

ART OF INTERROGATION & CRIMINAL PSYCHOLOGY: AN OMISSION IN INDIAN CRIMINAL JUSTICE SYSTEM

RENUKA BHALERAO¹ & RAJ PIPARA²

ABSTRACT

Crime and criminality are like a termite to society. In order to get rid of it you have to understand the origin and every single aspect from where it has arrived. Where the crime rates in India are increasing progressively, heavy ordinances and correction facilities would do nothing if the cause of such termite is not destroyed. The Indian criminal justice system is supported by three major pillars i.e., the police, the courts and the corrections. The police maintain discipline and prevent crime, the courts deliver justice to the society and the corrections ensure retributions to the convicts. Interrogation is the process which is executed by the police after the arrest of an individual. Present paper seeks to highlight the status of criminal psychology in India by giving a comparative study with the west. The focus is also on finding out the application, improvisations, advancements and requisites of criminal psychology during interrogation. Crime and Psychology goes hand in hand. One is the result of an individual's criminality and the latter is the scientific study of such behavior. What is the reason for this criminality and how does such a mind work? In order to ascertain the answer to the above issue in question one has to dive deep into criminal psychology and its importance during interrogation of an accused. There arises uncertainty of the techniques to be used in interrogation, whether P.E.A.C.E or RIED. It is eminent to focus on a more solution-oriented approach to interrogation rather than vilifying police and law enforcement officials. The author through this paper aims to explain how implementation of a technique of such a nature that would improve and create an environment for the suspects without any coercion and produce reliable confession, has become the most pressing need in India. Also, how exclusion of such technique is resulting in deterioration of the criminal justice system. India is considered as a welfare state then why not establish a welfare system?

¹ *STUDENT, UNIVERSITY OF PETROLEUM AND ENERGY STUDIES, DEHRADUN*

² *STUDENT, UNIVERSITY OF PETROLEUM AND ENERGY STUDIES, DEHRADUN*

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INTRODUCTION

“Ek Hota hai policewala aur ek hota hai gunda...

hum kehata hai policewala gunda”

(Someone is a cop and someone is rowdy...but I am called a rowdy cop.)

-Salman Khan, Dabangg 3

This is a famous quote from the movie dabangg which shows a regressive approach of cops in our system. The policemen in these movies like dabangg, singham and drishyam have challenged the due process of law by taking all the powers of justice in their hand. We all know that these movies are far from reality, but wait isn't this the truth of police interrogation in India. Generally, we have started appreciating this for speedy and fair justice, this depicts that we have started accepting cases of custodial death by giving an excuse of social morality.

1888, yes this is the number of custodial deaths till now recorded in India. Again, this is the number that is recorded in India and not the number of how many custodial deaths occurred. Report of the national human right commission stated that five people on average succumb to custodial death while in custody. Recently national campaign against torture (NCAT) released its report which states that the custodial death has been increased despite of the lockdown:

“Though reported robbery, theft and burglary declined significantly, falling by more than 50 per cent in most countries with the larger decrease in countries with stricter lockdown regimes as per a study conducted by the United Nations Office on Drugs and Crime (UNODC), there has been increased deaths in police custody in India.³”

³ Saini, R. (1994). CUSTODIAL TORTURE IN LAW AND PRACTICE WITH REFERENCE TO INDIA. Journal of the Indian Law Institute, 36(2), 166-192.

In the investigation process, statement made before the police officers is a major source of material evidence. When police officers try to elicit statements from individuals, they often encounter resistance from the individuals. This creates a hostile environment in which police officers and other law enforcement authorities are often accused of using duress, inducement, coercion, and force on the detainee. It is possible to use modern psychological techniques such as videotape, structured interviews, criminal profiling, and other forensic psychological methods to ensure cooperating and compliant individuals than the current system.

C T Morgan defined psychology as the science of human and animal behavior and it includes application of science to human problems,⁴ Where behavior is a path through which internal state and mental event of an individual can be studied by observing them unlike feelings, thoughts or mind. For instance, 'A' a pedestrian was walking by the road and suddenly, a dog sitting on the sidewalk started barking at A and eventually bit him. This behavior which was shown by the dog could be a result of distressed mindset, trauma or maybe even mental imbalance. In order to figure this out one would need the help of psychology.

The very goal of psychology is to control, predict, understand and describe the behavior and mental process of a human being. Extent of psychology is as wide and varied as human activities can be⁵. There are several branches of psychology which deal in different fields.

Twain major branches of psychology are:

- Experimental

The experimental field deals with researching and analyzing with the help of scientific methods and it addresses the questions of why? And what?

- Applied

⁴ Gillette Company LLC v. Tigaksha Metalics Private Ltd., 2018 SCC Online Del 9749

⁵ Behavioral Science and Administrative Law, 24 JILI (1982) 294

The applied field deals with applying the research from experimental psychology and it answers the question of how?

The applied fields of psychology are crime, Law and Administration, Military affairs and mental health. It is the systematic application and use of psychological principles, theories, and methods to life in general⁶. Psychology when used in investigation is termed as criminal psychology. This branch specially deals with views, thoughts and intentions of the criminal mind and provides us a direction to think. Its sole purpose is not just to get confessions but to know the root cause of the crime⁷. By making interrogation interesting and fruitful, it also helps to answer a question of what criminals do and why they intend to do it. An interrogation is the process of systematically questioning an individual in order to elicit the useful information related to a crime and is carried out by trained law enforcement officers or intelligence agencies⁸. However, an interrogation is different from an interview in fact both of these processes are conducted on very different stages of an investigation. An individual who is being interviewed by the police is not certainly a suspected person; he/she can be a person who is a family or friend of the victim who might have some information regarding the crime that has been committed. In an interview the investigator will mostly ask open-ended questions like whom? What? Where? When? How? Why? This is done to establish certain facts in detail⁹, Let us understand the process by interrogation of Stephanie Lazarus.

INTERROGATION OF STEPHANIE LAZARUS

In 1986, LAPD cop Stephanie Lazarus, shot her love rival to death, the crime remained unsolved until 2009, when a DNA profile procured from a bite mark on the victim's arm was matched to the defendant. The very moment she finds all this out was caught on a videotape.

The detectives created a ruse inviting Stephanie to advise them on a case involving stolen art knowing that they were dealing one of their own; they rehearsed and prepared for the interview more than

⁶ Criminal Psychology and its Importance in Criminal Trials - Is it Time to Revisit the Pigeon - Hole? 2020 SCC Online Blog OpEd 91

⁷ The Concept of Voluntariness in The Law of Confessions, (2005) 17 SAclJ 819

⁸ The Modern Psycho-Physiological Devices in Police Interrogation: Some Emerging Issues, (2011) 4 SCC J-41

⁹ ASIS International. (2006). Protection of Assets Manual, Chapter 1, Part 1, p. 8

before. The technique that was used in this interrogation was the Reid technique¹⁰. Their plan of attack was to keep the conversation as casual as possible for as long as possible and carefully wait for the key moments to initiate the confrontation.

The first thing that detectives do is set up a compatible tone with the suspect, she has just stepped foot inside an interrogation room and the detectives negate the negative implications of such an environment through friendly disposition. Consultative meetings such as seeking advice over an art theft can take place anywhere and the last place the detectives would choose to spend more time is an interrogation room. The reason they give the suspect for meeting in such an unusual location is to not spread rumors or innuendo. Yet the true reasons are that the firearms have to be checked in before entering the area and they needed the suspect to give up her gun without alerting any sort of suspicion.

Try and imagine for a moment that you barbarously murdered a love rival in a jealous rage and over two decades had passed. All of a sudden, you're brought to an interrogation room and asked to sit directly opposite to two senior investigators who brings up the name of the man, you committed first degree homicide for. the investigators already knew how to say John Rutten's name correctly. Mispronouncing it as "John rue-ten" was a simple strategy to see how a suspect would react.

A psychiatrist later stated that "the pause she took was four times as long as it should have been". She was already being deceptive by acting as if she hadn't thought about that name for long, giving reason for her prolonged reflection. When in reality the name "John Rutten" was engraved in her memory and even when slightly mispronounced it would have most likely taken milliseconds for her to realize exactly who the detectives were referring to. Setting aside the element of the murder, John Rutten was the second longest relationship in Stephanie's life. She says she met him in the dorms of her schools yet left out the fact that they had dated for four years and went on numerous vacations together. Even though she wasn't asked directly, a truthful subject would most often volunteer this information without having to be pressed for it.

¹⁰ Aldert Vrij, *Interrogation and Interviewing*, Editor(s): Charles D. Spielberger, *Encyclopedia of Applied Psychology*, Elsevier, 2004, Pages 415-426, ISBN 9780126574104

It's unfortunate that her face wasn't captured at this moment because she would have no doubt been immediately struck by the psychological reaction known as "FIGHT-OR-FLIGHT"¹¹. Her brain would have just triggered the influx of a specific mix of hormones in order to prepare her to either stay and deal with a threat or try and run away to safety. 'She chooses to fight'. Using words like "Gosh", "God", "Gee" such exclamatory remarks are used to express strong emotions. These words can be seen used continuously throughout this interrogation, which the suspect is trying to insinuate a vague memory due lack of contemplation on the subject matter.

Being a cop for 25 years she was wise to the fact that acting oblivious to the unusual development of the situation would be a glaring red flag in the eyes of the investigators. It is a known tendency of a guilty suspect to try and act naive to a blatant confrontation as a means to avoid it altogether. Whereas truthful subjects will address the confrontation and either refute it or if it's subtle, would demand immediate clarification and transparency as to what was being insinuated.

The detective subtly avoids the question and instead offers a deceptively reassuring response to the suspect. He made a sharp switch from the investigative subject to the previous topic of workplace rumors and brings her focus back to the false perception of them being on her side. Stephanie had just asked "What was going on?" and the investigator replied with "we are your friends and we are doing you a favor".

Whether it is shock or total reluctance to accept the situation at hand, she warily accepts the reassuring response without further inquiry into her initial challenge. Instead, she falls back into her agenda of having foggy memories with regard to the incrimination contents. She further goes on to explain things that don't require an explanation and weren't even inquired about. It's a clear-cut indication of hyper-arousal and derivative of Terror management theory (TNT). The suspect goes off about unrelated tangents as means of gaining momentary relief, going into detail about trivial things affords her a brief escape from the terrifying reality eventuating before her. This is a very common occurrence in interrogations where the suspect is facing serious charges and psychiatrists believe it to be a subconscious coping mechanism.

¹¹ SK Mangal, *Abnormal Psychology*, 42 (1987)

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While narrating all the details about her past with John during high school and after college, the suspect challenges the detectives for the second time asking “What’s this all about?”. Once again, the question is avoided but this time in a more confrontational manner as the topic is maintained with no reassurance afforded. The detectives here are ramping up the pressure in a very subtle yet highly effective manner.

The suspect was just asked three consecutive questions relating to the victim.

Question 1. Have you ever met his(john) wife? (Victim)

Question 2 Do you remember her name?

Question 3 what she did for living?

She maintained her reflective state during all three of the questions. Yet her facial expression completely changed for the third one. This was because she was pretending to be in a state of reflection for the first two questions as she was well aware of the answers. Whereas for the third one, she truly was in a state of reflection and was genuinely searching her memory for the correct response. Stephanie had just verbalized the victim’s tragic demise for the first time in over two decades. Further the sheriff questions “Where was his apartment?” and once again, her passive disposition as she gives the following truthful response is noticeable. She says “On Roscoe either east or west of de Soto”. The investigator further interrogates by saying “did he move after he got married?”. Now Stephanie’s disposition switches from passive to frantic as she once again pretends to have a vague memory. She sighed and answered “somewhere in the valley maybe”.

Defendant's statements while interrogation by officers were voluntarily made in the course of what any officer in her position would have recognized as a criminal investigation. Neither the Public Safety Officers Procedural Bill of Rights Act¹² nor any other law rendered her statements legally compelled.

The verdict was announced in the case ‘*People of state of California vs. Stephanie Eileen Lazarus*¹³’ by the jury and the defendant was found guilty of the crime of murder of Sherry Rasmussen in violation

¹² Public safety officers procedural bill of rights act, AB-955, U.S.C § 3304 (2009)

¹³ *People v. Lazarus*, 207 Cal. 507, 279 P. 145 (Cal. 1929)

of penal code section 187 (a) a felony as charging count one of the information. The jury further found the murder was of the first degree and Stephanie was sentenced to life imprisonment. As of 2019 she was being held inside the maximum-security unit of the central women's facility in California.

Stephanie's case acted as an exception to the downside of the Reid technique. The investigators have beforehand matched her DNA where the results were affirmative. Therefore, signs of coerciveness and production of false confession was nowhere to be found. But if there is an exception that means there exists some sort of standard to which this exception applies and that standard is Reid technique being problematic due to its psychological manipulation and contamination¹⁴.

CRITIQUES OF REID TECHNIQUE

1. Discerning truth or deception

The Reid approach involves training investigators to detect lying behaviors (by analyzing nonverbal behavior, for example). Various studies suggest that training can actually improve investigators' ability to discern truth from lies, however critics question whether training can actually accomplish this. Law professor Richard Leo is one of the most vocal critics of the Reid Technique, arguing that extensive social science research has demonstrated the following:

- In general, people are not very good at discerning truth from lies;
- Police cues are particularly non-diagnostic when it comes to deception, and;
- Investigators regularly err on the side of confidence when it comes to separating truth from false denials (Leo, 2013).

2. False confessions

Many critics of Reid's interrogation method says that certain aspects of it may lead innocent suspects to confess. Some critics claim that the Reid method has a "guilt-presumptive nature," which "creates a slippery slope for innocent suspects, since it may set into motion events that confirm the

¹⁴ Developing an Evidence-Based Perspective on Interrogation, A Review of the U.S. Government's High-Value Detainee Interrogation Group Research Program.

interrogator's belief that the suspect is guilty". According to some critics of Reid-style interrogation, the following elements may lead to false confessions:

- (1) misclassification (police assuming truthful suspects have been deceived);
- (2) manipulation (including psychological manipulation); and
- (3) contamination (when a suspect confesses to police that police provided him with non-public information).

INDIA: STATUS IN QUO

The legal system of India is a combination of an adversarial and accusatorial type of model. Where the judge is considered a non-participatory factor and only oversees the counsels prove their case beyond any reasonable ambiguity. Therefore, the evidences produced before the court by both the parties plays an important role in order to get a fair and square judgment.

The approach of police should be more towards crime prevention. Indian police are infamous for reacting once the crime has been committed. Role of the legislature is to make laws but a policeman's job is to enforce those laws that protect people and property. An ordinary citizen has this sense of fear in their eyes when it comes to police officials and even children have a bad impression of the policemen. When asked about corruption in the police department, non-registration of FIR, nabbing ordinary citizen for small failings but side eyeing crimes of VIPs, third degree torture, deaths in custody, the official become mum about it. Where we expect the victim to be protected by the police, they are actually the one being harassed and due to this reason, the current situation of India is deteriorating with time as basic human rights are not respected in our country.

The Ministry of Home Affairs, while releasing ranking of police stations in 2018¹⁵, has directed on the need that the police stations ought to be more welcoming towards the citizens. High number of unreported crimes shows us how police stations are viewed as spaces that deprive and oppress the

¹⁵ Ranking of police stations 2018, June 24, 2019, https://mha.gov.in/sites/default/files/PMdiv_RankingofPoliceStation2018_24062019_0.pdf

common people. Around 99 percent of cases against women related to violence goes unreported¹⁶. State of Gujarat has the poorest average of in-service training of the police officials in India. The percentage in-service training received by the constabulary is very less than percentages of other higher-ranking officers, despite the constabulary constituting the majority of the share of the overall police strength.

Modernization of state police forces (MPF) Scheme was started in 1970. The aim is to equip the state police forces adequately and strengthening their resources by setting secure police stations, training centers, residential of police, mobility equipment's, updated weapons, transmission tools and forensic arrangement etc. However, there are two categories A and B in which category A receives financial assistance on a 90:10 (center: state) sharing basis. category B receives financial assistance on 60:40 (center: state) sharing basis¹⁷.

On 13th February 2022, Home Minister Amit Shah took the initiative to Modernize and improve the functioning of state police forces and union territories¹⁸. Following this initiative PM ratified the extension of the umbrella scheme of modernization of police forces (MPF) for three more fiscal years till 2025-26 with a central outlay of 4,846 crore¹⁹.

Avoiding a retrogressive approach and taking up a positive one, human sensitivity training should be imparted. Training in sociology and psychology of human behavior, dynamics of social, political and economic condition of society, moral values, habits of mind, qualities of self-discipline, flexibility in approach etc. are necessary for policemen, especially on constabulary level as they are the one interacting with people. The constables receive no training at all as how to deal with the suspect, what are their human rights, and consequences in regards with the violation of fundamental rights. It is high time that the need for higher education for police personnel is realized. Opportunities should be

¹⁶ International Institute for Population Sciences - IIPS/India and ICF. 2017. India National Family Health Survey NFHS-4 2015-16. Mumbai, India: IIPS and ICF. Available at <http://dhsprogram.com/pubs/pdf/FR339/FR339.pdf>.

¹⁷ Modernization of state police forces scheme, Ministry of home affairs, 2017-18

¹⁸ *Ibid*

¹⁹ Umbrella scheme for MPF, February 13, 2022, https://www.mha.gov.in/sites/default/files/UmbrellaSchemeForMPF_14022022.pdf

provided to acquire training education in laws, sociology and psychology. This should be included in their police training curriculum.

PERIL OF CUSTODIAL TORTURE

Custodial death is amongst the worst as well as rising crime in India, where death of an individual takes place in custody due to in-humane treatment by the police in order to extract confessions without any chance of retaliation²⁰. Just because the one who loses his life is a suspect or convict does not imply that he is deprived of basic human rights as well as the fundamental rights²¹. Torture in custody violates the most basic human rights of the people and is an injustice to the human dignity. Here, the one who is called the protector becomes the offender²². Despite the Hon'ble Supreme court interpreting “Third degree method” used by police as violative of article 21 of the constitution²³ there are shocking incidents of custodial abuse that horrify our soul²⁴.

Case study 1: Tuticorin (Thoothukudi) Case²⁵

The case of father and son duo Jayraj and J Bennix died in police custody. This was the first case of custodial death that got significant media attention during covid, this was also because of its timing being very similar to George floyd killings.

Chronology of the whole event (custodial death)

- June 18, 2020 - police took jayraj to the police station for not following lockdown restrictions.
- June 19, 2020 - police came again and took jayraj for asking questions, bennix(son) also visited the police station and got arrested at the same time.
- Their known and a lawyer were present at the station for the whole night and heard noises of Jayraj and benix.

²⁰ Police Custodial Death: A Growing Abuse to Human Rights in India, 36 JILI (1994) 372

²¹ Custodial Atrocities, Human Rights and the Judiciary, 47 JILI (2005) 508

²² Custodial Torture in Law and Practice with Reference to India, 36 JILI (1994) 166

²³ INDIAN CONST. Article 21

²⁴ Custodial Torture: A Blot on the Criminal Justice System, (2019) PL (HR) June 80

²⁵ Sudipti Saxena, bar and bench, june 28,2020, <https://www.barandbench.com/columns/police-brutality-a-long-legal-history>

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- June 20, 2020 - For the very first time they were taken for a medical test. The Judge based on the medical test granted them judicial custody.
- June 22,2020 – Benix’s condition was terrible due to physical torture when he was taken to the nearest hospital and was declared dead. Following this, on 23 June, Jayraj died in custody.

FIR was launched on June 19th, it states that Jayraj threatened to kill the patrolling officer and police were on their routine patrolling. The report states that they used abusive language and rolled on the ground when asked to shut down the shop while the CCTV footage shows something else, it shows that there was no crowd and no one rolled on the ground.

Note: There are discrepancies in the FIR report and it was contradictory with eye witnesses and CCTV footage. June 2, 2020 - suo moto cognizance was taken by Madurai high court. The bench opined that there is sufficient prima facie to charge the 10 policemen with murder.

- June 30, 2020 - case was transferred to CBI for investigation.
- September 26, 2020 - CBI submitted its report which charge nine policemen with charges of murder.
- Conclusion of CBI investigation:
 1. The father and son died because of a criminal conspiracy in the custody by the officers.
 2. Father and son were not guilty of any charges.
 3. CBI slapped the state with another charge stating “Benix was asked to clean the blood on the floors and the wall which led to destruction of evidence.

Case Study 2: Faizan Custodial Death Case²⁶

There were riots going on in Delhi for an anti CAA protest. Four youths were arrested and were being harassed to sing “vande matram”. They were kept in custody for two days illegally and then released. No one was allowed to meet them in the period of two days. After the release of Faizan (one of the victims) died. The investigation was put to rest in a month with absolutely no finding in hand.

Series of events that lead to custodial death:

Feb 24,2020 - Faizan got arrested from the protest and kept in custody for two days. He was then taken to hospital for a test and then back to the police station.

Feb 26,2020 - His parents were called to take him home because he was not in the condition to speak or to stand. He was brutally injured, Faizan late at home told his parents that he was beaten brutally.

Recalling his state, his mother said that he was looking like a living corpse, unable to eat, drink or stand. Kismatun (faizan’s mother) recounted:

“By that time, Dr Khaliq Ahmed, who runs a clinic in the nearby area, asked the family to take Faizan to hospital as soon as they could. He was taken to GTB Hospital where he died the next day”.

After the death, police started a blame game, one said that FIR was not lodged in their station and other found saying that the complaint was registered in their station hence it comes under their jurisdiction. Their statements were contradictory to Faizan and his mother’s testimony.

Feb 28, 2020 - FIR was registered for faizan murder case.

September 21, 2020 - A 24,475-page charge sheet was filed by Delhi police against the protesters in Delhi riots. What role the police have played is not very clear and not highlighted as well. It was stated by Ashlin Mathew in his report that this incident was not at all mentioned in the charge sheet.

²⁶ AISHWARYA S IYER, 'No Hope from Police Probe': Family of Faizan, Forced to Recite National Anthem, the quint, august 21, 2021.

December 20, 2020 - hearing was done for the petition filed by kismatun and a notice was given by the high court to Delhi police based on the claims. The petition also demanded SIT (special investigation team) to go deep down into the alleged custodial death of Faizan.

The plea stated:

“(Fazian was in) control and custody of the policemen from the time he was wrongfully confined and assaulted, till he was finally released in a precarious health condition on February 25 from Jyoti Nagar police station around 11 pm”²⁷

The case is still under investigation and Faizan's mother didn't receive the autopsy report till now. This shows what we can't imagine, after this apathy and brutality by police, our system is working on its own speed.

ANALYSIS

What we have done is very different from what we ought to do. In both of these cases we can see that there is miscarriage of the justice where police acted in a way which was not only unreasonable but brutal in itself. With these cases in hand can we ask amendments in the acts or change in rules? It's vague. Right? Generally, we feel safe when we are surrounded by the police, our parents told us to always trust the police whenever in trouble. “Dial 100”, yes this is what we remember. Is the trust the same as it was before these incidents?

It is also true that this happens in most of the cases where the victim is either socially or economically backward. Here in this case, we can say that the police, the hospital and the court are equally liable in faizan's death²⁸. For instance, the doctor in a statement stated that he was fit to take into custody but the truth was that his condition was pathetic²⁹. The Tuticorin case here act as a proof of lack of procedure being followed during the interrogation or custody³⁰.

²⁷ ‘Delhi riots: Glaring loopholes in the chargesheet filed by police’ by ashlin Mathew(sept24,2020 2:00 pm)
<https://www.nationalheraldindia.com/india/delhi-riots-glaring-loopholes-in-the-chargesheet-filed-by-the-police>

²⁸ Right to Human Dignity of Convict under Shadow of Death and Freedoms Behind the Bars in India: A Reflective Perception, 58 JILI (2016) 15

²⁹ Human Rights v. Police — A Probe from Human Rights Perspective, [2017] 6.2 NULJ 51

³⁰ One More Step? Comment on the Second Annual Report of the National Human Rights Commission 1994-95, 39 JILI (1997) 392

We in India follow a procedure known as “arrest procedure” which states how an arrest to be done and the same was not followed in both of these cases³¹. The national human rights report (2016) suggests the same by providing seventeen cases where the arrest procedure has been violated. There are guidelines laid down in the case of D.K basu vs state of West Bengal³² which states proper procedure of arrest. One of the guidelines is that the police officer shall make an arrest memo and the same was not done in the Tuticorin case. Another states that it is the duty of police officers to inform someone related to the person arrested within 8-12 hours but the same was not done in both of these cases. They were also not allowed to meet their lawyers³³.

These cases are also in violation of PROTECTION OF HUMAN RIGHT ACT 1993³⁴ as this act necessitates to report incidents of custodial death within 24 hours and the same was not obeyed.

Till now, no further action is being taken and the cases are still facing the black wall.

Laws in India seem very similar to that of England, because it was only the Britishers who introduced a uniform legal system in India. This consisted of procedural as well as the substantive laws such as IPC, CRPC, Police Act, CPC, Contract Act etc. which were enacted during the British-reign. The Britishers made laws as per their convenience, the intent behind enforcing these legislation was to exploit Indians and stop them from rebelling against the government. The Raj in India ended way back in 1947 but the laws made by them are still in force. Whereas the Britishers have already struck down some colonial laws in England, these laws still live on in India till date.

When police in England and Wales interview or interrogate suspects, they don't use the traditional tactics commonly shown on Tv and in movies instead officers are trained to use a framework known as PEACE³⁵. This method of interrogation strays away from interrogation techniques (Reid technique) commonly used in the US and Canada. PEACE method focuses on developing and challenging the suspects account through meticulous pre-prepared questions instead of using deception, fatigue and accusatory language to entice a confession from the suspect. Issued in 1912 the judge's Rules gave informal guidance to police on how to conduct interviews to avoid the evidence that came out of these

³¹ Protection of Human Rights Through Public Interest Litigation in India, 42 JILI (2000) 263

³² D.K. Basu v. State of West Bengal (AIR 1997 SC 610)

³³ Individualization of Sentencing: A Nigerian Experience, 30 JILI (1988) 196

³⁴ PROTECTION OF HUMAN RIGHT ACT 1993

³⁵ Eric Shepherd, Andy Griffiths (2013. Investigative Interviewing: The Conversation Management Approach).

being ruled as inadmissible in court³⁶. For instance, the Judge's rule recommended police to keep a record of the questioning and to give a caution if they had evidence to suspect, someone had committed an offense. In early 1990 the British government asked law enforcement to work alongside psychologists to develop a new investigative interviewing framework to be adopted throughout England and Wales³⁷. This new approach was more transparent and less accusatory with the main aim of preventing false confessions and ensuring the evidence obtained did not directly or indirectly lead to cases being lost at court.

Criminal system of India is accused oriented in nature, there are plethora of provisions in Indian laws regarding protection and rights of the accused person like right against self-incrimination, Presumption of innocence, Protection against coerced/ false confession, right to consult an attorney etc.³⁸. Therefore, when the question regarding implementation of an appropriate model of interrogation arises the answer would be P.E.A.C.E. The main aim of such interrogation is not just producing confessions, but collecting the information that would help to ascertain the guilt or innocence of the subject.

P.E.A.C.E TECHNIQUE

As a rule, in England the police use a less confrontational method of interrogation than in the United States. The acronym P.E.A.C.E. stands for Preparation and Planning, Engage and Explain, Account, Closure, and Evaluate. A suspect's story is allowed to be told without interruption by investigators under the P.E.A.C.E. method before any contradictions or inconsistencies are revealed to the suspect. Deception by interviewers is not permitted³⁹.

1. **Preparation and Planning.** The plan should include things like interviewing objectives and how to conduct an interview. Among other things, the plan should indicate the

³⁶ Judge's rule and administrative directions to police, June 24,1964,
<http://www.tynwald.org.im/links/tls/GC/19601969/1964-GC-0045.PDF>

³⁷ The science of interviewing, P.E.A.C.E a different approach, October 2, 2018, <https://www.fis-international.com/assets/Uploads/resources/PEACE-A-Different-Approach.pdf>

³⁸ Notes and Comments: Perplexities in Criminal Justice, 27 JILI (1985) 458

³⁹ Meissner, Christian & Redlich, Allison & Bhatt, Sujeeta & Brandon, Sussan. (2012). Interview and interrogation methods and their effects on true and false confessions. *Campbell Systematic Reviews*. 13. 1-53. 10.4073/csr.2012.13.

length of time the suspect has been in custody. Also included in the document should be the topics to be discussed, and any evidence necessary to prove the offense or provide a defense.

2. **Engage and explain:** it is important for interviewers and interrogators to engage the suspect, by active listening to establish something. It is also necessary to explain the suspect with all the rights available to him and also why he is being questioned and its objectives. They should also tell them that notes will be taken of the interview and they can say anything that feel is relevant.

3. **Account:** In order to obtain the interviewee's account of events, the interviewer should use appropriate questions and active listening skills. Questions should be brief, clear, and free of jargon. They can clarify and enhance the account. It is generally advisable to avoid asking multi-part questions due to possible confusion, and if necessary, you may ask leading questions.

4. **Closure:** It is imperative to plan this stage to avoid the interview ending abruptly. During the interview, interviewers should summarize the interviewee's account of events, allowing the interviewee to clarify his or her statement and ask questions.

5. **Evaluate:** Interviewers should evaluate the interview based on the following:

- (a) Evaluate the interviewee's claim in light of the overall investigation, (b) Diagnose if further action is required, and
- (c) Reflect on their results.

P.E.A.C.E. Method aims to stay away from accusatory or abrasive language when dealing with a suspect by obtaining the maximum amount of information from him and then assessing whether what he says is accurate based on what the police already know about that case⁴⁰.

The peace technique has proven that investigative interviews do not necessarily need to be stressful, fast paced and highly emotive interactions. Avoiding these scenarios is effective in reducing the likelihood of false confession⁴¹. These benefits are the factors contributing to the reason that the peace interviewing framework has been adopted by other police forces and agencies around the world

⁴⁰ Stephenson, Geoffrey & Moston, Stephen. (1994). Police interrogation. *Psychology. Crime and Law*. 151-157. 10.1080/10683169408411948.

⁴¹ Developing an Evidence-Based Perspective on Interrogation, A Review of the U.S. Government's High-Value Detainee Interrogation Group Research Program.

including Canada, Hong Kong, Australia, New Zealand, Singapore, Malaysia, UAE and the Republic of Ireland⁴².

ADVANTAGES AND IT'S APPLICABILITY

1. Advantages of P.E.A.C.E. Method

- It provides a standardized interviewing model.
- It is a non-accusatory approach⁴³.
- It helps to avoid leading a suspect to falsely confess.
- It creates an environment for the suspects that do not use coercion and produce reliable confessions.
- It creates a culture that works on correctness and accuracy of statements.
- A Sense of empathy is developed towards the subject rather than presumption of guilt.
- It facilitates the most reliable method of communication between the parties.
- It Reduces the rates of Wrong convictions.
- It is suitable for all types of interviewee such as victim, witness or suspect.
- It encourages fairness and open mindedness to gain accurate information from the suspect⁴⁴.

2. Applicability of P.E.A.C.E

Due to India's prior enactment of the International Covenant on Civil and Political Rights (hereinafter, ICCPR), its laws of investigation procedures are the problem. Although the ICCPR was adopted in 1966, some of the criminal procedures in Indian law had to be altered after 1973, when the Criminal

⁴² The science of interviewing, P.E.A.C.E a different approach, October 2, 2018, <https://www.fis-international.com/assets/Uploads/resources/PEACE-A-Different-Approach.pdf>

⁴³ *Ibid*

⁴⁴ *Id* at 30

Procedure Code was adopted. In order for Indian laws to be interpreted in accordance with India's international obligations regarding human rights, the Supreme Court stated that extensive interpretations of fundamental rights would be required.

CONCLUSION

After analyzing techniques of interrogation, their working, applicability, advantages and disadvantages, what the authors get to know is that there is a possibility that one technique can be proven good and applicable in some country and at the same time the same technique can be proven harsh for another. RIED technique that is harsh in nature is proven less significant but the case of Stephane Lazarus acts as an exception to the same. No doubt there are more exceptions but in general this technique is quite harsh and not applicable in a society like India where already methods of third degree are perceived to extract confession. The benefits of rapport-based approaches for the development of cooperative relationships with subjects have been demonstrated by psychological science, for example their effectiveness in developing rapport using Motivational Interviewing principles and their use in reducing resistance to change. This statement helps the authors to conclude that the P.E.A.C.E technique is the best suitable for the Indian society and it will also help to deeply analyze the suspect and determine the root causation of crime which would eventually lead to its prevention. Furthermore, research has substantiated the effectiveness of eliciting more information from subjects by asking the right questions and using the Cognitive Interview. Therefore, the author suggests a comparatively safer approach which cannot be misused by the police officers. The Indian justice system preaches that “99 culprits can go free but one innocent shall not be punished”. Custodial death is still a big concern in society and there are no appropriate measures being taken to eliminate it, but with all these advantages of P.E.A.C.E technique in hand we can conclude that by using this practice we can significantly eliminate the incidents of custodial death.

From the studies and surveys read by the authors it is strongly proposed that there is an emergent need for development in the field of criminal psychology and interrogation techniques. Therefore, things that can be done to sustain this emergent need are:

- Additional awareness programs and schemes on criminal psychology along with psychology as a whole, should be launched in order to provide recognition to such fields and to educate the youth of the country.
- More Undergraduate, Post-graduate and generic courses should be introduced, so that the students would have choices to opt criminal psychology as their career prospective.
- A separate wing of criminal psychology should be made under home ministry which would aid the police department in interrogations. In contemplation of such department Professionals in the crime, criminology as well as criminal psychology should be hired by the government.
- There should be mandatory assistance of such a criminal psychologist with the police officer interrogating a criminal.
- With the help of aforesaid suggestions, we are not only spreading awareness but also educating the citizens of India, by training them. This would also generate employment in the country.
- There is a need for adequate infrastructure and skilled professions in urban as well as rural areas, in order to implement the above-mentioned suggestions.

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