Journal of Applied Research in Memory and Cognition 1 (2012) 124–125

Contents lists available at SciVerse ScienceDirect

Journal of Applied Research in Memory and Cognition

journal homepage: www.elsevier.com/locate/jarmac

Commentary

Deception detection in police interrogations: Closing in on the context of criminal investigations

Peter J. van Koppen[a,b,*]

[a] Maastricht University, Faculty of Law, Boullionstraat 1, Maastricht, The Netherlands
[b] Free University Amsterdam, Faculty of Law, De Boelelaan 1108, Amsterdam, The Netherlands

ARTICLE INFO

Article history:
Received 29 March 2012
Received in revised form 10 April 2012
Accepted 12 April 2012
Available online 9 May 2012

Keywords:
Deception detection
Police interrogation
Criminal investigation
Cognitive load strategic
Use of Evidence (SUE) technique

After some decades in which researchers have been struggling to find cues to deception, Aldert Vrij and Pär Anders Granhag have taken stock. Their conclusions are straightforward: The cues to deception that have been identified are faint and unreliable, polygraph lie detection is more of a promise than a valid instrument, and the theoretical underpinning of all this is weak (Vrij & Granhag, 2012). They present strong and compelling arguments, so there is no alternative than following their conclusions.

The alternatives they propose have two perspectives. The first comes from the group around Aldert Vrij (Vrij, Fisher, Mann, & Leala, 2006; Vrij et al., 2008), the second comes from the group around Pär Anders Granhag (Granhag & Hartwig, 2008; Hartwig, Granhag, Strömwall, Vrij, & Af Hjelmsäter, 2011). First, they propose to raise the cognitive load of suspects so that their cues to deception become more visible. Such is done by having the suspect tell his story in reverse order or by having him tell it while keeping eye contact with the interrogator. We may assume that there exist other, yet undiscovered, possibilities to raise the cognitive load. Second, it is proposed to utilize the manner in which liars plan their lies. One can ask suspects unanticipated questions and compare their reactions to these after anticipated questions. Somewhat related to using the manner of planning is the way one can probe the differences in counter-interrogation strategies of liars and truth tellers using the so-called Strategic Use of Evidence (SUE) technique.

It indeed appears that the proposed perspectives make a theoretical step forward possible. I write 'appears' because there are some weaknesses in the present line of research that may have unexpected effects. The first is that much – but surely not all – of the empirical support is generated using mock crimes perpetrated by undergraduate psychology students. In a particular morally laden field as legal psychology it is not very sensible to use undergraduate student as subjects, unless the researcher can make a strong case that they are the ideal subjects for the particular study or the study is on student crimes. Second, not just the types of participants, but also the types of crimes they have to commit are a problem. These are so mundane and trivial that there is no point in lying about them because there is nothing at stake. The type of participants and the types of crimes may have caused the results of some studies that are quite contrary to experiences in the field (an example is Jordan, Hartwig, Wallace, Dawson, & Xhihani, 2012). We do not know whether the result of such studies can be transferred to real suspects who are interrogated about real crimes. We neither know whether the Vrij–Granhag proposal will survive the practical problems of real interrogations, but I will come to that in a minute.

My third concern is that the experiments in this field are almost always conducted on materials with a 50–50 base rate: 50 percent liars against 50 percent truth teller, for instance. In practice, however, the base rate is never evenly split. Suspects who have been

DOI of original article: http://dx.doi.org/10.1016/j.jarmac.2012.02.004.
* Correspondence address: Maastricht University, Faculty of Law, Boullionstraat 1, Maastricht, The Netherlands.
E-mail addresses: peter.vankoppen@maastrichtuniversity.nl, pvk@petervankoppen.nl

http://dx.doi.org/10.1016/j.jarmac.2012.04.005

arrested by the police typically have a base rate of guilt that comes more or less close to 100%. If they deny being guilty, they probably are lying. Police officers may be sensitive to this skewed division, and adjust their criterion accordingly. If they, for instance, simply judge all denying suspect to be liars, they are probably right most of the time. Thus, the accuracy rate typically found in the laboratory (for instance the 60% correct classifications if the participants are instructed to look the experimenter in the eyes; see Vrij, Mann, Leal, & Fisher, 2010), may be an underestimation of what happens in the real world.

Let me point out some practical problems too. To find out whether a suspect is deceiving the police, the interrogators must get the suspect to talk. That is not very easy with many suspects. If suspects refuse to talk, any detection method fails. If the interrogators get the suspect into talking about the crime, they often do not realize that the suspect interrogation is a form of two-way communication. For interrogators it is almost impossible to prevent giving away information to the suspect, for instance by the manner in which questions are asked or by the topics of the questions. Brandon Garrett demonstrated this in his study that also showed that the two-way communication may have a devastating effect on the believability of a confession by an innocent suspect. He studied cases of the miscarriages of justice in which the confession played a major role in the original conviction. 'To my great surprise, when I analyzed these case materials I found that not just a few, but almost all, of these exonerees' confessions were contaminated. [. . .] All but two of the forty exonerees studied told police much more than just "I did it." [. . . T]hese innocent people gave rich, detailed, and accurate information about the crime, including what police describe as "inside information" that only the true culprit could have known' (quote from Garrett, 2010, 2011, p. 19). The police just tainted suspect statements by transferring too much information such that in the end the innocent suspects made a believable confession. We encountered the same in Dutch cases (see among others Van Koppen, 2008; Van Koppen, Van der Kemp, & Beijers, 2009), and I expect this is also a problem elsewhere. We must fear that, contrary to what Vrij and Granhag anticipate, innocent suspects' accounts will resemble guilty suspects' accounts much more than we would like. And we must fear that interrogators who are keen on detecting deceit will introduce and transfer intimate knowledge, also to the innocent suspects.

On a more general level, the methods of Vrij and Granhag are part of a tradition in which police officers interrogate suspects for one purpose and one purpose only: to have them confess (De Poot, Bokhorst, Van Koppen, & Muller, 2004). The police have a good reason to do so: a confession, even if it is retracted afterwards, is usually accepted as strong evidence in court (Wagenaar, Van Koppen, & Crombag, 1993). Researchers in legal psychology follow this tradition. Most of the studies view interrogations only as a vehicle to elicit confessions (see, for instance, Meissner, Redlich, Bhatt, & Brandon, 2010).

Imagine a police investigation in which there is abundant evidence against the suspect prior to his arrest. In such an investigation, suspect interrogations are not necessary to secure a conviction. There is enough evidence after all. Of course, the suspect must be interviewed, since it cannot be excluded that the suspect can draw a more nuanced picture of the crime or even put forward a good excuse.

If there is little or only weak evidence against the suspect before the interrogation starts, the situation is different. Surely, the police can secure a confession, but for a convincing confession it is conditional that the suspect produces intimate knowledge. Without intimate knowledge, the confession is meaningless. With intimate knowledge, the police have two additional jobs to do: check the information against what is otherwise known about the crime and check that the interrogators did not give away the information during interrogations. If the confession corresponds to other information about the crime, the confession itself is not the evidence any more, but the verification of the information.

In the future, the proposals of Vrij and Granhag need to be positioned in this field of interrogations. Take, for instance, raising the cognitive load by telling the story in reverse order. That will only be a viable police method with a suspect who (1) is willing to talk; (2) has an alternative story about the crime; and (3) who is prepared to give this weird reverse order experiment a try. Intelligent suspect would not comply and the less intelligent are prone to make a false confession.

The SUE technique poses a comparable problem in practice. This technique has been used for a good many years by the Dutch police, not to detect deceit, but to confront the suspect at the right time with tactical information (Van Amelsvoort, Rispens, & Grolman, 2010). This method assumes that there is enough evidence against the suspect. But if there is enough evidence against the suspect, why bother interrogating him in such a complicated manner?

In short: I think there is still a long way to go before the proposals by Vrij and Granhag will become part of police practice. If they succeed, I am not so sure that we should be happy. In this contribution I tried to demonstrate that there is already too much emphasis on the interrogation of the suspect and too little on the need for real police investigations (De Poot et al., 2004). Maybe this is the case because a confession is seen as such a strong piece of evidence. Or maybe it is laziness, as a police officer cynically told me: We need confessions because we just do not have the time to go out there and do a proper investigation. Confessions may be efficient, but there is nothing as diagnostic of guilt as a good police investigation.

References

De Poot, C. J., Bokhorst, R. J., Van Koppen, P. J., & Muller, E. R. (2004). (*Detectives' portrait: On dilemma's in police investigations*) *Rechercheportret: Over dilemma's in de opsporing*. Alphen aan den Rijn: Kluwer.

Garrett, B. L. (2010). The substance of false confessions. *Stanford Law Review*, *62*, 1051–1119.

Garrett, B. L. (2011). *Convicting the innocent: Where criminal prosecutions go wrong*. Cambridge, MA: Harvard University Press.

Granhag, P. A., & Hartwig, M. (2008). A new theoretical perspective on deception detection: On the psychology of instrumental mind-reading. *Psychology, Crime and Law*, *14*, 189–200.

Hartwig, M., Granhag, P. A., Strömwall, L. A., Vrij, A., & Af Hjelmsäter, R. (2011). Detecting deception in suspects: Verbal cues as a function of interview strategy. *Psychology, Crime and Law*, *17*, 643–656.

Jordan, S., Hartwig, M., Wallace, B., Dawson, E., & Xhihani, A. (2012). Early versus late disclosure of evidence: Effects on verbal cues to deception, confessions, and lie catchers' accuracy. *Journal of Investigative Psychology and Offender Profiling*, *9*, 1–12.

Meissner, C. A., Redlich, A. D., Bhatt, S., & Brandon, S. (2010). Interview and interrogation methods and their effects on true and false confessions. *Campbell Systematic Reviews on Critical Aspects of Policing*.

Van Amelsvoort, A. G., Rispens, I., & Grolman, H. (2010). (*Interrogation manual*) *Handleiding verhoor* (4th ed.). Den Haag: Elsevier.

Van Koppen, P. J. (2008). Blundering justice: The Schiedam Park Murder. In R. N. Kocsis (Ed.), *Serial murder and the psychology of violent crimes* (pp. 207–228). Totowa, NJ: Humana.

Van Koppen, P. J., Van der Kemp, J. J., & Beijers, W. M. E. H. (2009). (*The Warnsveld Petrol Station Murder or the Warnsveld Four*) *De Warnsveldse Pompmoord ofwel de Vier van Warnsveld*. Den Haag: Boom.

Vrij, A., Fisher, R. P., Mann, S., & Leala, S. (2006). Detecting deception by manipulating cognitive load. *Trends in Cognitive Sciences*, *10*, 141–142.

Vrij, A., & Granhag, P. A. (2012). Eliciting cues to deception and truth: What matters are the questions asked. *Journal of Applied Research in Memory and Cognition*, *1*, 110–117.

Vrij, A., Mann, S., Fisher, R. P., Leal, S., Milne, R., & Bull, R. H. C. (2008). Increasing cognitive load to facilitate lie detection: The benefit of recalling an event in reverse order. *Law and Human Behavior*, *32*, 253–265.

Vrij, A., Mann, S., Leal, S., & Fisher, R. P. (2010). 'Look into my eyes': Can an instruction to maintain eye contact facilitate lie detection? *Psychology, Crime and Law*, *16*, 327–348.

Wagenaar, W. A., Van Koppen, P. J., & Crombag, H. F. M. (1993). *Anchored narratives: The psychology of criminal evidence*. London: Harvester Wheatsheaf.