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

**By Bianca Baker-Eck and Ray Bull**

**To appear in IJPSM**

* DOI: [10.1177/14613557221106073](http://dx.doi.org/10.1177/14613557221106073)

*Abstract*

 The present study examines the relationship between the extent of, and various types of, empathy and of questions on suspects’ provision of information in 16 real-life police interviews. Multiple linear regressions were conducted to (i) predict suspects’ information provision in relation to (i) open questions and (ii) the extent of displayed empathy and (iii) each of the empathy types. Verbatim transcriptions of police interviews with suspects of sexual offences were coded for (i) the extent and types of interviewer empathy, (ii) the proportionality of interviewer open versus closed questions, and (iii) suspects’ information provision. It was found that the proportion of open (versus closed) questions and the amount of empathy demonstrated by interviewers had a positive relationship with suspects’ information provision. The latter supports a recent finding by the current authors involving a different sample of police interviews. Whereas in a growing number of countries the training of police interviewers has been emphasizing use of open questions, the present study aids weight to the small amount of research literature on the importance of interviewer empathy. Indeed, the effectiveness of open questions might be influenced by the amount of interviewer empathy in an interview.

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

*A PEACE-ful Method*

Internationally, police interviews are integral aspects of legal systems as they seek (at least in some countries) to achieve a flow of information between interviewee and interviewer in order to gain an understanding regarding an alleged crime rather than merely confessions. In some investigations and court cases other types of information/evidence are hard to come by (such as alleged sexual assault cases – where oftentimes the only sources of evidence are relevant persons’ accounts) and thus information provided during interviews often carries considerable weight. Therefore, it is important that the accounts gained are comprehensive. Research on gaining comprehensive accounts (especially from suspects) largely commenced after the development in the early 1990’s of the ‘PEACE’ method of investigative interviewing that focuses on ethical techniques. Although police in collaboration with psychologists (Bull, 2019; Milne & Bull, 1999) in England and Wales were the first to develop such an information-gaining method, other countries nationally have followed such as Scotland (PRICE-Model), Norway (KREATIV-Model) and New Zealand (Bull & Rachlew, 2019). ‘PEACE’ is an acronym standing for ‘***P***lanning and Preparation’, ‘***E***ngage and Explain’, ‘***A***ccount’, Clarification, and Challenge’, ‘***C***losure’ and ‘***E***valuation’ (Griffiths & Milne, 2006).

Prior literature on the optimization of information provided by interviewees in investigative interviews has found interviewer question types to be important (e.g., Milne & Bull, 1999; Oxburgh, Myklebust, & Grant, 2010). However, the topic of interviewer empathy (e.g., as a means of building and maintaining rapport) has only been examined in a very small number of published studies, few of which assessed its possible relationship with the provision of relevant information by real-life suspects. One possible reason for the dearth of such empathy studies is that the relevant literature has largely failed to offer an operationalized definition and specifically how to apply empathy and what types may be optimal in suspect interviewing. Only recently (i.e., in the last decade) have a few researchers published analyses of empathy in investigative interviews of suspects (see Baker-Eck et al., 2020; 2021; Jakobsen, 2019; Oxburgh, 2011; Pounds, 2019; Webster, 2019).

*Best Practice in Suspect Interviewing*

Publications on best practice in the investigative interviewing of victims, witnesses, and suspects have shown major similarities in some of the skills to be employed (e.g., Brubacher, Bension, Powell, Goodman-Delahunty, & Westera, 2020; Bull, 2019, 2013; Home Office, 2011). Important recommended skills include: (i) use of appropriate question types and (ii) rapport building and maintenance – both of which are thought to lead to positive outcomes, especially regarding suspects’ provision of relevant information, as opposed to resistance that may include denial of knowledge or participation, lying, evasion, silence, or blame shifting (Feld, 2013).

The Cognitive Interview (CI) also has placed importance on rapport building and on appropriate question types particularly with witnesses and/or victims of alleged crimes (Fisher & Geiselman, 1992), and the CI may also be used with cooperative suspects (CI-S; Geiselman, 2012). In a comparison of the CI and the ‘Federal Law Enforcement Training Center’s (FLETC) Five-Step Interview Protocol’ it was found that the CI elicited significantly more event-relevant information from suspects than the FLETC protocol (Rivard, Fisher, Robertson, & Mueller, 2014). In their research on the CI, rapport building, as described by Paulo, Albuquerque, and Bull (2013) can be achieved by (i) “[…] establishing a proper and positive relation (p.3)” between interviewer and interviewee; (ii) explaining fully what the interviewee can expect to happen throughout the interviewing process; (iii) showing signs of active listening, such as saying ‘uhm’ or showing understanding non-verbally through body language; (iv) personalizing the interview by using the interviewee’s name; and (v) using ‘simple questions’ to reduce anxiety in the interviewee.

In a study by Collins and Carthy (2018) police interviews with suspects of child sex offences were examined to identify whether interviewer rapport was related to suspects’ amount of IRI. They coded rapport into three components: (i) attention, (ii) positivity, and (iii) coordination. Positive correlations were found between ‘Investigation Relevant Information’ (IRI) and (i) attention, (ii) coordination. A recent comprehensive overview of work on rapport has been provided by Gabbert et al. (2021).

Although some publications have mentioned empathy as a way of building/maintaining rapport, only a few have directly assessed the possible effects of displayed interviewer empathy. In their 2012 study, Oxburgh, Ost, and Cherryman found that there was no significant relationship between police interviewer empathy and IRI. However, they only coded empathy as one of three components: *opportunity, continuer*, or *terminator*. However, Baker-Eck, Bull, and Walsh (2021) found that the greater the empathy displayed the higher was suspects’ provision of information, illustrating how empathy may indeed play a valuable role in gaining IRI.

*Question types in Investigative Interviewing*

 An overview of prior research on the possible effects of interviewer question types by Oxburgh, Myklebust, and Grant (2010) noted that appropriate questions included ‘TED’ questions (or open questions) that include asking interviewees to ‘*Tell, Explain, Describe’*. Indeed, open questions have more recently been found to elicit longer narratives than closed questions, including more accurate and detailed responses such as elaborate explanations (Kelly & Valencia, 2020; Powell, 2013). While the present new study to be described below was being conducted, Kelly and Valencia (2020) were also (unknown to the current authors) 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 *information-seeking* and ‘WH’ questions as closed questions and *information-confirming* questions (i.e., Who, What, When, Where, Why) (Oxburgh et al., 2010; Zeng, Huang, Bull, 2020). Lyon and Henderson (2021) recently discussed, regarding child witness interviewees, the roles of (i) open-ended and wh-questions and (ii) rapport in the gaining of more valid information without increasing false reports. Maintaining the use of open-ended questions during interviews is a key characteristic of skilled interviewers (Davies, Westcott, & Horan, 2000; Poole & Lamb, 1998). Oxburgh, et al. (2012) noted that appropriate question types include the following: (i) open questions, (ii) probing/identification questions, and (iii) encourager/acknowledgement questions – and inappropriate questions usually include (i) leading questions; (ii) multiple questions; (iii) forced-choice questions; (iv) opinion/statement questions; and (v) closed questions. Further, Oxburgh et al. (2012) found that the responses to *appropriate* versus *inappropriate* questions contained more items of IRI.

Closed questions (such as *“Was he tall or short?”)* typically elicit one-word or very short answers such as ‘yes’, ‘no’, or ‘I don’t know’. Thus, they can place restrictions on what the interviewee says about the topic. Almeida and Drew (2020) found that police officers’ use of such questions was not done in a neutral way but sought to allow officers to gain an admission or denial for a specific account.

In some countries official guidance has emphasized that inappropriate question types are to be avoided (e.g., Home Office, 2011). However, research has repeatedly found that professional interviewers are nevertheless poor at avoiding use of inappropriate questions not only in interviews with suspects (e.g., Bull & Soukara, 2010; Leahy-Harland & Bull, 2017) but also with witnesses/victims (e.g., Lamb, 2016; Skrifvars, Korkman, Sui, van Veldhuizen, & Antfolk, 2020; Verkampt, Dodier, Milne, & Ginet, 2019; Westera, Powell, Milne, & Goodman-Delahunty, 2019). Webster, Oxburgh, and Dando (2020) examined the efficacy of question types in interviews with adult rape complainants that required in-depth concentration. They found that appropriate questions were asked significantly more than inappropriate questions and that appropriate questions elicited significantly more items of IRI. Although their study was conducted with witnesses/victims, similar results could possibly be found when interviewing suspects. Brimbal, Meissner, Kleinman, Phillips, Atkinson, Dianiska, Rothweiler, Oleszkiewicz, and Jones (2021) examined the effectiveness of ‘rapport-based training’ that included productive questioning skills. They found positive effects of such training on suspect cooperation and information disclosure. However, a recent thematic analysis on police interviewers found that more inappropriate questions were employed than appropriate ones (Launay, Py, Brunel, & Demarchi, 2021).

Almerigogna, Ost, Bull, and Akehurst (2007) found that interviewees with heightened anxiety (in their study, children) more often responded incorrectly to misleading questions. Being interviewed by police (whether witness/victim or suspect) can be anxiety heightening and thus attention should be placed not only on appropriate question type usage but also on not inducing undue anxiety (Bull & Rachlew, 2019) to attempt to reduce false/incorrect responses from interviewees.

*The ’GQM’*

An innovative method of visually displaying the question types asked by interviewers is known as the Griffiths Question Map (GQM), which was originally developed to evaluate interviewer skills in interviews with suspects (Griffiths & Milne, 2006). Waterhouse, Ridley, and Bull (2018) documented not only the question types of the interviewer but also the interviewee (witnesses) responses in terms of IRI.

Kelly and Valencia (2020) additionally documented rapport building in their version of the GQM. Given its growing usefulness in showing in a visual format not only aspects of interviewer behavior but also that of the interviewee, a new version of the GQM will be briefly demonstrated in the present study that for the first time includes interviewer empathy and its possible relationship across time with suspect’s IRI.

*Empathy*

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 empathy in investigative interviews, especially in real-life interviews with suspects. Although studies have found that rapport building seems essential 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.

Alison et al. (2013) in a rare study of interviewer behavior and interviewee response with real-life terrorism suspects found that rapport-building techniques (as in ‘Motivational Interviewing’), in which they included empathy, had positive effects on the outcome of the interviews. They defined empathy as the “extent to which the interviewer understands the suspect’s perspective” (p. 417).

In regard to resistance in a clinical or forensic interview, Place and Reid-Maloy (2018) examined the use of empathy strategies to overcome resistance and reactance in order to gain information. Reactance was discussed 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 involving empathy.

Recently, Baker-Eck et al. (2020; 2021) examined within a large international sample of experienced police interviewers (i) their definitions of empathy and (ii) the types of empathy they indicated displaying in investigative interviews with suspects. Bull and Baker (2020) discussed the probable importance of investigative interviewers applying/displaying cognitive aspects of empathy rather than affective empathy in order to remain professional and preserve/protect the mental and emotional state of the interviewer. Indeed, Baker-Eck et al. (2020) found that interviewers, who had been trained in the ‘PEACE’ method, displayed characteristics of empathy that can be described as ‘cognitive’ rather than ‘affective’ (rational instead of emotional). These types of cognitive empathy included nine characteristics that were deemed effective by the police participants in the 2021study and included: (i) openness, (ii) listening, (iii) non-judgment/unbiased, (iv) understanding, (v) working together, (vi) changing perspectives, (vii) building rapport, (viii) understanding actions, and (ix) appreciating emotions/distress.

 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). Furthermore, 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.

The present study focuses largely on the combined effects of question type and types of empathy on suspects’ provision of information, and it was hypothesized that the presence of displayed empathy in combination with appropriate questioning would have a positive outcome in the interviews; in other words, it would be associated with an increase in real-life suspects’ provision of relevant information.

**Aims**

The current study examined interviewers’ displays of empathy and use of question types in relation to suspects’ information provision in real-life police interviews with suspected sex offenders. Its aims were 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 and the percentage of interviewers’ questions that were ‘open’ questions; (iii) whether 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.

**Method**

*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 and trained in the ‘PEACE’ method (Bull 2019; Milne & Bull, 1999) in which the ‘P’ stands for planning and preparation (before an interview), the ‘E’ for engage and explain, the ‘A’ for account’ the ‘C’ for closure and the other ‘E’ for evaluation (after an interview). To be given the (rarely provided to ‘outsiders’) access to such interviews, none of them could be from cases that were still ‘open’. 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. As is common practice, in almost all (*n*=13) 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* (Dando & Oxburgh, 2016; 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. In some prior studies (e.g., Wu, 2021) such indications of active listening have been considered indicative of empathy.) 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, if the suspect is a smoker 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 now extensive literature on investigative interviewing defines each of these major two types of questions. In prior studies that had a main/sole focus on the effects of different question types some used several question types (though the more types used the greater the difficulty in analysing real police interviews). In the present study we used a simple dichotomy that relevant professionals around the world would readily understand.

Open questions were questions asked by the interviewer that allow for a flow of information from the suspect such as ‘TED’ questions *Tell, Explain,* or *Describe*). Closed questions (such as *“Washe tall or short?”)* 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 because such occurrences were often questions in the form of*“Was he wearing a shirt? Could you please describe what he was wearing?*”

*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. (2020), this being a ‘motivational’ category that involves the interviewees mentioning reasons for why the alleged crime was committed. IRI was coded when any information provided by suspects pertained to one of these six categories. Given the likely relevance of those six categories to an ongoing investigation it was coded as IRI because such information would very likely be subsequently followed up on (in these types of investigations in the relevant country). The IRI details in what suspects said were all coded - for instance of a computer with pornography on it, all details pertaining to the computer would be coded (this could include information such as the make and model of the computer, login names, passwords, and/or website names).

Information provided by a suspect that did not fit into any of the above categories (i.e., information provided that did not pertain 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.

**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) and another four interviews had three types of empathy. One interview had two types of empathy and two had one type. Thus, in all interviews at least one type of empathy was present. Figure 1 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. In the five steps of PEACE, only three are actively demonstrated throughout the interview. Step one ‘Planning and Preparation’ and Step 5 ‘Evaluation’ do not include interaction with the interviewee and therefore were not included in the analysis. It can be seen in figure 1 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.

*Figure 1: Empathy Types and Interview Phases*

To see if more 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.

A multiple linear regression was performed to predict suspects’ information provision in relation to (i) extent of empathy displayed and (ii) the proportion of open questions in each of the 16 interviews. A significant regression was found (F2,13 = 4.928, *p* < .026) with an *R2* of .431. Participants’ predicted IRI is equal to -0.12 - .653 (Empathy Amount) + .036 (amount of Open Questions). 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 (F5,10 = 2.861, *p*<.074), with an *R2* of .589, meaning that no particular type of empathy on its own was a significant predictor for greater suspect IRI (non-significant).

 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 (F1, 14 = 0.789, *p*<.389, with an *R2* of .053, meaning that amount of empathy displayed was not related to the percentages of open questions asked.

 Figure 2 demonstrates a new type of GQM for one of the 16 interviews with the innovative added components of (i) interviewer empathy and (ii) suspect provision of IRI. It shows a 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 2: A BEST GQM (i.e., with empathy types, question types, and IRI)

O

U

T

C

O

M

E

E

M

P

A

T

H

Y

Q’s

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 necessary 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 here found to have positive association with real-life 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. Particularly because some people have been skeptical of being able to train empathy, this topic should be touched upon here. To determine whether empathy can be taught, Teding van Berkhout and Malouff (2016) evaluated empathy training programs. After excluding one outlier study (which showed a very large effect with few participants), their meta-analysis included 18 randomized controlled trials of empathy training with a total of 1,018 participants. Their findings suggested that empathy training programs are effective overall, with a medium effect (g = 0.63), In 2019 Patel et al. concluded the “Evidence suggests that training can enhance… empathy” (p. 1).

Regarding question type usage, some points can here be made that those readers who indeed focus on police science and management may need to be aware of. 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 - *‘Do you understand?’* referring to the ‘caution’, that although being closed questions may not be inappropriate. 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 actually 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?”* – this illustrating that interviewees sometimes interpret/translate what linguistically could be classified as a closed question into an open one. Furthermore, many of the closed questions in the account phase of the interviews also were clarification questions, such as reiterating what the suspect had just said to confirm that it had been understood clearly [which some readers could consider as being an aspect of Indirect Empathy (IE) – see Wu, 2021]. Also during the account phase the interviewers’ questions would be open but 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 the United Kingdom). 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 – this illustrating that even classifications of question types that are not dichotomous (s in the current study) can be error prone.

*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 employed in more of 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. No research has been found where this phase of the interview was conducted well, and as such more research is needed on the role empathy may have in this key part of a ‘PEACE’ method interview - interviewer empathy may be useful in this closing part of the interview regarding possible future interviews and public opinion.

 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 be cautious not to mix up RSE and minimization. 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 of and offering a variety of reasoning/’themes’ for the suspect’s behavior regarding the alleged crime, which some have classified as inappropriately ‘minimizing’ the alleged crime (Baker-Eck et al., 2021).

*Limitations, Implications, and Future Studies*

The present study’sfindings (in regards to demonstrating empathy plus question types may only apply to interviews with suspected sex offenders and therefore such findings may not be generalizeable to other types of suspects (or indeed to victims and witnesses), though the available, relevant literature does suggest such generalizeability. Also, given that a sizeable proportion of people found guilty of crimes (e.g., those in prison) 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 mostly open questions and greater types of (cognitive) empathy is very likely to be appropriate for them. [Johnston et al. (2016) found that around 65% of a sample of adolescent defendants (average age 16 years) had listening-comprehension skills below the norm for ten-year-olds and that almost half had a diagnosis of attention deficit hyperactivity disorder (ADHD). Young et al. (2011) noted regarding ADHD that, whereas the rate in the general population is around 3%, UK prison studies have found rates of over 40% for youths and 20% for adult males].

Circumstances prevented another person accessing/coding these real-life police interviews with suspects that could have allowed inter-rater reliability to be calculated – this could limit the generalizeability of the findings. Having available only transcripts (which is typical of some research on real-life police interviews with suspects) could also limit the current findings because having available audio/video recordings (still not common in most countries in the world) might enhance the validity of the coding of question types and of empathy types.

**Conclusion**

This study builds on previous studies on the possible relationships between interviewers’ (i) empathy plus (ii) question types and suspects’ information provision, though few studies have examined the effects of both factors in a single study of real-life police interviews. It found that when interviewers demonstrate more types of (cognitive) empathy and higher proportions of open questions suspects do 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).

**References**

Alison, L., Alison, E., Noone, G., Elntib, S., & Christiansen, P. (2013). Why touch tactics fail and rapport gets results: Observing rapport-based interpersonal techniques (ORBIT) to generate useful information from terrorists. *19 (4),* 411-431.

Almeida, F. & Drew, P. (2020). The fabric of law-in-action: ‘Formulating’ the suspect’s account during police interviews in England. *International Journal of Speech Language and the Law, 27*, 1. Doi: 10.1558/ijsll.38527

Almerigogna, J., Ost, J., Bull, R., & Akehurst, L. (2007). A state of high anxiety: How non-supportive interviewers can increase the suggestibility of child witnesses. *Applied Cognitive Psychology, 12*, 963-974. Doi: 10.1002/acp.1311

Baker-Eck, B., Bull, R., & Walsh, D. (2020). Investigative empathy: Five types of cognitive empathy in a field study of investigative interviews with suspects of sexual offences. *Investigative interviewing: Research and Practice. (published online)*

Baker-Eck, B., Bull, R., & Walsh, D. (2021). Investigative empathy: A strength scale of empathy based on European police perspectives. *Psychiatry, Psychology and Law.* (Published online April 2020).

Brimbal, L., Meissner, C., Kleinman, S., Phillips, E., Atkinson, D., Dianiska, R., Rothweiler, J., Oleszkiewicz, S., & Jones, M. (2021). Evaluating the benefits of a rapport-based approach to investigative interviews: A training study with law enforcement investigators. *Law and Human Behavior, 45*(1), 55-67. <https://doi.org/10.1037/lhb0000437>

Brubacher, S., Bension, M., Powell, M., Goodman-Delahunty, J., & Westera, N. (2020). An overview of best practice investigative interviewing of child sexual assault. In A. Sutton (Ed.) *Crime prevention: Principles, perspectives, and practices*. Cambridge University Press: Port Melbourne.

Bull, R. (2019). Roar or PEACE: Is it a tall story? In R. Bull and I. Blandon-Gitlin (Eds.) Routledge International handbook of legal and investigative psychology. London: Routledge.

Bull, R. (2013). What is ‘believed’ or actually ‘known’ about characteristics that may contribute to being a good/effective interviewer? *Investigative Interviewing: Research and Practice, 5,* 128-143.

Bull, R. & Baker, B. (2020). Obtaining from suspects valid discourse ‘PEACE”-fully: What role for rapport and empathy? In M. Mason & F. Rock (Eds.), *The Discourse of Police Interviews*. Chicago: University of Chicago Press.

Bull, R., & Griffiths, A. (2019). Advocating the ‘PEACE’ method: Will it make people cross? In P. Cooper and L. Hunting (Eds.) *Access to justice for vulnerable people*. London: Wiley.

Bull, R., & Rachlew, A. (2019). Investigative interviewing: From England to Norway and beyond. In S. Barela, M. Fallon, G. Gaggioli, and J. Ohlin (Eds.) *Interrogation and torture: Research on efficacy, and its integration with morality and legality*. Oxford: Oxford University Press.

Bull, R. & Soukara, S. (2010). A set of studies of what really happens in police interviews with suspects. In G. D. Lassiter and C. Meissner (Eds.) *Interrogations and confessions.* Washington: American Psychological Association.

Collins, K. & Carthy, N. (2018). No rapport, no comment: The relationship between rapport and communication during investigative interviews with suspects. *Journal of Investigative Psychology Offender Profiling, 16*(3), 18-31. <https://doi.org/10.1002/jip.1517>

Dando, C., & Oxburgh, G. (2016). Empathy in the field: Towards a taxonomy of empathic communication in information gathering interviews with suspected sex offenders. *The European Journal of Psychology Applied to Legal Context, 8*(1),27-33.

Davies, G. M., Westcott, H. L., & Horan, N. (2000). The impact of questioning style on the content of investigative interviews with suspected child sexual abuse victims. *Psychology, Crime and Law*, *6*, 81-97.

Edlund, J., Heldner, M., & Pelcé, A. (2010). Prosodic features of very short utterances in dialogue. *Conference: Nordic Prosody – Proceedings of the Xth Conference.*

Feld, B. (2013). Behind closed doors: What really happens when cops question kids. *Cornell Journal of Law and Public Policy, 23*, 395-462.

Gabbert, F., Hope, L., Luther, K., Wright, G., Ng, M., & Oxburgh, G. (2021). Exploring the use of rapport in professional information‐gathering contexts by systematically mapping the evidence base. *Applied Cognitive Psychology*, *35*, 329-341. <https://doi.org/10.1002/acp.3762>

Geiselman, R. E. (2012). The cognitive interview for suspects (CIS). *American Journal of Forensic Psychology, 30*(3), 5-20.

Griffiths, A., & Milne, R. (2006). Will it all end in tiers? Police interviews with suspects in Britain. In T. Williamson (Ed.), *Investigative interviewing: Rights, research and regulation* (pp. 167-189). Devon: Willan Publishing.

Holmberg, U. & Christianson, S. (2002). Murderers’ and sexual offenders’ experience of police interviews and their inclination to admit or deny crimes. *Behavioral Sciences and the Law, 20*, 31-45.

Home Office (UK). (2011). *Achieving best evidence in criminal proceedings: Guidance for vulnerable or intimidated witnesses, including children*. London: HMSO. Retrieved from: [https://www.cps.gov.uk/sites/default/files/documents/legal\_guidance/best\_evidence\_in\_criminal\_ proceedings.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_%20proceedings.pdf)

Jakobsen, K. (2019). Empathy in investigative interviews of victims: How to understand it, how to measure it, and how to do it? *Police Practice and Research.* DOI: 10.1080/15614263.2019.1668789

Johnstone, K., Prentice, K., Whitehead, H., Taylor, L., Watts R., & Tranah, T. 2016. Assessing effective participation in vulnerable juvenile defendants. *Journal of Forensic Psychiatry and Psychology, 27*, 802-818. <https://doi.org/10.1080/14789949.2016.1208264>

Kassin, S., & Gudjonsson, G. (2004). The psychology of confessions: A review of the literature and issues. *Psychological Science in the Public Interest, 5*, 35-67.

Kebbell, M. Alison, L., Hurren, E. (2008). Sex offenders’ perceptions of the effectiveness and fairness of humanity, dominance, and displaying an understanding of cognitive distortions in police interviews: A vignette study. *Psychology, Crime & Law, 14*, 5, 435-449.

Kebbell, M., Alison, L., Hurren, E., & Mazerolle, P. (2010). How do sex offenders think the police should interview to elicit confessions from sex offenders? *Psychology, Crime & Law, 16,* 567–584. <http://dx.doi.org/10.1080/10683160902971055>

Kelly, C. E., Russano, M. B., Miller, J. C., & Redlich, A. D. (2019). On the road (to admission): Engaging suspects with minimization. *Psychology, Public Policy, and Law*, *25*(3), 166.

Kelly, C., & Valencia, E. (2020). You ask and do not receive, because you ask wrongly. *International Journal of Police Science & Management,* 1-13. Doi: 10.1177/1461355720955077

Lamb, M. E. (2016). Difficulties translating research on forensic interview practices to practitioners: Finding water, leading horses, but can we get them to drink? *American Psychologist*, *71*, 710- 718.

Launay, C., Py, J., Brunel, M., & Demarchi, S. (2021). Beyong investigation-relevant information: A content analysis of police questioning. *Police Practice and Research.* Advanced online publication. <https://doi.org/10.1080/15614263.2020.1869002>

Leahy-Harland, S., & Bull, R. (2017). Police strategies and suspect responses in real-life serious crime interviews. *Journal of Police and Criminal Psychology, 32,* 138-151.  https://doi.org/10.1007/s11896-016-9207-

Lumsden, K. (2016). Police officer and civilian staff receptivity to research and evidence-based policing in the UK: Providing a contextual understanding through qualitative interviews. *Policing, 11*, 2, 157-167. https://doi.org/10.1093/police/paw036

Lyon, T. & Henderson, H. (2021). Increasing true reports without increasing false reports: Best practice interviewing methods and open-ended wh-questions. *American Professional Society on the Abuse of Children Advisor.* Advanced online publication.

Miller, J. C., Redlich, A. D., & Kelly, C. E. (2018). Accusatorial and information-gathering interview and interrogation methods: a multi-country comparison. *Psychology, Crime & Law*, *24*(9), 935-956.

Milne, R. (1997). *Analysis and application of the cognitive interview.* (Unpublished doctoral dissertation). University of Portsmouth.

Milne, R. & Bull, R. (1999). *Investigative interviewing: Psychology and practice.* Chichester: John Wiley & Sons Ltd.

Orlov, A. (1992). Carl Rogers and contemporary humanism. *Journal of Russian and East European Psychology, 30*, 36-41.

Oxburgh, G. (2011). Developing a more effective framework for the investigative interviewing of suspected sex offenders (Doctoral Dissertation, University of Portsmouth, Portsmouth, UK). Retrieved from: [https://researchportal.port.ac.uk/portal/en/theses/developing-a-more-effective-framework-for-the-investigative-interviewing-of-suspected-sex-offenders(b5041291-4042-4513-aca7-afda44cdcaaf).html](https://researchportal.port.ac.uk/portal/en/theses/developing-a-more-effective-framework-for-the-investigative-interviewing-of-suspected-sex-offenders%28b5041291-4042-4513-aca7-afda44cdcaaf%29.html)

Oxburgh, G., Myklebust, T., & Grant, T. (2010). The question of question types in police interviews: A review of the literature from a psychological and linguistic perspective. *International Journal of Speech, Language & the Law, 17*(1), 45-66.

Oxburgh, G., Ost, J., & Cherryman, J. (2012). Police interviews with suspected child sex offenders: Does use of empathy and question type influence the amount of investigation relevant information obtained? *Psychology, Crime & Law, 18*, 259-273.

Patel, S., Pelletier-Bui, A., Smith, S., Roberts, M. B., Kilgannon, H., Trzeciak, S., & Roberts, B. W. (2019). Curricula for empathy and compassion training in medical education: a systematic review. *PLoS One*, *14*(8), e0221412.

Paulo, R., Albuquerque, P., & Bull, R. (2013). The enhanced cognitive interview: Towards a better use and understanding of this procedure. *International Journal of Police Science and Management, 15,* 190-199.

Place, C. & Reid-Maloy, J. (2018). Overcoming resistance in clinical and forensic interview. *International Journal of Forensic Mental Health, 17*(4), 362-376. <https://doi.org/10.1080/14999013.2018.1485189>

Poole, D., & Lamb, M. (1998). *Investigative interviews of children: A guide for helping professionals.* Washington, DC: American Psychological Association.

Pounds, G. (2019). Rapport-building in suspects’ police interviews: The role of empathy and face. *Pragmatics and Society, 10,* 95-121.

Read, J. Powell, M., Kebbell, M., & Milne, R. (2009). Investigative interviewing of suspected sex offenders: A review of what constitutes best practice. *International Journal of Police Science & Management, 11*, 442-459.

Rivard, J., Fisher, R., Robertson, B., & Mueller, D. (2014). Testing the cognitive interview with professional interviewers: Enhancing recall of specific details of recurring events. *Applied Cognitive Psychology, 28*(6). <https://doi.org/10.1002/acp.3026>

Rogers, C. (1951). *Client-centered therapy,* Boston, MA: Houghton-Mifflin.

Russano, M., Meissner, C., Narchet, F., & Kassin, S. (2005). Investigating true and false confessions within a novel experimental paradigm. *Psychological Science, 16*, 481-486.

Schegloff, E. (1982). Discourse as an interactional achievement: Some uses of ‘uh huh’ and other things that come between sentences. In D. Tannen (Ed.). *Analyzing Discourse: Text and Talk*. (pp. 71-93). Georgetown University Press.

Skrifvars, J., Korkman, J., Sui, V., van Veldhuizen, T., & Antfolk, J. (2020). An analysis of question style and type in official Finnish asylum interview transcripts. *Journal of Investigative Psychology and Offender Profiling*. (Currently available online.)

Teding van Berkhout, E., & Malouff, J. M. (2016). The efficacy of empathy training: A meta-analysis of randomized controlled trials. *Journal of counseling psychology*, *63*, 32-42. [https://doi.org/10.1037/cou0000093](https://doi.apa.org/doi/10.1037/cou0000093)

Verkampt, F., Dodier, O., Milne, R., & Ginet, M. (2019). An analysis of the quality of investigative interviews with children in France: age of the witness does matter. *Police Practice and Research, 20*, 1-25.

Waterhouse, G., Ridley, A., Bull, R., La Rooy, D., & Wilcock, R. (2018). Mapping repeated interviews. *Journal of Police and Criminal Psychology, 34* (4), 392-409.

Ward, N. & Tsukahara, W. (2000). Prosodic features which cue back-channel responses in English and Japanese. *Journal of Pragmatics, 32*, 1177-1207.

Webster, W. (2019). The impact of investigative interviews on rape/sexual assault victims: Towards a more effective framework for police interviewers (Doctoral Dissertation, Newcastle University, Newcastle, UK). Retrieved from: <https://theses.ncl.ac.uk/jspui/handle/10443/4694>

Webster, W., Oxburgh, G., & Dando, C. (2020). The use and efficacy of question type and an attentive interviewing style in adult rape interview. *Psychology, Crime & Law*. Advanced online publication. <https://doi.org/10.1080/1068316X.2020.1849694>

Westera, N. J., Powell, M. B., Milne, B., & Goodman-Delahunty, J. (2019). Police interviewing of sexual assault victims: Current organizational responses and recommendations for improvement. In R. Bull and I. Blandon-Gitlin (Eds.) *The Routledge International Handbook of Legal and Investigative Psychology* (pp. 182-196). London: Routledge.

Winerdal, U., Cederborg, A. C., & Lindholm, J. (2019). The quality of question types in Swedish police interviews with young suspects of serious crimes. *The Police Journal*, *92*(2), 136-149.

Wu, Y. (2021). Empathy in nurse-patient interaction: a conversation analysis. *BMC Nursing,* *20***,** 18. https://doi.org/10.1186/s12912-021-00535-0

Young, S., Adamou, M., Bolea, B., Gudjonsson, G., Muller, U., Pitts, M., Thome, J., and Asherson, P. (2011). The identification and management of ADHD offenders within the criminal justice system: A consensus statement from the UK adult ADHD Network and criminal justice agencies. *BMC Psychiatry, 11*: 32. https://doi.org/10.1186/1471-244X-11-32

Zeng, F., Huang, C-Y., & Bull, R. (2020). Police interviews of suspects in China: Developments and analyses. *International Journal of Police Science and Management.* (Available online).