

THE COGNITIVE INTERVIEW: INTERVIEWING THE COOPERATIVE WITNESS



John A. Call, Ph.D., J.D.
Crisis Management Consultants, Inc.
5100 N. Brookline, Suite 700
Oklahoma City, Oklahoma 73112
<http://www.CrisisInc.com>
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Introduction

Research indicates that the single most important factor in solving a case is the accuracy and completeness of eyewitness testimony. Yet, most police officers receive little or no training in conducting investigative interviews with eyewitnesses and/or victims of crimes. Traditionally, they follow the “Sergeant Joe Friday” style and ask for “just the facts, ma’am.” Or, as another officer noted, “I learned by just doing it...I just ask the witness who, what, when, where, how and why.”

Unfortunately, even when sincerely attempting to perform an adequate eyewitness interview, these traditional techniques are not sufficient, and much valuable information is lost. Thus, the Cognitive Interview technique was developed.¹ This technique is designed so that a police officer can obtain as much information from a cooperative witness as possible. It is not designed for use with suspects or with uncooperative witnesses and, thus, should not be seen as an interrogation technique. Furthermore, the Cognitive Interview technique is best used in those situations where there is not an abundance of physical evidence and where witness information is crucial, such as in commercial robbery, battery, rape and homicide.

Research conducted with the Miami, Florida Police Department found that officers trained in the technique produced 47% more information than those using the traditional interview style did. Likewise, a study in England found that officers produced 55% more information.

The Cognitive Interview requires more effort from the interviewing officer since he cannot rely on using standardized interview scripts. However, with practice, the on-line decision making will become automatic.

The Cognitive Interview is divided into five parts. These parts are termed the Beginning the Interview, Open-ended narration; Probing memory codes, Review and Closing the interview.

For the sake of clarity in the following discussion, INT and the pronoun “he” are used to indicate the interviewing police officer, and E/W and the pronoun “she” are used to indicate the cooperative eyewitness.

Beginning the interview: Part I

Every job can become boring after a while. Also, police officers, like surgeons, oftentimes develop an internal mental shell so that they can effectively do their job while warding off the emotional pain, suffering and rage expressed by those with whom they interact. A problem with this is that the officer can become distant, matter of fact and interact with an E/W in a depersonalized manner. If he does so, he will lose valuable information.

The duties of the INT at the beginning of the interview are to: 1) develop rapport; 2) communicate empathy; 3) establish trust; 4) control eyewitness anxiety; 5) increase eyewitness

confidence; 6) establish the importance of the eyewitness's role; and 7) maximize the eyewitness's memory and communication.

Develop rapport

As noted earlier, it is easy for the INT to become jaded with police work and begin to see E/W's as things rather than people. To counteract this tendency, the INT must work to personalize the interview. Even if a part of him does not feel like it, the INT must attempt to perceive the E/W as a unique individual with a unique set of needs and to project himself as a genuine person, not just a member of an official police organization.

To accomplish this, the INT should as much as possible call the E/W by name. He should listen attentively and not interrupt. During the first phases of the interview, the INT should periodically repeat the last comment the E/W mentioned, thus, demonstrating his attentiveness.

Communicate empathy

Besides understanding the E/W, the INT needs to let her know that he appreciates her situation. In other word, he must communicate his empathy. The INT can do this by being direct. For example, he can say, "I know how you feel...I can understand your (anxiety, anger, helplessness) about the (robbery, rape, assault)."

Establish trust

A primary goal during the first phase of the cognitive interview is to induce the E/W to trust the INT. It is important that the E/W come to believe that the INT is interested in her and her message. Unless there is good reason to believe that the E/W is a suspect or that she is lying, the INT should overtly accept the E/W's account as truthful even if it is contradictory or inconsistent.

The E/W may not be someone the INT would ever think of socializing with or that he would take home to the family. Nevertheless, the E/W must become the focus of the INT's regard. The reason is simple; the E/W has something the INT needs—information.

Thus, the INT should shake the E/W's hand, smile, maintain eye contact, act attentive and ask about any injuries. If he can, the INT and E/W should sit during the interview, and the INT should face the E/W with a slight forward lean to demonstrate his attention.

Control eyewitness anxiety

Oftentimes, the E/W has been the victim of a crime or the passive witness of violent criminal activity. As a consequence, the E/W may be experiencing anxiety, fear and/or apprehension. These negative emotions interfere with both memory recall and communication. The INT should address this issue directly. First, the INT can invite the E/W to share her feelings regarding what she experienced. Then, he can express the belief that almost anyone

would feel (anxious, fearful, helpless) had they experienced what the E/W had. No, the INT is not performing psychotherapy. Rather, he is attempting to judge the E/W's ability to relate her information as expeditiously as possible as well as provide the E/W with tools that she can use to support herself emotionally while she does so.

To this end, the INT should forewarn the E/W regarding the "surprise effect." This phenomenon occurs when an E/W re-experiences the unpleasant emotions of the event while discussing it at a later date. The INT should suggest that this phenomenon might occur but that the emotions will be less painful and that the E/W will be able to control them.

The INT should watch the E/W carefully for signs of emotion overload. He ought to suggest that the E/W talk slowly, relax, breathe deeply and exhale gradually. Likewise, using the Principle of Synchrony, the INT can subtly influence the E/W to relax by controlling his own behavior so that he speaks slowly and behaves in a calm, relaxed manner.

Obviously, the INT cannot avoid asking stressful questions, however, he should save such questions for the latter part of the interview. If the E/W does become emotionally overwhelmed during the interview, the INT should respond immediately. When the interview resumes, the INT should begin first with less stressful questions before returning to those that triggered the anxiety. If the E/w remains unable to respond, it is best to stop the interview.

Increase eyewitness confidence

Besides being anxious, distraught, helpless or enraged, eyewitnesses often lack self-confidence. This may be a character trait or a result of the criminal event they observed and experienced. A person with low self-confidence is a passive person. They want to withdraw. When asked questions, they say, "I don't know."

Not only does the E/w have what the INT wants and needs—information—but, also it is the E/W who will have to do most of the work during the interview in an effort to remember and communicate. Therefore, the INT needs to empower the E/W. Again, the INT should use a direct method and explicitly tell the E/W that she is a vital part of the investigation, that her information is crucial and that she is expected to do most of the talking.

Research suggests that the single biggest factor hindering an INT from obtaining information is the INT's proclivity to interrupt the E/W. Interrupting eyewitnesses not only stops memory retrieval, it also invites the E/W to become passive. Let the E/W feel important, get them involved, tell them that their role is central.

Beginning the interview: Part 2

One way to conceptualize memory is to think of it as a filing system. The file is created (encoded), placed in the filing cabinet (stored) and, when needed, retrieved (retrieval). Furthermore, human memory is never an exact reproduction of what actually occurred. Rather,

it is an amalgam of facts, images and emotions, which are influenced by past experience, beliefs, attitudes and stereotypes as well as present mood, motivation and self-perception.

The E/W has little or no warning that something eventful will happen, thus, she is usually not prepared for efficient memory encoding at the time of a crime. Retrieval, on the other hand, is under the control of the E/W. This fact is important, because it is at this phase that the INT can subtly guide the E/W to remember and communicate more effectively.

Overcoming information suppression

Just because an E/W says that they do not remember when asked a question does not mean that they have not stored a relevant memory somewhere in their “filing cabinet.” Also, even if an E/W provides inconsistent information, it does not mean that her reporting is inaccurate. In fact, sometimes inconsistent reporting is more accurate than consistent reporting.

At the beginning of the interview, it is imperative that the INT instruct the E/W to tell him everything she remembers. She should not edit her comments, she should mention everything that comes into her mind when she thinks about it, whether it is consistent, trivial or out of place. The INT needs to reinforce the concept that he is interested in all that the E/W remembers and does not mind if it is presented in a disorganized fashion.

Likewise, the INT should instruct the E/W to take as much time as she needs. If the E/W does produce contradictory information, the INT should not confront her at that moment. Doing so will stop memory retrieval and lower the E/W’s confidence. Only later, after as much information as possible has been extracted, should the INT go back and, in non-threatening manner, ask the E/W to elaborate on the contradictions. Exploring in this manner can often lead to additional important data.

Interview location

When selecting the site for the interview, the single most important factor to consider is that it is free from distractions. Likewise, eyewitnesses should not be interviewed together. Doing so not only interferes with memory retrieval, but, also, listening to each other can contaminate each of the eyewitness’s memory codes.

Generally, there are five possible places where an E/W can be interviewed: the crime scene, the police station, the E/W’s home, the E/W’s place of business and over the telephone. When interviewing the E/W at the crime scene, the INT should take care to find a place that is both free from distractions as well as provides maximum privacy. Most often, this is a squad car. If the INT uses a squad car, he should turn off the radio.

Furthermore, it is generally not recommended that the E/W be walked through the crime scene. This technique is not necessary, as will be discussed later, since the INT will ask the E/W to use her mental image skills to reproduce the scene when discussing her report.

When interviewing the E/W at the police station, special care should be taken in arranging the interview room. The room should be free from both auditory and visual distractions. Thus, if there is a telephone, it should be disconnected. The room should be bare except for a table, chairs, ashtray, etc. Distracting mirrors or pictures should be taken down or covered.

The same principles should be used when interviewing an E/W in her home. After rapport has been established, the INT can seek the E/W's help in selecting a room that is free from distractions and which will insure privacy.

Interviewing an E/W at her place of business is not recommended. Workplaces are usually filled with people and noise, which the INT is unable to control.

Finally, using the telephone to perform follow-up interviews is appropriate, but the telephone should never be used in place of the initial face-to-face interview.

When to interview

The INT should perform the interview as soon after the event as possible. In general, the INT must make a reasoned judgement as to whether the E/W is calm enough to be able to work diligently at communicating and performing the memory retrieval functions necessary or whether she is so shaken that she cannot function at the present time.

Conducting multiple interviews

Oftentimes, an E/W is interviewed several times, sometimes by different INTs. Each time that an E/W is subsequently interviewed, she should be instructed to re-visualize the event and then make her report rather than just restate her previous answers. She should be told to leave out nothing even if it contradicts what she has previously said. New and important information may result from such instruction.

If a new INT performs the follow-up interview, he should act as if he has no prior knowledge of the E/W statement. In this way, he will not inadvertently lead the E/W in her responses. He will ask more open-ended questions, listen more attentively and, thus, be more prone to elicit new and important information.

The intoxicated witness

When should the intoxicated E/W be interviewed? If the crime has happened recently and if the E/W was intoxicated at the time, it is best to interview her as soon as possible, realizing that she will have to be interviewed again. The reason for this is simple—because of her intoxication, the E/W will likely forget and never be able to remember large amounts of the data when she becomes sober.

The INT's style will have to be somewhat different, however. Whereas with the usual E/W, as will be discussed below, the INT will be non-directive and use open-ended questions,

with the intoxicated E/W, it is necessary that the INT provide much more structure. For example: instead of asking the E/W to describe what the assailant wore, the INT will need to ask the E/W to describe what the assailant wore. The INT will need to ask the E/W separate questions such as: “What kind of jacket was he wearing...what kind of pants...what kind of shoes?” Remember to provide the intoxicated E/W with as much structure as possible.

Non-native English speakers

Obviously, with a non-native English speaker E/W, one should use a police officer who can speak the E/W’s language if such a person is available. If not, the following is recommended. If the E/W can understand English, but has difficulty speaking it, the INT should not use an interpreter to ask the questions, but do so himself. The INT should speak slowly, distinctly and use short, simple phrases. If an interpreter is used, the interpreter should be instructed to repeat the INT’s questions verbatim and phrase by phrase. Likewise, the interpreter and E/W should be instructed to answer the questions slowly and phrase by phrase. The interpreter should not paraphrase the INT’s questions or the E/W’s responses.

Open-ended narration: Part I

The second phase of the Cognitive Interview is termed the open-ended narration. It is during this phase that the INT asks the E/W to relate her experience of the crime. Believe it or not, the INT is not so much interested in what the E/W says, the details, but rather in analyzing how her knowledge is stored. (The INT will thoroughly explore the details during the third phase of the interview, which is called Probing memory codes.) Thus, even if the E/W provides an important piece of data, the INT should make note of it in his notebook but NOT interrupt the flow of narration at that time. If the INT does interrupt, he will destroy the memory retrieval process and lose valuable information.

Recreate the general context

First, the INT should ask the E/W to recreate the general context of the situation in which she found herself. This is done by asking her to explain how she found herself where she did. For example: ask the E/W why she decided to go to the bank that day...how she was feeling...what she was thinking about just before the event...what were her plans for the day?

Requesting the narration

Recreating the context of the original event and requesting the narration is at the heart of investigative interviewing. It enhances E/W recall and helps to induce detailed responding. At this point, ask the E/W explicitly to:

Tell me, in your own words, whatever you remember about the robbery. Tell me everything you can with as much detail as you can. Focus your attention. Think about where you were standing, what you felt and thought and saw.

The INT should then keep his mouth shut and listen. If the E/W pauses, say nothing, but nod attentively. DO NOT INTERRUPT. By not interrupting, the INT is inducing the E/W to attempt multiple retrieval attempts. If important pieces of information are mentioned, do not follow-up at this time; rather make a note of them for later discussion.

Varied retrieval

Usually, the E/W will relate her experience chronologically. After she has related her experience, the INT can ask her to describe it again, but this time starting with the final last few actions and continuing in reverse order. Likewise, the INT can ask the E/W to start with some key event and then describe what happened just before and then describe what happened just before that.

Another technique to achieve varied retrieval is to ask the E/W to describe the crime from another witness's view. Likewise, E/Ws usually describe what they saw and forget to use other sensory modalities. Thus, when relevant, the INT should ask the E/W to relate what she heard, felt, smelled, touched and tasted. For example: if the assailant had grabbed the E/W, asking such questions might result in information that the perpetrator had very hairy arms and smelled of Old Spice after shave.

Wording questions

The wording of questions by the INT is very important. First, leading questions should not be used, rather, they should be neutral. When the INT uses leading questions, he taints the data retrieval process by suggesting the correct response. Next, avoid negative wording. For example, do not start a question by asking, "Do you remember...?" More than likely the response will be, "No, I don't."

Avoid multiple, complex questions. The E/W has enough problems concentrating without having to concentrate and remember the INT's multiple, poorly worded questions as well. Thus, the INT's questions should be short and to the point.

The INT should use open-ended questions rather than closed-ended questions. Asking too many closed-ended questions forces the E/W to spend too much time listening to the INT rather than remembering and describing what she experienced.

Finally, the INT should watch the pace and timing of his questions. He should avoid rapid-fire questioning. Rather, he should slow the pace of his questioning and allow a pause after the E/W has stopped responding before asking the next one. In this way, the INT will not block the E/W from adding some important detail that may have been triggered by her initial response.

Open-ended narration: Part 2

The common man often believes that a person either remembers something or they don't. This is not true. Memory is made up of both objective and subjective factors, such as, height, weight, friendliness or hostility. Some of these factors may be remembered accurately; some may not.

Memory precision

Likewise, an event is perceived and represented at different levels. First, there is the global level—a bank robbery occurred. Next, there is an intermediate level—there were two men and shots were fired. Finally, there is the detailed level—one of the men was blond, had a scar on his nose in the shape of a diamond and spoke with a German accent.

The INT wants to tap into the E/W's detailed memory. This takes skill on the part of the INT and hard work on the part of the E/W.

Memory codes

Memory differs, not only in terms of its precision, but also in terms of its representation. For our purposes, we will conceptualize memory as being coded either as concepts (concept codes) or images (image codes).

Concept codes are relatively easy for the E/W to tap, but they contain less information than image codes. Concept codes can be thought of as similar to dictionary definitions. For example: the assailant was white, male, six foot, had blond hair and blue eyes.

Image codes are those visual, auditory, olfactory, and tactile images that are remembered. Unlike concept codes, which are language based, image codes are remembered in the same medium that they were experienced. In other words, they are mentally re-experienced or remembered in the same form as the actual object. Thus, they are rich in detail, but also, they are more difficult to access and to describe verbally.

Determining the eyewitness's representation

Different eyewitnesses will remember the same event using different concept codes and different image codes. The INT's primary goal during the open-ended narration is to determine the image codes that the E/W remembers so that they can be probed later.

The easiest way to determine these codes is to simply ask the E/W to discuss what views she had of the assailant or some other important feature of the scene. The INT should pay attention to the E/W's wording as she narrates her experience. For example, she may say something like: "At that point, I caught a glimpse of him when I stood up." The INT should note the words, 'glimpse when I stood up', as a possible visual image code that needs to be probed later. Likewise, the E/W may mimic the assailant's walk, movements or speech. These suggest two visual image codes and an auditory code that needs to be probed.

At the end of the open-ended narration, the INT should specifically ask the E/W if there are any more views of the crime scene that she can remember. Finally, she should be asked what was her best view of the assailant, her next best view and her next best view after that. She can also be asked, “Where was he standing when you had that view?” “Did you see him from any other position?” At this point, the E/W should be asked to draw the views so that the INT can have a better understanding of her perspective.

Probing memory codes: Part I

Generally, the E/W will have several image codes associated with the observed event as well as a concept code to represent the crime. Before the INT asks his first questions, these codes are in a resting state. Then, when the INT asks a question, the E/W searches her memory, selects an image and, if it is there, reads out the answer. If the answer is not in the first image code, the E/W searches her other codes, searches her general fund of knowledge or answers, “I don’t know.”

The principles of detail and momentum

Two principles of memory impact the INT interviewing style. These are the principle of detail and the principle of momentum. The first principle suggests that the E/W checks the image code currently in her consciousness when attempting to answer the INT’s question and, thus, will not search a more informative image code unless motivated. The second principle suggests that once an image code is in consciousness, it is more efficient to use it to answer questions as opposed to continually switching back and forth between images.

These two principles, therefore, suggest several rules for the INT. First, the INT should order his questions so that the most detailed image code is used to answer them. Second, the INT should arrange his questions so that the E/W does not have to switch from image code to image code in order to respond. In other words, the INT should attempt to question the E/W in a manner designed to make it as easy as possible for her to search her memory and answer.

Developing a probing strategy

During the open-ended narration, the INT’s primary job is noting the different image and content codes the E/W possesses. Using this knowledge, he then should develop a global probing strategy. The central part of this strategy revolves around three questions:

- Which images should be probed?
- Which details should be obtained from each image?
- In what order should the images be probed?

The general rule is that the INT should activate and probe the image with the most relevant and the greatest quantity of information. Then, after he has exhausted that image, he should probe the image with the next most relevant and next greatest quantity of information and so on.

The following simple example illustrates this rule. During the open-ended narration, the INT learns that the E/W had a distant frontal view of the bank robber as he entered the bank, a close-up right profile view of the perpetrator’s face and upper body as he stood at the cashier’s desk and drew his weapon and a close-up view of the perpetrator’s shoes and pants while she was lying on the floor.

An analysis of these three views is noted in Table 1 below.

Table 1
Mental Representation of a Bank Robbery

Fact	Bank Entrance	Cashier’s Desk	Floor
Right profile		YY	
Front face	Y		
Hairline	Y	YY	
Right hand		YY	
Shoes			YY
Gun		YY	

Analysis suggests that the INT should first work with the image the E/W obtained while standing at the cashier’s desk since it is the richest in relevant detail and is the clearest view (noted by YY).

Probing image codes

Image codes are probed first. After developing the best probing strategy, the INT helps the E/W to block out distractions by suggesting that she close her eyes and concentrate. Then, using as near as possible the E/W’s exact words, the INT activates the relevant image. Following this recreation of the scene, the INT should pause and be quiet. After a few moments, the INT can begin to ask his questions in a calm, modulated voice. The questions should be open-ended and should ask for explicit detail. Note the following example:

INT: Jan, I want you to close your eyes and concentrate.

E/W: I don’t feel comfortable closing my eyes.

INT: Okay, then just stare at the wall over there, and bring into your mind the image of the robber when he was beside you at the cashier’s desk. Take your time. Make the image as sharp as you can. (Pause)

E/W: Okay, I’ve got it.

INT: Now, tell me everything about his face. Tell me every detail; leave nothing out. Tell me everything you see

Re-probing for missing information should be done immediately while the relevant image code is active. For example:

INT: I'd like you to focus on the profile. Try and see it as clearly as possible. Take your time and tell me what you see.

If an object is in two separate image codes, the INT should not switch directly from one image to another so as to prevent the E/W from simply repeating her last response. Also, when switching from one image to another, make it clear to the E/W that you are doing so.

Probing concept codes

After probing all important image codes, the INT then probes the relevant concept codes. As discussed earlier, concept codes are made up of global impressions (hair color, race), subjective impressions (he seemed athletic; he appeared ill), personality traits (she was depressed; she appeared egotistical), and explanations (he hit her because he was afraid; she screamed in an angry manner).

Because concept codes are relatively easy to access, all the INT needs to do is to ask the E/W to describe, in her own words, "What happened?" or "What was said?" The INT can use the Varied Retrieval techniques discussed earlier to make sure the E/W has a chance to relate in as thorough a manner possible what she remembers.

Furthermore, it is possible to translate some concept codes into image codes. This is particularly true for personality traits, explanations and subjective impressions. To do this, the INT asks the E/W to explain "What about the guy made you think he was (ill, depressed, afraid when he hit her)?" To explain, the E/W usually has to tap into an image code. If it is a new one, then, the INT can use the image code probing techniques to further explore it.

Probing memory codes: Part 2

When probing memory codes, there are certain specific techniques, which the INT can use to enhance eyewitness communication and, thus, provide informative responses.

Relative v. absolute judgment

Studies have shown that E/Ws are better able to make relative judgments as opposed to absolute ones. For example, it is easier to compare a person's height or weight to another person's than to flatly make a determination that the perpetrator was 6 feet, 2 inches tall and weighed 185 pounds. Thus, the INT should ask the E/W to make such comparisons when interviewing her and probing for details.

Using this same technique, the INT should carry paint color charts so that the E/W can select colors when such information is relevant.

Recognition v. recall

Likewise, E/Ws find it easier to recognize objects than to recall them. Thus, the INT should carry pictures of weapons, cars and other technical objects and ask the E/W to select the correct object under discussion.

Non-verbal responding

Usually, action scenes are more easily described non-verbally than verbally by E/Ws. Therefore, the INT should be ready to suggest to the E/W that she draw the action sequence. This writer has seen this technique used quite successfully with even complex scenes involving a home invasion, assault and rape. The victims were each asked to draw the sequence of events as if they were drawing a picture or comic book. Each victim approached the task seriously and drew pages of scenes complete with 'balloons' of dialogue. The INTs stated that they believed they learned much more about the crime with this technique as opposed to just listening to a verbal description.

Likewise, the use of models, such as toy cars and trucks, can be very helpful in the appropriate situation.

Obtaining physical descriptions

It is traditional for INTs to ask the E/W questions about the perpetrator' height, weight, build, hair color, etc. However, the description of a white male, about 25 years old, 6 foot tall, weighing 175 pounds does not produce much distinctive data.

It is more helpful for the INT to focus on the E/W's description of the perpetrator's face and any other feature that is highly distinctive or unusual. With respect to the face, it is generally believed that a person's hairline is the most distinctive. Thus, the INT should request that the E/W describe first the assailant's hairline and move down toward the chin.

With respect to distinctive features, it is not helpful to ask the E/W, "Was there anything unusual about the robber?" Rather, it is more appropriate to ask her, "What was the most distinctive thing about him that you remember?" Then, "What was the next most distinctive thing?" Continue in this manner until the E/W can think of nothing new.

Recalling specific bits and pieces of information

Oftentimes, the E/W can recall something, but not everything, regarding the issues being investigated. For example, she may not be able to remember the license plate, but recall that the letters were red.

Review

After thoroughly probing the E/W's memory codes, it is important that the INT take some time and review his notes with the E/W. In this way, he checks the accuracy of his notes as well as, perhaps, triggering a new memory. If the E/W does spontaneously report a new memory code, the INT should immediately probe it using the techniques discussed above.

Closing the interview

Unlike what is often traditionally done, the INT should use the end of the interview, rather than the beginning, to obtain his biographical and demographic E/W data. Likewise, too often, the INT stops the interview on a flat, unsatisfactory note. Thus, the INT should praise the E/W and provide her specific suggestions regarding future contacts.

Prolonging the interview

A mistake that almost all INTs make at the end of the interview is to hand the E/W their card and say, "If you remember anything else, just call that number and let us know." Almost all E/Ws will continue to think about the event and remember new information, therefore, the INT should forewarn them of this and provide them with a mechanism to preserve this new data. Thus, near the end of the interview, the INT should say:

As time goes on, you will think about the crime some more and, when you do, you will remember some more things, which we didn't talk about today. When you remember this new information, write it down right away, even if it seems irrelevant or contradicts what we talked about. Then, call this number and let me know.

A sample interview

The following is a greatly abbreviated sample of the cognitive interview as well as some examples of typical mistakes the INT can make. The crime is a bank robbery, and the E/W is a woman bank customer. The interview takes place at the crime scene, and the INT wisely uses a quiet office for the meeting.

Develop rapport; show concern

INT: Hello, Mary Jones? I'm Detective John Hunter with the city police department. Thanks for waiting around to talk to me.

E/W: That's okay. I'm still pretty shaken up. I don't think I could have driven home for a while anyway.

Convey understanding and similar feelings

INT: Here Mary, please have a seat. I understand what you mean about being upset. When I was going to college, I worked at a 7-11, and one day, I was held up. It really frightened me. Being scared and feeling shaky is natural for anyone who has just witnessed a violent crime.

E/W: You read about it all the time, but it's different when it happens to you. I mean what's this world coming to? Drive-by shootings, child abuse, bank robberies. Where's it going to end?

Indicate how cooperation is in E/W's interests

INT: Crime is a problem for all of us. But now, you have a chance to help us with this particular bank robbery. With your cooperation and the information you can provide, we can move a long way to catching these guys.

E/W to take an active role – Promote concentration – Ask for detail – Avoid fabrication – Do not edit responses

INT: You have a very important role right now. You and I are going to take as much time as we need to talk about what you saw. I want you to think hard and provide me with every detail you can remember. Leave nothing out. Don't make anything up, but don't leave anything out either. Don't worry if it doesn't make sense as you tell it. Just let what you remember come out as you think about it...even if it seems contradictory. Okay?

E/W: Okay, How do we start?

Recreate original context

INT: Well, let's start with you telling me about what you were doing before the robbery. Why you were at the bank? Where you were standing? What you were thinking about?

E/W: I usually stop at the bank every Friday to drop off the receipts from my part-time flower arranging business. It's been doing really well this year. Anyway, I was standing at the counter there and filling out my deposit slip when I heard some yelling behind me.

Sketch the scene

INT: Why don't you draw me a sketch of the bank lobby, and show me where you were? (E/W draws sketch)

Request open-ended narration

INT: Now Mary, take your time and put yourself back to when you first came into the bank, and tell me everything you remember from beginning to end. Try and be as detailed as possible.

During the narration, don't interrupt

E/W: Well, I drove up and walked in that door over there. There weren't many people in the lobby. And, I was thinking that since Boatmen's bought the bank, they don't keep it up as well as Founder's used to.

INT takes brief notes of the E/W view of the crime scene to use for later probing

E/W: There were only two tellers working, and someone was with them both. So, I went over the stand-up desk there and began to fill out my deposit slip. Then, like I said, I heard some yelling.

At first, I didn't know what to think. I guess I was surprised. Anyway, I looked around, and the big one was standing by the first teller's desk and yelling for everybody to get on the floor. He was waving his gun, and he seemed to be looking right at me. I've never been so scared in my life. He seemed like a crazy man.

Well anyway, the next thing I know I'm on the floor, and there's more yelling. And, I hear someone crying. Then, I hear someone walking past me, and I glance out. You know, out, but not up. And I see a guy's legs walk past me toward the guy with the gun. He's the other robber, I guess. He helps him get the money from the teller.

Then, as they are leaving, they walk past me again, and one of them bends down and takes my receipt bag – yanks it right out of my hand. The other one says, “forget it”, or something like that, and “let's go...NOW!” But the guy still takes my money anyway. Then, they leave through that door, I think. And, after a few minutes, all of us are kind of looking around and on our knees and getting up and stuff. And that poor old lady was crying and still on the floor.

Final request for other views

INT: It was sure a tough experience for you, but you're handling it well now. Now, let me ask you, are there any other views that you had of the robbers?

E/W: Not that I can think of.

[During the open-ended narration, the INT notes the different views the E/W had of the perpetrators. In this example, there are four views:

- 1) Vague right profile and back view of Robber 1 (R1) at teller's window as E/W enters bank.
- 2) Frontal view of Robber 1 (R1) yelling at the teller's window.
- 3) Lower body view of Robber 2 (R2) walking past prone E/W.
- 4) Lower body and dominant arm and hand view of R2 taking receipt bag.

During the open-ended narration, the INT develops his probing strategy. He will want to probe the most important views first. View 2 is the most important. It provides a full frontal view of R1 as well as the weapon. View 3 and 4 are next most important. View 3 may provide information about the shoes, socks and pants of R2. View 4 may provide similar information about R1, as well as more details about his dominant arm and hand. Besides visual information, the E/W also needs to be probed regarding her auditory data since she reports hearing both robbers speak. Remember to probe image codes before concept codes.]

Request more detailed description – Recreate specific context using exact words of the E/W

INT: Now, Mary, I want you to describe the robbers again, but I want you to be more detailed. Focus your attention. Go back to the image you mentioned regarding when the big one was standing by the first teller's desk and yelling for everybody to get on the floor. He was waving his gun, and he seemed to be looking right at you.

Probe about one perpetrator at a time – Suggest closing eyes

INT: Focus just on this one robber. Try and get as clear a picture of him in your mind as possible. You might want to try closing your eyes right now to help you remember.

Delay description until image is fully developed – Use open-ended questions

INT: Don't say anything for a moment until you get a clear picture. (INT pauses) Now, focus on his upper face, the upper part of his face and hairline. Tell me what you see. Don't leave anything out; give me all the details.

INT takes detailed notes

E/W: Well, he was big. He had a big face, fat cheeks, and greasy black hair low on his forehead. It was combed straight back and was long and stringy down the back of his neck.

INT pauses

(INT pauses for a moment rather than responding immediately.)

E/W: He had bad skin, like he had acne when he was younger. I notice those things, you know. I have a teenager at home, and she always has to watch her diet. Oh yeah, and he had a ring in his ear, or was it just a stud? Left is right; right is wrong. My teenager told me about that. If you have a ring in your right ear, it means you're gay, you know. His was in the left ear.

Refocus on important details; open-ended follow-up question

INT: Keep that image in your mind. Let's go back to his hair again. You said it was black and greasy. What else can you tell me about his hair?

E/W: I guess it was like those haircuts that you see on MTV, you know, some of those rock stars. It was kinda like Michael Jackson's hair, you know.

Neutrally worded question

INT: Can you describe the length of the hair?

E/W: It was down to his collar for sure, but it was behind his ears. In front of his ears, it was short.

INT: (Pause)

Refocus on important details; open-ended follow-up question

INT: You mentioned he had acne scars. Refocus your image on his face again. Tell me about his lower face.

E/W: Yes, well, he had rough skin – really pitted and a scraggly mustache. It was black too, but real thin and scraggly, and it kinda drooped down the sides of his mouth.

INT: (Pause)

Refocus on important details; open-ended follow-up question

INT: You mentioned seeing a ring or a stud in his left ear. Focus on your image on that and tell me about it.

E/W: Well, it was gold or gold colored...and his ear was pierced...and the stud thing seemed to have something dangling from it. You know, it was a stud, but it had some kind of ornament thing hanging from it.

Ask about most distinctive feature

INT: What was the most distinctive feature about the first robber?

E/W: It was his size. He was really big, like a linebacker, but fat and sleazy.

Ask about next most distinctive feature

INT: What was the next most distinctive thing about him?

E/W: He looked no good.

Convert subjective impressions into objective ones

INT: What about him made you think he looked no good?

E/W: Well, his hair and ring and the way he was dressed. He had on a black shirt and black jeans. They shouldn't let people who look like that in banks.

[INT continues to probe View 2 until he has exhausted all information the E/W has to provide. When asking information about the robber's weapon, use non-technical language and have available simple pictures so that the E/W can respond by recognition. As new information is developed, the INT immediately probes the image codes as long as they are a part of View 2. If a new view is mentioned, the INT makes note of it, but does not probe it immediately.]

Clear break when changing images – Recreate context – Request detailed response

INT: Let's switch images. Let's talk now about the view you had from the floor. Close your eyes, and focus your attention. You said there's more yelling. And you hear someone crying. Then, you hear someone walking past you, and you see a guy's legs walk past toward the guy with the gun. He's the other robber. Now, take a second and get a clear image, and tell me everything you remember.

E/W: Well, I heard him walking from behind me from where I was lying up to where the tellers were.

ERROR: INT interrupts E/W's description and asks a closed-ended question

INT: What kind of shoes was he wearing?

E/W: They were cowboy boots, and they made a loud noise as he walked on the floor.

ERROR: INT abruptly shifts images

INT: What kind of shoes was the other guy wearing when he reached down and took your money?

E/W: Black running shoes, I think.

ERROR: INT asking E/W to respond from two images simultaneously and is asking a complex question

INT: What kind of pants were the both of them wearing, and who do you think was the leader – the first guy or the second?

[Remember to avoid using closed-ended, rapid-fire, negative, complex and/or leading questions. Also, stick with one image at a time when probing. Likewise, do not forget to probe auditory images or tactile images when relevant.

After the INT has probed all relevant image codes, he can then investigate the concept code.]

Probe concept codes – Ask for relative judgment; provide a standard

INT: Okay Mary, you've given me a lot of good information. You're doing a good job. Now I want to ask you some general questions about the robbers...and I want you to give me any general impressions about them...like if they reminded you of anybody. Let's start with the first guy. You said he was big and fat. How tall would you say he was in comparison to me? I'm six feet.

E/W: He was taller than you and a lot heavier. He was maybe six-foot, four and way over 200 pounds. The other guy was smaller, I think. His feet were smaller anyway.

INT: Did the first one remind you of anyone you know?

E/W: Now that you mention it, he did. He kinda reminded me of a 90's version of Lumpy on the old TV show, *Leave it to Beaver*. Remember him? That big, stupid kid that hung out with Beaver's brother, Wally. But he was a lot meaner and crazy acting, but just as dumb though.

Convert subjective impressions

INT: What about him made you think of Lumpy?

E/W: The little one was always telling him what to do. Pick up the sack, do this, do that, hurry up, let's go...stuff like that.

[After probing the concept codes, as well as probing any new image codes that the E/W may provide during this phase, the INT initiates a review of the interview]

Review

INT: Mary, I'm going to review my notes with you. As I go over them, think carefully about what you have told me. If I have something down wrong, tell me. Also, if you think of something new, stop me and tell me. Okay?

[INT reads his notes slowly to the E/W.]

Obtain background information at the end of the interview

INT: Okay now Mary, I have to ask you some background information for our files-- just bureaucratic stuff. Mary, what's your full name?

E/W: Mary Ann Jones.

INT: What's your home address and telephone number/

E/W: 220 Spring Lake, here in the city. My number is 555-1234.

Remember to thank the E/W – Suggest that the E/W will remember more in the future

INT: Mary, you've been a tremendous help. I know you will think more about what you have experienced today, and when you do, you'll remember more. Everybody does. So, when you do, please write it down right away so you won't forget it. Here's my card so you can call me. And I'll be calling you in a few days anyway, just to check. Okay? Once again, you've really helped, and I really appreciate the time you've taken to talk to me.

E/W: Thanks. I sure hope you catch them.

Learning the cognitive interview

Police officers who attend this seminar SHOULD NOT expect to be able to correctly utilize the Cognitive Interview technique right away. Rather, practice is required.

The Cognitive Interview is best learned in phases. There are 19 different skills arranged in six different phases. It is suggested that the police officer learn the Cognitive Interview following this suggested building block approach. The building blocks are noted below.

Phase I

- Develop rapport
- Control E/W anxiety

- Increase E/W confidence

Phase II

- Motivate the E/W to provide information; overcome information suppression
- Word questions correctly; use open-ended questions
- Pause after each answer
- Do not interrupt

Phase III

- Request detailed information

Phase IV

- Motivate the E/W to concentrate
- Suggest the use of imagery
- Recreate the general context
- Ask for a narrative, and do not interrupt the E/W as she gives it

Phase V

- Determine the E/W's mental representation
- Develop and use a probing strategy; probe, first, the image codes and, then, the concept code
- Review the interview data with the E/W; probe new information
- Collect background information
- Explicitly inform the E/W to note new memories and, then, telephone
- Profusely thank the E/W for her cooperation

Phase VI

- Use the full Cognitive Interview technique

The most difficult phase to learn and implement is Phase V. Therefore, police officers should not begin to use the probing strategy until they have practiced it with friends, spouses and other police officers – and not until they have developed expertise with the first four phases with actual cooperative witnesses.

When practicing probing strategy, use actual situations, such as having your practice E/W describe someone she met at the grocery store or describe a crime scene she saw on a video movie. Also, the police officer will find it helpful to play the role of E/W. In this way, he will develop a better understanding of what the E/W has to do when cooperating with the INT.

It cannot be stressed enough that the single most detrimental factor when interviewing is interrupting the E/W. INTs seem to have a difficult time believing that they do so. Therefore, it is recommended that the police officer, at first, tape-record his interviews so that he can critique his performance.

According to Fisher and Geiselman, the seven most common errors made by police officers learning the Cognitive Interview technique are:

- The INT does not ask open-ended questions.
- The INT interrupts the E/W while she is speaking.
- The INT does not pause after the E/W ends her answer to a question, but rather goes right to his next query.
- The INT does not give the E/W enough time to develop a mental image before asking his questions.
- The INT does not develop an adequate probing strategy.
- The INT does not develop adequate rapport.
- The INT starts probing the E/W before ascertaining the nature and number of her concept and image memory codes.ⁱⁱ

Interviewing children: a special problem

Interviewing pre-adolescent child eyewitnesses to criminal acts or child victims of crime presents a special problem to the INT. There are different interviewing techniques for interviewing children, who have been sexually abused, who have witnessed violent crime, etc. Learning these styles of interviewing takes special education and training. It is believed that a separate seminar is required to adequately train police officers to interview children eyewitnesses. However, a brief discussion of one technique will be presented below.

The INT needs to recognize that pre-adolescent children are more uncomfortable with people and environments they do not know. Likewise, children's statements are more influenced by those interviewing them.

The interview format presented here is made up of three phases and is designed for those children who have witnessed a violent crime, perhaps resulting in death to someone they loved. The three phases are termed: Opening, Trauma and Closure

Interview location

If the child is not interviewed at their home, the location of the interview should be in a special interview room specially designed for interviewing child E/Ws. The room should be free from distractions except that it should contain various toys, games, etc.

Opening

The beginning of the interview serves three purposes: establishing rapport, assessing the child's defense and coping mechanisms and initiating the exploration of the traumatic event.

First, the INT introduces himself and states that he is experienced in talking to children "who have gone through what you have gone through." This provides the child with the focus or purpose of the interview. Next, the INT asks the child to be seated and requests that they "draw whatever you'd like but something you can tell a story about." The INT should listen attentively to the story, making appropriate inquiries, such as "What happened next?"

The key concept is that the traumatic event remains locked in the child's awareness and will manifest itself somewhere in the drawing or the story. It is the INT's task to spot this reference, whether obvious or obscure, and use it to initiate the second stage of the interview. This ability takes special education and training to develop.

Generally, children will utilize one of four different defensive coping mechanisms. The first is termed "denial-in-fantasy." Their drawing or story will place its hero in danger; but, in some miraculous way, the hero escapes. The second mechanism is termed "inhibition." Here, the child leaves out some relevant part of the story when discussing their drawing. The third mechanism is termed "overload." Here, the child is so fixed to the traumatic event, she draws and discusses it. The last mechanism is termed "future fear." In this instance, the child may draw and tell a story laced with fear and apprehension.

Trauma

Making the transition from the child's story to a discussion of the traumatic event is the crucial step for both the E/W and the INT. It is necessary that the INT link some aspect of the beginning story to the trauma. Depending upon the circumstances, i.e., the context of the first story, the INT says something like, "I bet you wish: 1) your mother could have had superman there when she was hurt; 2) your mother was still here to protect you from those gremlins in your story; 3) your mother could have gotten away from the man who stabbed her."

What usually happens at this point is a profound emotional outcry from the child for which the INT must be prepared. It is at this point that the INT provides quiet support, including physical comfort to the child.

After a sufficient pause and after the INT has determined that the child has the emotional resources to relive the event, the INT states: “Now is a good time to tell what happened and what you saw.” At this point, many of the techniques of the Cognitive Interview can be appropriately used—in particular, those of the open-ended narration. However, instead of relying primarily upon the child telling the story, it is best to have the child draw the central action in a series of pictures and discuss them. The use of dolls and other props, such as puppets and toy weapons, etc., should also be used when appropriate.

At some point near the end of this second phase, the INT should ask the child: “What was the worst moment for you during all of this?” Listening with empathy helps the child to feel understood and close to the INT.

Closure

The last phase of the interview initiates the delicate process of terminating the interview process. First, the INT asks the help of the child in reviewing the information obtained during the interview. Next, the child’s courage is acknowledged. Also, the child is asked how things have been going for them since the incident. The child is questioned about: “What was the toughest thing to talk about? What was not helpful and what made them feel better?”

At the end of the interview, the INT should express his appreciation, emphasize his future availability to talk with the child and, no matter how young the child is, provide the child with his business card and phone number.

ⁱ The cognitive interview was developed by Ronald P. Fisher, Ph.D. and R. Edward Geiselman, Ph.D. It is recommended that their book, *MEMORY-ENHANCING TECHNIQUES FOR INVESTIGATIVE INTERVIEWING: THE COGNITIVE INTERVIEW* (1992) be obtained by all serious investigative interviewers.

ⁱⁱ *Id.* at 190.