



INVESTIGATIVE INTERVIEWING

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From interrogations to investigative interviewing

THE NCHR INTERNATIONAL DEPARTMENT

Questioning of suspects and witnesses

Mission and Objective

How the police conduct interviews will have a profound impact on the outcome and fairness of the subsequent criminal proceedings. Through the introduction of **Investigative Interviewing** NCHR seeks to encourage the discontinuation of coercive interrogation techniques, with the aim of **preventing torture** and **averting wrongful convictions**.

Background and Challenges

Interviewing is a core task in law enforcement. The investigative bodies are bound to respect and protect the inherent dignity and physical and mental integrity of all persons – including victims, witnesses and suspects. Within the human rights framework, the police is in a particularly exposed position. Their performance is key to upholding human rights. During criminal investigations, arrests and interrogations, the risk of committing human rights violations is particularly high.

Victims of wrongful convictions are subject to great suffering inflicted by the state, and the actual perpetrators evade prosecution and conviction. This

contributes to undermine the rule of law. Mistreatment of people in custody and coercion of suspects with the aim of making them confess are still commonplace. Whereas outright torture may be the exception, police in many countries still apply interrogation methods that involve undue pressure and manipulation.

Human Rights Implications

When the police question suspects human rights are put under pressure. During such encounters, the right to freedom from torture and the right to a fair trial, including the right to be presumed innocent become particularly relevant.

Cooperation and Resources

NCHR cooperates closely with the Norwegian Police University College and the Norwegian Police in teaching, research and dissemination work. Assistant Chief of Police Ivar Husby, Superintendent Dr Ivar Fahsing, and Superintendent Dr Asbjørn Rachlew, who is also an associate at the NCHR, have been central in NCHR's work and stimulated colleague-to-colleague encounters.

The Norwegian Centre for Human Rights (NCHR) is a part of the University of Oslo, Faculty of Law. The NCHR's **International Department (ID)** has an extended network of cooperating partners around the world including academic institutions, UN organs and civil society organisations. Our activities are supported by the Norwegian MFA.

We promote human rights through international competence building, knowledge enhancement and dialogue in the countries we cooperate with. We aim at integrating a gender sensitive approach across our six thematic areas of commitment:

- Human Rights Education
- **Rule of Law**
- Freedom of Religion or Belief
- Business and Human Rights
- Equality and Non-discrimination
- Human Rights Mechanisms

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Investigative Interviewing PEACE and K.R.E.A.T.I.V

Investigative interviewing is a credible alternative to the application of torture. The goal of an investigative interview is to obtain accurate, reliable and actionable information.

The PEACE model for police interviewing (Planning and preparation, Engage and explain, Account, Closure, Evaluation), developed in the United Kingdom in response to a number of documented forced confessions and associated wrongful convictions in the 1980's and 90's. This model was developed further in Norway with the inclusion of the SUE-technique (Strategic Use of Evidence) into K.R.E.A.T.I.V. The acronym KREATIV is composed of phrases reflecting the values and principles the method is based upon. Communication, Rule of law, Ethics and empathy, Active consciousness, Trust through openness, and Information - Verified through science.

Wrongful convictions

The issue of wrongful convictions has caught the attention of popular media - even half a century ago. In movies like Sidney Lumet's *12 Angry Men* (1957) and Alfred Hitchcock's *The Wrong Man* (1965) - both starring Henry Fonda - the question of doubts about a suspect's guilt is brought into the limelight.



Recently, through TV-series such as *Making a Murderer*, and the Swedish documentary *Fallet Kevin* (The Kevin Case) the public has become aware of the problem of wrongful convictions and other injustices following manipulative interrogation techniques.



Photo: Screenshot/NRK/SVT

Wrongful convictions appears to be more prevalent than previously imagined. As of September 2017, the NGO *The Innocence Project* [www.innocenceproject.org] has in the US alone expedited 351 exonerations of wrongly convicted persons.

Key Ongoing Projects

Our current projects aim at building competence on investigative interviewing among law enforcement personnel. We engage with leading researchers in the area of criminal investigations, evidence evaluation, and forensic interviewing. Our approach is to introduce the concept in our partner countries, and provide a group of dedicated fact-finders - primarily police detectives - with training and access to relevant literature and international research networks. We also work globally, and in multilateral fora with the aim of developing a set of global standards for investigative interviewing.

Building Competence on Investigative Interviewing in Vietnam

NCHR has worked with the Ministry of Public Security and the People's Police Academy since 2011. The first phase of the project identified candidates for a core group of Vietnamese experts that eventually will form the backbone of the corps of instructors for the Vietnamese police in investigative interviewing. The expert group has developed Vietnamese training modules and curriculum to be taught in the police academies in Vietnam. The second phase of the project concerns expanding the corps of instructors to cover the major police districts as well as the training and teaching facilities. The training and selection is undertaken jointly with the Vietnamese experts.

Building Competence on Investigative Interviewing in Indonesia

Having started out as a search for alternatives to the use of torture, NCHR contributed to the first training in Indonesia on investigative interviewing for military intelligence and military police in 2013. Since then the work has gradually been oriented towards the police. In 2014 both military and police personnel participated in the training. By 2015, most of the participants were representatives of the police. From 2016, investigative interviewing has been included in the continuing education programme for criminal investigation detectives. The methods have been put to use in different police departments, and a core group of skilled detectives is specialising in the application of the investigative interviewing methodology.

Building Competence on Investigative Interviewing in China

There is a keen interest in alternatives to traditional interrogation methods in China. In 2016, Renmin University organised a roundtable on investigative interviewing where Norwegian experts from NCHR interacted with Chinese professionals and academics involved in or interested in the police investigation process for the first time. In 2017, the NCHR was invited to the Yunnan province to train the police in investigative interviewing. Later that year, the NCHR visited the Peoples Public Security Police College in Beijing to give presentations at a symposium and to lecture on investigative interviewing to police cadets.

Global Standards for Investigative Interviewing

Globally, NCHR's engagement with investigative interviewing follows three complementary tracks. One is the anti-torture track working with NGOs and UN agencies to prevent torture by implementing investigative interviewing practices. The second concerns developing training manuals and standards for the UN Department of Peace Keeping's police division (UNPOL). The third is the long-term goal of developing universal standards for the questioning of victims, witnesses and suspects of crime and political violence based on investigative interviewing. Here, the NCHR works with a broad coalition of UN agencies, NGOs, and expert practitioners from law enforcement and intelligence.

Developing Teaching Resources

The NCHR seeks to expand its pool of instructors in collaboration with the Norwegian Police University College to meet the growing demand. Training materials have already been developed and translated into Indonesian and Vietnamese. NCHR has also contributed to the CTI (Convention against Torture Initiative) training manual *Investigative Interviewing for Criminal Cases*. The next goal is to develop an e-learning course.