

## The Cognitive Interview



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“Information is the lifeblood of criminal investigation and it is the ability of investigators to obtain useful and accurate information from witnesses and victims of crime that is crucial to effective law enforcement. Yet full and accurate recall is difficult to achieve.

James Stewart (1985) Director, US National Institute of Justice.

## Problems inherent in actual police interviews

(Fisher et al, 1987)

- Universal problems
  - Interrupting
  - Excessive use of question-answer format
  - Inappropriate sequencing of questions
- Other problems
  - Negative and non-neutral phrasing
  - Inappropriate language
  - Lack of follow up of potential leads
  - Under-emphasis of all senses
  - Overuse of leading questions



On 22nd January 1992 whilst working as an estate agent in the Birmingham, UK I was showing a 'prospective buyer' around a house in Turnberry Road. My 'client', it transpired, wasn't interested in buying the property at all; he was the murderer, kidnapper and extortionist Michael Sams who suddenly attacked me with knives in the bathroom of the unoccupied house. I was overpowered, bound, gagged and led from the house blindfolded and bleeding. Sams drove me to his workshop in Newark, Nottinghamshire where he held me for 8 days in a coffin sealed inside a wheelie bin whilst he negotiated a ransom of £175,000

The Cognitive Interview was used to interview Slater in this case.

## Why the Cognitive Interview?

- The elicitation of complete and accurate witness accounts may determine whether or not a case is solved
- The need to identify and develop techniques that police investigators can themselves use in questioning witnesses
- To use memory theory and research for the development of the techniques

## Memory

- Remembering events from the past.
- Memory is constructive
- Memory is selective
- Questioning- we may select what we report
- Limited Capacity

## Basic characteristics of the human processor



- Memory is a by-product of our mental (cognitive) processing of an experience.
- The bi-product can be likened to *trace evidence*.
- It is often frail, incomplete, erodes, changes or is misplaced with the passage of time.

## Limited Processing Capacity

- Our ability to process information assumes we have attended to it.
- But we are simple unable to spread our attention evenly and simultaneously to all aspects of an event.
- Attention is like a flashlight beam-it passes very quickly over an event or may be placed on a limited portion of the available information.
- If we focus on one detail- we may fail to notice other things. For example....

## Research on Police shootings

### Participants:

70 Police Authorised Firearms Officers (69 male, 1 female; mean age = 37 yrs, mean experience = 8 years)

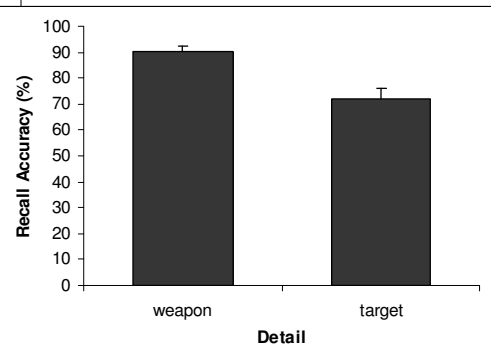
### Event type:

Weapon Present (WP) "shoot" scenario vs. Weapon Absent (WA) "no shoot" scenario

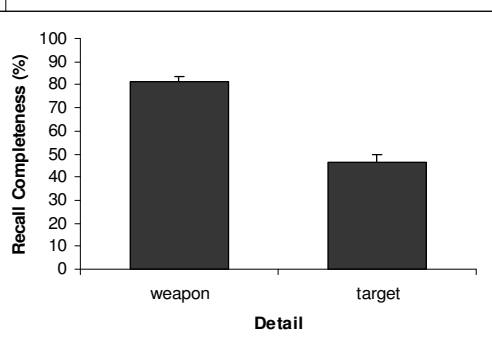


Hulse & Memon, 2006

## Weapon Focus: Recall Accuracy



## Weapon Focus: Recall Completeness



## Theoretical Perspectives

- Improved practices in gathering evidence from eyewitnesses
- For example, the Cognitive Interview (CI) has been effectively used to obtain more detailed memory reports from witnesses
- Applied in numerous contexts and recently in a developing country (Stein & Memon, 2006)

## Theoretical Background : CI



Encoding Specificity Theory

Multiple Retrieval Routes

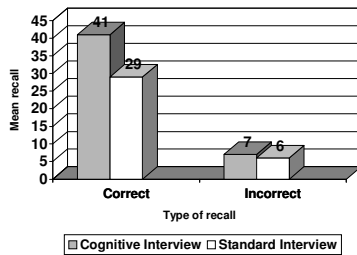
Multiple Retrieval Attempts

## Aim of the Cognitive Interview?

- To increase the quantity and quality of information elicited from witnesses/victims and/or suspects of crime
- UK: introduced as part of the Investigative Interviewing package in 1992
- Current part of police training in England & Wales

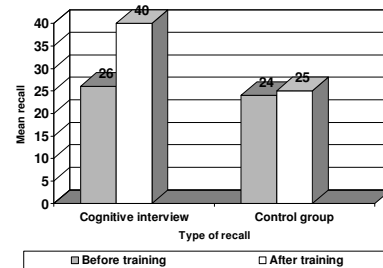
## How effective is the CI?

*Performance measures for cognitive and standard interview procedures (Geiselman et al, 1985).*



## Field Study: Fisher et al (1987)

*Number of facts elicited by trained and untrained detectives.*



## Improving the CI?

- Research on conventional police interviewing methods
- Field research with police officers and real life witnesses
- The psychology of communication

- In line with Tulving's (1983) notion that memory is a joint product of stored memory traces and the cues that are present at retrieval, the Cognitive Interview engages the witness in a detailed retrieval of the original event.

## The Enhanced Cognitive Interview

- Greet and establish rapport
- Explain: report everything transfer control
- Context reinstatement
- Initiate free report
- Witness compatible questioning
- Recall in a different order
- Change perspectives
- Closure

Fisher & Geiselman 1992

## How effective is the CI?

- A meta-analysis included 42 studies, with an increase of 34% in the amount of information generated in the Cognitive Interview as compared with a comparison interview

Köhnken, Milne, Memon & Bull, 1999

## How effective is the CI?

- With child witnesses, CI elicits more correct details (Saywitz et al. 1992) and on occasion incorrect details (Memon et al. 1997)
- The CI can also aid the recall of older adults (Wright & Holliday, 2007).
- Milne & Bull (2002) - 4 CI mnemonics (context, everything, order and perspective) vs. a “try again” control instruction. The combined context and report everything resulted in significantly more correct recall compared to the individual mnemonics (the latter no different to control)

## *Phase 1*

### *Establish rapport*

## **Rapport: Transfer of Control**

- Engage and Explain
- Let the witness do the talking (do not interrupt)
- Let the witness dictate the pace
- Ask witness compatible questions
- Listen to the witness!

## Example Rapport

Note seating position, non-verbal behaviour

## Research

- Wright & Powell (2007)  
23 Police officers in Australia questioned in-depth about what makes a good interviewer?  
Interviewers' personal attributes was emphasised (e.g. having a relaxed, empathetic, warm nature).

## Research

- Roberts et al (2004), an open-ended vs a direct rapport building style produces more correct details from 3-9 year olds who are interviewed about an experienced event after a week or a month's delay

## *Phase 2*

### *Focused Retrieval and Reporting in detail*

## Focused retrieval

- Detailed level of memory recall requires focused attention and intense concentration
- Interviewees need to be encouraged to do this
- No distractions
- Unlimited time for recall

## Report Everything Instruction

Explicit instruction including the words:

- Report everything
- no editing
- even unimportant / trivial details
- partial details

## Example of the report everything instruction

“You were witness to the incident this morning, tell me everything you can, even the things you think are not important, and even if you cannot remember something completely. Everything which comes to mind tell me in your own time and pace.”

How does the report everything instruction help?

- Helps with the reporting of information at the detailed memory level
- confidence
- partial
- consistency

### *Phase 3*

Reinstate Context &  
Free Report

The mental reinstatement of  
context

This instruction asks interviewees to reconstruct in their minds the context, both physical (environmental) and personal (for example how they felt at the time) features of the event.

Example of the mental  
reinstatement of context

Initiate a free report

- Open-ended invitation
- Uninterrupted free report
- planning stage for questioning
- brief note-taking

“Tell me everything you can, even the little things you think are not important. Remember I was not there so just tell me everything in your own time.”

### *Phase 4*

*Questioning*

## Questioning

- Different types of question produce different types of answer
- Free recall: incomplete but accurate
  - Lipton (1977) - 21% of facts recalled being 91% accurate
- Questions increase completeness but tend to decrease accuracy

## Appropriate Questions

- Open-ended questions
  - Open, unrestricted answer
- Closed questions
  - Relatively narrow range of responses: one word or short phrase

## 'W' Questions

*This type of question can be framed as open-ended questions but usually are used as closed questions*

"Who said that?"	"Theresa Green"
"What did she say?"	"She said..."
"Where were you?"	"In the bank"
"When was that?"	"About 9.30"

"Why" Questions

## Inappropriate questions

- Forced-choice questions
  - gives a number of alternatives to choose from
- Multiple questions
  - utterance which asks about several things at once

## Leading questions

not neutral, suggests to the interviewee, in form or content, what the answer should be, lead to the desired response or indicate the interviewer's point of view

## Wording the Questions

- tailor language to each interviewee
- avoid grammatically complex questions
- use same words as the interviewee
- questioning based on free report
- avoid negative phrasing
- avoid technical language
- avoid repeating questions

## Before you ask any questions

- ◆ the report everything instruction
- ◆ explain that it is a difficult task which requires a lot of concentration
- ◆ 'I don't know' instruction
- ◆ 'I don't understand' instruction

"I am going to ask you some questions now based on what you have already told me. It is fine to say 'I don't know' to any questions. Tell me everything you can in response to each question"

## Phase 5

### Closure

## Closure

- Positive frame of mind
- Neutral topics
- Thank you
- Any questions?
- Extend functional life of the interview
- Demographic information
- Positive last impression

## Impact of CI

- Police officers perceptions are positive - survey (Kebbell, Milne and Wagstaff, 1999)
- But not that many are using the CI in the field, a fact confirmed by a more recent survey (Dando et al 2008)

PEACE\*: Planning, Preparation, Engage, Account, Closure, Evaluation

- The current police interviewing model in England and Wales
- A building block from Tier 1 (novice police) and via more training up to Tier 5 (the most skilled, interview advisors)
- Many police remain at Tier 1 most of their careers

•In Scotland, we have the PRICE model: Planning & Prep; Rapport, Information Gathering, Confirming the Content, Evaluate & Action

## Clarke & Milne (2001)

- Interviewing was poor
- Limited use of CI
- Closed questioning style
- Interviewer driven and confirmatory

*"far more leading questions asked, most interviewers didn't allow the witness to tell their account and the interviews were mainly police led"*

## Griffiths & Milne 2005

- Examined training beyond PEACE and a group of officers selected on the basis of a formally assessed interview. All aspects of the interview are considered in depth and students are encouraged to evaluate and analyse the own performance
- Advanced interview training led to improvements in interview structure and questioning of suspects (over PEACE training) as measured by changes over time but needs to be carefully monitored over longer periods with opportunities for refresher courses

## Problems with application

- Cognitively demanding (Fisher et al, 1989);
- Some components considered difficult to implement (Kebbell & Wagstaff, 1996)
- A survey of 221 non-specialist police officers from UK forces shows some components used more often (rapport and report everything) used more often than others (context, order and perspective)- Dando et al. 2008

## Dando et al in press-a: Novice police officers

- 40 officers and students witnessed a non-violent crime, individually interviewed by a different police officer
- Recently completed training (2 days PEACE CI) but did not apply the CI procedure in full
- Free Recall instruction most often, 44% used the sketch plan, many engaged in good rapport, half explained purpose of the interview.
- Few used the report everything, to focus (concentrate) context reinstatement or the instruction not to guess.
- Note this is a group that were motivated to perform well.

## Overall conclusions

- Current training is ineffective in equipping police officers with basic Tier 1 PEACE skills/confidence to apply them
- The TIER 1 procedure may be too advanced and demanding. Develop a simpler procedure taking account the skill and types of crimes officers routinely investigate.
- Do not make it part of suspect interviewing

## Dando et al in press-a: a modified procedure for frontline investigators

- **PEACE CI, PCI** : Rapport, explain (focus, don't guess, report everything) context and free recall; questions (don't guess and report everything) change order and questions.
- **Modified PCI**: Due to the problems with context reinstatement, an alternative technique (sketch) was proposed. To draw any details, in any order and describe out aloud while drawing. The interviewer did not interrupt during this process.
- An additional free recall replaced change order

## Dando et al in press-B-: a modified procedure for frontline investigators (PEACE CI)

Using video and mock witnesses (members of public) a modified procedure (PCI) compared with the modified CI and a structured interview (SI). The SI was identical except it omitted report everything, context and change order.

The modified CI as effective as current CI and more correct details than SI and fewer confabulations

The modified CI did not take as long to conduct and was less demanding

\*\*The interviewer was fully trained in Peace CI

## Context: Sketch vs mental reinstatement

- The sketch technique relies on self initiated contextual retrieval cues while mental reinstatement relies more on interviewer's skill in helping the witness take themselves back to the context by guiding them.
- Police officers may find this easier to use and some report they use this technique intuitively

## Limitations

- Large number of studies use films as opposed to live events (Meta-analysis showed a more pronounced effect for realistic events)
- How representative are the officers sampled, individual differences in interviewing skills
- Repeated interviews? What is a witness has been exposed to misinformation?

## CI and Misinformation

- Relative to free recall instructions, CI reduces false memories but only when given before the misinformation (Memon et al. 2008)
- CI interview as early as possible supporting the use of a modified PEACE CI
- Self-Administered Interview (SAI) recently developed by Gabbert, Hope & Fisher (2008)