could therefore focus more on situational empathy in investigative interviews.

Dando and Oxburgh (2016) discussed empathy as a continuer and the findings regarding ‘Continuous Empathy’ (CE) in studies two and three of the current thesis are similar yet slightly different from theirs. CE in the current thesis can be seen as a set of utterances that allow for the interviewee to continue their account and could be seen as an aid or prompt. Dando and Oxburgh’s (2016) continuer empathy offers slightly more than just an utterance and was further divided into utterances that included ‘comfort’ and/or ‘understanding’.

4.5.3 Building on Study 3

Building on Study 3, the likely important combination of using empathy together with open questions could be examined in the future, particularly because Study 3 showed higher provision of information when empathy and appropriate question types were displayed together than either empathy or question types alone. Few prior studies have examined how interviewer behavior might enhance or reduce the effect of open questions – are open questions less effective in a ‘dominant’ compared to a ‘humane’ interview?

As empathy may also aid in setting a calming, non-stressful environment and thus possibly better allowing for optimal memory recall, it may be of interest to conduct future studies by examining the effects of empathy on memory.

One aspect of empathy that could not be evaluated in studies two and three relates to nonverbal behavior. Therefore, future studies could look at the effectiveness of positive nonverbal displays of empathy to see their impact in investigative interviews.

A factor that could influence/reduce effects of interviewers' empathy is the manner in which they disclose relevant information to suspects. For example, the unskilled disclosure of highly incriminating information could negatively affect an ongoing 'positive' interview in which empathy had been hitherto displayed. Among the many considerations that an investigator must make in an interview an important one is how and when to disclose evidence/information (Bull, 2014). In most countries a suspect must be informed very early on in an interview of (some of) the reasons why they are being interviewed. However, not all of the information an investigator has (including information that by itself is not highly incriminating) needs to be disclosed at the beginning of an interview and a small but growing body of research (mentioned below) suggests that the gradual disclosure of evidence outweighs presenting it at any other times. When and how all of the information known to the interviewer is disclosed has been found to be one of the factors contributing to suspects moving from not admitting to admitting (Bull & Soukara, 2010; Walsh & Bull 2012a) and a 2002 survey of police officers in the UK cited the use of evidence as a key factor in difficult interviews (Soukara, Bull, & Vrij, 2002). Bull and Soukara (2010) found that disclosure of evidence was one of the skills implemented in the minutes leading up to suspects shifting to providing a confession (together with the use of open questions).

Early disclosure of incriminating evidence has been criticized to be problematic in that it can lead to false confessions or it can give deceivers an opportunity to construct a self-serving narrative that incorporates the evidence that was presented to them – here can be added the new idea that this could reduce the effect of interviewer empathy.

Walsh and Bull (2015) found a relationship between interviewer skill levels, their evidence disclosure and the gathering of comprehensive accounts from real-life suspects. Also, a growing body of research has found that gradual disclosure of evidence yields relatively high rates in the detection of truths/lies while placing a greater cognitive load on interviewees (Dando & Bull, 2011; Dando et al., 2015; Sandham, Dando, Bull & Ormerod, in press).

Such an approach may be most effective if the interviewer also demonstrates considerable cognitive empathy. Research on empathy levels and the detection of truth/lies might be examined, possibly building on the study by Duran, Dochez, Tapiero, and Michael (2020) who evaluated the ability to detect three types of lies; (i) activities and locations, (ii) topic of debate, and (iii) emotional experience. Their findings indicated that lies about emotions and opinions were better detected than the other types of lies (which may be more relevant to crime investigations).

4.5.4 Building on Study 4

Regarding Study 4, more research could be conducted on how officers' own level of empathy affects officer beliefs and thus possible interview outcomes (as suggested by the findings of Study 4 within the low level of empathy group and dominant style of interviewing). However, much more research would need to be conducted in this area. It would be interesting to see if officers' empathy has an effect in the (few as yet) other countries where its importance is emphasized in training. Also, perhaps interviewer empathy is more relevant to certain crimes than others (rape was chosen for Study 4 because it was thought more likely to make empathy relevant).

Also, investigators need to be in tune with being able to pick up on empathic opportunities and may not always be able to when their empathic abilities (as seen in Study 4 with the RMET) are low. As such the training in the perception of empathic opportunities could be a possibility for those with lower levels of empathy. Reversely, if individuals (in this case police interviewers) are experiencing burnout or compassion fatigue as vicarious traumas (which can build cumulatively over time) some of the repercussions could include a decrease in empathy (Baird & Kracen, 2006) and also make them unaware of presented empathic opportunities. In these situations, it may be advisable to receive training for such empathic opportunities, but also to (i) treat the symptoms of burnout and (ii) organizationally reduce them. Future studies could examine whether burnout/stress in police officers results in a reduction in empathic abilities in police interviews (Baird & Jenkins, 2003; Bourke & Craun, 2014).

The consensus tends to be that even those that may have problems experiencing empathy affectively, can still display it cognitively, which is precisely the type needed for a ‘good’ interview (as seen in Study 2 of this thesis). An important topic arises within the forensic and legal literature as it has for decades within the psychotherapeutic world, which is whether the usage of genuine empathy can actually be taught to police officers, or if it is an intrinsic trait. Two further questions are (i) whether the use of empathy needs to be genuine for it to attain its objectives, and (ii) whether too much compliance gained through empathy may lead to false confessions.

One study that recently focused on nurses discussed whether empathy can be trained, and perhaps this should be further evaluated to see which aspects of empathy (or types) can be trained (Fernandez & Zahavi, 2020). In their conceptualization of empathy, these authors included similar elements to the strength scale in the current thesis such as ‘(imaginative)

perspective taking' and 'openness'. As seen in their study, a cognitive type of empathy may indeed be able to be conceptualized, taught and applied. Given that some interviewers may be able to better understand and be taught investigative empathy, their selection for training may be a good idea.

Previous studies have found that empathy inductions seem to improve attitudes and feelings (and pro-social behaviors) toward stigmatized groups (e.g., Batson, Chang, Orr, & Rowland, 2002; Finlay & Stephan, 2000). Police do interview suspects from various backgrounds (for a variety of crimes), of which some will be from stigmatized groups. It would be interesting to build on Study 4 by examining potential biases in police officers (toward/against certain types of individuals) and how empathy may play a role in more desired outcomes with such individuals.

Murphy-Oikonen (2020) found that participants thought that police officers were treating them in a biased manner based on a pre-existing opinion of the individuals. This thesis' main focus was not on police bias - however, perhaps with the introduction and training of appropriate investigative empathy types, it could reduce such bias(es). [For more on police bias(es) see the following: Minhas, et al., 2016; Oliveira & Murphy, 2014; Sivasubramaniam & Goodman-Delahunty, 2008].

Lastly, a recent study Fallon et al. (2020) examined the impact of a 'PEACE Model' training program (pre- and post-training) on the knowledge, attitudes and opinions of the trainees and demonstrated beliefs on whether empathy could be taught (as the author of this thesis believes as well). A follow-up study could look at the willingness and reluctance of police officers to employ empathy and what affects this may have on its trainability. Relatedly, Walkington, Wigwam, and Bowles (2020) discussed the use of narratives as a way to improve

empathy within individuals, which may be something to examine in future studies with police interviews.

4.6 Conclusion

The aims of this thesis were to: (i) examine investigative empathy (Studies 1 and 2); (ii) conceptualize investigative empathy (Studies 1 and 2); (iii) examine the effects of investigative empathy (Study 2) combined with appropriate question types on the outcome of the suspect interview (Study 3); and (iv) examine what role police interviewers' empathy levels have on their assessments of different types of interviewing/interrogating a suspect (Study 4). All of these aims were met.

Empathy may well be a powerful tool that, when employed skillfully (and trained properly), can allow for a higher flow of information from suspects. It helps to build a relationship between two individuals and offers a non-judgmental, non-stressful environment. Its application in investigative interviewing with suspects would seem not only appropriate but also necessary. However, not all types of empathy may be conducive to the mental wellbeing of the interviewer, while allowing for the objectives of a police interview to be completed. Therefore, it is of importance that empathy be (i) understood, (ii) operationalized, (iii) trained, and (iv) practically implemented correctly in order to optimize the outcome of an interview. More research is needed, but this thesis can act as a foundation for optimizing investigative empathy in the interviewing of suspects, especially of serious crimes.

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