



INVESTIGATIVE INTERVIEWING FOR CRIMINAL CASES

Conducting interviews is a core task of law enforcement. How interviews are conducted can have a profound impact on the outcome, fairness, efficiency and reliability of any subsequent criminal proceedings. Police, other law enforcement officers and officials from other investigative bodies are bound to respect and protect the inherent dignity and physical and mental integrity of all persons – including victims, witnesses and suspects – during questioning. Yet torture and other forms of ill-treatment, coercion and intimidation against persons in custody and during interviews continue in different parts of the world. The existence of a “confession culture” in policing and criminal justice systems in many countries, alongside the absence of training and expertise in the range of crime solving techniques and humane ways of interviewing, can incentivise abusive practices in order to extract a confession or information.

This tool provides an overview and introduction to a method of questioning victims, witnesses and suspects known as “*investigative interviewing*”, a technique developed by practitioners to respond to the large body of scientific evidence that abusive and coercive techniques elicit unreliable information. The technique is commonly used in the criminal justice sector, including in relation to terrorism cases. It can also be applied effectively in intelligence or security interviews. Through building rapport with the interviewee, the technique has been found not only to prevent abusive practices, but also to improve the collection and reliability of information, and in turn, how citizens perceive the fairness of the justice sector. In doing so, it builds public confidence in the administration of justice and enhances State legitimacy.



LEARNING OUTCOMES

By using this tool you will be able to:

explain the benefits of applying an investigative interviewing technique

describe the different stages in the investigative interviewing model

use the model to develop policies, practice and training on investigative interviewing

apply the approach directly during interviews

The self-assessment checklist at the end will help to test and refresh your knowledge of the investigative interviewing model described in this [tool](#).

Key objective of police interviews

The objective of interviews by police is to elicit accurate, reliable and actionable information. It is NOT to confirm what the officer thinks might have happened, nor to coerce the suspect into providing information or to confess. Investigative interviewing is a safeguard against false confessions and errors of justice. This method directs officers into conducting interviews in a systematic manner with an open-mind, preventing common pitfalls associated with relying on premature conclusions. Equally important, investigative interviewing assists communication and the flow of information and consequently the detection of crime. From a human rights perspective, investigative interviewing assists officers to operationalise the presumption of innocence.

“ We need change in the police officer’s mind to arrive at the truth; you cannot use torture or abuse as it is counter-productive.”

Mr. Edson Luis Baldan,
Police Officer
– Sao Paolo Police Academy,
Brazil (New York 9 June 2017)

INVESTIGATIVE INTERVIEWING

- Is informed by 30 years of research conducted in collaboration with practitioners
- Is used by a growing number of police forces around the world, but is also relevant for security or intelligence personnel
- Is practical, ethical and proven to be effective
- Does not use manipulation, coercion or torture
- Mitigates confirmation bias and tunnel vision
- Provides more reliable information and actionable intelligence
- Secures evidence and prevents errors of justice
- Enhances the relationship and trust between police and citizens, the rule of law and hence State legitimacy

To ensure the highest standards are upheld, rules and practices governing interrogation and interview procedures must be systematically reviewed (article 11, UNCAT).

“ The questioning of criminal suspects is a specialist task which calls for specific training if it is to be performed in a satisfactory manner.”

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 12th General Report, para. 34, 2002.

INVESTIGATIVE INTERVIEWING: A CHANGE OF MINDSET

States use different terminology to describe and conceptualize the questioning of victims, witnesses and suspects. This tool does not account for all terminologies and practices, but sets traditional interrogation apart from investigative interviewing with an emphasis on the efficacy and benefits of the latter.

The practical steps explained in this tool originate with the PEACE model (Planning and preparation, Engage and explain, Account, Closure, Evaluation), developed in the United Kingdom in response to a number of documented forced confessions and associated wrongful convictions in the 1980s and '90s. The investigative interviewing model explained in this tool represents an evolution of PEACE, refined through experience and new research. A wide number of States now apply the techniques described in this tool, while others are piloting or being trained on their use.



Why?

The overall aim of an interview with a victim, witness or suspect is to obtain accurate and reliable accounts about matters under investigation, which can stand the test of trial.

Investigative interviewing reduces the risk of human error and false confessions, which can occur with techniques designed to make the suspect confess and confirm what the interviewer thinks they already know to be the truth. Research into the causes of wrongful convictions have documented that problems associated with “tunnel vision” or “confirmation bias” (that is, an unconscious tendency to look only for information that “fits” and ignore or explain away information that does not confirm what the interviewer believes to be true) are the underlying causes of miscarriages of justice in almost every case.

“ Imposing stressors on the brain with the aim of forcing confessions or extracting information interacts negatively with motivation, mood, memory and cognition thereby undermining investigations.”

Shane O'Mara, Professor of Experimental Brain Research, Trinity College Dublin, and author of *Why Torture Doesn't Work* (Harvard University Press, 2015).

Interviews that are conducted using investigative interviewing techniques explained in this tool can have the following direct benefits:

- The systematic gathering of reliable evidence to better direct an investigation
- Support the prosecution's case, thereby saving time, money and resources
- Increase the public's confidence in the police service

How?

Investigative interviewing is a non-coercive approach using open questions to improve the flow of communication and information. All interviews, whether with victims, witnesses or suspects, are termed “investigative interviews”. The information gathered in interviews is tested against available facts. Well-prepared questions clear up misunderstandings and ambiguities. Strategic disclosure of evidence during the interview helps separate false from verifiable information.

To maintain an open mind, avoid tunnel vision and increase accuracy and reliability, police officers – like any other factfinder – need tools and a methodology to reduce human error. The model presented in this document aims to reduce such possibilities by providing a methodology on how to approach interviews.

STAGES OF THE INTERVIEW



The interviewing model involves the following steps:



Figure 1 – The P.E.A.C.E. model as visualized by the Norwegian Police University College in its training program C.R.E.A.T.I.V.¹

¹ The mnemonic CREATIV is linked to the values and principles the method is based upon: **C**ommunication, **R**ule of law, **E**thics and empathy, **A**ctive consciousness, **T**rust through openness, **I**nformation and **V**erified through science.

Inter-connected stages of the interview

An essential point of investigative interviewing is that each stage of the interview has a profound impact upon the next. One may think of the interview as a chain reaction where thorough and systematic planning and preparation will increase the likelihood of successful rapport building, and in turn, with a professional introduction and rapport, the likelihood of a detailed, first free account also increases. If the first stage fails, communication will be impaired throughout the interview reducing the quality of the information obtained, and affecting the probing and strategic disclosure phases. Closing the interview professionally positively enhances the prospects for future successful communications. It also contributes to developing and maintaining good relations between the police and citizens. Carrying out professional evaluations of the evidence obtained will strengthen the possibility of a successful investigation. Evaluation of the interviewer's performance will stimulate professionalism, improve outputs in subsequent interviews, and even increase job satisfaction.



BENEFITS OF AUDIO AND/OR VIDEO RECORDING

Many States have found it effective to audio and/or video record interviews, both as a safeguard against abuse, but also as a way to improve evidence gathering and for training purposes. Today's technological advances, and access to easy-to-use and cheaper mobile technologies, means that recording is possible in many settings, and has many advantages, such as:

- It reduces cognitive overload because it allows the interviewer to focus on the interview rather than typing all the information manually or taking notes.
- Recording permits the interviewer to employ active listening strategies and improves communication with the interviewee. Consequently, the interviewee can provide their account without constant interruptions.
- Recordings preserve the most important evidence – the oral evidence – in its original form. They produce a full and valid representation of the information provided and how the interview was conducted (they secure evidence and minimise miscarriages of justice).
- Failure to record interviews, or failing to record the entire interview, can increase the scope for abuse or speculation of abuse.
- Recordings can protect interviewers against false accusations of abuse, coercion or manipulation, or of failing to follow procedural rules.
- Recordings can help organise and thereby analyse the information provided. There are software solutions for the latter available.
- Recordings are great tools for evaluation and feedback on interviews, and for training and research, leading to a more professional police service.



STEP ONE: Planning and preparation

Planning and preparation is one of the most important steps in investigative interviewing; without it, interviews may fail before they even begin. *Planning* is a process of getting ready to interview, both mentally and strategically. *Preparation* also covers what needs to be ready prior to the interview such as the location of the interview, the environment, as well as technical and administrative matters.

It has been argued by busy, sometimes overloaded officers, that they do not have time to plan and prepare. Following the implementation of investigative interviewing, officers have found that they in fact save time through proper planning. Solid preparations decrease the likelihood of having to re-interview victims, witnesses and/or suspects. Solid preparation as part of a professional interview also reduces the resource-draining endeavour of prosecuting cases – only to be dismissed by the courts – due to low evidential value or technicalities.

ESSENTIAL ELEMENTS OF GOOD PLANNING

- Obtain as much background information as possible on the incident under investigation, including all relevant information on the person to be interviewed
- Understand the purpose of the interview based on an investigation plan recognising all the relevant and competing hypotheses to be explored, including the possibility that the suspect is innocent
- Assess what additional information is needed and how it can be best obtained
- Follow the legislation and associated guidelines and rules
- Prepare the technicalities of the interview (attending to exhibits, logistics, venue, equipment functioning, seating, lawyer, interpreter, and so on).



STEP TWO: Introduction and building rapport

The first step to encouraging a conversation is to engage the interviewee and establish rapport. To engage and explain is described as the most influential factor in ensuring productive interviews.

At the outset the interviewee must be informed why they have been brought in for questioning and of the formalities that apply. Officers must be aware that being interviewed can make people nervous and conversation that calms the interviewee may be needed. However, interviewers shall not work towards a pretend "friendship" with interviewees. The aim is to engage the interviewee so that a cooperative and relaxed relationship – one that stimulates memory and communication – is sustained throughout the interview.

Research has established that a substantial proportion of guilty offenders are ready to provide an accurate account and even confess right away, while others are undecided when summoned for interviewing. Officers applying an aggressive, hostile or insulting approach run the risk of making the suspect decide not to cooperate and not to provide any information; whereas it has been found that applying investigative interviewing techniques is more likely to encourage guilty offenders to cooperate and provide information or even confess.

Holmberg and Christianson (2002), Swedish survey of 83 prisoners convicted of murder or sexual offences; Kebbell, Hurren & Mazerolle (2006), [Australian survey of convicted sex offenders](#); similar findings in Snook, Brooks and Bull (2015), survey of 100 incarcerated men in Canada.

In interviews of suspects the interviewer has a particular responsibility to assess whether the suspect is vulnerable, and to explain the right to silence, the right to legal counsel, as well as other rights of the suspect, in an understandable and candid way.

Professional interviewers welcome the presence of defence lawyers as a legal resource, an eye witness to the fairness of the interview, and safeguard against misunderstandings. Police services where investigative interviewing has become standard practice report a significant decrease in disputes between lawyers and police – almost to the level of being non-existent.

WHEN INITIATING CONTACT THE INTERVIEWER SHOULD SEEK TO:

- Create an empathetic and respectful relationship from the outset
- Explain the reasons, background, rights, formalities and procedures for the interview, including information about audio/video recording
- Establish certain ground rules by telling interviewees:
 - that what they have to say is important so they need to report everything they can and try their hardest not to leave anything out
 - not to edit as they go even if they believe some information has no relevance to the matter being investigated
 - that they need to concentrate because striving to retrieve memories can be hard work
 - that they should feel free to speak up if the officer: asks a question they do not understand; asks a question they do not know the answer to; misunderstands what the interviewee has said; asks a leading or inappropriate question
- Make sure the interviewee has understood the above and how it applies in the situation at hand

This stage lays the foundations for the interview, enabling the interviewer and the interviewee to develop a common understanding of the interview and its dynamics. It also allows the interviewer to assess the interviewee's communication abilities and modify language to make certain that the interviewee understands what has been conveyed.

Example of a good start to a conversation

Officer: "The way in which I have planned to conduct this interview is first to inform you about your legal rights (and obligations, if applicable). Then, if you are willing to provide a statement, I will ask you to tell me your side of the story. I will listen and not interrupt. We have plenty of time, we are in no rush. Next, when you feel that you have included all the necessary details – details that you think are essential, I will follow up with questions that I think are of importance. Please feel free to ask me – at any stage – about any concern or question you may have."

What if the suspect invokes the right to silence? Evaluations have shown that even in situations where the suspect invokes the right to silence, the strategic planning and preparation in Steps 1 and 2 are not a waste of time. Every plausible explanation identified constitutes an important line of inquiry that needs to be explored (investigated) through alternative sources of information. Failing to investigate the alternative explanations indicating innocence harms innocent defendants and provides guilty defendants with an opportunity to provide a false, yet plausible explanation.



STEP THREE: **First free account**

Having established rapport and explained the ground rules for the interview, interviewers should now allow the interviewee to present their uninterrupted (free) account of the case (or event) under investigation. It is essential that the interviewee is provided with the opportunity to present “their side of the story”, before more detailed questions are asked.

Extensive research has shown that if the interviewer follows the steps outlined below, chances of obtaining a detailed and accurate account from victims, witnesses and suspects of crime, increases significantly.

THE THREE MAIN STEPS FOR THE INTERVIEWER ARE TO:

- Introduce and explain the form and purpose of the free and uninterrupted account
- Hand over the initiative (“give the floor”) to the victim, witness or suspect (as applicable)
- Employ active listening while the interviewee presents the free and uninterrupted account

Do ... Active listening assists the interviewer to establish rapport and help elicit a full and accurate account.

Particularly helpful at this stage is the **Tell, Explain, Describe Show Me – Precisely, In detail, Exactly** approach to interviews. A useful memory aid for this approach is the mnemonic “**TED’S PIE**”:



“ *Listening skills are probably the most underrated and important skills a good interviewer can have.*”

Professor Ray Bull, Keynote address at the International Congress of Psychology, Yokohama, Japan, July, 2016.

Using this approach helps build rapport and prevents the interviewer contaminating the account being given. The TED’S PIE-approach makes use of encouragements/invitations to obtain an account.

Don’t ... It is well-documented that interviewers that ask closed, or leading questions, run the risk of contaminating the interviewee’s account. Contamination refers both to distortion of genuine memories and unintentional leaking of details from the crime, which reduces the evidential value of the subsequent statements.

Example of a good way to introduce the first free account:

Officer: “So, if you have no further questions for me on the interviewing process, I would like to hear your response to the charges against you. I can see from the file that you told the arresting officer that you acted in self-defence. Now, I would like to hear your detailed account of what happened. It is important that you include all details. Do not leave anything out. What may not seem important to you may be important for the investigation. Take the time you need. I will not interrupt. When you are ready, please describe exactly and in detail what happened last night. Tell me everything.”



STEP FOUR: Clarification and disclosure

Having actively listened to the first, free account, it is time for the interviewer to expand and clarify all of the relevant matters in the case; one issue at a time. The interviewer should introduce the relevant topics with TED'S PIE type questions, and when more details are needed about a certain topic, interviewers should encourage the interviewee to provide more information through open-ended, probing questions – What?, Why?, When?, How?, Where?, Who?. Interviewers may vary their approach depending on the topic that needs to be explored.



This interviewing approach will stimulate detailed accounts and consequently reduce the number of questions that may need to be asked. This is beneficial because each time a question is asked the interviewer runs the risk of leading the victim, witness or suspect (contaminating the evidential value of their account).

Examples of good probing:

Officer: “You told me that the man in white clothes attacked you with a knife.
Tell me more in detail, exactly how he approached you.”

Officer: “You told me that there were several people – eye witnesses – to the event.
Please explain precisely where these people were standing at the time.”

Officer: “You told me that a woman tried to stop the man who attacked you.
Please describe this woman in detail.”

Strategic disclosure of evidence: when and how to disclose evidence

An essential part of the **clarification and disclosure** stage is *how* and *when* interviewers should disclose evidence during interviews with suspects. If a suspect is arrested, clearly the police must have some information indicating guilt – otherwise, the arrest is unlawful and should never have been made.

Investigative interviewing necessitates the strategic disclosure of evidence. The model provides clear and positive instructions on *how*, *when* and – and all importantly – *why* detectives should delay disclosure until this stage of the interview.

Early disclosure can either lead to innocent suspects being deprived of the opportunity to substantiate their innocence or enable guilty perpetrators to tailor their explanation to the evidence being presented.

“ Strategic probing and disclosure of potential evidence allows officers to explore the interviewee’s account in depth before proceeding to the next topic, helping to ensure that the presumption of innocence is respected while strengthening the case against a guilty suspect by preventing the subsequent fabrication of an alibi.”

Former UN Special Rapporteur on torture, Juan Mendez, Report to the UN Human Rights Council, ([UN Doc. A/71/298](#)), 2016

1 BEFORE THE INTERVIEW STARTS: Identify all potential evidence available

Before the interviewer enters the interview room, he or she must be able to answer the question: What information am I planning to handle in a strategic way?

2 BEFORE THE INTERVIEW STARTS: Identify all possible explanations for the evidence (alternative hypotheses)

In this step it is essential to keep in mind that the suspect may be innocent. In order to identify all possible explanations for the evidence at hand, interviewers are required to ask themselves the vital question: If the suspect is innocent, what are the possible (alternative) explanations?



For example, let us imagine that the police have secured the suspect's fingerprint from the scene of the crime. It is potential evidence, so what are the possible alternative reasons why the fingerprint was at the crime scene?

3 INFORMATION GATHERING (POSTPONE DISCLOSURE OF EVIDENCE)

Test the alternative explanations. The interviewer will introduce and listen to the first free account and then probe for information that may prove or disprove the different possible explanations identified in Step 2.

In Step 3 the interviewer is looking for information consistent with innocence, knowing that if such information cannot be found, the suspicion is strengthened.



For example in the case of the abovementioned fingerprint, the officer needs to ask questions such as: Did the suspect visit the crime scene *before* the crime was committed? Has s/he been there *after* the crime was committed? Did the suspect have legal access in any way? If the fingerprint is on a bottle or a pack of cigarettes, does s/he smoke or work in a nearby grocery store? If such information is not found, the suspicion against the suspect is strengthened. This illustrates how important it is to gather this information before the potential evidence is disclosed.

In contrast, if the officer reveals the fingerprint too early, a guilty person may be provided with an opportunity to construct a deceitful, nevertheless plausible explanation that may be difficult – sometimes impossible – to disprove. In order to avoid such a situation officers must meticulously complete these steps before presenting the evidence as described in Step 4.

Any explanation (true or false) provided by the suspect before the disclosure of evidence (Step 4), must be explored in detail immediately using TED'S PIE and probing questions: *When, What, How, Where, Who, Why*. This will enable the police to obtain enough information to ensure that innocent suspects are cleared and strengthen evidence against perpetrators.

4 DISCLOSING POTENTIAL EVIDENCE

When the interviewer is confident that every plausible alternative explanation has been explored and tested by the interviewee's own account (completed Step 3), the interviewer should present the potential evidence.

Before disclosure, the interviewer should first summarise the suspects account, followed by an invitation, allowing the suspect to reconfirm, reject or correct the summary.



For example: *Have I understood you correctly when you said that you have never been at the crime scene at all?* By summarising the suspect's account, misunderstandings are prevented and corrected if needed. This is of course of utmost importance if the suspect is innocent. It is simultaneously a strategically important step, inhibiting guilty suspects at a later stage to falsely claim that they were misunderstood. The interviewer is now in position to disclose the potential evidence they possess.

Whilst presenting the evidence, interviewers should maintain a calm and neutral tone of voice, followed by an invitation to the suspect to provide an explanation. Gloating or bravado should be avoided because it is likely to disrupt further communication regardless of the suspect's guilt or innocence.

When evidence is presented, the interviewer must be prepared to disclose *how* and *when* it was obtained, allowing the suspect and his/her lawyer to make a fair assessment as to the reliability of the interviewer's sources and possible biases and prejudices.

After posing the question, the interviewer should give the interviewee time to answer. If the suspect is innocent – and this was not revealed during Steps 2 and 3 – the suspect must be given time to concentrate in order to explain and clarify. The same applies if the suspect is guilty. S/he is now considering available options. Should s/he now provide an honest account, or can s/he come up with an alternative explanation that has yet to be considered? A professional, well-planned and conducted strategic investigative interview will reduce the guilty suspect's opportunity to advance such a defence strategy.



Example of a good presentation (disclosure) of evidence: **Officer:** *"Have I understood you correctly when you say that you have never been to the crime scene?"* **Suspect:** *"Yes, that is correct."* **Officer:** *"And you have never been in possession of a gun?"* **Suspect:** *"Yes, that is correct."* **Officer:** *"I see, then please explain why our crime scene detectives have found a match with your fingerprints on a gun at the crime scene?"*



STEP FIVE: Closure of the interview

Evaluations of police interviews show that officers tend to rush the closing of the interview, yet the closure is important and needs to be methodically conducted.

THE AIM OF CLOSURE IS TO:

- ensure there is a mutual understanding of the interviewee's account by reviewing and summarising it
- verify that all aspects have been sufficiently covered by checking that interviewees have given all the information they are able and willing to provide
- secure the integrity and dignity of the interview, the legitimacy of any subsequent criminal proceedings, and keep channels open for future communication

As the interview comes to an end, the interviewing officer should explain what will happen next by giving the interviewee appropriate information about the next stages of the process: for example, inform suspects of potential pre-trial detention, tell witnesses whether or not they should expect to attend court, etc.

Finally, the interviewee should be asked if they have any questions for the interviewing officer at this stage. This has little or no real effect if the communication has been coercive. However, if the interview has been conducted as outlined above, this question may add to the interviewee's perception of having been treated fairly.



STEP SIX: Evaluation

Investigative interviewing recognises the fact that interviewing is a practical exercise, requiring a variety of skills, first and foremost, communication skills. An essential part of skills training is evaluation and feedback.

EVALUATION IS WHERE THE INTERVIEWER (AND SUPERVISOR/SENIOR OFFICER):

- Examines whether the aims and objectives of the interview have been achieved
- Reviews the investigation in light of the information obtained during the interview
- Reflects upon how well the interview was conducted, identify the positives (such as good flow of information), and consider future improvements

If the interview is evaluated by a supervisor, senior officer or colleague, make sure that the interviewing officers are given the opportunity to comment on their own performance, before the evaluator gives their points, starting with what was positive, moving on to what could be improved next time.

With regard to evaluation it is worth noting that research has found that officers are generally poor at evaluating their own interviewing abilities. Hence, conducting the evaluation with a colleague is useful. The colleague can be a partner, supervisor or senior officer. The key is to review the interview with someone who is honest and frank, and treats the assessment confidentially. If the interview was recorded, this is a good tool to help in evaluations.

SELF- ASSESSMENT CHECKLIST



1. What are the key benefits of using an investigative interviewing technique?
2. What are the six steps for the investigative interviewing model? And what is the purpose of each step?
3. When initiating contact and establishing certain ground rules, what should the interviewee be told?
4. What is an appropriate response should a suspect invoke the right to silence?
5. What is TED'S PIE?
6. What should be avoided during the process of obtaining a first free account?
7. What is the purpose of the strategic disclosure of evidence, and what are the four key stages?
8. Why is closure of the interview important? And how should it be handled?
9. What can be gained from carrying out an evaluation of the interview?
10. What are the advantages of recording interviews?

Additional resources:

College of Policing (UK). Investigative interviewing. Available from: <https://goo.gl/DuLnfp>

Mendez, J. (2016). Universal protocol for interviews. Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Seventy-first session. Item 69 (b) of the provisional agenda. Available from: <https://goo.gl/f35Rmy>

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This tool complements the [CTI/UNCAT Implementation Tool 2/2017 on Safeguards in the first hours of police detention](#). Key safeguards in the first hours of police detention include: notification of rights; prompt access to a lawyer; independent medical examination; communication with family members or third party; audio and video recording interrogations; judicial oversight; and keeping detention records.



CONVENTION AGAINST TORTURE INITIATIVE
CTI2024.ORG

CTI
Centre Jean-Jacques Gautier
PO Box 137 – 1211 Geneva 19 – Switzerland

+41 (0)22 919 2167
info@cti2024.org
<http://www.cti2024.org>



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UiO : **Norwegian Centre for Human Rights**
University of Oslo

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