



Cognitive Interviewing Techniques for Crime Victims and Witnesses

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Beginning Thoughts

- Each criminal interview situation is distinctively unique.
- The success in obtaining statements which provide insight into an event in which an investigator was not present is based upon the individual interviewer's knowledge, experience, expertise, creativity, and patience.
 - The interviewer is bound only by constitutional law and imagination itself.
- Development of the interview art requires experience, hard work, and attention to detail.

The Interview

The questioning of a person who is believed to possess knowledge that is official interest to a criminal investigation.

The Rand (1975) Study of Criminal Investigations

- In a comprehensive study of the criminal investigative process, the Rand Corporation (1975) reported that the primary determinant of whether or not a case is solved is the completeness and accuracy of the eye-witnesses' account.
- More importantly, the study found that more than half of the police departments polled had no formal training for new investigators.

Law Enforcement Interviews Purpose and Importance

- A major part of any criminal investigation is devoted to the interview process.
 - Interviews generally constitute the major source of information for investigators.
 - Information learned in interviews often leads to and/or compliments physical evidence associated with criminal events.
 - While interviews appear simple, the process should be well structured to ensure collection and appreciation of any information that may assist the investigation.

Time, Place, and Setting

- Internal Interviews
 - Physical Circumstances
 - Privacy
 - Night -v- Day
 - Control
- The Neighborhood Canvas
 - Area to be canvassed
 - Area surrounding event
 - Viewing/hearing vantage points
 - Escape routes
 - Time for Canvas

The Interviewer

- The effective interviewer must be knowledgeable in the art and science of criminal investigation and know how to use psychology, salesmanship, and dramatics.
 - Persuasiveness
 - Perseverance
 - Objective
 - Empathetic
 - Willing to Prepare

The Witnesses *Motivations and Perceptions*

- There are many types of witnesses and each has different motivations, biases, and perceptions that influence his/her responses during an interview.
 - Such motivations, biases, and perceptions may be based in conscious choices or subconscious stimuli.
- While there is no real way to categorize all personalities, attitudes, and character traits that may otherwise influence one's responses (the variables are too numerous and the combinations are as complex as human behavior) there may be a few general groupings worth considering.

Basic Witness Typologies

- The uncooperative witness:
 - Simply do not want to be involved
 - Fear
 - Conditioning
 - Disregard/distrust for law enforcement
 - Lack of understanding of the significance of their information
- The reluctant or suspicious witness:
 - Questions regarding the motivation of the interviewer

Basic Witness Typologies

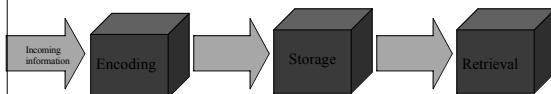
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- The honest and cooperative witness:
 - Despite these admirable traits, there still exists a number of factors that may influence recall:
 - Age
 - Physical characteristics
 - Emotion
 - Memorization process
 - Prime witness for the cognitive interview!

The Memorization Process

- Your memory is your mind's storehouse, the reservoir of your accumulated learning.
- Human memory can be thought of as a type of information processing system.
 - Comparisons are often drawn between memory and a computer.
 - While both code data and access stored information, the human memory can store far more data and is significantly more complex than a computer.
 - Unlike a computer, the mental record formed of incoming data is not an exact replica of the actual information.
 - Data stored reflects an intricate web of interactions between the event, the surrounding context, the observer's mood and thoughts, general knowledge and related experiences, and a host of other issues

The Three Stages of Memory



The Three Stages of Memory Continued

- Three (3) stages of memory:
 - **Encoding** - Involves the digestion of information and relation of events to existing knowledge or experience.
 - **Storage** - Involves retention of information, as well as factual preservation of information when confronted with suggestion or conflicting data.
 - **Retrieval** - Involves the subsequent recovery of information, either freely by the observer or through external facilitation.
 - The retrieval stage of memory is the easiest stage to manipulate or improve and the interviewer focuses on this stage of the memory.

Accuracy and Completeness

- The accuracy and completeness of information recalled can be affected during any one or more of the three stages of memory.
 - **Person-related Factors**
 - **Errors of Omission**: Failure to pay attention to stimulus material or deciding to focus on selected material
 - **Errors of Commission**: The interference with the memory process by thoughts, emotions, and external stimuli.

Encoding

- The accuracy and completeness of memory can be affected at the encoding stage by such factors as:
 - Length of time
 - Length of witness time and accuracy of encoding are related.
 - Lighting conditions and time of day
 - Witnesses who observe events at twilight have been noted to have poorer recall than those who witnessed events during daylight or night hours.
 - Salient nature of the to-be remembered details
 - The more salient the details, the more likely the information shall be remembered, especially when the information is unusual, extraordinary, and/or interesting to the observer.
 - The nature of the incident
 - Violent events are less likely remembered than non-violent events (increased arousal, weapon focus?)

Storage

- There has been evidence to suggest that difficulties in remembering may be associated with a loss of the target information from storage.
 - It is not uncommon for individuals suffering concussions to lose most of their recent memory, whereas older memory remained intact.
 - This loss of selected memory would suggest storage failure (not retrieval failure), as otherwise all memory would have been affected.

Retrieval

- The human memory is capable of storing billions of bits of information, however only a small proportion of this information is accessible at any point in time.
- Therefore retrieval of data involves more effort than encoding or storing information.
- However, because retrieval, unlike encoding and storage, are under conscious control, it is easiest to alter and improve.
- There is more likely to be a problem with access to information (retrieval) as opposed to loss of information (encoding and storage).
 - Much of the forgetting experienced is caused by searching inappropriately for the stored record!
 - Library book analogy

Links Between Encoding and Retrieval

- Retrieval of target material can be affected by external and internal context factors that were present at the time the original encoding occurred.
- Environmental factors can facilitate memory by acting as powerful retrieval tools:
 - **Context Reinstatement**
- Internal context factors, such as a person's internal state can also aid the retrieval of target material:
 - **State-dependent Learning:** It is easier to recall the target event when in a similar state of mind (mood, level of intoxication, ect.) to that at the time the event occurred (when encoded)

The Effects of Post Event Material on Recall

- Loftus and Palmer Study (1974)
 - Subjects were shown a film involving a traffic accident.
 - 1/2 of the subjects asked: “ How fast were the cars going when they smashed into each other”?
 - 1/2 of the subjects were asked: How fast were the cars going when they hit each other”?
 - One week follow-up, subjects were asked about glass present at the accident scene.

Cognitive Interviewing (CI)

- Drawing upon knowledge of the functions of memorization, the field of psychology has developed a more systematic method of interviewing victims and witnesses known as the CI.

Two Major Components of the CI

- **Memory**
- **Communication**
 - The victim or witness must first draw into consciousness all of the details of the criminal event; then communicate the information to the interviewer.
 - To achieve a successful interview must be performed properly.

The Communication Process

- Did you know?
 - Interruptions of victims and witnesses are recorded every 7.5 seconds during an interview
 - Questions by interviewers are found to be most often asked in very direct and short fashion, requiring short answers , thereby yielding far less information and hindering recall.
 - (Fisher, Geiselman, and Amador 1989)

Theoretical Principles of the CI

- Information can be retrieved via a number of paths in the memory.
- A memory trace composes several features, involving such information as the size, shape, and color of the to-be-remembered material.
- The effectiveness of certain retrieval cue is dependent upon the extent of similarities between the encoded information as the retrieval cue.

The Sequence of the CI

- Controlling Eyewitness Anxiety
 - Successful recall depends heavily on the eyewitness's ability to control fear.
- Developing Rapport
 - Essential to all effective communication, rapport is particularly important as many eyewitnesses/victims have suffered physical and/or psychological trauma.

The Sequence of the CI
(Continued)

- **Establishing the Centrality of the Eyewitness' Role**
 - Witnesses often become reluctant to speak when they feel as though they are not in control of the conversation.
- **Maximizing Memory and Communication**
 - Once the psychological and interpersonal aims have been met, concentration on conveying the general guidelines to maximize memory retrieval and communication should be discussed.

The Sequence of the CI
(Continued)

- **Open-ended Narration**
 - The primary function of this step is for the interviewer to learn the eyewitness's mental record of the event so that a strategy may be tailored that is compatible with the eyewitness' unique mental record.
 - Following the narration, the interviewer learns which people, objects, and actions are represented in each image.
 - The interviewer can next develop a probing strategy to guide the eyewitness to the various information rich memory codes.

Four Principle Mnemonic Techniques Used in the CI

- **Context Reinstatement:** Recreating the context of the original event.
- **Emphasis on Recalling Everything:** With no judgement of the validity of the information.
 - These two techniques seek to focus on increasing the similarities between the encoding and retrieval stages of the memorization process.

*Four Principle Mnemonic
Techniques Used in the CI (Continued)*

- Changing Temporal of Recall: Instructing the interviewee to report the event in reverse of from the middle.
- Recall From Different Perspectives: Instructing the interviewee to recall the event from a different geographical perspective or the location of another witness.
 - These techniques seek to increase the number of retrieval paths used in the memory.

The Validity of the CI?

- The CI may be considered a promising tool for use in victim and witness interviews of adults and children.
 - Experienced American detectives elicited 47 percent more information after brief CI training than before the training. British policing document an approximate 55 percent increase.
 - Fisher et al (1989) & George (1991)

*The Behavior-Oriented Victim
Interview*

- The purpose of the behavior-oriented victim interview is to examine the verbal, physical, and sexual behavior of the offender in the context of victim/offender - action/reaction.
- Historically, these areas have not been fully explored in victim interviews.

Behavior-Oriented Victim Interview

- During a sexual assault, an offender will behave in a way that supports his objective.
- How an offender initially attempts to achieve that objective is driven by fantasy and learned behavior.
- How the assault ultimately occurs is greatly influenced by the victim's personality and the environment.
- *Conducting victim interviews relating to sexual assault requires a recognition of the investigator's own attitude and ideas about sex.*

Relevant Areas of the Behavior-Based Victim Interview

- Ask the victim to describe the manner in which the offender initially approached and gained control over her/him.
- Ask the victim how the offender maintained control, and the situation throughout the assault
 - Verbal threats
 - Threatening gestures
 - Threatening 3rd party
 - Escape safeguards etc.

*Relevant Areas of the Behavior-Based Victim Interview
(Continued)*

- Ask the victim to *specifically* describe the physical force that was used and *when* during the assault it was used.
 - Be alert to subtle forms of force and/or the threat of physical force .
- Ask the victim to describe each episode of resistance: passive, verbal, or physical.
 - Passive Resistance is non-compliance, i.e. not responding to demands, not speaking, not fighting.

Relevant Areas of the Behavior-Based Victim Interview
(Continued)

- Ask the victim to describe the offender's reaction to each time she resisted.
 - What happened immediately following each time she resisted.
- Ask the victim to describe any sexual dysfunction the offender exhibited.
 - If the offender was dysfunctional, try to determine if the offender was able to overcome the dysfunction.
 - Was there any behavior or act the offender performed or demanded the victim perform as a means to overcoming the dysfunction.

Relevant Areas of the Behavior-Based Victim Interview
(Continued)

- Ask the victim to describe each sexual act performed upon her/him, as well as each act performed upon the offender his/herself, in chronological order (including repetitions).
- Ask the victim to repeat everything that the offender said to her using the offender's words rather than paraphrasing.
 - Describe the tone and assumed attitude during each statement.

Relevant Areas of the Behavior-Based Victim Interview
(Continued)

- Ask the victim to describe any questions she was asked by the offender and any phrases or statements the offender demanded that she/he repeat.
 - Again avoid paraphrasing, ask for the offender's own words.
- Ask the victim to describe any change in the offender's attitude.
 - If there was a change, try to determine what the offender's attitude changed to and what happened or stopped happening prior to each change in attitude.

Relevant Areas of the Behavior-Based Victim Interview
(Continued)

- Ask the victim to describe any actions the offender took to ensure that she/he may not be linked to the crime.
- Ask the victim if the offender took anything belonging to her/him.
 - Careful inventory of the victim's personal belongings should be conducted.
 - *Specifically photographs, jewelry, identification, and undergarments.*

Relevant Areas of the Behavior-Based Victim Interview
(Continued)

- Ask the victim if she received any telephone calls, notes, or other forms of contact from strangers prior to, or following the assault.
 - During the assault, did the victim experience any behavior that may suggest that the offender specifically targeted her/him?
- Ask the victim to describe the offender in terms of how she/he thinks others view him/her. (*Friends, family, co-workers etc.*)

A Summary of the Benefits of CI

- The CI enhances memory by:
 - Assisting the interview to infer the eyewitness' mental representation of the event:
 - Suggesting techniques to ensure that the eyewitness becomes the central personality of the interview:
 - Provides retrieval strategies to facilitate the eyewitnesses' accessing specific memories.

Critical Evaluation of the CI

- The utility of the CI may vary from one situation to another.
 - Its primary contribution shall be in cases where the bulk of evidence comes from eyewitness testimony.
- The CI is designed to be used with cooperative witnesses.
- The CI may take somewhat longer than traditional police interviews.
- The CI requires considerable mental concentration of the interviewer.

References

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