

Investigative Interview of Indonesian Police Investigator

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ABSTRACT

This research objective was to examine the investigative interview process of Indonesia police investigator. Interviews performed by South Tangerang Police CID investigator were analyzed using the Griffiths Question Map and five steps of PEACE model. Samples were obtained in two different cases –white collar crime and violence against woman. The results showed that the investigators managed to used appropriate questions well and perform an information-gathering approach in most of the interview. However, in a certain condition, a multiple question and accusatorial approach may also occurred to get a more valuable information. Implications for research and practice include the limitation due to the absence of police interview records.

ABSTRAK

Penelitian ini dilakukan untuk mengkaji pelaksanaan pemeriksaan dalam proses penyidikan oleh penyidik di kepolisian, Pemeriksaan yang dilakukan oleh penyidik Satuan Reserse Kriminal Polres Tangerang Selatan dianalisa dengan menggunakan Griffiths Question Map dan perbandingan lima tahapan teknik pemeriksaan dalam PEACE model. Sampel diperoleh dari penanganan dua jenis kasus yang berbeda yaitu kejahatan kerah putih dan kejahatan terhadap perempuan. Hasil penelitian menunjukkan bahwa penyidik telah menggunakan pertanyaan yang pantas dan telah melakukan pendekatan pengumpulan informasi dalam mayoritas pemeriksaan. Namun demikian pada kondisi tertentu, masih didapati adanya pertanyaan bercabang dan pendekatan penuduhan dari penyidik dalam menggali informasi. Implikasi dan saran penelitian selanjutnya meliputi adanya keterbatasan metode penelitian karena tidak adanya rekaman pemeriksaan kepolisian.

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I. INTRODUCTION

Police investigation can be defined as all governmental action to collect information that will be used to process criminal cases (Ballin, 2012). One of the most important of aforementioned police action was the interview. The main objective of police interview was to gather relevant information about a reported crime (Gudjonsson & Pearse, 2011). Through interview, police investigator may also get a unique opportunity to obtain an essential piece of evidence in a criminal case: a first -- person account of the events in question (Heydon, 2012). Thus, this legally obtained information would be accurate, complete, coherent, and credible (Gudjonsson & Pearse, 2011) to solved the criminal cases. Police interview is a dynamic and interactive social process which influenced by a number of factors (e.g., nature of the interrogation, age and motivation of suspect, intelligence, mental health, personality, and access to legal advice) (Gudjonsson & Pearse, 2011). A good police investigator in doing an interview processs should had a knowledge about the relevant law,

examined the available evidence, and have a thought of the best interview structure (Kim et al., 2018), as well as have a good social and interpersonal skills (i.e. listening, being patient, calm and open minded (Shawyer & Milne, 2015).

Since the declaration of Police and Criminal Evidence Act (PACE) in UK, 1984, a growing concern to study over police interview were began. In British, psychologists worked together with Home Office to undertake a large-scale surveys of interview data and identify improvements that can be addressed (Heydon, 2012). Since then the used of recording device were mandatory in every investigation processs. The same idea were also adopted by the US along with prohibition of the use of a psychological manipulation and trickery in interview; suspect's rights guarantee, and police investigator interview training (Gudjonsson & Pearse, 2011). This reform was commonly known caused by a large number of false confession issue during police investigation. According to the Innocent Project by using DNA technology, nearly 30% of more than 300 DNA exonerations have involved in false confession in 2014 (Leo, 2009). Some previous aspects-- the prohibition of coercive techniques and rights guarantee, were actually had priorly been a concern in Indonesia following the implementation of 1981 Criminal Procedural Law. However, the practical conduct of police interview in Indonesia were left far behind.

Generally, police interview can be thought of as an interaction between two factors: questions and techniques (Kelly & Valencia, 2021). These factors can also be a guide to make an evaluation of police interview. On the first factor, the question asked by the police investigator should be appropriate to obtain a reliable information (Griffiths et al., 2011). Therefore, this questions should been avoided any assumption of guilt as it could lead to a biased interpretation from investigators (Shawyer & Milne, 2015). This appropriate question eventually lead to a greater suspect cooperation (Kelly & Valencia, 2021).

Meanwhile on the second factor, several interview techniques had been developed and already trained to police investigators. This techniques include any action on the part of the investigator outside the question types (Kelly & Valencia, 2021). From UK experiences, the interview techniques training showed that the graduated police investigator appeared to employ highly structured questioning strategies, methodically covering relevant subject matter across the complete time-span of an interview (Griffiths dkk., 2011). In US, a different interview techniques approach were trained to local state police departments, FBI, and even a private companies and organizations (Salvati & Houck, 2019). In contrast, police investigator in Indonesia were rarely had a similar training. Commonly the interview techniques lessons were only given by their respective senior investigator. Eventhough that most of the interview training was indeed done informally (Salvati & Houck, 2019), basic knowledge of the investigative interview is mandatory. This research aimed to evaluate the processs of investigative interview of Indonesia police investigator from both aspects questions and techniques, to get a better view and possible future evaluation.

II. RESEARCH METHOD

This research used a qualitative approach to describe and analyze the practice of investigative interview in Indonesian police investigator. South Tangerang Police CID were selected as research location representing the Indonesian police investigator in general. Data were collected primarily through observation of police interview on victims and suspects of two different cases categories (i.e. white collar crime and violence against woman). In addition, an interview was made on both victims and suspects as well as a literature study of paper work administration in the mentioned cases. These multiple data collection methods were conducted in order to ensure the data validity and reliability.

As for the GQM, the questions used by the investigators on the interview resume were divided into question type cathegories of Griffiths and Milne. This type were three appropriate questions (e.i. open, probing, and appropriate closed) and five inappropriate questions (e.i. inappropriate closed, forced choice, leading, multiple questions, and opinions or statements made by

investigators). To measure the questions, this research used the GQM graphs and the Appropriate Question Differential (AQD) through equation $(\text{Appropriate Questions} - \text{Inappropriate Questions}) / (\text{Appropriate Questions} + \text{Inappropriate Questions})$. A good interview from the GQM graphs would have concentrated the plotted question in the top third of the graph (Kelly & Valencia, 2021). Meanwhile, the AQD represents the relative difference between appropriate and inappropriate questions with a range from -1 to 1 as score 1 interpreted that all questions were appropriate and vice versa. The methods of question evaluation above were based on previous research by Kelly & Valencia, (2021).

III. RESULT AND DISCUSSION

Indonesian police investigator questions as measured by the GQM and AQD scores of 4 interview resume from victims and suspects of two different cases were shown as follow:

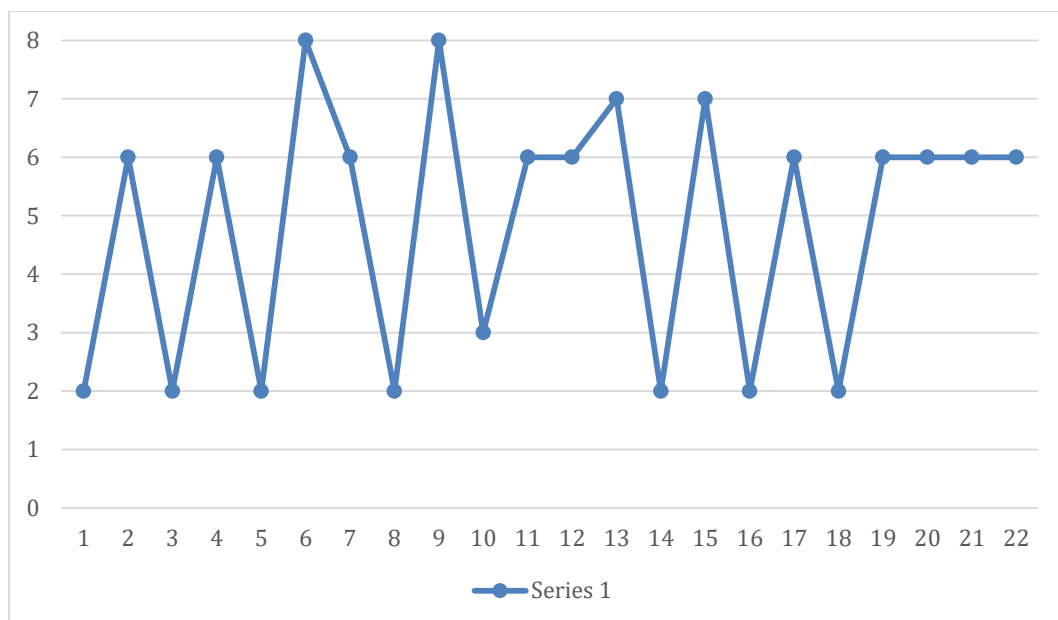


Figure 1. GQM of victim interview in white collar case (AQD= 0,27)

8 = open, 7 = probing, 6 = appropriate closed, 5 = inappropriate closed, 4 = forced choice, 3 = leading, 2 = multiple, 1 = statement/opinion.

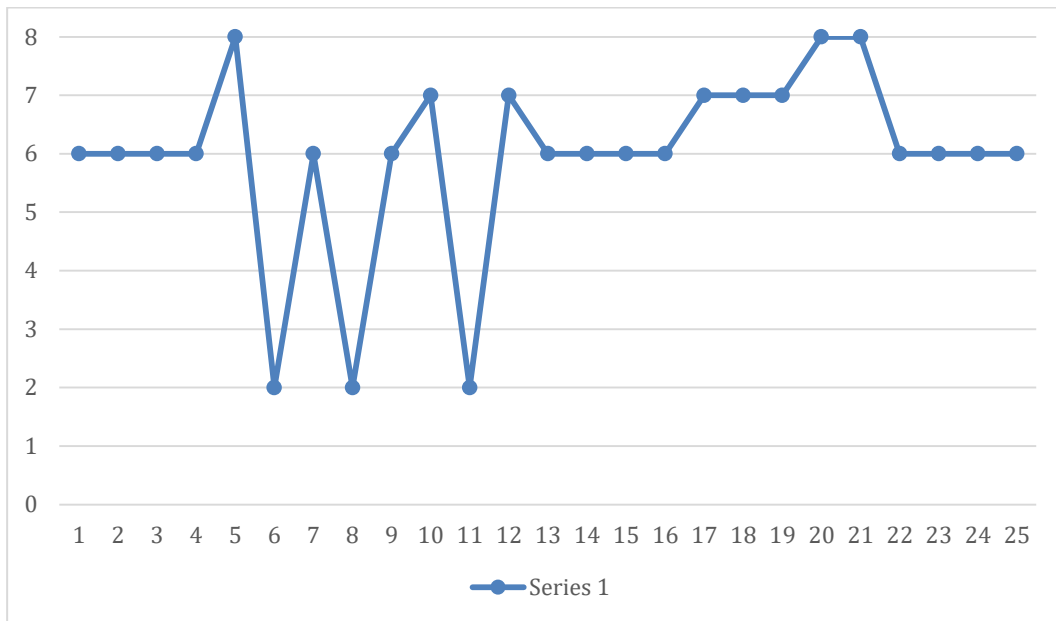


Figure 2. GQM of suspect interview in white collar case (AQD= 0,76)

8 = open, 7 = probing, 6 = appropriate closed, 5 = inappropriate closed, 4 = forced choice, 3 = leading, 2 = multiple, 1 = statement/opinion.

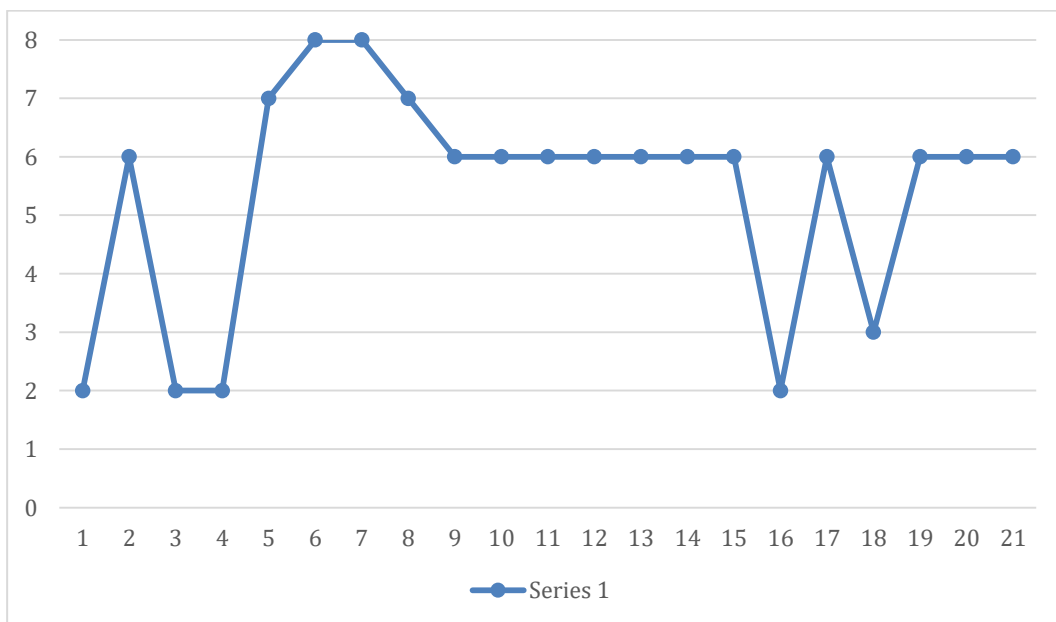


Figure 3. GQM of victim interview in violence against woman case (AQD= 0,52)

8 = open, 7 = probing, 6 = appropriate closed, 5 = inappropriate closed, 4 = forced choice, 3 = leading, 2 = multiple, 1 = statement/opinion.

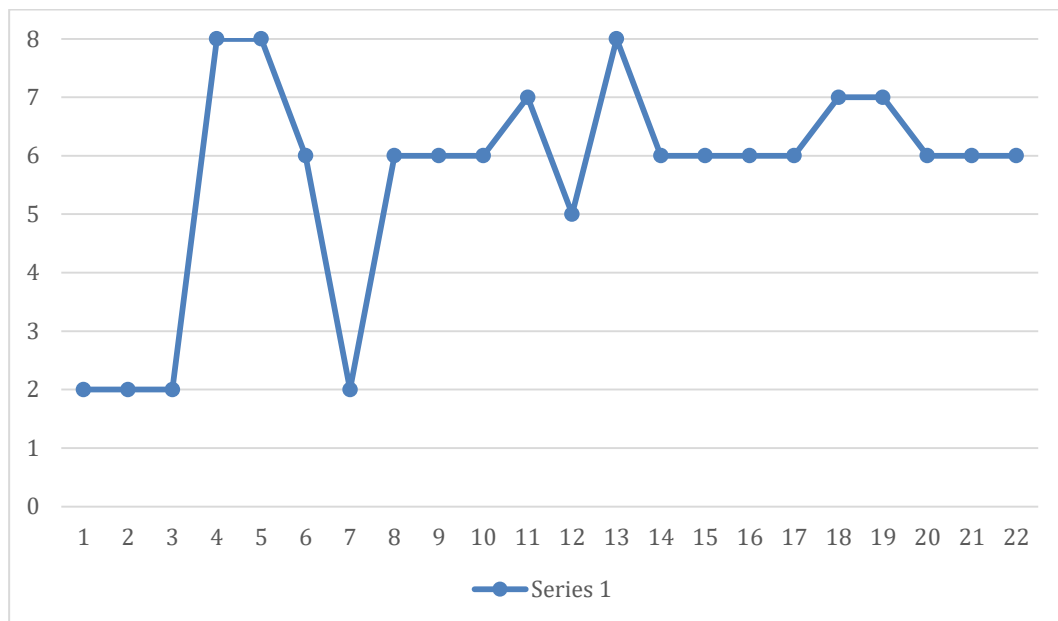


Figure 4. GQM of suspect interview in violence against woman case (AQD= 0,55)

8 = open, 7 = probing, 6 = appropriate closed, 5 = inappropriate closed, 4 = forced choice, 3 = leading, 2 = multiple, 1 = statement/opinion.

The first two questions in figure 1 and figure 3 were a common opening question in victim interview resume. Those questions were about asking the interviewee health conditions, the interviewee willingness to take an interview, and the interviewee understanding of interview purpose. As on the suspect interview, the opening numbered between 3 and 4 questions. Those questions contained the same opening question on victim with an additional question about the needs for legal assistance and whether the interviewee were an ex-convict or not. In another hand on the closing questions, both victims and suspects were asked about additional information, confirming the answers, statement of free-from-pressure-interview, and an extra question on suspect about their supporting witnesses and evidences.

In summary on the main questions, police investigators mostly used an appropriate closed question in both suspect and victim interview. This was in line with previous results from Leahy-Leahy-Harland & Bull, (2018) about the frequent used of closed questions. Moreover, all of the observed interviews were considered as well performed by the police investigators based on the overall AQD score ranged from 0,27 – 0,76. The number of appropriate questions were also had a larger total percentage. Investigators were able to combine an open, probing, and closed questions well regardless of situation (Griffiths et al., 2011). However that were some notable inappropriate type of question which frequently used by police investigators. This multiple question asked in several occassion was argued as an act to provide a more simple and a more understandable answer on interview resume.

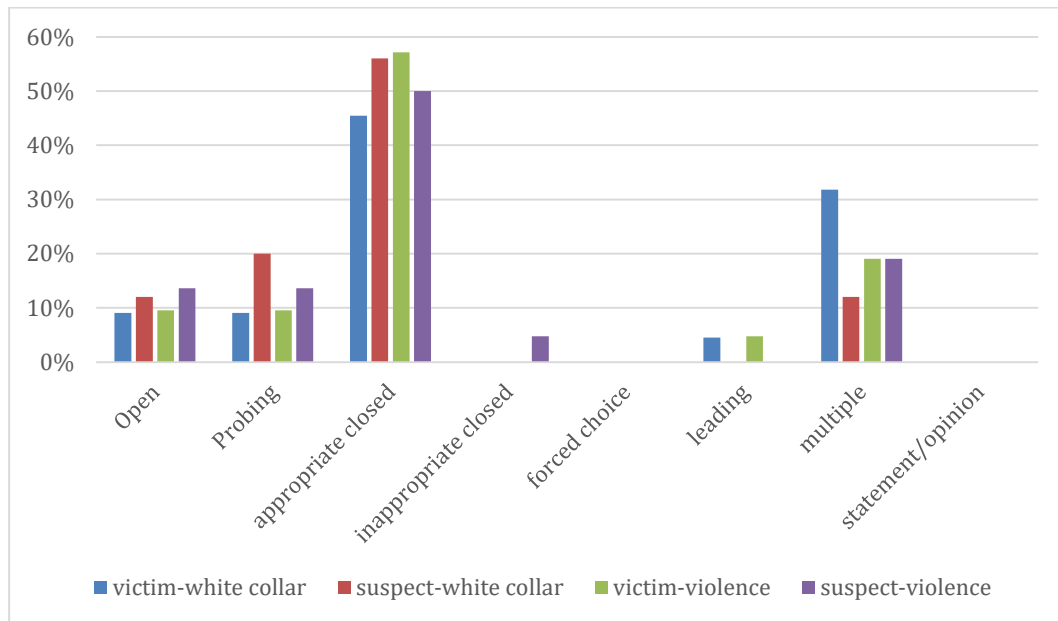


Figure 5. Percentage of question types used by police investigator

Following the question evaluation above, the investigative interview techniques of Indonesia police investigator were analyzed as described below:

a. Planning and Preparation

Investigation process had to be planned by the investigator and then proposed to their superior (Perkap 6/2019, article 15). This investigation plan was never meant to be strict. In particular, it was negotiable as long as there was an agreement between investigator and their counterpart (e.g. rescheduling time and location). However, in most occasions the investigator had more willingness to negotiate with victims and witnesses rather than the suspects. Furthermore, before the event of investigative interview, the investigators made a list of questions and prepared every needed evidence to be shown. The investigator also appeared to be familiar with the case details, conduct the interview in a logical order, and be familiar with the key legal points needed to be proven (Kim et al., 2018). Moreover, investigators prepared their mental readiness by various ways. In addition, the CID organization itself had a high concern for it by giving the investigator a lenient policy (e.g. wearing a non-formal uniform, working hour discretion, etc). All in all, the policy was focused on maintaining investigator stress level in appropriate amount. This was related as previous research stated that investigators' self-belief as to their own capability alongside workplace culture was each found to have stronger associations with investigators' intentions to plan for their interviews (Kim et al., 2018).

The investigative interview by most of the Indonesian police investigators were not held in a special designed room. The use of audio-visual recorder was rarely found as well. As such, the interview processes were not transparent and may increase the propensity of investigator to use harsh or coercive tactics (Sullivan, 2004) as it was found on the observation. In South Tangerang CID, the investigation room was basically their unit's working room. It was commonly used together by 4 to 8 investigators in a busy hour either for interview or administrative work. The tables were placed permanently and chairs were arranged face to face. Both of room design and audio-visual recorder were not considered as important and therefore there is no strict policy about it from the CID headquarter. In contrast, police organization in foreign countries (e.g. European Country, US, etc.) had found the importance of it and became a standard model of investigation process policy.

b. Engage and Explain

The investigators then introduced themselves based on their interviewee. For suspect interview, investigators tend to make a brief and clear introduction. In the other hand for victim or witness interview, investigators made an introduction in a more relaxing manner. Oftenly investigators also added some jokes to give a more friendly atmosphere. This differences in behaviour were caused by the empathy of investigator which was given to especially the victims.

Following the introduction, investigators then gave some information to interviewee including their rights and obligations. Sometimes in a suspect interview this information were not provided especially in a case related to violence or involving vulnerable people (e.g. woman, children, disability). On the observation of violence against woman case investigation, the suspect was not provided by a lawyer eventhough it was actually mandatory based on the criminal procedure law. Moreover, this right was not explained to the suspect as the investigator argued that it was necessary to quicken the investigation processs. This kind of practice which was againts the law should not be tolerated under any circumstances.

c. Account Clarification and Challenge

Information gathering from witnesses and victims were conducted in a friendly manner. However there were also a possibilities for them to gave investigator a misleading information. Therefore in some occassion, the investigator also perform a strict interview for witnesses and victims. On the other hand, in a suspect interview the investigators behavior were depend to the case subject. On a white collar crime investigation, the investigator tend to make an account based on the information clarity and did not focused on suspect's confession. Meanwhile on a violence crime or a crime against vulnerable people, the investigator felt that it was important to get the confession using a more accusatorial approach. Sometimes this kind of investigation also involving a psychologic manipulation, threats, and false evidence from the investigator; a risky act that may lead to false confession (van Bergen et al., 2008). However this contradiction were common in practice as many of the PEACE-trained investigators also used this tactic in a more accusatory manner (Kaplan & Cutler, 2022). Moreover, this guilt-presumptive process can be particularly effective in a more serious offenses (Salvati & Houck, 2019).

Literature study on administrative paperwork of interview also proved that the investigators were oftenly wrote interview resume by using their own words. This words were tends to be suited to the criminal law article so that the investigator seems to purposely lead the answer. This feeling of control by directing the interviewee seemed to be more preferable by police investigator as this probing question were needed to covered every key legal points (Griffiths et al., 2011). In addition, in the same paper there was also found some answer that was just a copy-paste from the previous answer. The paper in general showed a reluctancy of the investigators to gathered a detailed information. A skilful investigator's interview should be witness-led, not the investigator-led (Queally et al., 2010). Investigators also needed to balance their interaction as too much control and the interview becomes directive or constraining while too little and the interview does not achieve its objectives (Griffiths et al., 2011).

d. Closure

On this stage the investigators gave a chance to the interviewee to add another important information. This type of closure has been on the list of every police interview questions. For instance, some question on the closure were "Is there any other information that you want to add?" and "Is every answer you given is valid and legally accountable?". On suspect interview there was also another question to ensure the right of the suspect to make a defense and their right to not be coerced or pressured in interview. However, suspects were normally did not make any complaint even if there was a threat or direct violence from the investigator in the interview processs. This was probably caused by a great power mismatched between investigator and their interviewee (Moskalenko, 2011).

At the end of the process the interviewee need to validate and give a necessary correction to the interview resume. Investigators should have read the resume but instead in practice, it was the interviewee itself that read the resume to fasten the process. The approved resume later than need to be signed by the interviewee and the investigator. A good investigator had to considered the interview as a trade-off, any information gained from the interviewee were like an exchange of comfort and freedom given by the investigator (Moskalenko, 2011). On this context, a compliance based approach were more likely to provide essential information and be accepted by the interviewee rather than coercive forms of interview (Salvati & Houck, 2019).

e. Evaluation

As on the final stage, investigator conduct a case exposure on a certain progress level of investigation. There were two types of case exposure --a general case exposure and situational case exposure (Perkap 6/2019, article 31). A general case exposure on South Tangerang CID held in everyday and lead by the Chief of CID. This policy to held a daily case exposure was a way to improve the quality of investigation. Through this case exposure, the investigators proved to be well motivated by a desire to obtain full and reliable accounts (Griffiths et al., 2011).

IV. CONCLUSION

The investigative interview of Indonesia police investigator could be evaluated on both aspect--questions and techniques. The questions used by investigator were considered appropriate with a majority of closed, probing, and open questions eventhough there were still occured some multiple questions in the interview resume. In techniques, the investigative interview were quite similar with information gathering approach based on PEACE model. However in some cases there were still observed the used of accusatorial approach and there were no a widely used of audio-video record in police interview.

This research also had several limitations. In term of question evaluation, an interview resume had been used due to the absence of interview records. In consequence, the question evaluation were not based on a real-life interview. Thus, there were still uncovered area left on the question evaluation. Another effect of the records absence might also found in techniques observation as the investigator could performed a more cautious and righteous interview. Eventually, a possible bias results occured in the current available method.

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