

Received: December 2023 Accepted: January 2024

DOI: <https://doi.org/10.58262/ks.v12i2.197>

Problem Analysis and Development of an Integrated Approach to Investigative and Interrogative Procedures

Asst. Prof. Pol. Col. Dr. Kannika Kukudrua¹, Asst. Prof. Pol. Col. Supatra Inthomya², Pol. Lt. Col. Premsak Lertsuriyakul³, Pol. Lt. Col. Nattawut Pewbuacom⁴, Assoc. Prof. Pol. Col. Paphat Wasuthawat⁵

Abstract

This research aimed to analyze the problem and the obstacle for the obstacle for the investigated and interrogated police officer, to compare the investigated and interrogated process among Thailand and the foreign countries and, and to propose the integration of the investigated and interrogated guidelines. This study utilized the qualitative research by using the in-depth interview based on the system theory with 70 key informants for analyzing the problem and the obstacle for the police officer's case investigation and Interrogation. Used the documentary analysis for comparing the investigated and interrogated process between Thailand and the foreign countries, and used the focus group method for proposing the integration case investigation and Interrogation guidelines. The result found that the problems and the obstacles in the operation were insufficient resources, the police officer's behavior, and the collaboration with the police officer. Comparing the investigated and interrogated process among Thailand and the foreign countries which were consisted of Socialist Republic of Vietnam, Republic of Korea, and Federal Republic of Germany found that the criminal proceedings in each countries were different depended on the country context. Proposing the integration of the investigated and interrogated can be found three guidelines. In conclusion, the proper investigated and interrogated process should focus on the integration in every process from starting to an end in order to be the most benefit for the case management and the people.

Keywords: *The investigation, the interrogation, the integration, the criminal proceeding*

1. Introduction

The police officer's case investigation and interrogation - Interrogation is a core task of practical police work that is conducted almost daily. It is indispensable for solving criminal cases; they may even deliver a single piece of key evidence for a criminal case and determine the outcome of criminal proceedings (Thielgen et al., 2022). An interrogation is the formal questioning of a suspect, often by law enforcement or investigators in relation to the commission of a crime or wrongdoing. An interrogation can occur during a criminal investigation, an arrest, or after a suspect is in police custody. Law enforcement may also conduct an interrogation in the different settings. When an interrogation occurs while a suspect is in police custody, it is referred to as a custodial interrogation. An interrogation is not limited to express questions asked by law enforcement officials. Courts have recognized that actions

¹ Royal Police Cadet Academy, Thailand, Email: kannika.kukudrua@hotmail.com, Orcid Id: <https://orcid.org/0009-0008-4136-4544>

² Royal Police Cadet Academy, Thailand, Email: Supatra.Inthomya@hotmail.com, Orcid Id: <https://orcid.org/0009-0003-5079-6465>

³ Royal Police Cadet Academy, Thailand, Email: premsak.lertsuriyakul@hotmail.com, Orcid Id: <https://orcid.org/0009-0007-6952-2586>

⁴ Royal Police Cadet Academy, Thailand, Email: nattawut.pewbuacom@hotmail.com, Orcid Id: <https://orcid.org/0009-0008-5667-3577>

⁵ Royal Police Cadet Academy, Thailand, Email: paphat.wasuthawat@gmail.com, Orcid Id: <https://orcid.org/0009-0005-5578-4126>

or words by law enforcement that are likely to prompt an incriminating response can also be considered part of an interrogation (Wex Definitions Team, 2023).

The interviewing, questioning, and interrogation of suspects as information gathering techniques police use to aid them in investigations. In modern day, interviewing, questioning, and interrogation techniques are measured, objective, and ethical. They are aimed at the goal of discovering the truth; not just getting a confession to a crime. This is a contrast to earlier times of policing, when techniques called the “Third degree” sometimes involved threats, intimidation, coercion, and even physical violence. Fortunately, these “third degree” techniques were identified in the United States by the Wickersham Commission in 1931, as being unlawful police practices that caused false confessions and miscarriages of justice, where suspects were sometimes wrongfully convicted and imprisoned. Emerging from this, police forces across North America, who were using the “Third degree” techniques to varying extents, started moving towards less oppressive and less aggressive methods of interrogating suspects. While there has been a significant evolution to more objective and ethical practices, the courts still remain vigilant in assessing the way police interview, question, and interrogate suspects during the criminal investigations. The courts expect police to exercise the high standards by using the practices that focus on the rights of the accused person, and minimize any physical or mental anguish that might cause a false confession. In meeting these expectations, the challenges of the suspect questioning and interrogation can be complex, and many police agencies have trained as the interrogators and the polygraph operators who undertake the interrogation of suspects for major criminal cases. But not every investigation qualifies as a major case, and frontline police investigators are challenged to undertake the tasks of interviewing, questioning, and interrogating possible suspects daily. The challenge for police is that the questioning of a suspect and the subsequent confession can be compromised by flawed interviewing, questioning, or interrogation practices (Gehl & Plecas, 2016).

In Japan, the sources of police investigation do not differ so much from other countries. Furthermore, the koban (Neighborhood police outposts) system which encourages the neighborhood residents to report incidents in their neighborhoods. The police may ask you to come to the police station, or to interview you at your residence but as long as you are not arrested, you are free to leave, or end the interview, and you are always free not to answer questions. However, the police may see an unwillingness to cooperate as suspicious, or a sign of guilt which may lead to your arrest. Police officers usually arrest and interrogate, then a public prosecutor interrogates the suspect at the public prosecutor’s office. Immediately after the arrest, the police will ask you about the facts of the suspected crime, as well as, your work history, family, occupation, and living conditions. Although these topics may be regarded as unrelated to criminal proceedings. In Japan, the police usually ask about these matters. Once again, you may refuse to answer such questions but the police may view you suspiciously if you do and that may make difficult to release. Extension of the detention: possibility of 23 days detention without charge, within 72 hours after the arrest, the public prosecutor will decide whether to request the court for the detention. If the detention request is not made, you will be released. If a request for detention is made, the judge will ask questions about the suspected crime. However, most courts allow the detention as requested by the public prosecutor. Judges tend to permit detention of foreigners without a residence in Japan. The detention period is 10 days, the public prosecutor will request an extension and, if the court permits, extend the detention for an additional 10 days. Therefore, a suspect can be held in detention for a total of 23 days of the arrest and detention periods without the suspect being charged. Defense counsel is not allowed to attend the interrogation. The key interrogation technique is to take meticulous

notes during long interrogations and ask the same questions repeatedly with small variations to see if your story remains consistent. Right to silence, you have the right to remain silent (Art. 38 Paragraph (1) of the Constitution, “No person shall be compelled to testify against himself.”), however, you must attend all interrogations and cannot refuse to be interrogated (Rathbone, 2019).

In Thailand, “Investigation” means the collection of evidence and all other actions as prescribed by the Criminal Procedure Code which the investigative officer has done regarding the alleged offense, such as the detention of the accused Consideration of requests for temporary release in order to know the facts or prove guilt and to bring the perpetrators to justice. Investigations in the criminal cases can be divided into 2 types: The investigations in criminal cases which is an offense that affects the peace of society as a whole, such as offense of theft or defraud the public Investigators can conduct an investigation. Since when it became known that such offense had occurred without having to complain or blame. Another type is the personal case which can be compromised, such as an offense of embezzlement or has caused loss of property. The investigative officer will be able to conduct an investigation only if there is a complaint from the victim according to law first. The current criminal justice system in Thailand uses the accusation system. The Constitution of the Kingdom of Thailand provides for the protection of the rights of those accused in criminal cases. It is presumed that the accused or defendant is innocent until a final verdict is reached that he has committed a crime. Therefore, it is the duty of the state to prove the facts beyond doubt that the accused or defendant actually committed the crime as alleged. This is because the outcome of the criminal justice process may cause the person accused of committing the crime to be punished by imprisonment or death. This seriously affects the rights and freedoms of the accused. The preliminary investigation which is carried out by the investigating officer. Therefore, it is extremely important to collect all evidences and carefully sift through the facts in order to determine whether the allegation has any basis or not before proposing to the prosecutor to file a case against the accused person to the court for further consideration of the case. In the investigation, the investigative officer must carry out the investigation according to the steps and methods prescribed by law. Otherwise, the investigation will be unlawful. As a result, lawsuits and court proceedings can be lost. This is because the Criminal Procedure Code prohibits prosecutors from filing any case with the court without first investigating the offense. An unlawful investigation therefore has the same effect as if there had never been an investigation. As a result, the prosecutor has no authority to file a case, and if the case has already been considered by the court. The court must pass a judgment dismissing the case. Criminal investigations are therefore important because they are the source of the justice process. It is a state mechanism used to maintain social order, and as a guarantee of protecting the rights of the accused the defendant and the victim. Therefore, the investigative officer must investigate and collect all evidence related to the case, both favorable and unfavorable to the accused or defendant, with honesty and fairness, which will ensure that all parties involved in the case receive justice, and build the confidence in the justice process for the people (Seema, 2022).

Guidelines for the investigation/interrogation. 1) Person with authority to investigate, the investigation must be conducted by the officials as required by law. Section 121 of the Criminal Procedure Code stipulates that investigators have the authority to investigate all criminal cases, and Section 131 allows investigators to collect all types of evidence as much as can be done for the purpose of knowing the facts and the various circumstances relating to the alleged offense. To identify the perpetrator and to prove the guilt, or innocence of the accused. Cases of

comprisable offenses or personal offenses must first file a complaint according to the regulations. The facts and charges must be informed to the accused. In this regard, the investigative officer must strictly comply with Royal Thai Police Order No. 419/2013 dated July 1, 2013. 2) Guidelines for interrogating suspects/witnesses of the investigating officer, 2.1 Inform your rights that you should have according to the law. 2.2 If the person being questioned is a foreigner which unable to speak and listen to Thai, interpreter shall needed in this matter. 2.3 Ask for name, surname, age, address, occupation/telephone number that can be contacted. 2.4 Ask about relationships/relevance in the case/events that occurred. 2.5 Ask for details events 2.6 Record details of facts in chronological order by date and time (if any). 2.7 Have the person being questioned read the statement/or read it for the accused person (Depending on the case). 3) Guidelines for interrogating the accused of the investigating officer, Criminal Procedure Law, Section 134, when the accused is summoned or sent or approaches the investigating officer himself, or it appeared that anyone who came before the investigative officer was the accused. Ask for first name, second name, last name, nationality, parents, age, occupation, address, place of birth, and inform them of the facts regarding the act that the accused has allegedly committed. Then the charges were informed. The investigative officer has guidelines for questioning as follows: 3.1 Informing of legal rights. 3.2 If the person being questioned is a foreigner Unable to speak and listen to Thai Provide an interpreter 3.3 Ask for name, surname, age, address, occupation/telephone number that can be contacted. 3.4 Notify the circumstances/events that occurred in the case. 3.5 Notify the allegation (In the case where the person being questioned is the accused). 3.6 Ask about relationships/relevance in the case/events that occurred. 3.7 Ask for details events. 3.8 Record detailed facts in chronological order by date and time (If any). 3.9 Have the person being questioned read the statement/or the investigating officer read it to the accused person (Depending on the case) (Dindaeng Policestation, 2023).

Most of the previous papers focused on many areas in this issue, for example, the first one, Thielgen et al. studies in the title of “Police Officers’ Interrogation Expertise and Major Objectives in Police Service and Training: A Comprehensive Overview of the Literature”. There propose a three-factor typology for interrogations by police officers. First, the competencies of police officers refer to the application of personal, professional, social, and methodological capabilities. The underlying concept of interrogation refers to the application of both explicit and implicit experience-based interrogation models. Communication refers to the goal-directed application of communication tactics and techniques. According to this typology, they discuss the major objectives of police interrogation in police service and training from police officers’ perspectives. The present study provides guidance for practical police services and training by offering an evidence-based interrogation standard (Thielgen et al., 2022). The second one, Adam and van Golde studies in the title of “Police practice and false confessions: A search for the implementation of investigative interviewing in Australia”. This article will utilise case studies and forensic psychological research to explain how coercive techniques used during police interviews increase the risk of false confessions (Adam & van Golde, 2020). The third one, Cleary and Warner studies in the title of “Police training in interviewing and interrogation methods: A comparison of techniques used with adult and juvenile suspects”. This study reports the nature and extent of formal (e.g., Reid Technique, PEACE, HUMINT) and informal interrogation training as well as self-reported technique usage of experienced American police officers. Officers were trained in a variety of different techniques ranging from comparatively benign pre-interrogation strategies (e.g., building rapport, observing body language or speech patterns) to more psychologically coercive

techniques (e.g., blaming the victim, discouraging denials). Over half the sample reported being trained to use psychologically coercive techniques with both adults and juveniles. The majority (91%) receive informal, “on the job” interrogation training. Technique usage patterns indicate a spectrum of psychological intensity where information-gathering approaches were used most frequently and high-pressure tactics less frequently. Reid-trained officers (56%) were significantly more likely than officers without Reid training to use pre-interrogation and manipulation techniques. Across all analyses and techniques, usage patterns were identical for adult and juvenile suspects, suggesting that police interrogate youth in the same manner as adults. Overall, results suggest that training in specific interrogation methods is strongly associated with usage. Findings underscore the need for more law enforcement interrogation training in general, especially with juvenile suspects, and highlight the value of training as an avenue for reducing interrogation-induced miscarriages of justice (Cleary & Warner, 2016). The last one, Magnusson et al. studies in the title of “Swedish police officers' strategies when interviewing suspects who decline to answer questions”. The present study aimed to examine Swedish police officers' self-reported strategies when interviewing suspects who decline to answer questions. Results founded that the four main categories were identified relating to (1) question strategies (e.g. asking the questions anyway, using silence), (2) information strategies (e.g. emphasizing the benefits of cooperating and informing about their legal right to silence), (3) supportive strategies (e.g. being friendly and asking about reasons for silence) and (4) procedural strategies (e.g. changing interviewers and conducting multiple interviews). Practitioners working with violent crimes reported meeting silent suspects more frequently compared with practitioners working with other criminal offences. The results provide an initial exploration into the various strategies used by police interviewers when questioning suspects who decline to answer questions. Further research is necessary for understanding and evaluating the ethics and effectiveness of such strategies (Magnusson et al., 2022).

The current study attempts to fill this gap in the literature by focusing on the problem and the obstacle for the investigated and interrogated police officer, the investigated and interrogated process among Thailand and the foreign countries, and the integration of the investigated and interrogated guidelines.

2. Objective

- 2.1 To analyze the problem and the obstacle for the obstacle for the investigated and interrogated police officer
- 2.2 To compare the investigated and interrogated process among Thailand and the foreign countries
- 2.3 To propose the integration of the investigated and interrogated guidelines

3. Methodology

Research Method

This study utilized the qualitative research by using the in-depth interview, documentary analysis, and focus group method for analyzing the problem and the obstacle for the police officer's case investigation and Interrogation, comparing the investigated and interrogated process between Thailand and the foreign countries, and proposing the integration case investigation and Interrogation guidelines.

Participants

70 key informants were used in this research were comprise of 5 groups:

Group one were consisted of the 20 Personnel in the justice process including with the provincial investigated and interrogated police officer, the provincial lawyer, the provincial prosecutor, the provincial court of justice officer, and the central prison officer.

Group two were consisted of the 10 lecturers from the faculty of Police Science in line of the investigated and interrogated work.

Group three were consisted of the 5 business partners of the Police Cadet Academy (Vietnam, Korea, and Germany).

Group four were consisted of the 20 injured people.

Group five were consisted of the 15 police cadet in line of the investigated and interrogated work class no. 69 – 73. All selected by the purposive sampling

Instrument

The researchers developed the research questions based on the system theory (Input, process, and output), and related to the investigated and interrogated issues which were comprise of 18 research questions for the in-depth interview, and 4 research questions for the focus group. Content validity and Investigator Triangulation were used in this research for the data reliable. This research also was approved the ethics by the office of the committee for research ethics, Police cadet academy.

Analysis

The content analysis was used in this research.

4. Results and Discussion

4.1 The Result of Analyzing the Problem and the Obstacle for the Investigated and Interrogated Police Officer

4.1.1 In the Point of View of the Investigated and Interrogated Police Officer

The problems and the obstacles in the operation were insufficient resources as one of the key informants which said that “The problem were about the man power, lot of expenses, lack of the equipment, improper income, lack of knowledge and skills in using the modern technology to collect the evidence”. Another key informants said that “Our obstacle were the inefficient management such as lack of the coordination in planning, organizing, leading, and controlling”. It is in line of Henderson et al. The results revealed that the insufficient resources may be partially responsible for the lack of growth in test scores (Henderson et al., 2016).

4.1.2 In the Point of View of the People

The problems and the obstacles were the police officer behavior as one of the key informants which said that “Some police officers used the impolite words, some had problems about the communication, including with insufficient police officers”. Another key informants said that “The problem was the delay due to lack of the working integration among the teams, also have problem about the facility issues such as no security camera covered all risky area”. It is in line of Zhang and Kwan. Results indicate that team interdependence positively influences team behavioral integration, and that team behavioral integration positively affects team

performance (Zhang & Kwan, 2019).

4.1.3 In the Point of View of the Justice Personnel

The problems and the obstacles were about the collaboration with the police officer as one of the key informants which said that “It was not convenient in collaboration with the police officer, lack of the updated knowledge”. Another key informant said that “Some police officers didn’t study the law and the limitation that related to other justice organizations”. It is in line of Butt. The preliminary findings unveil three types of individual-level consequences of top-down knowledge such as loss of personal reputation of knowledge seeker, lack of creativity and lack of productivity (Butt, 2019).

4.2 The Result of Comparing the Investigated and Interrogated Process among Thailand and the Foreign Countries

Comparing the investigated and interrogated process among Thailand and the foreign countries which were consisted of Socialist Republic of Vietnam, Republic of Korea, and Federal Republic of Germany found that the criminal proceedings in each countries were different depended on the country context. Most countries gave the authority to the police officer and the prosecutor for the investigation and the interrogation. In Thailand, the investigation and the interrogation were separated from each other which can be concluded into three issues which were as follows;

First Issue: In the investigation and interrogation, the arresting, the accusation, the punishment of the Federal Republic of Germany, notification to the police officers were able to proceed by the injured person for the initial suspicion. The police officers shall seek the truth, collect the data, and the evidence under the prosecutor monitoring.

Second Issue: The criminal proceedings of Republic of Korea were able to report by the injured person in two ways which were 1) By the emergency call 112, and 2) At the police station. Then, the investigative officers shall be responsible for the petty offences case, and sent to the prosecutor for the next consideration which the prosecutor shall be responsible for the general cases. Anyway, the police officer had the right to send the case to the prosecutor since the initial process, or proceeding the case the police officers, and send the case to the prosecutor after that.

Third Issue: The criminal proceedings of Socialist Republic of Vietnam were consisted of the 5 steps which were 1) Accepting the criminal case accusation, the inquiry officers shall receive the case, and collected the evidence for the next investigation process 2) The investigated and interrogated process was under the responsibility of the authority organization for gathering the evidence for proving the guilty of the defendant 3) The accusation’s prosecutor process, after found the evidence that could accused the defendant as the guilty person, the inquiry officer shall send the legal documents for the accusation to the prosecutor, then the prosecutor shall reconsider before submitting to the court. 4) The submitting a lawsuit to the court, the court shall consider the acceptance from the prosecutor submission. And the defendant shall accuse to be guilty after the court decision. 5) The judgment execution step: It was the last step before accepting the punishment.

However, the common problems and the obstacles of the four counties, such as the legal issue, the repetition of launching the law codes, the legal officer knowledge, unbalance between the work loading and the personnel number which can be solved by improving the law clarification, setting the training for the police officers, increasing the personnel number to relevant with the

work loading including increasing the salary and the welfare for the justice personnel. It is in line of Inegbedion et al. The study investigated perception of workload balance and employee job satisfaction in work organisations. Results show that comparison of workload with those of colleagues and employees' role alliance with their competencies significantly influence their perception of workload balance and job satisfaction, organisation's staff strength influences perception of workload balance and employees' perception of workload balance significantly influences job satisfaction (Inegbedion et al., 2020).

4.3 The Result of Proposing the Integration of the Investigated and Interrogated Guidelines

It can be concluded into three issue which were as follows;

- 4.3.1 Having the knowledge and the skill in technology, Forensic sciences, Law that related to the investigation and interrogation for gathering the evidences. It is in line of Kassemma. The findings indicated that knowledge and skills are most important ingredients for the business success, because of its nature of investing in people as the primary source of business success. Knowledge and skills are associated with business performance, management and operations (Kassemma, 2019).
- 4.3.2 Having the integration among the personnel, the internal and the external organization for managing the case to achieve the target. It is in line of Ricciardi et al. Results indicated that organizational integration between intra- and inter-organizational subsystems is an important factor of operational coordination, innovation, and strategic effectiveness (Ricciardi et al., 2018).
- 4.3.3 Improving the service behavior and supporting in the operational process, such as the operational expenses, the proper payment, the sufficient and high quality equipment, the number and the effective of the security camera, the good environment in service, the police officers communication, the communication channel, improving the relevant regulation to modernize. It is in line of Eisenberger et al. It was found that employees develop a general perception concerning the extent to which their work organization values their contribution and cares about their well-being (perceived organizational support, or POS). Major antecedents of POS include fairness, support from leaders, and human resource practices and work conditions, especially to the extent that employees perceive these as the discretionary choices of organizations (Eisenberger et al., 2020).

Research Suggestion

1. Royal Thai Police Office should define the policy and the regulation in the case management by the integration which has to focus on working as the team with the responsible task in each positions for the most effectiveness in the case management.
2. Royal Thai Police Office should increase the law consult in order to suggest to the police officers and the people.
3. Royal Thai Police Office should define the details in the course syllabus in Bachelor of Public Administration (Police) and the training course which focus on the real practice with the classroom teaching. Defining the relevant people or the graduate to participate in the measurement and evaluation. Including the restructuring the teaching model for the investigative subjects in a module format. In order to see the picture of the integration cooperation.

Recommendation for the Future Research

Elaborating on practical strategies for implementing the proposed guidelines for integration by providing case studies, or examples to illustrate how these guidelines can be applied in real-world scenarios would be a room for the next research.

Applicable Remark

1. The administrator of the police station should use the integration of the investigated and interrogated guidelines for the case management by defining the police officers to collaborate in action for every process of the integration and the interrogation.
2. The lecturer of the Police Cadet Academy should integrate with the investigated and interrogated subject in order to be the benefit of the student in the aspect of the overall process of the case management.

7. Conclusion

From the problem and the obstacle in the investigated and interrogated process and the guideline of the proper investigated and interrogated process can be concluded that the relevant people in the process should focus on the integration in every process from starting to an end in order to be the most benefit for the case management and the people.

JEL Classifications: K14

Acknowledgements and Funding: The authors received no direct funding for this research.

Contribution: The authors contributed equally to this work

Data Availability Statement: The dataset is available from the authors upon request.

DOI: <https://doi.org/xxxxxxx>

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