

# Police officers' perceptions of interviewing offenders on sex offender registries

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## ABSTRACT

Police interviews with offenders form an important component of the sex offender registry monitoring process. This study provides an analysis of police professionals' perceptions of the benefits and process of interviewing offenders on sex offender registries. Participants were a heterogeneous sample of 24 Australian police personnel whose roles were primarily associated with the operation of sex offender registries across three different jurisdictions. Participants' perceptions of sex offender registry interviews were elicited using non-directive prompts in focus groups of between two and five officers. Transcripts of these focus groups were analysed and key themes identified. Reported benefits related to the identification and correction of misunderstandings about registry requirements and elicitation of information to assist ongoing management and investigation of new offences. Further, establishing a sound relationship enabled proactive support of the offender in his/her attempt not to re-offend. Interview procedures emphasised the importance of genuine engagement and a relationship based on trust. The findings highlighted several challenges to interviewing and directions for further training, support and research. Participants' responses underscore the significant role that interviews play in the effective implementation of sex offender registries and emphasise the need for successful engagement of offenders during these interviews to improve the

*utility of registry schemes. This was the first study to examine the strengths and challenges of interviewing offenders on the registry from a policing perspective.*

## INTRODUCTION

Sex offender registration schemes legally require all convicted sex offenders living in the community to lodge their personal details with law enforcement agencies and, depending on the jurisdiction and the type of offences committed, require offenders to have regular and continuing contact with the police so that they can be monitored and case managed. The laws underpinning the implementation of registration schemes have been introduced partly in response to community concern about high-profile sexual offences committed against children (Petrunik, 2003) and are presumed to play a significant role in preventing re-offending (Vess, Langskail, Day, Powell, & Graffam, 2011), as well as assisting police in the investigation of new sexual offences and deterring both offenders and would-be offenders from committing new crimes (La Fond, 2005).

Sex offender registration schemes are expensive to administer (eg, California's Attorney General estimated that in 2003 the State spent US\$15–20 million per year on monitoring sex offenders; Bonilla & Woodson, 2003). Thus, these initiatives require scrutiny, especially in light of evidence that they are not particularly successful in reducing the total rate of sexual offending (see Vasquez, Maddan, & Walker, 2008). For example, Sandler, Freeman, and Socia (2008) conducted a longitudinal time-series analysis of the monthly arrest counts for sexual offences between 1986 and 2006, both before and after the enactment of New York State's Sex Offender Registration Act in 1995. They found no evidence that the registration scheme had led to any reduction in the rates of sexual offending.

It would be premature, however, to make any definitive conclusion about the utility of sex offender registration schemes until more is known about how they are actually being implemented, and what those who are given the responsibility of administering the schemes perceive to be their challenges and strengths. To date, very few studies have examined the utility and effectiveness of these schemes from a policing perspective, with only one published paper describing how the schemes operate. Specifically, Powell, Day, Benson, Vess, and Graffam (2013) report the findings of a qualitative study that aimed to elicit the general perceptions of Australian police professionals involved in operating sex offender registration schemes across three jurisdictions. Police officers, whose job portfolios included management of the registry, took part in small focus groups in which they were asked to reflect on the efficiency and effectiveness of the scheme, the challenges they faced in implementing sex offender monitoring, and to provide suggestions to improve the process. Participants identified several key challenges in their work, including limitations in risk-assessment expertise, restriction in legislative powers available to the police, and inadequate opportunities for specialisation when working in this area. Although Powell et al.'s study provided some insight into the practical issues that influence the successful implementation of sex offender registries, its broad focus did not allow for an in-depth analysis of specific components of the sex offender monitoring process.

Officers in Powell et al.'s (2013) study spoke of two primary models: a compliance-only model and a proactive policing model. A compliance-only model was referred to as a 'tick and flick' style of registry in which the aim is merely to ensure that offenders comply with legislation and the conditions of their management. The main procedure involved is the regular face-to-face interview, where offenders are required to visit police

stations several times a year (the frequency depends on the assessed risk of re-offending) to update factual information related to compliance and personal circumstances (eg, residence, vehicles, employment, intended travel, body markings). The role of the police officer is restricted to updating this information on local and national databases.

The proactive (and more resource intensive) policing model, by contrast, involved the officer engaging the offender and other professionals in an individually tailored case-management plan that is designed to minimise any incentives to re-offend. This model utilises observation (eg, home visits and covert surveillance), which is viewed as a deterrent when offenders know they are being watched. Face-to-face interviews also enable the supervising officer to gain insight into the offender's vulnerabilities and to understand contextual factors which can then be used to guide subsequent decision-making related to case management and monitoring. Although the officers perceived that a compliance model was better than no intervention, all felt that the proactive model offered greater potential in preventing and identifying new crimes. The purpose of this study was to understand in more detail the procedures and challenges associated with interviewing offenders in this model, as well as to identify issues for future development in the establishment of best-practice interviewing with registered sex offenders.

Specifically, this study extends prior research on the implementation of sex offender registries by providing a more detailed analysis of police professionals' perceptions of the process of engaging and interviewing offenders. The rationale for focusing on the interviews conducted with registrants is that these form a common component of sex offender registration schemes. It also draws on Tewksbury and Lees' (2007) observation that sex offenders themselves believe that registries would act as a more effective deterrent if the format, structure and process

of monitoring were changed to be more personalised and considerate of their individual profile and history.

## METHOD

### Participants

The participants in this study were 24 Australian police personnel whose jobs were primarily associated with the operation of sex offender registries across three different jurisdictions. Most of the police members had extensive prior experience in the area of sexual assault investigation and were knowledgeable of the models of operation across jurisdictions. The sample was heterogeneous, however, and included police investigators, managers and senior executives involved in policy development, unsworn analysts and interviewers. Participants were individually invited to take part in this study by senior management; they were informed that participation was voluntary, and all except one person who was approached, accepted the invitation to be involved. The study was approved by a university human research ethics committee and the relevant police organisations. To preserve the anonymity of participants, the organisations are not named. Further, any identifying information was removed from quotes, which were also corrected (where appropriate) for wording and grammatical errors.

### Procedure

The methodology used in this project is consistent with that used in other research involving criminal justice personnel (eg, Morgan, Krueger, & King, 1998; Riley, 2002). All police participants were interviewed in focus group sessions that were convened by members of the research team. The focus group sessions involved groups of between two and five officers and ranged in duration from 60 to 115 minutes. Focus groups were held during the months of October 2009 and

July 2010 at either a local university or the officers' workplaces.

A non-directive focus group methodology was deemed most appropriate for this study given the exploratory nature of the research, and because there were no strong preconceptions about the issues or themes that would emerge from the interviews. The officers were asked to reflect on the structure and procedure of their current interviews, the advantages of more intensive interviews (over the compliance-based 'tick and flick' style model) and the utility (strengths and limitations) of the different methods of practice. Steps were taken to ensure that each participant had the autonomy to direct the discussion towards concerns that were personally relevant. As a result, the researchers were largely passive, using broad open-ended questions and minimal encouragers to promote further elaboration.

### Analysis

The audio-recorded interviews were transcribed and entered into NVivo software for further analyses to identify themes. Initially, each transcript was subjected to open coding (Strauss & Corbin, 1990), which involved a line-by-line analysis of the transcripts (ie, reduction) and identification of concepts within statements that can be described in terms of their possible meaning. Statements with similar concepts were thus grouped together. The transcripts were then re-examined for statements that supported the identified categories. Identified concepts and categories (and sub-categories) were then grouped according to core themes. Thus, the core themes identified help to reduce the large volume of data into meaningful and parsimonious units of analysis (see Miles & Huberman, 1984).

### RESULTS

Two separate themes were identified: the advantages of conducting in-depth interviews with offenders (rather than completing

standard compliance checks) and the nature of current interview procedures. The challenges (issues that warrant further research, guidance and discussion) are also addressed under each theme.

### The advantages of interviewing offenders during mandatory visits

Overall, officers relayed three major benefits of conducting detailed interviews with offenders during their mandatory follow-up visits. The first was that such interaction provided an opportunity to identify and correct misunderstandings about the rules and requirements of the register. Although sex offenders are required to regularly sign a receipt acknowledging their court orders and confirming that they have advised police of alterations to their personal details, police officers noted that completion of such a receipt did not ensure that the offenders had actually fully understood their obligations.

In our interviews, we go through every single question on the list and ensure their understanding. Otherwise they turn around and say, 'Where does it say that? Where does it say I couldn't take drugs? I didn't think drugs meant cannabis!' Unless we check their precise understanding, it poses a problem when we try to use their responses at a later date as evidence in court after they have breached their register conditions.

One apparently common misunderstanding related to the issue of police monitoring. Through observation and alerts via the organisation's intelligence management system, police officers have the authority to observe offenders without them knowing. Officers believed that relaying knowledge in the interview of the offender's whereabouts and asking follow-up questions about the information relayed made offenders more

aware that they were being watched. This, in turn, was perceived to reduce re-offending and breach of register conditions.

I believe that our strategies and tools are having an effect on some of them [offenders]. We have them all on alert so if they get checked at a person check, or someone checks their van or catches them speeding, we get to know about that. When you've got an offender in for an interview and you're having a chat, I'll have all their alerts on the system so I know where they've been. I may ask them, 'What have you been doing? Why were you up in this location in January? What were you doing up there? You were seeing someone. How long was that for?' So all of a sudden the offender realises that we're keeping tabs on him and we know where he's been. I would think that's got to have a beneficial effect.

The second perceived benefit of conducting detailed interviews was that they provide an opportunity to elicit information from the offender that could potentially assist in ongoing management and investigations of new sexual offences. Many officers perceived that making offenders sign regular declarations attesting to their adherence to the registry requirements was tokenistic and did not help the offender to develop any insight into risk of re-offending. This was particularly the case when offenders had previously answered the same questions (at their last review meeting) and were thus primed for the questions. In-depth interviewing enabled the officers to develop a greater understanding of the offenders' motivations, beliefs, personal coping mechanisms, and reactions to stressful experiences and exposure to children. Such offender behaviours and reactions were deemed too complex to assess on a simple 'tick and flick' form. Rather, assessment of vulnerability and risk was often achieved

through observation of subtle non-verbal mannerisms, reactions and responses to questions that indicated evidence of engaging in (or preparing to engage in) some kind of illegal activity or non-compliance with the registry requirements.

Despite emphasising the importance of conducting detailed interviews with offenders, this was seen as challenging in certain situations. For example, some offenders were described as difficult to engage because they did not accept that they should be attending registry-related visits. Officers also described cases in which judges had misinformed offenders by granting them exclusion from the register when this was not the case.

We have some people who come in for interviews and straight away say 'You know I shouldn't be here, I haven't done nothin' wrong.' I then have to say 'Excuse me, this is what you did wrong. You have been convicted of these offences'. I don't make the rules up. It's merely my job to make you play by them.

There are some indignant offenders who don't believe that the police should have any control on their life. They believe they should have the right to have sex with underage girls and boys. You may as well not waste your breath on those people. About 5 per cent of them resist and are like 'I don't have to answer these questions'. They'll give you what's legislated on the form you ask them and give you nothing else. But for most of them we get into their heads early on in the process and let them know what it's about.

Further, although officers emphasised the strong value placed on the detection of deceit, their ability to detect deception (through body language, remarks or detecting discrepancies in details contained in the records or case files and information provided by the offender in the interview) was an issue

of contention. Although certain offender behaviours, such as high levels of aggression towards the interviewer or the system, were seen by some officers to indicate a risk of re-offending, others perceived that these behaviours could be interpreted as a misunderstanding of registry requirements or non-acceptance of being on register. Further, an overly compliant offender (ie, one who enthusiastically provides personal details) was perceived by some officers to have a low risk of re-offending, whereas other officers regarded this behaviour with suspicion. They proposed that overly cooperative behaviour could be a ploy to reduce police scrutiny of their activities, granting them more freedom to commit undetected offences.

You do have the offenders that are over the top; they are ringing in, they're in your face all the time, they're overly compliant and friendly. They give you more information than you need because they think 'I'm doing the right thing by the Act so he thinks I'm fine. I'm off the hook.' He's out re-offending but he thinks that because he's overly compliant that we think 'Oh yeah, no worries', whereas to me that rings bells and I will keep extra tabs on him. You bet your bottom dollar something will happen or he will be charged not long after. He might have a great relationship with his manager but it's all just smoke and mirrors to try and cover up for his offending.

The third perceived benefit of conducting detailed interviews with offenders was that establishing a relationship based on trust (where the offender can talk openly about triggers and problems experienced in relation to offending) assists the officer proactively to support the offender in his or her attempt not to re-offend. It also was seen as helping to elicit intelligence on other potential offenders. Indeed, many offenders who have

completed prison treatment programmes were described as having a good understanding of offending cycles and grooming and were able to openly discuss these cycles with the officer.

As the conversation gets on, they give you some insight into their risk factors without realising it. They tell you about the fact that they've never been in a stable, conventional adult relationship, intimate or otherwise, or they haven't had a job for a period of time. They start telling you about all these things and are actually telling you that they're a risk, even though they may not know.

Establishing rapport with a serious child sex offender may increase the chances of them not committing further offences. If you have a relationship with him then if he spirals a little bit out of control he might confide in you, he might confess. The best relationship you can have is when your registered sex offender turns into an informant.

If we have the right case managers in the field with very open minds who can see the end result and are proactive, they can engage the offender and ultimately increase the chances of there being fewer victims.

### **Current interview procedures**

When discussing the interview procedure, officers emphasised the importance of genuine engagement and establishing a strong relationship. However, they had considerable difficulty articulating precisely how such a relationship was best achieved. No formal protocols or guides were available. Overall, three broad principles seemed to govern their approach.

First, officers tended to be guided by a presumption that the frequency and intensity of face-to-face contact should be determined by the perceived risk of re-offending.

A system of prioritisation was implemented to ensure that offenders who were deemed a higher risk were monitored more frequently than those who were believed to pose less of a risk. Some offenders are, therefore, interviewed annually or biannually, whereas those considered to be high risk may be interviewed on a weekly, or even daily, basis.

We tried to put in place case management strategies based on risk. Our low risk offenders will come back twice a year, our mediums will probably be seen three to four a year, our high risk could be met twelve times a year. Or they might only be met six times a year depending on what their dynamic environment is and our very high risk, well it depends on how they're tracking at any point in time but some of them we've met with daily simply because of risk indicators that they've been displaying.

Second, good rapport and a non-judgemental open-ended (non-interrogative) questioning style were deemed critical to engagement. Techniques that were identified as facilitating rapport included being non-judgemental, sensitive to the offender's personality, open to contact, empathetic, fair and not ostracising. Further, officers also noted the importance of letting the offender open up about their feelings, and of treating them with respect, regardless of the officers' own feelings about the offender and the offences committed.

Showing a bit of empathy is important. We let them know that we know it's embarrassing for them to come in and empathise that it must be hard for their family and friends to know. We need to sort of get into bed with them a little bit and let them know that we do appreciate that it is difficult and awkward for them. We know it's embarrassing that they lost their job because of it and it's going to be hard

to find work because they have to declare their conviction. We just show them that we understand. You still have to go in and explain this is what we're going to do and this is how we're going to do it, but initially it's best to just engage with them and have a chat and let them know that we're not here to bastardise them.

We treat them with respect and often they've never experienced that. We're someone who knows what they've done, knows their history, knows that the offence they've committed is heinous and here we are shaking their hand and giving them the time of day. Regardless of whether it's to do with compliant legislative obligations or not, we're still shaking their hand.

Officers described the questions that they typically asked as open-ended and unstructured. The examples provided, however, were quite focused and specific in nature. Offenders who had previously been identified as trying to manipulate or deceive interviewing officers were asked questions around their personal details, their social network and their local environment. Offenders who were deemed to pose a higher risk of re-offending were asked questions that require them to elaborate on their thoughts and feelings around their offending and triggers, and to provide some general details of their sex life to ensure that there are no indicators of re-offending. Some officers discussed feeling uncomfortable asking offenders for such personal information.

The file that we have has got their criminal history on it: what crime they had committed, their MO [modus operandi] and any other breaches and file notes from previous meetings. You go through all those before you have the interview so that you have a bit of a background. For example, you ask questions about his offending, how he's going, if he is still

having problems with kids; you look at his past and you go through whatever is in the notes. You interview them on how they're going generally as a person, if they've done their sex offender treatment programme, how they're going with their triggers, are they going back to drugs and drink, see how they are on the cycle. Some of the questions are quite personal; 'Do you masturbate? How often do you masturbate?' I think you might ask those ones once at the initial interview and then they won't get brought up again because a lot of us find it difficult to confront a person with something like that. We might ask general questions and try to gauge it from that but we don't get down to the specifics of their sexual behaviour.

Overall, several challenges to the establishment of rapport were identified. One challenge relates to balancing multiple roles (eg, crime prevention, investigation, supervision and expectation of becoming a therapist or friend). For example, many officers described their role as that of a support person (eg, talking to the offender about triggers for offending and offering support) while also having to maintain sufficient authority to ensure that offenders actually abide by requests to meet legal obligations. Some officers were described as dependent on their interviewing officer for 'therapy' and advice on daily living issues. Some officers argued that case managers took on too much of a 'counsellor' role, responding to every call and request for assistance. Many officers found this difficult because it required a different mindset to that used in general policing. There was tension between what was described as a crime prevention and investigation role. For example, it was noted that officers are also required to arrest offenders if they breach their registry conditions or if there is reason to believe that they had re-offended. Some officers found this difficult and awkward, whereas others

believed that any action intended to mitigate illegal activity was legitimate, even when perceived by offenders to be vindictive and authoritarian.

Many officers raised concerns of being 'groomed' or manipulated by offenders and felt they did not have the adequate training to identify this if it arose.

It's not just about engaging with them, it's also about letting them know, 'If you step over the line we're going to jump on you'. You have to have a relationship that lets them know that 'even though we still have the best relationship we can possibly have, I'm still here to monitor you and if my monitoring indicates that you've stepped over the line we're going to pick you up.'

Straight off you should show them empathy, especially if you've interviewed them before. You need to start off that way but you've also got to be firm as you go through the interview. If you're not firm with them and question something then they might not bring you a particular document or something. I always make them bring it back either that day or the next day. I don't think I've got the power to do that but I always say I want that licence or those registration papers for your new car back here tomorrow or you will be breached.

Another challenge in appropriately engaging offenders was managing dependency. Sex offenders were described as often having limited support networks and often began to see their interviewing officer as a friend. This not only presented some risk for the offender (whose life becomes focused around meetings with the police), but also created additional work for police when they were asked to help with day-to-day tasks and to provide protection in situations where members of the public had made threats towards an offender who had been identified as a paedophile.

For some offenders, we are their only friend in society, which is an issue in itself. Sometimes I've actually had to tell the team 'We're pulling back on that guy'. I know he's a risk but we're not going to see him every day because otherwise that's all he lives for, waiting for us to come over.

We've got people who phone up and say 'I've got an order here for repayment on whatever it was or 'I'm having difficulties selling my car', so they call us up. One bloke was being given a bit of a hard time by one of his victim's friend's father. The father found out where he worked and was calling out as he walked past, 'He's a paedophile, don't buy a car here'. Instead of ringing up the uniform police to come and move this person on and get an immediate response, he'd wait until the next day to ring us up to deal with it.

Several possible solutions were presented to deal with these challenges. These included: (1) reducing contact with an overly dependent offender; (2) involving a familiar person in the interview (eg, family member, friend, partner, mental health carers) who could be a source of emotional support for offenders, while also assisting in corroborating their story and highlighting any discrepancies; (3) ensuring that the officers selected for these roles (where possible) had sufficient skills training in open engagement (eg, good listening skills and non-judgemental approach) investigation and knowledge of the signs and indicators of malingering and potential re-offending; and (4) employing psychologists to assist in establishment of rapport, risk assessment and to aid police in detecting deception.

It can be quite constructive to let the younger offenders bring mum in. You can bounce off mum for inconsistencies or for lies and deception.

I think as a general observation people with investigative backgrounds probably

have better skills to manage registered sex offenders than those that don't. They need to have some experience in child sex offence briefs and interviewing offenders but not be set in their ways and arc up every time there's change. We don't want first-year constables doing these types of interviews. There are times when you've got to be a hard bastard and there are times when that won't work.

We've got to be very careful about being groomed by these people. It's a risk that we take; we probably are being groomed and are not aware of it. It would be useful to have a forensic psychologist to sit in on initial interview as some sex offenders are very good at presenting a façade. The psychologist could say a bit about the way he answers certain questions.

## DISCUSSION

The major conclusion to draw from this article is that the process of engaging and interviewing offenders is an important component of effective implementation of sex offender registries, and one that warrants considerable further training, support and research. All of the officers involved in this study unreservedly supported the extensive interviewing of offenders during mandatory visits, and the benefits they relayed were entirely consistent with the broader investigative interviewing and sexual assault reform literature.

Consider, for example, remarks that interviews provide a valuable opportunity to correct for misunderstandings about registry rules and requirements. Such observations are consistent with the findings of other studies that have shown that language difficulties are not only common in offender populations, but also place major limitations on offenders' ability to comprehend and engage in justice processes and are not easy to detect without extensive interviewing (Sanger, Moore-Brown, Magnuson, & Svoboda, 2001).

Indeed, responses to yes/no questions (which represent the format of questions used on offender registration compliance checklists) have been known to mask poor comprehension because offenders have a tendency to cover up their limitations, providing stereotypical and acquiescent responses in order to minimise embarrassment and get the process over quickly (Snow & Powell, 2005).

The other perceived benefit of interviewing relates to the role that it plays in proactive (or supportive) case management and in identifying risk of re-offending. This observation is also consistent with the broader literature. The over-riding theme that arises in interviews with convicted sex offenders is their desire to be treated with dignity and respect by police investigators (Kebbell, Alison, & Hurren, 2008; Kebbell, Alison, Hurren, & Mazerolle, 2010; Kebbell, Hurren, & Mazerolle, 2006; Tewksbury & Lees, 2007). Open-interaction around risk, involving the provision of feedback about deterioration, has also been identified as an important component of effective risk management (Day, 2013). Further, experts in credibility assessment and lie detection emphasise the role of narrative speech content, as opposed to behavioural analysis in providing a reliable method of detecting deceit, especially when the interviewer is knowledgeable about the facts being discussed and has the opportunity to elicit statements on multiple occasions (Vrij, Granhag, & Porter, 2010). More research into the narrative speech content of interviews with sex offenders may address some of the challenges associated with variable interpretations of offender motive behind interview responses and better alert police case managers to heightened risk and actual re-offending.

Evidence does support the officers' conclusion that effective interviewing helps to make this legislation work, but this study also highlights the need to pay more attention to the application of truly effective proactive interviewing models. Currently, there are no

formal protocols or interview guides available to support officers, and many existing strategies described by officers may, paradoxically, undermine offender engagement and serve to confuse the law enforcement (reactive) and proactive policing roles. For example, although many officers we interviewed attested to the importance of an open-ended, non-judgemental questioning approach, exemplary questions indicated a highly specific, dominant, interrogative style of interviewing. Sex offenders report that such interviewing reduces their engagement and likelihood of confession to crimes committed (Kebbell et al., 2008, 2010). Finally, the reported technique of presenting known facts about the offender's whereabouts early in the interview (to elicit compliance) would likely emphasise the punitive law enforcement role, and undermine offenders' cooperation and officers' ability to detect lies. This is because disclosing evidence typically accentuates the authoritarian (punitive) role and provides the opportunity for offenders to change their stories to be consistent with the known evidence (Vrij et al., 2010).

It is important to emphasise that the mismatch between recommended interviewing practice and the actual strategies adopted by those who participated in this study is not particular to the sample of officers. Indeed, the gap between best-practice and actual field performance is one of the most salient findings in the interviewer evaluation literature, and it reflects the high degree of specialisation required to engage and elicit disclosures of sensitive information from vulnerable interviewees (Powell, Fisher, & Wright, 2005). Effective interviewing is not something that can be learned on the job. It is a highly complex skill requiring intensive training incorporating ongoing spaced practice, exemplars of expert performance and detailed feedback (Powell, 2008).

In conclusion, although interviewing is a potentially important part of sex

offender management, the ways in which police should (and do) conduct these interviews is likely to be critical to the effectiveness of registration schemes. Knowledge about effective practice in this area is still in its infancy, and it would be premature to abandon existing registration schemes based on the findings of outcome studies that do not seek to articulate the mechanisms by which change occurs. The immediate step for researchers is to articulate precisely how existing models of investigative interviewing (which have arisen in the context of pre-conviction justice processes) can be applied to the interviewing of sex offender registrants. Following this, research is needed to develop interview-training programmes that promote competent interviewing in the field. Contemporaneous case tracking will enable researchers to move beyond descriptive analyses, to examine how a wide range of factors related to the case management process interact to produce better offender engagement and a reduction in the overall risk of (as well as actual) re-offending.

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