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Strategic Disclosure of Evidence: Perspectives from Psychology and Law

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Abstract

The police frequently present their evidence to suspects in investigative interviews. Accordingly, psychologists have developed strategic ways in which the police may present evidence to catch suspects lying or to elicit more information from suspects. While research in psychology continues to illustrate the effectiveness of strategic evidence disclosure tactics in lie detection, lawyers and legal research challenge these very tactics as undermining fair trial defense rights. Legal research is alive to the problems associated with strategically disclosing evidence to a suspect, such as preventing lawyers from advising the suspect effectively, increasing custodial pressure for the suspect, and worsening working relations between lawyers and police. This paper brings together the opposing research and arguments from the two disciplines of psychology and law, and suggests a new way forward for future research and policy on how the police should disclose evidence.

Keywords: investigative interviewing, strategic use of evidence, lawyers, psychology and law

Strategic Disclosure of Evidence: Perspectives from Psychology and Law

In most criminal cases, the police possess some evidence before arresting a suspect for questioning. While questioning the suspect, the police are likely to disclose this evidence to the suspect. But when should they disclose their evidence? Early in the interview before the suspect starts talking, gradually throughout the interview one piece at a time, late in the interview once the suspect has finished talking, or perhaps even before the interview begins? Exactly when the police disclose their evidence while questioning a suspect has piqued the interest of psychologists and lawyers alike. Yet any discussions about police disclosure of evidence have remained separate in the psychology and law literatures – until now.

In this paper, we aim to present and critically evaluate the research from the psychological and legal literatures on the strategic disclosure of evidence. We write this as an interdisciplinary group of researchers (DS and KW – psychology, JH – law), in the hope that we might eschew extreme positions, raise awareness about key issues, and encourage more psychological scientists and legal scholars to work together to understand the broader implications of the strategic disclosure of evidence in police interviews. Of course, police practice and policy should be informed by empirical work in both fields—but more interdisciplinary, collaborative research in this area will achieve a better understanding of how interviewing techniques grounded in psychological principles translate into a practical, legal context.

Before outlining the different methods of strategic disclosure, we start by considering three reasons why the disclosure of evidence to a suspect is important. First, it is a basic legal requirement in Europe that a person suspected of having committed an offense is informed about the accusation that is the basis for their detention (e.g., Council Directive 2012/13/EU on the right to information in criminal proceedings [2012] OJ L142/1 applying to all 28 Member States of the European Union). This process exists to safeguard the fairness of the

proceedings and to ensure the effective exercise of the rights of the defense – including challenging the lawfulness of detention.

Second, evidence disclosure is an established technique used by police officers interviewing suspects held in police custody prior to charge. In a study of 161 recorded police interviews with suspects in London, the most common police tactic for eliciting information was presenting evidence to suspects (Pearse & Gudjonsson, 1997). Similarly, a survey of 631 American police officers and Canadian custom officials found that only 1% of officers reported "never" presenting a suspect with evidence while 22% reported "always" using this tactic (Kassin et al., 2007, p. 388). In a more recent study, almost half of the 42 US military and intelligence interrogators interviewed claimed to use evidence presentation tactics to elicit information from detainees (Russano, Narchet, Kleinman, & Meissner, 2014). Clearly the disclosure of evidence is a popular and important technique in forensic contexts.

Finally, evidence disclosure is important because it has been linked to confessions in various types of psychological research[1]. In field research, for instance, an examination of recorded benefit fraud interviews conducted in England and Wales revealed an association between the disclosure of evidence and interviews in which the suspect shifted from denying the charge to making an admission (Walsh & Bull, 2012). Other field studies have examined the link between evidence and confessions more directly. When Icelandic and Northern Ireland prison inmates completed the Gudjonsson Confession Questionnaire, the results showed that inmates' perceptions of the evidence against them was one of their foremost reasons for confessing (Gudjonsson & Bownes, 1992; Gudjonsson & Petursson, 1991;

[1] Here we focus on the disclosure of genuine evidence in police interviews. The disclosure of *fabricated* evidence during police questioning and the role it plays in wrongful confessions is beyond the scope of this article, but we refer interested readers to a recent review by Kassin et al. (2010).

Gudjonsson & Sigurdsson, 1999). Research with incarcerated Canadian offenders also showed that strong police evidence was the most important factor in offenders' decisions to confess (Deslauriers-Varin, Lussier, & St-Yves, 2011). Laboratory-based research has revealed similar results. In some studies, research assistants have persuaded people to cheat during an experiment. An experimenter then uses different police tactics to interrogate the participants on whether they cheated or not before documenting their confessions and perceptions of the interrogation. Such studies have found that people's perceptions regarding how much evidence the experimenter held influenced whether or not they confessed (Horgan, Russano, Meissner, & Evans, 2012; Narchet, Meissner, & Russano, 2011). Taken together these studies suggest that when suspects are presented with strong incriminating evidence they tend to confess, presumably because denials seem futile.

It is clear that the disclosure of evidence is important for several reasons, and this goes some way to explaining why the disclosure of evidence has attracted the attention of psychological scientists conducting research in the psychology and law domain. In the past decade, there has been a surge of psychological research on how evidence may be initially withheld from the suspect and then strategically disclosed during the interview to detect deception and to gain more information from the suspect (for example, Clemens, Granhag, & Strömwall, 2011; Dando, Bull, Ormerod, & Sandham, 2013; Hartwig, Granhag, Strömwall, & Vrij, 2005). Crucially, strategic evidence disclosure forms part of the positive psychology movement: Researchers focus on identifying effective interviewing methods that law enforcement officials can use rather than exclusively detailing law enforcement officials' errors and biases (Meissner, Hartwig, & Russano, 2010). A small but growing body of research shows that strategically disclosing evidence when questioning suspects helps the police to detect lies. Thus, a number of psychological scientists now recommend strategically

disclosing evidence to suspects (Hartwig, Granhag, & Luke, 2014; Sellers & Kebbell, 2009; Walsh & Bull, 2015).

In line with these recommendations, police forces in various countries, including Sweden (Fahsing & Rachlew, 2009), Australia (Moston, 2009), and England and Wales (King, 2002) already use strategic evidence disclosure techniques to interview suspects. Meanwhile, officers in other countries such as the United States of America are presently being trained to strategically use evidence when questioning suspects (Luke et al., 2016). Clearly police practice and policy in multiple countries already encourage strategically withholding evidence when questioning suspects of crime. Nevertheless, many legal scholars and practitioners have assumed an opposing position on strategic evidence disclosure and instead advocate extensive, pre-interview disclosure in which the suspect and their lawyer are informed of the evidence before entering the police interview (Cape, 2011; Jackson, 2001).

Given psychology research is likely to inform and bolster current police practices that already emphasize withholding evidence from suspects until the interview (Association of Chief Police Officers, 2014; Walsh, Milne, & Bull, 2015), it is important to reconcile psychologists' arguments for developing increasingly sophisticated methods of evidence disclosure, with lawyers' arguments against strategic evidence disclosure. Indeed, researchers, policy-makers, and practitioners can benefit from an overview of both the psychological and legal perspectives on strategic evidence disclosure when developing best practice. Thus the purpose of this paper is to introduce a law perspective into the psychological literature, and a psychological perspective into the law literature, on strategic disclosure of evidence.

Below we describe the strategic disclosure of evidence and consider the conflicting arguments and research from the fields of psychology and law. Finally we make some preliminary recommendations for policy and concrete suggestions for future research.

Strategic disclosure of evidence

The strategic disclosure of evidence can be grouped into two key forms: late disclosure and gradual disclosure. Both late and gradual disclosure of evidence form part of the interviewing technique known as the Strategic Use of Evidence (SUE) that was developed to detect deception (Hartwig et al., 2005). SUE comprises of a set of questioning and evidence disclosure tactics that amplify verbal differences between liars and truth-tellers. A comprehensive review of the theoretical principles underpinning SUE is beyond the scope of this commentary, but we highly recommend Hartwig et al., (2014) and Granhag and Hartwig, (2015) for the interested reader.

Under the SUE method of *late disclosure*, the interviewer starts by asking for the suspect's account and asking several questions that can rule out other explanations for the evidence before revealing the evidence against the suspect (Granhag & Vrij, 2010). Thus, guilty suspects are not given a chance to fabricate a story that fits the existing evidence against them. Once the evidence is disclosed at the end of the interview, the suspect is required to explain any inconsistencies between their statements and the evidence. These 'statement-evidence inconsistencies' act as cues to deceit – liars are more likely to make statements that are inconsistent with the evidence when they are not aware that the police possess this evidence. Research suggests this technique works because liars, but not truth-tellers, tend to avoid or deny incriminating information in an effort to appear innocent (Hartwig, Granhag, Strömwall, & Doering, 2010). A liar, for instance, may claim to have never been inside a stolen car while unaware that the police have found the suspect's fingerprints on the stolen car's steering wheel. In this way, late disclosure can facilitate lie detection.

The SUE method of *gradual disclosure* also requires the interviewer to start by asking the suspect for an account and asking several other questions. Instead of revealing all the

evidence at the end of the interview, however, gradual disclosure involves revealing one piece of evidence at a time as the interview progresses (for a comparable gradual disclosure method, see Bull, 2014). English and Welsh police use a similar technique, referred to as 'drip-feed' or 'phased' disclosure, in which evidence is disclosed gradually across one or several interviews (ACPO, 2014). With gradual disclosure of evidence, the interviewer manipulates the suspect's perception of the evidence so that initially it might appear as if the interviewer does not hold much evidence (Granhag & Hartwig, 2015). Accordingly, a lying suspect may make statements that contradict the evidence as well as omit some information. Yet, once some evidence is disclosed, the suspect may come to believe that the interviewer possesses more evidence than they actually do. The suspect may then unintentionally provide new information to the interviewer (Granhag & Hartwig, 2015). Additionally, when evidence is gradually revealed, a lying suspect may change their account to fit the evidence and thus contradict their own previous statements (McDougall & Bull, 2015). These contradictions are known as 'within-statement inconsistencies' and act as further cues to deception in interview settings.

Research and arguments from psychology

So what are the benefits of strategically disclosing evidence to suspects in police interviews? Psychologists favor strategic disclosure of evidence primarily because it is an effective lie detection method – though, as we will discuss in this paper, it may have other benefits as well (Sellers & Kebbell, 2009). The SUE technique of late disclosure has ample support for detecting deception, much of which arises from experimental studies in which participants commit mock crimes, or similar acts in the case of 'innocent' participants, and are then instructed to convince interviewers of their innocence. The interviewers, who are typically researchers and on occasion, police officers, employ either early disclosure of evidence as a control or late disclosure when questioning participants. Early disclosure

involves presenting the suspect with all of the evidence at the start of the interview and then asking for the suspect's account and any further questions. Early studies revealed that late disclosure elicits more cues to deceit than early disclosure and that late disclosure leads accordingly to higher deception detection rates (Hartwig, Granhag, Strömwall, & Kronkvist, 2006; Hartwig et al., 2005). For instance, in one study, police trainees interviewed students about a mock crime (stealing a wallet) and when trainees disclosed the evidence late, lying students contradicted the evidence more (Hartwig et al., 2006). As a result, the trainees who used late disclosure were more accurate in judging which students were lying than the trainees who used early disclosure.

Further studies have also found that late disclosure produces more cues to deceit than does early disclosure in adult samples (Jordan, Hartwig, Wallace, Dawson, & Xhihani, 2012), child samples (Clemens et al., 2010), co-suspects who jointly committed a mock crime (Granhag, Rangmar, & Strömwall, 2014), and suspects lying about their future intentions (Clemens et al., 2011). A recent meta-analysis of eight empirical studies comparing liars and truth-tellers found that liars made more statements that were inconsistent with the evidence than truth tellers, and this effect was augmented by the use of late disclosure (Hartwig et al., 2014). Of course, liars cannot be equated to guilty suspects. We know that innocent suspects may lie too, for example, to protect the real perpetrator or to keep their own (non-crime related) affairs secret. Relatedly, innocent suspects can be mistaken or inconsistent in their alibis, or contradict the evidence which puts them at risk of appearing guilty (Luke et al., 2016; Strange, Dysart & Loftus, 2014). Nonetheless, research suggests that strategically disclosing the evidence to a suspect late in the interview can improve lie detection.

Although the psychological research on late disclosure is largely optimistic, the empirical support for gradual disclosure in lie detection is mixed. Some studies, for instance, suggest that gradual disclosure leads to more accurate lie detection than early or late

disclosure (Dando & Bull, 2011; Dando et al., 2013). In these experiments, people were assigned to one of two roles in a video game: liars acted as terrorists and truth-tellers acted as builders. Next, subjects were interviewed about their activity in the game. The game generated multiple pieces of evidence implicating both liars and truth-tellers in potential terrorist activity and the interviewers presented this evidence early, gradually, or late in the interview process. In this paradigm, gradual disclosure of evidence fostered deception detection more than late disclosure of evidence. However, in another study, late disclosure elicited more cues to deceit than did gradual disclosure when researchers interviewed students about mock terrorist acts such as transferring bomb materials to a new location (Sorochinski et al., 2014). In sum, the empirical research to date doesn't provide a clear picture about the effectiveness of gradual disclosure vs. late disclosure in terms of detecting deception.

On top of the potential benefits for lie detection, psychologists argue that there are at least four reasons why evidence should be strategically presented during suspect interviews. First, strategic disclosure may assist in validating confessions. If the police present all their evidence to the suspect early in the interview, it may be impossible to verify the suspect's confession – the information contained within it may simply reflect what the suspect learned before or during the interview rather than genuine memories of the crime (Sellers & Kebbell, 2009). In an analysis of proven false confessions statements, Garrett (2010) indicates how rich in detail and worryingly convincing the statements are and that this is likely due to the police, perhaps unintentionally, revealing case facts during the interview. Full, early disclosure essentially carries the risk of inadvertently contaminating a suspect's confession (Napier & Adams, 2002). Wholly aware of this, the police often justify withholding evidence from the suspect to test the truthfulness of any account or confession a suspect might make

(King, 2002). In this manner, strategic evidence disclosure may assist in another form of truth seeking – identifying false confessions.

Second, psychologists favor the police strategy of initially withholding evidence from suspects because early disclosure of evidence may disrupt rapport building (St-Yves & Meissner, 2014). Though there are several definitions and conceptualizations of rapport building, it broadly refers to the "bond" or "connection" that a police interviewer may develop with the suspect during the interview (Vallano, Evans, Compo, & Kieckhaefer, 2015, p. 369). Rapport building has been described as an essential component of investigative interviews, one that police interviewers are advised to implement at the start of the interview (Yeschke, 2003). As evidence may contain inaccuracies, an early presentation of it may cause suspects to stop trusting the interviewer and become less co-operative (Sellers & Kebbell, 2009). In support of this claim, law enforcement practitioners and high-value detainees, such as suspected terrorists from Australia, Indonesia, Norway, the Philippines, and Sri Lanka, reported that confronting a suspect with evidence harmed rapport and resulted in greater resistance from the detainee (Goodman-Delahunty, Martschuk, & Dhami, 2014). Given that high-value detainees are atypical and only a small minority of suspects, we cannot base general police evidence disclosure practices on this study alone. Nonetheless, by strategically disclosing evidence gradually or later in the interview, the interviewer may be better able to focus on rapport-building at the start of the interview.

Third, strategic evidence disclosure may result in fairer interviews. Some psychologists claim that suspects might find it fairer to give their account of what happened first, before being presented with the evidence against them (Sellers & Kebbell, 2009). Moreover, when planning strategic disclosure of evidence, interviewers need to think of alternative explanations that a suspect might offer for the evidence. Hence, forcing the interviewer to consider the evidence from various points of view might make them less guilt-

presumptive when entering the interview with the suspect (van der Sleen, 2009). Given that investigators who presume guilt tend to use more coercive interview tactics, it follows that less guilt-biased police interviewers will conduct fairer interviews (Meissner & Kassin, 2004). To the best of our knowledge, there is no scientific evidence to support the notion that police officers are more open-minded and accordingly conduct fairer interviews or that suspects perceive the interview as fairer when the police employ late or gradual disclosure as opposed to early or pre-interview disclosure. Further research is needed to clarify whether strategic disclosure of evidence does indeed lead to fairer police interviews.

Fourth, there is a small amount of research to suggest that strategic evidence disclosure may prompt more information from the suspect but this research must be interpreted with caution. For instance, in a recent study of recorded benefit fraud interviews, gradual and late disclosure interviews were more likely to be associated with gaining comprehensive accounts from the suspect than early disclosure interviews (Walsh & Bull, 2015). However, without experimental manipulations, the direction of these associations remains unclear so it is impossible to determine whether the timing of evidence disclosure actually caused the suspect to provide a more comprehensive account. Moreover, because the researchers did not consider the effect of having a lawyer present at the interview we don't know whether some lawyers informed suspects about the evidence against them before the interview commenced. This is important. If a lawyer was present for any of the interviews, the lawyer is likely to have received some or all of the evidence before the interview began. In such cases, the lawyer would have informed the suspect of this evidence and the suspect would have entered the interview knowing about the evidence regardless of whether it was disclosed to them early, gradually, or late in the interview.

Meanwhile, an experimental study has also found that strategic evidence disclosure led mock suspects to reveal more information compared to when the interviewer disclosed

the evidence early or not at all (Tekin et al., 2015). By strategically disclosing evidence, the interviewer manipulated the suspects' perceptions of how much evidence the interviewer held. The researchers clarified that manipulating suspect perceptions about the evidence was not a deceptive tactic and was distinct from bluffing and false evidence ploys. Critically, the study did not include innocent suspects so the effects of leading an innocent suspect to wrongly believe that there may be more evidence against them remain unknown. Overall, there is some preliminary research to suggest that strategic disclosure of evidence may elicit more information from suspects but questions remain about the generalizability and reliability of these findings.

In sum, psychologists endorse the strategic disclosure of evidence for its efficacy in lie detection, its potential in eliciting more information from suspects, and for producing fairer interviews. Additionally, psychologists posit that an earlier disclosure of evidence risks interfering with rapport-building and contaminating any confession the suspect might ultimately make.

Research and arguments from law

In contrast to the psychologists, legal scholars and practitioners working in criminal justice settings are concerned about the strategic disclosure of evidence. Lawyers prefer pre-interview disclosure in which the lawyer—and therefore the suspect—receive all of the evidence before the interview begins. Accordingly, lawyers have raised a number of issues that are rarely discussed in the psychological literature on strategic evidence disclosure. Below we discuss each of these arguments in turn.

Central to lawyers' arguments against the strategic disclosure of evidence, is the notion that withholding evidence from the suspect is unfair. Specifically, by withholding evidence until the police interview, the balance of power is swayed largely in favor of the police. This breaches the fair trial guarantees put in place by Article 6 of the European

Convention on Human Rights, in particular, the principle of 'equality of arms', that seeks to ensure that the accused is not at a "substantial disadvantage *vis-à-vis* his opponent" (Toney, 2001, p. 39) Crucially, the fair trial protections set out in Article 6 also apply to the pre-trial process (*Imbrioscia v. Switzerland,* 1994), such as the right to custodial legal advice regarding the police interview. In other words, the police detention and questioning of suspects take place within a legal framework that recognizes the suspect's defense rights (for example, see Council Directive 2012/13/EU on the right to information in criminal proceedings). Note that the police questioning of a suspect is crucial to the resolution of a case and is often what determines the suspect's fate, more so than what occurs in the courtroom (Cape, 2011). Yet, unlike the court trial, the police interview represents a large imbalance of power and resources between the state and the individual. For instance, the accused cannot challenge the lawfulness of their detention nor produce a reliable account of their actions without some knowledge of the police's evidence and the basis for the police's accusation. Thus, in order to restore the equality and fairness of an adversarial procedure, the suspect and their legal representative need to be provided with greater disclosure of case information at the outset (Jackson, 2001).

The first way in which police non-disclosure greatly diminishes the legal safeguards in place to protect suspects and allow them a fair proceeding is by undermining any legal advice the accused may receive. As the European Court of Human Rights highlighted in *Sapan v. Turkey* (2011), not allowing the lawyer to see the case file can "seriously hamper her ability to provide any sort of meaningful legal advice" to the client (p. 4). The solicitor, unaware of the case information held by the police, must navigate the uncertainty borne out of such police tactics and attempt to advise their client (Clough & Jackson, 2012). In his comprehensive guide to custodial legal advice, Cape (2011) consistently underscores the importance of acquiring information from the police as any legal advice in the face of non- or

limited disclosure is likely to be inadequate. Even if the client has a genuine account of what happened, the lawyer confronted with an information deficit may not be able to determine whether or not it is a strong enough defense. Lawyers need to know what evidence the police hold if they are to advise a suspect effectively (Sukumar, Hodgson, & Wade, in press).

When faced with non-disclosure, lawyers tend to advise their client to remain silent during the police interview (Quinn & Jackson, 2007). Silence can serve as a negotiation tool to evoke some disclosure from the police (Blackstock, Cape, Hodgson, Ogorodova, & Spronken, 2014). For example, a recent study explored the advice lawyers would give to their clients before and during the police interview (Sukumar, Hodgson, & Wade, in press). Criminal defense lawyers read scenarios in which a suspect was arrested for burglary and the police either presented all of their evidence before the interview or at various points during the interview. Lawyers stated how they would advise their client both before, and if necessary, during the police interview. There was a stark contrast between lawyers who were given pre-interview disclosure and lawyers who were only informed of the case evidence during the interview. Generally, lawyers given pre-interview disclosure were more likely to offer case-specific advice that focused on the strength of the police's evidence and accordingly guided suspects on the best course of action for the interview. In contrast, lawyers given disclosure during the interview (early, gradually, or late) frequently advised silence or demanded disclosure from the police. In other words, these lawyers did not advise their client on the matters of the case but rather the ways in which they could deal with police disclosure strategies. Clearly the extent of police disclosure greatly influences the nature and quality of legal advice that a suspect receives. Given that around 45% of suspects in English/Welsh police stations request lawyers, the impact of strategic disclosure on custodial legal advice is a major concern (Pleasence, Kemp, & Balmer, 2011).

It is also important to consider the remaining 55% of suspects who eschew legal representation. Legally unrepresented suspects may be particularly vulnerable to the heightened pressure of being presented with new, unanticipated evidence by the police. This is a second way in which strategic evidence disclosure may be unfair to suspects: It may be too stressful. The experience of being detained is reportedly imbued with fear, worry, confusion, humiliation, uncertainty, and isolation (Hodgson, 1994; Sanders, Young, & Burton, 2010). Non-disclosure may prevent the suspect, already vulnerable as a result of custodial conditions, from being prepared to answer questions and respond to allegations coherently. As evidence is unveiled during the course of the interview, the innocent suspect in particular is likely to face greater shock and disorientation (Ofshe & Leo, 1997). Without knowing the amount of evidence held by the police, the suspect may perceive the situation to be hopeless. In this way, strategic disclosure of evidence may feed into the immense pressure suspects are placed under when in custody.

Accordingly, some legal scholars suggest that strategic disclosure is a form of passive deception (Sanders et al., 2010). Indeed, lawyers report concerns that strategic evidence disclosure can throw clients off balance and lead them to make inconsistent statements during the police interview (Sukumar, Hodgson, & Wade, in press). Contrast these claims to the body of psychology research showing that liars tend to be more inconsistent with the evidence when it is strategically presented (Hartwig et al., 2014). In practice, inconsistencies in a suspect's account may indicate the suspect is attempting to deceive the police, however, the inconsistencies may also be a result of the suspect's state of distress. Crucially, one of the primary reasons that lawyers want pre-interview disclosure is to ensure that the suspect provides a reliable and accurate account when questioned. As a result, pre-interview disclosure may help the police to collect reliable evidence from the suspect, which in turn benefits the prosecution and the victim. In this way, the interests and aims of defense lawyers

and the police investigation overlap. In essence, legal scholars argue that pre-interview disclosure allows the suspect to enter the inherently stressful police interview more prepared.

So far, we've discussed how strategic disclosure of evidence may be unfair because it undermines custodial legal advice and places more pressure on the suspects being questioned. In addition to the unfairness of strategic disclosure by the police, legal scholars argue that preventing suspects from knowing the evidence against them early on has important practical consequences, specifically inefficiency and poorer relations between the police and defense. For instance, strategic disclosure of evidence may cause avoidable delays (Clough & Jackson, 2012). Some recommended strategies for lawyers to deal with police attempts at strategic disclosure include persistently requesting information, stopping the interview whenever new evidence is revealed in order to consult with the client, or requesting to speak with a Crown Prosecutor who may be in attendance (Cape, 2011). Each of these strategies can prolong the suspect's detention and questioning. If such strategies fail, the lawyer may use the first interview as a way of gaining sufficient information and then request a second interview. In this case, the suspect will remain silent during the first interview, and once the evidence is revealed the suspect may then request another interview in order to defend themselves. This is a strategy that defense lawyers report advising their clients, along with choosing to interrupt the interview to consult with their client every time the police disclose evidence (Blackstock et al., 2014; Kemp, 2010; Quinn & Jackson, 2007). The police are warned that these are likely interview outcomes when they provide limited disclosure to the lawyer and withhold key evidence (Shepherd, 2007).

Alternatively, suspects who may have made an immediate admission in response to pre-interview disclosure of evidence at the police station may then choose to remain silent during the interview and instead enter a guilty plea at court. Full pre-interview disclosure has the potential to allow the police, the lawyer, and the suspect to promptly gain a complete

understanding of the situation and avoid the financial and emotional costs of trial (Azzopardi, 2002). In sum, strategic disclosure of evidence in practice may be inefficient and take unnecessary additional time and resources.

Finally, strategic disclosure of evidence may sour relations between the suspect and the interviewer, and dramatically affect the suspect's willingness to respond to police questioning (McConville & Hodgson, 1993). Empirical research in England and Wales, including field observations of police station attendances by lawyers, has demonstrated that lack of disclosure is a point of conflict and misunderstanding between lawyers and police officers (Blackstock et al., 2014; Kemp, 2010, 2013; Quinn & Jackson, 2007; Skinns, 2009). The resulting tension and reduced cooperation between lawyers and the police can cause further delays and create a more hostile environment in which the suspect is interviewed. This is in contrast to the psychologists' arguments that withholding evidence and instead focusing on building rapport will improve the suspect's perception of the interviewer and lead to a more favorable interview outcome for the police.

Of course, the discrepancy between psychologists' and lawyers' claims about police-suspect relations may be an artefact of how psychology researchers generally approach the police interview. Psychological research on strategic evidence disclosure during police interviews rarely acknowledges the legal context of the detention and questioning of a suspect. The police interview is a legally regulated phase in a criminal investigation, during which legal safeguards must be respected. Of particular relevance to strategic evidence disclosure is the presumption of innocence and the suspect's right to information (Police and Criminal Evidence Act, 1984 Code of Practice C; Council Directive 2012/13/EU on the right to information in criminal proceedings). Relatedly, psychologists tend to consider the interview as an interaction primarily between the police and the suspect – an approach that may be appropriate for some countries where lawyers have either a minimal or no role in the

police interview — but not for other countries (e.g., England and Wales). As more countries adopt the right to a lawyer during police questioning, such a discrepancy between the two disciplines is worthy of further investigation. In essence, legally represented suspects are unlikely to perceive the police as acting fairly when the police withhold evidence because lawyers will inform their clients that the police may be misleading them and violating legally enshrined principles, such as the right to information. Moreover, the resulting tension between lawyers and police may actually interfere with the police's attempt to build rapport with the suspect. As a result, strategically disclosing evidence may have an adverse impact on the relations between the police and both the suspect and his or her lawyer.

By way of summary, lawyers argue that strategically disclosing evidence to suspects is unfair as lawyers cannot provide informed legal advice to their clients nor challenge the lawfulness of their client's detention while suspects are likely to be placed under greater pressure without knowing all the evidence the police hold. Moreover, strategic disclosure of evidence may also reduce the efficiency of police station cases and lead to greater conflict between lawyers and police. Notably, lawyers do concede that there are exceptional circumstances during which the police may have no other option but to withhold evidence, for instance, to protect national security or to prevent prejudicing of an on-going investigation (Blackstock et al., 2014).

Conclusions and recommendations for future research

In sum, psychologists have suggested strategic disclosure of evidence is a promising method for police interviews, highlighting its benefits for lie detection, verifiable confessions, fairer interviews, uninterrupted rapport-building, and eliciting information from suspects. Meanwhile lawyers continue to resist police disclosure tactics and express concerns about the detrimental effects that strategic disclosure may have on a suspect's legal rights, in particular custodial advice, a suspect's interview experience, efficiency, and working relations between

lawyers and police. Many empirical questions arise from these conflicting views, and to move forward in resolving the discrepancies between these two fields, we urge psychology and law researchers to work together and focus on the following applied and theoretical issues.

First, how does the timing of evidence disclosure impact police-suspect relations? Psychology research suggests that disclosing evidence to the suspect may interfere with rapport-building (Goodman-Delahunty et al., 2014). For this reason, the police may choose to initially build rapport with the suspect and then strategically disclose the evidence later in the interview. However, legal research indicates that when the police strategically disclose evidence, there is greater tension between the lawyer and police interviewer, and consequently between the suspect and police interviewer too (for example, Kemp, 2013; McConville & Hodgson, 1993). Thus, future research could vary when the interviewer discloses their evidence and measure how it impacts interviewer-suspect relations. Of course, such research should also take into account the role of the suspect's lawyer before and during the police interview.

Second, how do suspects perceive the strategic disclosure of evidence? Some psychologists claim, for instance, that suspects might find it fairer to offer their side of the story first before being presented with the evidence (Sellers & Kebbell, 2009). Meanwhile lawyers argue that when the police strategically disclose evidence, suspects feel ambushed with the evidence and consequently find the interview more stressful (Sukumar, Hodgson, & Wade, in press). The question of how suspects regard strategic evidence disclosure would benefit from field research with police interviewers and suspects because it may not be possible to recreate the high stakes of a police interview, one that involves the strategic disclosure of evidence, in the laboratory.

Finally, does planning strategic disclosure of evidence cause the police to be more open-minded about a suspect's guilt? Planning strategic disclosure requires a consideration of all possible explanations that the suspect might provide for the evidence (van der Sleen, 2009). Given that some of these explanations plausibly suggest that the suspect is innocent, the interviewer might be less inclined to presume that the suspect is guilty. Yet, it is not clear whether an interviewer who chooses to plan strategic disclosure of evidence, for example to catch a suspect lying, is already biased towards thinking the suspect is guilty. We are currently exploring the relationship between police guilt bias and evidence disclosure strategy in our laboratory.

In conclusion, we encourage psychologists and lawyers to work together to find out the broader implications of strategically disclosing evidence in police interviews. In particular, researchers should consider how strategic disclosure of evidence impacts suspects and their legal rights during police questioning as well as the police's ability to efficiently gather information from the accused in practice. Indeed, such collaborative research may highlight that current police practices of withholding evidence from suspects may need to change. One possible solution is for the police to disclose the type and quality of evidence they possess to suspects and their lawyers before the interview, yet withhold some critical details of the evidence to test the truthfulness of any account or confession that the suspect may provide. Given that police forces around the world are already using various strategic disclosure techniques, it is vital that we assess the associated benefits and risks of strategic disclosure of evidence during police interviews. The time is ripe for an interdisciplinary effort in determining the evidence disclosure methods that best serve the criminal justice system.

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