

**A CRITICAL ANALYSIS OF THE CHARACTERISTICS AND CONDUCT OF
FORENSIC INTERVIEWERS**

By

Samantha Lauren Schultz

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Dr. Janne Holmgren

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MOUNT ROYAL UNIVERSITY

CALGARY, ALBERTA, CANADA

Abstract

The success of a forensic investigative interview is dependent upon the interaction between the interviewer and interviewee. If an interviewer lacks the requisite knowledge and experience in interviewing techniques and employs inappropriate tactics, it leaves the interviewee vulnerable to providing inaccurate information. Focusing on the Reid technique, this integrative literature review examines the importance of proficient interview training and highlights interviewers' critical characteristics for successful interviews: elevated cognitive abilities, emotional intelligence, and openness and agreeableness personality factors consistently portray statistically significant results. Furthermore, a substantial emphasis is placed on interviewers recognizing that individuals with dispositional vulnerabilities, including those with certain personality traits, cognitive disabilities, and mental disorders, are increasingly susceptible to false confessions and must adjust their interviewing style accordingly. The negative implications of police-induced situational pressures are also introduced concerning those with and without diminished capacity. Illustrating the tangible nature of improper police conduct (i.e. persuasion and coercion, tunnel vision) and the consequences that stem from such behaviour, two case studies are outlined and compared. This thesis delves into the underlying intentions and objectives behind interviewers employing coercive and inappropriate conduct to obtain a confession. Hence, three recommendations are advocated for interviewers to adopt throughout interviews and interrogations, with the aim of eliminating false confessions. These recommendations include managing tunnel vision, employing strategic questioning and prioritizing rapport building.

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Table of Abbreviations

ADHD	Attention Deficit/Hyperactivity Disorder
ASD	Autism Spectrum Disorder
BPQ	Behaviour-provoking questions
CD	Conduct Disorder
DSM-5-TR	Diagnostic and Statistical Manual of Mental Disorders, 5th edition, text rev.
EI	Emotional Intelligence
FFM	Five Factor Model
FII	Forensic Investigative Interview
GSS 2	Gudjonsson Suggestibility Scales
WGCTA	Watson–Glaser Critical Thinking Appraisal

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A Critical Analysis of the Characteristics and Conduct of Forensic Interviewers

While there are instances where interviews are not necessary within an investigation, a significant number of criminal investigations hinge on the expertise of investigative interviewers (Holmgren, 2017). Without the proficiency of these interviewers, the information obtained from suspects, victims, and witnesses becomes restricted or seriously compromised (Holmgren, 2017). Insufficient training in forensic interviewing techniques, such as the Reid technique, or an interviewer's lack of awareness regarding the vulnerabilities of the interviewee increases the risk of extracting a false confession (Salvati & Houck, 2019). Even more problematic is when an overzealous interviewer prioritizes obtaining a confession without considering the dynamics of their interaction with the interviewee (Catlin et al., 2023). It is essential to recognize that the forensic interviewing technique is distinct from both the investigator and the interviewee. Therefore, rather than scrutinizing the technique itself, attention should be directed towards evaluating the personal characteristics and conduct of the interviewer, as the investigator's differences dictate the nature and quality of the entire interview (Lafontaine & Cyr, 2016). The likelihood of obtaining false confessions decreases when an investigative interviewer possesses comprehensive training in techniques and styles, recognizes the vulnerabilities of their interviewee, and grasps that the interview serves solely as evidence for the court to utilize (Holmgren, 2017).

This research thesis extensively explores the correlation between the personal characteristics of forensic investigators and their execution of the Reid technique, focusing exclusively on this widely recognized and practised interviewing method (Catlin et al., 2023). The interviewers' characteristics examined are cognitive abilities, emotional intelligence and personality factors (Lafontaine & Cyr, 2016). Through a detailed analysis of this intricate relationship, this thesis seeks to illustrate how forensic interviewers may engage in problematic conduct and tactics, thereby heightening the risk of eliciting false confessions,

particularly when dealing with vulnerable populations who suffer from diminished capacity; other personal characteristics of the interviewee, such as age, gender, and race, are not the primary focus of this analysis. Given that false confessions constitute a central aspect of this analysis, the project meticulously examines the factors and explanations contributing to this phenomenon.

One aspect examined within this thesis is the significance of acknowledging that individuals with reduced mental capacity, encompassing those with limited emotional intelligence or individuals who possess a clinical condition, may face an elevated risk of falsely confessing (Demirden, 2023). Therefore, a greater emphasis shall be placed on evaluating the characteristics of interviewers and how their overall interview performance influences whether the interviewee confesses, regardless of innocence, within the interviewing setting. The findings of this analysis have the potential to assist law enforcement agencies in offering comprehensive training for investigators, enabling them to recognize the importance of their conduct in interview settings, specifically when dealing with those with diminished capacity. Identifying whether forensic interviewers' characteristics correlate with a successful interview can aid in training initiatives and allow for better selection in recruitment processes (Lafontaine & Cyr, 2016).

While the previously mentioned research aim seeks to highlight the gravity of incorporating improved recruitment practices and enhanced training within police departments on a broad scale, the objectives of this analysis are to bring attention to individual interviewers regarding their own characteristics and competencies during questioning, as well as their ability to recognize their role when interacting with individuals with intellectual challenges. Although it is imperative for agencies to take responsibility for the conduct and characteristics of their employees, each officer needs to be cognizant of their capabilities and influences during interviews. Recognizing that instigating complete

systematic change within law enforcement across Canada is a substantial endeavour, this analysis strives to make an impact on how each interviewer perceives their characteristics and execution of the Reid technique when interacting with individuals with intellectual disabilities. By reading this analysis, forensic interviewers can accentuate their characteristics that are aligned with effective interviewing performance. Simultaneously, the interviewers can consider the vulnerabilities their interviewee may be experiencing and adapt their interviewing style accordingly to accommodate their needs, thereby preventing the presentation of false information by the interviewee. Hence, this thesis seeks to address the underlying question: “How do characteristics and conduct of forensic interviewers influence the outcome of interviews and interrogations?”

Methodology

The selected methodology for this analysis is an integrated literature review. Integrative literature reviews provide means to review, analyze, and synthesize existing literature, addressing the contradictions and discrepancies while offering ingenious perspectives on the topic (Torraco, 2016). Employing an integrative literature review aligns with the research aim and objectives in that it allows for a thorough analysis of interviewers’ characteristics and their individual execution of the Reid technique to discover potential inconsistencies in determining which characteristics are most strongly associated with an optimal police interview, as opposed to identifying characteristics that may hinder the success of the interview. Inconsistencies may also emerge in revealing whether individuals with intellectual challenges face a greater risk of falsely confessing, particularly in interactions with an overzealous or inadequately trained investigative interviewer.

Opting for an integrative literature review permits the introduction of novel or enhanced perspectives in improving law enforcement officers’ training and recruitment process, specifically in the context of investigative interviewers. Such suggestions may

originate from a thorough analysis of a wide variety of sources, encompassing both empirical and theoretical literature (Oermann & Knafl, 2021). This holistic perspective empowers a thorough examination and understanding of the issue, reaffirming specific and feasible recommendations for further research.

The secondary data obtained was sourced from both academic and non-academic literature. In terms of academic literature collection, Google Scholar was extensively utilized to acquire published data; the researcher accessed published articles from databases, including ScienceDirect, ResearchGate, Sage Publications, PubMed Central, Taylor & Francis Group, and Wiley Online Library. Further, the researcher leveraged their student access to the Mount Royal University (MRU) Library, employing the previously mentioned databases to search for additional scholarly articles. Lastly, to gather non-academic literature, the researcher employed Google to search for various news articles and legal databases, such as CanLII.

Furthermore, the inclusionary criteria within this analysis are deliberately broad. Given the comprehensive nature of the research questions, it was necessary to encompass terms such as the 'Reid technique,' 'false confessions,' 'characteristics of forensic interviewers,' 'tunnel vision,' 'coercion and persuasion,' 'rapport,' as well as 'training for forensic interviewers.' Moreover, the researcher set parameters regarding the publication date of the academic sources, targeting the last five to eight years to ensure the most current information. However, this restriction of data was not rigid, and the researcher retained the flexibility to incorporate older sources if they were deemed relevant and necessary for addressing this analysis's research question, aim, and objectives.

Although a literature review can contribute valuable insights and recommendations into the field of forensic interviewing, it is essential to be aware of the possible limitations. Firstly, integrative literature reviews expose the researcher to the challenge of analyzing and

interpreting a vast amount of existing literature, which may pose difficulties in striking an appropriate balance between the research's scope and depth; such a limitation may potentially impact the generalizability of findings. Thus, the inclusion of sources is highly subjective, as the researcher has the discretion to determine whether specific sources add value to this analysis. Consequently, these sources may be underpinned by bias. Lastly, as integrative literature reviews are secondary data, there is a limitation in providing new empirical evidence beyond what is already known. Hence, any potential theoretical frameworks emerging within this thesis can only be based on the foundation of existing literature.

Ultimately, the findings of this analysis have the potential to assist law enforcement agencies in providing effective and thorough training for investigators. This training would enable them to recognize the critical role of their conduct in interview settings, particularly when interacting with individuals with diminished capacity.

What is a Forensic Investigative Interview?

Forensic investigative interviews (FIIs) entail methodically questioning individuals to extract detailed and accurate accounts of a situation or event, thereby contributing to greater comprehensive knowledge within the investigation (Powell et al., 2005, as cited in Meissner, 2021; St-Yves, 2014, as cited in Meissner, 2021; Holmgren, 2017; McKenzie, 2002). The FII mainly targets individuals suspected of perpetrating an illegal or deviant act (Meissner, 2021). Forensic interviewers aim to extract authentic or "best-quality" contextual information suitable for courtroom presentation, ensuring compliance with the legal rules regarding the admissibility of evidence (McKenzie, 2002, p. 432; Holmgren, 2017).

The practice of FIIs has historically been rooted in customary knowledge (Meissner, 2021). According to Brimbal et al. (2019), early investigative interviewing practices primarily evolved in situ, meaning that they were conducted on-site and were disseminated through informal observation and peer training (as cited in Meissner, 2021; Jaalama et al.,

2022). FII was later documented in books and training manuals authored by practitioners, which was then formalized in agency policies and procedures, legal rulings, and statutes (Brimbal et al., 2019, as cited in Meissner, 2021). Despite the advancement of FII over the past fifty years, psychologists and scholars have systematically evaluated the deficiencies associated with such customary practices (Meissner, 2021; Rizzelli et al., 2021). Critics have highlighted that “certain interview questioning, or interrogation tactics can lead to false information and/or false confessions” (Kassin et al., 2010, as cited in Meissner, 2021, para 2). False confessions refer to when an individual admits to committing a crime for which they are not responsible and did not perpetrate (Leo, 2009; Holmgren, 2017). Specifically, various studies have demonstrated that children and individuals with diminished capacity are at a heightened risk of false confessions due to their increased susceptibility to suggestive questioning strategies (Ceci & Friedman, 2000, as cited in Meissner, 2021; Demirden, 2023; Garrett, 2015, as cited in Niland & Ortu, 2020). While it is widely known that the general public is notoriously poor judges of distinguishing between honest versus deceptive admissions, investigative interviewers also encounter challenges discerning truthful confessions from false confessions (Vrij, 2008, as cited in Meissner, 2021; Catlin et al., 2023). Therefore, certain investigative methods, such as the Reid technique, have implementation strategies that assist the investigator in identifying truthful cues and admissions (Vrij, 2008, as cited in Meissner, 2021; Arafat, 2020; Holmgren, 2017). A thorough description of the strategies incorporated into the Reid technique will be outlined in later sections.

Confession evidence obtained through a FII is highly esteemed and can be significantly powerful in influencing jurors’ perceptions of the suspect’s culpability; in fact, various mock jury studies have revealed that confessions are viewed as more inculpatory than any other form of evidence admitted into court (Inbau et al., 2013; Kassin, 2008; Kassin et

al., 2010; Kassin & Neumann, 1997, as cited in Catlin et al., 2023; Catlin et al., 2023; Clow & Leach, 2015, as cited in Scherr et al., 2020b). However, it is imperative to acknowledge that a confession is solely a piece of evidence for the court to use in reaching a verdict (Sangero & Halpert, 2007). While truthful confessions aid the prosecution in strengthening the reliability and credibility of investigative findings, it remains the responsibility of the investigator who elicited the confession to verify the voluntary nature of the confession (Inbau et al., 2013). If the confession evidence was falsely obtained and is admitted into court, it carries the risk of causing irreparable harm to the individual and the integrity of the justice system (Catlin et al., 2023; Kassin, 2014; Scherr et al., 2020b). Inbau et al. (2013) proclaim the importance of false confessions being “recognized long before it is entered into evidence” to prevent an innocent individual from being convicted (p. 339).

Importance of Properly Executed Forensic Interviews

The overall success of a FII relies upon the interactions between the interviewer and the interviewee (Thielgen et al., 2022). Conducting a FII is a dynamic procedure wherein the rapport established between the interviewer and interviewee is prone to change, potentially evolving throughout a single interview (Davies, 2019; Alison & Alison, 2017; Akca & Eastwood, 2021). According to Davies (2019), a relationship referred to as a recursive loop exists within numerous interviews, in which the interplay between the interviewer’s interview questions, skills, and information gathering causes the interview’s nature to shift as the task progresses. The context in which the interview takes place, as well as the interviewer’s and interviewee’s individual factors, also play a role in the recursive loop (Davies, 2019).

Therefore, a forensic interviewer must navigate and adapt to the various elements within an interview, all while effectively extracting information and supporting the interviewee to maintain a truthful narrative (Davies, 2019). Davies (2019) highlights that skillful forensic interviewers have the ability to evaluate and interpret the information accumulated from the

interviewee and then address the “discrepancies, contradictions, deliberately misleading information and areas of withholding” (p. 4). Hence, it is evident that forensic investigative interviewing is a cognitively challenging task that demands extensive training to gain proficiency in effective interviewing techniques, such as the Reid technique (Lafontaine & Cyr, 2016; Hanway et al., 2021). Training is essential to avoid unethical and improper interviewing strategies that may lead individuals to falsely confess.

As exemplified by Inbau et al. (2013), it is ideal for every police department to include personnel who are specifically trained in conducting professional interviews and interrogations. Such responsibility should not be automatically given to the arresting officer or other law enforcement personnel without exclusive training tailored to forensic investigative interviewers (Inbau et al., 2013; Powell et al., 2005). Additionally, investigative interviewers require certain personality traits that aid in a successful interview (Holmgren, 2017; Inbau et al., 2013; Lafontaine & Cyr, 2016; Akca et al., 2021). For instance, Inbau et al. (2013) demonstrated that while many police officers excel in tasks such as efficiently locating witnesses, securing evidence, and executing other investigative tasks, these skills may not always correlate to effectively interviewing suspects. These professionals may display heightened impatience to swiftly complete assignments, which is advantageous for investigative tasks (Inbau et al., 2013). Impatience can prove counterproductive in FIIs and may result in detrimental outcomes, such as false confessions (Inbau et al., 2013; Niland & Ortu, 2020).

Investigators chosen to partake in specialized training as forensic investigative interviewers should fulfil certain qualifications (Inbau et al., 2013). Firstly, interviewers must possess notable personal attributes, including high intelligence and a profound understanding of the intricacies of human behaviour (Inbau et al., 2013, p. 55; Lafontaine & Cyr, 2016; Holmgren, 2017; Ono et al., 2011). As establishing rapport and open communication is an

integral part of forensic interviewing, the interviewer should have the personality traits that make them approachable and cordial, particularly when interacting with individuals from varying backgrounds, social classes, and differing levels of mental capacity; a thorough analysis of such characteristics unfold later in this thesis (Inbau et al., 2013; Farrugia & Gabbert, 2019; Akca et al., 2021). Also, Inbau et al. (2013) proclaim that having a high index of suspicion is another essential attribute for a successful forensic investigative interviewer. A suspicious interviewer differs from a cynical interviewer in that the former actively searches for deceptive or misleading information but is aware that most individuals tend to be truthful when talking to law enforcement officers (Inbau et al., 2013; Smith et al., 2009). In contrast, the cynical interviewer believes everyone is inherently duplicitous (Inbau et al., 2013). Forensic investigative interviewers' characteristics and attributes are elaborated more thoroughly in this thesis's later sections.

Secondly, according to Holmgren (2017), intrinsically motivated investigators who continually enhance their skills and knowledge in every facet of their profession are deemed the optimal candidates for investigative interviewing. Only investigators who are consistently up-to-date on the intricacies of various investigative techniques and behavioural analysis, including areas related to psychology and psychopathology, should be considered for inclusion in FII training programs (Inbau et al., 2013). Individuals in this role ought to understand the process of properly executing interviews and interrogations, especially with vulnerable populations (Inbau et al., 2013; Holmgren, 2017). They must be capable of articulating the fundamental principles at each interview stage to a judge or jury (Inbau et al., 2013). Further, even after being selected and trained, interviewers should consistently participate in training sessions led by competent and experienced colleagues throughout their careers (Inbau et al., 2013; Akca et al., 2021; Powell, 2002).

Lastly, for a FII to succeed, the interviewer must comprehensively understand the legal rules and regulations overseeing interview and interrogation protocols (Inbau et al., 2013; Holmgren, 2017). Expanding on the significance of interviewers having extensive knowledge of the concepts related to forensic investigative interviewing, they must also possess insight into the legal aspects surrounding an individual's constitutional rights and freedoms in order to build a viable case for the prosecution (Inbau et al., 2013; Holmgren, 2017). Within the Canadian criminal justice system, an individual's fundamental rights are protected and guaranteed under the *Charter of Rights and Freedoms* (Holmgren, 2017; Jochelson et al., 2020; Hall et al., 2020). Holmgren (2017) emphasized the importance of interviewers having a thorough understanding of the *Charter* and acknowledging that a violation could lead to evidence being deemed inadmissible and excluded from legal proceedings, irrespective of its relevance to the case. Infringing upon an individual's *Charter* right may result in a judicial stay in proceedings or dismissal of charges, which ultimately undermines the extensive efforts the interviewer may have dedicated to solving a crime (Inbau et al., 2013; Holmgren, 2017).

Ideally, only investigators who met the specified qualifications for FII training and successfully completed the program are granted exclusive authorization to conduct interviews and interrogations. Following the training, interviewers are expected to demonstrate competency in employing various interviewing tactics and techniques, including the Reid technique; the length of an investigator's training greatly varies, ranging from 2.5 hours to 9 months (McKenzie, 2002; Akca et al., 2021). However, according to Inbau et al. (2013), many investigators responsible for conducting FIIs have yet to undergo formal training in interviewing and interrogation (as cited in Demirden, 2023). Indeed, Cleary and Warner (2016) found that only 56% of the experienced forensic interviewers within their samples had received formal training in the Reid technique. Further, Kassin et al. (2007) discovered that of

those who had undertaken specialized training in FIIs, a mere 11% were Reid-trained. However, Kassin et al. (2007) note that such a finding may be underestimated as the trained participants faced challenges recalling the specific technique learned during their training. This challenge may be due to various interviewing techniques often employing similar tactics and strategies, making it difficult to distinguish between each particular technique (Kassin et al., 2007; Arafat, 2020).

Furthermore, of greater concern is that even when investigators have not endured and surpassed formal training in FII, they report having utilized the Reid technique in their professional endeavours (Salvati & Houck, 2019). This finding is immensely problematic as an untrained interviewer may incorrectly execute tactics integral to the Reid technique. For instance, the Reid technique legally permits interviewers to use psychological manipulations, such as bestowing moral justifications and presenting false-evidence ploys when interacting with a suspect (Demirden, 2023; Stewart et al., 2018; Catlin et al., 2018; Ahuja, 2018). If an interviewer lacks the necessary expertise and familiarity to apply such tactics during the interrogation phase appropriately, these methods could become overly coercive, potentially resulting in suspects feeling inclined to utter a false confession (Demirden, 2023). Studies have shown that individuals with intellectual disabilities face an increased risk of falsely confessing due to their higher susceptibility to suggestive and coercive interrogation tactics (Garrett, 2015, as cited in Niland & Ortu, 2020; Demirden, 2023; Meissner, 2021). Thus, as emphasized by Niland and Ortu (2020), all interviewers must be equipped with specialized FII training that aids in the proper demonstration of psychological manipulations and knowledge of when to employ such tactics. Ultimately, the interviewer's differences in skill set, knowledge and awareness dictate the overall quality of the interview (Lafontaine & Cyr, 2016). In the following section, this thesis will explore the specific elements of the Reid

technique to better understand how an interviewer's inappropriate application can disrupt the entire interviewing and interrogation process.

The REID Interviewing Technique

While it is essential for forensic investigative interviewers to have comprehensive knowledge and expertise in various interviewing approaches, including the P.E.A.C.E. model, the cognitive interview, and the structured interview, this thesis exclusively concentrates on the interview and interrogation technique known as the Reid technique. The rationale for this sole focus lies in its global reputation as an exemplary approach to interviewing and interrogation (Catlin et al., 2023; Holmgren, 2017; Kozinski, 2018; Freitas, 2017; Cleary & Warner, 2016). Although the technique is favourable in attempting to elicit truthful narratives, including obtaining a confession from the suspect, it also encompasses some accusatorial tactics that critics deem controversial; for instance, the Reid technique employs minimization and maximization, tactics that will be elucidated on in later sections (Catlin et al., 2023; Ahuja, 2018; Niland & Ortu, 2020; Inbau et al., 2013; Freitas, 2017).

Despite critics' assertions that the Reid technique increases the risk of false confessions, particularly among those with limited cognitive abilities, the Reid Association emphasizes that false confessions strictly result from interviewers' inappropriate or ineffective utilization of the technique rather than inherent flaws in the technique itself (John E. Reid & Associates, Inc., 2000, as cited in Ahuja, 2018; Demirden, 2023; Catlin et al., 2023; Holmgren, 2017). Thus, before exploring how both interviewer and interviewee characteristics can contribute to false confessions, a thorough explanation and description of the Reid technique is warranted. Tactics such as minimization and maximization are incorporated into numerous other interviewing methods; the Reid technique is merely used as an example to illustrate the significant influence that interviewer characteristics and conduct have in determining the outcome of an interview.

History

The origins of the Reid technique are traced back to its founders, John E. Reid and his superior and colleague, Fred E. Inbau (John E. Reid & Associates, Inc., 2024b). While both individuals played pivotal roles in its development, Reid notably popularized the method (John E. Reid & Associates, Inc., 2024b; Kozinski, 2018; Chen, 2021). Reid first earned a law degree before joining the Chicago Police Department in 1936, where he subsequently progressed to become a polygraph examiner in the department's Scientific Crime Detection Laboratory (John Reid & Associates, Inc., 2008, as cited by Holmgren, 2017; Chen, 2021; Demirden, 2023). It was the Chicago Police Scientific Crime Detection Laboratory where Reid crossed paths and collaborated with Inbau, who served as the laboratory's first director; Inbau was also known for being a John Wigmore law Professor at the University of Northwestern and was a member of the Louisiana and Illinois state bar associations (Holmgren, 2017). Following the 1940s, Reid formally established his own private polygraph practice, specializing in using polygraphs and applying the Behavioral Analysis Interview (BAI) (Arafat, 2020; Holmgren, 2017).

Leveraging Reid's extensive knowledge of interviews and lie detector tactics, combined with Inbau's expertise in the legal system and its impact on interviews, the two co-authored and published the seminal book called *Criminal Interrogations and Confessions* in 1962 (Holmgren, 2017; Arafat, 2020; Chen, 2021). This acclaimed publication is widely "considered one of the most important texts on interrogation in the world," and its insights were crucial in the emergence and dissemination of the Reid technique in the field of interviewing and interrogation (Holmgren, 2017, p. 100; Demirden, 2023). The Reid technique gained immense popularity as it was perceived to effectively elicit confessions without the inclusion of violence (Chen, 2021; Vrij et al., 2017). In 1971, John Reid formalized the John E. Reid & Associates firm in Chicago, Illinois, where it remains

operational today, providing education to interviewers and advocates for the use of the Reid technique in North American law enforcement agencies (John E. Reid & Associates, Inc., 2000, as cited in Arafat, 2020; Holmgren, 2017; Chen, 2021). Joseph P. Buckley currently serves as the firm's president, who has personally conducted over 10,000 interviews and interrogations utilizing the Reid technique throughout his career (Holmgren, 2017; John E. Reid & Associates, Inc., 2024a).

The Reid Method

While the Reid technique is commonly associated with the interrogation process, it methodologically comprises three distinct stages. As outlined by Reid (2017), the first stage is termed Factual Analysis, during which the interviewer assesses “the probability of a suspect's guilt or innocence based on investigative findings” (para. 1). In other words, interviewers are responsible for identifying factual information related to the case, such as pinpointing viable suspects, the probable motive and means to the crime, the timeframe of the incident, and the characteristics of the perpetrator, to develop a clear and precise description of the crime scene and the activities that took place (Inbau et al., 2013; Holmgren, 2017; Arafat, 2020; Reid, 2017; Niland & Ortu, 2020; Ahuja, 2018). In analyzing and reviewing the case facts, the interviewer must become rigorously acquainted with the details, evidence and circumstances pertaining to the case; such information must be derived from reliable sources, as discrepancies or inaccuracies will interfere with the forthcoming interview and subsequent interrogation (Inbau et al., 2013; Holmgren, 2017; Arafat, 2020). Witnesses and individuals who are least likely to be implicated in the criminal events should be initially interviewed to provide a fuller depiction of the victim's life or other relevant information related to the case (Inbau et al., 2013). Inbau et al. (2013) emphasized that a thorough and accurate understanding of the case increases the likelihood of the interviewer discerning deception and eliciting truthful dialogue from a guilty suspect during the FII. Blair et al. (2010) have also

demonstrated that adequate training and experience in factual analysis aids in accurately predicting a suspect's guilt or innocence.

As the interviewer familiarizes themselves with the case, they must differentiate between information accessible to the general public, facts that law enforcement deliberately withheld from all suspects and the media, known as dependent evidence or hold-back evidence, and details exclusively known to the perpetrator that are yet to be discovered by the police, known as independent evidence (Inbau et al., 2013; Holmgren, 2017). Examples of dependent evidence can include the manner in which the crime was committed, how the perpetrator entered and exited the crime scene, the type of weapon used in the incident, and so on (Inbau et al., 2013; Holmgren, 2017). Conversely, independent evidence can entail the exact location of the assault weapon, recovery of certain items, such as bloody clothes or stolen property, verification of what took place before and after the incident, etcetera (Inbau et al., 2013; Holmgren, 2017). Distinguishing among the different types of corroborating evidence facilitates the preparation of strategies and pertinent questions to ask during the FII (Inbau et al., 2013; Holmgren, 2017).

The second stage of the Reid technique is the investigative interview (Holmgren, 2017; Arafat, 2020). The nature of the interview is non-accusatory and occurs when the interviewer has reasonable suspicion that the individual is implicated in the crime or has previously been dishonest; the interview's length is usually 30 to 45 minutes (Inbau et al., 2013; Holmgren, 2017; King & Snook, 2009). This stage primarily focuses on building rapport with the interviewee and gathering additional information through maintaining an "objective, neutral, fact-finding demeanour" (Holmgren, 2017, p. 105; Chen, 2021; Inbau et al., 2013). Inbau et al. (2013) emphasize the importance of fostering an amicable relationship between the interviewer and the interviewee, as guilty suspects are more likely to divulge useful information about their criminal activities when questions are posed in a

non-confrontational manner. Investigative interviews are designed to be fairly unstructured, facilitating a fluid exchange between the individuals that may delve into unforeseen but potentially relevant topics related to the case (Inbau et al., 2013; Holmgren, 2017).

Moreover, Inbau et al. (2013) stress that the reliability of the suspect's behavioural responses can be better assessed when individuals engage in a civil conversation rather than an adversarial one. Evaluating the interviewee's behaviour is a crucial aspect, given that the investigative interview is referred to as the Behaviour Analysis Interview (BAI) (Inbau et al., 2013; Holmgren, 2017; Kozinski, 2018; Chen, 2021; King & Snook, 2009; Cleary & Warner, 2016; Niland & Ortu, 2020; Ahuja, 2018). Although the interview is meant to elicit a free-flowing dialogue between the interviewer and interviewee, the BAI primarily consists of three types of questions to help guide the interview (Inbau et al., 2013; Holmgren, 2017; Arafat, 2020; Demirden, 2023; Niland & Ortu, 2020). Firstly, non-threatening questions pertaining to the suspect's background are employed, predominantly intended to explore biographical information, such as their employment status and recreational activities (Holmgren, 2017; Chen, 2021; Arafat, 2020; Demirden, 2023; Ahuja, 2018). These questions serve as a rapport building exercise and establish the suspect's behavioural baseline (Holmgren, 2017; Arafat, 2020; John E. Reid & Associates, Inc., 2023).

Secondly, investigative questions are presented to investigate the precipitators or events leading up to the crime and the actions taken in the pursuit (Inbau et al., 2013; Holmgren, 2017; John E. Reid & Associates, Inc., 2023; Ahuja, 2018). The questions should be open-ended, allowing the interviewee to freely articulate their perspective of the events that unfolded; however, such questions may prove counterproductive when interviewing those with diminished capacity, a notion further elucidated in the last section of this thesis (Holmgren, 2017; Arafat, 2020; John E. Reid & Associates, Inc., 2023). As the interviewee speaks, the interviewer should actively listen and ask questions to address any inconsistencies

or contradictions in the interviewee's narrative (Holmgren, 2017; John E. Reid & Associates, Inc., 2023).

Thirdly, behaviour-provoking questions (BPQs) are posed and are an integral component of a BAI (Holmgren, 2017; Chen, 2021; Arafat, 2020; Demirden, 2023; John E. Reid & Associates, Inc., 2023; Inbau et al., 2013; Ahuja, 2018). BPQs are effective in distinguishing between truthful and deceptive interviewees, as they may prompt various verbal and non-verbal reactions that deviate from their previous behaviour (Holmgren, 2017; Chen, 2021; Cleary & Warner, 2016). For instance, Holmgren (2017) highlighted that if an interviewee advocates for a harsh sentence when questioned about the appropriate consequences for the individual responsible for the incident, they are most likely innocent; in contrast, a guilty suspect may provide a more ambiguous response. Nevertheless, such admissions are not always indicative of guilt or innocence (Holmgren, 2017). Both investigative questions and BPQs can be intertwined, and there is no particular order for posing each question (Inbau et al., 2013).

Concluding the second stage of the Reid technique, the interviewer will analyze the interviewee's verbal contribution, including any additional facts and evidence they provided, as well as the behavioural characteristics the interviewee displayed, to decide their next course of action (Holmgren, 2017; Arafat, 2020). Depending on the outcome of their assessment, the interviewer can either exclude the interviewee as a suspect, deem further investigation of the interviewee necessary, or proceed with the interrogation process (Holmgren, 2017; Arafat, 2020; Inbau et al., 2013).

The third and final stage of the Reid technique is the interrogation process (Holmgren, 2017; Arafat, 2020; Inbau et al., 2013; Chen, 2021; Niland & Ortu, 2020; Ahuja, 2018). The interrogation process comprises nine structural components, referred to as the nine steps of criminal interrogation (Holmgren, 2017; Arafat, 2020; Inbau et al., 2013; Chen, 2021; Reid,

2001). During interrogation, the tone shifts to an accusatory approach, granting interviewers the authority to communicate assertively and confrontationally to display their high confidence that the suspect is implicated in the crime (Inbau et al., 2013; King & Snook, 2009; Ahuja, 2018). An interviewer's suspicion must stem from extensive and reliable evidence indicating that the interviewee has previously been fraudulent or misleading during non-accusatory questioning; thus, only a fraction of those who are interviewed will undergo interrogation (Inbau et al., 2013; Holmgren, 2017; King & Snook, 2009; Cleary & Warner, 2016). As the main purpose of an interrogation is to ascertain the truth, the interviewer can resort to tactics designed to persuade the interviewee to evoke honest responses rather than solely relying on questioning (Inbau et al., 2013; Reid, 2001). For instance, the interviewer may opt to employ the minimizing technique, wherein they communicate logical and rational justifications for why an individual might commit such a crime or diminish the severity of the offence, aiming to create a sense of security for the interviewee to render a confession (Inbau et al., 2013; Holmgren, 2017; Reid, 2001). While various persuasive tactics are sanctioned in an interrogation setting, any offers of leniency or threatening the interviewee with more severe consequences if they refrain from confessing are prohibited (Holmgren, 2017; Reid, 2001; Inbau et al., 2013).

Furthermore, Holmgren (2017) emphasized that once the interviewee voluntarily admits to the crime or expresses legitimate information proving their innocence, the remainder of the interrogation focuses on obtaining a detailed description of the incident to supplement the investigation and aid the prosecution. The interviewer must return to asking open-ended questions and avoid inappropriately utilizing persuasion tactics (Holmgren, 2017). The success of the Reid technique relies on the interviewer's ability to formulate relevant and necessary questions while following the rules and regulations outlined by the law (Holmgren, 2017). Overall, the investigative interviewer should prioritize facilitating a

comprehensive account of events by encouraging a free narrative from the interviewee (Holmgren, 2017).

The Nine Steps of Criminal Interrogation

According to Inbau et al. (2013), the interrogation process is structured as a nine-step approach because it proves to be an effective and efficient method for learning the concepts, and it aligns with the observation that persuasion follows a relatively predictable pattern. Before implementing the nine-step approach, the interviewer must be cognizant that not all interrogations will necessitate all nine steps, nor must they be employed in sequential order (Inbau et al., 2013; King & Snook, 2009). Additionally, throughout the interrogation process, the interviewer must actively evaluate the interviewee's behavioural responses, as they will determine the next appropriate step or potentially indicate the interviewee's innocence (Inbau et al., 2013).

The first step of the interrogation process involves conducting an initial confrontation, during which the interviewer provides a direct statement to the interviewee, showcasing that they have reasonable evidence to support that the interviewee is the perpetrator (Inbau et al., 2013; King & Snook, 2009; Holmgren, 2017). Once the interviewer communicates this accusatory statement, they must pause to assess the suspect's immediate verbal and non-verbal behaviour (King & Snook, 2009; Inbau et al., 2013). Inbau et al. (2013) assert that the interviewee's response will dictate the direction of the interrogation, as individuals who cross their arms and lean back while proclaiming their innocence will be handled differently than those who remain silent and consistently look down. Additionally, this initial step encompasses the delivery of a transition statement, whereby the interviewer emphasizes the benefits of disclosing the truth (King & Snook, 2009; Inbau et al., 2013). The transition statement supports the accusatory statement by illustrating to the interviewee that there are valid justifications for conducting the interrogation and that the entire investigation does not

hinge on a confession (King & Snook, 2009; Reid, 2002). Consequently, the interviewee may feel inclined to reveal the truth and potentially confess, given that their guilt is already known to the interviewers (King & Snook, 2009).

According to Holmgren (2017) and Buckley (2023b), the second step serves as the central element of the interrogation process as it proposes reasoning and motives to psychologically rationalize the interviewee's behaviour and conduct; this process is termed theme development. Theme development aims to generate a sympathetic atmosphere to encourage truthful and cooperative dialogue from the interviewee (Arafat, 2020; Ahuja, 2018). For instance, the interviewer may attribute moral responsibility for the criminal offence to a different individual or suggest that an unfortunate circumstance precipitated the crime rather than the interviewee's intention (Copes et al., 2007; Inbau et al., 2013; King & Snook, 2009). Inbau et al. (2013) articulated that if an interviewee is actively engaged and seemingly supportive of the proposed 'theme,' it strongly indicates their guilt; however, if the interviewee vehemently rejects the suggestion, they are likely innocent.

Moreover, by offering various themes to the interviewee, irrespective of their guilt or innocence, it is anticipated that the interviewee will deny their involvement in the offence (Inbau et al., 2013; Arafat, 2020; King & Snook, 2009; Ahuja, 2018). Therefore, the third step involves the interviewer handling these denials by discouraging the interviewee's repetitive refusals and further employing the theme development strategy (Inbau et al., 2013; Arafat, 2020; King & Snook, 2009). Effectively managing these denials is an integral part of interrogation, as allowing persistent denials of criminal participation reduces the probability of obtaining a voluntary confession in the later stages (King & Snook, 2009). Furthermore, Inbau et al. (2013) highlighted that an innocent individual at this stage will assiduously proclaim their blamelessness; conversely, those who are guilty tend to either discontinue their

denials or their denials become less convincing, eventually yielding to the interviewer's return to a theme.

The fourth step entails the interviewer overcoming the interviewee's objections, as they offer excuses and explanations asserting that they are not the actual perpetrator, citing reasons such as how they "would not or could not commit the crime" (Inbau et al., 2013, p. 188; Arafat, 2020; King & Snook, 2009). The objections can be aligned with various economic, religious, moral, emotional, or factual explanations; for example, an interviewee stating that they do not possess the murder weapon would be a factual explanation, whereas a moral explanation could be presented as "I wasn't brought up that way" (Inbau et al., 2013; King & Snook, 2009, p. 676). The nature of the interviewee's objection can help guide the interviewer in introducing a new theme (King & Snook, 2009). Inbau et al. (2013), as well as King and Snook (2009), both signify that guilty individuals are more likely to express these objections than those who are genuinely innocent, as objections alleviate the internal anxiety an interviewee may experience more effectively than mere denials.

Subsequently, the fifth step of the interrogation process is to procure the interviewee's attention (Holmgren, 2017; Inbau et al., 2013; King & Snook, 2009; Ahuja, 2018). Once a guilty interviewee recognizes that their verbal responses, such as denials and objections, are insufficient in convincing the interviewer of their innocence, they may disengage from the conversation entirely (Inbau et al., 2013; King & Snook, 2009). Therefore, to regain the interviewee's complete attention, the interviewer may attempt to demonstrate their sincerity by drawing nearer to the interviewee and maintaining eye contact (Inbau et al., 2013; King & Snook, 2009). The interviewer may also showcase various physical pieces of evidence, such as DNA results, a footprint, or other non-disturbing images (Inbau et al., 2013; Arafat, 2020).

Step six entails acknowledging the interviewee's passive behaviour (Holmgren, 2017; Inbau et al., 2013; King & Snook, 2009; Ahuja, 2018). During this stage, the interviewee

often contemplates the benefits of revealing the truth versus remaining uncooperative (Inbau et al., 2013; King & Snook, 2009). This internal conflict may prompt the interviewee to alter their non-verbal behaviour, such as crying, collapsing posture, or forgoing eye contact (Inbau et al., 2013; King & Snook, 2009). To address this sudden change in demeanour, the interviewer shall focus on a specific theme while displaying sympathy and understanding (King & Snook, 2009; Ahuja, 2018). Acknowledging the interviewee's emotions encourages them to provide a truthful narrative (King & Snook, 2009; Arafat, 2020).

The seventh step involves presenting an alternative question that includes two explanations for the commission of the crime (Inbau et al., 2013; King & Snook, 2009; Holmgren, 2017; Arafat, 2020). The two options differ in that one offers a more "acceptable" or "understandable" justification while the other is deemed more reprehensible; however, both necessitate an admission of guilt (Inbau et al., 2013, p. 189; King & Snook, 2009). For example, an alternative question can be phrased as "Was this the first time, or has it happened many times before?" (Inbau et al., 2013, p. 189). King and Snook (2009) emphasize that alternative questions allow the interviewee to preserve their dignity while also providing the interviewer with an admission of guilt. Such an incriminating commission will be present regardless of the explanation the interviewee selects (Inbau et al., 2013). Once the interviewee agrees and responds to an explanation, the interviewer shall prompt open-ended questions, granting the interviewee to continue elaborating on their account of the offence, potentially leading to a confession (Arafat, 2020; Inbau et al., 2013).

The eighth step of the interrogation process comprises having the interviewee elicit a detailed verbal account related to the commission of the crime (Inbau et al., 2013; King & Snook, 2009; Holmgren, 2017; Arafat, 2020). The disclosed information could encompass dependent or independent evidence, which would help establish legal guilt for the prosecution to utilize in court; the latter would significantly aid in addressing law

enforcement's gaps of knowledge of the incident (Inbau et al., 2013; Holmgren, 2017; Arafat, 2020). Once the interviewee admits their involvement in the crime, this penultimate step necessitates the interviewer to return to the beginning of the incident and encourage the interviewee to chronologically elaborate on the events, likely resulting in an oral confession (Inbau et al., 2013; King & Snook, 2009; Arafat, 2020).

The ninth and final step of the interrogation process involves converting the oral confession to a written or electronically recorded document (Inbau et al., 2013; King & Snook, 2009; Holmgren, 2017; Arafat, 2020). The purpose of obtaining physical documentation of the admission of guilt is to provide prosecutors with a reliable and valid piece of evidence likely to be deemed admissible in legal proceedings (King & Snook, 2009; Arafat, 2020; Inbau et al., 2013). A written and signed confession decreases the probability of the interviewee successfully refuting their admission of guilt by claiming that the interviewer engaged in illegitimate coercive tactics or that they do not remember admitting to their involvement in the crime (King & Snook, 2009; Arafat, 2020; Inbau et al., 2013). Such documentation may be in a question-and-answer format or include the interviewee's complete narrative (King & Snook, 2009; Inbau et al., 2013). The interviewer must avoid using leading questions and allow the interviewee to openly supply the details; however, such questions may prove beneficial when interviewing individuals with dispositional vulnerabilities, as elaborated in the last section of this thesis (King & Snook, 2009; Inbau et al., 2013). In order to reduce the possibility of any inaccurate information or false confessions being admitted into court, the interviewer should read the written confession aloud, correct any inaccuracies, and then signed by the interviewee with a witness present (King & Snook, 2009; Inbau et al., 2013).

Ultimately, the fundamental objective of an investigative interview and interrogation is not to extract a confession but to gather as much truthful and impartial information from

the interviewee as possible (Davies, 2019; Holmgren, 2017). As previously mentioned, evidence obtained through a FII, such as a confession, is one element the court will evaluate and potentially utilize to reach a verdict (Sangero & Halpert, 2007; Holmgren, 2017). Hence, investigative interviewers must ensure that the evidence they present to legal representatives is reliable, concise, and devoid of cognitive biases (Holmgren, 2017; Farrugia & Gabbert, 2019).

Although the above description summarizes the main elements of the Reid technique, including the factual analysis, investigative interview, and interrogation process, a comprehensive account of the technique is presented in the book *Criminal Interrogation and Confessions*, 5th edition 2013, where several chapters are dedicated to each phase and interrogation step.

As previously mentioned, the Reid technique has supporters and opponents (Holmgren, 2017; Davis & Leo, 2014, as cited in Gotham & Kennedy, 2019). Advocates proclaim that the technique successfully extracts information from an uncooperative and reluctant interviewee (Inbau et al., 2013, as cited in Vrij et al., 2014; Davis & Leo, 2014, as cited in Gotham & Kennedy, 2019). Proponents also indicate that the Reid method encompasses techniques useful for assessing whether interviewees display signs of deception or are mendacious in their responses (Inbau et al., 2005, as cited in Smith et al., 2009). As formerly discussed, these techniques include examining the interviewee's verbal cues, such as practised responses, non-verbal cues, like changes in posture, and behavioural cues, including heightened anxiety (Inbau et al., 2013; Smith et al., 2009). Inbau et al. (2013) underscore that employing the Reid technique is sufficient in persuading a guilty interviewee to admit the truth and is unlikely to lead an innocent suspect to falsely confess.

Additionally, addressing concerns about false confessions, Holmgren (2017) highlighted that the Reid technique actively aims to minimize the elicitation of false

confessions by withholding evidence pertinent to the investigation, known only to the interviewer and the actual perpetrator. Thus, if an interviewee discloses such information, it clearly indicates their involvement in the offence. Such a notion emphasizes that the “Reid technique is at no more risk of resulting in a false confession than any other technique” (Holmgren, 2017, p. 109).

Conversely, opponents of the Reid technique argue that the accusatory element increases the likelihood of obtaining inaccurate information, including false confessions leading to wrongful convictions (Kassin et al., 2010, as cited in Vrij et al., 2014; Kozinski, 2018). For instance, Reid-trained interviewers are tasked with evaluating the interviewee’s anxiety levels as an indication of a guilty conscience (Demirden, 2023; Inbau et al., 2013). While it is recognized that guilty suspects are likely to appear anxious or fearful that the integrator will detect their guilt, innocent individuals may also be anxious that the interviewer will not believe their truthful dialogue (Demirden, 2023; Inbau et al., 2013). The technique has also been criticized for determining an interviewee’s guilt from verbal, non-verbal and behavioural responses, which may be based on an interviewer’s faulty judgement in deception detection (Demirden, 2023; Vrij, 2008, as cited in Meissner, 2021). Nevertheless, arguably the most consequential aspect of the Reid technique is that interviewers are responsible for identifying the interviewee’s vulnerabilities and leveraging them to their advantage in an attempt to gain a truthful narrative and a confession (Gudjonsson, 1992, as cited in Gudjonsson et al., 2021). Therefore, interviewees with dispositional vulnerabilities are more likely to elicit a false confession; such a notion will be elaborated on in later sections.

Despite the criticisms of the Reid technique mentioned above, it is crucial to acknowledge that the success of the FII is dependent upon the interviewer’s personal characteristics, experience, and adherence to all legal rules and regulations (Holmgren, 2017).

Rather than attributing false confessions to the application of the Reid technique, they are often the result of interviewers engaging in improper behaviour that is beyond the parameters of the technique or incorrectly employing certain tactics (Holmgren, 2017; John E. Reid & Associates, Inc., 2000, as cited in Ahuja, 2018). Hence, the subsequent section carefully examines interviewer characteristics to determine which attributes are most closely associated with effective interviewing conduct and which traits may hamper the execution of the Reid technique.

Investigators' Characteristics Influence on Interviewing Performance

Over the past century, researchers have examined the correlation between various characteristics of forensic investigative interviewers and their impact on job performance (Lafontaine & Cyr, 2016; Caillouet et al., 2010, as cited in Ono et al., 2011). Cognitive abilities, emotional intelligence, and personality factors are among the personal attributes that have undergone thorough analysis in the literature (Lafontaine & Cyr, 2016; Ono et al., 2011; Melinder et al., 2020; Wachi et al., 2016). Numerous researchers have indicated that these attributes influence whether a forensic investigative interviewer possesses the requisite skills to successfully conduct a FII (Ono et al., 2010, as cited in Lafontaine & Cyr, 2016; Ono et al., 2011; Melinder et al., 2020). However, inconsistencies exist in identifying which characteristics are most strongly associated with an optimal police interview, as opposed to those that may hinder or have no impact on its success. Therefore, this portion of the literature review aims to present the existing findings and highlight which interviewer characteristics have consistently proven influential in the interviewer's conduct and execution of the Reid technique, compared to characteristics that have yielded varied results.

Cognitive Abilities

It is important to emphasize that conducting FIIs is an immensely cognitively challenging task (Lafontaine & Cyr, 2016; Ono et al., 2011; Hanway et al., 2021). Although

Lafontaine and Cyr (2016) accentuate that point through their research on administering FIIs with child victims of sexual abuse, the fundamental premise remains the same regardless of the interviewee. As previously noted, forensic investigative interviewers are responsible for being extensively acquainted with the elements pertaining to the case before executing the interview (e.g. factual analysis component of the Reid technique) and then applying that knowledge during the interviewing process, all while actively listening to the interviewee and asking questions that address relevant aspects of their narrative (Lafontaine & Cyr, 2016; Melinder et al., 2020; Wachi et al., 2016; Hanway et al., 2021). Effectively performing all these tasks in real time is a complex and demanding undertaking (Lafontaine & Cyr, 2016; Hanway et al., 2021). For that reason, “cognitive abilities are generally considered as the best single predictor of performance in a wide range of professions, both in training and on the job” (Schmidt et al., 2008, as cited in Lafontaine & Cyr, 2016, p. 784; Melinder et al., 2020; Ono et al., 2011). Cognitive abilities are generally evaluated through various psychological and educational assessments, such as the Watson–Glaser Critical Thinking Appraisal (WGCTA) test, Acer Higher Test PL-PQ, or the Shipley Institute of Living Scale (SILS).

While cognitive abilities have many definitions, it generally can be described as the propensity to learn (Hunter, 1986, as cited in Ono et al., 2011). Throughout academia, one’s cognitive abilities have been commonly recognized as an essential component for predicting job performance in a variety of occupations; FIIs are no exception (Ono et al., 2011; Lafontaine & Cyr, 2016; Salgado et al., 2003, as cited in Lafontaine & Cyr, 2016; Cuttler & Muchinsky, 2006, as cited in Lafontaine & Cyr, 2016). As previously alluded to, Lafontaine and Cyr’s (2016) study was to ascertain whether investigator’s characteristics are linked to their overall performance in investigative interviews with victims of child sexual abuse. After conducting a one-week training program, 24 French Canadian police investigators were educated on a semi-structured interview protocol, whereby they participated in three mock

interviews (Lafontaine & Cyr, 2016). Lafontaine and Cyr (2016) utilized the Pearson Clinical Assessment of the WGCTA to measure the interrogators' cognitive abilities. Once all the interviewers completed three quantitative questionnaires, Lafontaine and Cyr (2016) discovered that investigators with heightened cognitive abilities more successfully accomplished their interviews after completing their training.

This finding is consistent with the research unearthed by Ono et al. (2011), which determined that cognitive ability was positively related to overall job performance. The sample population consisted of 131 American federal law enforcement officers from the Air Force Office of Special Investigations (AFOSI), whereby all agents attended a mandatory eleven-week Criminal Investigator Training Program, followed by a six-week AFOSI agency-specific training program (Ono et al., 2011). A year after graduating from the program, 38 law enforcement agencies and their immediate supervisors participated in a follow-up study (Ono et al., 2011). In their subsequent examination, Ono et al. (2011) assessed three facets of job performance: the interviewer's capability to handle casework, collaborate as a team, and manage time effectively. Ono et al. (2011) found that an interviewer's cognitive abilities were a significant predictor within the time management dimension. This suggests that interviewers with high cognitive abilities swiftly adapted to changing situations, multitasking various tasks and meeting deadlines, resulting in successful interviews (Ono et al., 2011). While cognitive abilities played a role in the teamwork and case management dimensions, their impact did not yield statistically significant results (Ono et al., 2011). These findings indicate that the interviewer's confidence and comfortability in leading the interview (e.g., case management), as well as their perceived ability to work as a team player (e.g., teamwork), were not key factors in conducting FIIs (Ono et al., 2011).

Further emphasizing the challenging nature of conducting FIIs, Hanway et al. (2021) highlighted that the cognitive demands inherent in completing a FII lead to an elevated

perceived cognitive load, adversely affecting recall performance. Cognitive load refers to “the mental workload placed on individuals when they are required to undertake activities,” whereby individuals utilize their working memory and their cognitive resources to accomplish tasks (Hanway et al., 2021, para. 7). Hanway et al. (2021) proclaim that if an individual does not actively rehearse the sensory information collected within their working memory, the information may not be retained and consequently forgotten. This notion is supported by Hanway et al.’s (2021) evaluation of 102 staff members and students from a university, whereby they analyzed the participants’ recollection of information provided by a witness during a high cognitive load activity, such as listening, generating questions, and inferring the information within a FII, versus a low cognitive load activity, like merely watching and listening to the witness’s statements. The findings revealed that participants who engaged in the FII were less accurate in recalling information compared to those performing less cognitively challenging tasks (Hanway et al., 2021). This suggests that the extensive demands placed on an interviewer’s cognitive resources during various tasks within a FII may decrease job performance (Hanway et al., 2021).

Although Hanway et al. (2021) do not explicitly mention the impact of an interviewer’s cognitive abilities, the researcher does acknowledge that interviewers who efficaciously manage and adapt to factors contributing to a higher cognitive load, coupled with having the requisite training and experience in interviewing techniques, may enhance their ability to cope with the challenges elicited in FIIs. This finding underpins the conclusions of Ono et al. (2011), whereby cognitive abilities play a critical role in the time management dimension of a FII.

Moreover, in an effort to validate the reliability of the findings discovered by Lafontaine and Cyr (2016), Lafontaine and Cyr (2017) conducted a second study and ultimately found differing results. The subsequent study involved the assessment of 19

experienced police investigators from the Montreal Police Service who underwent a one-week training program (Lafontaine & Cyr, 2017). During the program, the participants interviewed victims of child sexual abuse and completed various questionnaires (Lafontaine & Cyr, 2017). Lafontaine and Cyr (2017) discovered that interview performance was more strongly associated with an interviewer's personality traits and emotional intelligence than cognitive abilities. While Lafontaine and Cyr (2017) did observe a correlation between cognitive abilities and overall job performance, it was notably less significant than in their earlier study. Ono et al. (2011) explained how the weaker relationship could be attributed to the "social and interactive nature of law enforcement jobs," where an interviewer's personality and interpersonal skills may have a more significant impact on their overall job performance (p. 473). Nevertheless, Lafontaine and Cyr (2017) demonstrated that cognitive abilities remained a significant predictor in obtaining detailed responses from child interviewees.

Personality Traits

According to Holmgren (2017), an interviewer's personality traits contribute to an investigation's overall flow and success. In general, personality can be defined as the traits and behaviours that individuals hold and display in their everyday experiences (Holmgren, 2017). Personality characteristics are also acknowledged as being relatively consistent and predictable (Holmgren, 2017; Lafontaine & Cyr, 2016). Although Holmgren (2017) and Lafontaine and Cyr (2016) incorporate emotional intelligence as a contributing factor when examining an individual's personality, both factors are distinct within this thesis.

Among the various personality models throughout academia, the Five Factor Model (FFM) or what is also known as the Big Five dimensions of personality, is the most established and reliable (Holmgren, 2017; Lafontaine & Cyr, 2016; Ono et al., 2011; Melinder et al., 2020; Lafontaine & Cyr, 2017). The FFM was developed through factor

analysis and ultimately identified five personality dimensions: extroversion, neuroticism, conscientiousness, agreeableness and openness, all of which were stable predictors and present within every individual to varying degrees (Akca & Eastwood, 2021; Holmgren, 2017; Ono et al., 2011; Melinder et al., 2020; Lafontaine & Cyr, 2017; Lafontaine & Cyr, 2016). Individuals who achieve a high score on extroversion tend to be exceedingly gregarious, sociable, assertive, active, and uninhibited; while these individuals may exhibit more positive emotions, they can also come across as over-excited (Holmgren, 2017; Lafontaine & Cyr, 2016; Ono et al., 2011). People with elevated neuroticism scores frequently appear anxious, irritable, unstable, insecure, and depressed; conversely, individuals who display low levels of neuroticism are emotionally stable (Holmgren, 2017; Lafontaine & Cyr, 2016; Ono et al., 2011). Individuals with high levels of conscientiousness are often described as incredibly dependable, persistent, organized, diligent, and thoughtful (Holmgren, 2017; Lafontaine & Cyr, 2016; Ono et al., 2011). Highly agreeable individuals are caring, cooperative, flexible, trustworthy, forgiving, and kind and give off a warm and good-natured aura (Holmgren, 2017; Lafontaine & Cyr, 2016; Ono et al., 2011). Lastly, people with high scores in the openness dimension tend to be imaginative, creative, insightful, broadminded and have a significant degree of intellect (Holmgren, 2017; Lafontaine & Cyr, 2016; Ono et al., 2011; Akca & Eastwood, 2021).

Correspondingly to cognitive abilities, personality traits have been consistently linked to job performance across a wide range of professions (Lafontaine & Cyr, 2017; Sanders, 2008, as cited in Okhrimenko et al., 2022). However, there has been ongoing debate regarding the particular dimensions of personality that influence an interviewer's behaviour and conduct. For instance, in the previous studies, Ono et al. (2011) unearthed that the conscientiousness personality factor is the only significant predictor of an interviewer's performance in a training setting. Lafontaine and Cyr (2017) also discovered that

conscientiousness is positively related to adherence to a structured interview protocol and the interviewer's ability to employ open-ended questions; nonetheless, the researchers found that conscientiousness did not significantly influence the amount of details obtained per question asked.

In contrast, both Ono et al. (2011) and Lafontaine and Cyr (2016) deduced that conscientiousness does not correspond with interviewing performance in real-world scenarios. Such a conclusion was also found in studies by Melinder et al. (2020) and Wachi et al. (2016). The former evaluation assessed 72 experienced police detectives undergoing child interviewing training by administering a Norwegian version of The NEO Personality Inventory-Revised (NEO-PI-R) (Melinder et al., 2020). The latter assessment consisted of 271 male Japanese police officers who had previously interviewed serious criminals; each participant was given a questionnaire that analyzed their personality using the NEO Five-Factor Inventory (FFI) scale (Wachi et al., 2016).

Barrett et al. (2003) elucidated that the absence of predictive power of conscientiousness can be attributed to its inconsistency in forecasting police performance, including forensic investigative interviewers. This irregularity in conscientiousness contrasts with the findings in literature pertaining to various other occupations (as cited in Lafontaine & Cyr, 2016). Akca and Eastwood (2021) reinforce Barrett et al. (2003) rationale for the irrelevance of conscientiousness specifically within investigative interviewing performance through conducting an online survey with 300 members of the general population and a mock interview with 154 student participants; however, concerns about external validity arise due to the participants' lack of previous experience or formalized training on conducting FIIs.

Additionally, in an unexpected outcome, Ono et al. (2011) and Lafontaine and Cyr (2016) exemplified that the neuroticism personality factor positively influences an interviewer's performance in the job setting. Within Ono et al. (2011) study, they discovered

that neuroticism was an influential factor in the teamwork and time management dimensions of job performance; in fact, neuroticism played a more significant role than cognitive abilities for working as a team, whereas the opposite was true for time management. As a result of this finding, Lafontaine and Cyr (2016) inferred that interviewers who tend to be introverted and struggle with anxiety and stress are more likely to anticipate failure. Consequently, to mitigate this perceived failure, they thoroughly prepare for FIIs by dedicating extra time to studying and becoming exceedingly knowledgeable on various interviewing techniques that will be assessed. The heightened sense of worry by neurotic individuals is a motivational factor, leading to greater task engagement and overall job performance (Tamir, 2005, as cited in Lafontaine & Cyr, 2016).

Conversely, Melinder et al. (2020) unearthed that neuroticism negatively contributed to interviewing performance, directly contradicting the claims made by Lafontaine and Cyr (2016). Rather than anxiety aiding in job performance, it rendered the interviewers vulnerable to high-pressure testing situations, which hindered their overall interview performance (Melinder et al., 2020). Lafontaine and Cyr (2017) supported this conclusion and further emphasized that interviewers who scored high on neuroticism were “the worst” at properly executing the interviews and using open-ended questions (p. 114). While Melinder et al. (2020) and Lafontaine and Cyr (2017) demonstrated an adverse relationship between neuroticism and job performance, Wachi et al. (2016), as well as Akca and Eastwood (2021), found no relationship to exist between the two variables.

Moreover, in another unanticipated finding, Lafontaine and Cyr (2016) discovered that the openness personality factor significantly contributed to successful performance in FIIs. This outcome was unforeseen, given the inconsistency of openness in predicting interviewing performance within previous literature. Wachi et al. (2016) also corroborate that this personality trait has a beneficial effect, as interviewers who scored high on the openness

factor tend to employ fewer confrontational techniques, such as displaying impatience, anger, and being overly skeptical, which can be linked to ineffective FIIs. Findings revealed in Akca and Eastwood's (2021) research also showcased the positive relationship between openness and a successful interview performance. However, their interpretation differs from Wachi et al. (2016), arguing that interviewers who achieve a high score on openness are more likely to demonstrate creativity and originality in their interviewing approaches. Lastly, Melinder et al. (2020) supported the positive association between the openness personality factor and task performance. They also propose that the positive score on openness, combined with a negative score on neuroticism, alongside non-biased thinking, could aid in developing methods and procedures to enhance recruitment practices and training programs for forensic investigative interviewers, a concept pivotal to this thesis (Melinder et al., 2020).

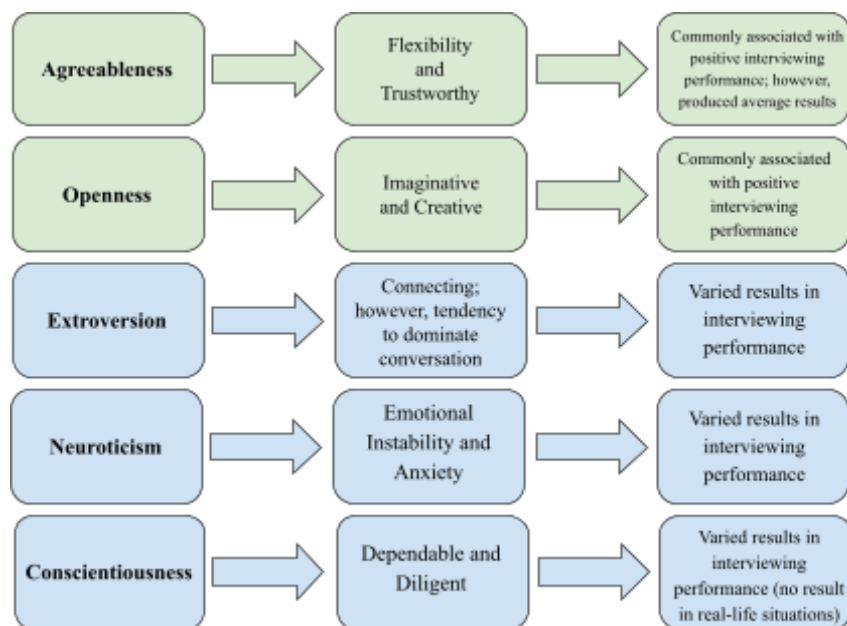
Furthermore, an additional positive relationship was identified in the literature regarding the agreeableness personality trait and interviewing performance; however, this trait only produced average results. Several studies have suggested that the proficient rapport building skills demonstrated by interviewers with high agreeableness scores contribute to their overall success in job performance (Melinder et al., 2020; Akca & Eastwood, 2021; Wachi et al., 2016; Lafontaine & Cyr, 2017). Largely agreeable interviewers possess the unique ability to naturally embrace an empathetic approach toward the interviewee, which is particularly helpful when interacting with individuals from vulnerable populations (Smets, 2009, as cited in Akca & Eastwood, 2021; Melinder et al., 2020; Wachi et al., 2016). Additionally, findings suggested that these interviewers were more likely to adhere to the interviewing protocol and appropriately utilize open-ended questions (Lafontaine & Cyr, 2017; Akca & Eastwood, 2021).

Similarly to the agreeableness personality factor, various research has illuminated a positive correlation between extroversion and interviewing performance, despite not yielding

statistically significant results (Lafontaine & Cyr, 2017; Akca & Eastwood, 2021; Melinder et al., 2020). Interviewers who achieve high scores in extroversion demonstrate an inherent ability to connect with the interviewee, properly execute the interviewing process, and pose open-ended questions (Melinder et al., 2020; Lafontaine & Cyr, 2017). While Akca and Eastwood (2021) support the notion of a beneficial relationship between the two variables, they posit that extroversion consequently hinders the interviewer's ability to ask appropriate questions. DeYoung et al. (2007) surmise this finding stems from extroverts being known as very loquacious and gregarious individuals; thus, interviewers with high levels of extroversion may end up dominating the conversation and asking questions that deviate from their intended interviewing technique (as cited in Akca and Eastwood, 2021). This finding is supported by Lafontaine and Cyr (2016) as well as Wachi et al. (2016), with the former study identifying a negative correlation and the latter study finding no association between extroversion and job performance.

Figure 1

FFM Personality Traits and Association with Interviewing Performance



Note. This figure demonstrates the FFM personality traits in the left column and presents a few characteristics of each factor in the middle column. The right column includes whether the particular factor is commonly

associated with interviewing performance or if it elicited varied results. The green figures correspond with statistically positive results, whereas the blue figures indicate varied results.

Emotional Intelligence

While conducting FIIs presents a considerable cognitive challenge, requiring interviewers to possess certain personality traits for successful outcomes, it also necessitates a high level of emotional intelligence (EI) from the interviewer (Lafontaine & Cyr, 2016; O'Boyle et al., 2011; Risan et al., 2016). Although definitions of EI vary, Mayer et al. (2008) refer to it as “the individual’s ability to use his or her understanding and knowledge of emotions to enhance his or her thinking” (as cited in Risan et al., 2016, p. 410). Bar-On (1997) illustrated that EI encompasses numerous characteristics, including self-awareness of one’s emotions and those of others, empathy, adeptness in establishing interpersonal connections, stress tolerance, emotional self-regulation and flexibility (as cited in Lafontaine & Cyr, 2016). During FIIs, interviewees frequently exhibit a wide range of emotional states, placing the onus on the interviewer to accurately discern these emotions and appropriately manage the situation to ensure the interviewee feels at ease, thus promoting a truthful narrative (Risan et al., 2016; Lafontaine & Cyr, 2016). Lafontaine and Cyr (2016) emphasized that the interviewer must tailor the complexity of questions and the pace of the interview according to the interviewee’s development and cognitive levels. Therefore, it suggests that a degree of EI ought to be present to execute an interview successfully, and a widespread consensus supports this claim (Risan et al., 2016; Lafontaine & Cyr, 2016).

As previously stated, multiple studies affirm that EI is a significant predictor of job performance, especially in occupations involving substantial emotional labour, such as law enforcement (Risan et al., 2016; Lafontaine & Cyr, 2016; Al Ali et al., 2012, as cited in Lafontaine & Cyr, 2016; Lafontaine & Cyr, 2017; O'Boyle et al., 2011). Additionally, research has discovered that EI is not only capable of predicting overall job performance but

is also a more reliable and valid predictor compared to the five personality dimensions and cognitive ability (Ono et al., 2011; Joseph & Newman, 2010; Lafontaine & Cyr, 2017).

Within Ono et al. (2011) study, their second evaluation revealed that EI stood out as the best attribute for an investigator, contributing to both interviewing and interrogation performance in authentic scenarios. Specifically, Ono et al. (2011) found that EI was the dominant factor in the case management dimension of job performance, having a greater impact than one's personality. However, their initial study differed, showing that EI was only associated with 'interviewer mindset' performance and not other performance criteria (Ono et al., 2011).

Moreover, in a meta-analysis conducted by O'Boyle et al. (2011), they classified EI using a three-stream approach in identifying whether a relationship between EI and job performance is tangible in real-life settings; however, it should be noted that job performance criteria were not exclusive to FIIs. The three streams of EI were as follows: "(1) ability-based models that use objective test items; (2) self-report or peer-report measures based on the four-branch model of EI; and (3) 'mixed models' of emotional competencies" (O'Boyle et al., 2011, para. 1). Through their research, O'Boyle et al. (2011) unearthed that the relation between EI, encompassing all three streams as a collective, and job performance contributed significantly positive results. Lafontaine and Cyr (2017) corroborated this finding, and they further showcased that an interviewer's EI was strongly associated with their adherence to the interviewing technique, utilization of open-ended questions, and ability to elicit detailed responses per question. Lafontaine and Cyr (2017) correlated this notion to the presumption that interviewers who achieved high scores on EI tend to be naturally more empathic toward the interviewee and possess superior skills in self-regulation and self-awareness. This conclusion directly opposed the findings obtained in their earlier study, as a positive relationship between EI and job performance was not supported; however, the reliability of

this finding is weak as the examination was done in a training environment rather than a real-life situation (Lafontaine & Cyr, 2016).

Lastly, in a comprehensive literature review conducted by Raisin et al. (2016), the focus was on exploring how the theoretical concept of EI could impact a forensic investigative interviewer's ability to regulate their own emotions and manage those of the interviewee. Raisin et al. (2016) identified both advantages and limitations within their research. Regarding the beneficial aspects of EI and job performance, it was found that EI can enhance an interviewer's emotional awareness, aiding in understanding emotional processes and effectively handling them. Their findings also illustrate how EI positively contributes to rapport building and maintaining a working relationship with the interviewee (Vanderhallen et al., 2011, as cited in Raisin et al., 2016). Conversely, Raisin et al. (2016) recognized inconsistencies in the construct, measurement, and definition of EI throughout the literature. Therefore, the results from their extensive review may not be entirely generalizable to all FIIs (Raisin et al., 2016). Nevertheless, the results from the aforementioned studies demonstrate that an interviewer's EI is an imperative factor in effectively executing a FII. In the upcoming section, this analysis will shift its focus to explore the vulnerabilities of the interviewee during a FII.

Who is Vulnerable to False Confessions?

While characteristics of the interviewer largely influence their conduct and the overall success of a FII, it is also essential to consider how the interviewee may contribute to their own false confession. Many people might struggle to comprehend how an innocent person could confess to a crime they did not commit. However, data from the Innocence Project in the United States revealed that since 1992, 249 individuals had been wrongly convicted and later exonerated, with a portion having elicited a confession or entered a guilty plea (Holmgren, 2017; Innocence Project, 2024a). Similarly, Innocence Canada has assisted in

exonerating 24 individuals since 1993 (Innocence Canada, 2024b). Due to the significant number of individuals falsely confessing to crimes, social scientists have identified two common sets of risk factors among these individuals, as elucidated below (Holmgren, 2017).

Dispositional Vulnerabilities in the Suspected Individual

According to Holmgren (2017), individuals with intellectual disabilities, mental illnesses, and certain personality traits are significantly more vulnerable to becoming acquiescent into believing that they are responsible for a crime they did not commit; Holmgren (2017) also recognize that age is a contributing factor, although it is not the focus of this analysis. Within the criminal justice system context, psychological vulnerabilities are defined by Gudjonsson (2006) as “psychological characteristics or mental state which renders an [individual] prone, in certain circumstances, to providing information which is inaccurate, unreliable or misleading” (Farrugia & Gabbert, 2019, para. 3). Statistics have shown an over-representation of individuals with mental health disorders, such as personality disorders, mood disorders, and psychosis, in police custody, not only in the United Kingdom but also internationally (Sirdifield & Brooker, 2012, as cited in Farrugia & Gabbert, 2019; Hofvander et al., 2017, as cited in Farrugia & Gabbert, 2019). Furthermore, case studies have demonstrated that individuals with diminished capacity and mental impairment are considerably over-represented in proven false confession cases (Kassin et al., 2010; Otgaar et al., 2021; Leo, 2009, as cited in Ahuja, 2018; Niland & Ortu, 2020; Gudjonsson & Pearse, 2011; Demirden, 2023; Scherr et al., 2020a). For example, Gross et al. (2005) highlighted that among their sample of exonerees, where false confession contributed to their wrongful convictions, 69% had mental disabilities (as cited in Kassin et al., 2010). Hence, to mitigate such an outcome, the interviewers engaged in conducting a FII with individuals of diminished capacity must be adequately equipped and knowledgeable in recognizing and addressing their

vulnerabilities throughout the dynamic process (Herrington & Roberts, 2012, as cited in Farrugia & Gabbert, 2019; Gudjonsson, 2010).

Moreover, Gudjonsson (2010) accentuated that the two most challenging aspects for psychologists, psychiatrists and, in this case, forensic interviewers are to identify vulnerabilities that are pertinent to the specific case and then firmly situate these vulnerabilities within the circumstances and background, thereby enhancing the comprehension of the processes and elements involved in the case. Gudjonsson (2018) identified 17 types of vulnerability, also known as risk factors, associated with susceptibility to falsely confess (see Appendix A) (Gudjonsson, 2021). While not all factors are exclusively linked to diminished mental capacity, vulnerabilities such as physical and mental health problems; developmental disorders, including Attention-Deficit/Hyperactivity Disorder (ADHD) and Autism Spectrum Disorder (ASD); Conduct Disorder (CD) and antisocial personality traits; personality; and cognitive abilities are among the listed factors that are related (Gudjonsson, 2018). Additionally, Gudjonsson (2018) emphasizes that multiple factors generally apply to a single case and that two or more factors may operate in conjunction (as cited in Gudjonsson et al., 2021). This finding stems from Gudjonsson and MacKeith's (1997) research, which surmises that the interviewee's ability to cope with FIIs depends on medical, psychiatric, and psychological factors (as cited in Gudjonsson, 2010). Despite these vulnerabilities raising concerns about the validity and accuracy of the interviewees' potential claims, it is crucial to recognize that they are merely risk factors rather than definitive indicators of unreliability (Gudjonsson & Pearse, 2011; Gudjonsson, 2010).

While there has been a general agreement that interviewees with diminished capacity are more likely to provide false confessions, there have been discrepancies in the literature on which physiological factors contribute to the heightened risk (Niland & Ortu, 2020; Otgaar et

al., 2021; Scherr et al., 2020a). Therefore, in this literature review section, the focus will be on examining factors stated by Gudjonsson (2018), including personality traits, cognitive abilities, and mental disorders, to determine which vulnerabilities are significant predictors of false confessions compared to those that have shown inconsistent outcomes.

Personality Traits

Gudjonsson et al. (2004) identified psychoticism, neuroticism, and compliance as the key personality traits that are highly predictive of behaviours leading to false confessions (as cited in Holmgren, 2017). Each personality trait differs in that psychoticism is mainly characterized by antisocial behaviour, whereas neuroticism is closely associated with being more pliant during FIIs; it is important to note that psychoticism is entirely distinct from psychopathy (Eysenck & Eysenck, 1968, as cited in Larmour et al., 2015; Larmour et al., 2015; Eysenck & Eysenck, 1978, as cited in Larmour et al., 2015; Hare, 1982, as cited in Larmour et al., 2015). Individuals who exhibit high levels of compliance tend to modify their behaviour for immediate benefits, often resulting in them taking accountability for actions they did not commit (Larmour et al., 2015). Despite being aware that their behaviour is shifting in response to the interviewer's conduct, these interviewees are likely to conform to the interviewer's requests either to please them or to avoid confrontation (Larmour et al., 2015; Gudjonsson, 1992, as cited in Farrugia & Gabbert, 2019).

In a study conducted by Gudjonsson et al. (2021), they employed a multimethod approach where 386 male Scottish prisoners completed a diagnostic ADHD interview, various psychometric tests, and a questionnaire about their experience with falsely confessing to police officers throughout their life. This study aimed to investigate and highlight any predictors contributing to self-reported false confessions (Gudjonsson et al., 2021). Ultimately, Gudjonsson et al. (2021) supported a relationship between psychoticism and eliciting false confessions. However, their results did not yield statistical significance

($p=.035$), thereby contrasting with the findings of Gudjonsson et al. (2004) (Gudjonsson et al., 2021). Positive but not statistically significant results were also found between somatization, obsessive–compulsive, anxiety, hostility, and paranoia in relation to false confessions (Gudjonsson et al., 2021).

Moreover, according to Gudjonsson (2018), interviewees with diminished capacity often exhibit higher suggestibility, compliance, and acquiescence (as cited in Farrugia & Gabbert, 2019). Various studies endorse this idea, which are further elaborated upon below. In their cross-sectional study, Larmour et al. (2015) examined 607 undergraduate students using two sets of questionnaires to assess which personality traits contribute to false confessions and their connection to compliance. Larmour et al. (2015) research closely aligns with Gudjonsson et al. (2004) findings in that they discovered that neuroticism was positively associated with compliance while also outlining that openness and extroversion, two other personality dimensions within the FFM, negatively contributed to interviewing compliance. Surprisingly, Larmour et al. (2015) found conflicting findings, as interviewee compliance was not influential in eliciting false confessions. However, Larmour et al. (2015) note that such a finding may be unreliable, as the context of false confessions in their study revolved around academic offences rather than criminal offences. Various studies have indicated that false confessions are more prevalent in forensic samples compared to university student samples (Gudjonsson & Sigurdsson, 1994, as cited in Larmour et al., 2015; Sigurdsson & Gudjonsson, 1996, as cited in Larmour et al., 2015). Nonetheless, following a comprehensive literature review regarding the influence of suggestibility and compliance on the formation of false confessions, Otgaar et al. (2021) discovered that both factors elevated the risk of falsely confessing; however, the factors differed in that suggestibility yielded significant results, whereas compliance did not.

According to Gudjonsson (1997), suggestibility can be defined as “people’s tendency to acquiesce to external suggestion and subsequently incorporate this misleading information in their memory reports” (as cited in Otgaar et al., 2021, para. 14). There has been a long-standing association between suggestibility and false confessions, stemming from the belief that suggestible individuals are more susceptible to external influences (Otgaar et al., 2021; Gudjonsson, 2010; Gudjonsson, 2021; Gudjonsson et al., 2021). As previously noted, the findings of Otgaar et al. (2021) support this notion, indicating a positive and significant correlation between suggestibility and susceptibility to false confessions. Gudjonsson and Clare (1995) further emphasize the significance of the relationship, as they found that interviewees who provided alleged false confessions had the highest scores for suggestibility compared to those who gave alleged true confessions or resisted eliciting a confession during questioning (as cited in Kassin et al., 2010). Overall, there appears to be a consistently meaningful relationship between the two factors, as the data examined within this literature review does not suggest otherwise.

Cognitive Abilities

Throughout numerous studies, cognitive deficiencies in interviewees have persistently been identified as a contributing factor leading to false confessions (Farrugia & Gabbert, 2019; Gudjonsson et al., 2021; Inbau et al., 2013). According to the *Diagnostic and Statistical Manual of Mental Disorders*, individuals with reduced intellectual abilities may exhibit an IQ score of 65–75 or below and encounter challenges across three domains related to intellectual and adaptive functioning: conceptual, social, and practical (5th ed., text rev.; *DSM-5-TR*; American Psychiatric Association, 2022). The conceptual domain, also known as the academic domain, involves competency in memory (e.g. autobiographical memory), reading, writing, problem-solving, judgement in unfamiliar situations, etcetera (American Psychiatric Association, 2022; Giostra & Vagni, 2024). The social domain entails awareness

of others' feelings and emotions, empathy, and interpersonal communication, among others (American Psychiatric Association, 2022). The practical domain relates to learning and managing behaviour across various settings, including job, recreation, and personal care (American Psychiatric Association, 2022). Individuals may receive a diagnosis of Intellectual Developmental Disorder (Intellectual Disability) if they meet specific criteria, including intellectual disabilities, deficits in adaptive functioning, and if these deficiencies arose during their developmental years (American Psychiatric Association, 2022).

Individuals with diminished intellectual capacity are notably vulnerable when involved in the criminal justice system due to their often limited comprehension of the system and difficulties in social interactions (Yıldız & Kaya, 2023). In addition to the cognitive and adaptive challenges they may face, interviewees with cognitive disabilities frequently lack adequate support while in police custody (Gulati et al., 2020, as cited in Yıldız & Kaya, 2023; Yu et al., 2021, as cited in Yıldız & Kaya, 2023). Ultimately, Gudjonsson's (1990) research, though dated, discovered that interviewees who contributed an alleged false confession possessed significantly lower IQ scores in their psychological assessment than other forensic referrals; however, selection bias may have contributed to these findings (as cited in Gudjonsson, 2018).

In a study conducted by Giostra and Vagni (2024), they administered the Gudjonsson Suggestibility Scales (GSS 2) test to 120 children between the ages of 7 and 16. While the focus of Giostra and Vagni's (2024) research centred on the youth population, which may limit its empirical validity relating to this thesis, it is worth noting the informative results found in their study. The aim was to investigate the effects of intellectual disabilities on recall tasks, suggestibility and vulnerability to negative social pressure, and Resistant Behavioural Responses (RBR) (Giostra & Vagni, 2024). Ultimately, Giostra and Vagni (2024) posited that acquiring a low IQ impedes one's source monitoring skills, affecting one's ability to recover

original information during recall accurately and identify recall errors. Giostra and Vagni (2024) further highlighted that those with intellectual disabilities tend to exhibit a greater propensity for eliciting recall errors in the form of distortions and fabrications. These researchers emphasized that a deficiency in an individual's source monitoring skills undermined their ability to recognize misleading information presented by an interviewer in a FII and hindered the activation of refusal or resistance responses (Giostra & Vagni, 2024; O'Connell et al., 2005, as cited in Kassin et al., 2010; Gudjonsson, 2010; Farrugia & Gabbert, 2022; Gudjonsson & Young, 2021).

Such findings are supported by Kassin et al.'s (2010) integrative literature review, where they identified various suspect characteristics, such as intellectual disability and mental illness, interrogation tactics, and the phenomenology of innocence that influence an individual's tendency to confess (Kassin et al., 2010). Within the comprehensive literature review, Gudjonsson (1991) determined that individuals who falsely confessed maintained the lowest IQ scores compared to those who allegedly committed the crime or resisted confessing (as cited in Kassin et al., 2010). Gudjonsson (1991) suggests this finding stems from their higher suggestibility scores (as cited in Kassin et al., 2010). Furthermore, three more recent independent studies corroborated these findings by exemplifying that individuals with intellectual disabilities prompt fewer correct details compared to non-cognitively impaired individuals when asked open-ended questions during FIIs (Bowles & Sharman, 2014, as cited in Farrugia & Gabbert, 2019; Perlman et al., 1994, as cited in Farrugia & Gabbert, 2019; Ternes & Yuille, 2008, as cited in Farrugia & Gabbert, 2019). Nevertheless, the age of such studies may hinder the validity of the findings.

Despite multiple studies proclaiming the influence of cognitive abilities on eliciting false confessions, contradictory evidence exists in the literature. Referring back to Gudjonsson et al.'s (2021) study, it was discovered that an individual's IQ did not serve as a

predictor for eliciting false confessions among prisoners. These findings were consistent with the results reported in Sigurdsson and Gudjonsson's (1996a) study (as cited in Gudjonsson et al., 2021). Gudjonsson et al. (2021) suggested that interviewees who provide a false confession are no more likely to be cognitively disadvantaged than other interviewees. Additionally, Volbert et al. (2019) conducted a self-reporting survey involving 153 forensic interviewees to gather information about their behaviour during suspect questioning in FIIs. Their findings indicated that interviewees with diminished capacity did not report a higher rate of false confessions compared to those without cognitive impairment (Volbert et al., 2019). Nonetheless, Volbert et al. (2019) ingeminated that the results may be skewed due to the sampling process. They suggested that individuals with severe intellectual disabilities might have refrained from participating in the study or were excluded because of challenges in granting informed consent or understanding the questions posed (Volbert et al., 2019).

Mental Disorders

Mental disorders, such as ADHD, CD, and ASD, pose significant risk factors for evoking a false confession (Gudjonsson, 2018; Gudjonsson et al., 2021). As mentioned earlier, ADHD and ASD are neuro-developmental disorders; ADHD also constitutes a mental health condition (Gudjonsson et al., 2021; Murphy, 2018; Vovou et al., 2021). According to the American Psychiatric Association (2022), ADHD primarily involves three symptoms: inattention, disorganization and/or hyperactivity-impulsivity. While ADHD is regularly developed during childhood, the symptoms often persist into adulthood and are frequently found among offenders (Perera et al., 2023; Vos et al., 2022; Gudjonsson et al., 2021; American Psychiatric Association, 2022). According to Young et al. (2015), incarcerated individuals who are diagnosed with ADHD are at a substantially heightened risk of comorbid mental health issues, such as possessing mood/affective and anxiety disorders, CD, substance

abuse disorders, and personality disorder (as cited in Gudjonsson et al., 2021; Perera et al., 2023; Vos et al., 2022).

Moreover, ASD is an umbrella term for autistic disorder, Asperger's disorder, and pervasive developmental disorder (American Psychiatric Association, 2022). Individuals with ASD often have difficulties managing social interactions, understanding nonverbal communication, and regulating their emotions; these individuals also commonly demonstrate unusual communication patterns and exhibit a strict adherence to routines and repetitive behaviours (American Psychiatric Association, 2022; Murphy, 2018). Despite various studies addressing the relationship between ADHD and false confessions, the literature pertaining to ASD has been rather limited (Murphy, 2018; Gudjonsson et al., 2021; Yıldız & Kaya, 2023).

According to the American Psychiatric Association (2022), CD is characterized by antisocial and disruptive behaviour that infringes upon societal norms or the rights of other individuals; essentially, individuals diagnosed with CD encounter difficulties in regulating and controlling their emotions and behaviour. While there is an absence of research empirically establishing the influence of CD on false confessions, Gudjonsson et al. (2021) proclaim that it is likely to be a significant mediating factor due to its affiliation with antisocial and irresponsible behaviour. Nonetheless, individuals diagnosed with CD are vulnerable to eliciting false confessions as a result of their increased tendency to disregard truth-telling and uphold their delinquent lifestyle (Gudjonsson et al., 2021; American Psychiatric Association, 2022).

Several studies illuminate the relationship between the aforementioned mental health disorders and false confessions, as outlined below. Highlighted within Kassin et al.'s (2010) literature review, Gudjonsson et al. (2008) unearthed that individuals exhibiting symptoms of ADHD during questioning display a significantly higher susceptibility to falsely confessing compared to other prisoners. Among symptomatic individuals, 41% self-reported a false

confession, whereas only 18% of individuals without the impairment reported doing so (Gudjonsson et al., 2008, as cited in Kassin et al., 2010). The comprehensive literature review also found that interviewees diagnosed with ADHD frequently demonstrate a disproportionate amount of ‘don’t know’ responses when questioned by the forensic investigative interviewer; consequently, their replies may exacerbate the suspicion felt by the interviewer regarding their guilt (Gudjonsson et al., 2007, as cited in Kassin et al., 2010). Nevertheless, the empirical validity of these findings may be compromised due to the age of the source.

However, a more recent study by Gudjonsson and Young (2021) corroborated such findings, wherein they investigated the relationship between ‘don’t know’ answers versus presenting a ‘direct explanation’ when asked unanswerable leading questions using the GSS 2 test. The study encompassed a total of 203 participants, with 36 clinically diagnosed with ADHD; the other participants were part of a community sample, intellectual disabilities sample, and control sample (Gudjonsson & Young, 2021). Ultimately, the results revealed that the ADHD sample relied on ‘don’t know’ answers and rarely stated a ‘direct explanation’ (Gudjonsson & Young, 2021). Gudjonsson and Young (2021) speculated that this finding stems from a deficiency in source monitoring skills and judgement, a notion akin to Giostra and Vagni’s (2024) discovery in individuals with intellectual disabilities. Gudjonsson and Young (2021) highlighted that individuals with ADHD are particularly vulnerable to present misinformation during FIIs when the interviewer repeatedly asks lengthy questions and challenges the reliability of their responses. Thus, these interviewees may encounter memory distrust, thereby increasing their susceptibility to falsely confess (Gudjonsson & Young, 2021; Gudjonsson, 2017, as cited in Otgaar et al., 2021; Van Bergen et al., 2008, as cited in Otgaar et al., 2021).

Moreover, Gudjonsson et al. (2021) discovered that ADHD and CD were the two most influential predictors of false confessions. Similarly, in Gudjonsson et al. (2016) study on juvenile offenders falsely confessing, the researchers affirmed the significance of ADHD and CD but emphasized that CD was the dominant predictor. Nonetheless, Gudjonsson et al. (2021) exemplified that CD mediated numerous ADHD symptoms among adult prisoners. The research findings within Gudjonsson et al.'s (2021) study also suggested that the hyperactivity-impulsivity dimensions of ADHD symptoms represented significant predictors for false confessions compared to the inattention symptom dimension. Additionally, Gudjonsson et al. (2021) found an association between the propensity to elicit false confessions and psychiatric symptoms; however, the relation did not reveal statistically significant results. Nevertheless, previous studies have elucidated that interviewees with severe anxiety, depression, and hopelessness are vulnerable to false confessions (Sigurdsson et al., 2006, as cited in Gudjonsson et al., 2021; Drake et al., 2017, as cited in Gudjonsson et al., 2021).

Furthermore, in an integrative literature review formulated by Murphy (2018), the researcher aimed to encapsulate the key insights and potential solutions for performing a FII with individuals diagnosed with ASD. Murphy (2018) divulged that individuals with ASD are more naïve and reactive in their behaviour and are increasingly susceptible to vocalizing a confession. Individuals with ASD may elicit misinformation due to their tendency to misunderstand metaphors and ambiguous comments, struggle with grasping the pragmatic aspects of language, encounter challenges in generalizing concepts, and misinterpret open-ended questions lacking clear instructions (Murphy, 2018; White et al., 2009, as cited in Murphy, 2018). Therefore, Murphy (2018) highlighted the necessity for forensic investigative interviewers to be strategic in their questioning, thereby mitigating the risk for interviewees

with ASD to provide a confession unintentionally; such a notion is further elaborated on in later sections.

Individuals with ASD often display poor episodic memory, whereby they have difficulty remembering personal memories from particular events, including the specific sequence of events that took place (Biggam, 2010, as cited in Murphy, 2018; Crane & Goddard, 2008, as cited in Murphy, 2018; Kingdon & Turkington, 2005, as cited in Farrugia & Gabbert, 2019). These individuals also face challenges with autobiographical memory, such as recalling personal events (Bowler et al., 2000, as cited in Murphy, 2018; Goddard et al., 2007, as cited in Murphy, 2018). Hence, these interviewees may take longer to remember accurate accounts and may need occasional prompting to recall the events; therefore, the interviewer must be patient and considerate when interacting with an individual with ASD (Crane et al., 2012, as cited in Murphy, 2018; Bowler et al., 2007, as cited in Murphy, 2018; Maras et al., 2013, as cited in Murphy, 2018).

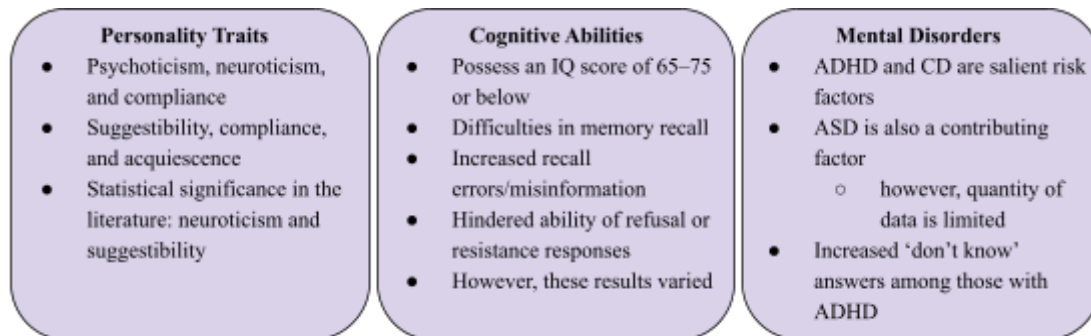
Despite Murphy (2018) exemplifying that individuals diagnosed with ASD are particularly vulnerable to providing illegitimate information and potentially false confessions, Gudjonsson et al. (2021) discovered conflicting findings. While Gudjonsson et al. (2021) differed from Murphy (2018) by signifying that prisoners with ASD did not yield a significantly higher risk for false confessions compared to those without the disorder, they did, however, showcase that the results were close to significance ($p=.055$). Therefore, Gudjonsson et al. (2021) advocated for additional research on ASD and false confessions to produce more empirical evidence within the literature.

Overall, it is evident that certain personality traits, such as neuroticism and suggestibility, as well as diagnoses with ADHD and CD, are all recognized as salient risk factors for false confessions in FIIs. While individuals who exhibit psychoticism, compliance,

possess intellectual disabilities or are diagnosed with ASD may also demonstrate influential outcomes, their results were not as consistently observed as the aforementioned risk factors.

Figure 2

Dispositional Vulnerabilities in the Suspected Individual



Note. This figure demonstrates the three primary factors contributing to false confessions for those with dispositional vulnerabilities. Each box synthesizes the main findings found within this thesis for each factor.

The subsequent subsection delineates the second set of risk factors discussed by Holmgren (2017), emphasizing how the interviewer’s behaviour and conduct can impact the elicitation of a false confession from the interviewee.

Police-induced Situational Pressures

Returning to Gudjonsson’s (2018) identification of 17 vulnerability types, several risk factors are connected to situational pressures induced by law enforcement (see Appendix A) (Gudjonsson, 2021). These include contextual factors, such as the stress on law enforcement to solve the case; interrogation and custodial factors, including the duration and quantity of interviews and the tactics employed by the police; and the ‘mindset’ of the suspect, such as prioritizing immediate relief from custody by providing a confession (Gudjonsson, 2018; Otgaar et al., 2021). Of particular significance is that these risk factors directly arise from interactions between the interviewer and interviewee regarding a criminal event (Holmgren, 2017). While the previous section primarily addressed the innate vulnerabilities within the interviewee, this set of risk factors shifts the focus to the interviewers’ impact on the success

of a FII. Hence, the onus lies on the interviewer to ensure that their conduct and behaviour uphold integrity and ethical standards, refraining from employing illegitimate coercive tactics rendering the interviewee susceptible to false confessions (Woestehoff & Meissner, 2016).

As noted earlier in this thesis, the fundamental goal of a FII is to uncover the truth; therefore, in certain circumstances, the interviewer may be inclined to employ rather controversial tactics to encourage authentic responses (Catlin et al., 2023; Ahuja, 2018; Niland & Ortu, 2020; Inbau et al., 2013; Freitas, 2017). For instance, the Reid technique authorizes forensic investigative interviewers to demonstrate the minimizing technique during interrogations with individuals suspected of having engaged in exceedingly heinous and disturbing criminal behaviour; trained interviewers are taught to utilize this tactic during the theme development stage of an interrogation (Holmgren, 2017; Kassin et al., 2010; Inbau et al., 2013). The minimizing technique, as previously defined within this analysis, involves the interviewer providing rational justifications and softening the seriousness of the crime in an attempt to render a confession from the interviewee (Holmgren, 2017; Appleby et al., 2013, as cited in Farrugia & Gabbert, 2019; Reid, 2010; Chen, 2021; Roach, 2023). In executing this tactic, the interrogator may adopt a facade of empathy and understanding of what the interviewee experienced, creating an environment where the interviewee feels comfortable disclosing their narrative, regardless of its atrocious nature (Holmgren, 2017; Snook et al., 2020; Inbau et al., 2013; Porter et al., 2016). Such technique also permits the interrogator to offer moral justifications or face-saving excuses (Leo, 1996, as cited in Holmgren, 2017; Stewart et al., 2018; Catlin et al., 2018; Inbau et al., 2013; Kassin et al., 2010; John E. Reid & Associates, Inc., 2019, as cited in Niland & Ortu, 2020). While appropriately employing the minimizing technique may motivate a guilty individual to reveal their involvement in a specific event, this tactic could imply leniency, potentially causing an innocent interviewee to feel pressured into providing a confession (Kassin et al., 2010;

Holmgren, 2017; Narchet et al., 2011, as cited in Farrugia & Gabbert, 2019; Scherr et al., 2020b; Inbau et al., 2013; Roach, 2023).

Before discussing the potential harm of using the minimizing interrogation technique, it is imperative to acknowledge that the technique itself is not inherently problematic. Rather, the interviewer's inappropriate implementation of the technique renders it controversial and deleterious, a notion that is ingeminated throughout this thesis. When an interviewer unjustly employs the minimizing technique within a non-accusatory interview setting without reliable evidence necessitating its execution, an interviewee may be compelled to confess (Kassin et al., 2010; Gudjonsson, 2010). According to Kassin et al. (2010), such a technique influences an innocent interviewee to confess for two psychological reasons: the principle of reinforcement and pragmatic inferences. The former concept emphasizes that individuals being highly receptive to reinforcement and the perceived consequences may choose to align with an outcome that gives them immediate gratification (Kassin et al., 2010; Gudjonsson, et al., 2008). Hence, interviewees may induce a confession to depart from the FII (Kassin et al., 2010; Gudjonsson, 2018). The latter concept exemplifies that when individuals process and interpret communication, they frequently read "between the lines" and remember what was pragmatically implied (Kassin et al., 2010, p. 18). Therefore, interviewees may misunderstand what the interviewer specifically expressed and infer something they neither explicitly vocalized nor hinted (Kassin et al., 2010).

Individuals with dispositional vulnerabilities are at an even greater risk of becoming victims of these psychological entrapments. In a study by Farrugia and Gabbert (2019), they conducted 66 interviews with suspects, both with and without mental disorders, all of whom had prior interactions with law enforcement. The researchers sought to unveil the differences in responses between and within the two groups and assess the interviewer's ability to obtain authentic information during the interview (Farrugia & Gabbert, 2019). The findings from the

study exemplified that forensic investigative interviewers tend to employ the minimizing tactic more frequently among vulnerable interviewees with diminished capacity compared to those without such cognitive disadvantages (Farrugia & Gabbert, 2019). Therefore, Farrugia and Gabbert (2019) highlighted its alarming nature, as those with significant levels of vulnerability, such as being highly impressionable and compliant, were more likely to elicit a full confession. Consequently, to alleviate the risk of an innocent interviewee with diminished capacity confessing to a crime they did not commit, interviewers must recognize the dangers of employing the minimizing technique with such individuals and utilize alternative tactics that suit the needs of the vulnerable suspect (Farrugia & Gabbert, 2019). In later sections, this thesis presents various non-accusatory tactics to employ when interviewing individuals with diminished capacity.

Lastly, the Reid technique also permits the implementation of the maximization tactic within a FII, a tactic often deemed controversial when used by the police (Kassin et al., 2010; Chen, 2021; Arafat, 2020; Farrugia & Gabbert, 2019; Porter et al., 2016). The maximization technique encompasses multiple tactics tailored to the interviewer's firm belief that the interviewee is indeed guilty of the alleged offence (Kassin et al., 2010; Inbau et al., 2013). When employing this technique, the interviewer may evoke "an accusation, overriding objections, and citing evidence, real or manufactured, to shift the suspect's mental state from confident to hopeless" (Kassin et al., 2010, p. 12; Chen, 2021; Inbau et al., 2013). Hence, it is apparent that inappropriate utilization of the maximization technique towards innocent individuals, especially those with diminished capacity, may render them susceptible to providing a false confession (Kassin, 2005, as cited in Kassin et al., 2010). Further elaboration on the maximization technique ensues in the following section. The section below presents the tangible nature of improper police conduct and the ensuing consequences, featuring a comparison of two Canadian cases.

Potential Injustices of Erroneous Police Tactics

As ingeminated throughout this thesis, FIIs aim to establish, garner, and accumulate authentic evidence demonstrating the commission of a purported offence, with the intention of presenting it in court (Holmgren, 2017; McKenzie, 2002). However, in accomplishing such a goal, various forensic investigative interviewers have deviated from accepted interviewing practices and relied on illegitimate and unlawful tactics (Kassin et al., 2010; Holmgren, 2017). While the lack of adequate training among interviewers in properly executing interviewing techniques is a significant concern, the situation becomes substantially troubling when an overzealous interviewer prioritizes erroneous police tactics to extract a confession from the interviewee (Catlin et al., 2023). Commonly employed tactics that frequently result in false confessions and wrongful convictions include intentional misconduct, such as persuasion and coercion, and cognitive biases, including tunnel vision (Holmgren, 2017). Consequently, these deceptive practices by the police were demonstrated in the wrongful conviction of Guy Paul Morin, leading to the formation and establishment of the Kaufman Report (Holmgren, 2017; Innocence Canada, 2024a). Additionally, such illicit tactics were utilized in the more recent case involving Cory Armishaw, who exhibited reduced cognitive abilities (Holmgren, 2017).

Guy Paul Morin's wrongful conviction for the murder of nine-year-old Christine Jessop stands as one of Canada's most notable cases of police misconduct (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020). The case involved multiple occasions of official errors, such as inaccurate eyewitness testimony, police tunnel vision and the suppression of invaluable evidence (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020; The Canadian Registry of Wrongful Convictions [CRWC], 2024). On October 3, 1984, Jessop vanished after being dropped off at home by the school bus (Innocence Canada, 2024a; Makin, 2020). Her body was later discovered on December 31, 1984, over fifty kilometres

from her home in a farmer's field near Queensville, Ontario (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020; CRWC, 2024). In February of the subsequent year, Morin became a suspect and was later arrested for the sexual assault and murder of Jessop in April 1985 (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020). Consequently, Morin underwent two criminal trials, served 18 months in prison, and endured 10 years of stigmatization for a crime he did not commit before being exonerated, whereby new advancements in DNA fingerprinting proved his innocence (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020; CRWC, 2024). Morin was eventually awarded \$1.25 million and a public apology in compensation (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020; CRWC, 2024). The true perpetrator has never been found (CRWC, 2024; Innocence Canada, 2024a).

Due to the abundance of invalid police tactics and misconduct by prosecutors and forensic scientists throughout this case, Honourable Fred Kaufman, C.M., Q.C., directed the inquiry known as the Commission on Proceedings Involving Guy Paul Morin (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020; CRWC, 2024; Roach, 2023). Following a 146-day inquiry that included 120 witness testimonies, the 1,300-page Kaufman Report was finalized and made public (Kaufman, 2002; Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020). The Kaufman Report recognized and exposed the malpractice by police and prosecutors and offered 119 recommendations to address such wrongdoings (Holmgren, 2017; Innocence Canada, 2024a; Makin, 2020; CRWC, 2024; Kaufman, 2002). Ultimately, the Kaufman Report emphasized the importance of avoiding narrow-minded approaches, enhancing interviewing techniques, improving collecting and storing evidence from crime scenes, and strengthening officer education, particularly on false confessions (Holmgren, 2017; Kaufman, 2002). Greater elucidation of the specific erroneous police tactics utilized within this case is presented in the following subheadings.

Furthermore, in a more recent Canadian case, Detective Sergeant Jim Smyth, acting as the forensic investigative interviewer, utilized several unlawful police tactics in obtaining a confession from Cory Armishaw (Holmgren, 2017). Armishaw, age 26, was accused of fatally shaking his partner's three-month-old infant, Jaydin Lindeman, which led to his eventual arrest and charge with second-degree murder (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at paras. 3–4). Armishaw was subjected to a FII whereby Det. Sgt. Smyth violated Armishaw's *Charter* right to retain and instruct counsel as well as employed threats and implicit lies during interrogation (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at para 123). Det. Sgt. Smyth also failed to acknowledge that Armishaw had a functional IQ score of 70 and faced difficulties in verbal comprehension, perceptual reasoning, working memory, and proceeding speed, all of which were within the ninth percentile among individuals his age (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at para 54). Ultimately, Honourable Justice K. Langdon of the Ontario Superior Court of Justice concluded that Armishaw was subjected to an interrogation that vastly exceeded his cognitive abilities, leaving him susceptible to the accusatory tactics employed by Det. Sgt. Smyth (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at para 124). Justice Langdon ruled that Armishaw's confession was riddled with persuasion and coercion, in which Det. Sgt. Smyth maintained a strong belief in Armishaw's guilt and disregarded any attempt to adjust the complexity of questions to the interviewee's cognitive capacity (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at para 66). Hence, Justice Langdon deemed the confession involuntary and thus inadmissible, resulting in Armishaw's acquittal of second-degree murder (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at para 134). Further explanation of Det. Sgt. Smyth's improper conduct is discussed in the subsequent sections.

Persuasion and Coercion

Although Inbau et al. (2013) proclaimed that forensic investigative interviewers should never attempt to persuade or coerce an interviewee into believing they are indeed guilty of a criminal offence they are unable to recall, such instances have unfortunately occurred, leading to individuals falsely confessing (Roach, 2023). While expressing a high level of confidence in the interviewee's guilt is authorized within the FII setting, as it is unlikely for an innocent individual to confess, evoking accusatory statements designed to pressure and convince the suspect of their culpability is not legally permitted (Inbau et al., 2013; Snook et al., 2021). Persuasion is defined as attempting to influence another individual's beliefs and attitudes by employing persuasive or rational arguments (Valenti & Giacco, 2022; Giebels & Taylor, 2010, as cited in Watson et al., 2022). Coercion refers to "remov[ing] an individual's perception of their freedom to make a meaningful choice during a police interrogation" (Leo & Liu, 2009, p. 385, as cited in Kaplan et al., 2019). While persuasion and coercion share similarities, coercion represents a more dangerous strategy as it actively restricts the interviewee's autonomy to make their own decisions by manipulating the perceived benefits and costs of the ensuing course of action (Kaplan et al., 2019).

For instance, maximization techniques, such as false-evidence ploys, is a contentious tactic that may render an interviewee emotionally vulnerable and diminish their ability to dispute the interviewer's false claims; therefore, several researchers deem this tactic to be coercive (Davis & Leo, 2012, as cited in Kaplan et al., 2019; Kassin et al., 2010, p. 12; Chen, 2021; Inbau et al., 2013; Snook et al., 2021; Woody et al., 2018). In a meta-analysis evaluating the occurrence of false confessions conducted by Stewart et al. (2016), they discovered that false-evidence ploys, such as lying and bluffing about the existence of evidence, were the most influential interrogation tactic in provoking a confession from the interviewee (as cited in Catlin et al., 2023). While Leo and Liu (2009) agreed that presenting

false-evidence claims is highly coercive, mainly when it involves a threatening or violent nature, the prevalence of false confessions as a result of the maximization technique is relatively rare (as cited in Kaplan et al., 2019; Blandon-Gitlin et al., 2011, as cited in Kaplan et al., 2019).

Additionally, Kaplan et al. (2019) posited that the suggested leniency, which might be implicitly conveyed with the minimizing technique, is identified as a coercive technique frequently associated with false confessions in the existing literature (Horgan et al., 2012, as cited in Kaplan et al., 2019; White, 2001, as cited in Kassin, et al., 2010; Snook et al., 2021). By employing a combination of the maximizing and minimizing techniques, an admission of guilt is likely to be obtained as it fosters the impression that avoiding retribution is unfeasible; thus, the interviewee may be pressured to admit to a lesser version of the crime as the most rational and effective means in mitigating the impending punishment (Kaplan et al., 2019; Kassin et al., 2010). Hence, the interviewee may elicit a compliant or persuaded false confession (Holmgren, 2017; Gudjonsson, 2018, as cited in Gudjonsson et al., 2021). The former false confession occurs when the interviewee is induced during the interrogation to evoke a confession for the purported offence (Holmgren, 2017; Kassin et al., 2010). Therefore, in an attempt to escape the stressful and accusatory environment and acquire the implied reward, the interviewee may evoke a confession (Holmgren, 2017; Kassin et al., 2010). Conversely, persuaded false confessions, also known as internalized false confessions, may ensue when the interviewee doubts the accuracy of their own memory and consequently becomes pliable to external pressures (Holmgren, 2017; Kassin et al., 2010). Hence, individuals with dispositional vulnerabilities are increasingly susceptible to persuaded false confessions (Gudjonsson & Young, 2021; Gudjonsson, 2017, as cited in Otgaar et al., 2021; Bigham, 2010, as cited in Murphy, 2018).

Concerning Guy Paul Morin's case, while there is a lack of evidence demonstrating that forensic investigative officers utilized persuasive and coercive tactics during Morin's FII, such deceptive practices were employed with Jessop's mother and brother when questioned about Jessop's time of disappearance (Holmgren, 2017; Makin, 2020). Years after Jessop's evanescence, it was revealed that the lead investigators convinced Jessop's mother and brother to reconsider and recount the time they had arrived home on the day of Jessop's vanishing (Makin, 2020). During their initial questioning, they posited that they arrived home at 4:10 pm; however, after being further questioned by the police, they revised their estimate to be 4:35 pm (Makin, 2020). Expanding their time of arrival enlarged Morin's window of opportunity to arrive home and abduct Jessop, thereby complementing the other evidence implicating Morin for the heinous crime (Holmgren, 2017; Makin, 2020). Had the officers not persuaded the Jessops to alter their initial story, Morin likely would not have been subjected to a wrongful conviction.

In *R v Armishaw* [2011 ONSC 5624], Det. Sgt. Smyth ubiquitously employed persuasive and coercive tactics throughout Armishaw's FII (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at para. 61). For instance, Det. Sgt. Smyth informed Armishaw that he acquired specialized knowledge and is a member of a unique police team; hence, a notable power and intellectual differential existed between the interviewee and interviewer (*R v Armishaw*, 2011 ONSC 5624 at para. 61). Det. Sgt. Smyth then notified Armishaw of his role in distinguishing between two disparate types of offenders, the "cold-blooded killer and the nice guy who snapped" (*R v Armishaw*, 2011 ONSC 5624 at para. 61). Through attempting to forge a bond between Det. Sgt. Smyth and Armishaw, the interviewer utilizes the minimizing technique in that he understands and sympathizes with the pressure Armishaw faced when he committed the criminal act (*R v Armishaw*, 2011 ONSC 5624 at para. 68). Through creating a scenario that Armishaw's partner was unfaithful and consequently abandoned him to cope

with what she has done, Det. Sgt. Smyth asserted that he recognizes how a genuine individual could momentarily lose control (*R v Armishaw*, 2011 ONSC 5624 at para. 68).

Additionally, building upon Det. Sgt. Smyth's superior role, he exemplified that he has the authority to promote the nice guy who snapped image rather than the cold-blooded killer to the courts and that his opinion can influence the outcome of the trial and the punishments that he will serve; thus, insinuating a threat (*R v Armishaw*, 2011 ONSC 5624 at para. 112). Therefore, Det. Sgt. Smyth exemplified the importance of taking responsibility for his actions and that merely remaining silent is consequently implicating him as a cold-blooded killer (*R v Armishaw*, 2011 ONSC 5624 at para. 73). It is understandable that an interrogation lasting an hour and twenty minutes, featuring Det. Sgt. Smyth's relentless monologue, alongside Armishaw's intellectual and psychological limitations, might have led Armishaw to forgo his right to remain silent and adhere to counsel advice (*R v Armishaw*, 2011 ONSC 5624 at para. 126; Holmgren, 2017).

Additionally, Det. Sgt. Smyth employed the maximization technique in an effort to extract a confession from Armishaw (Holmgren, 2017). Through utilizing false-evidence ploys, Det. Sgt. Smyth repeatedly conveyed to Armishaw that the accumulation of evidence collected during the investigation, including expert, medical, scientific, and crime scene investigation (CSI) evidence, all implicated him as the sole perpetrator beyond a reasonable doubt (*R v Armishaw*, 2011 ONSC 5624 at para. 66; Holmgren, 2017). Det. Sgt. Smyth ingeminated that with such evidence, the case has been solved, and it is in Armishaw's best interest to disclose what occurred in order to lessen the severity of his future punishment (*R v Armishaw*, 2011 ONSC 5624 at para. 66). However, Det. Sgt. Smyth drastically exaggerated its effectiveness and connection to Armishaw; in reality, there was no evidence implicating anyone as the perpetrator at the time of Armishaw's FII (*R v Armishaw*, 2011 ONSC 5624 at para. 66). Despite Armishaw initially questioning the reliability of forensic evidence

incriminating him to the crime as he had an alibi, he eventually succumbed to Det. Sgt. Smyth's persistent false-claims, ultimately convincing himself of his culpability (*R v Armishaw*, 2011 ONSC 5624 at para. 128; Holmgren, 2017). Considering Armishaw's dispositional vulnerabilities, the interviewer's "quietly relentless" demeanour and tone throughout the interview fostered an atmosphere where "resistance is futile," and the significant emphasis placed on false evidence all demonstrate that Armishaw's autonomy was overcome and classifies Det. Sgt. Smyth's conduct as coercive (*R v Armishaw*, 2011 ONSC 5624 at para. 63; Holmgren, 2017; Brean, 2011)

While Det. Sgt. Smyth's interrogation with Armishaw was excluded from legal proceedings due to its overpowering effect on Armishaw's free will, Det. Sgt. Smyth employed a similar approach when interviewing Russel Williams just a few months prior and received praise for successfully executing the Reid technique (Holmgren, 2017; Brean, 2011). A critical factor in these interviews was the mental and psychological abilities of the interviewees; as Williams was intelligent, Armishaw was not (Holmgren, 2017; Patriquin et al., 2010). Additionally, while Det. Sgt. Smyth repeatedly proclaimed Armshaw's guilt based on false evidence, Det. Sgt. Smyth conversely presented rational arguments supported by reliable evidence in his previous FII, which prompted Williams to evoke a confession (Holmgren, 2017). Hence, while Det. Sgt. Smyth utilized comparable tactics and strategies for both FIIs, the interviewee's cognitive abilities and the presence of legally obtained evidence played a significant role in determining the voluntariness and truthfulness of the elicited confessions (Holmgren, 2017).

Cognitive Bias

According to Meterko and Cooper (2022), cognitive bias is an "umbrella term that refers to a variety of inadvertent but predictable mental tendencies which can impact perception, memory, reasoning, and behavior" (p. 101). Cognitive biases frequently stem

from humans' innate ability to adjust to the fast-paced environment by attuning to patterns and creating mental shortcuts to aid in interpreting the information presented (Meterko & Cooper, 2022; Neal et al., 2022). Thus, individuals learn through experiences and are guided by their intuition, which is based upon their "feelings, ideas, and notions that do not require reasoning" (Holmgren, 2017, p. 49; Neal et al., 2022; Meterko & Cooper, 2022; Korteling & Toet, 2020). While relying on heuristics may be beneficial in making swift decisions that require limited cognitive effort or in instances of life or death, it may inadvertently impact one's ability to remain rational and accurate (Holmgren, 2017; Neal et al., 2022; Meterko & Cooper, 2022). Hence, as cognitive bias inherently affects one's intuition, individuals may base their actions on flawed judgement and mental errors (Holmgren, 2017; Korteling & Toet, 2020; West & Kenny, 2011, as cited in Neal et al., 2022). Examples of cognitive bias include tunnel vision, groupthink, investigator bias, and numerous other types of biases (Meterko & Cooper, 2022; Holmgren, 2017; Melinder et al., 2020).

While any form of cognitive bias can be detrimental in eliciting a truthful confession from an interviewee during a FII, this thesis will primarily examine tunnel vision, as it was ubiquitously demonstrated in both the Morin and Armishaw cases (Holmgren, 2017). Tunnel vision, in the criminal justice system context, refers to the tendency for law enforcement personnel to employ mental shortcuts in selectively filtering evidence to substantiate a case against a suspect (Elaad, 2022; Holmgren, 2017; Chen, 2021; Innocence Canada, 2024a). Tunnel vision causes officers to actively ignore or suppress exculpatory evidence as it does not coincide with their theoretical version of events (Elaad, 2022; Chen, 2021). Therefore, it is understandable that tunnel vision is a significant factor contributing to false confessions and wrongful convictions (Elaad, 2022; Holmgren, 2017; Innocence Canada, 2024a).

In the Morin case, the Kaufman Report ingeminated that tunnel vision was the primary factor leading to Morin's wrongful conviction, as Kaufman emphasized how the

investigators and prosecution had demonstrated “tunnel vision of the most staggering proportions” (Makin, 2020, para. 26; Innocence Canada, 2024a; Holmgren, 2017; CRWC, 2024; Kaufman, 2002). Following Jessop’s mother’s remark that their neighbour Morin was a “weird-type guy,” the investigators narrowed their focus and remained assured that Morin was the perpetrator, despite evidence such as his alibi indicating otherwise (Makin, 2020; Innocence Canada, 2024a). Morin’s knowledge that Jessop’s remains were discovered across the Ravenshoe Road, which was classified as dependent evidence, further reinforced the police’s tunnel vision (Innocence Canada, 2024a; Makin, 2020). Morin also contributed a suspicious and snide comment that “all little girls are sweet and beautiful, but grow up to be corrupt,” along with a sarcastic statement about his innocence (Innocence Canada, 2024a, para. 6; Makin, 2020; CRWC, 2024). Hence, it is evident that these factors steered law enforcement personnel to forgo objectivity, resulting in crucial errors in judgment that ultimately led to Morin’s wrongful conviction (Holmgren, 2017; CRWC, 2024; Innocence Canada, 2024a; Makin, 2020).

Concerning the Armishaw case, while Justice Langdon did not explicitly delineate tunnel vision as a fundamental element contributing to Armishaw’s false confession, such cognitive bias is notable throughout the FII. As previously noted, in executing the Reid technique, a non-accusatory interview shifts to an accusatory interrogation once the interviewer has secured reliable and authentic evidence indicating the interviewee’s guilt (Inbau et al., 2013; King & Snook, 2009; Ahuja, 2018). However, in the Armishaw case, Det. Sgt. Smyth initiated the interrogation process with the absence of legally obtained evidence and began to employ persuasive and coercive tactics on a cognitively impaired individual (Holmgren, 2017; *R v Armishaw*, 2011 ONSC 5624 at para. 54). Det. Sgt. Smyth continually utilized accusatory language throughout the interrogation, such as “But the bottom line is, Cory, it happened, okay?” as well as “But I can’t tell anybody why you did it. The only

person who can tell us the why of this whole thing is you” (*R v Armishaw*, 2011 ONSC 5624 at para. 82). Thus, it is apparent that Det. Sgt. Smyth firmly believed that Armishaw was the perpetrator and lacked objectivity in viewing Armishaw in any other light. Det. Sgt. Smyth’s zealous conduct in eliciting a confession narrowed his focus to merely obtaining a confession rather than following the evidence where it led him (Holmgren, 2017). This notion significantly differs from the Williams case, where Det. Sgt. Smyth viewed a confession as solely a piece of evidence for the prosecution’s case. Conversely, in the Armishaw case, Det. Sgt. Smyth’s insistence on obtaining a confession stemmed from his belief that a conviction is dependent upon the elicitation of a confession (Holmgren, 2017). Hence, in the following section, this thesis delineates how an interviewer’s flawed underlying assumptions can lead to excessive and inappropriate police conduct, potentially resulting in false confessions.

Explanations and Factors Leading to False Confessions

While it is crucial to examine how overzealous interviewers may inappropriately utilize police tactics during a FII, it is equally critical to elucidate the underlying intentions and objectives that drive such interviewers to compel an innocent interviewee to confess to a crime they did not commit. Despite existing safeguards within the Canadian criminal justice system, instances of police errors still occur, leading to the extraction of “false and detailed confessions” (Holmgren, 2017, p. 134; Leo, 2009). Examples of police errors include misclassification, coercion, and contamination errors (Holmgren, 2017; Gudjonsson & Pearse, 2011; Gudjonsson, 2021). In an attempt to reduce the occurrence of such police misconduct, the Lamer Commission of Inquiry Report was created in 2006 (Holmgren, 2017; Lamer, 2006). Similar to the Kaufman report, the Lamer Inquiry Report contributed 45 recommendations for enhancing the investigation standards when interacting with the interviewee and training to prevent false confessions (Lamer, 2006; Holmgren, 2017). Nevertheless, false confessions continue to persist in Canada (Bethune, 2023; Shaw & Porter,

2015, as cited in Porter et al., 2016; Leo & Drizin, 2010, as cited in Gudjonsson, 2021). Thus, an assessment of the three police errors is necessary to address interviewers' fallacious assumptions.

The Misclassification Error

The misclassification error transpires when forensic investigators have a firm but mistaken belief that the interviewee is guilty (Holmgren, 2017; Leo, 2009; Ahuja, 2018; Gudjonsson, 2021). This error commonly stems from the interviewer's poor training or their unfounded faith that interviewers can adequately interpret verbal and non-verbal signals and consistently recognize deceptive claims; such belief may be based on an overemphasis on the value of BPQs (Holmgren, 2017; Leo, 2009; Ahuja, 2018). Such confidence in their lie-detection abilities leads them to decipher non-verbal cues as an indication of guilt, resulting in interviewers neglecting any other cause for an interviewee's non-verbal behaviour (Holmgren, 2017; Ahuja, 2018; Leo, 2009). In reality, Baverstock Psychology (2014) found that interviewers accurately determined fraudulent claims only 54% of the time (as cited in Ahuja, 2018). These interviewers fail to acknowledge that innocent and guilty interviewees may exhibit similar or equivalent signals due to the stressful nature of FIIs (Holmgren, 2017; TED, 2016, as cited in Ahuja, 2018). Furthermore, the misclassification error occurs when an interviewee is being accused of a crime they had previously committed or subjective evidence, such as eyewitness testimonies, indicates their culpability (Holmgren, 2017; Gudjonsson, 2021; Leo, 2009). Thus, forensic interviewers narrow their investigation to one suspect as they are thought to be most likely responsible for the crime (Holmgren, 2017; Gudjonsson, 2021). The misclassification error can be seen in the Morin and Armishaw cases, as the interviewers succumbed to bias and lacked an open-minded mentality (Gudjonsson, 2021; Ahuja, 2018).

The Coercion Error

The coercion error emerges when interviewers attempt to extract a confession by employing various illegitimate tricks and coercive tactics (Holmgren, 2017; Ahuja, 2018). This error often arises when investigations have limited reliable evidence proclaiming the suspect's guilt, particularly in high-pressure cases when interviewers face immense public and political pressure to solve the case (Gudjonsson, 2021; Ahuja, 2018; Leo, 2009). Hence, interviewers may inappropriately utilize the minimizing and maximizing techniques, which may encompass promises of leniency, false-evidence ploys, or threats of severe and unsympathetic punishment (Leo, 2009; Holmgren, 2017; Gudjonsson, 2021). Holmgren (2017) highlighted that the coercion error is often associated with interviewees' dispositional and personality factors. For instance, individuals with high levels of trepidation, lack assertiveness, maintain low self-esteem and memory distrust and tend to be complaisant and non-confrontational, often render a false confession when subjected to such persuasive tactics (Holmgren, 2017; Ahuja, 2018; Gudjonsson, 2021; Leo, 2009). Therefore, it is evident that the coercion error played a critical role in the false confession of Armishaw by Det. Sgt. Smyth.

Holmgren (2017) further exemplified that prolonged FIIs can exacerbate the likelihood of false confessions, as fatigue and drug withdrawal may make the interviewee more compliant (Innocence Project, 2024b). According to the Innocence Project (2024b), the average length of an interrogation that results in a false confession is approximately 16 hours (TED, 2016, as cited by Ahuja, 2018). Thus, individuals across all cognitive levels may be prone to elicit a false confession under these coercive circumstances (Leo, 2009).

The Contamination Error

The contamination error occurs when interviewers unlawfully influence the suspect's narrative and may divulge culpatory evidence about the crime that only the actual perpetrator

would know (Holmgren, 2017; Leo, 2009; Ahuja, 2018). Interviewers who aim to secure a convincing confession that substantiates other culpatory evidence against the accused for the prosecution's case are inherently committing the contamination error (Leo, 2009; Ahuja, 2018; Holmgren, 2017). These interviewers often make suggestions, ask leading questions, and help script a confession; hence, the interviewee's proclamation may shift from denial to admission, as the presence of accusatory statements may contaminate the accuracy of their memory (Leo, 2009; Holmgren, 2017; Ahuja, 2018). Therefore, interviewees with dispositional vulnerabilities, such as those with memory distrust, are increasingly susceptible to this police error (Gudjonsson & Young, 2021; Gudjonsson, 2021). Contamination error frequently originates from the interviewer's cognitive bias, such as tunnel vision and investigator bias (Holmgren, 2017). Thus, the contamination error was ubiquitous in both the Morin and Armishaw cases.

The following section concludes this analysis, focusing on three particular tactics aimed at minimizing the elicitation of false confessions. This section begins by introducing the Reid P.E.A.C.E. Method.

Tactics to Decrease False Confessions

While advancements have been made in the field of forensic investigative interviewing over the past four decades in understanding the factors conducive to false confessions, such erroneous admissions continue to occur within the Canadian criminal justice system (Gudjonsson, 2021; Reid, n.d.; Holmgren, 2017). Despite the Reid technique having a reputation for successfully extracting information from an unwilling interviewee when conducted by a well-trained and unbiased interviewer, critics remain adamant about condemning the technique due to its enduring stigma within the legal system (Davis & Leo, 2014, as cited in Gotham & Kennedy, 2019; Demirden, 2023; Niland & Ortu, 2020). Hence, in an apparent attempt to alleviate skepticism from the court and appease those who

disapprove of the Reid technique, the Reid P.E.A.C.E. Method of Investigative Interviewing was developed (Reid, n.d.). This technique narrows the interviewing scope by merely focusing on rapport and evidence-based inquiries to obtain reliable, truthful and voluntary narratives (Reid, n.d.).

Despite the Reid P.E.A.C.E. Method offering a modernized version of the conventional approach, it still overlooks the particular factor contributing to false confessions: the characteristics and behaviour of the interviewer; a thorough description of the Reid P.E.A.C.E. Method is outside the scope of this analysis. As continually ingeminated, false confessions predominantly arise from interviewers' inappropriate or ineffective application of the technique, which is often influenced by their underlying assumptions (Holmgren, 2017; Inbau et al., 2013). While no individual is completely immune to eliciting a false confession, individuals with dispositional vulnerabilities are at a heightened risk (Farrugia & Gabbert, 2019; Holmgren, 2017; Gudjonsson & Young, 2021; Gudjonsson, 2017, as cited in Otgaar et al., 2021). Such risk is exacerbated when an inadequately trained or overzealous interviewer resorts to coercive or illegitimate interrogation tactics (Catlin et al., 2023; Kassin et al., 2010). Hence, the following subsections outline the importance of understanding the interviewee's vulnerabilities and offer recommendations on suitable tactics and mindsets for interviewers to adopt throughout the FII, with the aim of eradicating false confessions.

Managing Tunnel Vision

According to Findley (2012) and Holmgren (2017), managing tunnel vision is a complex undertaking, as debunking pre-existing beliefs that influence decision-making is challenging. While education may provide a viable solution for mitigating the misguided conclusions stemming from tunnel vision, research demonstrated that it is not always efficacious (Findley, 2012). Findley (2012) found that merely informing interviewers about

the nature of tunnel vision and encouraging them not to succumb to unjustified biases is ineffective. Instead, empirical evidence has shown that employing “deliberate debiasing strategies” proves successful in managing tunnel vision (Snook et al., 2021, p. 5; Findley, 2012; Holmgren, 2017). For instance, by prompting interviewers to consider the opposing viewpoint and to articulate the rationale behind that perspective, it actively attenuates their tunnel vision by diminishing its perceived validity (Snook et al., 2021; Hawkins & Hastie, 1990, as cited in Findley, 2012; Nickerson, 1998, as cited in Findley, 2012; Risan et al., 2016). This debiasing strategy acts as a “cognitive shield against an erroneous reframing of the available information” (Soll et al., 2016, as cited in Snook et al., 2021, p. 5).

Furthermore, when interviewers are knowledgeable of the difficulties and characteristics associated with dispositional vulnerabilities, it can aid in disputing any preconceptions about the interviewee’s behaviour, which often leads to tunnel vision and a presumption of guilt (Murphy, 2018). For example, if an interviewer is ill-informed that interviewees diagnosed with ADHD frequently provide a disproportionate amount of ‘don’t know’ answers, it may reinforce the interviewer’s culpatory assumptions (Gudjonsson et al., 2007, as cited in Kassin et al., 2010). However, educated interviewers would recognize that these responses stem from deficiencies in source monitoring skills and judgement (Gudjonsson & Young, 2021). Hence, with increased awareness of the interviewee’s vulnerabilities, the interviewer can appropriately engage with the interviewee and employ tactics that accommodate their difficulties rather than presuming they are guilty and resorting to coercive tactics (Risan et al., 2016). Had Det. Sgt. Smyth questioned his underlying assumptions and acknowledged Armishaw’s immense cognitive limitations, a false confession would have likely been avoided.

Additionally, Snook et al. (2021) highlighted that patient interviewers who strive to avoid the natural tendency toward biased thinking make the most effective forensic

interviewers (Inbau et al., 2013; Niland & Ortu, 2020). As the openness personality factor is intrinsically related to high levels of patience and creativity, it suggests that such characteristic is associated with optimal interviewing performance and proficiency in managing tunnel vision (Wachi et al., 2016; Akca & Eastwood, 2021). Ultimately, it is imperative that forensic interviewers continually confront their biases, uphold an open-minded approach, and rely on rational and dependable sources during FIIs.

Strategic Questioning

There is a widespread consensus that proper use of open-ended and probing questions yields intricate and accurate information in contrast to close-ended or leading questions (Oxburgh et al., 2010, as cited in Farrugia & Gabbert, 2019; Snook et al., 2012, as cited in Farrugia & Gabbert, 2019). According to Holmgren (2017), open-ended questions seek to gather information through free recall and a non-restricted response, whereas close-ended questions primarily allow for a simple response, such as “yes” or “no” (Hanway et al., 2021; Buckley, 2022). Open-ended questions also aid in preventing bias and stereotypical attitudes due to their non-assumptive nature (Melinder et al., 2010, as cited in Melinder et al., 2020; Saywitz et al., 2015, as cited in Melinder et al., 2020). Best-practice interviewing predominately recommended that interviewers initially exercise open-ended questions that allow for the interviewee to provide descriptive details about the incident, followed by probing questions, such as the five *W* questions—what, who, where, why, and when, as the sequence of questions often produce legitimate and reliable accounts (Snook et al., 2020; Holmgren, 2017; Thielgen et al., 2022). The research found within this thesis has shown that interviewers who possess certain personality traits, such as conscientiousness, agreeableness, and extroversion, as well as those with high EI, are most successful in posing open-ended questions in FIIs (Lafontaine & Cyr, 2017; Akca & Eastwood, 2021; Melinder et al., 2020).

Despite open-ended questions representing the golden standard for obtaining reliable, comprehensive, and authentic accounts, emerging evidence suggests they may be counterproductive when interviewing individuals with dispositional vulnerabilities (Farrugia & Gabbert, 2019; Farrugia & Gabbert, 2022). The evidence supporting the value and effectiveness of open-ended questions has primarily been derived from studies evaluating individuals without mental health disorders (Farrugia & Gabbert, 2019). Rather than fostering a free narrative in addressing a relevant topic, open-ended questions often prompt interviewees diagnosed with mental health disorders to seek clarification to understand the posed question (Farrugia & Gabbert, 2019; Murphy, 2018). In fact, open-ended questions elicited the most requests for simplification compared to close-ended or acknowledgement-style questions (Farrugia & Gabbert, 2019).

Moreover, not only did open-ended questions pose challenges in comprehension, but when these vulnerable individuals attempt to offer information, they often provide fewer correct details compared to non-cognitively impaired interviewees (Bowles & Sharman, 2014, as cited in Farrugia & Gabbert, 2019; Perlman et al., 1994, as cited in Farrugia & Gabbert, 2019; Ternes & Yuille, 2008, as cited in Farrugia & Gabbert, 2019). Bearman et al. (2019) posited that incorrect answers may have stemmed from the question being too broad to provide genuine information retrieval (as cited in Farrugia & Gabbert, 2022). Therefore, instead of relying on traditional questioning strategies when interviewing individuals with dispositional vulnerabilities, interviewers must adjust their questions to match the cognitive abilities of the interviewee (Farrugia & Gabbert, 2019; Powell, 2002, as cited in Farrugia & Gabbert, 2022; Murphy, 2018). This often involves presenting more specific questions to aid in facilitating detailed and accurate memory recall (Farrugia & Gabbert, 2019; Fisher & Geiselman, 2017, as cited in Meissner, 2021; Powell, 2002, as cited in Farrugia & Gabbert, 2022; Farrugia & Gabbert, 2022).

Drawing from the information previously presented, Murphy (2018) asserted several strategies to employ and avoid when engaging with interviewees with ASD. Nevertheless, these methods could also prove advantageous for individuals diagnosed with other mental health disorders and cognitive impairments. Murphy (2018) highlighted the importance of the interviewer being intentional and deliberate in the language used and the questions posed. Given that individuals with dispositional vulnerabilities are particularly prone to wrongly deciphering information, interviewers should avoid statements that could be construed as ambiguous or unclear (Murphy, 2018). For instance, metaphors, sarcasm, non-literal language, and questions necessitating inference or deductive reasoning should not be used (Murphy, 2018; Crozier et al., 2020, as cited in Thielgen et al., 2022).

Additionally, questions that include “tags,” such as “You went to the house, didn’t you?” as well as double negatives, pose challenges in interpretation, particularly for this vulnerable population; hence, they should be avoided (Murphy, 2018, p. 315). Moreover, as previously mentioned, individuals with ASD and other mental disabilities, like ADHD, may encounter difficulties in autobiographical and episodic memory (Bowler et al., 2000, as cited in Murphy, 2018; Goddard et al., 2007, as cited in Murphy, 2018; Gudjonsson & Young, 2021). Therefore, Murphy (2018) emphasizes that questions should be framed in the correct tense, refraining from making comments referring to the past in the present tense, such as “Now you are in the street and looking at the car” (p. 315). Lastly, Buckley (2022) highlighted that interviewers should never resort to lying or employ false-evidence ploys with this type of interviewee, as it renders them increasingly susceptible to falsely confessing.

In essence, adapting interview questions to align with the cognitive abilities of the interviewee while remaining conscious to avoid ambiguous language is an immensely challenging task (Farrugia & Gabbert, 2019; Powell, 2002, as cited in Farrugia & Gabbert, 2022; Murphy, 2018). Therefore, forensic interviewers must possess high levels of EI to

grasp the interviewee's vulnerabilities and demonstrate suitable conduct (Lafontaine & Cyr, 2016). This involves tailoring the intricacy of questions asked and the pace of the interview to match the suspect's cognitive capabilities (Lafontaine & Cyr, 2016). Furthermore, the interviewer must possess elevated cognitive intelligence to swiftly navigate the dynamic nature of FIIs, such as engaging in multitasking, like interpreting elicited information, while internalizing an appropriate follow-up question (Ono et al., 2011; Hanway et al., 2021). Hence, successfully executing a FII with individuals who have cognitive or mental health disadvantages necessitates interviewers who exemplify a high degree of agreeableness and openness, as being flexible, cooperative, and insightful is imperative for strategic questioning (Wachi et al., 2016; Akca & Eastwood, 2021; Melinder et al., 2020).

Prioritize the Rapport Building Process

While managing one's tunnel vision and employing appropriate questions are substantially important, particularly when interviewing individuals who have dispositional vulnerabilities, establishing rapport is arguably the most critical aspect of FIIs (Holmgren, 2017; Vallano & Schreiber Compo, 2015; Vallano et al., 2015). Rapport refers to the "quality of relationship that involves building confidence between the interviewee and the interviewer" (Holmgren, 2017, p. 15; Vallano & Schreiber Compo, 2015; Vallano et al., 2015; Inbau et al., 2013; Catlin et al., 2023). Rapport building provides a foundation for whether the interviewee feels comfortable providing a narrative and how much information they choose to bestow (Holmgren, 2017; Vallano & Schreiber Compo, 2015). If an interviewee perceives the interviewer's conduct as threatening or cunning, the likelihood of them eliciting valuable and descriptive information drastically diminishes (Holmgren, 2017). Thus, the rapport building process inevitably affects the nature of the interview and its outcome (Holmgren, 2017; Vallano & Schreiber Compo, 2015; Vallano et al., 2015; Walsh & Bull, 2012, as cited in Catlin et al., 2023). While the Reid technique elucidates that rapport building should

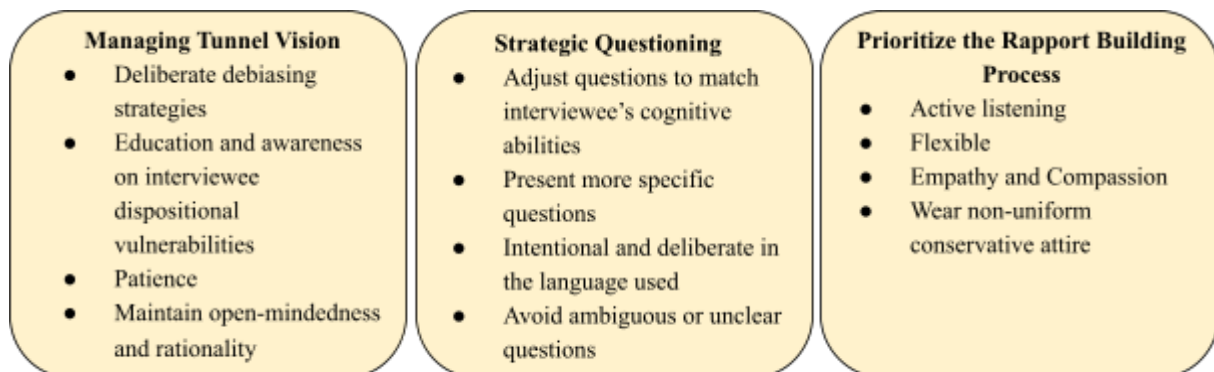
commence at the outset of the interview, particularly during the BAI stage, researchers have shown that addressing rapport throughout the interview is beneficial for encouraging cooperation and truthful narratives (Inbau et al., 2013; Vanderhallen & Vervaeke, 2014, as cited in Catlin et al., 2023).

By establishing an interviewer–interviewee relationship, the interviewer must build a professional connection with the interviewee by employing intentional behaviours (Catlin et al., 2023; Holmgren, 2017). These behaviours can be verbally, para-verbally, or non-verbally communicated, with active listening being the most effective and prevalent tactic (Catlin et al., 2023; Holmgren, 2017; Thielgen et al., 2022; Melinder et al., 2020). Active listening implies that the interviewer is entirely immersed in the conversation, honing into the verbal and non-verbal information conveyed, and only intervenes when necessary (Holmgren, 2017; Saywitz et al., 2015, as cited in Melinder et al., 2020). Hence, patience is an essential characteristic for the interviewer to maintain, as controlling one’s impulses to interject in the conversation can be challenging, particularly when then the interviewee requires additional time to recall information, as seen in individuals with ASD (Crane et al., 2012, as cited in Murphy, 2018; Saywitz et al., 2015, as cited in Melinder et al., 2020). Therefore, possessing a high level of the openness personality factor may become even more essential for investigative interviewers.

Establishing rapport is a fluid process and is subject to change throughout the FII; therefore, the interviewer must ubiquitously exhibit flexibility in their interviewing approach and tactics used (Holmgren, 2017; Alison & Alison, 2017; Vallano & Schreiber Compo, 2015; Melinder et al., 2020). Gudjonsson (2018) elucidated that exceedingly agreeable individuals tend to naturally espouse the rapport building process and demonstrate genuine care and empathy towards the interviewee without such behaviour appearing to be manufactured and contrived (Smets, 2009, as cited in Akca & Eastwood, 2021; Melinder et

al., 2020; Wachi et al., 2016). Such innate ability may aid in appropriately employing the minimizing technique, as maintaining an empathetic and sympathetic demeanour is central to the tactic (David et al., 2017, as cited in Catlin et al., 2023). Withal, interviewers who possess an elevated level of EI are typically adept at establishing rapport and fostering a collaborative relationship with the interviewee (Vanderhallen et al., 2011, as cited in Raisin et al., 2016). Hence, interviewers who demonstrate agreeableness and openness personality factors, coupled with high EI, are likely to cultivate a non-judgemental and genuine rapport with the interviewee, thereby decreasing the risk of eliciting false confessions (Snook et al., 2020).

Lastly, interviewers should dress in non-uniform conservative attire to reduce the imitating nature of FIIs and alleviate the process's formality (Mitchell et al., 2014; Holmgren, 2017; Inbau et al., 2013). Mitchell et al. (2014) suggested that by simply dressing in plain clothes, such as a jacket or suit, interviewers appear more welcoming and approachable, enhancing the rapport established between the interviewer and interviewee (Inbau et al., 2013). For instance, their study revealed that when the interviewer removed their police jacket, numerous interviewees felt a greater sense of connection and that they could relate to the interviewer (Mitchell et al., 2014). However, Mitchell et al. (2014) also found conflicting results, as some interviewees reported that the interviewer's attire had no impact on their behaviour, and some even preferred a uniform for the reassurance it provided, as it indicated that the interviewer was a legitimate police officer. Although Mitchell et al.'s (2014) research focused on child welfare interviews in the United Kingdom, its findings may have broader implications in the forensic investigative interviewing context involving other vulnerable populations, such as individuals with diminished capacity. Ultimately, wearing appropriate attire that conveys an amicable and cordial demeanour may aid in diminishing the power imbalance between the individuals, rendering the interviewee more comfortable eliciting a truthful and voluntary account (Holmgren, 2017).

Figure 3*Tactics to Decrease False Confessions*

Note. This figure demonstrates the three recommended tactics for interviewers to adopt throughout the FII. Each box synthesizes the main findings found within this thesis for each tactic.

Conclusion

In essence, the significance of this analysis surpasses academic exploration and endeavours to tackle the pertinent issue that has profound implications for the integrity of the entire justice system. The Canadian criminal justice system is held to a high standard of ensuring fair, ethical, and voluntary confessions. Acknowledging that interviewer characteristics influence the overall success of the interview and the quantity of reliable information obtained, this thesis offered empirical evidence showcasing that interviewers who have heightened cognitive abilities and EI, along with a high degree of openness and agreeableness, are deemed the most effective forensic investigative interviewers. While consciousness, neuroticism, and extroversion are factors in successful interviewing, such personality traits rendered varied results. Hence, the interviewer must display self-awareness and acknowledge that their conduct inevitably influences the interview outcomes. While these findings provide advantageous insights within the broader context of FIIs in guiding practical and effective training and recruitment processes, further research is needed to understand how interviewers' characteristics influence the outcomes of real-life interviews, particularly when utilizing tactics like minimizing and maximizing.

Moreover, interviewers must consider their interviewee's vulnerabilities and adjust their interviewing approach to accommodate their needs. When working with interviewees with diminished capacity, where they are increasingly susceptible to evoking a confession or face challenges in memory recall, interviewers must remain patient, prioritize building rapport, maintain an objective mentality, and employ strategic questioning that aligns with the interviewee's cognitive and intellectual abilities. While the Reid technique includes tactics that may be perilous if inappropriately utilized with such a vulnerable population, the technique does not inherently contribute to false confessions; rather, it is the interviewers themselves. Hence, this analysis's importance lies in advocating for positive adjustments within law enforcement recruitment and training, including selecting individuals who consistently exhibit the desired characteristics and emphasizing training initiatives focused on interviewing those with diminished capacity. Overall, the findings contribute to the broader societal goal of preventing the occurrence of false confessions through employing ethical and appropriate FIIs, thereby promoting public trust in the criminal justice process.

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Appendix A

“Risk” factors to false confession (Gudjonsson, 2018, pp. 115–116)

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1. *Context* (e.g., pressure on police to solve the case, the relationship of the suspect with the victim and other suspects, having responsibility for dependents at the time of interrogation and confinement, undergoing loss or bereavement with regard to the victim).
 2. *Interrogation and custodial factors* (i.e., the length and number of interviews, tactics used, the nature and duration of custody/solitary confinement).
 3. *Not understanding the police caution/Miranda rights*.
 4. *Youth* (typically under 18 years but may be older in real-life cases).
 5. *The “mind set” of the suspect*. Innocence itself may be a risk factor when suspects focus primarily on the immediate effect of confessing (e.g., being released from custody) and naively waiving their legal (Miranda) rights, believing that truth and justice will always prevail and their solicitor will sort it out.
 6. *Physical and mental health problems*, including mental illness, anxiety, depression, and specific phobias (e.g., claustrophobia).
 7. *Developmental disorders* [i.e., intellectual disability, attention deficit hyperactivity disorder (ADHD), autism, literacy problems]. [Fetal alcohol spectrum disorder (FASD) also falls under this heading].
 8. *Lack of access to prescribed medication while in custody*.
 9. *A history of suffering from sexual abuse, violence, bullying, and other traumatic life events*.
 10. *Delinquent peers*.
 11. *Conduct disorder and antisocial personality traits*.
 12. *Frequent contact with the police and involvement in delinquency/criminal activity*.
 13. *Substance abuse history*.
 14. *Alcohol or substance misuse intoxication or withdrawal at the time of the alleged offense or when in custody*.
 15. *Personality* (e.g., suggestibility, compliance, acquiescence).
 16. *Cognitive abilities* (i.e., low IQ, memory problems).
 17. *Absence of support while in custody and during interviews* (e.g., no legal advice, no appropriate adult when one is required, lack of access to a doctor).
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