

# Silence is all I say

According to research, 1 in 10 people in the Netherlands with autism comes into contact with the police and the judiciary. In the Netherlands, when questioning people with average intelligence, no distinction is being made between normally functioning people and people with autism, while in the UK multiple different interview techniques are being used. Hence, the aim of this research is to assess the different interrogation techniques in the UK and find out if one of those could be suitable to use in interrogations for people with autism.

## Introduction

People with a disorder such as autism appear to be significantly more sensitive to misleading questions and have difficulty sustaining interrogation situations (Gudjonsson & Clark, 1986). People with autism also appear not to be good at reproducing the events (Maras & Bowler, 2010). People with autism experience a high-stress load in daily life because they perceive the world around them differently than people without autism (Bruin, de, 2017; Delfos, 2019; Leeuw, de, 2017). Research shows that a high-stress load influences the functioning of the prefrontal lobe in the brain. The prefrontal lobe is the part in the brain where the complex cognition, attention, language, memory and speech is generated. Under stress, the prefrontal lobe is the first part of the brain to fail (Levine, 2008; Ogden & Fisher, 2017; van der Kolk, 2015; Het et al., 2005). According to research, people with autism do not commit crimes more than average, but when criminal, misdemeanour or cross-border behaviour occurs, autism often plays a role (Allen et al., 2007; Woodbury-Smith et al., 2006). This paper first defines the meaning of interrogation in this context. Second, the situation of a "silent

suspect" in the Netherlands is assessed and how this affects people with autism. After this, two different interrogation styles are reviewed; the accusing style and the information-gathering style, followed by outlining four different interrogation methods. Finally, a conclusion and suggestions for further research will be made.

## **1. Interrogation**

An interrogation is a conversation in which the police or judiciary tries to obtain information from a suspect. In this setting, there is always an element of involuntary: one party wants to find out the facts, and the other can answer questions or not but has little interest in the outcome. In such a situation, there always is influence and pressure put on the suspect (Bockstaele, 2018). The purpose of this kind of interrogation is to find truth (Ponsaers, 2001).

According to the law during this kind of interrogation no pressure is not allowed to be exerted on the suspect (Code-online.nl | Code of Criminal Procedure | Article 29, n.d.). The interrogation is an integral part of a police investigation (Baldwin, 1993). Another study shows that the method of interrogation has little influence on the behaviour of suspects (Koppen et al., 1997). It also turned out that the interrogators were not skilled and lacked the scientific background to persuade the suspect to change their behaviour (Moston et al., 1993). In the Netherlands, no standard interrogation method is known, and there is no interrogation technique for suspects or victims with vulnerabilities such as autism spectrum disorder. The standard interrogation strategy of the Dutch police indicates that reducing the suspect's resistance is important (Amelsfoort, van & Rispens, 2017). The police themselves give the definition "refining tactical instructions by encircling questions and observations and gradually increasing the pressure on suspects through confrontations" (Thesaurus, P. 1). The "Hearing Manual" of the Dutch Police indicates that an important starting point, during

the interrogation, is to build up pressure so the suspect will make a statement "In accordance with the truth" (Rispens, 2017, pp.445; Amelsfoort, van & Rispens, 2017). "It is permitted to interrogate a suspect in an offensive way and thereby exert a certain amount of pressure" (Rispens, 2017). Both suspects and victims are exposed to a salvo of mostly closed questions. According to research suspects and victims are frequently interrupted when making a statement (Boon, 2012; Balk, 2016). The suspect is obliged to be present at the interrogation and must undergo the interrogation. This form of communication is, therefore, also characterized as "forced communication" (Zwieten, 2001, p. 3). With this forced communications interrogation strategy, the Dutch police could firstly create a confirmation bias, which is the tendency to search for information confirming one's conviction or hypothesis, and secondly could lead to guilt presumption, which is assuming that the suspect is presumed guilty in instead of innocent till proven guilty (Hill et al., 2013; Ainsworth, 2013).

## **2. The silent suspect**

The right to remain silent during interrogation is anchored in Dutch law and is the result of a balance of interests made by the legislator between a striking finding of truth and the protection of rights and freedoms (Naeyé, 1990). Research shows that Dutch interrogators sometimes stop interrogating if the interrogation concerns a silent suspect. Various techniques are used, such as increased pressure, focusing attention on another topic, and telling that silence implies a confession. These techniques are used to provoke a reaction (Beenakkers, 1998). The consequences of silence are dramatized, and it is assumed that evidence is already available and that there is no point in remaining silent (Gudjonsson et al., 1993). For many people with autism, it is impossible to communicate under stress. That is

why people with autism often fall silent under pressure (Bruin, 2017; Leeuw, de, 2017; Delfos, 2019). Stress can be reduced by providing safety and by providing openness regarding the purpose and structure of the interrogation (Fisher & Geiselman, 1992). Coordinating with the suspect using report, neutrality and an open attitude can significantly reduce a suspect's resistance during interrogation (Alison et al., 2013; Abbe & Brandon, 2013).

### **3. Interrogation styles**

The interrogation style can be divided into two styles: The accusing style and the information-gathering style (Stephen Moston & Engelberg, 1993). In the accusing style, the suspect is accused of an incident. Therefore, it is up to the suspect to refute the interrogator's assumptions, which, according to research, results in denials, resulting in less useful facts (Inbau & Reid, 2013; Inbau et al., 2011; Alison et al., 2013; Meissner et al., 2014). In the information-gathering style, the suspect is allowed to talk about the event in his own words (Williamson, 1993). As a result, the suspect tells more so the police can have more information at their disposal (Fisher et al., 1989). A disadvantage is that the information-gathering style is cognitively more burdensome because the interviewee must draw on the memories (Vrij et al., 2006). Research has not yet shown which interrogation style is the best (Vrij et al., 2006).

## 4. Methods

### 4.1. Reid Method

A well-known method involving psychological influence, also known in the Netherlands, is the Reid method. The Reid method is based on the work of Fred Inbau (Reid, 1967). The Reid method is recommended for cases where there is the certainty that the suspect is guilty. The Reid method uses the weaknesses of the suspect and breaks his resistance. This is also called an accusing interrogation style (F. E. Inbau & Reid, 2013; F. Inbau et al., 2011). The accusing interrogation style of the Reid method can cause innocent suspects to act in such a way that their non-verbal behaviour matches the behaviour of guilty people (Bond & Fahey, 1987). It also increases the chance that innocent people make a false confession under pressure (Meissner et al., 2012; Gudjonsson, 2002; Leo & Dirzin, 2010; Gudjonsson & Pearse, 2011). The Reid method consists of 9 steps which can be found in table 1 (Reid and Associates, 2013).

Phase	Name	Meaning
1	The Positive Confrontation	The suspect is accused and is told that evidence is found
2	Theme Development	Moral implications of the crime are minimized or maximized
3	Handling Denials	Dealing with the denial of the crime by the suspect
4	Overcoming Objections	Refute the defendant's arguments
5	Procuring and retaining the suspect's attention	Hold the suspect's attention by reducing physical distance
6	Handling the suspects' passive mood	Focus on specific and central theme concerning the reason for the offence. Make the suspect feel guilty.
7	Presenting an alternative question	The suspect is given the opportunity to give a statement that makes a confession easier.
8	Detailing the offense	Let the suspect confess the crime
9	Elements of oral and written statements	Record the statement of the suspect (audio, video or written)

Table 1: The phases of the Reid method (Reid and Associates, 2013).

## 4.2 Peace Method

In 1992 a renewed interview method was introduced in the United Kingdom for obtaining reliable statements from witnesses and suspects. This meant that the forensic interviewing or investigative interviewing became the new standard (Williamson, 1993; Clarke et al., 2011). The PEACE method resulted from this new standard in forensic of investigative interviewing. PEACE is an acronym for Planning and Preparation, Engage and Explain, Account, Closure, Evaluation. With PEACE, it is primarily about whether or not they want to cooperate, whereby it is initially not crucial whether this concerns the suspect or the witness. (Snook et al., 2014). According to research, the PEACE method is more based on a more ethical and honest approach than the accusing methods Home Office (1992). In the Peace method, there is no use of manipulating and psychological techniques. The PEACE interview model provides a framework for fact and incident investigations and consists of 5 phases. The 5 phases can be found in table 2.

Phase	Name	Meaning
1	Planning and preparation	The interviewer sets the goal, collects the information and ensures a personal setting
2	Engage and explain	The interviewer makes contact and report with the interviewee. Explains the procedure and reduces stress
3	Account	The interviewee is given the space for free recall of their explanation and is not interrupted. After this, the interviewer asks open questions and remains neutral and transparent
4	Closure	The interviewer summarizes the story and takes the next steps. The interviewer ensures a positive end to the conversation

5	Evaluation	The information obtained is evaluated in the final phase
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Table 2: The five phases of the PEACE model (Snook et al., 2014).

#### 4.3 Enhanced Cognitive Interview (ECI)

The ECI was developed in response to the need to improve the original method of the Cognitive Interview. Improvement was necessary because, according to research, police officers were too manipulating to ask open questions and adhere too rigidly to the scheme of the accompanying declaration forms (Fisher et al., 1989; Fisher & Geiselman, 1992). Dividing the ECI into phases proves that recalling memories by suspects or witnesses is better (Fisher et al. 1989). By using known psychological processes, suspects and witnesses are encouraged at ECI to get to their memories (Paulo et al., 2013). ECI reduces the risk of retrieving false memories because it takes place in an atmosphere of respect and empathy (Milne, 2004). The interview consists of nine phases (Paulo et al., 2013). The first phase is greeting and personalizing the interview and establishing rapport. In the second phase, the interviewer explains the aim of the interview. Doing this includes focusing on retrieval, report everything and transfer the control. In the third phase, a free report is initiated. Here the context is reinstated, open-ended questions are asked, and pauses are provided without interruptions. In the fourth phase, the questioning takes place. Here again everything is reported. The questioning is interviewee-compatible, and it is okay for the interviewee to say, "do not know". The interviewer activates an image and asks open and appropriate closed questions. The next phase is phase five. Here varied and extensive retrieval takes place. The temporal order is changed, perspectives are changed, and focus is on all senses. The sixth phase is asking the questions important for the investigation. The last phases are

the seventh, eighth, and ninth phase. Here consecutively the interviewer summarizes, closures and evaluates the interview (Milne, 2004).

#### **4.4 Free Recall**

In free recall, the person being interviewed is given the opportunity to tell the event at their own pace and without interruptions (Martin & Pressley, 1991; Woloshyn et al., 1990). The statement that results from a free recall is often accurate but not yet complete. With regard to the in-depth questions, the interrogator will ask his questions as neutral as possible so that as little influence as possible takes place (Boon, 2012). In England, the method of deepening questions is also known as TED as an acronym for Tell, Explain, Describe. In the Netherlands, the method of in-depth questions is known as VOL as an acronym for Tell, Describe, Explain (Boon, Velzen, & Buis, 2014). Free recall is a non-manipulative technique but has not yet been tested for effectiveness and is therefore not implemented in the Dutch interrogation. (Beek, van & Hoekendijk, 2015).

### **5. Conclusion**

Stress influences cognition and can express itself in moments of silence in people with autism. There is a rewarding task for police officers to reduce stress during interrogation with people with autism. The Dutch "Standard interrogation strategy" and the Dutch "Interrogation manual" seem to work against reducing suspects' resistance and increases pressure instead. Applying pressure to a suspect with autism is not a good start for reducing stress and resistance. The Reid method seems to be the most frequently used interrogation method in the Netherlands. In the 1990s, in England a debate arose about the flaws in the Reid Method (Baldwin, 1993) and the PEACE method became the new standard. The Peace

method and the Free Recall are not officially recognized in the Netherlands as interrogation methods. Since these two methods are based on a stress-reducing and information-gathering interrogation style, therefore more suitable for interrogating people with autism than the Reid Method. People with autism seem also respond better to ECI than to other interrogation techniques (Gentle et al., 2013). To properly apply the ECI, police officers must be specially trained in this method. (Wright & Powell, 2006). The question that this study arises is how fair it is to expose people with autism to the same interrogation techniques as people without autism. Furthermore, further research is needed to get scientifically substantiated information on how the role of silence in people with autism under stress during interrogation is different from the role of silence in an unwilling suspect.

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