

### 3. Inbau, Reid and Buckley's (1986) nine-steps approach

Inbau *et al.* advise interrogators to wear civilian clothing and to find a bare room away from the usual sounds, thereby increasing tension and increasing the police officers' control. In addition, they offer a list of nine psychological techniques that are aimed at breaking down denials and resistance and increasing a guilty suspect's desire to confess. Their nine steps approach to effective interrogation include:

- n Step one – positive confrontation involves an accusation and the presentation of real or fictional evidence. If the suspect fails to confess, the suspect is now viewed as a liar.
- n Step two – theme development involves the interrogator making a decision as to whether the suspect is emotional or non-emotional. For the emotional suspect, theme development involves rapport building and helping the suspect find a moral excuse for the offending behaviour. Minimisation is advocated for these emotional suspects. For the non-emotional suspects, maximisation was advocated (see below for more on minimisation and maximisation).
- n Step three – handling denials is described as a crucial step. The more often a suspect denies or elaborates on the denial of an offence, the less likely it is that he/she will change his/her mind in the interview. This step therefore involves preventing the suspect from repeating or elaborating on his/her denial. Indeed attempts at denial are interrupted by the interrogator.
- n Step four – overcoming the objections of the suspect and minimising the importance of what the suspect has to say in his/her defence results in the suspect showing signs of withdrawal. At this point the interviewing officer is advised to move swiftly on to step five.
- n Step five – to procure and retain the subject's attention by moving nearer to, leaning towards and physically touching the suspect, maintaining eye contact and calling him/her by first name.
- n Step six – organising the interview around the mood of the suspect. That is, when the suspect appears to be in an attentive mood the interview should focus on the crime and motives for committing it, urging the suspect to tell the truth. The interviewer should display sympathy and by presenting the possible negative consequences of the crime the interviewer may be able to induce a remorseful mood within the suspect.
- n Step seven – creating an opportunity to confess begins with suspects being

given the opportunity to provide an explanation or excuse for the crime via the use of alternative questions. In these leading questions the suspect is given two alternative answers to the question but both constitute an admission or confession.

- n Step eight – follows the oral confession. The admission, gained in step seven, is developed to gain corroborative evidence.
- n Step nine – the oral confession is transformed into a written one.

These techniques are only encouraged when the interviewing officer is sure that the suspect is guilty. However, if the suspect is not guilty of the offence then (according to Inbau *et al.*) he/she will behave differently from a guilty suspect. For example, in step three the guilty suspect will react by changing his/her answering technique but the interviewee who is not guilty will not be prevented from denying the crime. Techniques for interviewing in cases where the guilt of the suspect is less certain are not well documented. The Inbau *et al.* technique was criticised in the landmark Miranda judgement by the US Supreme court but it nevertheless continues to be the most widely taught interviewing method in the US.

As you go through the nine criticisms of this model outlined below, compare them with your own list of criticisms from the last task.

There have been many criticisms of the nine-step model (Gudjonsson, 2003; Irving & Hilgendorf, 1980; Kassin, 1997; Kassin & McNall, 1991; Vrij, 1998; Wolchover & Heaton-Armstrong, 1996) and the consensus is that these methods are unethical, inappropriate, unreliable and often responsible for false confessions (Milne & Bull, 1999).

Firstly there is no published research examining the effectiveness of this model (Gudjonsson, 2003) thus we do not know how each step and the cumulative effects of each step impacts on the outcome of the interview process. What is the quality of the confessions rendered by this model? Vrij (1998) argues that as well as trickery and deceit (introducing false evidence) being unlawful in many countries, such psychological manipulation may result in false confessions. Decisions by English courts have consistently nipped such practices in the bud. For example, in the case of *R. v. Mason* [1988] 86 CRAPR 349 the court held that evidence was not acceptable because an officer had lied about the suspect's fingerprints being found. This is in stark contrast to decisions in US courts, which have actively supported and

legitimised a doctrine of deception as a means of gaining evidence or confessions through police questioning (Leo, 1992). Trickery and deceit are often seen as unethical, which in turn undermines public confidence in the police (Williamson, 1994). For example, assume the interviewing officer tells the male suspect that a witness saw him near to the scene of the crime and that they were able to get a description of his hair and face. However, though present at the scene of crime, the suspect had been wearing a hood, false beard and moustache. The suspect now knows the interviewer is lying. This may lessen the credibility of the interviewer. Finally, the cues noted by Inbau *et al.* as being cues to deception are not actual cues of deceptive behaviour. Vrij (1998) argues that Inbau *et al.* rely too heavily on non-verbal cues in an attempt to determine deceptive behaviour. Very few people are in fact skilled at detecting deception from non-verbal behaviour. Also, placing suspects under undue pressure may prevent those who would normally confess from doing so. This is called the 'boomerang effect' (Gudjonsson, 1994b; 2003). Gudjonsson (1992) offers another criticism, which concerns a suspects' resentment against the police for having unfairly induced a confession.

For more information see:

Vrij, A. (2008). *Detecting lies and deceit: Pitfalls and opportunities*. 2<sup>nd</sup> Edition. Chichester: Wiley.