

Cognitive Interviews

"A Way" not "THE Way"

In this Segment...

- ▶ We are addressing techniques used primarily to elicit information from victims, witnesses and in preliminary conversations with suspects
- ▶ The term witness will be used to refer to both witnesses and victims
- ▶ The term Investigator refers to officers, detectives, jailers or anyone else asking questions during an initial investigation

Witness Interview Problems

- ▶ Closed questions require the investigator to ask too many questions to get the full story
- ▶ Closed questions require the investigator to guess at what happened (possibly introducing some bias) in order to cover all the bases

Witness Interview Problems

- ▶ Closed questions permit the interviewee to leave things out and later say, "Well you never asked me that!"
- ▶ Specific, direct questions give witnesses little opportunity to tell investigators what they have seen, heard or done

Investigators become quickly frustrated by witnesses' inability to remember important details of a case

Open Questions are the Best

Improving Questions

- ▶ If you want to know about a car, you could ask,
 - Was the car red?
 - What color was the car?
 - What can you tell me about the car?

Improve These Questions

- ▶ Did he have a beard?
- ▶ What gun was used?
- ▶ Did he have a jacket?
- ▶ What color was his hair?
- ▶ Were you frightened?

Understanding Memory

- ▶ Attention
- ▶ Encoding
- ▶ Storage
- ▶ Retrieval
- ▶ Short vs. Long Term
- ▶ Memory Decay and Forgetting

What do we know about Memory?

- ▶ Memory is contextual
- ▶ Rehearsal helps move information from short to long-term memory
- ▶ Many scientists believe no memories are ever forgotten
- ▶ Information is reconstructed as it is recalled, so memories can be altered by misinformation inserted into a question

Theories of Forgetting

- ▶ Inefficient Encoding
- ▶ Decay
- ▶ Interference
- ▶ Retrieval Failure
- ▶ Intentional Forgetting
- ▶ Unconscious Repression

In an interview following a crime we are asking a witness to do something (recall events) that the human brain was not designed to do.

Attempts at Recall Improvement

- ▶ Hypnosis
- ▶ Contextual Interviews
- ▶ Revisiting the Scene
- ▶ Cognitive Interviews

Cognitive Interviews

- ▶ Reinstating the context
- ▶ Changing Sequence
- ▶ Change Perspective
- ▶ Specific Recall

Reinstate the Context

- ▶ Reestablish
 - Mood, Environment and Experiences
- ▶ Go beyond the start of the incident
- ▶ Discuss events not related to the incident
- ▶ The emphasis is on re-living, not recalling

Change Sequence

- ▶ "Normal" questioning follows a chronological pattern, often resulting in editing or skipping important details in an effort to "finish"
- ▶ By varying the start points and looking at smaller chunks along the timeline we may permit them to focus on details and learn more
- ▶ This technique may help curb a witness prone to exaggeration or focus on critical elements of the narrative

Change Perspectives

- ▶ This is a technique that may be used to assist a witness who is having trouble re-creating a scene
- ▶ Ask the witness what they think they would have seen from a different point of view
- ▶ "If you had been standing over there, what do you think you would have seen?"

Specific Recall

- ▶ By making associations with something they know or can observe you may assist a witness flush out details in their recollection
 - "Was he taller or shorter than me?"
 - "What were you doing when this started?"
 - "Did the suspect look like anyone else that you know or have seen before?"
 - "Have you ever seen that type of clothing before?"

CI Format

- ▶ Introductions & Explanations
- ▶ "Can you tell me what happened today?"
- ▶ Contextual Questioning
- ▶ Non-Sequential Questioning
- ▶ Alternate Perspectives Questions & Review Omitted Details with Specific Recall (as needed)
- ▶ Leave Open for Follow-Up

Instructions & Tips

- ▶ Report everything, even if you think it's insignificant
- ▶ Don't try to fill in gaps...if you don't remember something, or something doesn't make sense, don't worry about it

Instructions & Tips

- ▶ (Interviewer) Don't appear too knowledgeable
- ▶ Ask if a piece of information is "remembered" or "known", especially if time has lapsed or there have been conversations between witnesses
