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JULY 2011

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Working Paper No 36, July 2011
www.IPES.info
www.dcaf.ch
www.coginta.org

ABSTRACT

In the United Kingdom as in other legislatures the Police can, under certain circumstances, carry out urgent interviews with suspects of crime. Urgent interviews are designed to protect the public from harm by averting other serious offences and/or the escape of other offenders. This paper explores the use of urgent interviews in counter terrorism. It introduces the legislation governing their use (the Police and Criminal Evidence Act (PACE) code H), and identifies risks associated with urgent interviewing in counter terrorism. Considering relevant research and best interviewing practice the paper provides recommendations as to how the various risks may be mitigated.

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Introduction

Since the events of 9/11 and 7/7 there has been much research and debate concerning the policing of terrorism. There has been recent interest in the way in which police carry out interviews with terrorist suspects, the tactics used, the risks and opportunities for the investigation and methods of best practice (Roberts, 2011). One topic that has not so far been explored is the police use of urgent interviews (as defined by English Law) with terrorist suspects. This area is of some interest because of the context in which these interviews take place and because the relevant legislation allows some relaxation of the usual controls placed upon police interviews. This paper therefore explores urgent interviews with terrorist suspects as defined within English Law, it argues that the context in which these interviews are done raises a number of possible risks to the integrity of a police investigation and considers how some of these risks may be mitigated. The paper begins with a discussion of the relevant legislation.

The Law

Police investigations in England and Wales are governed by a range of legislation in particular the Police and Criminal Evidence Act (1984; PACE), the Regulation of Investigative Powers act (2000; RIPA), and the European Convention on Human Rights (1953; ECHR). Particularly relevant to Police interviews with criminal suspects is PACE which covers all aspects of the detention, treatment and questioning of criminal suspects. Section 41 of the Terrorism Act (2000) and code H of PACE govern police interviews with those detained under the Terrorism act.

In general the legislation provides all detained individuals with the right to have their arrest notified to another individual, the right to legal advice, and the right to be interviewed at a location designated for detention, such as a police station, without unnecessary delay. Legislation exists however to suspend some of these rights under certain circumstances. The relevant legislation is Annex B Code H of

PACE - Delays to interview under TACT Schedule 8. This legislation allows that Police may delay notification of arrest and/or access to legal advice and carry out an interview in a non-designated place if the person detained has not yet been charged with an offence and if an officer of Superintendent rank or above has reasonable grounds for believing the exercise of the above rights may result in one or more of the following:

> Interference or harm to persons and/or evidence
> Serious loss or damage to property
> Alerting of others in particular co-offenders
> Hindrance to the recovery of property
> Interference with the gathering of information
> A risk of a legal advisor passing on information to others

In these circumstances the police may carry out a so-called *urgent interview*. The legislation is however clear that urgent interviews must cease once the relevant risk has either been averted or all of the questions necessary to avert the risk have been put to the detainee.

PACE code H requires that a record be made of the interview, where possible in the form of a tape recording or contemporaneous notes, however where this is not possible it is notes made during the interview may be written up by the interviewer as soon as practically possible following the interview.

The practical upshot of this legislation is that where there is a perceived threat to public safety and/or to the integrity of an investigation, some interviews, those deemed urgent, with terrorist suspects may take place without notification, without legal representation in non-designated detention centres and may be recorded only with notes written up (in some cases) after the interview.

In those circumstances when an urgent interview is allowable, without the benefit of legal representation for the suspect, much of the onus to protect the suspect's rights rests with the police interviewer. The next section will consider the urgent interview context by exploring the impact of terrorism and the threat of terrorism on individuals and how this might affect the interview process.

The Urgent Interview Context

Terrorism is designed to achieve political change using fear as a weapon (Burleigh, 2008). Terrorist atrocities produce many strong emotions in observers including fear, grief, anger, frustration, sadness, a sense of powerlessness, a desire for revenge and a desire to *do something* (Sprang, 2003). As human beings, police officers involved in counter terrorism work are not immune from these emotions, indeed as a result of their investigative duties it is possible that these emotions might be exacerbated. For example police officers are typically exposed to details about a terrorist act way beyond the experience of most members of the public (e.g. precise details about victim injuries), they may find themselves the focus of great political and media pressure to obtain 'results' in the aftermath of a terrorist act and there is frequently fear that the terrorists are plotting another atrocity or fear of what might have happened had the police not thwarted a planned attack. There can also be, in some quarters, little sympathy for a 'terrorist' suspect and a belief amongst some members of society that terrorists by dint of their actions forfeit their human rights (Burleigh, 2008). It is in this context that urgent interviews with terrorist suspects are carried out.

Urgent interview by definition are done when there is a need for information to be obtained from an individual very quickly. This need for urgency, when considered in the psychological context described previously may lead to a number of potential risks to the interview process. Anger, fear, feelings of powerlessness and a desire for revenge are powerful emotions that in the context of urgency may make the use tactics not normally associated with police interviewing such as threats, overt aggression and even, in extremis, torture seem more acceptable and even desirable to some. Indeed some commentators have argued for the limited use of torture and other extreme approaches to terrorist interviewing (Dershowitz, 2002). Dershowitz argument is particularly applicable to urgent interviews, he cites a so-called 'ticking bomb' scenario – a situation where there is a need for urgency to protect lives in the face of a possible atrocity – where the information needs of law enforcement outweigh any of the human rights that would normally be accorded to an individual. In such circumstances Dershowitz argues that investigators could use any means at their disposal to elicit information, including torture.

There is a risk then that in the highly emotive and pressured context when urgent interviews take place for some police officers, in a desperate need for information, to utilise robust and aggressive means to obtain it. This risk may be compounded by the lack of normal safeguards for the suspect and legal representation during the interview and the tacit support from some sections of society for the use of robust measures. In the next section we consider the impact of such 'robust,' interview practices.

Utility of robust interview practices

Threats, overt aggression and torture all work on the basis that raising an individual's discomfort is likely to make them more compliant as regards providing information, essentially the suspect is encouraged to trade information in return for an end to their suffering (Rejali, 2007). However, such tactics frequently fail to obtain reliable information (Gudjonsson, 2003) and often do much damage to community and even international relations (Rejali, 2007; Roberts, 2011). This is not withstanding the fact that some individuals who may have been considered suspects and who may be subjected to such treatment may be innocent of any involvement in terrorism (Stafford-Smith, 2007; Sands, 2008).

From a Psychological perspective, so-called 'robust,' interview practices, run the risk of increasing the vulnerability of the suspect so that much of the information collected during the interview may be unreliable and potentially misleading (Gudjonsson, 2003). This happens because the experience of threats and aggression increase an individual's anxiety which serves to increase an individual's fear and also their uncertainty and doubt about events they have experienced. In this state the individual is often very sensitive to the reactions of an interviewer - looking for signals from the interviewer that their responses are acceptable and that their discomfort is coming to an end - and are prone to tailor answers to questions in order to obtain favourable reactions from the interviewer (Gudjonsson, 2003). In the case of urgent interviews, these psychological responses of the interviewee may be further compounded because as we have seen, urgent interviews are likely to take place in highly emotive contexts where the individual may already be in a state of high anxiety brought about by fear of being arrested and the trauma of the arrest itself –arrests of terrorist suspects may

involve large numbers of, often armed, police officers due to the need to protect police officers from potential threats.

The creation of high levels of anxiety may also serve to increase an individual's suggestibility making it more likely that they will begin to accept information provided by the interviewer and to confabulate accounts of events based upon that information (Gudjonsson, 2003). As stated the ultimate upshot of robust interview practices is a risk the interview will produce unreliable information and in some cases this may culminate in a false confession – a confession of guilt by an innocent person. Clearly unreliable information and false confessions are highly undesirable as they result in significant damage to the creditability of the police and the criminal justice system (Gudjonsson, 2003).

As well as the potentially negative impact of robust methods upon the anxiety levels experienced by a suspect there is also an impact upon the likelihood of their cooperation with police and their perceptions of the legitimacy of the police (Roberts, 2010; Roberts, 2011). Of relevance here are notions of procedural justice (Tyler, 1989)

Tyler (1989) has noted that all individuals hold a series of expectations concerning how they wish to be treated during interactions with authorities. He identified four classes of procedural justice expectations:

(i)   Voice in the interaction, individuals expect to be able to express a viewpoint and feel their information is valued;

(ii)   Neutrality in the interaction, individuals expect an absence of bias in their treatment by the authority;

(iii)   Respectful treatment in the interaction, individuals expect to be treated in a manner that protects their rights;

(iv)   Trustworthiness of the authority, individuals expect to be treated in a sincere way with concern for their needs and where their needs are addressed.

Research has demonstrated that the extent to which procedural justice expectations are met has a powerful influence upon the perceived legitimacy, trust and confidence in an authority and the likelihood an individual will cooperate with the requirements of the authority (Tyler, 1989; Tyler and Blader, 2003).

Skogan (2006) has also demonstrated that there is an asymmetric effect of negative and positive encounters with the police upon the confidence individuals have in the police. Negative encounters have a much greater impact upon an individual's confidence than do positive encounters, where negative encounters appear to significantly reduce confidence whereas positive encounters appear to have a more limited impact.

Following this it can be said that what police officers do during an interview is crucial in determining a suspect's perception of the police and potential for cooperation. A robust or aggressive interview style is highly likely to compromise procedural justice expectations, challenging expectations of trust, fairness and voice. This will likely reduce an individual's perceptions of police legitimacy and reduce the prospect of their future cooperation, including cooperation during the urgent and any subsequent interviews. It may be argued that this is a small price to pay should further terror attacks be prevented especially if that person is ultimately convicted of terrorist charges. However risking losing an individual's cooperation so early in the interview process may severely limit the potential for information collection that may lead to other offenders.

Also not all persons who are interviewed for terrorist offences, including those who experience an urgent interview, are ultimately charged and these individuals are likely go back into the communities from where they came. Local interest in an individual's experiences is likely to be high indeed a terrorism arrest is often reported very quickly by the media who may devote significant coverage to the event (Nacos, 2007). Following their release it would be expected therefore that at least some individuals subject to an urgent interview will discuss their treatment by police with other members of their community. Other community members will have procedural justice expectations akin to those of the suspect given the ubiquity of such expectations (Tyler, 1989). Reports of negative experiences will therefore challenge these expectations with the risk that parts of, if not the whole community itself, may begin to lose their belief in police legitimacy and this may predicate a reduction in cooperation with the police (Roberts, 2010). It is also possible that an individual's negative experiences may also be seized upon by those who would make political capital, to damage the reputation of the police and/or may become a means of recruiting others to a terrorist cause (Sands, 2008).

Risking the loss of community cooperation is not trivial. Central to the United Kingdom's Contest counter terrorism strategy (UK Home Office, 2011) is engagement with local communities to prevent terror attacks. Engagement, it is hoped, will encourage members of local communities to discourage individuals from involvement in terror groups and to provide intelligence about those suspected of involvement in terrorism. Robust and aggressive urgent interview tactics could negatively impact upon these attempts to engage with communities. Loss of perceived police legitimacy and cooperation from the community is a significant challenging for the Contest strategy.

Finally, it is worth making the point that a key performance indicator of policing today is public confidence in the police (United Kingdom Home Office, 2009). It is known that public confidence is strongly related to the extent procedural justice expectations are met and to notions of police legitimacy (Tyler, 1989). The negative effects of robust urgent interview measures may have an additional negative impact upon judgments of overall police performance.

To summarize, the emotive nature of the urgent interview situation, both for the interviewer and the suspect, may increase the risk of interviewers utilizing robust interview approaches in their legitimate desire to obtain information quickly. The use of such interview tactics is not without risks to the reliability of the information that can be obtained, to the welfare of the suspect and ultimately to the perception of the police by the community. The ultimate risk of robust tactics is to reduce the reliability of information obtained and to reduce the perceived legitimacy of the police resulting in reduced cooperation from individuals and communities.

The paper will now move on to consider potential solutions to the risks identified above and suggests some ways of carrying out urgent interviews that balance the legitimate needs of police to obtain information quickly whilst minimizing the risk of obtaining unreliable information and damaging procedural justice expectations.

Conducting the urgent interview

Urgent interviews in counter terrorism are arguably one of the most difficult situations a police interviewer may encounter and represent a powerful test of professionalism

and integrity. Due to the lack of usual legislative controls, there are many risks to the integrity of a police investigations and the public perception of the police should an urgent interviews be carried out inappropriately. In the following section suggestions are made that may mitigate some of the risks. These are based upon extant psychological research and police best practice. To pre-empt, urgent interview approaches advocated here are based upon clearly articulated aims and objectives that conform to a suspect's procedural justice expectations through the development of rapport and sensitivity to their socio-cultural characteristics.

Interview Planning

Clearly articulated aims and objectives allow judgments to be made about the relative success of any interview, where success is the extent that these are achieved (Roberts and Herrington, 2011). An interview plan should therefore contain details about why the interview is being conducted, what it seeks to achieve and the topic areas and questions that will be asked (Ord et al, 2008). For urgent interviews planning of this sort is particularly important because PACE code H clearly states that urgent interviews should cease when all the relevant questions to avert the risk have been asked and/or the risk has been averted, whether or not the suspect answers these questions. Interviewers are not permitted to stray into other topic areas not relevant to averting the risk at hand, for example issues related to an individual's guilt of an offence, their background, attitudes or interests unless these topics are clearly relevant to the risk.

As urgent interviews typically follow sudden dramatic events limited planning often results leading to ill-defined aims and objectives and poorly identified interview topics and questions (Shaw, personal communication, 2009). The impact of this is to makes it very difficult for interviewers to indentify when to stop the interview (where all the relevant questions have been asked) and assess its success (Ord et al, 2008). Where interviewers are unable to identify the end point of an urgent interview there is a risk that they continue and ask questions not relevant to averting the risk. To continue an urgent interview in this way is a breach of the terms of PACE code H and could ultimately lead a court to question the legality of any evidence obtained following such questioning. Indeed some individuals convicted of terrorism offices have cited their experiences during

urgent interviews in their appeals post conviction. For example those convicted of the 24/7 attempted bombings on the London Underground, though their appeals were not upheld, cited potential illegalities in the urgent interview questioning (Daily Mail, 2008).

Ultimately the suggestion here is that interviewers need, even in the high pressure situations of urgent interviews, to be cognizant of the purpose of the interview and to clearly articulate a plan, otherwise they risk breaching the legislation.

Interview Personnel

Selection of personnel to carry out an urgent interview is important. As detailed above this is a high pressure situation, where there is a risk of interviewers adopting nefarious tactics as a result. This is compounded where interviewers are inexperienced and/or have had insufficient training (Shaw, 2009, personal communication). To mitigate this risk it is suggested that, where possible, the interviewers should be trained to advanced suspect interviewer level, this is referred to in the UK National Investigative Interviewing Strategy as PIP level 2 specialist interviewers (NPIA, 2009). This level of training provides interviewers with advanced knowledge of interview methods, rapport building, and psychological processes such as responses of suspects to anxiety, suggestibility and the impact of interviewer behaviour upon suspects. Interviewers with this level of training are more able to identify the impact of their actions upon the suspect, understand the suspect's response and to have knowledge of approaches to interviewing that take account of these issues (see below). It is also suggested that interviewers likely to carry out urgent interviews would benefit from training in recognizing and dealing with their own responses to trauma and anxiety as these emotions are likely to be the motivators for the more 'robust' interview approaches described above. An ability to recognize and deal with one's own distress is likely to allow individuals greater ability to control these emotions and enable interviewers to take a more controlled approach to the interview (Roberts, 2009, 2010).

Where possible it is suggested that investigators give consideration as to who is best suited to carry out the interview i.e. what interviewer characteristics do they consider that will be most productive with a particular suspect. Some individuals

might relate much better to a man or a woman or indeed to a younger or older interviewer. The racial characteristics of the interviewer may be relevant as may be their regional accent, religion or physical appearance. Where investigators feel that such issues are relevant selecting an interviewer with the preferred characteristics might be beneficial in terms of building rapport and trust with the suspect (Roberts and Herrington, 2011).

In the United Kingdom, so called TACT (Terrorism Act) arrests are often very traumatic for the suspect featuring as they often do (for very good security reasons) armed police in riot gear aggressively entering the suspect's home often during the early hours of the morning resulting in significant anxiety on the suspect's part. Those responsible for the arrest may often be perceived negatively by the suspect as a result of the implied threats and what may be perceived as intrusion. As such those police officer's actively involved in the arrest may struggle to generate rapport with the suspect. It is argued therefore that the individuals responsible for the urgent interview should, as far as possible, not be involved in the arrest or in searches of the suspect or their property (Roberts, 2009, 2010). It is also suggested that the urgent interview take place away from the property, in a vehicle or other location that is not in the middle of police activity. This is likely to reduce some of the emotion experienced by a suspect as compared with them being within the property and observing police activity there and increase the likelihood that the interviewer may develop some rapport with the suspect.

Suspect Characteristics

It is suggested that interviewers should spend some time familiarizing themselves with everything that is know about the suspect prior to interview, this includes issues such as their background, interests and any particular vulnerabilities such as mental health status, fears, anxieties etc (Roberts, 2010). This will allow interviewers to begin to predict likely behavioural responses from the suspect during the interview and to consider possible approaches towards them. Essentially interviewers should tailor their approach to the specific characteristics of the suspect to maximize the possibility that they can build rapport with them as this will maximize the chance of obtaining information from them (Roberts and

Herrington, 2011). It is acknowledged that this is only usually possible when an arrest is planned or when an interviewer is privy to intelligence and other information prior to an arrest. Clearly the amount of information about different individuals will vary and there likely to be some individuals for whom limited information is available prior to an arrest.

As some urgent interviews may require a police officer to interview an individual from a different cultural background from their own, it is important for interviewers to give some consideration to the suspect's cultural background (Gelles et al, 2006). Throughout their lifespan an individual's culture presents them with various examples of what is and is not acceptable behavior across a range of situations. These behavioural exemplars coalesce into an individual's cultural scripts. Cultural scripts can be considered to be cognitive schema or mental models, containing beliefs and expectations about how the individual and others should behave. Cultural scripts are important in governing behavior across situations and important among them are religious, moral and ethical scripts (Hofstede, 2003). Knowledge of a suspect's cultural background is therefore useful as it will allow interviewers to have an understanding the suspect's modes of communication, to make predictions about the likely behaviour and reactions of the suspect during the interview, and to identify the sorts of interviewer behaviour that the suspect will find acceptable and unacceptable. Ultimately cultural knowledge will help police design interview approaches that maximise the likelihood that the suspect will engage with them and provide the required information during the urgent interview (Gelles et al, 2006).

A lack of knowledge or appreciation of different cultural scripts is not a trivial point as it can lead to significant problems during an urgent interview (Gelles et al., 2006). For example, lack of cultural knowledge often leaves interviewers perplexed by some of the behavior of, or beliefs expressed by a suspect with many interviewers regarding such behavior or beliefs as challenges to their authority (Gelles et al, 2006). This can and often does provoke attempts by the interviewer to challenge the behavior and even question or attempt to change the beliefs (Gelles et al, 2006). Use of such tactics during an urgent interview, whilst being a clear breach of PACE code H (interviewers must only ask questions that are relevant to the identified risk) are also likely to result in a complete

breakdown of communication. Communication breaks down in such circumstances as challenges of this sort are often perceived by individuals as threats to their identity (Breakwell, 1983; Roberts, 2010). This is because cultural scripts, in particular religious beliefs, are an important aspect of any individual's identity (Breakwell, 1983) and challenges to identity in an encounter with an authority (the interviewers) compromise procedural justice expectations leading to non-compliance with the authority's wishes (Tyler and Blader, 2003).

During an urgent interview it is also important for interviewers to monitor the behavior of the suspect. This is likely to inform interviewers about the suspect's attitude towards the police, reaction to the questions and areas that they find threatening. This can help interviewers to further tailor their interview behaviour towards the suspect and may help planning for any subsequent interviews (Roberts and Herrington, 2011).

Interviewer Behaviour

A large body of literature points to the utility of rapport based interview approaches over those involving threats in obtaining reliable accounts from suspects during Police interviews (Ord, Shaw and Green, 2008; Bull and Milne, 2004). As such interviewers are advised to utilize this form of interviewing for urgent interviews. Threats or aggressive approaches towards the suspect, as described above, are generally counter-productive and do not enhance the likelihood of obtaining reliable information even in the context of urgency and so these should be avoided. It is accepted that some suspects are likely to be hostile to the police, but adopting an aggressive approach to such individuals will only serve to increase their hostility.

Rapport is important in any interview because it engenders trust between a suspect and interviewer, minimises the risk of a suspect experiencing excessive anxiety and maximises the likelihood that a suspect will answer questions and disclose relevant information thereby reducing the risk of collecting unreliable information (Fisher & Geiselman, 1992; Kebbell, Milne & Wagstaff, 1999; Milne & Bull, 1999; Shepherd & Milne, 1999). However, one obvious question is how can rapport be developed with an individual in the context of an urgent interview?

Typically rapport is developed by personalizing the interview, showing empathy for the suspect and their situation and actively listening and paying attention to their needs and behaviour (Fisher and Geiselman, 1992; Milne and Bull, 1999). In addition it is important for the interviewers to explain the situation to the suspect and to, as far as is possible, try to allay any concerns (Shepherd, 1991).

In developing rapport during urgent interviews interviewers should attempt to consider the legitimate needs of the suspect. The suspect may be fearful and uncertain, some individuals may have little knowledge or experience of law enforcement and others may come from other cultures in which policing is not rooted in liberal democratic values, and so may genuinely fear for their lives or expect that they will be subject to torture. Attempts to reassure them during the urgent interview are likely to help engender trust as these may allay some of these fears. In the case of Islamist extremists, taking some steps to be respectful of their religious needs, for example reassuring them that in police custody they will be accorded the rights to pray may be useful. Asking suspects how they feel and if they need anything, is also useful as again this shows some attention to them as individuals.

Importantly rapport building should not be the sole activity and it is important that interviewers ask legitimate questions during the urgent interview. Essentially these questions need to be focused upon the immediate situation and the need to alleviate risks as defined by PACE. It is advised that suspects be informed of the purpose of the interview and that direct questions concerning what they may know should be asked. Direct questions will illustrate the urgency of the situation, however suspects should be given time to answer the questions as quickly firing questions at the suspect and/or repeating the same question will allow limited time for reflection and may increase anxiety reducing the prospects of the questions being answered. Similarly, although the situation is likely to be one of high pressure and a suspect will need to be kept focused upon the issue at hand; interrupting the suspect excessively will serve to damage rapport and may also reduce the likelihood of a response (Savage and Milne, 2007, Gelles et al, 2006, Roberts, 2011).

Interviewers should maintain a calm demeanor when addressing the suspect as displays of anger and frustration are unlikely to result in a flow of information. If

the interviewer can build rapport with the suspect it may be possible to present the suspect with a calm rationale as to why they should provide information, potentially if rapport building is successful the suspect may wish to work with the interviewer to protect others (Roberts and Herrington, 2011).

It is noteworthy that many would-be terrorists do not subject their fantasies of terrorist violence, martyrdom and the impact of the activities to reality testing and frequently suspend critical thinking in the context of the planning of a terrorist atrocity (Horgan, 2005; Rogers et al, 2007). Essentially non-critical thinking patterns that serve to minimize the suffering of others and justify the atrocity are common (Horgan, 2005). These thinking patterns may remain unchallenged until these individuals are apprehended by police where the would-be terrorist is asked to account for themselves. When apprehended these individuals are faced with the uncomfortable reality where the possible consequences of their actions may become available to them, perhaps through questions or comments by police officers, or the individual's considering their situation. Fear or guilt and remorse may be experienced by some of these individuals and a rapport-based supportive interview environment may provide the conditions in which these individuals are most likely to share information. It is of course acknowledged that there are individuals who are focused upon their terrorist activities and who, regardless of the approach, will not provide any information to the police, however a priori, interviewers will not necessarily know who these individuals are and, through the use of a rapport based approach the urgent interview may allow investigators the opportunity to identify such an individual.

Ultimately a rapport based approach is advised for urgent interviews as this is most likely to allow the police to obtain relevant and reliable information. An additional benefit of such approaches is that treating individuals with respect is consistent with procedural justice expectations and so will minimize the risks of reduced legitimacy and cooperation that follow compromising these expectations. Also rapport developed at the urgent interview stage is also likely to enhance suspect cooperation during any later full suspect interview.

Summary and Conclusions

In England and Wales, the legislation, PACE code H, allows for urgent interviews of terrorist suspects under certain conditions and is specific as to the purpose of the urgent interview. In particular urgent interviews should stop when all questions relevant to ending a specific risk have been put to a suspect, whether or not the suspect chooses to respond and/or when the risk has been eliminated. Urgent interviews do not give the suspect the same rights as those normally available during police interviews under PACE and so the onus is on the police interviewer to protect the rights and well-being of the suspect. Urgent interviews, however, are not without risks, related to the context of the interview – one of fear, uncertainty and even anger following a terrorist atrocity, in which interviewers may find themselves under a great deal of pressure from others to obtain results. Threatening and otherwise oppressive interview tactics are a risk in these contexts especially given the unsupervised (due to the lack of legal representation) nature of the urgent interview. Such robust interview tactics may lead to unreliable information, damage to the well-being of the suspect and damage to the reputation of the police, particularly as they violate procedural justice expectations.

In this context adequate planning of the urgent interview is vital and clear aims and objectives for the interview need to be identified. A consideration of the characteristics of the suspect, selection of persons to carry out the interview, the approach they should take towards the suspect – one that is focused upon rapport, supporting the legitimate needs of the suspect and their procedural justice expectations - and the topics and questions that need to be covered form an important part of this planning process. Ultimately, even in the high pressure context of urgent interviews the principles of good investigative interviewing apply and it is with reference to these that investigators can hope to obtain the maximum amount of information from the interview, minimize the risks to the integrity of the police investigation and maximize cooperation from suspects and the communities from which they come.

Literary sources

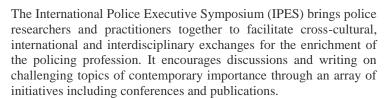ACPO (2009). *National Investigative Strategy* NPIA Briefing paper. HMSO

Breakwell, G.M. (1983). *Threatened identities* Chichester Wiley

Burleigh, M. (2008). *Blood and rage: A cultural history of terrorism*. New York: HarperCollins.

Bull, R., & Milne, R. (2004). Attempts to improve police interviewing of suspects. In G. D. Lassiter (Ed.), *Interrogation, confessions and entrapment*. New York, NY: Kluwer/Plenum.

Daily Mail on Line (2008). *London 21/7 bombers lose appeal bid* http://www.dailymail.co.uk/news/article-1016533/London-21-7-bombers-lose-appeal-bid.html (accessed 23/12/09)

Dershowitz,A.M. (2002). *Want to torture? Get a warrant* San Francisco Chronicle January 22, 2002.

European Convention on Human Rights (1953)

Fisher, R. P. & Geiselman, R. E. (1992). *Memory-enhancing techniques for investigative interview; The cognitive interview.* Springfield: Charles C Thomas Publishing.

Gelles, M., McFadden, R., Borum, R., & Vossekuil, B. (2006). Interviewing Al-Qaeda-related subjects: A law enforcement perspective. In T. Williamson (Ed.), *Investigative Interviewing: Developments in Research, Rights and Regulation.* Devon, UK: Willan Publishing.

Gudjonsson, G. H. (2003). *The Psychology of interrogations and confessions: A handbook*. 2nd Edition. Chichester, UK: Wiley.

Hofstede, G. (2001). *Culture's Consequences, Comparing Values, Behaviors, Institutions, and Organizations across Nations.* Thousand Oaks CA: Sage Publications

Horgan, J. (2005). *The Psychology of Terrorism*. Frank Cass.

Kebbell, M. R., Milne, R. & Wagstaff, G. F. (1999). The cognitive interview: A survey of its forensic effectiveness. *Psychology, Crime and Law*, 5, pp. 101-115

Milne, R. & Bull, R. (1999). *Investigative interviewing; Psychology and practice*. Chichester: John Wiley & Sons, Ltd.

Milne, R., & Bull, R. (2003). Interviewing by the police. In Carson, D., & Bull, R. (Eds.), *Handbook of psychology in legal contexts.* Chichester, UK: Wiley.

Nacos, B.L. (2007). *Mass mediated terrorism*. Rowman and Littlefield: Lanham, MD National Police Improvement Agency, NPIA (2009). *National investigative interviewing strategy*. HMSO

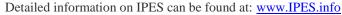Ord, B., Shaw, G. and Green, T. (2008). *Investigative interviewing explained*. 2nd Edition. Lexis Nexis

Rejali, D. (2007). *Torture and Democracy* Princeton University Press

Rogers, M. B., Loewenthal, K. M., Lewis, C. A., Amlot, R., Cinnirella, M. C., and Ansari, H. (2007). The Role of Religious Fundamentalism in Terrorist Violence: A Social-Psychological Analysis. *The International Review of Psychiatry*, 19(3). 279–288

Roberts KA (2009). *Investigative Interviewing and Islamic Extremism*. Paper presented at the 2nd IIIRG conference, Middlesbrough

Roberts KA (2010). Ethical Police Interviews with Islamist Terror Suspects: The significance of suspect behavioural, cultural and identity characteristics. Pp 182 – 203 in D. Antonius, A. Brown, T. Waters, & M. Ramirez, & S. J. Sinclair, (editors) *Interdisciplinary Analyses of Terrorism and Aggression*. Cambridge Scholars Publishing

Roberts, K.A. (2011). Police Interviews with Terrorist Suspects: Risks, Ethical Interviewing and Procedural Justice. *British Journal of Forensic Practice* (in press)

Roberts, K.A. & Herrington, V (2011). The psychology of suspect interviews - an international perspective. In Kitaeff, J. (editor) *The Handbook of Police Psychology,* Routledge

Sands, P. (2008). *Torture Team,* Palgrave McMillan

Savage, S. and Milne, R. (2007). Miscarriages of justice – the role of the investigative process. In Newburn, T. Williamson and A. Wright. (Eds.), *Handbook of criminal investigation.* Cullompton: Willan.

Shepherd, E. (1991). Ethical interviewing. *Policing,* 7, 42–60

Shepherd, E. & Milne, R. (1999). Full and faithful: Ensuring quality practice and integrity of outcomes in witness interviews. In A. Heaton-Armstrong, E. Shepherd & D. Wolchover (Eds.). *Analysing witness testimony: A guide for legal practitioners and other professionals.* London: Black-stone Press Limited.

Skogan, W. (2006). Asymmetry in the impact of encounters with police. *Policing and Society,* 16, 99 -126

Sprang, G. (2003). The psychological impact of isolated acts of terrorism. In A. Silke *Terrorists, Victims and Society: Psychological Perspectives on Terrorism and Its Consequences* (Wiley Series in Psychology of Crime, Policing and Law) Wiley.

Stafford-Smith, C. (2007). *Bad Men: Guantánamo Bay and the Secret Prisons.* Weidenfeld & Nicholson

Tyler, T.R. (1989). The psychology of procedural justice: a test of the group value model. *Journal of Personality and Social Psychology*, 57, 830-838

Tyler, T.R. and Blader,S.L. (2003). The group engagement model: procedural justice, social identity and cooperative behaviour. *Personality and Social Psychology Review*, 7, 349 - 361

United Kingdom Home Office (1984). *Police and Criminal Evidence Act London*: HMSO

United Kingdom Home Office (2009). *The New Performance Landscape for Crime and Policing.* HMSO

United Kingdom Home Office (2000) *Regulation of Investigatory Powers* Act (RIPA). HMSO

United Kingdom Home Office (2000). *Counter Terrorism Act*. HMSO

United Kingdom Home Office (2011). *The UK counter-terrorism strategy CONTEST.* http://www.homeoffice.gov.uk/counter-terrorism/uk-counter-terrorism-strat/. Retrieved 18th March 2011.

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