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The Role of Faulty Inferences in Interrogation Dialogues

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Introduction

- Not an “Interrogator/Interviewer”
 - Dialogue is interesting
 - Building models of dialogue is fun
 - Fertile ground for exploring weird &, in some cases, pathological, dialogues...
 - ... & the arguments they’re entwined with
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Arguments

- ❖ Strong interplay between argument (as artefact) & argument (as process)
- ❖ When we construct a monological argument we often assume a counter-position
 - ❖ Don't just build a case for support
 - ❖ Attempt to pre-emptively address potential objections & rebuttals

- ❖ Usually accepted that an effect of dialogue is the “co-creation” of argument structures:

O'Keefe (1977) “Two concepts of argument”

Reed *et al.* (2008) “AIF+: Dialogue in the argument interchange format”

- ❖ The interplay is bi-directional:

Argument & Dialogue are intimately entwined

Dialogues

- ❖ Monological arguments are static (pre-empt but not respond)
- ❖ Dialogues are dynamic
 - ❖ Dialogues (frequently) involve people
 - ❖ You don't know how a person will reply (incomplete information, motivations unclear)
- ❖ "Real world" dialogue lends extra weight to certain aspects of making an argument:
 - ❖ Strategic manoeuvring, individual goals (public/private), social position, rules & law
- ❖ By saying the right thing to the right person at the right time, dialogues have the power to persuade, to motivate, to lead to discovery....

Type	Situation	Goal (Individual)	Goal (Joint/Dialogue)
Persuasion	Conflict of Opinions	Persuade Opponent	Resolve/Clarify Issue
Inquiry	Need Proof	Find & Verify Evidence	(Dis)Prove Hypothesis
Discovery *	Explanation of Facts	Find & Defend Hypothesis	Choose Hypothesis For Testing
Negotiation	Conflict of Interest	Get What You Most Want	Reasonable Settlement Both Can Live With
Information-Seeking	Need Information	Acquire/Give Information	Exchange Information
Deliberation	Dilemma/Practical Choice	Co-ordinate Goals & Actions	Decide Best Available Course of Action
Eristic	Personal Conflict	Verbally "Hit Out" At Opponent	Reveal Deeper Basis of Conflict

Walton & Krabbe (1995) "Commitment in Dialogue"

* Walton (2010) "Types of Dialogue & Burdens of Proof"

Types of Dialogue

Dialogues happen in different contexts
 Focus on different "types of dialogue"
 Influential Typology
 Many types have been described as dialogue games
 Used to explore normative & ideal dialogues

Interrogation Dialogues

- ❖ Normative or ideal models meet the real world - they're messy
- ❖ No clear point at which interview become interrogation - IMPORTANT (see later)
- ❖ Appears to cut across many of the W&K types - a complex dialogue with no clear type:
 - ❖ Persuasion - I want to persuade you that I am innocent / guilty (I may in fact be innocent / guilty)
 - ❖ Inquiry - If there is incontrovertible evidence then a confession is not required, otherwise: need information, leading to proof
 - ❖ Information Seeking - Want to know what other side knows without giving away my own position
 - ❖ Negotiation - There might be common ground for a lesser charge (in absence of confession)
- ❖ When evidence is judged weak: interviewers take an information gathering approach, no direct accusations, no attempt to extract confession
- ❖ When evidence is judged to be strong: interviewers quickly adopt an accusatorial approach

Stephenson & Moston (1993) "Attitudes and assumptions of police officers when questioning criminal suspects "

Stephenson & Moston (1994) "Police interrogation "



Persuasive Interviewing

- Popular in North America
 - Persuade a suspect to make incriminating statements
 - An element of the “Reid Technique” - used by many US police forces & FBI
 - NB. Similar approaches found around the world / Often being phased out.
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The “Reid Method”

- ❖ A set of strategies for winning a particular type of dialogue:
 - ❖ Projection of certainty: you are guilty
 - ❖ Insistence on a case that assumes suspect’s guilt (Accusatory)
 - ❖ Boost position with ‘incontrovertible evidence’ (include fact & fabrication)
“polygraph says you’re lying”
 - ❖ Loaded questions: “did you plan it or did it just happen”
- ❖ Three phase process:
 1. Fact Analysis
 2. Behaviour Analysis Interview
 3. 9-step Interrogation

Reid Technique: 9 Steps

1. Direct confrontation: evidence makes you appear guilty, confess now & you can explain yourself
2. Shift blame from suspect to another / circumstances - develop a theme that psychologically justifies / excuses the crime (minimisation)
3. Minimise suspect's opportunities to deny - cannot reinforce position; reduce resistance
4. Use reasons for innocence as opportunities to move towards acknowledgement of guilt
5. Reinforce sincerity to ensure suspect receptivity
6. As suspect quiets & listens, theme is moved towards offering alternative explanations (if the suspect cries at this point then guilt is inferred)
7. Pose "alternative question" - Expect suspect to choose socially acceptable alternative
8. Lead suspect to repeat admission in front of witness / Develop corroborating information
9. Document admission / confession

False Confession Risks

- ❖ Use of technique has produced false confessions & consequent wrongful convictions
 - ❖ Particularly when used with vulnerable people & children
- ❖ Abuses:
 - ❖ Aggressive treatment, lies about amount of evidence indicating guilt
 - ❖ Combined with coercive tactics (promise of leniency / threats of harm)
 - ❖ Leads to innocent suspects being overwhelmed
- ❖ Key problem is premature move from interview to interrogation on basis of inference that there is sufficient evidence of guilt
- ❖ NB.
 - ❖ Police often assume guilt during interrogations
 - Stephenson & Moston (1993) "Attitudes and assumptions of police officers when questioning criminal suspects"
 - ❖ In UK 4,244 people detained then released without charge after > 24 hours in 2007/08

Povey (2009) "Home Office Statistical Bulletin"

Example:

- ❖ Juan Rivera convicted in 1992 of rape & murder
- ❖ Exonerating evidence
 - ❖ His DNA did not match the attackers
 - ❖ Ankle tag (awaiting trial for non-violent burglary)
- ❖ Confessed after two days of interrogation

Ethical Interviewing

- ❖ Many interviewing techniques have been confrontational

Moston & Engelberg (1993) "Police Questioning Techniques in Tape Recorded Interviews with Criminal Suspects"

- ❖ Ethical Interviewing seeks to avoid the problems of confrontational approaches:

- ❖ "Treat suspects with respect & as equals with the same rights to dignity, self-determination and choice as themselves"
- ❖ Emphasise importance of empathy & rapport building

Shepherd (1991) "Ethical Interviewing"

The PEACE Model

- ❖ UK attempt to move away from problematic interview methods
- ❖ 5 Stages:
 1. Plan the interview prior to commencement to establish clear aims & objectives
 2. Engage with the suspect/witness & explain the process
 3. Account of the events is elicited
 4. Closure ensure that the interview is brought to a successful conclusion whilst attempting to maintain rapport
 5. Evaluate the products of the interview
- ❖ PEACE approach stresses the development & maintenance of rapport throughout
 - ❖ Engender trust, minimise anxiety, anger, or distress
 - ❖ Maximise likelihood that suspects will engage with the process & disclose information
 - ❖ Minimising likelihood of introducing unreliable information
- ❖ Evaluation has led to improvement in reliability of witness & Suspect accounts, reduction of miscarriages of justice based on interviewing practise.

Conversation Management

- ❖ PEACE doesn't prescribe how the interview should proceed (& coercive confrontational approaches could be used within the framework)
- ❖ Conversation Management approach is frequently used. 3 Phases (with breaks):
 1. Suspect Agenda - ask an open question related to the case, suspect can respond however they like in own words
 2. Police Agenda - Interviewer clarify's suspect account without challenging it. Aim to obtain as much detail as possible & explore topics / details not covered by suspect

More information gathered; more leads to follow. Checkable lies, facts, &c.
 3. Challenge - Explore suspect's account using inaccuracies & inconsistencies (including from other sources, e.g. forensic evidence)

Aim to minimise suspect uncertainty, suggestibility, or invention

Mitigates strategy of suspect elaborating own defence based on information shared by Police

Comment

- ❖ With the “Reid Method” the goal of the interrogation phased appears to be primarily to induce a confession.
 - ❖ If an interaction is explicitly designed to elicit a confession, at what point should guilt be inferred thus licensing the dialectical shift from interview to interrogation?
- ❖ Ultimately, given recent insights into human memory, false memories, and recall, in the absence of supporting evidence all confessions become suspect

Wells (2007) “Eyewitness Identification: Issues in Common Knowledge and Generalization”

Caputo & Dunning (2007) “Distinguishing Accurate Identifications from Erroneous Ones”



Formal Dialogue Systems

- ❖ Studying formal systems of dialogue
 - ❖ Still a keenly studied area both with respect to ancient dialectic & medieval traditions
- ❖ In the Hamblin tradition:

Hamblin (1970) "Fallacies"

 - ❖ Dialogue as a turn-taking game
 - ❖ Take turn to make moves
 - ❖ Moves are aligned with Speech Acts

- ❖ Used to investigate certain fallacies & errors in reason from a *procedural* perspective:
 - ❖ e.g. *Petitio Principii*

Woods & Walton (1975) "Petitio Principii",

Woods & Walton (1978) "Arresting Circles in Formal Dialogues",

Mackenzie (1979) "Question Begging in Non-Cumulative Systems",

Woods & Walton (1982) "Question-Begging And Cumulateness In Dialectical Games"

Mackenzie (1984 "Begging The Question In Dialogue"

- ❖ Special Mention: DC

Approach

Move Types

Assertions: The content of an assertion is a statement P, Q, etc. or the truth-functional compounds of statements: “Not P”, “If P then Q”, “P and Q”.

Questions: The question of the statement P is “Is it the case that P?”

Challenges: The challenge of the statement P is “Why P?”

Withdrawals: The withdrawal of the statement P is “no commitment P”.

Resolution demands: The resolution demand of the statement P is “resolve whether P”.

Dialogue Rules

R_{FORM}: Participants may make one of the permitted types of move in turn.

R_{REPSTAT}: Mutual commitment can only be asserted when a question or challenge is responded.

R_{QUEST}: The question P can be answered only by P, “Not P” or “no commitment P”.

R_{CHALL}: “Why P?” has to be responded to by either a withdrawal of P, a statement that challenger accept, or a resolution demands of the previous commitments of the challenger which immediately imply P.

R_{RESOLVE}: A resolution demand can be made only in situations that the other party of the dialogue has committed in an immediate inconsistent conjunction of statements, or he withdraws or challenges an immediate consequent of previous commitments.

R_{RESOLUTION}: A resolution demand has to be responded by either the withdrawal of the offending conjuncts or confirmation of the disputed consequent.

R_{LEGALCHALL}: “Why P?” cannot be used unless P has been explicitly stated by the dialogue partner.

Commitment Rules

Initial commitment, CR₀: The initial commitment of each participant is null.

Withdrawals, CR_W: After the withdrawal of P, the statement P is not included in the move makers store.

Statements, CR_S: After a statement P, unless the preceding event was a challenge, P is included in the move makers store.

Defence, CR_{YS}: After a statement P, if the preceding event was Why Q?, P and If P then Q are included in the move makers store.

Challenges, CR_Y: A challenge of P results in P being removed from the store of the move maker if it is there.

Termination Rules

1. The game will be ended when a participant accepts another participants view.

❖ The Dialogue Game Description language (DGDL)

Wells & Reed (2012) “A Domain Specific Language For Describing Diverse Systems of Dialogue”

❖ Syntactically correct description of a wide variety of dialogue games (including many extant games & a whole world of new games)

❖ Games described in terms of:

- ❖ **Composition:** Game Components, e.g. participants, commitment stores, &c.
- ❖ **Rules:** Regulations that indirectly manipulate components
- ❖ **Interactions:** Regulations for direct (by players) manipulation of components

```
Simple{
  {turns,magnitude:single,ordering:strict}
  {players,min:2,max:2}
  {player,id:Player1}
  {player,id:Player2}
  {store,id:CStore,owner:Player1}
  {store,id:CStore,owner:Player2}
  {Assert,{p},"I assert that",
    {store(add, {p}, CStore, Speaker),store(add, {p}, CStore, Listener)}}
}
```

Constructing Dialectical Models

- ❖ DGDL supports dialectical shifts
 - ❖ Can move between instances of different dialogue types according to a set of rules
- ❖ If moving from interview to interrogation
 - ❖ Must infer guilt on basis of knowledge base from interview - not clear yet how to formulate these rules
 - ❖ Opportunity to extend the DGDL language
 - ❖ To keep things executable this will likely involve addition of a “structured argumentation” approach such as ASPIC+

Future Work

- ❖ Generating dialogues according to the models
- ❖ Integrating additional factors for simulation of dialogues
- ❖ Exploring the key question of when to move from interview to interrogation
 - ❖ Conviction based on confession is cheap & efficient (so long as justice is preserved)
 - ❖ Conviction based on false confessions should be keenly avoided
 - ❖ At what point can we judge guilt sufficiently to adopt the accusative stance (& should we do that)



Conclusions

- Some approaches to interrogation are founded on “faulty inferences”
 - You wouldn’t be here if you weren’t guilty
 - You wouldn’t confess to a crime if you weren’t guilty
- These can lead to miscarriages of justice
- A key point is making the inference of guilt at the correct moment
- Other approaches remove these assumptions & restore the notion of “getting to the truth of the matter” to the central theme of the dialogue
- Interrogation dialogues in their own right are interesting objects to study
 - With respect to strategic behaviour
 - With respect to dialogue typologies, intra-dialogue boundaries, & individual motivations

“Police interviewing is an acid test of the professionalism of the police ”

–Dr Karl Roberts

Roberts (2012) “Police Interviewing of Criminal Suspects”