



Responding to reticence in investigative interviews of alleged victims with a mental illness: Maintaining rapport

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Submission date: 02.08.2022

Acceptance date: 09.01.2023

Publication date: 28.03.2023

Abstract

Investigative interviews of people with severe mental illness are potentially challenging for police interviewers. The purpose of the study was to explore how police interviewers respond to interviewees' expressions of reticence to maintain rapport. To reach our research aims, we studied transcripts of all police interviews with adult victims with a mental illness classified as vulnerable and conducted at Barnahus (Children's House) in Norway between 2015 and 2017. The final sample consisted of nine transcriptions from real-life investigative interviews with six female alleged victims of sexual abuse. A thematic analysis of the transcripts showed that the police interviewers responded to reticence in three main ways: by acknowledging the interviewee's state, encouraging and showing concern and addressing the interviewee's needs. We discuss the findings in relation to current protocols for investigative interviewing and provide suggestions for further research.

Keywords

Investigative interview, mental illness, sexual abuse, rapport

1. Introduction

People with mental illness are more likely to be violently victimised when compared with the general population (Dean et al., 2018; Hiday et al., 1999; Latalova et al., 2014; Maniglio, 2009). Additionally, being female represents an increased risk of victimisation (Hughes et al., 2012; Martin et al., 2006; Sardinha et al., 2022). Consequently, people with mental illness are more likely to come into contact with the police in different contexts, such as within an

investigation. Criminal investigations rely on police collecting reliable and detailed information about a given event to determine what has happened and if a crime has been committed, and who is culpable (Milne & Bull, 2016). One approach to gathering information is the investigative interviewing of the key people involved (i.e., witnesses, victims, and suspects). Interviewing, however, is a process that potentially presents several challenges for police interviewers in their quest for reliable and fulsome information, particularly if the interviewee is considered vulnerable (Bearman et al., 2020; Gulati et al., 2020). ‘Vulnerability’ is often ascribed to individuals who, by virtue of their personal characteristics, experience the interview situation as demanding or challenging (e.g., by not being able to provide a complete or coherent account) (Cooper & Norton, 2017). Even though the term represents a complex issue in a legal context, it is often attributed to *groups* that may have special needs for assistance or facilitation to provide an account, such as children or people with a significant learning disability or those who have a mental illness (Bull, 2010; Cooper & Norton, 2017; Smith & Tilney, 2007). For the police, interviewing vulnerable people requires that they can identify vulnerability, assess whether victims are fit to be interviewed, and understand the potential special needs of the individual and then tailor the process accordingly (Ogloff et al., 2013). Another challenge is overcoming interpersonal and communicative obstacles for maintaining rapport – a relational context between interviewer and interviewee that facilitates communication (Risan et al., 2016a). The scope of the current article is to explore how police interviewers respond to interviewees with a mental illness to establish and maintain rapport when communication comes to a halt. To reach this aim, we examined transcripts of real-life police interviews in cases of alleged sexual abuse. The interviewees in these cases, all of whom had an established mental illness, were considered vulnerable and had been interviewed at a Barnahus.¹

Addressing vulnerability in the criminal justice process is important in order to protect vulnerable individuals’ welfare and to ensure social inclusion, access to justice, and the right to a fair trial (Jacobson, 2017). According to Norwegian law and regulation (Norwegian Criminal Procedure Act § 239), people with severe mental illness are considered potentially vulnerable. Vulnerability, in this context, indicates that the individual may need special measures to provide an optimal account, such as having the interview conducted at a Barnahus (Justis- og beredskapsdepartementet, 1986).

Interviews at Barnahus follow the Sequential Interview model, the same approach used with children and victims with intellectual disabilities (see Langballe & Davik, 2017, for a detailed description of the approach). Questioning vulnerable victims, however, is a potentially complex process requiring the interviewer to adapt or modify their approach to establish and maintain rapport. According to Tickle-Degnen and Rosenthal (1990), rapport consists of three interrelated components: (i) mutual attentiveness, (ii) positivity or friendliness, and (iii) coordination or balance within the interaction. When communication between interviewer and interviewee comes to a stop, it is reasonable to assume that one or more of the three components have been affected in ways that reduce overall rapport. For instance, if the interviewee experiences confusion or does not understand the interviewer, it may reduce mutual attentiveness. If the interviewee experiences anxiety, it may reduce feelings of positivity. If the interviewee perceives the interviewer as highly authoritarian, it

1. The Norwegian Barnahus, Statens barnehus, is a part of the Norwegian judicial sector for children and young people who may have been exposed to, or witnessed, violence or sexual abuse, or other possible criminal acts, and where this is reported to the police. Statens barnehus is also for people with intellectual disabilities and other particularly vulnerable adults and it provides advice and guidance to private individuals and public bodies in anonymous cases that are unresolved. The police conduct facilitated investigative interviews at Statens barnehus.

will most likely lead to an experience of relational imbalance in the interaction. One way of identifying a rupture or reduction in rapport is if the interviewee expresses reticence or abruptly stops disclosing events, which can be common in investigative interviews of suspected sexual abuse (van Ham et al., 2020). Naturally, there can be various reasons for communication coming to a stop in police interviews with vulnerable people. It could be due to the behaviour of the interviewer, for instance, how he/she poses questions (Nogalska et al., 2021). It could be due to factors pertaining to the interviewee, for example, if he/she experiences strong negative feelings (e.g., anxiety, shame), difficulties concentrating, confusion, lack of motivation, exhaustion, lack of trust in the interviewer, or if they do not understand the questions or are trying to remember. When reticence occurs, it requires the interviewer to respond appropriately to assist the interviewee to continue with the account if they so wish. An important question, though, is: How is this done in practice?

Theory and research have shed light on different aspects of vulnerable individuals participating in the criminal justice system. For example, research has contributed knowledge on issues such as the identification of vulnerability (O'Mahony et al., 2011), the importance of rapport-building and interviewer support (Ahern et al., 2014; Hershkowitz et al., 2013; Karni-Visel et al., 2021), the effects of drawing during interviews (Mattison & Dando, 2020), and how interviewers should question interviewees (e.g., the use of different question types) (Bull, 2010; O'Mahony et al., 2012; Webster et al., 2020). To our knowledge, however, no research has investigated how police interviewers approach people with mental illness when communication comes to a stop, and the current research aims to explore and analyse how police interviewers respond in such circumstances. Specifically, the research question we examined was: How do police interviewers respond to mentally ill interviewees' expressions of reticence to maintain rapport?

2. Method

Nine transcripts of actual police interviews from six cases of alleged sexual abuse were examined to explore how police interviewers' approach people with mental illness when they showed signs of reticence and communication came to a standstill. By reticence we refer to indications of the interviewee withdrawing from the conversation with the interviewer (e.g., through being silent or reserved, or expressing reluctance) or showing signs of emotional distress. The interview transcripts were subject to a thematic analysis to address the research question.

2.1 Sample

The sample consisted of a set of nine transcriptions from real-life investigative interviews collected as part of a broader research project on investigative interviews of vulnerable victims. Serious sexual crimes were investigated in all the interviews, and the alleged victims were females with a verified mental health condition. All the participants included in the study had a verified psychiatric diagnosis, a status as an alleged victim of sexual abuse, and had been classified as vulnerable and therefore interviewed at a Barnahus. Alleged victims diagnosed with intellectual disability, autism, or dementia were excluded. The resultant sample consisted of nine transcribed interviews based on the investigative interviews of six alleged victims. All the participants were female (17–24 y.o., $M=18.5$, at the time of the interview). All the police districts in Norway participated, thus the sample represents all the victims with a mental health illness considered to need special measures for interviewing during the designated period.

Table 1. Case characteristics

Investigative interview	Age	ICD-10 diagnosis	Number of interviews
1	17	F43.1 Post-traumatic stress disorder F44.9 Dissociative disorder, unspecified	1
2	17	F20.9 Schizophrenia, unspecified	1
3	17	F43.1 Post-traumatic stress disorder	1
4a, b	18	F43.1 Post-traumatic stress disorder F32.1 Moderate depressive episode	2
5	18	F94.1 Reactive attachment disorder F32.1 Moderate depressive episode	1
6 a, b, c	24	F43.1 Post-traumatic stress disorder F90.0 Disturbance of activity and attention	3

2.2 Procedure

All twelve police districts in Norway were asked to provide transcripts of interviews, including eleven Barnahus. In each district, the following information was requested via the Chief of Police: (a) copy of all transcribed investigative interviews conducted with vulnerable victims as alleged victims of sexual abuse (per the General Civil Penal Code §291-320) and/or physical abuse (§271-288) for the period from October 2015 to December 2017; (b) descriptive information about the criminal case including age and gender of the alleged victim, type of crime (i.e., sexual or physical abuse); (c) relationship to the alleged perpetrator; and (d) information that could verify the diagnosis of the interviewees (e.g., medical reports). The police transcription service transcribed the investigative interviews.

2.3 Ethics

Council for Confidentiality and Research granted ethical approval (2013/00898-003). Further approval was granted by the State Attorney (2013/00898-005), the Police Directorate (201702570-2047.1) and the Norwegian Data Protection Authority (16/00732-9/CDG).

2.4 Analysis

A qualitative explorative approach using thematic analysis was employed to address the research question. Thematic analysis is useful for examining meaning and differences across interviews. It is a flexible approach to identifying patterns of meaning in qualitative material and emphasises the development of themes supported by data. Our analysis aimed to identify, describe, and analyse themes across interviews and discuss the findings rather than confirming existing knowledge (Reiter, 2017). We followed the analytic steps described by Nowell et al. (2017), emphasising discussions and peer debriefing throughout the analytic process. The steps of the process are described in table 2.

When examining the transcripts, we defined distress or reticence as written statements such as “*silence*,” “*the alleged victim is silent for 32 seconds*,” or “*the alleged victim cries*.” All questions or statements expressed by the interviewer following a sentence indicating reticence were identified in the nine interviews, copied verbatim to an excel file, and analysed.

After identifying categories across interviews concerning how the interviewees responded to reticence or signs of emotional distress, the first author mapped the alleged victims’ responses to analyse potential response patterns. The responses were categorised as: (1) the alleged victim continues to talk or respond to the initial question, (2) no response such as silence or a one-word utterance, or (3) a non-verbal response indicated in the transcription that the alleged victim nods or shakes her head.

Table 2. The analytic process

	Phases in the analytic process	Conducted by
Phase 1	Read the interviews and familiarise ourselves with the data	Due to restrictions regarding highly sensitive data, the first author read, anonymised, and extracted relevant data from the transcribed interviews. The first author copied verbatim text from the interviews and made written notes and discussed the data with the second author
Phase 2	Identify questions and statements in the interviews and develop codes. Discuss and map data in preliminary categories	Based on the discussion of the data extracted from the transcribed interviews. The first author read the interviews again and mapped data into preliminary categories.
Phase 3	Organise categories and construct themes.	First and second author
Phase 4	Review data and citations and consider how they reflect the themes	First and second author
Phase 5	Reviewing and defining themes	First, second and third author
Phase 6	Write report	First, second and third author

3. Results

The study aimed to explore how police interviewers respond to people with mental illness' expressions of reticence. After investigating the relationship between the research question and the material, three themes emerged: (1) Acknowledging the interviewee's state, (2) Encouragement and showing concern, and (3) Addressing potential needs. In the following presentation of results, the themes will be described in turn and presented with statements made by the participants (each utterance is presented with an interview designation reflecting participant number).

3.1 Acknowledging the interviewee's state

When communication comes to a standstill, police interviewers may respond in various ways. The first theme concerns how interviewers responded to such situations by acknowledging and expressing understanding of the interviewee's state in ways that have the potential to move the interviewee into a position where it is easier to continue to talk, for example, by the interviewer providing reflections on the state of the interviewee, as illustrated in the following quote:

Mhmm, and I think maybe you felt you did not have a choice, and what happened this weekend, your attempt to commit suicide, it shows us something about how you feel when you receive these messages. (Interview 6c)

Another way of addressing the interviewee's experience was by asking about their emotional state in the present, like in this utterance:

Exactly. Because it is important for you to have someone to talk to. But overall, how do you feel now after telling me all of this? Does it help you a bit to talk about it? (Interview 5)

To acknowledge the state of the alleged victim, another approach identified in the material was to comment on the interview process and show acceptance for it being potentially challenging:

I realise that it might have been a difficult question (name of alleged victim). If you cannot answer, it is all right. (Interview 6b)

Overall, we did not find any consistent pattern in the alleged victims' responses to statements expressing acknowledgment of their health condition. Instead, the alleged victims either responded to the question, responded non-verbally, or did not respond.

3.2 Encouragement and showing concern

In addition to acknowledging the interviewee's state, the material also showed how encouraging the interviewee and showing concern may facilitate communication between the police interviewer and interviewee. For instance, one way of facilitating communication was by interviewers addressing the interviewee by their first name and combining questions with expressions of concern, as demonstrated in the following quote:

I don't want to push you too hard now (name of alleged victim). It is important that you have the opportunity to say something about this, right? And as your counsel stated, it is up to you, right? We did ask if you wanted to talk, right? Is there anything more you want to say about these messages or this chatlog with (name of person)? (Interview 4a)

A similar example can be seen in the following passage, where the interviewer also highlighted that the interviewee is in a safe environment:

You think, hmm. Try to tell me what you think of. Try to...just say what comes to your mind. You may tell me; you are absolutely safe here. (Interview 6a)

Furthermore, another way interviewers attempted to encourage the interviewee and facilitate communication was by expressing their wish to understand:

Okay, it is very important for me to understand what has happened to you. It is important that you tell me, eh, how it started, so I can really understand what happened, and by telling me this, it is really, really, really, really important. (Interview 6b)

The interviewees' responses to encouraging statements were primarily silence, a nod, or a one-word utterance such as "yes," "no," or "hmm." Several times, the police interviewer followed up such responses by suggesting a break or a change of topic.

3.3 Addressing potential needs

The third theme concerned how police interviewers responded to expressions of reticence by addressing the potential needs of the interviewee. Needs may be openly communicated or more implicitly expressed by the interviewee (e.g., via non-verbal expressions). The material demonstrated how police interviewers, in various ways, attempted to accommodate the potential needs of the interviewee in the present. For instance, by asking the interviewee explicitly if there was any way they may remedy the situation:

Is there any way we can make it easier to get you to talk? Or that you, you talk about it?
(Interview 3)

Further, as responses to interviewees expressing discomfort or distress, the interviewers addressed underlying needs by acknowledging distress and proposing a change of attention in the conversation. For instance, by changing the topic, taking a break, or drawing, as demonstrated in the following three citations:

Shall we talk about other things? I understand it is difficult to talk about, but now I am going to ask you about something completely different. (Interview 6b)

I can see you are trying to say something, but it is difficult for you. I suggest that we have a break. (Interview 6c)

Yes, mhm, mhm, mhm, ehm, try to tell more, use your own words. Could it be easier for you to have a sketch and draw something at the same time or? (Interview 3)

As for the alleged victim responses related to the interviewer's attempt to address potential needs, they most often accepted a suggestion for a break or to talk about a different topic. Other questions, such as asking the alleged victim if they needed a communicative aid, led to various responses, such as silence, a nod, or a one-word utterance such as yes, no, or maybe.

4. Discussion

In criminal investigations involving sexual crime, police interviews are often vital as testimony is potentially the only evidence in the case (Pipe et al., 2013), highlighting the importance of conducting good quality interviews. This study aimed to explore and analyse how police interviewers responded to vulnerable interviewees showing signs of reticence and emotional distress in situations where communication comes to a standstill. After studying the transcripts, three themes emerged through a thematic analysis of how police interviewers responded in such circumstances. In sum, the police interviewers responded to different forms of reticence by acknowledging and expressing understanding for the interviewee's state, encouraging and showing concern, and addressing the interviewee's needs.

If we go back to Tickle-Degnen and Rosenthal's (1990) theoretical viewpoint, it is reasonable to assume that the responses or approaches presented in the findings in various respects can positively influence the different elements of rapport (mutual attentiveness, positivity, and balance in the interaction). A common factor of all these responses is that they addressed what the interviewee was experiencing in the here-and-now, indicating that these moments can be related to what is referred to as empathic opportunities (Jakobsen, 2021; Oxburgh & Ost, 2011). Even though empathy has been defined in various ways, it is often considered essential for developing investigative rapport (Dando & Oxburgh, 2016; Fisher & Geiselman, 1992; Holmberg, 2004; Madsen & Holmberg, 2014). From looking at the findings, the impression is that the interviewers mainly displayed cognitive empathy, that is, acting on a rational understanding of the interviewees' situation and emotions without necessarily taking on the emotions of the other (as opposed to affective empathy) (Baker-Eck et al., 2020). It has been argued that only displaying the cognitive dimension of empathy is necessary for interviewers conducting investigative interviews (Jakobsen, 2021). This opens the discussion of whether concepts other than empathy could be more useful for police interviewers.

For instance, having a ‘theory of mind’ or ‘mentalising skills’ emphasising an understanding of the mental state and behaviour without sharing the emotional experience of the other (Hooker et al., 2008). Such a discussion is beyond the scope of this paper but is a constructive topic for future research.

On a general level, the responses to reticence reported align with previous research emphasising the significance of the police accommodating individuals with a mental illness with empathy and respect (Wittmann et al., 2021). Furthermore, the findings also correspond with elements of established protocols for interviewing victims. For instance, by highlighting the importance of personalising the interview (Fisher & Geiselman, 1992) or showing understanding of the victim’s plight (Fisher & Geiselman, 2010). Furthermore, addressing the potential needs of the interviewee (e.g., by temporarily changing the topic or taking a break) have been considered a constructive approach to reducing the interviewee’s distress, maintaining rapport (Risan et al., 2016b), and reducing the risk of contaminating the victim’s account (Hershkowitz et al., 2017). Studies comparing interviewers using these strategies with interviewers who did not use such approaches to help the victim cope with the psychological stress showed that the former contributed to an increase in obtaining investigative relevant information (Blasbalg et al., 2019). Naturally, the responses or approaches described in the three themes are potentially relevant for all types of police interviews. Still, they should be considered especially important when accommodating vulnerable interviewees, who are more likely to require supportive behaviours from the interviewer to provide an account.

When considering the study’s strengths and weaknesses, the study used transcripts, which brings with it apparent limitations (e.g., partially excluding non-verbal communication), in all probability contributing to a less nuanced picture of how police interviewers respond in such circumstances. Further, both the specificity and small size of the sample bring natural limitations regarding generalisability. We can assume that the findings, to a certain extent, are representative of investigative interviews conducted at Barnahus in Norway with people with mental illness (in the designated period). However, the aim of the study was to explore very narrow parts of these interviews where generalisability was less of a priority. Even though the scope of the study was to examine limited segments of the interviews, the findings provided a picture of how police interviewers respond to reticence in ways that correspond with previous recommendations (e.g., Fisher & Geiselman, 2010). That said, we studied how police interviewers responded to reticence in general in these types of interviews. Future research should aim to categorise and operationalise different types of reticence in police interviews (e.g., reticence due to anxiety versus just needing the extra time to remember). This would provide a more nuanced picture of reticence as a phenomenon in police interviews and would enable more systematic research on specific responses by interviewers. Such research on the different elements of the investigative interview is important to maintain a development within the field and to keep on adding evidence to the research-base in the continuous quest for best practice.

Acknowledgement

The authors wish to thank Dr. Miriam S. Johnson, the Police Districts and the Barnahus for their contribution with data collection.

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