



Empathy in the field: Towards a taxonomy of empathic communication in information gathering interviews with suspected sex offenders



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ABSTRACT

Research suggests that those suspected of sexual offending might be more willing to reveal information about their crimes if interviewers display empathic behaviour. However, the literature concerning investigative empathy is in its infancy, and so as yet is not well understood. This study explores empathy in a sample of real-life interviews conducted by police officers in England with suspected sex offenders. Using qualitative methodology, the *presence* and *type* of empathic verbal behaviours displayed was examined. Resulting categories were quantitatively analysed to investigate their occurrence overall, and across interviewer gender. We identified four distinct types of empathy, some of which were used significantly more often than others. Female interviewers displayed more empathic behaviour *per se* by a considerable margin.

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La empatía sobre el terreno: hacia una taxonomía de la comunicación empática en las entrevistas para recoger información de presuntos agresores sexuales

RESUMEN

La investigación indica que las personas sospechosas de agresión sexual podrían estar más dispuestas a revelar información sobre sus delitos si los entrevistadores muestran un comportamiento empático. No obstante, los estudios sobre la empatía en la investigación están aún en mantillas, por lo que aún no se entiende bien. Este estudio explora la empatía en una muestra de entrevistas en la vida real realizadas por agentes de policía en Inglaterra con presuntos delincuentes sexuales. Se analizó mediante metodología cualitativa la *presencia* y el *tipo* de comportamientos verbales empáticos mostrados. Las categorías obtenidas se analizaron cuantitativamente con el fin de investigar su aparición global y en función del sexo del entrevistador. Se identificaron cuatro tipos diferentes de empatía, algunos de ellos utilizados con más frecuencia que otros. Las entrevistadoras mostraron mayor comportamiento empático *per se* por un margen considerable.

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Palabras clave:

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Entrevista de investigación

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Interviews conducted by police officers with a person suspected of wrongdoing¹ are complex social interactions during which interviewers are tasked with gathering information about

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¹ From here on 'suspects' is used to describe people who are suspected of having committed an offence, and who are being formally investigated.

a suspect's involvement, or otherwise, in a criminal offence (Bull & Milne, 2004). This type of interview calls on police officers to initiate and manage conversations that include asking personal and searching questions, which suspects are often reticent to answer, while seeking to maximize the disclosure of investigation-relevant information (e.g., Shepherd, 2007; Walsh & Bull, 2012).

Information collected during interviews with suspects is valuable because it underpins the efficacy of the Criminal Justice System (CJS) from the very start of the investigative process through to bringing an offender to justice. Therefore, the manner in which interviews with suspects are managed, particularly how police officers support the disclosure of 'difficult' information, is of interest because effective conversation management is a significant determinant of the success of an interview (Shepherd, 2007). By success, we mean the admission of guilt by a perpetrator, or the disclosure of sufficient information to support the CJS to successfully prosecute offenders and/or protect the innocent.

The cornerstone of managing a non-coercive information-gathering interview is co-operation (Shepherd, 2007). One way of scaffolding co-operation is for interviewers to respond verbally to their environment in a sentient manner (here we refer to the combination of what the suspect says, and how s/he acts as the environment). Sentient verbal behaviour includes offering situational understanding from the suspect's perspective (Hodges & Klein, 2001), commonly referred to as empathy. Empathy 'in the field', that is, the use of verbal empathy when interviewing suspected sex offenders, is the focus of the current study. Specifically, we examine whether officers are able to demonstrate understanding of a suspect's perspective, communicate that understanding, and recognize and respond to empathic opportunities presented by a suspect during an interview.

The use of empathy can foster the disclosure of information, and research suggests that some offenders may be more likely to admit their crimes when interviewers display empathic, non-judgmental behaviour (e.g., Holmberg & Christianson, 2002; Kebbell, Hurren, & Mazerole, 2006; Oxburgh & Ost, 2011). While admissions of guilt and/or information disclosure are important interview outcomes *per se*, the unique nature of sexual offences is such that the importance of these outcomes is heightened (Farrell & Taylor, 2000; Hanson, Broom, & Stephenson, 2004). Many sexual offences take place in private settings, and so there are typically no witnesses. Hence, all too often police officers have only the account provided by a complainant to rely on when interviewing the person suspected of having committed the offence (see Gregory & Lees, 2012). Sex offenders may also be less likely to admit guilt and/or disclose information due to perceived shame, public disapproval, or sentence severity (Gudjonsson, 2006; Holmberg & Christianson, 2002; Kebbell et al., 2006). Further, the reporting of sexual offences in England and Wales (and elsewhere) is increasing (in 2012/13 in England & Wales 53,700 sexual offences were reported), yet convictions remain stubbornly low, at around 27% (Home Office, 2011). Accordingly, understanding police officers' symbolic verbal communication with this particular type of offender, with a view to considering how to improve co-operation, is both important and timely (see also Oxburgh & Dando, 2011).

There exist numerous definitions of empathy, encompassing a broad range of emotional states, all of which are generally conceptualised in the realm of the abstract. However, it is generally agreed that an empathic interaction involves understanding the emotional states of others and communicating some recognition of their emotional state (Schwartz, 2002). The definition of empathy offered by Davis (1983) – a reaction of one individual to the observed experiences of another – was used to guide the current study because the data available for analysis were in the form of audio recordings and verbatim transcripts, and concerns *what* is being said, and *when*, rather than the *way* in which empathic communication is delivered.

The literature on the use of empathy by police officers is in its infancy. Some researchers have recently begun the process of investigating empathy in police interviews, and its impact on the amount of information obtained (Oxburgh, Ost, & Cherryman, 2012; Oxburgh, Ost, Morris, & Cherryman, 2015). However, their findings have been mixed, and as such investigative empathy is not well understood. Also guided by Davis' (1983) definition, a dichotomous coding technique was employed, whereby empathy was deemed present *only* if officers continued conversations in which suspects seemed not to be fully expressing their underlying emotions, termed 'empathic opportunities'. Empathy was deemed absent if officers ignored conversations in which suspects appeared to be expressing underlying emotions they were feeling. Empathy was found not to impact upon the amount of information obtained during interviews, a finding that runs counter to those of others, and to theoretical accounts of empathy and cooperation (e.g., Balconi & Bortolotti, 2013; Holmberg & Christianson, 2002; Kebbell et al., 2006; Rumble, Van Lange, & Parks, 2009).

While the aforementioned work represents an important first step towards understating empathy in an investigative context, empathy is a complex phenomenon, with both cognitive and affective components (Davis, 1983). The former concerns responding appropriately to another's mental state, the latter is the capacity to understand the mental state, or perspective of another. Given the unique characteristics of suspect interview environments, investigative empathy may require alternative dimensions in its articulation: it may be a more complex construct than merely continuing conversations of presumed emotion. As such, the manner in which empathy has previously been operationalised and coded may not have captured its heterogeneous nature, and this may account for the mixed findings.

Interviewer variables are also likely to affect empathic behaviour (e.g., Banissy, Kanai, Walsh, & Rees, 2012; Besel & Yuille, 2010). In particular, there is an abundance of literature to support the existence of gender differences. For example, females have been found to be more empathic than males (Baron-Cohen & Wheelwright, 2004), with femininity being strongly and positively correlated with empathy (Karniol, Gabay, Ochion, & Harari, 1998), a finding supported by research (Gettman, Ranelli, & Reid, 1996), which suggests gender influences behaviour and responses to others. Previous interviewing research has not yet considered gender, although Oxburgh et al. (2012) did comment that suspects (who were all male) appeared to offer more 'empathic opportunities' to female interviewers than to male interviewers.

Despite considerable advancements in interview training for police officers in UK the last 20 years, and a move away from coercive interviewing towards information-gathering in many other countries (e.g., Intelligence Science Board, 2009), training protocols typically contain minimal reference to the use of empathy. Even in the UK, the Achieving Best Evidence document (ABE; Home Office, 2011) contains only one reference to empathy, stating that officers should develop rapport with interviewees by displaying empathy, which is defined as, "showing respect and sympathy for how the witness feels" (p. 199). However, this advice is offered in relation to witnesses only, sympathy and empathy are different concepts (Cuff, Brown, Taylor, & Howat, 2014), no definition of empathy is provided, and moreover guidance is not offered as to how officers might communicate empathy.

Understanding and labelling types of verbal empathy will support the development of a taxonomy of investigative verbal empathy, which in turn will allow researchers to more fully assess whether investigative empathy fosters disclosure of information and, if so, which types of empathy are most effective. Understanding gender effects will further advance our understanding of empathic communication by indicating the importance, or otherwise, of gender for increasing co-operation in police interviews.

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