



~~From Interrogation to~~

Investigative Interviewing

BERN, 2019
Asbjørn Rachlew (PhD)

Investigative Interviewing

From UK to **Norway** and beyond



BERN, 2019
Asbjørn Rachlew (PhD)



Avhørsteknikk

- mot en global standard

BIRGITTE TENG
Asbjørn Rachlew

Oslo 2018

06.05.95



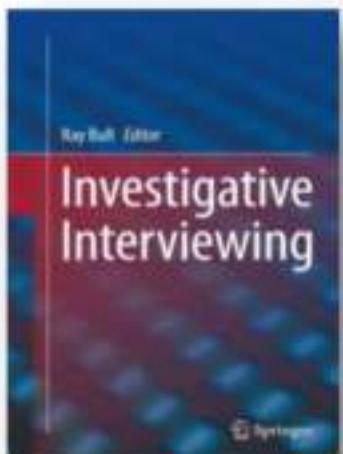
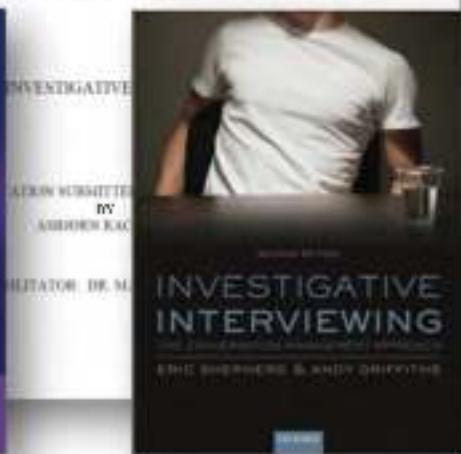
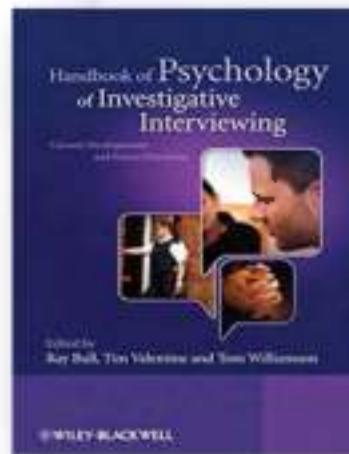
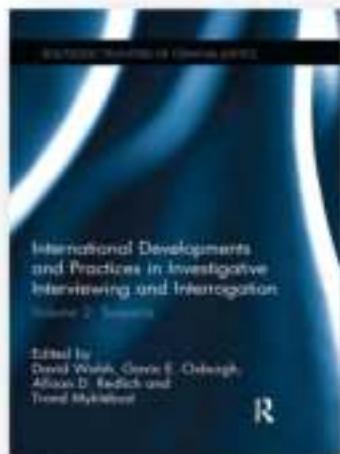
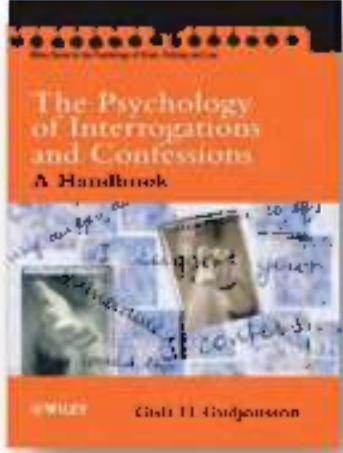
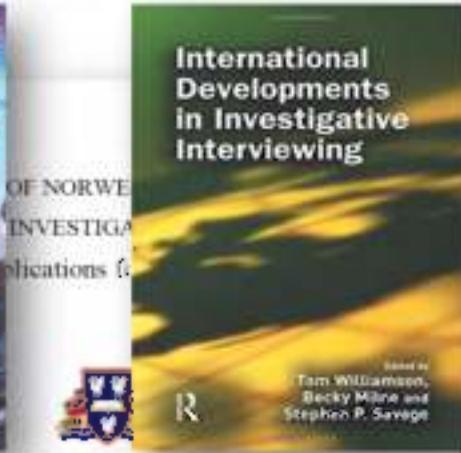
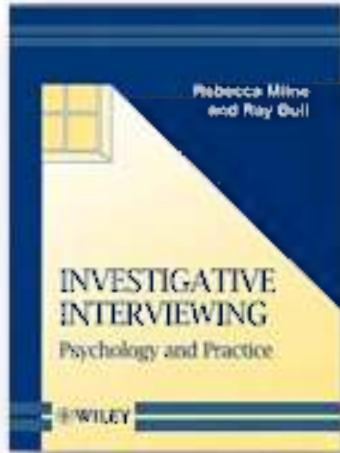
BIRGITTE-SAKEN**FØLG SAKEN**

Forced confession

Rettsmedisinsk psykolog Gisli Gudjansson mener Birgittes fetter har gitt en såkalt tvungen internalisert falsk tilst  else.
- Han har en falsk tro p   at han har beg  tt drapet, men ikke et minne, sa Gudjansson til retten i dag.

- Alt jeg vil si til juryen og denne retten er, v  r forsiktig! Slik avsluttet psykologen gjennomgangen av sin rapport i Gulatings lagmannsrett i formiddag.

Han mener Birgittes fetter tilsto et drap han trodde han hadde beg  tt, men som han ikke husket.



THE UNIVERSITY
of LIVERPOOL

No official training

No official methodology

AN EVALUATION OF NORWEGIAN POLICE OFFICERS
PERCEPTION OF INVESTIGATIVE INTERVIEWING:
Implications for training

“You start your influence and “work him up” from the very beginning. You go this to keep me the only one providing him with an efficient support if this is difficult situation. You control what he will have to have to do with, and then that way the defense lawyer who states ‘see you later’ receives psychological support from others”

-1998



No official training

No official methodology

No references to fundamental human rights
(Innocent until proven guilty - Article 6, no. 2)

Not a single word about false confessions

Nothing about the fact that the suspect could be innocent

"Police only" / "official matter" / "internal use only"

K.R.E.A.T.I.V
POLITIHØGSKOLEN
Avhørsteknikk
Trinn I

TILBAKEMELDING /
FEEDBACK

MÅRKETS FASER

TISS, ETISK
KOMMUNIKASJON

ANLEGGING

KOGITIVE
TERAPISTENNIKKER

FØRPLARING

SLUTTMINGSFESTLER
LEGE TIL MØLSE

EFTARMID UNDER
POLITAVHØRET

ANVENDT KRAMMING

EVALUERING

RAPORTSKRIVING
OVR. DOKUMENTASJON

K.R.E.A.T.I.V POLITIHØGSKOLEN

Avhørsteknikk Trinn I

C OMMUNICATION
R ULE OF LAW
E THICS AND EMPATY
A CTIVE AWARENESS
R UST THROUGH OPENNESS
N FORMATION
A RIFIED THROUGH SCIENCE

Morgenutgave, lørdag 12. oktober 2002, Uke 41, Nr. 462, 149 årg. Ø 12.00 Flylekspr. Vest./Midt-Norge kr 13.00 Nord-Norge kr 14.00

ROM 02
Et rom for muligheter, inspirasjon & ideer

Postkursrommene 18. – 19. oktober
Norges Varmesøte | Lillestrøm

Norges viktigste møteplass

- Police are coercing confessions

Manipulerer i avhør, mener politispesialist

Kritisk. Norske drapsetterforskere bruker press og manipulasjon for å få frem tilstætelser. Det dokumenterer politispesialist Asbjørn Rachlew i en avhandling. Han er kritisk til enkelte norske avhørsteknikker og mener formålet med politiavhøret for enkelte er å fremsinne en tilstæelse, ikke å skaffe informasjon.

Nye metoder. – Min undersøkelse viser at 20 prosent av avhørene var villig til å benytte seg av manipulasjonsteknikker. Dette reiser etiske spørsmål og kan i gitte situasjoner føre til falske tilstætelser, sier Rachlew. Riksadvokaten går nå inn for en bedre oppleveling i avhørsteknikk.

Side 3

«Teknikkene er de samme som i amerikansk avhørs litteratur der alle «lovlig» midler settes inn for å få en tilstæelse»



Fotospesialist Asbjørn Rachlew

False confessions

VOLUNTARY

- Tilstår av egen vilje
- Uten direkte press fra politiet



COERCED

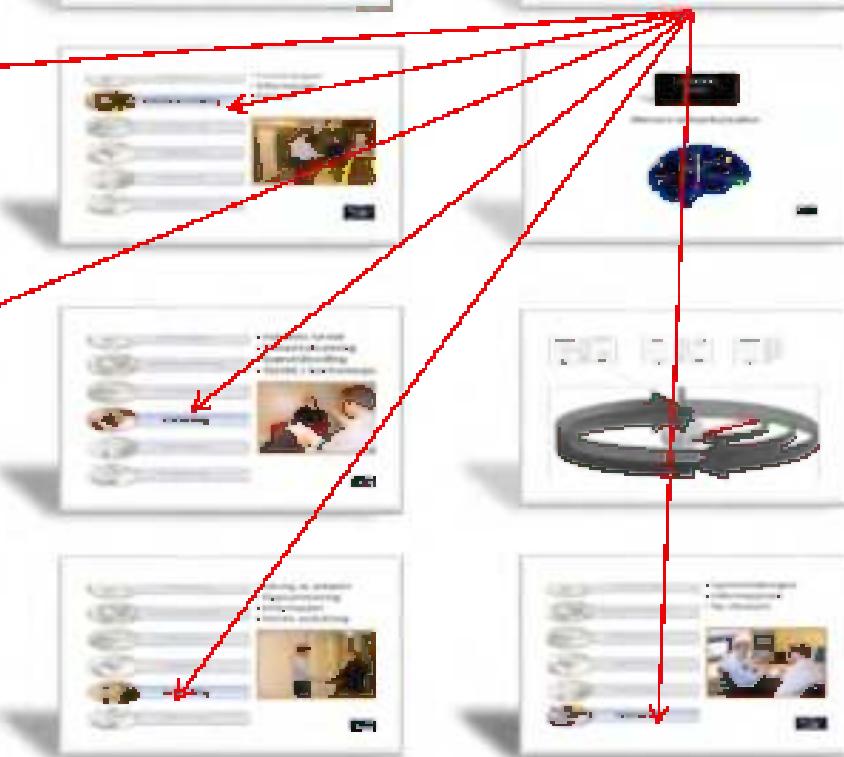
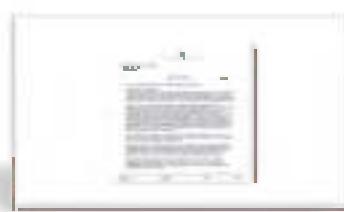
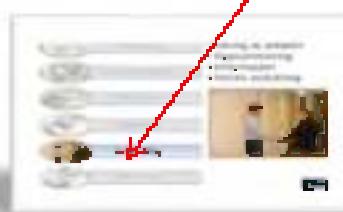
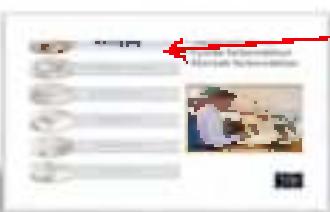
- Tilstår mot egen vilje
- Direkte eller indirekte press
 - I avhør
 - I varetekt
 - Fra andre enn politiet
 - Grunnet rusavhengighet
- Vet de er uskyldige



COERCED INTERNALIZED

- Alt fra forrige kategori
- Minnet er dårlig
 - eller brytes ned
- Får "hjelp" til å huske







Planning and preparation



Introduction and rapport



Free account



Clarification and disclosure



Closure



Evaluation



Planning and preparation

P

E

A

C

E

INTERVIEW

Planning
and
Preparation

Engage
and
Explain

Account
Clarification and
Challenge

Closure

Evaluation



Closure



Evaluation



Perencanaan & persiapan



Menyambung & Jelaskan



Keterangan pertama
tanpa interupsi



Klarifikasi / uji kembali



Penutup



Evaluasi



Lập kế hoạch và chuẩn bị



Giới thiệu và xây dựng quan hệ



Tự giải thích một cách thoải mái



Làm rõ và công bố



Kết thúc



Đánh giá, nhận định



规划和准备



介绍并建立良好关系



自由陈述解释



澄清和披露



结束收尾



评估

الخطيط والتحضير



التقديم وبناء علاقة ودية



السرد الحر الاولي



التوضيح والإفصاح

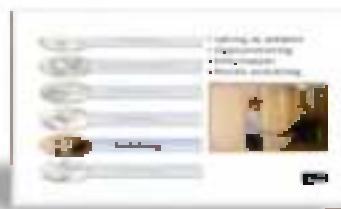
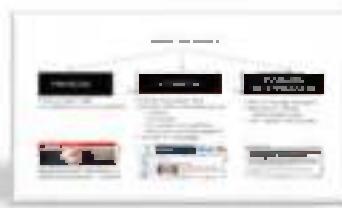
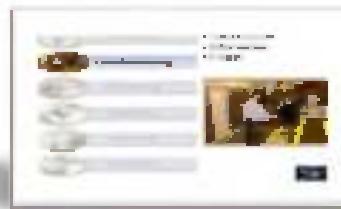
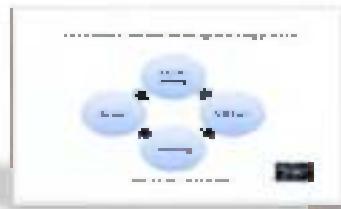


اختتام مقابلة



تقييم المقابلة





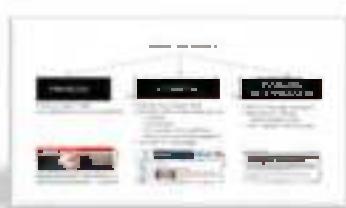
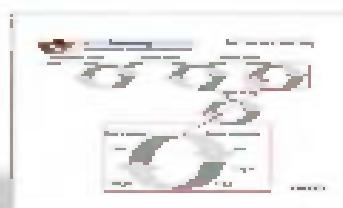
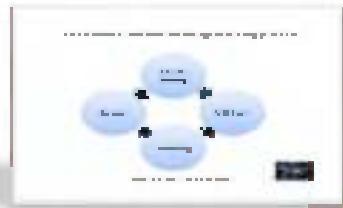




- Extract from the 12th General Report [CPT/Inf (2002) 15] -

The CPT standards

34. The **questioning of criminal suspects** is a specialist task which calls for specific training if it is to be performed in a satisfactory manner. First and foremost, the *precise aim of such questioning* must be made crystal clear: that aim should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to obtain a confession from someone already presumed, in the eyes of the interviewing officers, to be guilty.





Clarification / challenge

‘INTERVIEW STRATEGY’



Planlegging



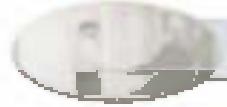
Kontaktdetablering



Fri forklaring



Clarification / challenge



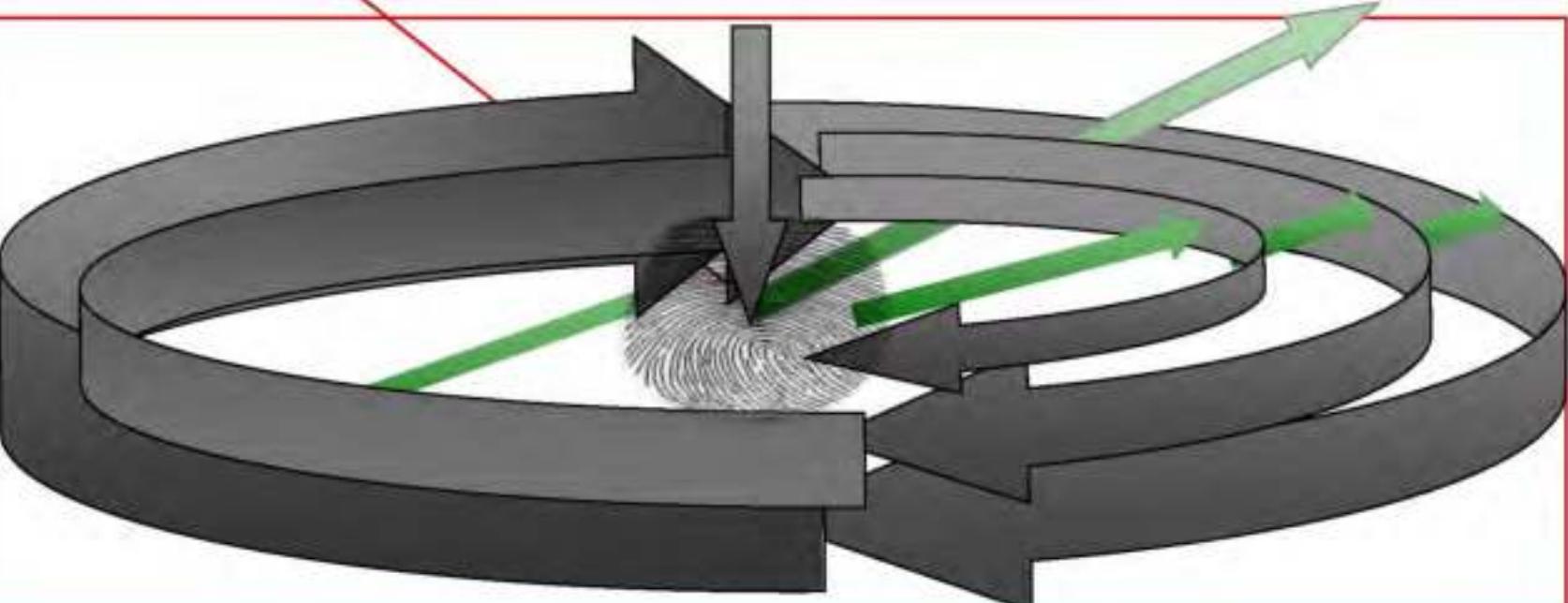
Avtalning



Evaluering

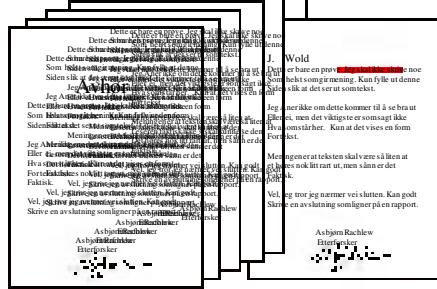


- Identify all potential evidence
 - Identify all possible explanations
(alternative explanations / hypothesis)
-
- Explore all possible explanations
(testing alternative hypotheses)
without exposing the evidence
 - Delay disclosure





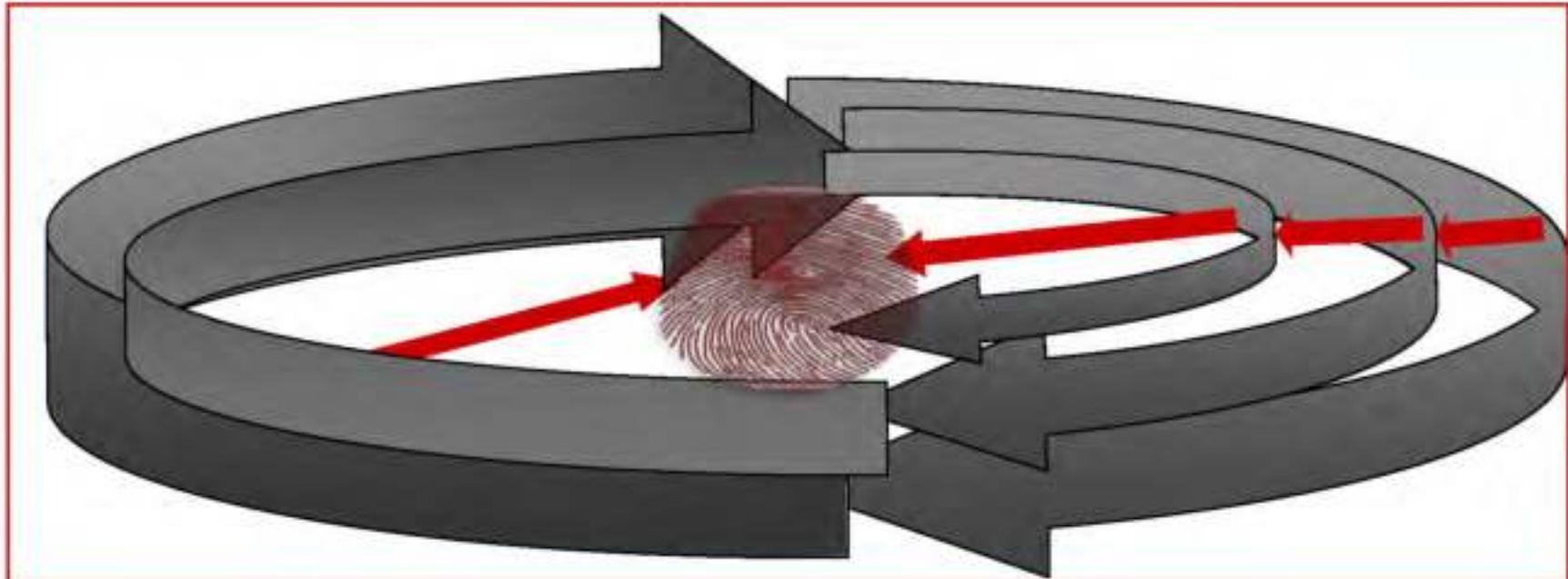
Telefon



Avslutning



Spanning





COUNCIL OF EUROPE

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States

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2018 News - mot en global standard

Council of Europe an

A delegation of the Council of Inhuman or Degrading Treatment from 28 May to 5 June 2018.

08/06/2018

Avhørsteknikk



08/06/2018 1

to the Norwegian Government
on the visit to Norway
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)

From 28 May to 5 June 2018

The Norwegian Government's response to the report

Wednesday, 17 January 2018

POD, 2019

e for the Prevention of Torture
reatment or Punishment (CPT)

Norway

nition of Torture and
ut a periodic visit to Norway





In the light of the information gathered during the visit, the CPT considers that Norway's model of investigative interviewing represents an example of good practice

From 28 May to 6 June 2016

The Norwegian Government is invited to comment on this report.

Strasbourg, 17 January 2018

Norwegian expert to develop UN police methodology

Norske svittemetoden til internasjonal merketromst Politioverbetjent og forsker Arbjørn Røe skal utvikle et FN-tut for å styrke verdensmålet om rettssikre forhold og justismontr.



Dette er en veldig inspirerende. Eg har arbeidet lenge med dette innsporet, og er svært imotvendt at han svilte Norge fra Internasjonal merketromst. Det var ganske uagtliggende, sier Arbjørn Røe.





Seventy-first session
Item 95 (b) of the provisional agenda*
Promotion and protection of human rights: human
rights questions, including alternative approaches for
improving the effective enjoyment of human rights
and fundamental freedoms

**Torture and other cruel, inhuman or degrading treatment
or punishment**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the
annual report of the Special Rapporteur on torture and other cruel, inhuman or
degrading treatment or punishment, Issue II: Methods, submitted in accordance with
Assembly resolution 70/144.

**Summary report of the Special Rapporteur on torture and
other cruel, inhuman or degrading treatment or punishment**

Summary

The Special Rapporteur elaborates on the legal, ethical, scientific and practical
aspects against the use of torture, other ill-treatment and coercive methods during
interviews of suspects, victims, witnesses and other persons in various investigative
contexts. He advocates the development of a universal protocol identifying a set of
standards for non-coercive interviewing methods and procedural safeguards that
ought, as a matter of law and policy, to be applied in a minimum to all interviews by
law enforcement officials, police and intelligence personnel and other bodies with
investigative functions.

A/71/200





General Assembly

Date: General
1 August 2010

Original: English

Secondly, third session

Item 55 (b) of the provisional agenda*

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights; and fundamental freedoms.

Torture and other cruel, inhuman or degrading treatment or punishment

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the annual report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Issue II: Methods, submitted in accordance with Assembly resolution 70/144.

Initial report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Summary

The Special Rapporteur addresses the legal, ethical, scientific and practical arguments against the use of torture, other ill-treatment and coercive methods during interviews of suspects, victims, witnesses and other persons in various investigative contexts. He advocates the development of a universal protocol identifying a set of standards for non-coercive interviewing methods and procedural safeguards that could, as a matter of law and policy, be applied in a minimum to all interviewees by law enforcement officials, police and intelligence personnel and other bodies with investigative functions.

16-11100-201-155014

16-11100-201-155014





General Assembly

Annex

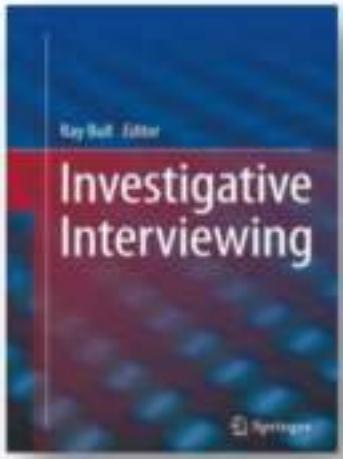
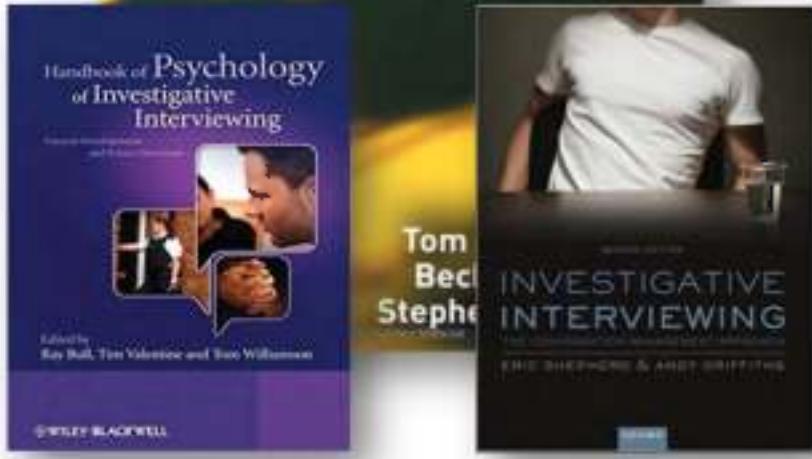
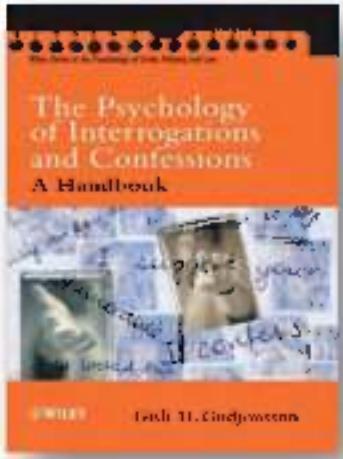
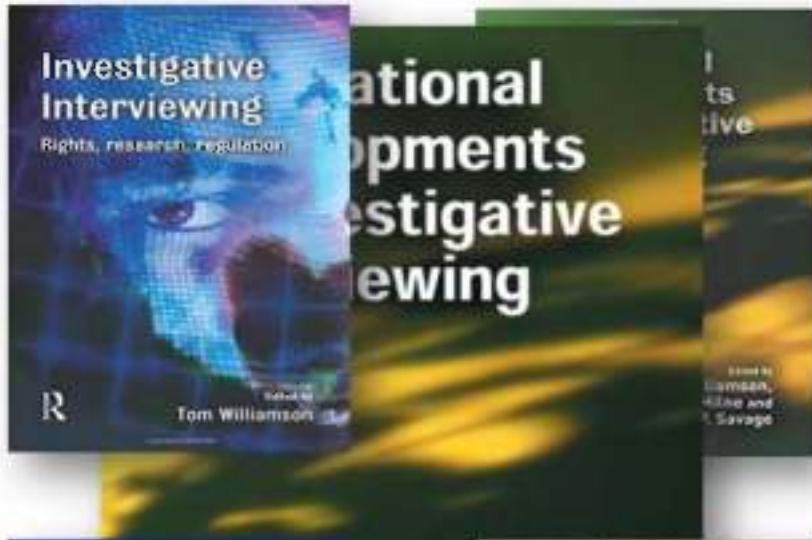
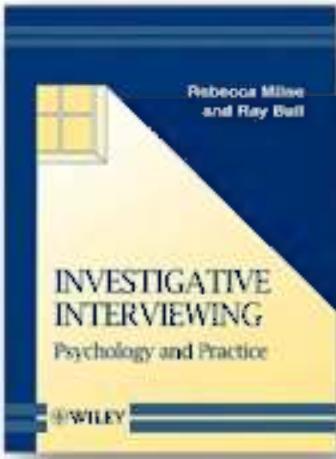
Principles of best practice
for police interviewers
in eliciting information from
interviewees about potential
evidence and their alibis

Other sections are available on the website
of the Assembly

54. As a matter of best practice, interviewers are encouraged to proceed, when necessary, with probing questions designed to elicit information that will test all possible alternative explanations identified during the preparation of the interview. Strategic probing and disclosure of potential evidence allows officers to explore the interviewee's account in depth before proceeding to the next topic, helping to ensure that the presumption of innocence is respected while strengthening the case against a guilty suspect by preventing the subsequent fabrication of an alibi.¹⁶



16. In some cases, officers may need to consider whether to disclose potential evidence to the interviewee before asking probing questions. This depends on the circumstances of the case and the officer's judgment. If the officer decides to do so, it is important to do so in a way that does not lead the interviewee to fabricate an alibi. For example, if the officer asks the interviewee if they have any alibis, the interviewee may be more likely to fabricate an alibi if they know that the officer has information that supports their claim of innocence. In such cases, it may be better to ask probing questions first and then disclose potential evidence later, if necessary.



22/07-2011



OSLO, NORWAY



"What you have seen here today is just the beginning. This is not the operation. It is only firecrackers compared to what will happen.....Cell two and three will activate in near future"



23/07/2011



Our values



Our values



Our values

