

**Title:** The use and efficacy of question type and an attentive interviewing style in adult rape interviews.

**Running head:** Attentive interviewing of adult rape victims.

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## **The use and efficacy of question type and an attentive interviewing style in adult rape interviews.**

### **Abstract**

Police interviewers find the investigation of sexual crimes ‘technically difficult’ and ‘stressful’ to conduct by having to make sense of very powerful and painful emotions. In addition, such interviews often contain *inappropriate* as opposed to *appropriate* questions and interviewers often find it difficult to be ‘attentive’ to the specific needs of victims. Through the analysis of interviews with adult rape victims (N=25) in England, we wanted to establish whether the ‘quantity’ and ‘quality’ of investigation relevant information (IRI) obtained would be impacted as a function of different question typologies (e.g., *appropriate* versus *inappropriate*), and overall interviewer *attentiveness*. We hypothesised that: (i) more *inappropriate* questions would be asked compared to *appropriate* questions; (ii) responses to *appropriate* questions would contain more items of IRI than responses to *inappropriate* questions; (iii) *attentive* interviews would contain more *appropriate* questions than *non-attentive* interviews, and; (iv) *attentive* interviews would contain more IRI than *non-attentive* interviews. Results found that interviewers asked significantly more *appropriate* questions that elicited significantly more items of IRI. However, there were no significant differences in the number of *appropriate* questions asked or the impact on the amount of IRI obtained between interviews as a function of interviewer *attentiveness*. Implications for practice are discussed.

## Introduction

A core function of policing is the investigation of crime (Association of Chief Police Officers [ACPO], 2004) and the information provided by victims and witnesses is crucial to the overall investigation (Kebbell & Milne, 1998; Milne & Bull, 2006). To obtain such information, an officer must communicate with the victim/witness by way of an interview (Milne & Bull, 2006). Their objective should always be the obtaining of good *quality* and *quantity* of information that can assist in determining what has happened and/or who committed the alleged crime. However, interviews involving sexual offences are considered to be ‘unique’ given that they are predominantly committed in a private setting with very few, if any, witnesses present (Oxburgh & Ost, 2011). Very often, the police only have the victim’s and/or suspect’s version of events to rely on (Benneworth, 2007; Lees, 2002; Marshall, 2001). The investigation of sexual crimes also involves discussing highly sensitive and personal details, thus, officers often find interviews ‘technically difficult’ and ‘stressful’ to conduct as a result of having to make sense of powerful and sometimes painful emotions (Oxburgh et al., 2006).

## Treatment of Rape Victims

The treatment of sexual offence victims by investigative agencies and the Criminal Justice System (CJS) *per se* has historically been poor (Caringella, 2009). This issue has been highlighted as a result of various high-profile cases around the world that have been in the media spotlight (i.e., Jimmy Saville, Rolf Harris, Harvey Weinstein) resulting in powerful campaigns being instigated (e.g., #MeToo campaign). Governments across the globe have responded to such criticism, and the UK Government, together with Police and Crime Commissioners, conducted reforms/reviews of practice (e.g., see Home Office Circular 69/86; HMCPSI/HMCI, 2007; Stern Review, 2010). However, despite such efforts, there are

still some police officers that remain sceptical as to the veracity of victims' claims (Jordan, 2004, 2008) and endorse common misconceptions (Brown & King, 1998; Feldman-Summers & Palmer, 1980; Page, 2007, 2008a, 2008b) known as rape myths.

### ***Rape Myths***

Rape myths were first defined as, "Prejudicial, stereotyped or false beliefs about rape, rape victims, and rapists" (Burt, 1980, p.217) and are prevalent amongst people of all ages, genders, and across different races and professions (Burt, 1980; McGee et al., 2011; Suarez & Gadalla, 2010). In terms of police officers, they may be allowing their own beliefs to impact on their professional decision-making when dealing with victims of sexual offences (Jordan, 2001; Page, 2008a; Ullman & Townsend, 2007; Woodhams et al., 2012). This could, in part, explain why some victims view interacting with the CJS (specifically the police) as being a negative and traumatising experience (e.g., Campbell, 2006; Campbell & Raja, 2005; Campbell et al., 2001; Chen & Ullman, 2010; Felson & Pare, 2008; Frohmann, 2002; Larcombe, 2002; Monroe et al., 2005; Patterson, 2011; Ullman & Townsend, 2007).

### **Police Investigations**

Victims of sexual offences are often required to explain the offence repeatedly and in great detail (Logan et al., 2005). As the first point of contact that a victim has with the CJS, the early intervention provided by police officers is likely to impact on the subsequent quantity and quality of any evidence obtained thereafter. All such evidence must be examined to check whether it is relevant, and it is essential that all interviews produce good *quality* information that establishes: (i) what happened; (ii) how the crime was committed; (iii) the persons involved; (iv) when and where the crime took place, and; (v) any items used (if any) to assist in committing the offence/s (Milne & Bull, 2006). These are the components of

investigation relevant information (IRI) that have been used in the present study to code interviews of female rape victims (see Oxburgh et al., 2013, 2015 for a full review).

### ***Question Typologies***

If a victim is going to provide good quality IRI, then the interviewer must initiate a discussion and begin gathering information by using a variety of questions. Previous research has focused on assessing the efficacy of the different questions used during interviews (see Clarke et al., 2011; Myklebust & Bjørklund, 2006, 2009; Oxburgh et al., 2012, 2013). In 2010, a literature review was conducted that focused on the different forms of questions used in police interviews, across academic research and practitioner guidance, from both a psychological and linguistic perspective (see Oxburgh et al., 2010). The authors concluded that there were two main categorisations: *appropriate* and *inappropriate* (see Table 1 for an overview). The former are information-seeking questions such as *open-ended* (i.e. TED questions - “Tell me...”, “Explain to me...” and “Describe to me...”) and *probing* (i.e. 5WH question forms – “What”, “When”, “Where”, “Who”, “Why” and “How”), whereas the latter (*inappropriate*) should be avoided and include: *leading* (a question that intends to elicit a response desired by the interviewer), *multiple* (a question that comprises a number of sub-questions asked all at once), *forced choice* (a question that only offers the interviewee a limited number of possible responses – none of which may be their preferred answer) and *opinion/statements* (where an interviewer reads a statement or provides their own opinion and expects a response from the interviewee). Similar to Oxburgh et al. (2012), the present study also classified *closed* questions (e.g., those that restrict the interviewee’s range of responses to either *yes/no*) and *echo* questions (e.g., those where the interviewer repeats part, or all, of the interviewee’s response) as *inappropriate*. The coding of the latter is particularly problematic due to such questions predominantly receiving a *yes/no* response and

consequently, we concluded that they should be coded as *inappropriate* (Fiengo, 2007; Milne & Bull, 1999; Oxburgh et al., 2010).

-----Table 1 about here-----

It is now widely accepted in the academic literature that using *appropriate* forms of questions are the most productive and encourage all types of interviewees to freely recall events which, in turn, are also associated with more detailed and accurate accounts being obtained (Aldridge & Cameron, 1999; Cederborg et al., 2000; Davies et al., 2000; Loftus, 1982; Milne & Bull, 2006; Myklebust & Bjørklund, 2006). Conversely, *inappropriate* questions encourage interviewees to respond on the basis of recognition memory, which can dramatically increase the probability of error in the provided answers (Dent, 1982, 1986; Dent & Stephenson, 1979; Lamb & Fauchier, 2001; Orbach & Lamb, 2001). It has been argued that an interviewer's ability to maintain the use of *appropriate* questions is the best predictor of a good quality interview (Oxburgh & Ost, 2011; Poole & Lamb, 1998) within the auspices of a non-coercive interviewing framework.

### ***Non-coercive Interviewing***

When engaging with any victim of crime, especially those of a sexual nature, an attentive and supportive approach from the interviewer could help alleviate the difficulties of that process (see Campbell, 2008). However, due to the 'unique' nature of such offences, officers are often required to demonstrate interviewing skills that are not utilised during 'everyday' interviews (Cherryman & Bull, 2001). Following increased criticism for the manner in which officers in England and Wales were conducting interviews, the non-coercive PEACE model of interviewing was introduced in 1992 which provides a framework for interviewing in any situation regardless of whether the person is a victim, witness or suspect.

It is based on fairness, openness, and fact (truth) finding (Gudjonsson & Pearse, 2011). PEACE is the mnemonic acronym for the five-stage approach (see Central Planning and Training Unit [CPTU], 1992) which stands for: **P**lanning and preparation, **E**ngage and explain, **A**ccount, clarification and challenge, **C**losure and **E**valuation. For interviews with vulnerable, intimidated and significant victims/witnesses, officers should refer to the Achieving Best Evidence in Criminal Proceedings Guidelines (ABE; Ministry of Justice [MoJ], 2011). The guidance available to officers (that focuses on their interview practice) has been reviewed on numerous occasions by different authors and two of the specific qualities that have been identified as good practice include empathy and rapport-building (Bull & Cherryman, 1995; Clarke & Milne, 2001; Webster et al., submitted). For the purposes of the present study, we have termed such qualities as interviewer ‘attentiveness’.

### *Empathy*

Throughout the psychological and medical literature, there are various definitions that describe the concept of empathy from simply understanding the other’s perspective, to a more intuitive or emotional one (see Baron-Cohen, 2011; Barrett-Lennard, 1981; Davis, 1983; Gladstein, 1983; Preston & de Waal, 2002). However, there is a dearth of empirical research examining empathic interviewing styles in relation to its impact and efficacy during the investigative process (but see Dando & Oxburgh, 2015). This could be for many reasons, but might be due to the multi-dimensional concept of empathy and/or a limited understanding of how empathy should be classified and subsequently coded in investigative contexts when observing an interaction between an interviewer and interviewee. Thus, attributing an appropriate definition in an investigative setting can be problematic, however, one that has been used previously is, “A reaction of one individual to the observed experiences of another” (Davis, 1983, p. 114; see also Oxburgh & Ost, 2011).

Recognising that previous research (e.g., Holmberg & Christianson, 2002; Kebbell et al., 2006) relied upon offenders' self-reports of what they would have done had the interviewer utilised more empathy-related interview techniques, Oxburgh et al. (2013) developed a coding scheme based on the principles of the 'empathy cycle' developed by Barrett-Lennard (1981). The scheme focused on four key variables: (i) *empathic opportunities*; (ii) *empathic opportunity continuers*; (iii) *empathic opportunity terminators*, and; (iv) *spontaneous empathy*. In their study, an interview was considered empathic if it contained at least one interaction whereby an *empathic opportunity* was *continued*, or *spontaneous empathy* was used. An *empathic opportunity* occurs when an interviewee discloses some type of empathic information. The interviewer then has one of two options: (i) they could ignore the information provided by the interviewee or ask an unrelated question in response, thus *terminating* the *empathic opportunity*, or; (ii) they could respond by *continuing* the empathic exchange by resonating some, or all aspects, of the information received. Table 2 provides examples of empathic exchanges.

-----Table 2 about here-----

Dando and Oxburgh (2015) expanded the work of Oxburgh et al. (2013) as a foundation to develop a taxonomy of investigative (verbal) empathy. They believed that such a taxonomy would enable interviewers to build an understanding of what empathy is, how to recognise any opportunities presented, when empathy should be used, and how to communicate empathy effectively. Their research findings focused on two of the key variables found by Oxburgh et al.: (i) *empathic opportunity continuers*, and; (ii) *spontaneous empathy*. Dando and Oxburgh split these into two separate sub-levels (*continuer comfort* and *continuer understanding*). *Continuer comfort* occurs in response to an *empathic opportunity* when the interviewee may be experiencing difficulty and the interviewer may offer some

form of *comfort* (i.e., a comfort break etc.) A continuer *understanding* is a response from the interviewer that demonstrates an understanding of the interviewee's situation and the difficulties they may be experiencing (i.e., acknowledging the difficulty of the interview situation). *Spontaneous comfort* occurs, without prompting, where an interviewer may infer an underlying emotion and offer the interviewee a refreshment or comfort break.

*Spontaneous understanding* involves the interviewer offering some form of understanding, without prompting, of the interviewee's situation (i.e., acknowledging that a specific period of questioning may be difficult for the interviewee etc). See Table 2 for further examples.

The authors noted that interviewers demonstrated *spontaneous empathy* more often and irrespective of interviewer gender (approximately six times during each interview) than *continuer empathy* (occurring less than twice in each interview). This is despite being provided with an average of eight *empathic opportunities* in each interview.

There is no doubt that empathy is perceived to be an important element in an investigative context, specifically during interviews, and that its incorporation can assist in the facilitation of communication (see Holmberg & Christianson, 2002; Holmberg & Madsen, 2014; Kebbell et al., 2006; Oxburgh & Ost, 2011; Oxburgh et al., 2012, 2013, 2015; Patterson, 2012). However, the sole reliance on empathy as a benchmark for a good quality (or effective) interview fails to acknowledge the significant contribution of other skills. Notably, Oxburgh et al. (2013) found no casual link with IRI when using empathy alone to classify an interview as empathic. Research has also found that empathy is used sparingly overall during interviews by police officers (see Dando & Oxburgh, 2015; Oxburgh et al., 2013; Webster et al., submitted), which begs the question of how an interview could be considered empathic in nature if there is only minimal empathic exchanges (see Oxburgh et al., 2013). Thus, the present study sought to include the observance of rapport-building to enhance the validity of any findings.

### ***Rapport-building***

Rapport-building, like empathy, is another established aspect of a good quality interactive process during interviews (Alison et al. 2013; NCF, 2000; MoJ, 2011). There are numerous definitions that attempt to explain this concept and it is traditionally referenced by therapists in clinical settings, citing the importance of establishing a ‘therapeutic alliance’ (Bedi et al., 2005). However, definitions of rapport in different practitioner guidelines and in different countries appear to conflict with one another. For example, the English ABE guidance (MoJ, 2011), defines it as, “A positive mood between interviewer and interviewee” (p. 70), whereas the US Army Field Manual (2006), defines it as, “The establishment of a relationship, which does not have to be friendly in nature” (section 8.3). However, despite these discrepancies, most definitions indicate inter-connecting components of ‘openness’ and an ‘interest’ in the other party (sometimes referred to as ‘mutual attentiveness’; Newberry & Stubbs, 1990; Tickle-Degnen & Rosenthal, 1990).

During the early stages of an interaction (i.e., a police interview), being attentive and showing interest in the other party is vitally important for the purpose of building a relationship. Some research has shown that attentiveness *per se* can help facilitate the creation of focused and interacting engagement (Holmberg & Madsen, 2014; St-Yves, 2006) and is viewed synonymous with active and reflective listening. This involves interpreting and reflecting on what the other person has expressed, then encouraging the other party to interact and discuss matters further (Alison et al., 2013, 2015; St-Yves, 2006).

### **Present Study**

A ‘humane’ style of interviewing, characterised by the use of supportive/humane interview techniques (e.g., empathy, rapport and respect), has been tentatively shown to

facilitate communication and improve the quality of interactions (Holmberg & Christianson, 2002; Lee & Kim, 2020; Vanderhallen et al., 2011). However, there are aspects that require further exploration, specifically, the practices that interviewers use when conducting investigative interviews. This includes a review of how individual techniques are used and then what impact they have when considered together. Thus, the aim of the present study was to establish whether the ‘quantity’ and ‘quality’ of IRI obtained in interviews with adult rape victims differed as a function of question typologies and interviewer attentiveness (i.e., the use of empathy and rapport). The measurement of ‘quantity’ relates to the total amount of IRI elicited by the victim, whereas the measurement of ‘quality’ relates to two different measures: (i) the balance of *appropriate* and *inappropriate* questions used by the interviewer (a higher proportion of the former would be categorised as good quality), and; (ii) the manner in which the interview had been conducted and whether the interviewers’ behaviour could be described as *attentive*. We hypothesised that:

- H1. More *inappropriate* questions would be asked in comparison to *appropriate* questions (Bull & Cherryman, 1995; Davies et al., 2000; Myklebust & Bjørklund, 2006; Oxburgh et al., 2012, 2013).
- H2. Responses to *appropriate* questions would contain more items of IRI than responses to *inappropriate* questions (Aldridge & Cameron, 1999; Cederborg et al., 2000; Davies et al., 2000; Loftus, 1982; Milne & Bull, 2006; Myklebust & Bjørklund, 2006, 2009; Oxburgh et al., 2012).
- H3. Interviews classified as *attentive* would contain more *appropriate* questions than those classified as *non-attentive* (Lee & Kim, 2020; Oxburgh et al., 2013).

- H4. Interviews classified as *attentive* would contain more IRI than those classified as *non-attentive* (Alison et al., 2013; Holmberg & Christianson, 2002; Kebbell et al., 2006; Oxburgh et al., 2013).

## Method

### Sample

Twenty-nine actual interviews were obtained from one police force in England which were conducted between 2011 and 2017. However, four interviews had to be excluded due to being partly inaudible, leaving a final sample of 25 interviews. All interviews were from investigations that had been categorised as ‘closed’ and already processed through the CJS and resulted in either ‘no detection’ ( $n = 13$ ), ‘victim retraction’ ( $n = 6$ ) or ‘offender charged’ ( $n = 6$ ). Only officers who had received specialist training for investigating serious and complex crime conducted the interviews and each interview analysed was conducted by different interviewers. The following additional information was also obtained: (i) the interviewing officers’ gender; (ii) whether officers were Sexual Offence Investigative Technique (SOIT)<sup>1</sup> trained; (iii) when the case was finalised, and; (iv) details of the investigation outcome (see Table 3).

-----Table 3 about here-----

### Coding of Interviews

Each interview was analysed within police premises (for confidentiality purposes) using a specially designed coding framework that was developed by the main researcher (a copy of which can be obtained from the corresponding author). For inter-rater reliability

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<sup>1</sup> In England and Wales, a Sexual Offence Investigative Technique (SOIT) officer will have completed additional, advanced training in accordance with the Professionalising the Investigation Programme (PIP) level two that specifically provides the necessary knowledge and skills required to deal with victims of rape and serious sexual assault. The label provided to this training varies slightly with some forces referring to it as the Sexual Offence Liaison Officer (SOLO) course or the Specially Trained Officers Development Programme.

purposes, the authors required a minimum of 10% of the interviews to be coded by an independent source who coded three (12%) interviews for question type, amount and type of IRI, use of empathy and rapport. The independent source was a former police officer with over 25 years service and also had experience of using similar coding frameworks for the purpose of reviewing police interviewing practices. Coding included:

- (i) The number and type of questions used in each interview broadly categorised into *appropriate* (open, probing and encouragers/acknowledgments) and *inappropriate* questions (echo, closed, forced choice, multiple, leading and opinion/statement; see Table 1);
- (ii) The amount of IRI obtained that included: **Person** information, **Action** information, **Location** information, **Item** information and **Temporal** information (PALIT; see Hutcheson et al., 1995; Oxburgh et al., 2012, 2013). Each item of information was only coded once with all repetitions ignored (because it would not be new information if it was repeated). The total number from each PALIT category were summed to provide an individual score, then all categories were summed to provide an overall IRI score for each interview (see Table 4 for a description of each category together with an example). The following phrase outlines the way in which coding took place: “*We went back to Dale’s apartment (1 x Action; 1 x Person; 1 x Location) on the Friday (1 x Temporal) and I drank some vodka (1 x Action; 1 x Item)”;*

-----Table 4 about here-----

- (iii) Interviewer *attentiveness* by establishing:
  - a. The number of empathic instances using nine key variables (*empathic opportunities, empathic opportunity continuers, continuer comfort,*

*continuer understanding, empathic opportunity terminators, spontaneous empathy, spontaneous comfort, spontaneous understanding* [Oxburgh et al., 2011; Dando & Oxburgh, 2015] and *non-verbal empathy*). Due to having video-recordings, the presence of both *verbal* and *non-verbal empathy* were coded. Similar to Oxburgh et al. (2013), if an interview had at least one instance of either an *empathic opportunity continuer* or *spontaneous empathy*, it was categorised as empathic by the researcher.

- b. The number of instances of rapport using the concepts of active and reflective listening (Alison et al., 2013, 2015; St-Yves, 2006). Each concept was categorised by the author as being either low or high using a median split half method, thus creating two separate comparable groups (as per Dando et al., 2008).

## Results

### Data Screening

As with most real-life data and previous research (see Oxburgh et al., 2013, 2015), the interview lengths across all interviews differed significantly (range = 23-149 minutes, mean = 62 minutes; SD = 30.64). Thus, to account for such variation, the first step in the analysis was to correct all interviews for interview length in relation to question type, items of IRI, and attentiveness (i.e., use of empathy and rapport [active and reflective listening]) to produce 'per minute' data.

### The Use of *Appropriate* and *Inappropriate* Questions

The next step of the analysis involved broadly categorising the totals of all questions into the nine individual question typologies (see Table 1) that were then divided into either

*appropriate* or *inappropriate* categories. A paired-samples *t*-test revealed significantly more *appropriate* questions were asked across all interviews ( $M = 1.82, SD = 0.75$ ) than *inappropriate* questions ( $M = 1.35, SD = 0.74$ ),  $t(24) = 3.89, p = 0.001$ , 95% CI: [.22 to .70], thereby rejecting  $H_1$  (see Table 5 for the mean number of questions asked). The Cohen's  $d$  value (.78) indicated a near large effect size.

----- Table 5 about here -----

### **The Amount of Investigation Relevant Information**

To establish the amount of IRI from each interview as a function of question type, a Wilcoxon Signed Ranks test revealed that responses to *appropriate* questions ( $Md = 2.47$ ) compared to *inappropriate* questions ( $Md = 1.05$ ) contained significantly more items of IRI,  $z = -4.372, p < 0.001$ , with a large effect size ( $r = .87$ ), thereby accepting  $H_2$ . Table 6 shows that *Action IRI* was the most often reported, closely followed by *Person IRI*, with a substantial decrease in the elicitation of *Location, Item* and *Temporal IRI*.

----- Table 6 about here -----

### **Attentive Interviewing**

The next aspect of the analysis focused on interviewer *attentiveness* and, as previously highlighted, this was established after considering the number of empathic and rapport instances demonstrated by the interviewer in each interview.

### ***The Presence of Empathy in Interviews***

Overall, the use of empathy across the sample was low. Table 7 ranks the mean prevalence for each type of empathic exchange that occurred between interviewers and

victims from most to least used. As shown, the most frequently demonstrated response was *empathic opportunity terminators*. The *termination* of empathic exchanges was twice as likely to occur compared to the interaction being *continued*. When comparing the type of empathy demonstrated across *empathic opportunity continuers* and *spontaneous empathy*, interviewers demonstrated *continuer comfort* more regularly than they did *continuer understanding*. Finally, there was a larger presence of *verbal*, as opposed to *non-verbal*, empathy within the sample. *Non-verbal* empathy was the least demonstrated instance of the nine empathic exchanges that were recorded, suggesting it was infrequently used.

----- Table 7 about here -----

As such 76% (n=19) of interviews were classified as being empathic due to at least one instance of an *empathic opportunity continuer* or *spontaneous empathy* being present. One interview had to be excluded as no *empathic opportunities* or *spontaneous empathy* was demonstrated – this resulted in 20% (n=5) of the interviews being classified as non-empathic.

### ***The Presence of Rapport in Interviews***

The use of rapport across the sample was much higher than empathy. In particular, interviewers utilised active listening (median = 0.84) more regularly than reflective listening (median = 0.39). Using a median half split, 52% (n=13) of the interviews were classified as being low in active listening (range 0 – 0.8400) receiving a recoded score of one, whilst the remaining 48% (n=12) of interviews were classified as being high in active listening (range 0.8401 – 2.4500) receiving a recoded score of two. When recoding the less practiced reflective listening, 48% (n=12) of the interviews were considered low in usage (range 0 – 0.39020) and received a recoded score of one, whilst the remaining 52% (n=13) of interviews were classified as high in reflective listening (range 0.39021 – 0.88) and received a recoded

score of two. A combined rapport score was then calculated for each interview by adding the re-coded scores together. An interview was classified as having high levels of rapport if it had a combined score of at least three as this guaranteed that each respective interviewer had demonstrated a high usage of at least one component (active and reflective listening) that was used to measure rapport. In total, 68% (n=17) of interviews satisfied this criterion and thus were considered high in rapport, whilst the remaining 32% (n=8) of interviews were considered low in rapport.

The final analyses examined question type and amount of IRI elicited as a function of *attentiveness* (*attentive* versus *non-attentive*). As previously highlighted, an interview was classified as *attentive* if it contained at least one instance of an *empathic opportunity continuer* or *spontaneous empathy*, in addition to a rapport score of three or greater. In total, 52% (n=13) of interviews were categorised as *attentive* and 44% (n=11) were categorised as *non-attentive*. One interview was excluded as no *empathic opportunities* or *spontaneous empathy* was demonstrated, however, it did receive a rapport score of four indicating that the interviewer demonstrated a high usage of active and reflective listening.

### **Question Typologies used within Interviews**

A Mann-Whitney U test revealed a non-significant result in terms of the total number of *appropriate* questions asked in *attentive* ( $Md = 1.93, n = 13$ ) versus *non-attentive* interviews ( $Md = 1.35, n = 11$ ),  $U = 45.00, z = -1.535, p = 0.134, r = .31$ , thereby rejecting  $H_3$ . A further exploratory Mann-Whitney U test revealed a significant difference in the total number of *inappropriate* questions asked in *attentive* ( $Md = 1.59, n = 13$ ) and *non-attentive* interviews ( $Md = 0.96, n = 11$ ),  $U = 35.00, z = -2.115, p = 0.035, r = .43$ , with *attentive* interviews containing more *inappropriate* questions. Table 8 shows the number of

*appropriate* and *inappropriate* questions asked in interviews classified as *attentive* and *non-attentive*.

-----Table 8 about here-----

### **Type and Amount of Investigation Relevant Information Obtained**

Rejecting H<sub>4</sub>, a series of Mann-Whitney U tests were conducted all of which revealed non-significant results for IRI elicited across all individual elements of PALIT between *attentive* and *non-attentive* interviews.

### **Discussion**

The overall aim of the present study was to establish whether the ‘quantity’ and ‘quality’ of IRI obtained in interviews with adult rape victims differed as a function of question typologies (*appropriate* versus *inappropriate*) and interviewer *attentiveness* (the use of empathy and rapport)

#### **The Use of *Appropriate* and *Inappropriate* Questions**

Rejecting H<sub>1</sub>, we found that interviewers asked significantly more *appropriate* than *inappropriate* questions overall. This finding contradicts previous research (e.g., Bull & Cherryman, 1995; Davies et al., 2000; Myklebust & Bjørklund, 2006; Oxburgh et al., 2012; 2013), however, their focus was on the interviewing of adult suspects and child sexual abuse victims. Our findings should be considered in a positive light as it indicates that interviewers (at least in our sample) are following best practice guidelines (MoJ, 2011; NCF, 2000) and support findings from other scientific literature (Aldridge & Cameron, 1999; Cederborg et al., 2000; Davies et al., 2000; Loftus, 1982; Milne & Bull, 2006). When comparing the ratio of *appropriate* and *inappropriate* questions with the ratio of *open* and *closed* questions, the

former had a much closer ratio of approximately 5.5:4 (i.e., for every four *inappropriate* questions asked, there were over five *appropriate* questions asked), whereas the latter had a ratio of approximately 1:6. This suggests that although interviewers were asking other forms of *appropriate* questions, following more detailed analysis, it was found that interviewers were asking more *probing* questions overall. This latter aspect corroborates the findings of Oxburgh et al. (2013) who also found that interviewers used more *probing* questions.

### **The Amount of Investigation Relevant Information**

Accepting H<sub>2</sub>, responses to *appropriate* questions contained significantly more items of IRI than responses to *inappropriate* questions, which corroborates various other research (e.g., Aldridge & Cameron, 1999; Cederborg et al., 2000; Davies et al., 2000; Loftus, 1982; Milne & Bull, 2006; Myklebust & Bjørklund, 2006, 2009; Oxburgh et al., 2012). The specific type of IRI most often reported was *Action* (i.e., the way in which a suspect may have ‘pushed’ or ‘grabbed’ the victim). This finding contradicts that of Oxburgh et al. (2012, 2013) who found that *Person* IRI was the most often reported with *Action* IRI being the second most regularly reported. Our results are not wholly unexpected and could be due to the circumstances of the crime. For example, acquaintance rapes are more prevalent than stranger rapes (Kelly et al., 2005; Stanko & Williams, 2009) and the circumstances of the relationship between the suspect and victim within the former category tend to indicate that the victim has personal knowledge of the suspect. On such occasions, the amount of detail provided by the victim in relation to the suspect (e.g., *Person* IRI) might not (arguably) be as crucial. However, a highly contentious subject within all investigations of a sexual nature is the issue of consent, thus, in an attempt to ascertain a better understanding and/or appreciation of this issue, it is likely that an interviewer may focus more heavily on the actual act of the crime itself (e.g., *Action* IRI). This would be achieved by asking questions on how

the suspect committed certain acts or how the victim indicated that they did not give their consent.

## **Interviewer Attentiveness**

### ***Question Typologies used within Interviews***

Rejecting H<sub>3</sub>, no significant differences were found in relation to the total number of *appropriate* questions asked as a function of attentiveness. This finding contradicts the observation made by Lee and Kim (2020) who noted that rapport quality is positively correlated with the use of *appropriate* questions. The finding also partly contradicts Oxburgh et al. (2013) who found that suspect interviews which contained *spontaneous* empathy also contained a significantly higher number of *appropriate* questions. It was also found that interviewers asked significantly more *inappropriate* questions in *attentive* interviews than they did in *non-attentive* interviews. Again, this finding contradicts that of Oxburgh et al. who found no significant difference in the number of *inappropriate* questions asked during interviews with and without *spontaneous* empathy.

One of these factors could stem from the difficulties associated with conducting such interviews. As highlighted by Oxburgh et al. (2006) interviewers appear to find the investigation of sexual crimes ‘technically difficult’ and ‘stressful’ to conduct due to having to make sense of powerful and painful emotions. To combat those difficulties, Oxburgh (2011) proposed three factors (control, speed and power) that could assist our understanding as to why interviewers of suspects more readily appear to favour the use of *inappropriate* questions over *appropriate*. These factors could equally apply to interviews with sexual offence victims. For example, an interviewer may utilise *inappropriate* questions more regularly to quickly confirm or obtain information from victims (as opposed to asking for an

uninterrupted account using *appropriate* questions). As argued by Oxburgh, this could, potentially, reduce the length of time the interview takes and thus, reduce the likelihood of being exposed to highly personal and sensitive material that could make such interviews more ‘stressful’ and ‘difficult’ to conduct. Furthermore, Webster and Oxburgh (submitted) also found in their study that some victims find it easier to respond to *inappropriate* questions when required to discuss highly sensitive and personal details. Those victims explained how it was difficult to begin discussing a sensitive topic area and that it was easier to confirm a piece of information that would then enable a two-way discussion.

Finally, the recommended use of *appropriate* questions, in particular *TED* questions, is not a type of interaction that a victim (or indeed any person) is accustomed to. Every-day interactions involve turn-taking, whereby the speaker and the listener exchange utterances in response to the elicitation of information or specific questions (Wright & Powell, 2006). Research by Jansen et al. (2017) has highlighted that an individual’s ability to process information (i.e., cognitive load) has a limited capacity and once the load exceeds that capacity, the performance suffers as a consequence. Webster and Oxburgh (submitted) highlight how the cognitive load that a victim experiences during an interview could potentially impact on their ability to respond to certain question typologies. The initiation of a discussion that focuses on a very complex, highly personal and upsetting experience (from the victim’s perspective), could be made easier through the use of *inappropriate* questions as opposed to the more open-ended use of *appropriate* questions.

### ***Type and Amount of Investigation Relevant Information Obtained***

Rejecting H<sub>4</sub>, no significant differences were found in relation to the total amount of IRI obtained as a function of interviewer attentiveness. When considering the presence of one element of attentiveness (i.e., empathy), this finding contradicts previous research (e.g.,

Alison et al., 2013; Holmberg & Christianson, 2002). However, it is worthy of note that there are subtle differences with the way the present study classified an *attentive* interviewing style with the humanitarian or more empathic, rapport-based strategy. Our findings corroborate those by Oxburgh et al. (2013) who found that interviews which were classified as empathic had no increase in items of IRI compared to interviews where no empathy was found. However, they did find that when combined with *appropriate* questioning, the use of empathy had a significant increase in IRI obtained.

One possible explanation as to why the use of an *attentive* interviewing style does not appear to be as effective as using *appropriate* questions (in relation to amount of IRI obtained), could be due to a lack of understanding of what empathy is, how and when to demonstrate it. As previously alluded to, empathy is a multi-dimensional concept and officers find it difficult to differentiate between empathy and sympathy (Oxburgh 2011; Webster et al., submitted). In addition, they receive almost no training in relation to the meaning or usefulness of empathy, especially within an interview setting. It is conceivable that the training in, and use of, *appropriate* and *inappropriate* question typologies is a more straightforward and easier to understand set of instructions/guidance to train.

Each of the concepts used in the present study to classify an interview as *attentive* (empathy and rapport) have a wealth of support indicating their value to the interaction that takes place between an interviewer and interviewee (Alison et al., 2015; Holmberg & Christianson, 2002; Holmberg & Madsen, 2014; Kebbell et al., 2006; Oxburgh & Ost, 2011; Oxburgh et al., 2012, 2013, 2015; Patterson, 2012; St-Yves, 2006). Whilst attempts have been made to develop models and frameworks that can be used to measure such concepts, there are still disagreements and contradictions in the academic literature regarding how each term should be interpreted, measured and coded (Alison et al., 2015; Baron-Cohen, 2011;

Dando & Oxburgh, 2015; Davis, 1983; MoJ, 2011; St-Yves, 2006; US Army Field Manual, 2006). Consequently, this makes any true comparison of research findings and implementation into training very difficult indeed. Research has highlighted the importance of a 'genuine' approach from the interviewer and how rape victims felt that if this was 'faked' it was easily spotted and subsequently detrimental to the interview process (Webster & Oxburgh, submitted). This raises a question as to whether academic researchers (who are coding the interaction) are able to recognise when a behaviour is indeed genuine. If so, should a genuine behaviour be coded differently to a behaviour that is not perceived to be genuine? Can someone use empathy and not be genuine? Such a consideration further complicates the comparison of multiple research findings.

### **Strengths and Limitations of Study**

A major strength of the present study is that it was based on video-recordings of actual interviews with female adult rape victims and is the first known empirical study to utilise such interviews. As with all empirical research, there were limitations. The data was obtained from only one English police force and the sample size was relatively small (N = 25). Whilst the results are high in ecological validity, the generalisability of the findings to other police forces both in the UK and internationally, may be construed as somewhat limited. All forces within England and Wales provide training that adheres to specific standards set by the College of Policing, however, each force may have a unique approach in how they communicate the content. Thus, given the lack of empirical research evaluating such interviews, in addition to the nature of the crime and the involvement of such sensitive and personal data, our sample size is respectable as it offers a rare insight into the specifics of interviews with rape victims. In addition, despite having video-recordings, the quality (in terms of sound and graphics) was often poor and difficult to understand. In addition, the set-

up of the ABE interviews also restricted the researcher from being able to observe all of the facial and body movements – both key components when analysing *non-verbal* empathy. Therefore, the majority of analysis was based on verbal exchanges at a literal level (Dickson & Hargie, 2006), which has its limitations. The interaction that occurs between an interviewer and interviewee involves many different aspects. The reliance on verbal exchanges only may omit important behaviours such as how interviewers respond to the elicitation of IRI.

### **Future Directions**

Given that research addressing the efficacy of interviews with sexual offence victims is still in its relative infancy, it is paramount that further research is conducted to increase our understanding of these interviews. Future research analysing the impact of the complete investigative process (including the interview) on the victim in terms of their likelihood to cooperate and engage is of paramount importance. The parameters of observation need to be widened to include how the victim is managed, not just during the interview, but also from making their initial disclosure to after they have provided their account. The sensitive nature of this type of offence is always going to result in difficulties arising when researchers attempt to gain access to such data, however, this should not deter or prevent research of this kind being conducted.

Future research could also focus on additional factors relating to the quality of evidence (which can vary) and subsequently, the sort of influence that may have on the investigation outcome. Our study assessed quality in relation to two different measures: (i) the balance of *appropriate* and *inappropriate* questions used by the interviewer, and; (ii) interviewer attentiveness. This approach did not consider the nature of how the content was provided by the victim. Tidmarsh et al. (2012) developed an interviewing protocol (the ‘Whole Story’ approach) that focused on the elicitation of narrative detail together with

contextual evidence. It is well known that the most useful witness/victim statements are those provided in a narrative format, however, there is also evidence to support the elicitation and use of contextual evidence in sexual offence cases (e.g., Darwinkel et al., 2015). Contextual details regarding how the relationship between the suspect and victim materialised before the actual offence/s occurred (e.g., how the suspect may have isolated and/or gained control of the victim over time) could enhance professionals' understanding of the incident in question and subsequently why the victim may have behaved in counter-intuitive ways (Tidmarsh et al., 2012). In an Australian study, prosecutors encouraged the elicitation of contextual information and suggested that it may facilitate decision-making in sexual offence cases (Darwinkel et al., 2013a). This was later confirmed in that investigators trained in understanding the importance of contextual evidence were more likely to rate the likelihood of authorising sexual offence higher (Darwinkel et al., 2013b). This raises questions as to whether the disclosure of contextual information may influence the interviewing practices used by an officer. The nature of that contextual information could serve to influence the officer's perception regarding the guilt or innocence of the suspect. This phenomenon, referred to as confirmation bias, is a fundamental cognitive tendency that has an impact on performance in almost every professional domain (Nickerson, 1998).

Whilst research evaluating the efficacy of police interviewing is beginning to gather momentum, the predominant focus has been on either questioning, and/or the concepts of empathy and rapport (Alison et al., 2013, 2015; Holmberg & Christianson, 2002; Holmberg & Madsen, 2014; Kebbell et al., 2006; Oxburgh & Ost, 2011; Oxburgh et al., 2012, 2013, 2015; Patterson, 2012) with the development of models and frameworks to measure such behaviours. The focus should now shift to understanding how these concepts work together and contribute towards a better understanding for effective practice, including developing our

understanding of how to interpret such behaviours as genuine, and if not, what the subsequent impact is on the interaction that takes place.

### **Implications for Practice**

In England and Wales, the ABE guidance document only refers to the term ‘empathy’ on one occasion: “A guiding principle for developing rapport is to communicate empathy” (MoJ, 2011, p. 189). However, at no point is guidance provided on how to ‘communicate empathy’ or indeed how interviewers should ‘identify’ and ‘understand’ what empathy actually means. Given the on-going debate within the academic literature about how best to describe the multi-dimensional concept of empathy, it is unfair to expect a police officer (with limited guidance) to understand such a complex concept and then incorporate it into their interview practice with no training provided (Oxburgh et al., 2012). This issue could also be applicable to academic researchers who attempt to measure and code such concepts. There is no doubt that empathy can be an effective tool, but an officer can only be expected to understand and demonstrate such a skill if they receive suitable training and change their behaviour (Barone et al., 2005). Corroborating previous research on suspect interviews (e.g., Oxburgh, 2011), the present study found that officers use empathy sparingly, which could be the result of not having a clear understanding of what empathy means (Oxburgh et al., 2013). Further research is vital as this could provide a point of comparison that would enable a more in-depth assessment of the concept of empathy and how it can impact on all aspects of investigative interviewing.

### **Conclusion**

Despite finding that interviewers ask significantly more *appropriate* than *inappropriate* questions (which were also found to elicit larger amounts of IRI), interviewer

*attentiveness* did not elicit more *appropriate* questions. Surprisingly, the use of an *attentive* interviewing style actually resulted in significantly more *inappropriate* questions being asked. Disseminating the findings of this and similar studies to police forces may go some way in ensuring that best practice procedures are grounded in psychologically-informed guidance. It is hoped that this study will act as a catalyst for further research examining the efficacy of investigative interviews with sexual offence victims.

### **Acknowledgements**

The authors would like to express their gratitude to the police force that agreed to collaborate on the present study. If we are to ascertain a better understanding of police practice and improve the efficacy of investigative interviewing then such collaborations are vitally important and should be encouraged not just in the UK, but worldwide.

### **Declaration of Interest Statement**

There are no conflicts of interest present.

### **Data Availability Statement**

The data that supports the findings of this study are available, upon reasonable request, from the corresponding author.

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## Tables

**Table 1**

*Examples of the different Question Typologies coded*

Broad category	Specific category	Example
<i>Appropriate</i>		“Tell me what happened.”
	Open	“Explain to me what happened on Friday evening.” “Describe the layout of the bedroom.”
	Probing	“What happened after that?” “Where did you go then?”
	Encourager / Acknowledgment	“Oh, I see.” “Okay, carry on.”
	Echo*	Interviewee: “I went to the garage.” Interviewer: “You went to the garage?”
	Closed	“Did you go back to his house?”
<i>Inappropriate</i>	Forced Choice	“Was his top red, black or brown?”
	Multiple	“Did you consent to the intercourse? How sure can you be? Could he have misinterpreted something you said or did?”
	Leading	“You’ve had consensual sex with him before then?”
	Opinion/statement	“I think you wanted to go back to his house and that you are now trying to excuse your actions.”

\* The authors acknowledge the complexity of coding this question type and whilst it is included in the *inappropriate* category they understand that if used in an encouraging manner it could also be considered *appropriate*. As such, the coding of *echo* questions will continue to be an issue and should be interpreted with caution.

**Table 2**

*Examples of Empathic Exchanges between Interviewing Officer and Interviewee*

<b>Empathy type</b>	<b>Example</b>
Empathic <i>opportunity</i> (EO)	Interviewee: “Can I please take a moment...I’m really struggling with this.”
Empathic <i>opportunity continuer</i> (EOC)	<i>A response from the interviewer that serves to continue the empathic exchange (as outlined below).</i>
<i>Continuer comfort</i> (CC)	Interviewer: “Take as long as you need...would you like to take a break?”
<i>Continuer understanding</i> (CU)	Interviewer: “I appreciate how difficult this is for you...what can I do to help?”
Empathic <i>opportunity terminator</i> (EOT)	Interviewer: “We need to get this finished. Carry on.”
<i>Spontaneous empathy</i> (SE)	<i>Interviewer goes beyond the formal information provided, despite not having any preceding content (or ‘opportunity’) from the interviewee.</i>
<i>Spontaneous comfort</i> (SC)	Interviewer: “We have been in here a while now...are you okay to carry on? Would you like a quick break?”
<i>Spontaneous understanding</i> (SU)	Interviewer: “I appreciate how difficult this is but it’s important that you try to remember as much as you can.”
<i>Non-verbal empathy</i> (NVE)	<i>Observation of the interviewer passing the interviewee a box of tissues.</i>

**Table 3**

*Case outcome as a function of Gender, SOIT trained and the dates the cases were finalised*

Case Outcome	Interviewer gender		SOIT trained		Date finalised	Total
	Male	Female	Yes	No		
No detection	5	8	6	7	May 2011 – March 2017	<b>13</b>
Victim retraction	1	5	3	3	September 2011 – February 2015	<b>6</b>
Offender charged	2	4	1	5	March 2014 – January 2016	<b>6</b>
<b>Total</b>	<b>8</b>	<b>17</b>	<b>10</b>	<b>15</b>	<b>May 2011 – March 2017</b>	<b>25</b>

**Table 4**

*Description of the different IRI Categories*

IRI type	IRI category description
Person	<b>The who:</b> Any information about people (e.g., names, age, clothing, appearance, shoes, hair, tattoos, voice, accent, injuries, profession etc.). Can refer to witnesses, suspects, self, victim, bystander, etc.
Action	<b>The how:</b> Any information that describes an action in some way (e.g., ‘I went to the house’, ‘I gave him a cuddle’, ‘I tried to fight him off’). Could include offence related or unrelated actions.
Location	<b>The where:</b> Information relating to places (e.g., address, streets, houses, descriptions of same, etc.). Could include where the offence took place, where suspect, victim or witness lives, work addresses, alibi addresses etc.
Item	<b>The what:</b> Any information that describes an item used, or mentioned, by the victim. Could include weapons, drugs, alcohol, animals, furniture items etc. NOT PERSON SPECIFIC ITEMS LIKE TATTOOS.
Temporal	<b>The when:</b> Any information that relates to dates, times, before, after, later, following etc. Not person specific age (in years – this should go into Person information).

**Table 5***Mean number of Questions asked by Interviewers (corrected for interview length)*

<b>Category</b>	<b>Question type</b>	<b>Range</b>	<b>Mean</b>
<i>Appropriate</i>	Open	0.02 – 0.52	0.17 (0.11)
	Probing	0.24 – 2.53	1.31 (0.66)
	Encouragers/Acknowledgments	0.00 – 0.99	0.34 (0.29)
	<b>Total</b>	<b>0.50 – 3.24</b>	<b>1.82 (0.75)</b>
<i>Inappropriate</i>	Echo	0.00 – 0.49	0.16 (0.13)
	Closed	0.02 – 2.33	0.99 (0.58)
	Forced Choice	0.00 – 0.32	0.08 (0.08)
	Multiple	0.00 – 0.16	0.02 (0.02)
	Leading	0.00 – 0.08	0.04 (0.04)
	Opinion/statement	0.00 – 0.30	0.06 (0.06)
	<b>Total</b>	<b>0.05 – 2.63</b>	<b>1.35 (0.74)</b>

**Note:** Standard deviation in brackets.

**Table 6**

*Total IRI elicited from Questions (corrected for interview length)*

<b>IRI category</b>	<b>Range</b>	<b>Mean</b>
<b>Person</b>	0.86 – 3.11	2.09 (0.53)
<b>Action</b>	0.89 – 5.13	2.34 (1.02)
<b>Location</b>	0.15 – 0.82	0.47 (0.21)
<b>Item</b>	0.07 – 1.32	0.51 (0.28)
<b>Temporal</b>	0.08 – 0.83	0.50 (0.21)
<b>Total IRI</b>	<b>3.30 – 9.89</b>	<b>5.90 (1.59)</b>

**Note:** Standard deviation in brackets.

**Table 7**

*Descriptive Statistics ranking Empathy related instances per interview from most to least used (corrected for interview length)*

<b>Empathy type</b>	<b>Mean</b>
Empathic opportunity (EO)	0.082 (0.057)
Empathic opportunity terminated (EOT)	0.059 (0.050)
Empathic opportunity continuer (EOC)	0.023 (0.020)
Continuer comfort (CC)	0.017 (0.017)
Spontaneous empathy (SE)	0.012 (0.014)
Spontaneous comfort (SC)	0.009 (0.011)
Continuer understanding (CU)	0.007 (0.012)
Spontaneous understanding (SU)	0.003 (0.007)
Non-verbal empathy (NVE)	0.001 (0.005)

**Note:** Standard deviation in brackets.

**Table 8**

*Descriptive Statistics for the Question Typologies used across Attentive and Non-attentive interviews (corrected for interview length)*

	<b>Appropriate</b>	<b>Inappropriate</b>
<b>Attentive</b>	1.93	1.59
<b>Non-attentive</b>	1.35	0.96