

Vrij and Granhag (2007, 2012) maintain that verbal cues are more stable and diagnostic of deception than nonverbal ones. Nonverbal cues are inconsistent, unreliable, and extremely difficult to discern, even by well-trained investigators knowledgeable about up-to-date research. Also, nonverbal cues are highly dependent on the context that elicits them, as well as the cultural background of the person being questioned. It would be wise, therefore, for investigators to pay more attention to speech patterns and verbal content rather than relying strictly on the nonverbal indicators that are so often advocated in police manuals and in police training programs.

### Attempted Behavioral Control

The developing research on this psychological process has generally concentrated on what makes a “good liar.” The research to date indicates that not only do people who deceive try to monitor their own behavior; they also monitor the interviewer’s reactions to their answers to the questions asked (Burgooon, Blair, & Ström, 2008; Vrij et al., 2010; Zhang et al., 2013). Good liars are aware of the common belief that nonverbal cues may connote deceit. Therefore, they focus on controlling them, such as looking directly at the investigator’s eyes, or limiting their own bodily indicators of nervousness. In essence, good liars realize that they must control their behavior so that they will appear credible, and to be successful they must suppress nervousness effectively while masking any signs of overthinking their responses to questions (Vrij et al., 2010). These observations indicate that one requirement to be a good liar is to also be a good actor. Moreover, “when liars are exposed to negative feedback from the receiver, expressed verbally or nonverbally . . . the liar might realize that his or her performance is lacking credibility and might therefore attempt to make behavioral adjustments over time to diminish suspicions” (Vrij et al., 2010, p. 82). Interestingly, some researchers have observed that deliberate self-regulation of nervous behavior tends to come across as contrived, tense, and overcontrolled (Vrij, 2008; Zhang et al., 2013). On the other hand, people who do not tell the truth tend to be more careless about the other forms of self-regulation, such as their own speech patterns.

### Cognitive Load

Recent studies have revealed that a cognitive approach appears to be most helpful in distinguishing fabricators from truth tellers (Meissner, Surmon-Böhr, Oleszkiewicz, & Alison, 2017; Vrij, Fisher, & Blank, 2017). The most effective method appears to be cognitive load detection approach, which relies on three strategies: (1) imposing cognitive load, (2) encouraging interviewees to provide more information, and (3) asking unexpected questions. Vrij and Granhag (2012) encourage interviewers to impose **cognitive load** on those they are questioning. More specifically, they argue that the interviewer should create conditions that substantially increase the cognitive difficulty of lying compared with truth telling. Lying apparently requires extra cognitive effort, as the person being deceptive must actively suppress truthful information and construct and consistently remember false information (Carrión, Keenan, & Sebanz, 2010; Vrij et al., 2008). For example, one tactic used to increase cognitive load is to ask the person to repeat the story in reverse order (Ewens, Vrij, Mann, & Leal, 2016). This approach increases cognitive load because it runs counter to the usual sequence of telling stories and is therefore more challenging for the subject, especially if it is a false or made-up story. Try this: Think of the day you spent yesterday and describe it in reverse order. Now try “faking it,” by replacing something you did with something you did not do.

The second technique is to encourage interviewees to add more information to their story. Liars often find it very difficult to provide much additional detail for their stories,

whereas truth tellers normally do not (Ewens, Vrij, Mann, Leal, Jo, & Houston, 2017). Essentially, liars usually try to keep their story or narrative simple (Granhag & Strömwall, 2002; Strömwall, Hiarwig, & Granhag, 2006). In many cases, they may be reluctant to add more information for fear that it will provide investigators with additional material to examine for deception. “Liars may find it cognitively too difficult to add as many details as truth tellers do, or, if liars do add a sufficient amount of detail, the additional information may be of lesser quality or may sound less plausible” (Vrij, Fisher, & Blank, 2017, p. 2). One method for encouraging more information from the subject is to provide him or her with a detailed model statement, which is an example of a detailed story unrelated to the topic of the interview (Ewens et al., 2016). This model statement is intended to show the subject that the investigator expects more detail in the subject’s story. For example, the interviewer might tell the individual an unrelated anecdote, providing in detail what a person was doing, what the weather was like, what he was wearing, whom and what he saw, and so forth. When the subject tells his or her own story, it is easier to detect deception because he or she has given many details that can be double-checked.

A third effective cognitive approach for detecting deception is to ask questions that are not anticipated (Lancaster, Vrij, Hope, & Waller, 2013). A consistent finding in the research literature is that liars prepare themselves for those questions they expect to be asked during the interview (Vrij, Fisher, & Blank, 2017). Therefore, asking unanticipated questions is likely to increase the cognitive demand of lying. The assumption is that when someone who is trying to deceive is asked unexpected questions, he or she is forced to fabricate answers quickly, which is a difficult task (Vrij et al., 2009). An example of an unanticipated question is to ask, “What did [the victim] order when you met him at the diner?” or, if the suspect’s alibi was attending a movie at a multiplex, “What other movies were playing there?” The increased mental demands of dealing with unanticipated questions usually are characterized by longer times to answer and many more pauses than normal (Boltz, Dyer, & Miller, 2010). Increased cognitive load is also often accompanied by an increase in arousal, as the individual is fearful of being detected. Consequently, spontaneous lies to unanticipated questions often contain more clues to deception than planned lies (DePaulo et al., 2003).

The cognitive lie detection approach is intriguing, but van Koppen (2012) points out its practical problems if applied to police interrogations. To learn whether a suspect is deceiving the police, the interrogator must persuade the suspect to talk—and criminal suspects have a right to consult with a lawyer before doing so as well as to have a lawyer present during the interrogation itself. In many cases, the suspect refuses to talk or, if he or she agrees, will say very little. If a lawyer is present, the lawyer will rightfully monitor the interrogation process at every step. Van Koppen believes that telling the story in reverse order 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) is prepared to give “this weird reverse order experiment” a try (p. 125). He states that the “intelligent suspect would not comply and the less intelligent are prone to make a false confession” (p. 125).

However, while some suspects are defiant, Vrij, Meissner, et al. (2017) write that “operational experience and the limited data available suggest that the prevailing myth of a defiant and completely resistant subject (as depicted in television shows such as *24*) is likely the exception rather than the rule” (p. 930).

## THE INTERROGATION PROCESS

In many cases, the interrogation of suspects can be crucial in securing convictions of guilty persons and freeing the innocent (Meissner, Redlich, Bhatt, & Brandon, 2012). In contrast to

historical approaches to interrogation that relied heavily on physical torture, modern American interrogations rely largely on psychological manipulation. (See In Focus 3.1 for coverage of a controversial topic in recent years.) The primary purpose of interrogation, of course, is to get a suspect to confess. “The police have a very good reason to do so: a confession, even if it is retracted afterwards, is usually accepted as strong evidence in court” (van Koppen, 2012, p. 125). If there is weak evidence against the suspect, interrogation is a method frequently relied upon by law enforcement. The confession becomes a particularly convincing source of evidence once the suspect produces intimate knowledge of the crime. **Intimate knowledge** refers to information about the crime that only the offender and police investigators know. Moreover, “by definition, interrogations are a guilt-presumptive process . . . led by an authority figure who holds a strong a priori belief about the target and who measures success by the ability to extract an admission from that target” (Kassin & Gudjonsson, 2004, p. 41). One police officer emphasized this importance when he stated to van Koppen (2012), “We need confessions because we just do not have the time to go out there and do a proper investigation” (p. 125).

## IN FOCUS 3.1

### Psychologists and Military Interrogations

During the early years of the 21st century, the field of psychology became embroiled in a highly controversial issue: the treatment of persons suspected of terrorist activities after the events of September 11, 2001. Military interrogation was not a new phenomenon then, of course, but it rose to public attention after those tragedies.

The Central Intelligence Agency (CIA) operated a number of detention centers and “black sites” worldwide, including in Poland, Lithuania, Cuba, and Iraq. Subsequent investigations revealed that detainees were subjected to a range of both questionable and torturous techniques. They included waterboarding; sexual shaming and degradation; sleep deprivation; confinement in small, cage-like structures; and destruction of religious symbols.

A declassified Senate report in 2014 revealed that two psychologists, James Mitchell and Bruce Jessen, were instrumental in devising methods of “enhanced” interrogation, although they did not directly interrogate detainees themselves. The APA, however, was made aware that some military psychologists were complicit in or at least did not speak out against practices that many believed were physical or psychological torture. The organization in 2009 announced a policy statement condemning participation but not banning it. After a damaging book by an investigative

journalist was published (Risen, 2014), the APA commissioned a special independent report to be prepared by David Hoffman, a former federal prosecutor. The Hoffman report—which confirmed much of what was in the Risen book about military interrogations—was delivered to the APA Board of Directors in 2015. The group subsequently issued a ban on participation in national security interrogations. This policy was adopted by the general membership at its annual meeting in 2015.

Under the policy, psychologists may work in detention centers that are in violation of international law only if they are helping detainees, working for a third party designed to protect human rights, or providing treatment to military personnel. They may not participate in interrogations or design interrogation methods.

An American Civil Liberties Union (ACLU) suit against Mitchell and Jessen was settled secretly in fall 2017. In a joint statement, Jessen and Mitchell admitted to developing a program for the CIA “that contemplated the use of specific coercive methods to interrogate certain detainees.” However, they denied responsibility for the abuse of detainees. In May 2018, Congress confirmed the appointment of a new CIA director, Gina Haspel, a career CIA official who had approved of the enhanced interrogation tactics. After confirmation hearing, she said the agency would not

allow torture, but she did not specify publicly which techniques were so defined.

### Questions for Discussion

1. What is the definition of torture? What is the difference between psychological and physical torture, and can the two be separated? Which, if any, of the practices listed in this discussion fall under the definition of torture?
2. Does the APA’s ban on participation in national security interrogations apply to all psychologists in the United States? Explain your answer.

Research on interrogations has primarily focused on the effectiveness of two approaches: the **accusatorial approach** (primarily used in the United States) and the **information-gathering approach** (primarily used in the United Kingdom, Australia, New Zealand, and Norway; J. R. Evans et al., 2013; Meissner et al., 2012, 2017). The accusatorial approach is utilized when the interrogator thinks the suspect is guilty and is confession-focused. Studies suggest that the “accusatorial tactics yield a powerful influence in eliciting a confession—hence their popularity among interrogation professionals” (Meissner et al., 2017, p. 441). However, the research also indicates that the accusatorial approach is associated with a greater likelihood of suspect denial and diminished cooperation. In a comprehensive literature review on interrogation, Vrij, Meissner, et al., 2017, write, “We conclude that both physical and psychological coercion are ineffective, particularly when compared with alternative, evidence-based approaches that promote cooperation, enhance recall of relevant and reliable information, and facilitate assessments of credibility” (p. 929). Moreover, accusatorial approaches are also more likely to elicit false confessions, especially when applied to vulnerable populations such as juveniles, people with intellectual disabilities, and those with mental disorders.

Although it is likely that questioners believe in the suspects’ guilt in the information-gathering approach as well, the method used is different—the presenting purpose is simply to get the facts. By contrast, accusatorial interrogations “are confession-oriented and designed to manipulate suspects’ perceptions regarding the consequences of confession and develop themes that encourage confession” (J. R. Evans et al., 2013, p. 84). In this approach, the interrogator is usually instructed to maintain control, use psychological manipulation whenever possible, and ask closed, yes/no questions. This method is strongly advocated by Inbau et al. (2013) in their police manual on interviewing and interrogation. “Conceptually, this procedure is designed to get suspects to incriminate themselves by increasing the anxiety associated with denial, plunging them into a state of despair, and minimizing the perceived consequences of confession” (Kassin & Gudjonsson, 2004, p. 43).

The accusatorial approach requires several steps, characterized by (1) custody and isolation, (2) confrontation (often accompanied by maximization), and (3) minimization. In the **custody and isolation** step, the suspect is detained in a small room and left to experience the stress, uncertainty, and insecurity associated with police custody and interrogation. We have all seen media images of the in-custody suspect, sitting alone in a small room, observed through a one-way mirror, waiting tensely for a detective to enter and begin questioning. The **confrontation** step involves the interrogator accusing the suspect of the crime, expressing certainty in that opinion, citing real or manufactured evidence, and preventing the suspect from denying the accusations. The interrogator may “maximize” the case against the suspect, such as by indicating that a co-suspect already confessed to the crime or that DNA analysis is in progress. **Minimization** (which may come into play at any time) involves a sympathetic interrogator morally justifying the crime to the suspect or expressing sympathy with the

suspect's predicament. The presumption here is that the suspect comes to believe that lenient treatment will be given if he or she confesses, even though leniency is not promised.

The information-gathering approach, on the other hand, is significantly less confrontational, even though those posing the questions may believe the individual they are questioning is guilty. It is designed for investigators to take a more neutral role by probing the suspect's knowledge and information through open-ended, nonsuggestive questions and a more informal conversational style. Unlike the accusatorial procedure, the information-gathering approach avoids trickery and deceit as much as possible. The approach focuses on developing rapport with the subject and explains the allegation and seriousness of the offense (Meissner et al., 2017). "Subjects are given the opportunity to offer their account without interruption, and investigators are encouraged to emphasize the importance of being honest and forthcoming at various points during the process. Memory-enhancing interviewing techniques are also advocated, and the cognitive interview (CI) is a method that utilizes memory retrieval and various communication techniques aimed at increasing the amount of accurate information from suspects, witnesses, and victims. Its goal is to make the interviewee more aware of all events that happened in a situation. Vrij, Fisher, and Blank (2017) have found that the cognitive interview can lead to significantly greater cooperation and information disclosure compared to accusatorial tactics. For example, the interviewer would begin the interview by asking an open-ended question about what happened and allow a response without any interruptions. Then the interviewer may ask the interviewee to retell the story in reverse order, from end to beginning. J. R. Evans et al. (2013) found that the information-gathering approach will likely event and useful information than the accusatorial approach. In addition, some researchers (e.g., Meissner et al., 2012, 2014) find that the information-gathering approaches, conclude, "Preliminary lead to substantially fewer false confessions. Vrij, Meissner, et al. (2017), in their comprehensive summary of the research on informational-gathering approaches, concludes, "Preliminary evidence suggests that utilizing such an approach not only reduces the likelihood of false confessions but also increases the elicitation of accurate information" (p. 933). Additional research has confirmed that the information-gathering approach appears to be more effective than an accusatorial or coercive methods in acquiring accurate and more informative material (Duke, Wood, Bollin, Scullin, & LaBianca, 2018; Oleszkiewicz, Granhag, & Montecinos, 2014; Walsh & Bull, 2012).

Despite this research, Meissner et al. (2017) note that very few changes have occurred in the training practices of U.S. interrogation professionals over the past 50 years. In 2010, an international group of psychologists formed a research program designed to provide evidence-based alternatives to the accusatorial model. The research group is called the High Value Detainee Interrogation Group (HIG). So far, HIG has "identified effective approaches for developing cooperation and rapport, eliciting information, challenging inconsistencies by presenting evidence or information strategically, and assessing credibility using cognitive cues and strategic questioning tactics" (Meissner et al., 2017, p. 438). The program has also investigated the influence of various cultures and languages on interrogation methods. For example, approaches that focus on the importance of moral integrity and the protection of one's honor, image, or strength appear to be more likely to result in successful information gathering and negotiation from suspects from certain cultures (Gelfand et al., 2015; Meissner et al., 2017).

### Confirmation Bias

**Confirmation bias** is a long-recognized psychological construct that is a natural, inherent feature of human cognition (Kassin, Drot, & Kukucka, 2013). It is "the tendency to gather

evidence that confirms preexisting expectations, typically by emphasizing or pursuing supporting evidence while dismissing or failing to seek contradictory evidence" (VandenBos, 2007, p. 215). Put another way, we look for information that will confirm our previously held beliefs, even though we do not do so consciously. However, being aware of this normal feature of human cognition should encourage us to be cautious in the conclusions we draw. According to Baron and Byrne (2000), when confirmation bias occurs, "it places us in a kind of closed cognitive system in which only evidence that confirms our existing views and beliefs gets inside; other information is sometimes noticed but is quickly rejected as false" (p. 8).

In recent years, legal psychologists and other researchers have demonstrated persuasively that confirmation bias can influence interrogators, jurors, judges, eyewitnesses, and experts in a range of forensic domains (Kassin et al., 2013). Not surprisingly, this bias is relevant to the law enforcement strategies we have discussed thus far as well as those we will discuss shortly. In their roles both as investigators and as humans, police may develop "tunnel vision"—a rigid focus on one suspect. They may try to amass evidence against that suspect and overlook exculpatory evidence (K. A. Findley & Scott, 2006). Police questioning a suspect are likely to aggressively seek to establish guilt and discount evidence to the contrary, particularly if they have a strong belief that the suspect is indeed guilty (Kassin, Goldstein, & Savitsky, 2003).

In the interrogation context, confirmation bias may be helpful in gaining a true confession—the interrogator is persistent, searching for evidence to confirm his or her preexisting views. However, it works to the disadvantage of innocent suspects, even to the point of putting them at risk for making false confessions. As noted by Vrij, Meissner, et al. (2017), "investigators who believe in a subject's 'guilt' have been shown to conduct longer, more psychologically coercive interrogations, leading to a cycle of behavioral confirmation that encourages confession, particularly by the innocent" (p. 932). Narchet, Meissner, and Russano (2011) demonstrated in an experimental situation that a bias toward guilt on the part of investigators leads them to use more minimization tactics with the suspects they are questioning. That is, when participants strongly presume that suspects are guilty, they provide face-saving excuses for the suspects, minimize their offenses, or indicate that they understand the suspects' predicament. This in turn leads to an increase in false confessions. Confirmation bias in forensic contexts is a relatively new area of research exploration and requires more study, particularly with actual law enforcement officers, judges, lawyers, and jurors.

## THE PSYCHOLOGY OF FALSE CONFESSIONS

It is likely that most suspects who confess to crime really did it. There is no reason to believe otherwise. Put another way, most confessions are probably true confessions. As we learned earlier, though, they may not be valid. A coerced confession, for example, is not a valid one for evidence purposes.

However, the fact that most confessions are probably true should not detract from the fact that suspects sometime confess to crimes they did not commit. False confessions may be made to protect another person, to become famous, or to get things over with if one feels he will not be believed. Some people confess because it is implied that admitting to the deeds will result in a lighter sentence. Some people provide false confessions because they are led to believe police have obtained strong evidence against them. Others are worn down by the interrogation process and are led to believe they will be allowed to go home or that the courts will be lenient. What may be surprising is that some suspects confess to a crime they did not commit because they come to believe they actually *did* commit it.

Research on false confessions has exploded, particularly since the early 1990s, although psychology research relevant to this topic reaches further back. For example, as observed by