

Suspect interview strategies using a *LOST WEBSITES* Framework

Managing interviews in high-stakes crime cases: Practice guidance for developing suspect interview strategies using a *LOST WEBSITES* Framework

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Abstract

Purpose – High stakes crime investigations include cases such as murder and rape. The purpose of the current paper is to outline the components of an interview strategy for suspects. In the UK these interviews are often managed by Interview Managers who are tasked with developing effective interview strategies with the aim of ensuring all parties involved in the interview process are dealt with ethically and legally using research-based methods.

Design/methodology/approach – This practitioner paper is based on the experience of the authors who have provided advice and support during high stake crime investigations both nationally and internationally utilising the research-base to underpin their practical advice.

Findings – In order to be effective a suspect strategy constructed by an Interview Manager in high stakes crime investigations should be designed within a Framework that covers the provision of strategic advice on research-based interview processes including: (i) co-ordination of the interview process (ii) monitoring of the interview process and (iii) evaluation of the interview process.

Practical implications – In order to ensure interviews are effectively managed during high stake crime investigations, the suspect interview strategy must be developed to a professional standard in order to allow for quality assurance and outside scrutiny.

Originality/value – This is the first published paper that outlines the nature of a suspect strategy that is based on a Framework consistent with elements of the UK National Occupational Standards.

Keywords - Investigative Interviewing, Suspect, Interview management, Vulnerability, Interview strategy.

Paper type - Practitioner

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Introduction

In 2001 the Home Office and Association of Chief Police Officers (ACPO) commissioned a national review of the investigative interviewing training practices in England and Wales. The review aimed to: (i) identify good practice for the management and supervision of investigative interviewing and (ii) evaluate the extent to which PEACE interviewing techniques for suspect, witness and victim interviews had been incorporated into workplace practice (Clarke and Milne, 2001). The National review made a series of recommendations aimed at improving interviewing and supervision practices. In July 2003, the ACPO Investigative Interview Strategy (2003) was formally proposed and agreed by the ACPO Cabinet to include all Clarke and Milne's (2001), recommendations, implementing a National Tiered approach to investigative interviewing training throughout the UK to be fully operational by April 2004. The approach saw the introduction of a new role, that of a Specialist Interview Manager (IM) whose aim was to implement and support the new Investigative Interviewing Strategy, coinciding with a new training programme aimed at the supervision of interviews.

The role of the Interview Manager (IM) includes four primary areas: (i) provide strategic advice on interview processes; (ii) co-ordinate interview processes; (iii) monitor interview processes, and (iv) evaluate interview processes. Each of the four areas are accompanied by relevant National Occupational Standards (NOS) as set by UK, Skills for Justice (2004). Essentially, the IMs role concerns the management of the whole interview process, an umbrella term that encompasses strategic advising, co-ordinating, monitoring, and evaluating interviews, including a quality assurance element for interviews conducted within serious, complex or major investigations (Vaughan *et al.*, 2022a). The role also ensures that the organisation receives up-to-date advice based on research on matters relating to interview

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policy strategy (e.g., use of subject matter experts; Milne *et al.*, 2007). A main requirement of an IM is to produce strategic advice in a documented format for the Senior Investigating Officer (SIO). This advice should outline processes that ensure that the investigative interviews being conducted are ethical, legal and have procedural compliance. Additionally, the IM should provide strategic advice to the SIO on the use of external parties, forensic psychologists and other agencies especially in the context of the vulnerability of the suspect. This increases the likelihood that the suspect will engage with the process and ensures the quality and integrity of the interview and subsequent investigation whilst protecting the welfare of all those involved. To create a strategy the IM must select the most appropriate course of action in order to achieve defined goals. For this strategy to be effective the IM must hold early discussions with the SIO. A significant factor in these discussions' centres on the IMs and SIOs knowledge of vulnerability and how it affects the interview process. However, in a survey with IM, Vaughan *et al.* (2022b) found that IM reported that they sometimes provided advice that they were not qualified to give (due to a lack of knowledge).

Whilst the word 'strategy' is often used in the world of policing, business, and academia, there is actually little research underpinning its use, and there is no single definition making it difficult to measure (Markides, 2004; Ronda-Pupo and Guerras-Martin, 2012). Further, the term 'strategy' is often confused with the term 'plan' and therefore is used interchangeably. In the world of policing, this is further compounded by the lack of research-based guidance on what a strategy constitutes. The current UK police national definition of strategic planning is found in the College of Policing (COP) authorised professional practice (COP, 2018) and states:

“A strategy is a plan of action designed to achieve a series of objectives or a particular goal. It sets out the high-level overview of the police response and, as such, does not get drawn into tactical or operational detail.”

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The general principle of a strategy is based on the premise that each case is unique. The strategy should therefore be dynamic and should be capable of being tailored and made bespoke based on the information gained within the investigation. The strategy is not however an interview plan (Shepherd and Griffiths, 2021; Smith and Tilney, 2007). A strategy determines what needs to be covered; an interview plan sets out how it is to be dealt with (Smith and Milne, 2011). The strategy should outline the conditions in which the interview takes place, establish topics to be discussed, and should include the sequence in which they are covered (Smith and Milne, 2011). The interview plan is a process developed by the interview team based on their understanding of the strategy. Therefore, the strategy must be capable of being understood and have dual purpose. Moreover, the strategy must avoid any potential confusion when briefing either (i) the SIO or (ii) the interview team. In addition, the component elements of the strategy should include the areas covered within the relevant UK, NOS (SFJUK, 2008). However, it is important to note that there is no subsequent guidance or standardised procedure to assist investigators in the construction of such a strategy when interviewing suspects.

The current practitioner paper was developed and based on the author's wealth of practical experience and dialogue with police interview advisers involved in developing strategies. Further, it is a culmination of a programme of PhD research that examined the role of an IM (see Vaughan *et al.*, 2022a, 2022b, 2022c). The paper sets out to describe the various factors that need to be considered when developing a suspect interview strategy and uses the mnemonic *LOST WEBSITES* to detail these considerations. The use of a mnemonic is useful for the IM to remember the elements of NOS for the role especially when dealing with a dynamic, fast flowing, complex investigation. The *LOST WEBSITES* framework

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consists of 12 areas divided into two domains, (i) people factors, and (ii) process factors as illustrated in Figure 1.

Decision making

Before outlining the strategy, it is important to discuss the role of decision making. Specifically, flawed decision-making during police investigations inevitably contributes to miscarriages of justice which can lead to the erosion of public confidence in policing (Ask and Fahsing, 2018). A decision makers failure to identify a range of options to secure the most suitable investigative direction has been identified as a major factor in poor decision making (Fahsing and Ask, 2015).

The success of a criminal investigation depends to a great extent on the investigators' ability to make the correct decisions at the correct time (Fahsing, 2019). However, external factors such as time pressures (Ask and Granhag, 2007a), emotional involvement (Ask and Granhag, 2007b), and the organisations desire for a speedy outcome (Ask *et al.*, 2011) have been shown to hamper the processing of information which in turn impacts on the overall decisions being made. Thus, a strategy must be implemented properly if the agreed outcomes are to be met (Markides, 2004). In major investigations the SIO retains overall accountability for all of the decisions made throughout the course of an investigation, even when decisions are made by other colleagues including the IM (Cook, 2019; Mullins *et al.*, 2008). The SIO must satisfy themselves that the appointed IM is the most suitable IM for that specific investigation. For example, there is a whole body of literature on the impact of 'rape myths' and their effect on investigative decision making that an IM and SIO in this domain needs to be aware of (e.g., Sleath and Bull, 2017). Research has demonstrated that, in rape investigations the victims often reported feeling like they were the ones under investigation and believed the decisions being made were based on their perceived credibility rather than the evidence they presented (Jordan, 2004; MoJ, 2021). The UK Government has

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acknowledged these issues and in its (MoJ, 2021, p 34) action plan on rape investigations it states that:

“A new approach to investigations is rolled out that recognises that patterns of behaviour are a significant feature of rape and sexual offences, and ensures that there is an early and robust assessment of suspect behaviour and offending patterns; helping ensure decision-making is based on evidence, rather than subjective judgements of victim credibility.”

For high-stake crime investigations the IM should therefore possess a sound knowledge of sex offender behaviour, their mindset, and their offending patterns, so that they can provide the most informed and ethical advice to the SIO and the interview teams.

Unfortunately, in previous investigations untrained IMs with no background in sex offender training have provided advice in high-stakes rape investigations (Vaughan *et al.*, 2022a). This is one of the reasons for the development of the *LOST WEBSITES* interview strategy.

In high-stakes investigations, it is not uncommon for a number of suspects to be arrested at the same time. In such cases it will be necessary to establish an organisational structure which will enable the IM to manage the interviewing of multiple suspects most effectively. This can be achieved by introducing a suspect management spreadsheet that outlines the following components: (i) name of suspect, (ii) date and time of arrest, (iii) relevant time, (iv) custody detention reference number, (v) offence, (vi) interview team details, (vii) PACE extension requirements, (viii) number of interviews and timings (which are required when applying for warrants of further detention), (ix) solicitors name and contact details, (x) detention disposal, (xi) brief summary of interview content, and (xii) actions required from the interview (if any). It is important to note that this is not an exhaustive list

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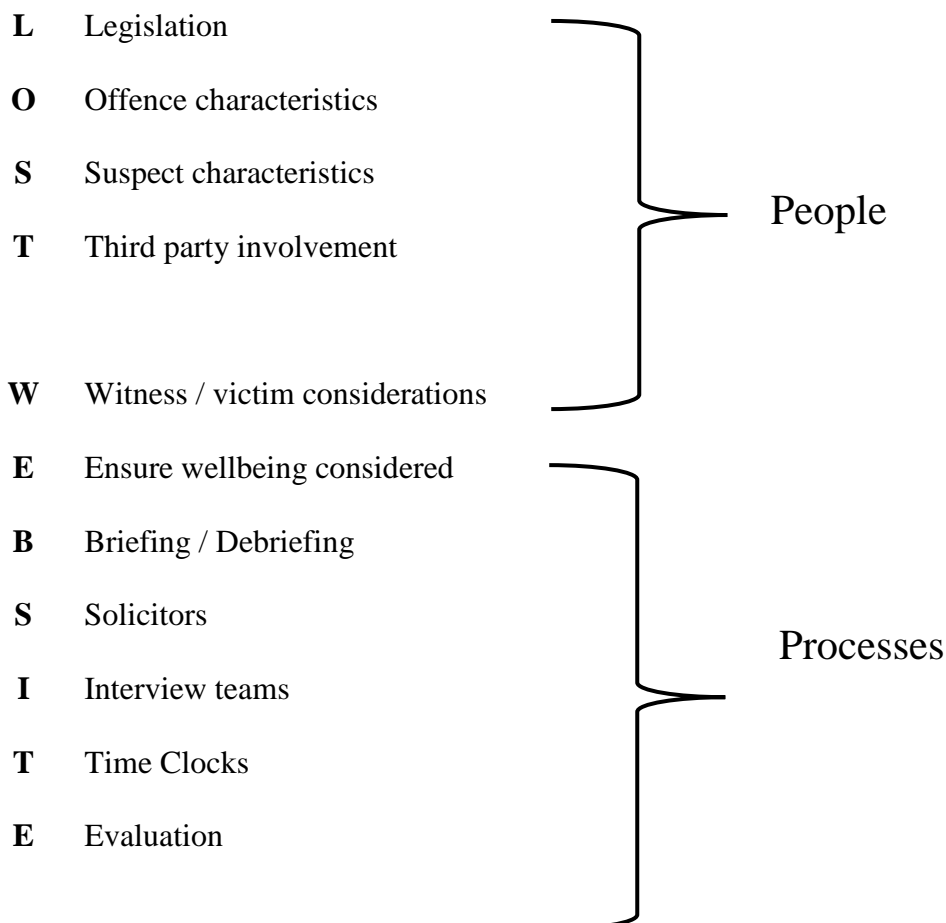
(For a similar organisational strategy for triaging multiple witnesses refer to WISCI – Smith and Milne, 2018).

Developing the Strategy

It is important to remember that the Interview Strategy is not an Interview Plan. The elements of the mnemonic *LOST WEBSITES* (see Figure 1) are attuned with the NOS relevant to the IM role. The strategy construction should also be in compliance with the requirements of the appropriate decision-making methodology. In 2011 ACPO approved the adoption of a single National Decision Model (NDM) for the Police Service in the UK replacing all other models that were in use across UK policing (ACPO, 2011). Decision making is central to any criminal investigation (Fahsing, 2019).

Figure 1

Component elements of LOST WEBSITES



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S Set down all decisions

In every case, the model stays the same, but users decide for themselves what questions and considerations they apply at each stage of the process. Not only is the NDM used for making decisions, it is also used to assess and evaluate those decisions (for other models of decision making in investigations see Griffiths and Milne, 2018).

The construction of each strategy should be completed and submitted to the SIO before any investigative interviews take place with the suspect. As noted, it is the responsibility of the SIO to ‘sign-off’ and take ownership of the strategy. The suspect interview strategy should always take due cognisance of other strategies that may have been constructed as part of the investigation management team (e.g., Crime Scene Management strategies, Search co-ordination strategies, Family Liaison strategies, etc.) to ensure a consistent approach across each strand of the investigation. It is imperative that IMs remain open minded and avoid becoming biased towards an alleged suspect’s guilt (Fahsing, *et al.*, 2021). Keeping an open investigative mindset is essential for appropriate investigative interviewing. For example, Chin *et al.* (2022) found that good planning and preparation is related to appropriate mindset and interview outcomes. In addition, the introductions at the beginning of the strategy document should be consistent with the investigative methodology for that particular event. Strategies in high-stakes crime investigations follow exactly the same model of interviewing as any other suspect interview and include the same three elements: (i) planning and preparation, (ii) conducting, and (iii) evaluation as part of the PEACE model of interviewing (Clarke and Milne, 2016).

LOST WEBSITES

In order to discuss the *LOST WEBSITES* strategy, a breakdown of each of the elements contained in the strategy is provided below.

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Legislation. When deployed to an investigation the IM should meet with the SIO and hold full discussions on the circumstances of the offence to ensure that both are clear as to the exact offence that is under investigation. The IM should possess a clear understanding of UK legislation, together with relevant case law, which may impact upon the case (i.e., points to prove and any defences). The IM should also be aware of any local policies and procedures, and when they do exist, they should be clearly understood and referenced. Where there is necessity to act outside of recognised guidance and policy, the IM should fully document the rationale surrounding the decision within the strategy.

In certain rare situations, for example, child abduction, where there is a pressing need to find the missing child safely and quickly, it may be necessary to conduct ‘urgent interviews’ with those suspected of the abduction. During an ‘urgent interview’, the IM is required to fully understand and articulate the legal differences in respect of the ‘caution’ to be administered together with authorisation requirements which differ for ‘*on arrest*’ interviewing and ‘*at the station*’ interviewing, the latter requiring a police Superintendent’s authorisation to conduct the interview. The need for expedited information versus the potential for ‘robust’ interviewing which has the potential to obtain unreliable or misleading information will need careful management by the IM (Gudjonsson, 2003; Roberts, 2011). Questioning must cease once the specific risk has been averted or the questioning process has been completed (see Code C, 11.1, NPCC¹, 2021). Evidential questioning or specific lines of enquiry should not feature as part of the ‘urgent interview’ (Cook, 2019).

Offence characteristics. Each offence is unique. The characteristics of the current offence and any previous offences committed by the offender should be considered during the early stages of the investigation. This can help provide an *indication* of how the offender might

¹ NPCC - The National Police Chiefs' Council is a national coordination body for law enforcement in the United Kingdom and the representative body for British police chief officers. Established on 1 April 2015

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present and engage during the interview. A critical element that needs to be considered is how the suspect appeared to commit the offence under investigation (Roberts, 2009). Roberts (2009), recommends asking three questions to assist in understanding offender behaviour:

1. What does the offender do that they have to do to commit the offence?
2. What does the offender do that they do not need to do? And finally,
3. In the context of the offence what does the offender not do that they could have done?

The answers gained from these three questions can be used to design strategies tailored to the specific suspect.

Further offence characteristics can be established from crime scene assessments which include areas such as, CCTV footage, scientific analysis, forensic pathology and crime scene photographs (Cook, 2019). These additional characteristics support a more detailed analysis of the offence characteristics based on information surrounding injuries to the victim, body deposition and conversations between the offender and the victim (Shepherd and Griffiths, 2013). IMs should consider conducting a familiarisation visit to the crime scene alongside the suspect interview team which will allow for appreciation and awareness of scene details and location information provided during the interview (Cook, 2019). However, it is important to note that unlike the current strategy, which is aimed at suspects, witness interview strategies (see Smith and Mine, 2018) suggest having interview teams for witness/victim that possess limited knowledge of the offence as per Achieving Best Evidence guidance (MOJ, 2022).

Suspect Characteristics. The IM should obtain as much biographical information as possible within the context of time restraints. This should consider information from partner agencies such as health and social care, family members, police staff and police records including prior interviews, and conversations with the accused (Home Office, 2019a). In addition, the IM should consider suspect characteristics including: (i) lifestyle, (ii) vulnerability, and (iii)

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current state. These need to be considered individually and collectively in order to reduce the stress placed on the suspect. A review of the suspect's lifestyle factors will provide an insight into the suspect including their current: (i) social support, (ii) domestic circumstance, and (iii) sources of potential stress. From a social support perspective, the IM should review the suspect's marital status, friendships, family and personal relationships and how they interact within their community. The IM should establish if there are any stressors impacting upon the suspect, for example, relationships, financial worries, employment issues, sources of threats from others, etc. As previously stated, the IM should consider the factors individually and collectively.

In terms of identifying whether a suspect has any vulnerabilities, research has consistently identified failures with UK police officers' ability to recognise vulnerability (Bath, 2019; Dehaghani, 2019; Gudjonsson, 2018). If vulnerabilities are identified early in the investigation, it allows for appropriate action to be taken which then safeguards the fairness and integrity of the interview (Gudjonsson, 2018). From a medical perspective, a healthcare professional should be requested to consider the functional ability of the suspect rather than just focusing on their diagnosed inability. To facilitate an interview with a vulnerable suspect an appropriate healthcare professional should be present in the interview room or the monitoring room (alongside the IM) to provide live time monitoring of the suspect's condition and importantly assess whether their health is being affected by the interview process (Home Office, 2019a).

In high-stakes crime investigations, the suspect should be assessed for any psychological vulnerability which cover areas such as mental health assessments, effects of medication, drug use, alcohol use and the extent that being in custody may be an additional factor of worry and fear. Consideration should provide an insight into how these vulnerabilities will influence the investigative interview and strategies then need to be

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developed that reduce the vulnerabilities identified. For example, a suspect in a domestic murder investigation may suffer the feelings of grief and bereavement (Bluglass, 1990, Gudjonsson, 2003). Thus, the suspect's current state will need to be assessed (e.g., are there any injuries or wounds) and an appropriate medical plan will need to be constructed to ensure the welfare of the suspect (including a review of their health prior to the interview and post interview).

The IM should also seek to understand any biases the suspect might hold on areas such as race, gender, sexuality, etc. The suspect may hold a sense of shame or guilt, or they may display no remorse at all. IMs should be aware that the suspects' attitudes and behaviour can be displayed differently within different crime types, and it is their attitude that legitimises their actions (Roberts, 2009).

The current psychological make-up of the suspect can provide information regarding a suspect's cognitive functioning, linguistic ability and their working memory (see Herrington and Roberts, 2012). IMs should check whether there are any reports available about the suspect as these may provide an insight into how the suspect will engage with the interview process. For example, are they susceptible to suggestibility (see Gudjonsson, 2018) or do they have a need to be controlling (see Quayle, 2008). An examination of any previous interviews with the suspect will provide rich information to support the strategy and enable effective suspect management, assessment, planning and preparation, and use of a third party (Smith and Milne, 2011). Failure to understand these concepts may lead to poor question construction, undue cognitive pressure leading to confusion for the suspect (O'Mahony et al., 2012).

Third party involvement. The IM is responsible for advising the SIO as to whether or not third-party involvement is required, in order to ensure the interview is conducted in compliance with the Codes of Practice of the Police and Criminal Evidence Act 1984. This is

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a critical element of the strategy as seen in Annex G – fitness to be interviewed guidance – which is contained in Code C (Home Office, 2019) and states:

“a detainee may be at risk in an interview if it is considered that:

- (a) conducting the interview could significantly harm the detainee’s physical or mental state;
- (b) anything the detainee says in the interview about their involvement or suspected involvement in the offence about which they are being interviewed might be considered unreliable in subsequent court proceedings because of their physical or mental state”.

If the above points are identified, then an IM should seek the assistance of an ‘*appropriate*’ Appropriate Adult (AA) to ensure adequate safeguard for the suspect. This must be in accordance with the Codes of Practice C section 1 (Home Office, 2019) and should consider which AA is most appropriate for the suspect. For example, the role of an AA differs slightly according to whether the detainee is a juvenile or a vulnerable person (Ozin and Norton, 2019).

Where English is a second language or where the suspect has no English language at all, a suitable interpreter needs to be involved in the interview processes. The same applies for those with a hearing impairment and suspects who are deaf. When deciding whether or not to use an interpreter, the IM needs to establish whether there are any barriers to the communication exchanges. These can be more obvious language dialect issues, but IMs should also be aware of less obvious issues such as gender, culture, religion, age and education (Fowler et al., 2016).

Witness/Victim. Understanding the suspects connectively to the witness/victim will provide IM with significant information that can be used to analyse the *mens rea* of the offence (i.e., what caused this event to happen; Cook, 2019). Carrying out such analyses assists the IM to

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construct meaningful interview topics aimed at exploring the offender/victim relationship (if one actually existed). The IM should work closely with witness/victim interview management teams to ensure they are fully conversant with key pieces of information/evidence as it enters the investigation to ensure the strategy remains consistent and relevant.

Ensure wellbeing considered. Risk assessment means assessing the risk and potential risk that the suspect presents to themselves, staff, other detainees and 3rd party members assisting in the investigation (e.g., medical team, suspects solicitor, appropriate adult and interpreter). Assessments must be ongoing and should constantly be subject to review. Assessments should take account the suspects personal background (as outlined above in the *Suspects Character* element of this framework) as well as the situation the suspect finds themselves in. For example, if the suspect is a person of public prominence or a well-known professional carrying status within the community, the fact that they are now under arrest, or the gravity of the offence, may situationally make them vulnerable. The suspect may develop feelings of guilt, shame, or worry about reputational damage. They may also suffer potential negative responses from friends, family or the wider community. IM should be aware that in these circumstances the risk of self-harm or suicide is greatly increased (Cook, 2019).

The IM should construct a risk assessment in conjunction with the custody officer to ensure the safety and wellbeing of the suspect, to include, not just the main detention area, but also the full interview process, including any consultancy periods with legal teams and/or medical personnel. In addition to suspect management, the IM is responsible for monitoring the welfare needs of the interview teams and should take appropriate action to reduce adverse psychological reactions (e.g., support staff with offence content material, reduce potential fatigue due time pressures and lengthy interview processes).

The IM should also conduct post interview welfare assessments that are in line with force policy on Trauma Risk Management (TRiM). TRiM is a welfare led process designed

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to ensure early identification and support for Post-Traumatic Stress Disorder or any other trauma related illness (Jones *et al.*, 2017; Miller, 2022). Consideration should also be extended to those undertaking 3rd party involvement including AA, Interpreters and any voluntary agencies (e.g., First Aid Nursing Yeomanry [FANY]) who have provided support to the police service in times of crisis such as terrorism incidents in London, (see Rew, 2022).

Briefing and de-briefing. During high-stake criminal incidents a number of people need to be briefed and then debriefed. This includes, though not exclusively, the arrest teams, all interview teams, health care professionals, AA, interpreters and custody staff. Briefings are important because they provide information to anyone involved in the interview process. This ensures a shared understanding of the nature of their deployment and in particular, what is required of everyone's role. When carrying out a debriefing, IMs should be aware that not all AAs will understand their role. For example, a family member acting as an AA may have no knowledge of the criminal justice system whereas a professionally qualified AA will have a better understanding of the processes. Whatever the background and type, the IM is required to ensure the AA fully comprehends their role, the seriousness of the offence under investigation, and the nature of the case against their client or family member (Shepherd and Griffiths, 2021). A briefing document should be constructed by the IM and presented to the AA containing sufficient information to determine whether legal representation is required which may include: (i) details of the alleged offence, (ii) why the suspect is thought to have committed the offence, (iii) details about the case, and (iv) evidence relevant to their client.

Within interpreter-led interviews the IM must understand that triadic communication is different from dyadic communication (Hale, 2007). In triadic interviews, the suspect and interviewer are reliant on the interpreter to communicate effectively in both directions. Research has shown there is sometimes little belief and trust that an interpreter can interpret between two languages in such a way that 'effective communication' can take place and there

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is little thought about the nature of communication from a linguistic or accuracy point of view (Fowler *et al.*, 2016). IM should construct the briefing document in exactly the same way as the AA briefing document. Additional content should then focus on assisting the interpreter to adequately prepare for language barriers (e.g., words or phrases that do not translate). The IM will next need to seek assurances around confidentiality, especially where the interpreter will act for the suspect's legal team and police interview team. Shepherd and Griffiths (2021, p.406), have produced a best practice briefing sheet that when used will provide the IM with confirmation of the interpreter's understanding of key elements and ensure effective communication exchanges.

From a medical perspective the IM should brief the attending health care professional and explain the details of the case and the reason for requesting their attendance. The information disclosed to the health care professional should be as detailed as possible including any mental health issues, as well as a discussion of the anticipated demands of an interview, to ensure an informed assessment can take place. The health care professional will need relevant information about the suspects' previous medical history, including their physical and mental health (where this is available), information on the case against the suspect, and concerns that may have been raised by the legal representative, the police, or other health care professionals. The IM may wish to encourage the health care professional to confer with the referring or attending forensic nurse or forensic practitioner in order to obtain further relevant medical information in relation to the suspect prior to the assessment taking place. This may not always be possible but should be facilitated where appropriate.

An assessment will require a medical opinion of the suspect and whether they are fit to interview. This assessment includes an assessment of competence to make sure the suspect can understand and answer questions, advice on the need for an appropriate adult, advice on any special provisions required during interview and finally a reassessment after the

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interview. The IM should fully debrief the health care professional to uncover any recommendations that would assist with conducting the interview and to assist with the development of a care strategy. The care strategy should include the following:

- the makeup of the interview team
- need for an appropriately trained or experienced Appropriate Adult
- the length of the interview and breaks
- any adaptation needed to be applied to the questions that can be asked
- any advice in terms of questioning style that will assist the detainees understanding of the questions
- any advice that will minimise mental or physical distress to the detainee during interviews

For full transparency, it is recommended that 3rd party briefings and de-briefings are audio and visually recorded. This will provide a factual representation of the interaction should any area be contested later in the investigation or during a subsequent court hearing.

Solicitors: disclosure considerations and method of delivery. The IM will need to discuss and agree pre-interview disclosure with the SIO to ensure its legal compliance and tactical application. In the case of Saunders in the UK (Court of Appeal 2012 EWCA Crim 1380) the initial trial judge concluded that an adverse inference could be drawn because ‘the practice of disclosure is essentially for a purpose of a solicitor, not for the purpose of a defendant’.

However, in a subsequent High Court Ruling, the presiding Judges stated that the approach adopted by the police required more flexibility in order to meet the different needs of different suspects. This judgement indicates that the issue of pre-interview disclosure of evidential material should be considered on a case-by-case basis, and IMs should allow the

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suspect to make an informed decision to continue with or without legal advice (Cape, 2015; Marlow, 2013; Shepherd and Griffiths, 2021).

The strategy should contain information on the material that has been agreed to be disclosed and importantly when this material will be disclosed. The IM is responsible for identifying who in the interview team will present the disclosure either to the suspect or the legal adviser. This may be the IM themselves or an appointed individual. When using a member of the interview team to disclose information, the IM must ensure that the interviewer does not inadvertently leak case information that has not yet been disclosed. To ensure full transparency, it is recommended that the solicitor briefing, and debriefing are both audio and visually recorded. This will provide a factual representation of the interaction should any area be contested later in the investigation or during a subsequent court hearing.

In the UK, case prosecutors should be made aware of all pre-interview disclosure that takes place during the investigation. Case prosecutors can then assess whether an adverse inference may properly be drawn at trial and to anticipate, and prepare for, any defence arguments on the point (CPS, 2022). Therefore, the strategy should reflect this issue.

Creating strategies that plan and consider the presentation of a Prepared Statement will reduce the potential for legal advisor/investigator conflict. It is important to realise that the Prepared Statement is a legally privileged document and there is no requirement for the legal advisor to hand over the document to the investigator. However, legal advisers are encouraged to present the Prepared Statement to the investigator for copying, with the original being returned to the legal adviser (Cape, 2006). The IM should be fully aware of the legal framework surrounding the type of Prepared Statement being presented and when required be in a position to provide guidance to their interview team on how best to manage subsequent interactions with both the legal adviser and the suspect.

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Interviews: Who should conduct the interview is a key consideration that an IM has to make. The IM needs to ensure that the most appropriate team are deployed. Selection of an appropriately skilled and trained interview team is critical in ensuring the suspect has the opportunity for a fair interview and trial. The IM must resist the temptation to select an interview team based only on availability and instead should base their decision on the skills, experience and suitability of the interviewer matched against the crime typology and suspect characteristics. For example, using an untrained interviewer in an interview with someone suspected of sexual offences places the interviewer at a disadvantage when trying to understand offender methodology including cognitive distortions which heightens the risk of interviewer bias dominating the interview (Kebbell *et al.*, 2008). Linking back to the section on *briefing and debriefing*, the briefing with the appropriate healthcare professionals and the interview team will assist the IM in understanding offender characteristics and vulnerability (e.g., personality disorders). This will allow the interviewer to reflect on their own pre-existing attitudes, expectations and biases which have the potential to lead to a guilty presumptive mindset (Chin *et al.*, 2022; Marques and St-Yves, 2022). In certain investigations, IM may wish to allocate a reserve interviewer to provide resilience to the team.

When deciding on the location of the interview, the IM should consider not only the needs of the investigation but also the needs of the suspect. Identifiable vulnerabilities may inhibit suspect participation in the interview and rather than a one size fits all approach (i.e., interviewing every suspect in a custody suite), consideration should be given to the suspect's needs. For example, in some circumstances a more suitable venue for a suspect may in fact be a witness interview suite. Whilst security factors surrounding this decision will prove a significant factor, the IM must not simply dismiss it without reasonable ground. For some

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vulnerable suspects, voluntary interview processes should be considered in order to reduce situational vulnerability.

The layout of a room also needs to be carefully considered and should be based on relevant risk assessments, medical and vulnerability assessments, offender behaviour and the actual fixtures and fittings in the room where the interview is planned to take place. Research suggests that open spaces will lead people to *open up* and increases the likelihood that a interviewee will disclose information (Dawson *et al.*, 2017). Using open spaces has also been shown to provide additional support to vulnerable suspects (e.g., by opening the interview room door) (Richards and Milne, 2020).

As well as the layout of the room, the strategy produced by the IM should highlight appropriate recording methods. In some interviews it may be necessary to use additional portable equipment in a fixed interview room. For example, when using a sign language interpreter. In such instances, cameras should be used to record the signer's face and upper body, including their hand movements, as well as those of the suspect.

Having evaluated all available relevant information and statements the IM should set the overall objective for the interview process. This should include a strategy on evidence disclosure mode (EDM) which can take place at any of the three stages: (i) early, (ii) gradual, or (iii) later (Walsh *et al.*, 2016). Regardless of which mode the IM decides on, they must articulate the reasons for this choice in their strategy. Research shows that the tactical use of evidence (TUE) within an interview allows for clearer separation of truth-tellers from non-truth-tellers as it allows truth-tellers to evidence their innocence and highlights deceptive accounts more quickly (Dando and Bull, 2011; Sandham *et al.*, 2020).

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Time Clocks. Investigations in the UK are bound by law to certain time considerations², for example, length of time to be held in custody, interview timing and length of interview, rest periods and extensions of detentions either by Superintendent authority or by application for a warrant of further detention from the court. Whatever international jurisdiction the IM operates in, (e.g., Ireland, Australia, Canada) relevant custody time clocks need to be fully understood by an IM who will be responsible for the monitoring and management of relevant periodic reviews throughout the entire detention period. It is advisable to maintain a running timeline for each suspect (Cook, 2019) to ensure availability for each review. The IM will need to evidence that the investigations are being conducted diligently and expeditiously and why continued detention is necessary. The IM will need to evidence that the investigation is being conducted diligently and expeditiously and where appropriate, why continued detention is necessary.

The applying officer for a warrant of further detention applied for at court should be fully conversant with the employed evidence disclosure mode so that information is not leaked prior to the agreed timeframe of disclosure. The application can only be applied for at court and supported by documented information. A copy of this document must also be given to the suspect. The documented information must outline the nature of the offence, the general nature of the evidence, what enquiries have been conducted and what are proposed, and finally, the reasons for believing that the continued detention is necessary for the purpose of conducting those further enquires.

² *In the UK, PACE Act 1984 governs the detention time for suspects in custody. The normal limit is 24 hrs. This can be extended to a maximum of 96 hrs before charge or release by application to a court. A Warrant of Further Detention is a process where a court authorises the continued detention of a suspect in order to continue interviewing and to conduct further investigations in accordance with the PACE Act 1984.*

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Evaluation. Post interview debriefing is an area that needs to be planned effectively and is conducted in order to determine whether any further actions are necessary, determine how the interviewees' account contributes to the understanding of the wider investigation and just as important the interviewers' performance (Shepherd and Griffiths, 2021). Summaries of the interview should be constructed as soon as practicable after the interview and circulated to management team of the investigation. In addition, the interview strategy should be reviewed as part of the evaluation process by the IM and amended accordingly if necessary (Bull and Milne, 2022; Walsh *et al.*, 2017).

Set down all decisions. An auditable record of the reasons for taking investigative actions must be kept by the decision maker (NPIA, 2012). Therefore, the IM must ensure that all decisions are fully documented in accordance with current policy and legislation. The recorded decision-making process will be of benefit to the IM when asked (e.g., in court), to explain how and why a particular process was either actioned or not actioned.

Conclusion

Providing strategic advice to the SIO is a key element of the role of the IM in high stakes crime investigations. Analysis of interview strategies constructed by IMs found that strategies were poorly designed, vague and lacked a cohesive structure (Vaughan *et al.* 2022c). Without adequate guidance, the management team try to implement strategies without a good understanding of the multiple factors that must be addressed, often simultaneously, to make implementation work. Thus, this paper has developed a guidance Framework, in the form of an acronym, for the construction of ethical and legally sound investigative interviewing strategies that IMs should use when interviewing suspects during high-stake crime investigations. The LOST WEBSITES Framework is compliant with the existing NOS for the IM role as contained within the National Investigative Interviewing Strategy (2009). The interview strategy should be a living document that is reviewed and

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revised as necessary. The construction of the strategy is an integral part of the IM role that like interview planning 'is not a luxury that can be dispensed with' even when the IM is facing conflicting demands (Smith and Milne, 2011). The authors hope that the Framework will provide guidance to IMs and other practitioners and will aid them to think of the factors to consider before and during the implementation process.

Limited research exists surrounding the role on an IM and additionally surrounding the development of a suspect interview strategy. Therefore, future research should examine the actual training of the IM in strategy design and implementation whilst also exploring the impact of the *LOST WEBSITES* strategy framework during live time investigations.

Implications for Practice

- The *LOST WEBSITES* Framework aims to provide a structured approach to enable appropriate strategy design whilst complying with NOS from the IM role.
- High stake crimes investigations training for police managers and practitioners should include suspect interview strategy development.
- The framework could be used to structure quality assessment strategies underpinning continued professional development surrounding the IM role.
- Improved societal confidence in the police interviewing segment of the criminal justice system.

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