Index

Note: Page numbers in italics refer to tables. Abbreviations used: CI for Cognitive Interview; ID for identification

absolute judgements of witnesses 225, 226, 268
Abu Ghraib prison, Iraq, abuse of detainees 95
accuracy of eyewitness identification
  effect of administrator knowledge 272–4
  relationship with confidence 213–15, 234–6
accuracy of eyewitness testimony
  alternative predictor of overall 132
  children under cross-examination 167–9
  and question type 132, 173
  relation to consistency 121–31
accusations see confessions; denials
active denials 28–30
admission/confession rates 18, 72–3
adults under cross-examination 173–4
ADVOKATE, Turnbull guidelines 223
age
  of suspects
    accuracy of eyewitness reports 243, 244, 247, 250–1
    and decision to confess 3
  of witnesses
Cognitive Interview studies 149–55
  and cross-examination performance 167, 168
  and recall ability 142–4
Albon, A. J. 142, 146, 147
American Psychology–Law Society (AP–LS) 260–1, 263, 265, 267, 271
Anderson, M. C. 184–5, 186–7
Anti-Terrorism Crime and Security Act 2001 (ATCS) 70
anti-terrorism legislation 69–70, 94, 100
audio-tapes of suspect interviews,
  research benefits of 85
audiovisual recording of interrogations
  10–11, 62, 104, 161
Australian Federal Police (AFP) 98–9
Australian Security Intelligence Organization (ASIO) 101–4
Bailey, F. L. 123
Baldwin, J. 19
Banks, W. P. 181
baseline data, establishing 322–3
Behrman, B. W. 275
Index

Bernstein, D. M. 196, 197
Billings, F. J. 190, 191
blind administration of line-ups 209–11, 228, 272–4
body language, role in evaluating truthfulness 307, 316, 320–1
Borsboom, Kees, Schiedam Park murder 62–4
brain imaging studies, memory suppression 184–6
Bregman, N. J. 277
Brewer, N. 124, 131, 207, 216, 217
Brigham, J. C. 207, 245, 263
Buckley, J. P. 2
Bull, R. 36, 46, 140, 141, 143, 145, 149, 189, 193
burden of proof, shifting from prosecution to defence 76, 92, 94
Caligiuri, H. L. 276
Cannan, P. 173
childhood memories, planting false 190–6
child witnesses
confidence of eyewitness judgements, line-ups 213–16, 235–6
malleability of 215–16, 235, 271–2
consequences, fear of, inhibiting confession 8–9
consistency and witness credibility
cognitive theory 126–32
‘courtroom theory’ 122–6
context reinstatement, Cognitive Interview (CI) principle 139
contextual factors influencing decision to confess 6–9
contradictory statements
‘courtroom theory’ of 125–6
and overall testimonial accuracy 129–30, 131–2
‘control process’ vs. criminal justice paradigm 93–5
Corporations Act (2001) 115, 116
Costall, A. 189, 192–3
counter-terrorist operations 70–1
‘Courtroom Theory’ of memory 122–6
‘crashing memories’ method, false memories 189–90
credibility of witnesses
basing on individual statements 133
challenged during cross-examination 162, 165–6, 174
courtroom arguments and jury instructions 122–6
see also truthfulness
criminal background and factors influencing decision to confess 4–5
criminal justice paradigm 92
use of torture in interrogation of terrorist suspects 95–7
versus new ‘control process’ paradigm 93–5
Criminal Justice and Public Order Act (1994) 73
Criteria Based Content Analysis (CBCA) 31, 306
critical thinking, evaluation of truthfulness 317–18
Crombag, H. F. M. 189
Dando, C. 146
Darling, S. 226, 232–3, 234, 274
Davey, S. L. 275–6
Davies, G. M. 244
documentation
definition of 285
detection of lie signs 31
effect on event recall and duration 290–7
in eyewitness reports 286–8
judgement of by potential jurors 288–90
see also lying; truthfulness
decision-making process of suspects, factors influencing 2–9
Deese, J. 188
Delamothe, K. 142
Demarchi, S. 246, 248, 253
denials
handling by police 31–2
in the police station 18–19
strategies 17–18, 22–4
active denials 28–30
passive denials 24–7
Depue, B. E. 185–7
descriptive strategies, cognitive 246–51
detention of terrorist suspects 92
extended period of 76
arguments put forward for 77
and further research into effects of 87
and unreliability of confessions 97
Devlin Report 222–5, 231
dissociative amnesia 183
DNA exoneration evidence and mistaken identifications 222, 257–8
double-blind administration of line-ups 209–11, 228, 272–4
Douglass, A. B. 210–11
DRM method, false memories 188
duration of events, recall estimation 293, 295–6
Dysart, J. 260, 267, 268, 269, 278
Dyzenhaus, D. 105

early arrests of terrorist suspects, impact on interview process 79–80
Ekman, P. 308, 311–12, 315
elderly witnesses, success of CI with 143–4, 148
emotional leakage, evaluating truthfulness 315
erroneous eyewitness identifications see mistaken identifications
ethnic origin and decision to confess 3
evidence absence of in public safety cases 80 confrontation of suspect with 44–5 information-gathering questions for verifying 40–3 insufficient to secure conviction 9, 10 quality/strength, and decision to confess 6, 74 strategic use of evidence (SUE) technique 37, 47 suspect’s perception of and decision to confess 36 suspect’s possible explanations for incriminating 39–40 examination hearings, Australia 112–13 and abrogation of privilege against self-incrimination 117–18 contempt charge, conditions of 118 privacy of 118–19 right to legal representation 113–14 role of legal practitioner 114–16 witness appearance 116–17 experience and detection of lies 311 experimental dissociations, consistency and accuracy 129 external pressure to confess 35, 36, 74 eye gaze, and truthfulness or lying 311, 312 eyewitness identification tests influence of police–witness interactions 205–18

North America 257–79 procedures in the UK 221–37 eyewitness testimony 121–2 consistency and accuracy alternative predictor of accuracy 132 cognitive explanation 126–8 conundrum 131–2 experimental testing 128–31 legal explanation 122–6 under cross-examination adults 173–4 children 161–73 see also Cognitive Interview (CI)
Index

Gabbert, F. 208
gangland wars, Victoria, Australia 110–11
Garry, M. 184–5, 195
Gelles, M. G. 97
George, R. 145, 245–6
gestures and lie detection 316
Gleaves, D. H. 188
Glissan, J. L. 123
Goldstein, C. J. 21
Granhag, P. A. 23, 37, 190, 290, 293–4
Greathouse, S. M. 273
Green, C. 184
Greenwood, K. M. 146
Guantanamo Bay detainees 106
Gudjonsson, G. H. 6, 7, 35, 55
guilt
and denial strategies 22–30
internal pressure and decision to confess 3–4
presumption of 30–1
and interviewing style 21, 37–8
Habib, Mamdouh, Guantanamo Bay detainee 106
Haneef, Dr. Mohammed, terrorist suspect 99–101
Hartwig, M. 23, 37
Hayes, B. K. 142, 151
Hicks, David, Guantanamo Bay detainee 106
Hodge, D. 191
Holliday, R. E. 139, 141–2, 143, 144, 146–8
Hope, L. 208
hot spots, evaluating truthfulness 321, 323
Hughes, C. 232, 235–6
Humphries, J. E. 148
Hurren, E. 46
Husband, T. H. 191
Hyman, I. E. 188, 191–2
identification tests/line-ups
influence of police–witness interactions 205–6
accurate reporting of witness decision 212–13
confidence and accuracy link 213–15
double-blind administration 209–11
effect of providing description to police 207–8
post-identification influences on other witness judgements 217
unbiased line-up instructions 211–12
witness expectations of suspect in line-up 208–9
North America
eyewitness mistakes 257–9
in field studies using other ID procedures 274–9
research on sources of 278–9
recommendations for collecting eyewitness evidence 260–2
administrator knowledge effects on eyewitness accuracy 272–4
composition of line-ups 262–5
confidence malleability 271–2
double-blind vs. single-blind line-ups 270–1
line-up instructions to witnesses 265–7
simultaneous vs. sequential line-up presentation 267–70
United Kingdom 221–2
Devlin’s recommendations 222–3
eyewitness confidence and accuracy 234–6
factors affecting eyewitness ID 226–30
Police and Criminal Evidence Act 1984 (PACE) code of practice 223–5
recommendations 236–7
theoretical issues 225–6
Turnbull guidelines 223
video identification 230–4
imagination inflation effect, false memories 195
Inbau, F. E. 2, 25, 27
inconsistent testimony and witness credibility 122–6
individual factors influencing decision to confess 3–5
information-gathering approach to interviews 36, 43–4, 45–7, 50–2
innocence overstated 31
premise of 20
and interviewing style 21
intellectually impaired people
cognitive interview improving witness recall 55, 144–5
and false confessions 55, 57
internal pressure to confess 35, 36
interrogation, definition of 96
interrogation strategies and techniques
audiovisual recording of 10–11
and decision to confess 7–9
ethical and legal considerations 9–10
Reid technique 7, 10, 23
and torture 53–4, 94–7
interrogation of suspects
control paradigm 93–5
criminal justice paradigm 92
interviewer concern and change from denial to confession 36, 46
interviewer–interviewee relationship see rapport-building
intuition/instincts about lying and truthfulness 311
investigative interviewing of suspects, structured model 38–9
advantages of model 46–7
conducting the interview 43–5
limitations of model 45–6
preparing questioning plan 39–43
Israëls, H. 65–6
James, N. 96–7
Jayne, B. C. 2
Jones, E. E. 216
jury instructions 122–6
Juslin, P. 227
Kassin, S. M. 21
Kebbel, M. R. 46, 144
Kirsch, I. I. 194
Klobuchar, A. 276
Köhnken, G. 140, 150, 151
Kovera, M. B. 273
Kronkvist, O. 37
Lam, S. 197
Laney, C. 197
leading questions
and adult susceptibility 173
used during cross-examination of children 164
leakage (during lying), identifying 315–17, 320–1
legal advice/representation
and decision to confess 6–7, 73
examination hearings, Australia 113–18
failure to provide for terrorist suspects 98, 99
legislation
anti-terrorism 69–70, 75–7, 83–4, 94
detention of suspects without charge 100–1
resources and limits of law 105–6
lie signs 31
Life Events Inventory (LEI) 195
Lindsay, R. C. L. 227–8, 244
line-ups see identification tests/line-ups
Lodhi, Fadeen, terrorist 101–2
Loftus, E. F. 184–5, 189, 190–2, 194, 195
Luus, C. A. E. 227
lying 301–2
evaluation of
complex nature of 302–4
distinguishing lies from truths 308–10
evidenced-based approach 319–21
research limitations 305–7
skill-based methods 305
step-wise approach 321–3
technology-based techniques 304–5
see also deception; truthfulness
Index

myths about 310–13
psychology of 313–14
Lynn, S. J. 194

MacLin, O. 225
Malinoski, P. T. 194–5
malleability of eyewitness confidence 215–16, 235, 271–2
Manning, C. G. 195
Mann, S. M. 36
Martin, R. 244
match-to-description strategy for choosing foils 264–5
maximization technique 79, 85–6
Mazerolle, P. 46
McAllister, H. A. 277–8
McDermott, K. B. 188
McMahon, S. R. 143
McNally, P. J. 183–4
Meissner, C. A. 207, 225, 245, 263
Memon, A. 140, 141, 142, 208, 226, 232–3
memory
accuracy of eyewitnesses 121–2
cognitive theory 126–8
‘Courtroom Theory’ of 122–6
CI core protocol 138–9
recognition 226
see also recovered memories
‘me’ theory of behavioural assessment 311
Milne, R. 36, 46, 140, 141, 144, 145
misinformation
and false memories 189
parental misinformation method 190–6
using CI protocol to reduce children’s suggestibility 141–2
mistaken identifications
and Devlin recommendations 222–3
and DNA exonerations 222, 257–8
and PACE guidelines 224
rates of 258–60, 274–9
research on sources of 278–9
theoretical issues 225–30
Moran, Jason, murder of 110
Morris, E. K. 197
Morrison, L. J. 244
Moston, S. 4, 5, 7, 19, 21, 73, 74
mugshots of suspects
effects of prior exposure to 229–30
and verbal overshadowing effect 252–3
myths about lying/truthfulness
experiential 311
societal 311–12
National Institute of Justice (NIJ), guidelines on line-up procedures 261–2, 263, 265, 266, 267, 279
nature of crime, effect on confession rate 5
Netherlands
false confessions, finding 53–67
miscarriages of justice 37
police interviewing tactics 23
structured model for investigative interviewing 38–47
‘non-confession’ (denial/evasion/RoS) rates 19
non-identification evidence, value of 277–8
nonverbal behaviour and lie detection 316, 321
Ofshe, R. J. 57
older witnesses
benefits of a shorter CI 148
with dementia 144
recall enhanced with cognitive interview 142–4
Olsson, N. 227
open-ended questions
in CI protocol 147
and greater accuracy of answers 129, 132
of information-gathering approach 36, 40
and the SFIPPD 149
‘organised crime offence’, definition of 112
organized crime legislation 109–19
Index

Ost, J. 189–90, 192–3, 195
O’Sullivan, M. 308, 324
‘Othello error’ 311–12

Page, M. 166
Palmer, J. C. 189
parental misinformation method, false memories 190–3
methodological limitations of studies 193–6
Parker, J. F. 225
passive denials 24–7
denial of knowledge 26
denial of motivation 27
denial of perception 26–7
simple denial of charge 24–6
Patriot Act (2001) 70
PEACE (Planning and preparation, Engage and explain, Account, clarification and challenge, Closure and Evaluation) model 71–2, 86
personality traits, effect on confessions 4, 55–6
person description interview (PDI) 246–53
person descriptions 241
content of 242–4
enhancement methods
Cognitive Interview (CI) protocol 245–6
person description interview (PDI) 246–52
methods of collecting 244–5
Petursson, H. 35
Pezdek, K. 181, 191, 193–4, 197, 246, 252
photo line-ups 211, 225, 229, 231
eyewitness error rates 275–6
NIJ guidelines 261–2, 266
studies of deceptive/truthful eyewitnesses 288–90
Pickering, A. 274
Pickrell, J. E. 191, 192, 193, 194
Police and Criminal Evidence Act 1984 (PACE) 18, 71, 92
code of practice (Code D), identification procedures 223–5, 236–7
police interviewing styles
effect on confessions and denials 18–20, 74
psychological research on 20–2
police interviewing in the UK 71–2
‘police knowledge’, content of confessions 62–6
police terrorist investigations 69–71
Australian case studies 97–104
contextual issues 83–5
interviewing tactics used 80–1
lack of intrusive questioning 85–7
legal perspective, special measures 75–7
study of CT cases, UK 77–82
use and impact of special warnings (SW) 81–2
polygraphs 304
Porter, S. 192, 194
Post, Ina, false confession case 65–6
Prevention of Terrorism Act (2005) 70
psychological characteristics and false confessions 55–6, 75
‘public safety’ arrests, negative impact of 79–80, 84–5
Putten murder case 61–2
Py, J. 246, 253
questioning of suspects
paradigm change 92–5
structured model 38–47
question types
closed questions 128, 129, 132, 173, 174
leading questions 164, 173
open questions 36, 40, 129, 132, 147, 149
rapport-building
cognitive interview (CI) 139, 146, 147
in evaluating truthfulness 322–3
with terrorist suspects 97
real consequences of confession 8–9

police terrorist investigations 69–71
Australian case studies 97–104
contextual issues 83–5
interviewing tactics used 80–1
lack of intrusive questioning 85–7
legal perspective, special measures 75–7
study of CT cases, UK 77–82
use and impact of special warnings (SW) 81–2
polygraphs 304
Porter, S. 192, 194
Post, Ina, false confession case 65–6
Prevention of Terrorism Act (2005) 70
psychological characteristics and false confessions 55–6, 75
‘public safety’ arrests, negative impact of 79–80, 84–5
Putten murder case 61–2
Py, J. 246, 253
questioning of suspects
paradigm change 92–5
structured model 38–47
question types
closed questions 128, 129, 132, 173, 174
leading questions 164, 173
open questions 36, 40, 129, 132, 147, 149
rapport-building
cognitive interview (CI) 139, 146, 147
in evaluating truthfulness 322–3
with terrorist suspects 97
real consequences of confession 8–9
recall
and accuracy 125–8, 130–1
of event duration 293, 295–6
free recall 147, 244–5, 247–8
by multiple senses and varied retrieval
paths 139
and question format 132
see also memory
recovered memories 181–3
false memories 187–8
‘crashing memories’ method 189–90
DRM method 188
misinformation method 189
parental misinformation method 190–6
research challenges 196–7
repression and suppression 183–7
Reid, J. E. 2
Reid technique 7, 10, 23
relative judgements of witnesses 225,
226, 268
reminiscence and accuracy 125–8, 130–1
‘repression’ of traumatic memories 183–7
right of silence (RoS), special warning 19, 73, 82, 87
Roediger, H. L. 188, 277
Rose, R. 143
Rothblatt, H. B. 123
Rydell, S. M. 227
Savitsky, K. 21
Schiedam park murder 62–3
Seelau, E. 227
self-incrimination, abrogation of
privilege against 117
sequential vs. simultaneous line-up
presentation 267–70
studies of correct and false
identifications 259–60
seriousness of crime and decision to
confess 5
sexual abuse, ‘recovered’ memories of
181–3
SFPIPD (standard French police
interview for person
description) 249–51
Sherman, S. J. 195
Shipman, Harold, serial murderer 25
silence of suspect, adverse inferences 73,
82, 87
simple denial of charge 24–6
simultaneous vs. sequential line-up
presentation 267–70
single-blind vs. double-blind line-up
administration 270–4
situational factors and false confessions
56–7
Skagerberg, E. M. 235, 274
Smeets, T. 197
Smith, C. 210
Sneek balcony murder 57–60
social dynamics, CI core principle 139
social pressure and false memory
development 192–3, 194–5
solitary confinement, effect on
confessions 56
Soukara, S. 36, 46
special warning (SW)
reasons for 73
and terrorist interviews 81–2
standard French police interview for
person description (SFPIPD) 249–51
Statement Validity Analysis (SVA) 316
statistical methods for evaluating
truthfulness, problems with 306–7
Steblay, N. 266, 268–9, 276, 278
Steele, L. 295
Stephenson, G. M. 21, 73, 74
stop and search powers, extended for
terrorist suspects 76
strategic use of evidence (SUE)
technique 37, 47
Strömwall, L. A. 23, 37, 190, 290,
293–4
suggestibility
of adults under cross-examination
173–4
of children
reducing with modified CI 141–2
under cross-examination 163
summarizing of answers to information-
gathering questions 43–4
suppression of traumatic memories
183–7
suspect-resemblance strategy of selecting
foils in line-ups 227
suspects’ decision-making during
interrogation 2
factors influencing 2–3
contextual factors 6–9
criminal factors 5
individual factors 3–5

terrorism 69–70
counter-terrorist operations 70–1
eyearly arrest of suspects, impact of
79–80
extension of detention periods 76–7, 87
interrogation case studies 97–104
study of CT cases 77–82
Terrorism Act 2000 (TACT) 69–70, 76, 83–4
thermal imaging, lie detection 304
Think/No Think (T/NT) paradigm
184–6
Thomas, Jack, terrorist suspect 98–9
Thombs, D. L. 22
Thwaites, R. 105
torture
confessions made under 53–5
and interrogation of terrorist suspects
95–7
training
in evaluating truthfulness 310
acquiring evidence-based knowledge
313–14
critical thinking method 317–18
generalising to real world 318–19
skill acquisition 314–17
unlearning bad habits 310–13
of legal advisers for the police 72
police interviewing in the UK 71–2
traumatic memories
parental misinformation studies 192, 194
repression and suppression theories
183–7
Tredoux, C. G. 225
truthful denials 21–2
truthfulness
in deceptive suspect’s event recall
290–3
evaluating 301–2, 324–5
approaches to 304–5
complex nature of 302–4
evidence-based approach 319–23
evidence-based training 310–18
obstacles to 308–10
pre-training accuracy in 308
in real world settings 318–19
research on 305–7
in eyewitnesses’ reports 285–90
Tunnicliffe, J. L. 227–8
Turnbull guidelines 223
Turtle, J. 167, 275
Ul-Haque, Izhar, terrorist suspect
101–4
Undeutsch hypothesis 294, 316
Uviller, H. R. 123
Valentine, T. 226, 232–4, 264–5, 274
Van der Willik, P. 244
van Koppen, P. J. 189
verbal lie signs 31
verbal overshadowing effect (VOE) 207, 252–3
verbal style, and lie detection 316–17
video identification research 231
evaluation of revised procedures
232–3
fairness of video line-ups 232
perception of identification officers
232
and suspects with distinguishing marks
233–4
videotape interrogations 10–11, 62, 161
videotaping of line-ups, problems with
261
voice characteristics, detecting change in
316
voice stress analysers 304
Vrij, A. 23, 36–7, 46, 47, 143
vulnerable witnesses, cognitive interviews
137–55
Index

Wagenaar, W. A. 189
Wasserman, A. W. 263
Webber, L. 244
Weber, Y. 21
Wells, G. L. 167, 217, 225, 260, 263, 266–7, 271–2, 277
Westcott, H. L. 166
Whiting, Roy, child murderer 25
Wigmore, J. H. 123
Wilkinson, C. 188

Williams, K. D. 216
Williamson, T. 73, 74, 107
Winman, A. 227
Wright, A. 143, 146
Wright, D. B. 235, 274
Yuille, J. C. 138, 242, 275, 301
Zajac, R. 169, 173
Zaparniuk, J. 138