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The Right to Silence and the Permission to Talk: Motivational Interviewing and High-Value Detainees

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Motivational interviewing (MI) is an evidence-based intervention that has proved effective across diverse clinical contexts with clients ambivalent about and resistant to behavioral change. This article argues that the principles of MI can be successfully applied to law enforcement (LE) interviews with high-value detainees (HVDs; i.e., terrorist suspects). Although the forms of ambivalence and resistance may differ from those in clinical contexts, HVDs must make the decision whether to talk or not when they are interviewed. We argue there is likely ambivalence regarding this. We theorized that 4 MI-consistent (MI) skills may be useful for LE interviewers: reflective listening, summaries, rolling with resistance, and developing discrepancies. Using the Observing Rapport Based Interpersonal Techniques coding manual (Alison, Alison, Elntib, & Noone, 2012), we analyzed 804 tapes of LE interviews with 75 terrorism suspects in the United Kingdom. Multilevel structural equation modeling revealed that MI skills encouraged detainee engagement and subsequent information gain. It also revealed that any approach antithetical to MI had a profoundly negative impact on detainee engagement and subsequent information gain—potentially through creating reactance (a form of resistance based on motivations to regain a freedom when it is threatened). Overall, this research provides unique evidence for the use of specific skills and approaches that can increase or decrease HVD engagement and information provided.

Public Significance Statement

This article provides empirical support for using a humane, respectful, and compassionate approach to interrogating high-value detainees (i.e., terrorist suspects) to encourage cooperation and disclosure of information. These findings have potential to improve methods of national security while promoting fair treatment of detainees.

Keywords: motivational interviewing, high-value detainees, interrogation, terrorism, rapport

Motivational interviewing (MI)—an evidence-based clinical intervention originally developed for treating substance misuse—is described as (a) person-centered, using clients'

own knowledge and expertise about themselves (Tudor, 2008)—and (b) goal-directive, insofar as therapists intentionally target clients' ambivalence about behavioral change (W. R. Miller & Rollnick, 2013). In its original context, *ambivalence* refers to simultaneous motivations drawing a client toward or away from substance misuse (W. R. Miller & Rollnick, 2013). Therapists practicing MI provide a directive but nonjudgmental environment for clients to articulate their thoughts, feelings, and beliefs surrounding the contemplation of behavioral change. Client insight moments are never forced by therapists, because attempts to push in favor of change can create client reactance—a form of resistance in which a person is motivated to regain a freedom after it has been either lost or threatened (Brehm, 1966). Consequently, berating, rational arguments, and even gentle encouragement can reinforce clients' defensive articulation of motivations to stick with the misuse pattern whereas, previously, they were contemplating change (W. R. Miller & Rollnick, 2013). Conversely, acknowledg-

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ing a person's freedom of choice (even in the direction of continuing substance misuse) typically diminishes defensiveness and can facilitate change (W. R. Miller & Rollnick, 2013). Although it originated in the addiction domain, MI has been utilized in other areas of behavioral change that encounter resistance and ambivalence (Westra & Aviram, 2013). The efficacy of MI for targeting behavioral change has been demonstrated across many diverse contexts, with over 600 clinical trials and numerous meta-analyses and systematic reviews published (e.g., DiClemente, Corno, Graydon, Wiprovnick, & Knobloch, 2017; Lawrence, Fulbrook, Somerset, & Schulz, 2017).

This article examines whether there is any support for the use of MI principles within law enforcement (LE) interviews with high-value detainees (HVDs; i.e., terrorist suspects). The article argues that MI's goal-directive, nonjudgmental, freedom-of-choice-based underpinnings are consistent with the ethos of most European-based (and to some extent U.S.-based) LE interviews or interrogations of HVDs. Enshrined in LE interviews in the United Kingdom (U.K.) and many European countries are the right to silence and a noncoercive, neutral presentation of evidence in the pursuit of the truth (in the United States, detainees have the right to silence, but interrogators often adopt an accusatorial, confession-based approach where the perception of evidence against a detainee can be manipulated to encourage confessions; J. C. Miller, Redlich, & Kelly, 2018). Though the psychological forms of ambivalence and reactance may differ ("Do I give up drugs?" vs. "Do I avail myself of my right to silence?"), an MI-consistent (MIC) approach is both psychologically congruent and has both the HVD's

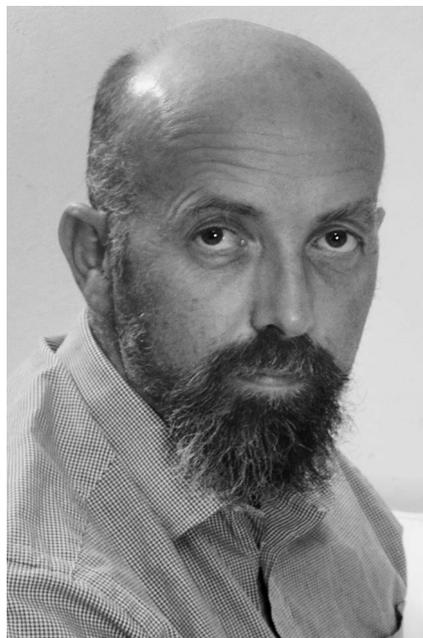
and wider society's legal and ethical rights front and center (Alison, Alison, Noone, Elntib, & Christiansen, 2013).

In a study examining why offenders choose to confess or to deny accusations against them, Kebbell, Hurren, and Mazerolle (2006) reported that around half of the offenders in their sample claimed they were undecided about whether they would confess before they were interviewed. This challenges the often-assumed legal position that not talking (and certainly not confessing) is always the desirable end state for a legal client. Furthermore, it suggests that an interviewer's approach and behavior during the interview could significantly influence a detainee's decision to talk (or not). Indeed, according to the principles of reactance, a detainee willing to talk could decide to stop talking if overtly encouraged or pressured to talk. Conversely, adherence to the principles of MI should create an atmosphere conducive to communication, where detainees can contemplate whether they intend to talk (Alison et al., 2013).

The essence of MI lies in its macrolevel approach to reactance rather than tactical tricks to be deployed. Thus, what matters is the spirit, or atmosphere, created. This includes the creation of an accepting, empathic approach, underpinned by a partnership between therapist and client that honors client autonomy and is directed at evoking clients' own motivations for change (W. R. Miller & Rollnick, 2013). Four key skills, characteristic of an MI style, may be particularly useful for engaging HVDs in LE interviews. These are reflective listening, summarizing, rolling with resistance, and developing discrepancies (Moyers & Rollnick, 2002).

Reflective listening allows therapists to express empathy by conveying an understanding of clients' experience and ambivalence about change (W. R. Miller & Rollnick, 2013). Therapists identify the underlying meaning and feelings behind what a client has said and then present this to the client to check that their understanding of the client's value system is correct. A therapist may repeat back a word or phrase verbatim or use complex reflections, such as summarizing, to add meaning or emphasis to what the client has said and/or to direct the conversation (W. R. Miller, Moyers, Ernst, & Amrhein, 2003). Although it is most often associated with counseling, reflective listening has been found to work effectively in a range of other settings, including hostage negotiations (Vecchi, Van Hasselt, & Romano, 2005; Voss & Raz, 2016).

When dealing with resistant clients, MI therapists can increase client engagement by avoiding argumentation and rolling with resistance (Apodaca & Longabaugh, 2009). The aim is to explore and understand why the client is resistant rather than to challenge it (Moyers & Rollnick, 2002). Clients may be resistant to change (e.g., have little desire to change) or be interpersonally resistant to the therapist and/or treatment (Westra & Aviram, 2013). HVDs can of



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course also be resistant during interviews, employing a range of counterinterrogation tactics to avoid cooperating (Alison et al., 2014). Many of these resemble signs of interpersonal resistance (though it is worth noting that in a large-scale study of a variety of terrorist detainees, especially difficult and resistant behavior was not the norm; Alison et al., 2013). Given the potential for resistance among HVDs, an MIC approach may offer LE interviewers a valuable way of dealing with HVD resistance and increasing engagement.

Aside from the interviewer's behavior, the most important factor influencing a detainee's decision to talk is the strength of the evidence against them (Moston & Engelberg, 2011). Research has demonstrated that how and when evidence is presented can influence detainee cooperation (Hartwig, Granhag, & Luke, 2014). A necessary part of LE interviews is to challenge detainees on discrepancies between their account and the available evidence (Soukara, Bull, Vrij, Turner, & Cherryman, 2009). However, to date, the way in which these inconsistencies are presented interpersonally has not yet been explored. In MI, a key skill is to develop discrepancies between clients' current behavior and goals or values important to them in order to help clients recognize that their behavior may be disadvantageous (W. R. Miller & Rollnick, 2002). To avoid client reactance, this is conducted in a nonjudgmental, objective manner so that clients are able to reach this conclusion themselves. Within an LE context, this skill may be applicable to interviewers challenging detainees on discrepancies between their account and evidence. In line with the principles of MI, challenging detainees in a neutral, objective manner may lead to more information disclosed, whereas a judgmental

challenge may engender resistance, leading to less information.

The following study examines the relationships between LE interviewers' use of four skills consistent with the principles of MI (reflective listening, summaries, rolling with resistance, and developing discrepancies), five Global MI strategies relating to the MI spirit (acceptance, empathy, evocation, adaptation, and autonomy), detainee engagement, and information yield. To understand the potentially deleterious effect of MI-inconsistent (MIIC) behaviors, we also examined approaches that represent interviewer behaviors antithetical to the four MIC skills. We hypothesized that the use of skills consistent with MI would be associated with increased Global MI strategies, detainee engagement, and information yield. Conversely, we predicted that MIIC behaviors would be associated with a decrease in these variables.

Method

ORBIT Coding Tool

Alison, Alison, Elntib, and Noone (2012) developed the Observing Rapport-Based Interpersonal Techniques (ORBIT) coding framework to code video-taped police investigative interviews. The MI skills element of ORBIT is based on the Motivational Interviewing Skill Code (MISC) manual (W. R. Miller et al., 2003). Three specific components of ORBIT were examined in this study: (a) assessment of rapport-based skills (RBS) and behaviors counter to these, drawn from the MI literature (W. R. Miller & Rollnick, 1991); (b) a detainee engagement rating (DER), which assessed the detainee's level of engagement on an 8-point scale ranging from 1 (*the detainee says nothing at any point during the session*) to 8 (*partial or full confession to the principal charge*); and (c) interview yield assessment (Yield), which assesses information of evidential significance. Yield comprises information relating to (a) capability (i.e., knowledge, skill, or ability to engage in the offense), (b) opportunity (i.e., access or circumstances to commit the offense), (c) motive (i.e., possible reasons for committing the offense), and (d) PLAT (i.e., details about items, people, locations, actions or timings relevant to the offense).

RBS were coded on the following two measures: (a) MI of Detainees Assessment of Skills (see Table 1, adapted from Alison et al., 2013) and (b) Global Motivational Interviewing Scores, which assesses interviewers' use of five strategies: acceptance, empathy, adaptation, evocation, and autonomy. All coding scales and protocols were taken directly from the ORBIT coding framework and manual. Further details of each of these coding scales, as well as how they were developed, can be found in Alison et al. (2013).



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Data Set

Two data sets were used in this study. Data Set 1 comprised 563 interview tapes with 48 detainees, conducted between 2004 and 2010, drawn from a larger sample of coded interviews published by Alison et al. (2013, 2014). Only tapes with complete information for the variables used in the study were included. In addition, a new data set (Data

Set 2) that consisted of 241 interview tapes with 27 detainees, conducted between 2012 and 2017, was used. There were no missing data from this data set. All cases were identified by agreement with the United Kingdom's National Counter Terrorism Branch and were selected if the detainee had been convicted and did not have any appeals pending. Pairs of interviewers conducted each interview. All interviewers had undergone advanced interviewer training and were all assigned to counterterrorism units across the United Kingdom and Ireland.

The combined data sets contained 804 audio and video recordings (mean length = 40 min) with 75 detainees (representing 533 hr of footage), who were subsequently convicted of terrorism-related offenses. Of the 75 suspects, 50 were international (25 were Islamic State [IS] or IS-inspired), comprising 166 tapes; 24 were Al-Qaeda (AQ) or AQ-affiliated, comprising 262 tapes; one other was an international terrorist suspect, comprising 4 tapes; 18 were paramilitary (237 tapes); and seven were right-wing terrorist suspects (135 tapes).

U.K. police interviews are usually broken into 45-min segments based on the tapes used to record them. This provides a natural segment for coders to analyze the interaction. RBS (both Global MI scores and MI skills) were scored every 45 min, or at the end of the tape, because the scores are intended to reflect the interaction as a whole. DER and Yield were scored at 15-min intervals (i.e., scored three times in a 45-min segment), because these variables vary more within the interview. However, mean scores

Table 1

Motivational Interviewing of Detainees: Assessment of Skills (MIDAS) Coding Framework

Skill	MI-consistent skills	MI-inconsistent techniques
Reflective listening	<i>Accurate understanding:</i> Demonstrating that the interviewer has accurately heard and understood the detainee, using simple or complex reflections, without judgment	<i>Assumptive questioning:</i> Using inaccurate or exaggerated interpretations of what the detainee has said; providing unsolicited advice; interrupting detainee; being dismissive, argumentative, or accusatorial
Summaries	<i>Balanced summary without judgment:</i> Summarizing information using suspect's own words and then seeking clarification or further detail; summaries including both positive and negative content	<i>Judgmental summary:</i> Focusing on the negative aspects of the account; using summaries that introduce the interviewer's view rather than detainee's; using summaries with a tone of sarcasm or disbelief
Rapport and resistance	<i>Rolling with resistance:</i> Using evocative prompts; using statements that reflect positive and negative content; using three prompts when met with resistance, then shifting to an area of less resistance	<i>Fighting resistance:</i> Using tactics that inhibit rapport such as threatening, ordering; using sarcasm or judgment; warning detainee of consequences; misleading or using forced choice questions
Developing discrepancies	<i>Neutral challenge:</i> Presenting inconsistencies to the detainee for explanation without providing excuses or passing judgment; using detainee's own speech or specific details of forensic reports to ensure no misunderstanding; inviting an explanation	<i>Judgmental challenge:</i> Presenting inconsistencies in a confrontational, accusatory, or judgmental manner, such as demanding explanations, shaming or blaming; focusing on police's or victim's perspective rather than detainee's

0 = Absence

1 = Mild

2 = Moderate

3 = Extreme

Note. Adapted from "Why Tough Tactics Fail and Rapport Gets Results: Observing Rapport-Based Interpersonal Techniques (ORBIT) to Generate Useful Information From Terrorists," by L. Alison, E. Alison, G. Noone, S. Eltnib, and P. Christiansen, 2013, *Psychology, Public Policy, and Law*, 19, p. 417–418. Copyright by the American Psychological Association.



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across 45-min segments were used for comparison with RBS scores.

Ethical Considerations

Due to the nature of the material being both confidential and sensitive, in addition to obtaining ethical approval from the University of Liverpool's Research Ethics Committee, a strict memorandum of understanding was agreed between the U.K. counterterrorism senior national coordinator (CT SNC) and the research team. Police interviews in the United Kingdom are the property of the police services that conducted the interviews. Therefore, consent to use such interviews for research purposes was obtained from the national CT SNC. All researchers involved in the coding of data were vetted prior to gaining access to the material. Once vetted, the researchers were allowed access to the data, which were password-protected and encrypted. To ensure confidentiality, we recorded no identifiable information at any time while coding, and coding of the material resulted in an anonymized data file. Coders followed an anonymization protocol to deidentify data by removing all elements that could be used to identify the individuals or their relatives, employers, or household members.

Data Analysis

The data had a hierarchical structure as there were 804 interview tapes (Level 1) nested within 75 detainees (Level 2). As a result, multilevel structural equation modeling (MLSEM) that accounted for variance at the detainee level was conducted using STATA 14.1 (StataCorp, 2015). Maximum likelihood estimation was used to test the hypothe-

sized model, and multiple indices of model fit were calculated to ensure that the model represented a good fit of the data. Prior to conducting the MLSEM, confirmatory factor analyses were conducted on all hypothesized latent variables (Yield, Global MI, MIC skill, and MI-inconsistent behaviors). Multivariate normality was assessed using Mardia's multivariate skewness and kurtosis tests. This revealed that the variables were nonnormally distributed: Mardia skewness = 31.55, $\chi^2(1140, N = 804) = 4,244.8, p < .001$; Mardia kurtosis = 377.99, $\chi^2(1, N = 804) = 90.30, p < .001$. Consequently, Satorra-Bentler scaled chi-squared estimation with adjustment to standard errors was used to test hypothesized model fit for the latent models because it is robust to nonnormality. The standardized root-mean-square residual (SRMR) absolute fit index was also used to assess model fit; it is less affected by sample size distribution and kurtosis because it is not a simple variation of chi-squared. For this measure, values under 0.08 are representative of a good model fit (Hu & Bentler, 1999).

As well as using the discrepancy function methods, two noncentrality-based indices were used to evaluate fit (Bentler, 2007). The comparative fit index (CFI), which is less sensitive to sample size than are the previous measures, was used, whereby values equal to or greater than 0.95 are a good fit. The root-mean-square error of approximation (RMSEA) was appropriate in this model due to the large degrees of freedom; values equal to or lower than 0.06 were used to determine a good fit (Hu & Bentler, 1999).

In describing specific relationships within the model, we report standard errors and 95% confidence intervals (CIs) and associated *p* values. Unstandardized regression coefficients and their standard errors are also reported.

Following this initial analysis, the hypothesized structural equation model was run as a single level and multilevel model using gsem with robust adjustment for standard errors in STATA. These models were ran using mean scores of the latent variables for yield, Global MI, and MI-consistent and -inconsistent behaviors. This is due to computational limitations in estimating multiple latent variables and their associations with each other and with the other, observed variables across multiple levels (75). To control for nesting in the data, we added *detainee* as a random intercept. Model fit indices described above cannot be computed for MLSEM; however, Akaike information criterion (AIC) and Bayesian information criterion (BIC) comparative fit values were used to compare the fit of the MLSEM model to the single-level model.

Intercoder Agreement

For this study, a subset of 30 tapes from the data set were randomly selected, and each tape was coded by two experienced coders to check that Interrater reliability (IRR) was

adequate for all variables used in the study. IRR was calculated using intraclass correlations (ICCs) using a two-way random, consistency, single-measure ICC (McGraw & Wong, 1996) on the raw ordinal scores, because it allows consistency to be correlated in an additive manner rather than on absolute agreement (Hallgren, 2012). The kappa index was also used to check categorical coding of variables that could be coded dichotomously (i.e., existence of behavior vs. absence) along with percentage agreements, bearing in mind the high sensitivity of kappa values to peripheral methodological issues such as prevalence of one category over the other, sample size, and number of ratings in each scale (Feinstein & Cicchetti, 1990).

Agreement for ICC was categorized into poor (<0.40), fair (0.40–0.59), good (0.60–0.74), and excellent (>0.75; Cicchetti, 1994). IRR was assessed using a two-way random, consistency, single-measure ICC (McGraw & Wong, 1996) to assess the degree to which coders provided consistency in their ratings of each variable. DER could be assessed only through ICC and achieved excellent agreement (ICC = .87). Agreement for kappa was categorized into poor (0.00–0.20), fair (0.21–0.40), moderate (0.41–0.60), strong (0.61–0.80), and near complete agreement (>.80; Landis & Koch, 1977). The results of the IRR analyses are shown in Table 2 and were deemed acceptable. Although two variables (MI-consistent Rapport and Resistance; MI-consistent Summaries) achieved lower ICC values at the interval level, the categorical coding of these variables was much higher, achieving fair agreement using kappa. In addition, rater percentage agreements on these two categories remained high. This may be an indication that it is more difficult to apply subtler scaling to these two categories and that they may be interpreted as mild to moderate based on small differences in interpretation.

Table 2
Interrater Reliability Scores for Rapport Based Skills and Yield

Measures	MI-consistent			MI-inconsistent		
	ICC	Kappa	Rater % agreement	ICC	Kappa	Rater % agreement
Reflective listening	.58	.52	90	.68	.63	83
Rapport and resistance	.26	.35	74	.61	.53	83
Summaries	.26	.35	90	.40	.41	80
Develop discrepancies	.41	.44	77	.66	.53	80
Capability	.59	.34	65			
Opportunity	.66	.47	74			
Motive	.68	.64	82			
PLAT ^a	.77	.64	82			
Acceptance	.68	.73	90			
Empathy	.82	.41	80			
Adaptation	.58	.38	83			
Evocation	.84	.84	94			
Autonomy	.52	.47	83			

Note. Yield refers to interview yield assessment. MI = motivational interviewing; ICC = intraclass correlation.

^a Details about items, people, locations, actions or timings (PLAT) relevant to the offense.

Results

Descriptive Statistics

Descriptive statistics for RBS are shown in Table 3. Global MI is scored from 1 to 7, and MI skills are scored from 0 to 3. Mean scores for MIC skills were all higher than were MIIC behaviors. Descriptive statistics for yield and DER are also shown in Table 3. DER is rated from 1 to 8, and all yield variables were scored from 0 to 3. Values of skewness and kurtosis ranged between the acceptable levels of -2 and 2 , and thus no transformations were necessary (Lewis-Beck, Bryman, & Liao, 2003).

Internal Reliability of MI Scales

Principal factor analysis (principal axis factoring) with direct oblimin rotation revealed a clear three-factor solution for the MI variables. Sampling adequacy was good (Kaiser-Meyer-Olkin [KMO] = .90), and Bartlett's test of sphericity showed sufficient correlations between items, $\chi^2(78, N = 804) = 6,438.56, p < .001$. The eigenvalues of the three factors were 5.96, 1.99, and 1.31 and accounted for 71% of the variance. Factor 1 comprised the five Global MI variables, Factor 2 comprised the four MIC skills, and Factor 3 comprised the four MIIC behaviors. Factor loadings can be seen in Table 4 (factor loadings below 0.40 were suppressed). Internal reliability was then assessed using Cronbach's alpha. All three scales showed good to excellent internal reliability, as can be seen in Table 4. For the Global MI and MIIC scales, removal of any variable would weaken the scale's internal consistency; however, if developing discrepancies was removed from the MIC scale, internal consistency of the scale would increase ($\alpha = .76$).

Table 3
Descriptive Statistics for Rapport Based Skills, Detainee Engagement Rating (DER) and Yield

Variable	M (SD)	Skewness (SE)	Kurtosis (SE)
MI-consistent			
Reflective listening (+)	1.60 (0.93)	-0.17 (0.09)	-0.82 (0.17)
Rapport and resistance (+)	1.31 (1.02)	0.14 (0.09)	-1.13 (0.17)
Summaries (+)	1.17 (0.97)	0.25 (0.09)	-1.00 (0.17)
Develop discrepancies (+)	1.22 (0.97)	0.14 (0.09)	-1.08 (0.17)
MI-inconsistent			
Reflective listening (-)	0.72 (0.84)	0.84 (0.09)	-0.32 (0.17)
Rapport and resistance (-)	0.59 (0.81)	0.14 (0.09)	-1.13 (0.17)
Summaries (-)	0.50 (0.80)	0.25 (0.09)	-1.00 (0.17)
Develop discrepancies (-)	0.60 (0.87)	0.14 (0.09)	-1.08 (0.17)
DER	3.87 (2.07)	0.28 (0.09)	-1.33 (0.17)
Yield			
Capability	0.63 (1.00)	1.34 (0.09)	0.34 (0.17)
Opportunity	0.58 (0.94)	1.46 (0.09)	0.85 (0.17)
Motive	0.87 (1.53)	1.53 (0.09)	1.18 (0.17)
PLAT	0.86 (1.05)	0.79 (0.09)	-0.84 (0.17)
Global MI			
Acceptance	4.71 (1.61)	-0.40 (0.09)	-0.71 (0.17)
Empathy	4.28 (1.55)	-0.35 (0.09)	-0.44 (0.17)
Adaptation	4.42 (1.54)	-0.27 (0.09)	-0.50 (0.17)
Evocation	4.07 (1.71)	-0.24 (0.09)	-0.89 (0.17)
Autonomy	4.63 (1.53)	-0.52 (0.09)	-0.05 (0.17)

Note. Yield refers to interview yield assessment. MI = motivational interviewing; PLAT = details about items, people, locations, actions or timings relevant to the offense.

Data Modeling

Measurement models. Confirmatory factor analysis was used to test the construct validity of the latent variables created for Yield, Global MI, MIC skill, and MIIC techniques. Some covariances between errors were added to the models based on modification indices and theoretical justifi-

Table 4
Factor Loadings and Cronbach's Alpha Coefficients for Global MI Skill, MI-consistent (MIC) Skill, and MI-inconsistent (MIIC) Behavior

Model	Global MI	MIC	MIIC
Acceptance	.80		
Empathy	.88		
Adaptation	.85		
Evocation	.88		
Autonomy	.76		
Reflective listening (+)		.62	
Rapport and resistance (+)		.55	
Summaries (+)		.70	
Develop discrepancies (+)		.53	
Reflective listening (-)			.73
Rapport and resistance (-)			.87
Summaries (-)			.77
Develop discrepancies (-)			.84
α	.93	.73	.88

Note. MI = motivational interviewing.

The overall fit of the Yield model (which included covariance between capability and motive errors) was good on all measures, $\chi^2(1, N = 804) = 0.57, p = .45, SRMR = .004, CFI = 1.00, RMSEA = .01, 90\% CI [0.00, 0.10]$, and all factor loadings were significant ($p < .001$). Likewise, the overall fit of Global MI model was good on all measures, $\chi^2(3, N = 804) = 3.46, p = .33, SRMR = .005, CFI = 1.00, RMSEA = .01, 90\% CI [0.00, 0.07]$, and all loadings were significant ($p < .001$). Covariances between acceptance and evocation and acceptance and autonomy errors were added to the model. The fit of the model for MIIC Techniques (which included covariance between reflective listening and rapport and resistance errors) was good on all measures, $\chi^2(1, N = 804) = 1.02, p = .32, SRMR = .004, CFI = 1.00, RMSEA = .03, 90\% CI [0.00, 0.10]$, and all factor loadings were significant ($p < .001$). Last, the overall fit for MIC skill model (which included covariance between develop discrepancies and summaries errors) was good on all measures, $\chi^2(1, N = 804) = 0.10, p = .75, SRMR = .002, CFI = 1.00, RMSEA = .01, 90\% CI [0.00, 0.07]$, and all factor loadings were significant ($p < .001$). However, because developing discrepancies had a relatively low factor loading compared to the other three variables in the model ($b = .37, SE = .05; 95\% CI [0.27, 0.47], p < .001$) and its removal from the MIC scale would increase the scale's internal consistency, it was removed from the MIC latent variable.

Following CFA of each latent variable, AIC and BIC comparative fit measures were used to assess whether a single-level or multilevel model that accounted for detainee was a better fit. As seen in Table 5, the multilevel models were a superior fit for all latent variable models (lower AIC and BIC values indicate a better fit).

Multilevel structural model. The dependent variable for the hypothesized structural model was interview yield. The hypothesized structural model investigated the direct and indirect effects of Global MI Skill, MIC skills and MIIC techniques and level of detainee engagement (DER) on interview yield. The multilevel model that accounted for

Table 5
Comparative Fit Values (AIC and BIC) for Single- and Multilevel Models for Each Latent Variable

Variable	Single-level models		Multilevel models	
	AIC	BIC	AIC	BIC
Yield ^a	7,139.92	7,200.88	6,633.17	6,712.89
MIIC	6,276.41	6,337.38	6,123.07	6,202.79
MIC	8,162.26	8,223.23	7,857.09	7,936.82
GMISC	11,871.17	11,950.89	11,209.13	11,312.3

Note. AIC = Akaike information criterion; BIC = Bayesian information criterion; MIIC = MI-inconsistent; MIC = MI-consistent; GMISC = Global Motivational Interviewing Scores.

^a Interview yield assessment.

variance at the detainee level was found to be a better fit (AIC = 8,833.68; BIC = 8,941.54) for the data than was the single-level model (AIC = 10,379.17; BIC = 10,463.58). In the multilevel model, 39% of the explained variance in yield was attributed to differences between detainees (Level 2) and 61% attributed to differences at the interview tape level within the same detainee (Level 1). For detainee engagement, 60% of variance was attributed to between-detainees differences and 40% attributed to the interview tape level. For Global MI scores, 59% of variance was attributed to differences between detainees and 41% attributed to interview tape level. For MIC scores, 42% of variance was attributed to differences between detainees and 58% to differences at the tape level. For MIIC scores, 29% of variance was attributed to differences between detainees and 71% attributed to the interview tape level. Associations between all variables in the multilevel SEM are reported below (also see Figure 1).

Associations between DER and interview yield. There was a significant positive association between DER and interview yield ($b = 0.29$, $SE = 0.02$; 95% CI [0.26, 0.32], $p < .001$).

Associations between Global MI Skill, interview yield, and DER. There was a strong, positive association between Global MI Skill and DER ($b = 0.43$, $SE = 0.13$; 95% CI [0.17, 0.68], $p < .001$). The direct association between Global MI skill and interview yield was not significant ($b = 0.02$, $SE = 0.02$; 95% CI [-0.01, 0.05], $p = .19$). However, Global MI skill had a significant indirect effect on yield,

mediated by increased DER ($b = 0.12$, $SE = 0.04$; 95% CI [0.5, 0.20], $p < .001$).

Associations between MI-inconsistent (MIIC) Techniques and Global MI Skill, DER, and interview yield. As hypothesized, there was a significant negative association between MIIC skills and Global MI skill ($b = -0.57$, $SE = 0.12$; 95% CI [-0.79, -0.34], $p < .001$). There was also a significant negative association between MIIC skills and DER ($b = -0.46$, $SE = 0.22$; 95% CI [-0.89, -0.23], $p = .039$), as well as a significant negative indirect effect on DER, mediated by Global MI Skill ($b = -0.24$, $SE = 0.08$; 95% CI [-0.39, -0.09], $p < .001$). Additionally, there was a negative indirect effect of MIIC on interview yield, mediated by reduced DER ($b = -0.13$, $SE = 0.07$; 95% CI [-0.26, -0.01], $p = .042$).

Associations between MI-consistent (MIC) skills and Global MI Skill, DER, and interview yield. As hypothesized, there was a significant positive association between MIC skills and Global MI skill ($b = 0.39$, $SE = 0.07$; 95% CI [0.24, 0.54], $p < .001$), although not between MIC skills and DER ($b = 0.001$, $SE = 0.22$; 95% CI [-0.35, 0.37], $p = .99$). There was, however, a significant positive indirect effect on DER, mediated by Global MI Skill ($b = 0.16$, $SE = 0.07$; 95% CI [0.03, 0.30], $p = .017$). However, no significant indirect effect of MIC skills on interview yield was found ($b = 0.001$, $SE = 0.06$; 95% CI [-0.13, 0.13], $p = .99$).

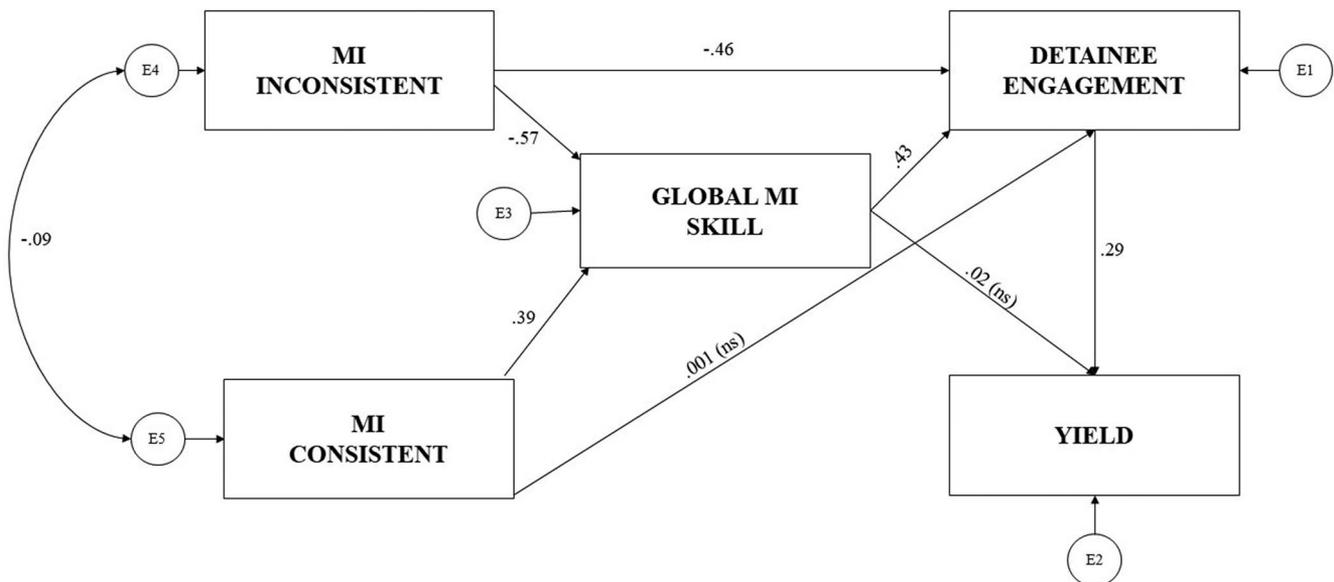


Figure 1. Hypothesized structural model for how interrelating motivational interviewing (MI) skills, Global MI skills, and MI-inconsistent techniques interact with one another and with detainee engagement and yield. Unstandardized parameter estimates presented are statistically significant at $p < .05$ unless otherwise indicated (ns); a single-level model is presented for ease of understanding. E1-E5 represent measurement error for each variable.

It is worth noting that the results of the multilevel model using mean scores of the latent variables produced that same pattern of results as did a single-level latent variable model.

Discussion

Careful observational coding of LE interrogations with 75 convicted terrorism suspects (the largest international corpus of field data of its kind) revealed that detainee engagement (and disengagement) was impacted by interviewer behavior. In legal terms, this broadly relates to the concept of detainees exercising their right to silence, while also respecting, where they wish to, their right to talk. Although results reveal that MI skills encourage engagement, even more pronounced was the finding that any approach antithetical to MI (accusation, assumption and confrontation) had a profoundly negative impact on detainee engagement. By accounting for individual differences between detainees, the results reveal that these effects are found regardless of how cooperative (or not) a detainee may be generally. This suggests that detainees previously willing to talk are likely to be discouraged from doing so by an interviewer working too hard to convince them to talk (e.g., through accusatory statements, prejudging their answers, confronting them too forcefully with evidence, or rational cornering). These approaches appear to cause reactance and thus encourage detainees to avail themselves of the right to silence, whereas previously, they may have been considering their right to speak.

In previous studies of MI, clients' contemplation of behavioral change (indicated by articulating their reason for change) has been the main predictor of a successful outcome (i.e., reducing substance misuse; Apodaca & Longabaugh, 2009). In this sample of HVDs, contemplating engagement ('Should I talk or not talk to this interviewer?') determined whether they would reveal information. The results suggest that many of the HVDs do contemplate engagement rather than the often-held legal assumption that it is always in their best interest to say nothing. Additionally, the results showed the use of MI skills and commitment to creating an accepting, empathic atmosphere was associated with increased engagement. Interviewing officers and attorneys or solicitors need to consistently bear in mind that it is not their job to convince individuals either way what is in their best interest. As enshrined in U.K. and U.S. law, it is detainees' choice whether to avail themselves of their right to silence or their right to speak. Even gentle persuasion on the part of the interviewing officer to speak could push individuals into a decision to not speak. Equally, expert legal representatives recognize that their advice is just that—advice—and not an instruction to not speak.

Assumptive questioning, judgmental summaries, and accusatory challenges (behaviors inconsistent with MI) caused detainees to disengage and stop talking. This supports MI

research that shows how therapist MIIC behaviors are associated with higher levels of resistance, lower client engagement, and worse outcomes (Apodaca & Longabaugh, 2009). It also supports investigative interviewing research that has found accusatory, confrontational approaches (e.g., disallowing denials and asserting authority) are associated with increased resistance and decreased cooperation (Kelly, Miller, & Redlich, 2016). The current study did not examine whether particular interrogator and/or detainee characteristics predicted the use of MIIC behaviors, but this may be an interesting area to explore.

In therapeutic settings, the use of MIIC behaviors can lead to particularly negative outcomes (i.e., increased substance misuse) with angry and/or highly reactive patients (Karno & Longabaugh, 2004, 2005). Reactance theory posits that a person's reaction to a loss of freedom will be greater the more important it is perceived to be and when several freedoms are threatened. Because all detainees in the sample had been arrested, were being held in police custody at the point of interview, and were having to be interviewed, it is likely that many of them were experiencing reactance in response to their loss of freedoms. Consequently, MIIC approaches directed at pressurizing or persuading detainees to talk may have increased detainee reactance further and thus reinforced their motivation to resist (their way of regaining some freedom of choice). For ambivalent detainees, such approaches may have removed any doubt they had about whether to cooperate, strengthening their resolve not to speak. Because a controlling interviewer behavior can arouse reactance, officers must work hard to avoid such techniques and abstain from language that builds the illusion of limiting choice (Place & Meloy, 2018). This may prove a difficult task for interrogators if their well-established interviewing style incorporates MIIC behaviors such as controlling or accusatory language. Research in the therapeutic literature has shown that although therapists from other counseling backgrounds can successfully learn MI, it is considerably harder for them to stop using MIIC behaviors (e.g., directing, persuading, confronting; W. R. Miller & Mount, 2001). As such, it is suggested that interrogator training should first and foremost focus on identifying and removing MIIC behaviors from interrogators' repertoires.

In contrast, the use of MI skills were associated with increased detainee engagement. Specifically, reflective listening, balanced summaries, and rolling with resistance contributed to creating a nonjudgmental, supportive atmosphere in which interviewers genuinely sought to understand detainees' perspectives and respected their right to choose to talk or not. It was in the presence of this atmosphere of communication that detainees chose to engage with the interviewers and provide information. This supports research that suggests that MI's success can be attributed to its macrolevel approach—known as MI spirit—based on collaboration between therapists and clients, honoring clients' autonomy, and evoking clients' own motivations for change (Copeland, McNamara,

Kelson, & Simpson, 2015; W. R. Miller & Rollnick, 2013). It also supports the view that evoking MI spirit is aided by employing the use of specific skills (Resnicow & McMaster, 2012). In mastering these, interviewers remained neutral and open to hearing detainees' versions of events, rather than prejudging them and assuming a preformed version of events. This created an atmosphere conducive to communication and encouraged engagement without external pressure. In doing so, interviewers adhered to their central goal of collecting information neutrally and as a search for truth.

It should be noted that the IRR scores for two of the MIC scales (summaries and rolling with resistance) achieved lower scores at the interval level, which could have influenced the results. However, categorical coding (i.e., presence or absence) of these variables achieved fair agreement and the rater percentage agreements were high (both above 70%). Future research should be mindful that it may be more difficult to apply subtler scaling to these variables.

It is interesting that interviewer use of developing discrepancies appeared to operate differently from the use of other MIC skills. In MI, developing discrepancies between clients' values and current behavior is vital in encouraging behavioral change (Westra & Aviram, 2013). However, within a LE context and the current sample of individuals convicted for terrorism offenses (i.e., eventually deemed guilty in a court of law), discrepancies existed mostly between the detainees' accounts and evidence. Hence, even where interviewers developed discrepancies in a nonjudgmental, neutral manner, these individuals were more likely to choose to disengage. The same neutral challenges may have had a very different effect on innocent detainees, because they may have perceived the exact same option to tell the truth and explain the inconsistency as an opportunity to engage and clarify rather than, as here, shut down. In subsequent research we intend to test this hypothesis.

Multilevel analysis allowed us to understand how much variance in each variable was accounted for by individual differences between detainees (Level 2) and differences between interviews with the same detainee (Level 1). The results revealed that, for detainee engagement, yield, Global MI, and MIC scores, variance was fairly equally spread between both levels. This suggests that although there are individual differences in detainees that contribute substantial variance to these measures, what happens across interviews is equally important. It is interesting that variance in interviewer MIIC behavior was attributed predominantly to differences between interviews rather than to differences between detainees. This suggests that interviewers exhibit these behaviors across interviews with a range of detainees. Future research should explore what factors within an interview are associated with interviewers displaying MIIC behaviors, in order to stop them doing so. Additionally, future research could explore other Level 2 predictors that may explain some of the variance between detainees (e.g., the terrorist organization or group that detainees are affli-

ated with and thus, how much [if any] counterinterrogation training they have received; Alison et al., 2014).

This study supports the use of neutral, objective, and compassionate approaches to interviewing detainees. However, there are many contexts around the world in which detainees (especially HVDs) are still held and treated inhumanely. By providing empirical support for an ethical, objective, and compassionate approach, we hope to encourage interviewers around the world to move away from coercive practices. Regarding the use of MI in this context, we must reemphasize that the essence of MI lies in its macrolevel approach (i.e., spirit) based on an egalitarian relationship between interviewer and client or detainee and honoring client or detainee autonomy (W. R. Miller & Rollnick, 2013). It is not just a set of tactics or tricks to be used on someone (Arkowitz & Miller, 2008). MI strategies require a context in which detainees' rights and autonomy are respected. Thus, we suggest that using MI techniques alongside coercion, persuasion, or manipulation (i.e., inconsistent with the ethos of MI) is ethically dubious and is not in the spirit of MI (i.e., as soon as such influence tricks are used alongside it, it ceases to be MI).

Although this study was based on a sample of HVDs, we predict that similar results would be found with other suspect populations. Crucially, our results reveal the detrimental use of behaviors counter to the ethos of MI (e.g., pressurizing, confronting, and judging) and that these increase resistance and reduce engagement. Hence, we echo Alison et al.'s (2013) assertion that, although it may not always be possible to engage a highly resistant detainee, using accusatory, pressurizing techniques always makes things worse. In highlighting this, we hope to encourage LE interviewers to first and foremost eliminate techniques that disengage detainees (i.e., remove behaviors antithetical to MI) and thereafter seek to adopt a set of behaviors that are more positively inclined to generate and display objectivity, compassion, and empathy.

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