

This Briefing Paper highlights the benefits of employing cognitive interviewing techniques with witnesses and police officers following a traumatic incident. The authors note these techniques can facilitate more detailed memory recall by a witness (civilian or police officer) on the context, chronology and individual perceptions prior to, during, and after a critical incident, potentially significant details that can assist police investigators. In contrast, the controlled interview techniques currently used by police may potentially exclude important, contextual details. The cognitive interview process outlined in this paper is soon to be incorporated into police training in New Zealand and Australia (Queensland and Western Australia).



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The Cognitive Interview in Policing: Negotiating Control

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Overview

When police investigators ask questions of citizens or fellow officers, they are attempting to get honest, complete and worthwhile information. The data they gather are used to reconstruct a scene, situation or encounter and can form a brief of evidence if the matter goes to court. These data are used to initiate a criminal and/or administrative investigation, to form the official record of the event and help to determine the truth of the matter under investigation. A critical goal is to get each witness to provide accurate information, but there is no standard method or “best practice” to achieve this outcome (Maguire and Norris, 1994). There are many ways investigators elicit information and, often, it is a “gut feeling” rather than a proven strategy based on evidence that is used to interact with individuals. The purpose of this Briefing Paper is to discuss the cognitive interview technique as a way to conduct interviews and allow individuals to provide proper data to the investigator. First, the foundation of the cognitive interview is summarized, and then examples are provided of how this technique can be used in policing.

The Cognitive Interview

Principles of applied psychology can assist police information-gathering during the questioning of subjects on specific critical events (Ericson and Simon, 1980). An early example is provided by Flanagan’s (1954) review of data gathering from American pilots during World War II. These efforts focused on the memory of specific events rather than general observations to reconstruct combat flying missions. The pilots were asked to rely on their senses and to describe what they saw, heard or felt to help them recall experiences and situations. The goal of these post-mission debriefings or interviews is similar to that of the police investigator: to learn about the person’s observations, feelings and reaction to the critical incident in which they were involved or witnessed.

In any interview, there is a dynamic relationship between the individuals asking and responding to questions.¹ The officer and interviewee must coordinate or negotiate their roles effectively and each must be responsive to the other if the interview is to be successful. In police work, the interview with a cooperating witness will be much easier than one with an individual who was involved in the encounter as an officer or suspect.

¹ It is recognized that an audio-visual recording of the interview provides a better record of the interaction between the interviewer and the interviewee than any way to memorialize the conversation (see Dixon, 2007).

However, in either case, the process of an in-depth or cognitive interview (see Patton, 1987 and Belli et al., 2007) will provide the subject an opportunity to recall facts more effectively and efficiently. If the interviewee is going to fabricate information or attempt to consciously deceive the interviewer, then this process may uncover inconsistencies that can be explored and later investigated.

The process of cognitive interviewing has been represented by various models (see Jobe and Herrmann, 1996 and Tourangeau, 1984). Generally, subjects are asked to reconstruct their perceptions, and their emotional state that existed at the time of the event to facilitate memory so they can tell a story. Interviewers must encourage subjects to tell their complete story and ask them to describe their actions, reactions, decision-making process and reasons for behavior or describe in detail what they observed. Interviewers need to know how to listen, ask questions and prompt subjects without being biased, leading or prejudiced. In this type of interview, it is the job of the interviewer to encourage the subject to do most of the mental work as the subject has the information sought by the interviewer. It is the interviewer's job to help the subject provide the information in a complete and unbiased manner. For example, memory concerning a threat should be more obtainable when the subject is thinking about when he or she first perceived it, rather than when he or she is talking about the person posing the threat. Generally, details of an event are most likely to be recalled accurately when the subject is creating a mental image of it. This means that interviewers must be sensitive to the subject's state of mind while eliciting information, and that the order of responses may seem awkward to the interviewer but not to the subject (Pecher, Zeelenberg & Barsalou, 2003). For example, when asking about the perception or observation of a threat, the interviewer must not interrupt the subject to ask about the description of the person making the threat until the subject has explained fully

his or her thought process about the threat.

Interviewers should modify their questions to be in sync with the subject's mental memory, rather than asking the same set of questions and in the same order. In traditional interviews, standardized checklists may lead an interviewer to ask inappropriate questions or to ask questions inappropriately. The goal of the cognitive interview is for subjects to search through their memory about the details of an event, and to create and articulate mental images. One strategy is to ask questions several times with an emphasis on different aspects of the event and to ensure the information is from recollections and not guesses about details (Koriat & Goldsmith, 1996). It is important to realize that subjects will not likely recall every detail about an event and distortions of facts or observations may not necessarily be indicative of deception. However, recall accuracy can be influenced by the format of the question, where broad, open-ended questions such as "describe the person" will help the subject recall information, rather than the more specific query, "what was the person wearing or how tall was he?" (Milne and Bull, 1999). Follow-up questions may be helpful, but the idea of the cognitive interview is to have subjects recall information first, on their own terms. Subjects can be asked to close their eyes and "re-live" the event to enhance concentration and improve recall. Subjects may tell a part of the story that is not relevant, but interviewers must let them continue and then re-focus them on the objects of interest, such as the threat, or a behavior or reaction, only after they have completed their thought and memory recall process. Interviewers must be trained to recognize that gaps in conversation and silence are normal while subjects process and search through their memory and emotions to recall details (see Mitchell, 1988).

There are four critical areas or processes in a cognitive interview (Tourangeau, 1984). First, *understanding the question*

is determined by how the subject interprets it and what specific words and cues mean to him. Second, to answer a question involves the *retrieval of "facts" or observations from memory*, which requires a specific method to recall information. In other words, subjects can recall specific elements of an event or use an estimation strategy to answer questions. Third, it takes a significant *mental effort* to answer questions accurately and thoroughly. In addition, the sensitivity and social desirability of the subject needs to be assessed to determine if he wants to tell the truth, or make himself look or feel better by providing a socially desirable response. Finally, the *response process* may be complex, and vary depending on the type and seriousness of question that is asked (see Forsyth and Lessler, 1991).

Two techniques, known as "think-aloud interviewing" and "verbal probing," provide approaches for aiding these four processes to elicit quality information. The think-aloud interview described by Ericsson and Simon (1980) involves instructing the subjects to verbally express all images and thoughts as they respond to questions, or "think aloud." This allows the respondent to think about and recall each term of the question rather than estimating. This technique may require some conditioning of the subject to become comfortable with the process. As this may be awkward for the subject, it may take several attempts to get the person into the proper frame of mind to recall events and aspects of an event by thinking out loud. It certainly requires the interviewer to keep the subject "on track," while allowing him/her to answer fully and comprehensively.

The verbal probing technique (see Willis, et al., 1999) is a procedure where the interviewer asks a general question, then, after the subject answers, the interviewer asks for other, more specific information relevant to the question, or to the subject's response. In essence, the interviewer "probes" further into answers

and their bases. Targeted probing allows the interviewer to guide and control the interaction. The interviewer can focus on particular areas of responses that may not be complete or comprehensive. The major disadvantage to verbal probing is the concern that interjection of probes by interviewers may produce an artificial response. However, interviewer training in the use of scripted and spontaneous probes can reduce that concern. These interview strategies have relevance in multiple contexts, including police interviews in criminal and administrative matters.

Cognitive Interviewing in a Policing Context

Interviews by the police are often managed through controlling techniques (Leo, 2008). Police officers are trained to control all aspects of interviews, from the preparation, to the setting (private, austere rooms that lack any symbols of potential consequences), to the use of trickery and deceit, to strategies to overcome denials (Inbau, 2004). Training of police interrogators has focused more on interviewing suspects than victims and witnesses (Fisher and Geiselman, 2010) which has led to police interviews that are typically very direct and often scripted. Officers who conduct interviews are often seeking specific information to achieve their goal of assigning responsibility, completing an investigation quickly, and avoiding any personal or emotional attachments that may slow their efforts.

Information gained through traditional processes is often sufficient to address many minor investigations. However, the use of cognitive interviews will generate a more extensive description of the events. It also allows the interviewee more control to organize and mine their memories, and to report their recollections in a sequence that makes the most sense to them, rather than a strict, scripted, chronological order that may make sense to the police investigator.



A cognitive interviewing process avoids the techniques commonly applied by officers (see Fisher and Geiselman, 2010) where:

- 1) the interviewer does most of the talking;
- 2) the questions are very specific;
- 3) witnesses are discouraged from providing information unrelated to the specific question;
- 4) the sequence of questions is determined by the interviewer, who sometimes relies on a checklist of questions;
- 5) the interviewer opens with a round of formal questions (e.g., name, address, phone number) which allow the interviewer to complete a report;
- 6) the interview may interrupt the witness to ask follow-up questions; and
- 7) the interviewer asks leading questions suggesting answers that conform with the interviewer's hypothesis about the event.

Instead, a cognitive interview includes fewer, open-ended questions that permit a witness to provide information through comprehensive narrative responses. As noted above, the interviewee will tell their

story as well as they can. Officers should not interrupt a witness, but allow them to report everything they think about, even if it seems trivial, out of context or not in chronological order. The officer should encourage the witness' active participation in the interview, and should only ask follow-up questions after the witness has completed the narrative, to prevent the witness from losing a train of thought. A witness will continue to think about the incident days later, and follow-up interviews should be conducted for clarification of important points and to determine if additional details have been recalled. This type of cognitive interviewing process serves to aid the witness in recounting an event as accurately as possible.²

In policing, the use of cognitive interviews offer the greatest promise during interviews of witnesses of significant crimes, and when officers are questioning their own after a significant event, where the witness or the officer may have suffered some type of emotional or physical trauma. Cognitive interviews allow for subjects to tell their story or account of what occurred. Research indicates that

² An additional benefit of this technique is that it enhances the witness' well-being by allowing him or her to express emotions and develop a sense of closure by being able to narrate a story (Fisher and Geiselman, 2010).



witnesses or participants in events that are highly emotional or that involve trauma often experience perceptual and memory distortions (Alpert, Rivera and Lott, 2012). This area of research has led to suggestions that interviews of police officers who have been involved in a significant use of force be delayed from a few hours to a few days, to enhance the officer's memory and to avoid statements that may be inconsistent with other evidence that may be secured during the investigation.³

The use of a cognitive interview is best suited to obtaining a trustworthy and accurate account of the events from police officers and community members alike who have been involved in, or witnessed, a traumatic event. For this reason, there is a plan to train all detectives in Western Australia, Queensland and New Zealand in cognitive interviewing, whilst a more piece-meal approach has been adopted by other Australian, American and Canadian police services and oversight bodies. It is more important that police officers, prosecutors and judges recognize that not all witnesses, including police officers, view the incident under optimal conditions, possess reliable memories, the ability to articulate or express their recollection, and

³ Interestingly, there is no similar outcry to delay the interviews of others, particularly those suspected of committing a crime, due to the same concerns.

be psychologically healthy enough after a traumatic incident to be able to provide a detailed and accurate statement (Fisher and Geiselman, 2010). Recognizing the varying ability of witnesses to perceive, understand, recall and express the events as they occurred allows investigators, and members of the justice system, to understand that conflicts may arise among witness statements and evidence that may be gathered in the investigation.

Examples of Significant Events and Cognitive Interviews

The cognitive interview may be most important for the investigation of sex crimes, crimes against children and crimes involving special victims, but it is an important technique for all investigations and interrogations (see Kebbell and Westera, 2011). Civilians who have witnessed violent crimes, and police officers who have been involved in use of force incidents, are other examples of significant events where cognitive interviews, compared to other approaches, enhance investigative power and performance, and provide more thorough information to determine how and why they occurred (Memon and Higham, 1999). In all cases, the more information that is known about the event, the more likely it is that the investigation will result in an accurate

and fair conclusion. These types of cases are among the most important that police investigate. The interviews are critical for prosecuting those who commit crimes and to clear those who have been wrongly accused. Similarly, when an officer uses physical force to control a suspect or take him into custody, it is important to understand the events that led up to the encounter: why it turned into a confrontation, why it turned physical, and who said or did what to whom, and in what order.

While there may be varying accounts from different angles or perspectives from officers and citizens, it is necessary to determine the sequence of events. Just as officials in sporting events can now review an action from a variety of angles and cameras to determine what happened, a police investigator should be able to learn from actors and observers what occurred prior to the use of force, and during the physical encounter, and conclude if it could have been avoided or handled more effectively.

Conclusion

The cognitive interview is becoming an accepted method for police investigators to elicit complete and thorough information from participants and witnesses, who have witnessed traumatic events. Interviewers are trained to reduce anxiety, de-code the event, and probe the context in which the interviewee participated or observed something occur. They are trained to understand that their behavior will be mirrored by the interviewee and to reduce any potential anxiety by avoiding a dominant power role. In the case of civilians who have witnessed violent crimes and police use of force incidents, it is important for officer trust and community confidence for law enforcement to determine, in the

most effective way, what happened and why. As in any investigation, once the “facts” are known, criminal, administrative, or civil charges or claims, if necessary, can be made. The use of Cognitive Interviews can enhance the process by increasing rapport and decreasing perceived power between the interviewer and the subject, which is especially important in police use of force incidents.

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Professor Alpert has been conducting research on high-risk police activities for more than 25 years, and has published more than 100 journal articles and 15 books. His book is *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* (with R. Dunham) and was published in 2005 by Cambridge University press. Dr. Alpert recently completed a major study on police officer decision making funded by the National Institute of Justice, and an investigation of racial profiling for the Miami-Dade County, Florida Police Department. He is working on a use of force study that focuses on less-lethal technology and the effectiveness of their applications. Dr. Alpert routinely provides commentary for the national networks' evening news programs and morning talk shows.

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