

EMPATHY IN INVESTIGATIVE INTERVIEWING WITH SUSPECTS

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EMPATHY IN INVESTIGATIVE INTERVIEWING

- Compassion Fatigue, Empathy and Police (Papazoglou, Marans, Keese, & Chopko, 2020)
- Rameson, Morelli, & Lieberman (2012)
- Russano, Kelly, and Meissner (2020)
- Dando & Oxburgh (2016)
- Oxburgh & Ost (2011)
- Oxburgh, Ost, & Cherryman (2012)
- Wachi, Watanabe, Yokota, Otsuka, & Lamb (2016)
- Pounds (2019)
- Alison et al., (2013)
- Kebbell et al. (2008)
- Schegloff (1982)
- Webster (2019)

THE FOUR STUDIES

- Study 1: International Perspective of Empathy in Experienced Police Interviewers
- Study 2: Real-life Audio Tape Analysis for Appropriate Types of Empathy
- Study 3: Cognitive Types of Empathy found and Appropriate Question Types in the positive provision of IRI Gained
- Study 4: Possible Effects of Interviewer Empathy on Perspectives of Investigative Interviews with Suspects

STUDY I
INVESTIGATIVE EMPATHY: A STRENGTH
SCALE OF EMPATHY BASED ON EUROPEAN
PERSPECTIVES

THE STUDY

Rationale:

- **To establish a thorough definition** or operationalize the concept of empathy in investigative interviewing, it was essential to first:
 - **gather comprehensive insights from police interviewers** regarding their
 - understanding of empathy in their interviews;
 - understanding of empathy in general (definitions); and
 - training and methods employed during interviews (as certain methods might detract from the application of empathy).
 - Accusatorial styles; information-gathering styles
- The study was expanded to include **experienced police interviewers** (N=256) from **seven** different European countries **to examine the variance in understanding and application.**
 - England; Estonia; Germany; The Netherlands; Slovenia; Sweden; Switzerland

HYPOTHESES

Hypotheses:

- It was hypothesized that **officers who employ an information-gathering approach** would:
 - Provide ,stronger‘ definitions of empathy (due to PEACE and CI)
 - Show more understanding of empathy’s complexity
 - Show more cognitive than affective empathy definitions than officers whose styles involved accusatory or confession-oriented approaches.
- It was also hypothesized that due to national differences in training regimes, the ,strength‘ of definitions would differ across the seven countries.

METHODOLOGY

- A **semi-structured, online questionnaire** was administered to contacts of researchers.
- Each questionnaire was **translated** into the according language so no language factors would affect the outcome.
- The answers to the questionnaire were then **translated back** to English by a native-speaker of the language.

PARTICIPANTS

Participants ($N=256$)

The Netherlands 37.1% ($n=95$)

Sweden 22.3% ($n=57$)

Germany 14.8% ($n=38$)

England 9.4% ($n=24$)

Slovenia 6.3% ($n=16$)

Estonia 5.1% ($n=13$)

Switzerland 3.9% ($n=10$)

*3 did not indicate country

Women 54.7% ($n=140$)

Men 40.6% ($n=104$)

*12 did not indicate their gender

61% indicated over 15 years of experience

15% had 11-15 years of experience

13.2% had 6-10 years of experience

*Similar percentages for experience with
Suspects of sexual offences*

THE QUESTIONNAIRE

- The questionnaire consisted of **35 items**:
 - Demographics
 - Experience conducting interviews
 - Training and tactics/methods employed
 - Empathy employment in interviews
 - Understanding of empathy in general (Definitions)
- Semi-structured questionnaire; open-ended questions; yes/no questions; 5-point Likert scales and multiple-choice questions.

RESULTS TRAINING

- 75% ($n=163$) indicated that they had received training in conducting interviews/interrogations.

Table 2. Interviewing approach by country.

Participants	<i>N</i>	Accusatorial		Info-gathering		Mixed		N/I	
		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Germany	30	15	50.0%	10	33.3%	2	6.6%	3	10.0%
England	21	1	4.8%	12	57.1%	2	9.5%	6	28.6%
Switzerland	10	2	20.0%	5	50.0%	2	20.0%	1	10.0%
Sweden	50	2	4.0%	30	60.0%	6	12.0%	12	24.0%
Estonia	13	1	7.7%	2	15.4%	5	38.5%	5	38.5%
Slovenia	15	4	26.7%	4	26.7%	2	13.3%	5	33.3%
Netherlands	75	9	12.0%	37	49.3%	5	6.7%	24	32.0%

Note: Info-gathering = information-gathering; N/I = not indicated.

RESULTS

Empathy:

- 92% ($n=231$) indicated that they do employ empathy in investigative interviews (across all countries).
- When questioned on their concrete use of empathy 60% ($n=142$) claimed to employ empathy throughout an interview whereas 40% indicated that they only use empathy ,rarely‘.

Empathic Score:

- Combination between number of definitions and strength of the empathy 1-9 (1=low; 9=high); (it was possible to receive a score of 45 if **all** definitions were given).
- Like other strength scales such as Davis‘ (1980), 1983); Spenser‘s (2017) empathy continuum.

RESULTS: EMERGING THEMES FROM THE DEFINITIONS

Table 3. Number of response themes for empathic definitions per country.

Empathic themes	<i>N</i>	CH	DE	EE	EN	NL	SE	SL
1. Appreciating emotions	99	3	18	5	9	35	19	10
2. Understanding	66	4	2	4	11	23	21	1
3. Changing perspectives	51	6	14	1	14	9	6	1
4. Non-judgment	30	4	0	1	5	14	5	1
5. Respectful	25	0	0	2	2	12	9	0
6. Understanding actions	18	1	8	3	3	0	2	1
7. Openness	13	1	2	0	1	7	2	0
8. Listening	13	3	0	0	1	4	4	1
9. Sympathy	7	0	0	0	0	5	2	0
10. Working together	4	1	0	2	0	1	0	0
11. Similar language	1	0	0	0	1	0	0	0

Note: CH = Switzerland; DE = Germany; EE = Estonia; EN = England; NL = Netherlands; SE = Sweden; SL = Slovenia.

Table 5. Mean empathy definition scores by country.

Participants	<i>n</i>	Mean ES	<i>SD</i>
Germany (DE)	31	10.13	4.06
Slovenia (SL)	15	9.29	5.73
Switzerland (CH)	14	8.50	4.69
Estonia (EE)	12	8.09	3.05
England (EN)	31	6.94	3.63
Sweden (SE)	51	6.77	4.21
Netherlands (NL)	74	5.86	3.74

Note: $N = 228$. ES = empathy definition score.

INTER-RATER RELIABILITY

- Inter-rater Reliability check was conducted
- Also a Psychologist
- English-speaker
- Coded a random sample of 30 participants
- Inter-rater was sufficiently high ($\alpha=.87$)

RESULTS

EMPATHY VARIANCE AND TRAINING RECEIVED

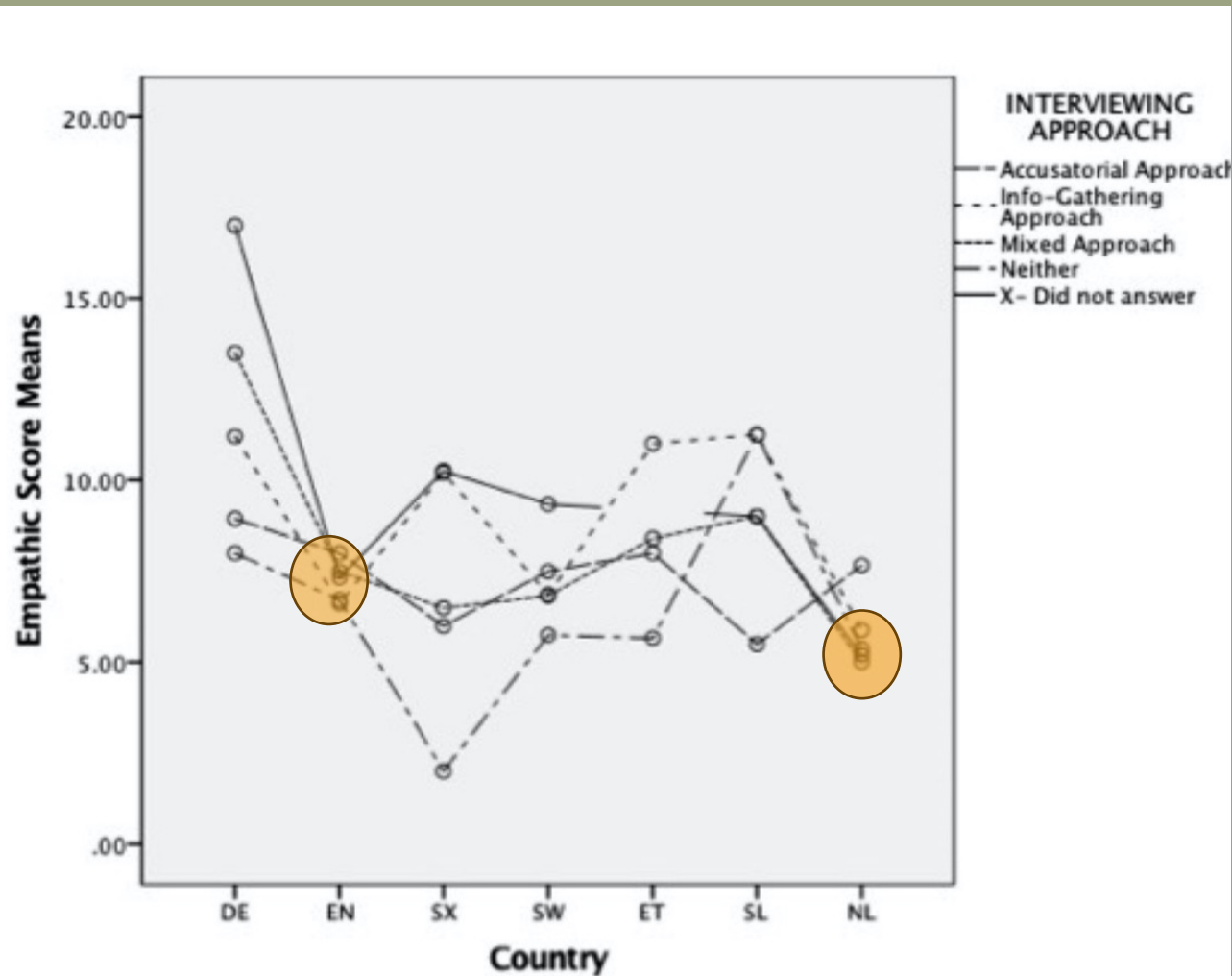


Figure 1. Empathic score by country and interviewing approach.

*ANOVA conducted to examine empathic score and country to see the variance of definitions within each country.

FINDINGS OVERVIEW

- It was hypothesized that countries with standardized national **training involving information-gathering techniques would exhibit stronger empathy.**
 - This was not found. However, we did find that those countries had little variance on their definitions within that country (England and The Netherlands).
- England's police interviewers have been trained in **PEACE for over 25 years**, focusing on information gathering.
 - Despite this, it was found that officers in **England had lower average empathic scores** compared to other countries. (**Less variance but overall lower empathic scores**).
 - This discrepancy could suggest that empathy is still a **relatively new and misunderstood concept** with some investigative interviewers
 - It also implies that **empathy may not be as intuitive as commonly assumed**, highlighting the need for **adequate training**.
- Most provided **cognitive rather than affective definitions of empathy**, warranting further investigation.
- Germany's high empathic score suggests they may have a **better understanding of empathy's complexity compared to other countries.**
 - Perhaps due to their native word for empathy (**Mitgefuehl**).
 - This suggests that **possible linguistic effects** may influence empathy (and perhaps other factors) within the investigative interview.

STUDY 2
INVESTIGATIVE EMPATHY: FIVE TYPES OF
COGNITIVE EMPATHY IN A FIELD STUDY OF
INVESTIGATIVE INTERVIEWS WITH SUSPECTS
OF SEXUAL OFFENCES

COGNITIVE VS. AFFECTIVE EMPATHY

- What is the difference between cognitive and affective empathy?
 - **Cognitive** = rational; **affective** = emotional
- Why may one be more appropriate than the other?
 - **Compassion Fatigue** (Papazoglou, Marans, Keese, & Chopko, 2020)

AIMS

This study examined:

1. The **types of empathy** (cognitive vs. affective) demonstrated by experienced, PEACE-trained interviewers in **„real-life“ interviews**.
2. The relationship between these types of **empathy and suspects‘ provision of investigation relevant information**.

FIELD DATA

- The interviews examined were conducted between 2011 and 2016 at four English Police Constabularies.
- The interviews varied in length from 70 minutes to 223 minutes.
- The alleged crimes were all sexual in nature.1
- 9 interviews were audio tapes of 19 male suspects.
- 18 interviews had 2 interviewers present, 1 interview had 1 interviewer present.

CODING STRATEGY

- Empathy was present or absent based on the literature on what could be seen as empathy.
 - Active listening
 - Open demeanor
 - Non-judgmental
 - Working together
 - Demonstrating understanding
 - Appreciating emotions and distress
 - Sensing the emotion(s) of the other
 - Expressing the same affect as the interviewee
- When and how empathy was displayed
- IRI (Phillips, Oxburgh, & Myklebust, 2012) was used to indicate if relevant information was gained: **(Person; action; location; item; and temporal details)**
- A sixth component was added in this study which offered a **,motivational' factor.** Information toward a possible motive.

CODING STRATEGY CONT'D

- **After empathy** had been displayed, any **IRI** that was provided in the five minutes following the empathic utterance was noted on a six-point Likert scale (0=less informative; 5=more informative).
- **Re-test reliability** was conducted via same researcher (first author) as other researchers were not privy to the interviews. The re-test reliability showed no deviation from the initial coding.

RESULTS

- The following five types of **(cognitive)** empathy emerged:
 - Continuous Empathy (Demeanor) –CE
 - Indirect Empathy (Recapping/Repeating back) – IE
 - Current Situational Empathy – CSE
 - Retrospective Situational Empathy – RE
 - Empathic Reassurance - ER

RESULTS CONT'D

- **Continuous Empathy (CE)**

was empathy shown consistently throughout the interview in utterances such as ,OK‘, ,Yes‘, ,Continue‘, or ,Uh huh‘.

- This is similar to the therapist empathy that Watson (2002) describes as a particular tone, utterance or communicating with interest, concern or expressive tone of voice.

- **Indirect Empathy (IE)**

included repeating back (or summarizing) to the suspect what they had just said.

- **Current Situational Empathy (CSE)**

involved showing understanding for the current situation of the suspect such as ,*I understand that you are a smoke, should you at any time in the interview need a break, please let us know and we will stop the tapes and offer you this break.*‘

- This is similar to Pounds (2019) classification of ,Expressing understanding of others‘ feelings.‘

RESULTS CONT'D

- **Retrospective Empathy (RE)**

involved empathy for the interviewee at the time of the alleged crime

- For example, *,I understand you were drunk at this time and cannot now remember, however, I would like you to try to remember as much as possible, and please take your time.'*

- **Empathic Reassurance (ER)**

was coded as an empathic response to an empathic opportunity given by the interviewee.

- For example, one participant gave the interviewer an opportunity to react empathically by saying:
,I don't quite know which language to use'. The interviewer then replied empathically by saying ,Whatever language you want to use in here is fine, if I have questions, I will then just ask you.'
- This is taken from Dando & Oxburgh's (2016) study on empathic opportunities.

RESULTS CONT'D

- A **Spearman Rho correlation** was conducted between amount of **interviewer empathy** (how many of the five types) and suspect's **information provision**. A significant positive relationship was found ($rs = .543, p < .016$).
- All types of empathy found did not have an emotional component (**no affective empathy found**).
- The **more empathy types that were present, the higher the provision of information**. Specifically, in all the higher cooperative interviews Continuous Empathy was present throughout.
- Possible reasons for the positive association between empathy and suspect information provision is that **suspects may feel they have been treated with respect, understood and not judged** (Kebbell et al., 2006; Holmberg & Christianson, 2002).
- The **openness that comes with empathy may lead to a less stressful environment** that enables suspects to decide to cooperate and reveal relevant information.

STUDY 3
EFFECTS OF EMPATHY AND QUESTION TYPES
ON SUSPECTS' PROVISION OF
INFORMATION IN INVESTIGATIVE
INTERVIEWS

THE STUDY

1. Examined the relationship between empathy types and question types on the suspects' provision of information
2. Multiple linear regressions were conducted to
 1. Predict suspects' information provision in relation to (i) open questions; (ii) extent of displayed empathy; and (iii) empathy types.
3. Verbatim transcriptions (N=16) of police interviews with suspects of sexual offences were coded for:
 1. The extent and types of interviewer empathy (cognitive vs. affective)
 2. The percentage of interviewer open vs. closed questions
 3. Suspects' IRI

BEST PRACTICES IN SUSPECT INTERVIEWING

- Use of **appropriate question types** and rapport building is seen throughout the literature as being best practice (Brubacher et al., 2020; Bull, 2019; 2013; Home Office, 2011; Feld, 2013; Paulo et al., 2013).
- The **Cognitive Interview** (CI) has placed importance on rapport-building and on appropriate question types also for cooperative suspects (Fisher and Geiselman, 1992; CI-S; Geiselman, 2012).
- Appropriate question types in the literature describes **open questions (TED)**, as they have been found to elicit longer narratives than closed questions (Kelly & Valencia, 2021; Powell, 2013).
- Other appropriate question types include **probing/identification questions**, and encourager/acknowledgement questions (Oxburgh, 2012).
- **Inappropriate questions** usually include leading questions, multiple questions at once, forced-choice questions, opinion/statement questions and closed questions.

CODING EMPATHY & QUESTION TYPES

- Empathy was categorized into one of five different types based on Baker-Eck et al. (2021).
 - However, in coding the data, it was left open to possible further types of empathy should they appear in these real-life interviews. However, no further types of cognitive empathy were found to be displayed by the interviewer in those tapes.
- Question types were categorized into ,open‘ or ,closed‘ based on how the literature defines each.

CODING SUSPECTS' PROVISION OF IRI

- Investigation Relevant Information (IRI):
 - Person
 - Location
 - Item
 - Temporal Information
 - Action
- Like Study 2 we examined a third variable – ,motivation'

MULTIPLE LINEAR REGRESSION

- A multiple linear regression was performed to predict suspects' information provision in relation to:
 - The extend of empathy displayed
 - The proportion of open questions in each of the interviews (in percentage)
- It was found that the **combination of these two factors significantly predicted the amount of information suspects provided**, meaning it's unlikely to be due to chance.
 - (F_{2,13} = 4.928, p<.026).

SIMPLE LINEAR REGRESSION

- A simple linear regression was conducted to evaluate whether interviewers who displayed more types of empathy during the interview also used proportionately more open than closed questions.
- This found no effect, meaning that the amount of empathy displayed was not related to the percentages of open questions asked.

GRIFFITH QUESTION MAP (GQM)

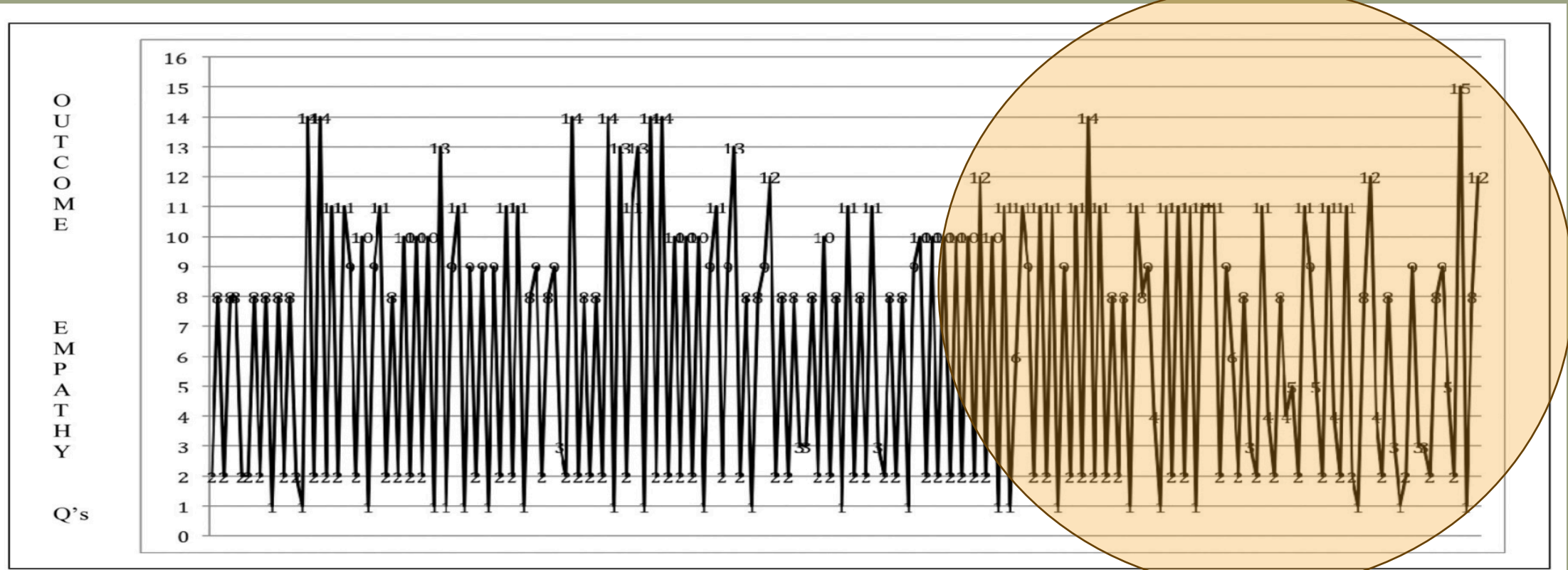


Figure 2. A BEST GQM (i.e., with empathy types, question types, and IRI. 15 = Admission; 14 = Denial; 13 = IRI Motive; 12 = IRI Location; 11 = IRI Item; 10 = IRI Temporal; 9 = IRI Action; 8 = IRI Person; 7 = ER; 6 = RSE; 5 = IE; 4 = CE; 3 = CSE; 2 = Closed Question; 1 = Open Question.

DISCUSSION OF THE EMPATHY GQM

- No direct causation can be claimed, but it is interesting that in the Empathy GQM as time progresses several types of empathy closely precede the admission.
- In some of the interviews, it was observed that the ER type of empathy was present before an admission.
 - Similar results to Dando & Oxburgh (2016).

STUDY 4
HOW DO GERMAN POLICE OFFICERS
OF VARYING EMPATHY LEVELS REACT TO
DIFFERENT STYLES OF INTERVIEWING A
SUSPECTED SEX OFFENDER?

AIMS

1. Therefore, the aims of Study 4 were to:
 1. Examine German police officers' estimates of suspect interviews in four different styles of suspect interviews (,humane', ,dominant', ,theme development', or ,neutral').
 2. Examine whether interviewers' level of empathy is associated with their reactions to the interviewing styles.
2. It would be desirable that there be no effect between the vignettes, in other words that police participants would understand the severity of the crime independent of how the interviewee was interviewed, and independent of their levels of empathy.

PARTICIPANTS

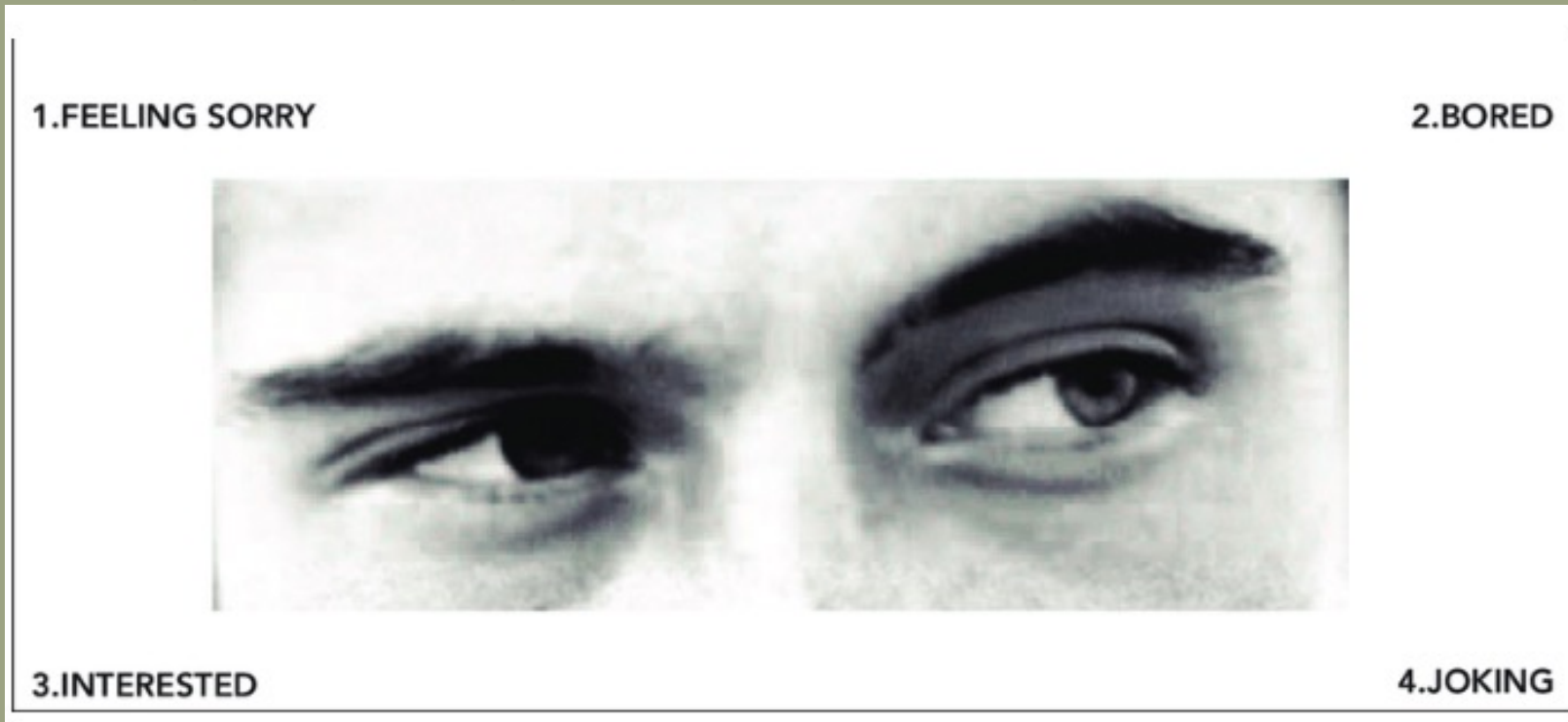
1. Participants were **109 German police officers** studying further police education in Berlin and Bavaria.
2. The laws specifically pertaining to police interviews are the same among the States within Germany and are taught as such (StPO; German penal code).
3. Females constituted a third of the sample; Males two thirds.
4. The age of the participants ranged from 20 to 42 years (mode being 34 years of age).
5. Length of overall police experience ranged from 2 to 25 years, and over 80% had prior experience of conducting investigative interviews.

PROCEDURE

- I. Participants were given a hard copy questionnaire consisting of four parts:
 1. Information sheet, debriefing and basic demographic questions;
 2. The ‘Reading the Eyes in the Mind Test’ regarding empathy;
 3. One of the four vignettes
 4. Eight questions about the vignette

THE 'READING THE EYES IN THE MIND' TEST

I. 36 questions (Score of 0-36)



THE ,READING THE EYES IN THE MIND‘ TEST

1. Participants were allocated into one of three empathy levels (**high, typical, or low**) based on data in Ahmed and Miller's (2011) study with healthy participants (N=123; no gender difference found by them).
2. **Typical empathy** score range 23-31
3. **High empathy** score range 32-36
4. **Low empathy** range 0-22

VIGNETTE QUESTIONNAIRE

1. Adapted from Kebbell, Alison, and Hurren (2008) vignette study with sexual offenders.
2. Changed from strategies to styles of interviewing.

VIGNETTE EXAMPLE: DOMINANCE GROUP

Dominance Group

The interview room at the police station was fairly plain. The room was a pleasant temperature. The police officer wore a long-sleeved shirt that buttoned up at the front and at the wrists. He also wore gray trousers, a pair of gray socks, and black lace-up shoes. He also had a standard silver watch on his left wrist. After starting the interview, the police officer showed some **agitation** towards Martin. The police officer was also **aggressive** towards Martin. The police officer outlined the evidence against Martin. The police officer said that Jenny had identified Martin as the offender. The police officer was **impatient** towards Martin. The police officer was **unfriendly** towards Martin. The police officer was also **unsupportive** towards Martin during the interview.

RESULTS

- An analysis was performed to examine whether the random allocation of participants to one of the four vignette groups resulted in differences in empathy scores across the groups.
 - A Levene's test indicated that there was no significant difference across vignette groups regarding participants' empathy scores, meaning that all four groups had comparable numbers of low and typical empathy level participants.
- There were only 2 high empathy scores – and therefore this group was eliminated.
- A MANOVA was conducted across the four vignette groups regarding the answers to the vignette questions and was found to be significant [$F(24,258.728) = 11.257, p, <.005$]
- ANOVAs were conducted for each question to see which questions had differences across the vignettes.

RESULTS CONT'D

- The **Dominant Interviewing Style** showed a significant effect in empathy levels on three questions answered. (The other groups showed no significant effect on empathy level and questions answered).
 - **Question 1 – Likelihood of confession and**
 - **Question 4 – Making the crime out to be more severe than it was.**
 - **Question 8 – Whether the interviewer thought the crime was severe**
- Particularly, the **low empathy group** in the **Dominant Group** felt that the interviewer was making the crime out to be more severe than it was, and the low empathy group felt that they would not receive a confession with the dominant style of interview.
 - This could indicate that they may perceive the investigative interviewing process and the styles differently than the average empathic officer.
 - How exactly needs more research.

DISCUSSION

WE NEED **MORE RESEARCH** IN THE AREA OF EFFECTS ON INVESTIGATIVE INTERVIEWS FROM POLICE INTERVIEWS WITH DIFFERING LEVELS OF EMPATHY.

- Preliminary findings indicated that differing levels of empathy influenced interview outcomes, but the results were not conclusive enough to form solid explanation.
- It remains unclear whether a lack of empathy toward the crime correlates with increased empathy for the interviewee.
- Conducting a replication study with a larger sample size, including a high-empathy group, would provide more definitive insights into this area.

OVERALL CONCLUSIONS

I. Study 1:

- I. Less variance on empathy definitions for those countries receiving national, standardized training, but the strength of the definition/understanding was not as high as other countries.
- II. Although not many answers were of affective empathy, it would be beneficial to include cognitive and affective empathy as appropriate and inappropriate types in training.

II. Study 2:

- I. The Five Cognitive Empathy types were positively associated with the provision of IRI.

III. Study 3:

- I. The Five Cognitive Empathy types and proportion of open questions were positively associated with the provision of IRI.

IV. Study 4:

- I. An effect for low empathy in police participants was found on the perception of dominant interviewing style.

FUTURE STUDIES

- I. **Empathy and Socioeconomic classes and interviewer/interviewee hierarchies**
- II. Empathy Levels and Investigative Interviewers
- III. Cultural Difference and Empathy in Investigative Interviews
 - I. Linguistic Factors: The finding that Germany received the highest empathic score, potentially due to linguistic factors suggests that cultural and linguistic elements should be considered in future research with empathy.

THANK YOU!

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