

Rapport-building in suspects' police interviews: the role of empathy and face

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Abstract

Both research and police guidelines acknowledge the value of rapport-building in police interview with suspects (ISs) and provide some insight into how 'rapport' may be defined and built in this context. Rapport is, however, difficult to operationalise and assess in practice, other than for the routine legal clarification offered to suspects at the beginning of the interview. This paper takes an original discourse-pragmatic and ethnographic approach to investigating the forms that rapport takes in a sample of authentic ISs, with particular reference to two dimensions, empathy and face. The article discusses the value and suitability of the identified empathic and 'face'-relevant expressions with respect to current interview aims and practice. The discussion highlights the underlying bi-functionality of rapport in ISs, demonstrating how the two functions may be reconciled and how this understanding of the functions and their relationship may be used to inform interview training and practice.

Key words: rapport, empathy, face, discourse pragmatics, police interviews, suspects, training

1. Introduction

It is widely acknowledged that rapport-building, particularly through empathic and respectful communication, lies at the basis of rewarding and satisfactory human interactions (Baron-Cohen 2011) and that it is essential to medical consultation practice (Hojat 2007) and other public and private service encounters. However, it is less clear whether and to what extent the same expectations may or ought to apply in police interviews with suspects of crime.

The role that empathic communication may play in police interviews has been widely discussed in previous research, particularly with reference to interviews with witnesses and victims of crime (Dando, Wilcock and Milne 2008) but also in the case of interviews with suspects (Meissner et al. 2012; Alison et al. 2013). These studies have analysed interview samples to discover whether rapport building does take place and, if so, how. Some of these

studies have additionally suggested that a link may exist between rapport building and the effectiveness of the interviews in gathering relevant investigative information (Holmberg and Christiansen 2002; Kebbell et al. 2006). Oxburgh et al (2014) detected a significant increase in information gathering in interviews combining rapport with appropriate questioning style, while Alison et al. (2013) observed a direct link between rapport building and effective information gathering in interviews with suspects of terrorism. An argument can even be made that a form of rapport with crime suspects may be worth pursuing in any case as an essential condition of quality and professional ethics in police interviewing practice (Shepherd 1991).

Current police guidelines do indeed refer to rapport building in police interviews with suspects as well as witnesses, encouraging interviewers to use expressive forms that could be deemed empathic and respectful such as active listening, provision of explanation, avoidance of interruptions and withdrawing personal judgement (College of Policing 2017).

However, understanding of what rapport-building or rapport-maintaining communication may mean in everyday practice, and how it may be achieved linguistically or non-verbally may vary considerably. Not least because much is dependent on context (i.e. stage in the interview, suspect's attitude and age, nature of the crime, time constraints); in addition, the use of rapport needs to be reconciled with the main objective of the interview: retrieving investigative-relevant information that is both accurate and admissible in court.

Given these inherent variables, it may be particularly difficult for police interviewers to translate theory into practice. The research presented in the present article breaks new ground by exploring this difficulty with particular reference to the problem of reconciling what may be perceived as conflicting demands during the interview process: information gathering as opposed to rapport building. In order to do this, this study employs a methodological approach that combines discourse-pragmatic analysis of authentic data with observations of police interview training practice and goals. The discourse-pragmatic analysis focuses on two essential expressive dimensions of rapport: empathy and face, thereby fruitfully mobilizing and integrating these two conceptual domains and their communicative aspects.

The following questions will be addressed:

- a. What are the main empathic and face-saving expressions occurring (or not) in authentic interviews with suspects (henceforth ISs)?
- b. To what extent are these expressions compatible with the main functions of the interviews?

c. What inferences may be drawn from the above for police interview training and practice?

In order to address these questions, I will firstly introduce the concepts of rapport building, empathy and face (section 2) and then provide a brief overview of existing studies on the presence and value of these communicative aspects in ISs (section 3). In section 4, I present and illustrate the empathic and face-relevant communicative acts identified in a corpus of forty authentic ISs. In section 5, I examine and illustrate the value as well as the problematic nature of these communicative acts, following in-depth consultation with experienced police officers and with reference to the specific functions and structure of ISs. The implications and potential applications of the findings to training and interview practice are discussed in the final section 6 of the article.

2. Rapport, empathy and face

Rapport has been extensively defined and studied from a psychological perspective. Within Tickle-Degnen and Rosenthal's influential theoretical framework (1990), rapport is understood as "mutual attentiveness", which is further qualified as "cohesiveness of shared interest and focus". It also entails "positivity", that is a "feeling of mutual friendliness and caring" and "co-ordination" understood as "balance and harmony between participants". The concept is related to empathy in so far as both involve mutuality, sharing and attentiveness. From a cognitive and neuro-scientific as well as social perspective, it is claimed that "empathy occurs when we suspend our single-minded focus of attention and instead adopt a double-minded focus of attention", and that "empathy is our ability to identify what someone else is thinking or feeling and to respond to their thoughts and feelings with an appropriate emotion" (Baron-Cohen 2011: 11-12). However, these definitions are difficult to operationalise in professional contexts and to translate into communicative acts.

Pounds' (2011) review of training manuals for medical consultation skills and of existing linguistic studies of empathic communication in health contexts, highlighted the following core empathic responses to patients:

- a) Expressing explicit or implicit understanding and acknowledgement of patients' expressed feelings and views (*I understand that you dislike medication; I see you are upset.*)
- b) Expressing acceptance in the form of unconditional positive regard (*You are working very hard to support your family*) and 'neutral support' (even when approval

cannot be granted), as in: *Most smokers struggle to give up smoking; it is normal that you are tempted sometimes*) and by withholding judgement of patients as people.

Across these studies, expressions of acceptance are frequently seen as either integrated with or closely linked to empathy and may, therefore, be considered core empathic dimensions.

Empathic communicative acts may also be conceptualized as a particular form of ‘face-enhancing’ acts. According to Brown and Levinson’s classical politeness theory (1987), speakers attend to each other’s ‘face’¹ by addressing their deep-seated psychological needs to be appreciated and approved of as well as their need for autonomy and dislike of imposition². These needs are subject to speakers’ perceptions of their relative positions of power, solidarity, closeness and distance. In interactions where speakers are not close, for example, face-enhancing acts may include forms of respect and deference such as the use of titles and surnames and indirect requests, as in:

(1) *Excuse me, Mr Buckingham, can I talk to you for a moment?*

When speakers are close this may be expressed through informal greetings, first names and ellipsis as well as indirect requests, as in:

(2) *Hey, Bob, got a minute?*

Conversely, ‘face-threatening’ acts may include using informal addressing and direct requests when not appropriate, as when addressing a waiter in the UK with:

(3) *Hey, you, get me some water*

Police interactions, specifically ISs, may be deemed intrinsically face-threatening, as they result from the suspect being questioned on the suspicion of having committed a crime, which clearly restricts the suspect’s autonomy and places them under the imposition of questioning (regardless as to whether or not they opt to answer those questions put to them by police officers). The relationship between the interlocutors is, consequently, asymmetric, with most of the power laying with the interviewer. Some use of face-threatening/aggravating acts, such as unmitigated requests or even accusations and blaming, may, therefore, be expected to be integral to this interactional context (see de Pablos-Ortega’s article in this special issue)³. Considering, however, the concomitant expectation that interviewers build

¹ The notion of ‘face’ was first introduced by Goffman (1959) and was understood as “approved social attributes” that social actors claim for themselves and which are endorsed by others in social encounters (Goffman 1967:5).

² In later reviews of this theory and recognition of its cultural- and interactional-relativity, many researchers now prefer to talk about ‘face’ in terms of fluid and context-dependent interactional expectations rather than universal psychological wants (e.g. Arundale 2010). The potential for utterances to be perceived as ‘supportive’ or ‘threatening’ in specific interactions is, however, retained by most scholars. In the context of ISs, relative face support or threat may be assessed and discussed with reference to rapport-building expectations.

³ Previous research (e.g. Limberg 2008) has shown how offending parties may equally recur to face-threatening speech acts such as ignoring, resisting or challenging accusations; however, in the present article, the focus is on the interviewers’ utterances.

and maintain rapport with suspects (as clarified in Section 3, below), we hypothesize that face-enhancing expressions may equally play a part.

The next section reviews existing studies and police guidelines in order to explore whether they offer an insight into how rapport, empathy and face may play a role and be accounted for in ISs.

3. Rapport, empathy and face in ISs

In studies on US suspect interrogation practice, rapport has been variously defined as a “working relationship” (Abbe and Brandon 2013), a “non adversarial productive relationship” (Evans et al. 2010:3), a “working relationship based on a mutually-shared understanding of each other’s goals and needs, which can lead to useful, actionable information” (Kelly et al. 2013:5), and a “positive relationship involving trust and communication” (Vallano et al. 2015). These studies provide useful general conceptualizations of rapport and refer to the contextual conditions in which rapport may or may not be realised, but do not specifically focus on how rapport may be built in communication.

Further studies in a UK context have aimed to identify with more precision rapport-related communicative behaviours in ISs. According to Clarke and Milne (2001), these include: “show[ing] equality signs”, explained as “match[ing] suspect’s style” without belittling or talking condescendingly or ‘above’ the suspect; “being *polite*, respectful and courteous”; and “display[ing] *empathy*”, explained as “exhibit[ing] a non-judgmental, open-minded, understanding and concerned approach”. Walsh and Bull (2012) also applied these criteria in examining rapport in police interviews with suspects of benefit frauds.

In a study aiming to explore the use of *empathy* in interviews with suspects of sexual offences, Oxburgh and Ost (2011) draw on the concept of the ‘Empathy Cycle’ (Barrett-Lennard 1981) and define an “empathic set” (or stance) as the interviewer attending to the interviewee, “showing understanding and willingness to listen” and expressing or showing “a felt awareness of [the suspect’s] experience”. The authors operationalise this concept by observing and measuring whether or not interviewers respond in this way to “empathic opportunities” (suspects’ statements or descriptions from which underlying emotions may be inferred).

A further, recent and significant study of rapport building interviews with suspects was undertaken by Alison et al. (2013), showing that using rapport-based interpersonal

techniques is more effective than “tough tactics” when eliciting information from suspects of terrorism. In order to identify relevant communicative behaviours to be observed and measured, the authors of this study draw partly on ‘Motivational Interviewing’ dimensions (Miller and Rollnick 2002), and partly on the ‘Interpersonal Circumplex’ model developed by Leary and Coffey (1954). The former account for *empathy* as the “extent to which the interviewer understands the suspect’s perspective”, and for *acceptance* as “unconditional positive regards” for the suspect. The model also includes measures of *autonomy*, understood as emphasis on suspects’ personal choice and on giving suspect *face-saving* options, namely responses that do not threaten their sense of self or value. The Interpersonal Circumplex model distinguishes between speakers’ adaptive and maladaptive interactive styles and includes, under the former, the following empathy and face-relevant communicative qualities and activities: “warm but professional”, “friendly non-verbal”, “warm tone”, “reveal[ing] appropriate personal information”, “eliciting feelings”, “complimenting an aspect of suspect’s character or behaviour” .

Although clearly all these studies, refer to and define key rapport-enhancing communicative aspects in ISs (including rapport, empathy and face), they a) use very vague definitions of the communicative acts involved (e.g. “a felt awareness of [the suspect’s] experience” or using a “warm tone”); b) do not explore in any detail the linguistic forms that these acts may take; and crucially, c) do not consider whether different realisations of the act (i.e. variation in the intensity or placing of the “warm tone” or the “friendly non-verbal expressions”) may be more or less appropriate at specific stages in the interview. This makes it difficult for police trainers to translate this research into practical training activities and achievable communicative objectives for police interviewers.

Police guidelines in the UK are informed by the PEACE⁴ model introduced by the Home Office in the UK in 1991 and endorsed by the UK College of Policing (see Appendix 1). The model makes specific reference to ‘rapport’ as pertaining to the initial stage of the interview (ENGAGE and EXPLAIN). Interviewers are advised that this stage includes active listening “to establish and maintain rapport”, “communicat[ing] interest to the interviewee in their account”, explaining to him/her the reason for the interview and its objectives, clarifying that they have the opportunity to explain their involvement or non-involvement, encouraging the interviewee to voice “anything they feel is relevant” and reassuring them that “they will not be interrupted” (College of Policing website, accessed August 2017). The guidelines also

⁴ PEACE stands for Preparation and Planning, Engage and Explain, Account, Closure, Evaluate.

point out that “interviewers must not allow their personal opinions or beliefs to affect the way in which they deal with...suspects” and that “the questioning style must not be unfair or oppressive”. They guard interviewers against assuming that “all suspects are going to lie, say nothing or provide a self-serving version of the events” and against the “use of a raised voice or inflammatory language”, when challenging false accounts or inconsistencies, “as this can lead to a breakdown in rapport”. Rapport is overall defined as “being genuinely open, interested and approachable, as well as being interested in the interviewee’s feelings or welfare”.

While the recommendations in these guidelines do make specific reference to the value of rapport building throughout the interview, they overall give the impression that rapport may be effectively dealt with at the beginning or specific points of the interview, mainly by providing the suspects with the necessary clarification of the obligatory caution statement and the procedures. Where typically empathic and face-saving communicative aspects are referred to in relation to other stages of the interview (i.e. withdrawing judgement, active listening, showing interest, as mentioned above), it is left to individual interviewers to assess what this might mean in practice.

In the rest of this article, I refer to existing understanding of empathic and face-saving expressive options (as presented in section 2, above) to explore and clarify: (a) whether and how these options manifest themselves in authentic interviews with suspects (Section 4), (b) whether they are compatible with the function of the interview at specific stages, and if not, (c) how they may be adjusted and used appropriately in places where the opportunity for rapport building was missed. (Section 5).

4. Insights from interview data

In order to obtain a clearer understanding of whether and to what extent empathy and face play a role in police interviews, examples of empathic and face-saving communicative acts were initially identified in a corpus of 40 authentic IS (including transcripts and audio recordings); the interviews were conducted between 2012 and 2013 at a UK Police Constabulary. Full ethical approval was obtained to analyse the data, both from the University of East Anglia and from the relevant Constabulary.⁵ The Constabulary took responsibility for anonymising all confidential details in the transcripts and the recordings of

⁵ The data was analysed for different purposes and through different approaches by members of the UEA TACIT Research Team, including four of the contributors to the current Special Issue. The name of the Constabulary is withheld for the sake of confidentiality.

the interviews. The interviews vary in length and topic, averaging at about 40 minutes per interview. Crimes investigated range from minor crimes, such as theft of mobile phones, to more serious cases of fraud, burglary and sexual assault. Suspects include national and non-national individuals of varying ages and gender. Information about the interviewers' experience was not made available to us, but may be partly deduced from the seriousness of the crimes in question. The transcripts were found to be abridged in many places, often precisely where significant empathic or face-relevant turns took place. Relevant expressions were, therefore, identified mainly on the basis of the recordings.

The following empathy- and face-relevant dimensions were represented in the corpus:⁶

EXPRESSING UNDERSTANDING FOR THE SUSPECT'S FEELINGS

(3) *I appreciate that the interview is not a particularly nice thing to have to go through*

DEMONSTRATING (POSITIVE) REGARD

This may apply to the suspect's contribution, their value as people (intelligence, understanding), their emotional state/ well-being or legal interests:

(4) *Thank you for answering our questions* [contribution]

(5) *It might sound like silly questions but...* [intellectual capability]

(6) *Would you like to take a break?* [well-being]

(7) *We do [need to know their names] to help you. They could confirm what you have told us* [legal position]

OTHER POTENTIALLY FACE-ENHANCING EXPRESSIONS are represented as follows:

Suggesting suspect's innocence or reduced responsibility:

(8) *Did you assume that that was a legitimate payment then for something?*

Checking the suspect's understanding:

(9) *Does that make sense?*

Forms of active listening in which the interviewers check their own understanding of the suspect's account by summarizing it, using the suspect's own words and checking for accuracy throughout:

(10) *My understanding is that...*

Expressions of affiliation including humour, interviewer's reference to shared knowledge or experience, or a softening of power differential as in:

⁶ All examples included here are taken from interviews in the corpus.

- (11) [said with a friendly chuckle] *You are probably more of an expert than I am because I said that you had to plug it in* [interviewer revealing his ignorance of technology]

Mitigating challenging/ accusatory communication by referring to factors that point to the suspect's involvement without direct accusation of lying or assumption of guilt:

- (12) ...*She* [witness] *said that he* [the perpetrator] *was wearing black tracksuit bottoms and black trainers. What colour trainers have you got?*

Mitigating threat through use of modality and conditionality when presenting the consequences of not telling the truth or not revealing significant information:

- (13) ...*Should any of those facts, even the smallest detail change, the court may be less likely to believe you....*

Indirect forms of requests

- (14) *Can you tell us what you were wearing?* [rather than: *what were you wearing?*]

References to suspect's freedom of choice/autonomy

- (15) *It is entirely up to you how you answer our questions*

UN-EMPATHIC AND FACE-THREATENING EXPRESSIONS

Also represented were formulations which did not acknowledge or show regard for the suspect's implied or expressed feelings, emotional state or well-being and cases in which explicit face-threatening acts were used, including direct questions about involvement and unmitigated challenging or accusatory formulations such as:

- (16) *The question is quite simple. Were you involved in this aggravated burglary last night?* [direct question]
- (17) *You didn't just go back for baccy, so what's going on here?* [contradicting suspect's statement]

5. Insights from police interview training

The next stage of the analysis involved checking to which extent:

- a) The identified empathic and potentially face-enhancing expressions are appropriately used at specific points and specific stages of the interview.
- b) These expressions could be used more frequently to strengthen rapport without jeopardising the main aims of the interview.
- c) Un-empathic and face-threatening expressions may need to be used at appropriate stages of the interview.

- d) Un-empathic and face-threatening expressions may be mitigated at appropriate stages of the interview to maintain rapport but without jeopardising the main aims of the interview.

In order to do this, I attended and participated in the PIP level 2 Specialist Suspect Interview Course, designed and delivered in October 2017 by the same UK Constabulary that had provided me with the interview data. The training was particularly useful in clarifying the function of each particular interview stage (see Appendix 1) and in hearing the two course leaders' feedback on role-played practice interviews between the course members (all experienced interviewers) and trained role players acting as suspects. During these practice sessions I was able to probe the value and appropriateness of specific responses, thereby gaining further understanding of good practice and interview aims. This is discussed in the following sections with reference to the key communicative dimensions presented in section 4 and the interview stages outlined in the PEACE framework (see Appendix 1). Longer extracts from the original corpus are used to illustrate and discuss in further detail some of the interactional challenges explored in the training and how they present themselves in the data. Conversational analytical conventions (see Appendix 3) have been included in the transcriptions to clarify with more precision the interactional value of the relevant utterances.

5.1. *Expressing understanding of other's feelings*

The College of Policing guidelines do not explicitly clarify how suspects' expression of feelings ought to be responded to, but the trainers' consensus is that some acknowledgement, verbal or non-verbal, would be required if rapport, as well as the flow of the interview, are to be maintained. It was further recognised that probing feelings not only facilitates rapport, but is also a useful means to gain further understanding of the suspect's motives and state of mind. Overall, therefore, the trainers were in agreement that conveying understanding for the suspect's feelings (verbally or non-verbally), may be appropriate:

- a. At the ENGAGE and EXPLAIN stage of the interview as in example (3) above (*I appreciate that the interview is not a particularly nice thing to have to go through*) and
- b. When eliciting the suspect's ACCOUNT to assess the suspect's state of mind at the time of the alleged crime. This may be achieved through 'open-ended

depth ' questions as in: *you said you were upset. Tell us a bit more about this*⁷
or 'closed questions' as in: *You mentioned being upset. How upset were you?*

- c. At any time in the interview when the suspect is visibly upset; for example, is crying or shouting.

It was pointed out, however, that the interviewers ought to limit themselves to naming feelings already mentioned by the suspect (as in b, above). Suggesting feelings (as well as any other details) that have not been mentioned by the suspect, may be viewed as 'influencing' the suspect and would thus undermine the credibility of their account in court.

Interestingly, interviewers are encouraged to observe the suspect's body language (such as blinking, self-grooming, blushing, sweating, eye-movements, lip biting, change in arms and hand movements, restlessness) to become aware of and probe feelings or thoughts at particular points in the interview, thereby highlighting the understanding that eliciting feelings may be useful to the investigation. These communicative aspects could not be appreciated in the audio recordings.

The following excerpts are from an interview of a suspect who was arrested on suspicion of downloading and being in possession of indecent images. When this first interview took place, the S's computers had been seized but not fully examined yet. In the first part of the interview, the interviewer is trying to obtain the suspect's account of what he downloaded and the suspect is being very unspecific in his responses:

Excerpt 1 [23-8-12]

- 1 S it's a range of things=I mean= there's some things that I'd actually seen that were immediately
2 because jus the disgust of them but=I couldn't give you a range of ages (-) ahr(--)
3 I I er appre (.) no I appreciate this might be something that is difficult to talk about. I I
4 fully understand that (.) and I appreciate [but you are not]
5 S [but (I understand your position) but]
6 I you're not going to shock anyone in this room

In this example, the interviewer is expressing understanding (l. 3) for the S's feelings of uneasiness to talk about the images (ll. 1-2), thereby appropriately empathizing with S whilst facilitating further disclosure.

⁷ Based on Achieving Best Evidence interview guidelines used as part of UK police interview training

After eliciting the S's initial account as to what material he downloaded and how, the interviewer starts probing the S's motivation for the downloading:

Excerpt 2 [23-8-12]

- 1 I did you get any sexua sexual gratification from watching or looking at any of these images or clips?
- 2 S °no°
- 3 [.....]
- 4 I so if you had to if you had to describe or explain to me °or anyone else° why you think you have done this (.) [what would]
- 5 S [(many times)] I've been asking myself that
- 6 [*S provides some clarification*]
- 7 I so so:: would it be fair to say that you wholeheartedly agree that it is wrong ar ar but for whatever
- 8 reason you're not quite sure why (.) it is you seek to find these things but it's not for a sexual
- 9 nature
- 10 S no, [it is not]
- 11 I [(that that)]
- 12 S yes (.) but then could I say about how I feel like ye know I've said earlier would you go you knock
- 13 on the GP's door and say I'm sorry ye know I don't get sexually attra::cted to this but then at the
- 14 same time it's the (.) [what what]
- 15 I [I understand what you are saying] you don't go to your doctor and say
- 16 why why am I looking at this stuff on the computer

In this response, the interviewer also expresses understanding (ll. 15-16) of the suspect's expressed feelings (ll. 12-13), repeating them in similar words but does, at the same time, interrupt further potentially relevant disclosure (l. 15). So the acknowledgement may be conducive to rapport-building, but its timing is problematic from an information-gathering perspective.

The same suspect is interviewed again once all the evidence has been examined. At this point in the interview he has been presented with the downloaded material and challenged to admit to the extent of his crime evidenced by the material:

Excerpt 3 [21/11/12]

- 1 S no because it's because I KNEW WHAT HAPPENED TO ME as a child. I knew the way
2 these things made me feel and it made me feel dirty (.) disgusting (.) hating myself [*said in*
3 *crying voice*]
4 [*S continues to explain*]
5 S I felt maybe it was my fault maybe that I did something to create the problems
6 [*S continues to explain*]
7 S and (.) like I've said with looking at these images if anything it was more along the lines of (.)
8 I understood [*said in crying voice*] what they were going through (-) I knew what they felt yet
9 I couldn't do anything about it
10 [*S continues with long uninterrupted narrative*]
11 S and that's when I (.) ended up starting to feel (-) really shitty (.) and that was about the time I
12 downloaded a single movie (.) to watch and it had images of indecency and that just struck back
13 home everything that I can remember and the things that I had buried that I thought I'd- (---) sorry
14 I it's all right (?)
15 S they were (.) I didn't physically look for them [*images, clips*] because (-) I am attracted to them
16 I physically looked for them (.) because it made me know (.) I wasn't alone and I didn't know how
17 to get help I didn't want to get help because then that means something's wrong means admitting
18 that I am broken.
19 I ok so what you claim is that you don't get sexual gratification from the images on the videos?

In this case the interviewer does not express understanding for the suspect's feelings in any way other than for the almost inaudible *All right* (l. 14) in response to the suspect's apology for crying (l. 13). This appears to be not only problematic in terms of rapport-building but also represents a missed opportunity to probe further in the suspect's motivation for the downloading and viewing of the images, which could arguably be crucial to his defence, if investigated further.

The next excerpt is taken from an interview with a different suspect who was arrested on suspicion of fraud (receiving payment for goods sold online which were never actually sent to the buyers). According to the suspect's account, the fraud was committed by somebody else who used his account to deposit the money obtained from the fraud activities. At this point in the interview, the interviewer is asking the suspect for the name of this person:

Excerpt 4 [4/02/13]

- 1 I now I'd asked you the name of the brother and >you said I am not giving names and we have to
2 ask you this question< (.) can you give me the name of the person who is doing this?
3 S °no°
4 I why won't you give us that name?
5 S er cause (.) he scares me (.) basically
6 I °ok° what does he do that scares you?
7 S (cough) just his reputation (.) > things I've heard since I've spoken to people about since I been
8 arrested and told people that this is what < (.) I am in trouble for know what I mean

In this example, the interviewer refers to the suspect's feeling (ll. 6-7) to obtain further disclosure but does not express understanding for the feeling, thereby missing a rapport-building opportunity.

5.2. Positive regard and other face-enhancing expressions

Showing 'regard for the suspect's emotional state or 'well-being' is mainly achieved by asking the suspect whether they need a break and by mentioning that this is an option. Breaks are taken in any case when interviews are particularly long and the suspect is visibly under strain and, perhaps, a minor. Breaks between the different stages of the interviews are also desirable in that they provide the interviewers with the opportunity to plan their line of questioning in sufficient detail and maximise the effectiveness of the interview.

Demonstrating 'regard for the suspect's interests' (their legal position) is required as part of the EXPLAIN stage, as in example (5) (*I just want to give you the opportunity to explain*) and at other stages in the interview in order to check for the possibility of S having acted under duress, as in example (6) (*What I'm trying to establish is there an alibi for where you were yesterday evening. Is there anywhere that you were that I can investigate?*). In the CHALLENGE stage, these expressions may function as implicit warnings about the consequences of untruthful accounts, as in example (7) (*We do [need to know their names] to help you. They could confirm what you have told us*). In these cases, such expressions may be mitigating the face threat inherent to the interviewers' challenging interventions (see section 5.3 below).

Recommended explicit expressions of 'positive regard' are limited to instances in which suspects are thanked for their contributions (*Thank you for answering our questions*).

Other expressions of positive regard (e.g. *well done, great, good* etc.) are considered problematic for their potential to suggest endorsement of the suspect's actions and are, therefore, to be avoided. The same applies to minimal responses such as *ok* or *fine*, which may be used by the interviewers to indicate active listening but may be misinterpreted by the suspects as agreement or even acceptance of their actions. The advice is to opt for non-verbal expressions, such as nodding or backchanneling noises, instead, to signal understanding and encourage a free account.

Expressions that refer to the S's potential reduced responsibility for the crime (*...you are being arrested for something that you are only a bit part-player in...*) also implicitly express positive regard. They may, however, be problematic if they appear to be too speculative and leading.

Using the suspect's own words and phrasing (*and you thought he is a "dodgy fucker,"* and *"a little voice" was telling you...*) is encouraged because it guards the interviewers from the risk of including their own interpretations of events. In the appropriate context, this may also facilitate rapport building. Humour was generally deemed appropriate in particular contexts as a way of maintaining rapport, but difficult to exemplify⁸.

'Checking the suspect's understanding' (*Does that make sense?* or *Do you know what a putter is?*) is equally to be carried out throughout the interview to ensure the validity of the information gathered and has, at the same time, a face-enhancing function, as long as the checks do not happen too often and the tone of voice is enquiring rather than inquisitorial. Interviewers are required to ask the question *Do you understand that at any time during the interview, if you wish to speak privately you can ask me to stop the tape and you can do that?* at the beginning of every interview to check the suspect's understanding of their legal rights, thereby both checking the suspect's understanding and demonstrating regard for their interests.

Additionally, the interviewers are required to 'check their own understanding' of the suspect's account at regular points in the interview. This is achieved by summarizing the account using the suspect's own words as much as possible and checking for accuracy throughout. This form of active listening also potentially achieves two purposes: Ensuring that the suspect's words have been interpreted correctly (as this may possibly be corroborated or challenged at subsequent stages of the criminal investigation) and communicating regard for the suspect's perspective of the events.

⁸ But see example 11 in Section 4

Full explanation of the interview's purpose, structure, participants, and legal representation is to be provided to suspects at the EXPLAIN stage and further appropriate points in the interview. This meets the legal requirements whilst communicating regard at the same time.

The requirement to repeat and ensure understanding of the obligatory caution⁹ in each interview, as well as the frequent inclusion of clarifications as in example (19) (*It is entirely up to you how you answer our questions*) safeguard the police against accusations of not informing the suspects of their legal rights, but may also work as face-enhancing (upholding the suspects' rights and autonomy)¹⁰.

Interviewers are encouraged to reduce their contributions to 20% of the talking, use clear and well-paced speech, avoiding interruptions and using silence, pauses and back-channelling in the right places to facilitate suspects' free account. They are expected to use appropriate open and closed questions according to the interview stage, formulating new questions from answers given and avoiding multiple or leading questions. These features are conducive of person-centred semi-therapeutic exchanges but also clearly serve the purpose of promoting the suspect's disclosure.

Finally, interviewers are trained to apply the SOFTENSS non-verbal communicative style during the interview. This acronym stands for: *smile, open posture, forward leans, touch, eye-contact, nodding, silence* and *seating* (at an angle rather than opposite). These communicative strategies have a high potential for conveying empathy and enhancing face, but could not be analysed based on the audio recordings.

Some of the face-sensitive aspects presented above are illustrated in further detail in the following excerpts. Excerpt 5 is from the same interview as excerpt 4 (suspicion of fraud). At this point in the interview the suspect is probed about his browsing habits:

Excerpt 5 [4/02/13]

- 1 I and what do you (.) access on the internet with this? [*referring to a tablet PC*]
2 S er mainly games (.) facebook (.) porn [if I'm honest]
3 I (chuckle)
4 games facebook porn if being honest [*said in a chuckling voice*]

⁹ The caution is as follows: "You do not have to say anything but it may harm your defence if you do not answer anything when questioned which you later rely on in court. Anything that you do say may be given in evidence"

¹⁰ Interestingly, however, legal expressions that may be unclear to suspects, such as *offence, allegation, commission* or *juvenile*, are routinely used in interviews, without qualification.

The chuckling (ll. 3 and 4) appears to communicate the interviewer's recognition (without endorsement) of the practice (watching porn) and the embarrassing nature of this disclosure and thus, arguably, constitutes a form of face-enhancing solidarity building.

Excerpt 6 is from the same interview as Excerpts 1 and 2, in which the interviewer is trying to obtain the suspect's qualification of the images downloaded:

Excerpt 6 [23-8-12]

- 1 I so so what nature was it?
2 S er child porn
3 I ok so would I be right in saying <a child being abused sexually>?
4 S =I don't know whether they were abused or what was happening in it but it was a naked.
5 I child?
6 S yeah, well whether it be a 16 or 10 for that matter I couldn't tell you what it was
7 I I think I'd be right in saying that most adults such as ourselves would not be hugely offended by
8 adult pornogra pornography and >if that popped up on your screen and you didn't want to watch it
9 you would get rid of it as you say<
10 S °correct°
11 I would I be right in saying that what popped up on yours was quite clearly not the type of adult
12 pornography that we would perhaps be used to?
13 [.....]
14 I so am I right in saying that initially [it was]
15 S [it was] an accident
16 I ok so initially it was an accident and then and then curiosity got you into looking er did you.
17 S =well the same thing with like you said ye know with adults and animals it was a curious
18 disgusting (?) it was not something I would do my god no but it was just like ye know like I told
19 you before like the faces of death kind of things yo it is one of those kinda things that can't believe
20 you are watching it but you are actually watching it yo [*crying, halting voice throughout*]
21 I I mean everyone is curious about almost everything aren't they and >if someone said to you
22 you can access this site and this is what it shows most people would be curious as to what
23 it shows< it's it's the point as to whether and individual says but I am not going to do it and
24 and everyone has different thresholds on everything, don't they?

In this example, the interviewer expresses solidarity by including himself (*we, our*; ll. 7 and 12) in the practice of watching *adult pornography*, and *everyone* (l. 21) and *most people* (l. 22) in experiencing curiosity about pornographic sites. This is problematic, firstly because the interviewer is making assumptions about other people's habits and is appearing to condone watching pornography, secondly, because he is interpreting the suspect's feelings and behaviours rather than eliciting his account and clarification and, thirdly, because he is asking the suspect to speculate about what others would do rather than focusing on his perspective.

The next examples concern expressions of ‘positive regard’, specifically when this is conveyed implicitly by the interviewer, suggesting the suspect’s reduced responsibility for the crime. Excerpt 7 is taken from the same interview as excerpts 4 and 5 regarding suspected online fraud. At this point in the interview, the interviewer is trying to obtain clarification as to the suspect’s responsibility for the crime:

Excerpt 7 [4/02/13]

- 1 I so it’s not just a case (.) from what I can see (.) it’s not just the case of somebody saying can I
2 use your bank details that’s not what they’ve done to you (.) **they are using your name (.) if**
3 **this is what happened they are using your name they have got email addresses with your**
4 **name this is not the only one is it all in your name (.) leaving you sitting here with us**
5 **having to answer questions (.) for all those (.) having been arrested for fraud this is the**
6 **(.)person who’s done that to you** can you give us that person’s name so we can look at this
7 and sort this out?
8 S no

In this example, the interviewer is using previously established details disclosed by the suspect to suggest that the he is the victim of a scam and to encourage him to reveal the name of the person responsible. In excerpt 8 below, taken from a different interview in which a young adult was arrested on suspicion of aggravated burglary, the interviewer also suggests that he may not bear full responsibility for what happened, but the interviewer also provides an explanation that is purely speculative and, therefore, problematic:

Excerpt 8 [25/3/13]

- 1 I or did er (.) you attend and *(name deleted)* suddenly thrust them *(golf clubs used for smashing*
2 *window)* in your hands when you were there?

5.3. Negative regard and other face-threatening expressions

The CHALLENGING stage of the ACCOUNT is the stage in which rapport is often forfeited, to a large extent, in order to achieve the aim of the interview: Establishing the truth of what happened. This typically entails raising doubt as to the truthfulness of the suspect’s account and, therefore, their honesty. This is clearly ‘face threatening’ and conveys ‘negative regard’. It is, however, unavoidable when there are clear inconsistencies in the suspect’s account and/or between the suspect’s account and the available evidence or witnesses’ accounts. It is

the role of the interviewers to probe such inconsistencies. Interviewers are nevertheless trained to avoid direct accusations unless strictly necessary (see varying challenge strengths in Appendix 1). It is acknowledged that challenges, no matter how indirect, undermine the rapport that may have been established in the interview and should, therefore, be left to the end. The following excerpts are taken from the CHALLENGE stages of the respective interviews and illustrate some of these issues in further detail. Excerpt 9 is from the same interview with the young adult suspected of aggravated burglary:

Excerpt 9 [25/3/13]

1 I my concern is that you go- (.) are telling us things that other people aren't going to be able to
2 confirm (.) that other people have already potentially said different things to this (-) if you are
3 telling us the truth (.) and it is the truth then fine (.) that's brilliant (-) bu::t (.) I'd say (.) it is quite
4 important that you are not lying to us now (-) cause when we speak to these people how are they
5 going to know what to say? if if you've lied to us now they are not necessarily going to know the
6 same story that you've told us are they.

In this example, the interviewer is clearly suggesting that the suspect may not be telling the truth. The face threat is, however, mitigated in a number of ways: The interviewer shows regard for the S's legal position and talks about lying as a hypothetical scenario, thereby avoiding direct accusation. He does not refer to the potential lying in personal terms (e.g. the suspect's reprehensibility), but in terms of its factual consequences (the detrimental consequences of lying on the suspect's legal position).

In excerpt 10 (from the second interview with the suspect arrested for downloading indecent images), the interviewer's stance is very different. At this point in the interview, the S is challenged about his intentions, given the evidence of the downloaded material:

Excerpt 10 [21/11/12]

- 1 S like I said I couldn't have given you a number to begin with because really it wasn't something
2 that I was keeping track of it wasn't things that I (-) thought about ye know (-) it wasn't like I
3 was trying to keep a library of things it wasn't quite-
- 4 I ok that is exactly what you did didn't you you built a library of indecent videos (.) of
5 children didn't you?
- 6 S <I would have to say that what it shows there
7 [.....]
- 8 I >I think we have pretty much established what's on the computer and it's all yours< I don't
9 think this is in dispute is it (.) what I would like to just cover is (.) why (.) why you have
10 searched (.) for these files on (.) the internet I have looked at the titles (.) and some of the titles
11 on there you could not search for and expect to see anything other (-) than horrific images (.) in
12 my opinion.
- 13 S the problem is you don't have to put in a complete [an number one]
- 14 I [ok YOU TELL ME] how you would find
15 them then
- 16 S number one I wasn't searching online I wasn't going (.) google and looking for things it was all
17 through that one particular site [I (.) still]
- 18 I [The E-donkey type sharing network]
- 19 S still I don't understand why that thing is up and going or how come more people aren't dragged
20 in from-
- 21 I I tell you why it's up and going because people like you go on and use it (.) that's why (.) if
22 people don't use things they become obsolete don't they?
- 23 S <The problem is it's not only for that purpose it's not with the main purpose behind it is the
24 main purpose really is>-
- 25 I You tell me how you found a thousand files then?
26 [.....]
- 27 I I think you were going on the internet (.) on the computer specifically to search (.) for
28 pornography involving children
- 29 S There was through the line wire through the line wire that line wire (.) the donkey.
- 30 I ye (.) but that is what I think and I think that is the truth isn't it that you were specifically
31 going on there to look for child pornography weren't you

In this example, the challenges include unmitigated expressions of direct negative regard and face threat (ll. 4-5, 21-22, 25, 27-28, 30-31) which, additionally, attribute to the suspect feelings and motivations that are only speculative, no matter how likely they may appear to the interviewer. As confirmed by the trainers, this line of responses is at best ineffective and at worst compromising the significance of any admissions that the suspect may make as a result.

Although some degree of mitigation (through indirectness) is encouraged where possible in the challenges, directness is preferable in the questioning style. A question such as:

(18) *what would you say in your opinion is the youngest that you have perhaps seen in what we would class as maybe an indecent or sexual nature on these clips?* (taken from the interview with the same suspect as in Excerpt 10)

would, therefore, be best replaced with the more direct: *tell me/ describe to me*, which clearly signals the requirement to respond.

6. Conclusive discussion

This study has shown how little-explored forms of rapport-building in ISs, namely empathic and face-enhancing expressions, are used in the context of authentic interviews. It has further highlighted, however, that such forms may not always be used appropriately or may, conversely, *not* always be used in contexts where they may be deemed appropriate. These findings extend and complement previous research by Walsh and Bull (2012) on interviews with suspects of fraud, which indicates that rapport-building opportunities (assessed on a number of wider criteria than used in our study) are lost in some cases. Our analysis has drawn specific attention to the interplay between the rapport-building and information-gathering functions of particular expressions, using this as a criterion for assessing the viability of empathic and face-enhancing formulations in ISs.

By cross-referring the range of empathic and face-saving expressions derived from the initial analysis of the recordings, with insights gained from police training and practice, it was possible to identify more attainable uses of rapport than had been possible in previous research that was focusing on linguistic analysis only. In particular, the present study provides further insight into empathy-specific responses, pointing to the value of acknowledging (but, crucially, not suggesting) feelings, moderately positive regard, and some limited forms of solidarity and affiliation building. It further establishes the boundaries within which face-enhancing expressions may be used and face threats and negative regard mitigated.

The analytical categories presented in Section 4 may be applied to the analysis of ISs to detect, measure or assess uses (appropriate and not) of empathic and face-relevant expressions in training and practice. The findings from the extended contextual exploration presented in Section 5 provide the basis for developing a Global Rapport Memory Aid to be

incorporated in existing suspect interview training and used alongside other available memory aids. This would include a list of significant examples of appropriate and inappropriate formulations, with particular reference to expressive options that are not currently covered in the existing guidelines. An example of such Memory Aid, which also constitutes a condensed overview of the findings, is provided in Appendix 2. The findings could also be integrated into the current interviewing assessment guide under Rapport Management skills to be rated alongside the other currently recognised interview management skills.

Although the study has identified and discussed a significant range of empathic and face-relevant expressions, further detail could be achieved by analysing a wider corpus of interviews and by focusing on specific interview types (e.g. differentiated by the nature of the crime and identity of the suspect). The analysis could also be extended to identify examples in which properties of the delivery and paralinguistic features, such as facial expressions and gestures, may be critical in distinguishing between appropriate and inappropriate use of rapport-relevant expressions. It is clear, moreover, that in police interviews (as in communication in general), rapport may indeed be conveyed through non-verbal means only. Although existing guidelines do recognize this to a large extent (see Section 5.1), a finer understanding of how rapport may or may not be appropriately achieved non-verbally at specific points in the interview deserves further exploration.

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Appendix 1: Guidelines for the conduct of police interviews with suspects (adapted from PIP level 2 Specialist Suspect Interview training and assessment material used at Norfolk Constabulary)

PEACE SUSPECT INTERVIEW STRUCTURE

P: PLANNING AND PREPARATION prior to interview and including at least: detailed knowledge of evidence and suspect (S); assessment of S's vulnerability; interview plan; consideration of defences and points to prove; briefing for legal advisor; organization of material and environment.

E: ENGAGE including at least: polite and professional greeting, using handshake if appropriate; establishing name preference; maintain open posture.

E: EXPLAIN

- a) **Legal requirements:** administration and explanation of caution, rights to legal advice, exploring reasons for declining legal advice, introduction of any significant statements (made by S prior to interview).
- b) **Reason for and structure of interview:** nature of the offence, roles of interviewers and other participants (legal adviser and/or appropriate adult, if it applies); explain note-taking, DVD recording, exhibits and main subject areas of interview.
- c) **Expectation of honesty** (*be open with us and we will be open with you; ask if you do not understand*)

A: ACCOUNT gained from an **open question** (*tell me about.../describe...*), followed by:

Breadth open questions to clarify timeline: *what happened then?*

Depth open questions to clarify details of events on timeline: *tell me more about X*

➔ Identifying topics raised by suspect (e.g. relationship with victim, weapon, feelings)

Probing account:

PHASE 1

Probing each of the S's topics with closed TSM (Time, Space, Matter) or PLAT (People, Location, Action, Time) questions to fill in gaps in the account. Summarizing details in S's words for each topic.

PHASE 2

Probing police topics (identified during planning and preparation) with close TSM or PLAT questions and summaries.

Challenging account:

Raising inconsistencies in S's account or inconsistencies between the S's account and available evidence) in a punchy, purposeful and progressive manner.

STAGE 1: no direct accusation: pointing out discrepancies and asking for clarification (instructing not questioning)

STAGE 2: no direct accusation but reference to previous offences (bad character) and/or compounding challenges: repetition of individual challenges raised in stage 1.

STAGE 3: no direct accusation but reference to negative views that CPS, court or custody sergeant may take from the discrepancies or questioning what S may wish the interviewers to investigate further

STAGE 4: direct accusation (*these accounts cannot both be true; I believe you are lying*)

C: CONCLUSION of interview: checking whether S. wishes to clarify anything or has any questions and stopping recording. Clarifying what happens next.

E: EVALUATION of interview

Appendix 2: The Global Rapport Management Memory Aid

Rapport dimension	YES	NO
Acknowledge S's feelings (displayed or verbalised)	<ul style="list-style-type: none"> • <i>I can see that you are upset</i> [S's crying or appearing emotional] • <i>You said you were angry. Can you describe your feelings further?</i> • <i>I appreciate this may something that is difficult to talk about</i> [S shows discomfort or stops talking] 	<ul style="list-style-type: none"> • <i>I imagine that you felt anxious</i> • <i>Didn't that make you feel desperate?</i> • <i>Why were you so depressed?</i> [S did not describe him/herself as depressed] [Speculative]
Express positive regard	<ul style="list-style-type: none"> • <i>Thank you for your account</i> • <i>They are using your bank details to commit fraud and living you here to answer our questions</i> [stating what already mentioned by S to probe potential innocence] • <i>You are clearly more knowledgeable about computers than I am</i> [praise on unrelated matters] • <i>Is there anywhere that you were that I can investigate?</i> [refer to S's interests] 	<ul style="list-style-type: none"> • <i>Great!</i> [in response to S' statements] • <i>Did your brother suddenly thrust the golf clubs</i> [used to break the windows during a robbery] <i>in your hands when you were there</i> [assuming innocence but not mentioned by S] • <i>You seem to be a very patient and thoughtful person</i> [Speculative/ condoning]
Build solidarity	Smiling/ chuckling or otherwise referring back to S's general non-crime related experience: <ul style="list-style-type: none"> • <i>Yes, you don't like parties</i> • <i>Yes, you never travel by train</i> 	<ul style="list-style-type: none"> • <i>We all like a bit of porn</i> • <i>Anybody may react violently when insulted.</i> [speculating and assuming about crime-related matter]
Adapt to the S's expressive style	<ul style="list-style-type: none"> • <i>And you thought he is a "dodgy fucker"</i> • <i>What was that "little voice" telling you?</i> [Repeating S's words] 	<ul style="list-style-type: none"> • <i>And you thought he is a dodgy fucker</i> [imitating S's communication style] • <i>Do you know who made the 'allegation'?</i> [If S may not understand word]
Use humour	Only with reference to peripheral interview aspects and low-intensity places of interview : <ul style="list-style-type: none"> • <i>You thought you were getting away with using those colour pens again</i> 	<ul style="list-style-type: none"> • <i>So you thought you would do a bit of debt collecting because they owed you money</i> [ridiculing S and speculating]
Mitigate face-threats when challenging	<ul style="list-style-type: none"> • <i>Our investigators found that you were opening only sites displaying pornography involving children. Can you explain this?</i> [presenting discrepancies] 	AVOID, if possible: <ul style="list-style-type: none"> • <i>I think you were going on the internet on the computer specifically to search for pornography involving children.</i> • <i>(I think) you are lying</i>

	<ul style="list-style-type: none"> • <i>Your brother said he saw you there but you said you were on holiday. Can you explain this?</i> • <i>Should any of those facts, even the smallest detail change, the court may be less likely to believe you [showing consideration for S's legal position]</i> 	
Ask direct questions	<ul style="list-style-type: none"> • <i>Tell me about the clips</i> • <i>How old were the people that you saw on these clips?</i> 	<ul style="list-style-type: none"> • <i>Could you please tell me about the clips?</i> • <i>What would you say in your opinion is the youngest that you have perhaps seen in what we would class as maybe an incident or sexual nature on these clips?</i>

Appendix 3

Key to transcription

- I = police interviewer
- S = suspect
- (.) small pause
- (-) longer pause (number of dashes indicates relative length)
- . stopping fall in tone
- ? rising/questioning inflection
- :: elongated sound
- under speaker emphasis
- [] overlapping talk
- []
- = latching (i.e. no gap at all between utterances, but not overlapping)
- sharp cut-off of prior word/sound
- (guess) unclear fragment – best guess
- (?) unintelligible fragment
- (ital) non-verbal feature or voice quality
- [ital] missing section or contextual clarification
- [] interview date
- >< faster pace
- <> slower pace
- ◦ quieter than surrounding talk
- CAPS louder than surrounding talk
- [.....] section not transcribed
- [voice quality]