Commentary: The need for a positive psychological approach and collaborative effort for improving practice in the interrogation room

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The Need for a Positive Psychological Approach and Collaborative Effort for Improving Practice in the Interrogation Room

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Abstract The White Paper suggests important reforms that will reduce the likelihood of false confessions resulting from police interrogation. The research underlying these suggested reforms has yielded significant advances in our understanding of factors associated with false confessions. As we move forward, we encourage the development of empirically based approaches that provide a viable alternative to current practice. In doing so, we suggest that researchers pursue a positive psychological approach that involves partnering with practitioners to systematically develop interrogative methods that are shown to be more diagnostic. By taking such an approach, we believe that the recommendations offered in the current White Paper can be supplemented by methods that carry the support of both scientific and law enforcement communities.

Keywords Interrogation · Confessions · Deception detection.

Police interrogations and confessions have been a topic of scientific inquiry for several decades, including a number of important field and archival studies conducted in the United States and Great Britain in the 1980s and 1990s (Drizin & Leo, 2004; Gudjonsson, 2003; Leo, 1996), and more recent experimental research conducted over the past 15 years (Kassin & Kiechel, 1996; Russano, Meissner, Narchet, & Kassin, 2005). The White Paper, authored by Kassin, Drizin, Grisso, Gudjonsson, Leo, and Redlich (2009), provides an important overview of this research and highlights at least three important “risk factors” associated with false confessions: investigative biases, psychologically manipulative interrogation tactics, and characteristics that make some individuals more suggestible in the interrogation room. Kassin et al. conclude their review by suggesting that several reforms be considered within the U.S. legal system, including the mandatory recording of all custodial interrogations, prohibiting the use of certain interrogation approaches, and providing certain protections to vulnerable populations. We agree with these recommendations and believe they are well supported by the research literature.

As we move forward, we believe it is important to recognize that the responsibility to change interrogation practice lies not only with policy makers and practitioners, but also with the scientific community. Ultimately, the challenge for future research is to begin the development of evidence-based practices that might aid law enforcement in eliciting more diagnostic confession evidence, and thereby provide an alternative to the problematic methods that are currently employed. If the research community is to encourage such reform within the legal system, we believe that two interrelated issues must become the focus of future research efforts.

First, there is growing interest in the realm of positive psychology as applied to the legal system, in which research is oriented toward identifying accurate legal processes or decisions rather than simply exposing biases or documenting errors. Yet, to-date only a handful of studies have taken a positive approach to the topic of police
interrogations in which researchers seek to systematically identify or develop more diagnostic interrogative tactics (as opposed to focusing solely on false confessions; e.g., Hartwig, Granhag, Strömwall, & Kronkvist, 2006; Meissner, Russano, & Narchet, 2010). As a result, although we can offer law enforcement research-based guidance on tactics to avoid during interrogation, at this point we are somewhat limited in our ability to offer scientifically supported recommendations on eliciting true confessions. Given the abundance of manuals and training programs available to law enforcement agencies that promote flawed interrogation tactics (Granhag & Vrij, 2005), we believe that the ability to offer effective alternatives is of critical importance. To address this situation, we encourage researchers to adopt the approach often seen in the eyewitness literature, in which considerable efforts have been devoted to identifying alternative procedures that may increase the diagnostic value of the eyewitness evidence (Technical Working Group for Eyewitness Evidence, 1999; Wells et al., 1998). We propose that a systematic, experimental approach to identifying and developing more diagnostic interrogative methods is ideal for at least two reasons (see also Meissner et al., 2010). First, an experimental approach allows researchers to generate and test hypotheses about tactics derived from basic psychological theory (Granhag & Hartwig, 2008). Second, experimental research provides the possibility of systematic and controlled tests of promising interrogation techniques in which ground truth (and therein the diagnostic value of the approach) can be established. Following initial development in the laboratory, such methods can (and should) be further examined in the field. This brings us to our second point.

In order to develop and implement more appropriate, evidence-based interrogation methods, we also urge researchers to seek opportunities to partner with police investigators (see also Kassin & Gudjonsson, 2004). As noted by Soukara, Bull, Vrij, Turner, and Cherryman (2009), collaboration with law enforcement in Great Britain has played a significant role in the success of reforms there (see also Bull, 1999). Collaborations here in the United States should similarly seek to engage police investigators in the scientific process and the critical evaluation of interrogative methods. Of course, collaboration requires willingness on the part of both research and law enforcement communities. It is not unusual for law enforcement to express a reluctance to cooperate on research projects, and their lack of trust with the scientific community represents a serious obstacle for progress on these issues. Nevertheless, we believe that such efforts are needed, as collaboration would not only result in the development of better interrogative methods, but should also encourage the continued evaluation of such methods in the field—a process that Bull et al. have employed successfully in Great Britain over the past decade (see Bull & Soukara, 2010). We have begun to implement this collaborative strategy in recent and ongoing research efforts, and have found investigators motivated both to engage in the research process and to learn of alternative, scientifically based strategies for interrogation and credibility assessment (cf. Evans, Meissner, Brandon, Russano, & Kleinman, in press). We encourage other researchers to pursue such opportunities, as our success in reforming the current system will ultimately depend upon our ability to identify areas of mutual interest and collaboration with key stakeholders.

In summary, we believe it is important that researchers adopt a positive, collaborative approach if we are to successfully engage the criminal justice system in the reform of interrogative practices. As a field, we must systematically develop alternative, evidence-based approaches that improve the diagnostic value of confession evidence. By partnering with investigators in this positive approach and engaging them in the scientific process, the recommendations offered in the current White Paper can soon be supplemented by research on productive and diagnostic interrogative methods that carry the support of both scientific and law enforcement communities.

References


