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Interviewing Cooperative Witnesses

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Abstract

Police interviews of witnesses are critical for solving crimes, yet police are poorly trained and often make mistakes when interviewing witnesses who are cooperative. To overcome this limitation, researchers have developed the *cognitive interview* (CI), which incorporates principles of cognitive and social psychology in a face-to-face interview format. Laboratory and field research show that the CI elicits considerably more information than conventional interviews in criminal and noncriminal investigations. We explore the real-world applications of the CI.

Keywords

interviewing, eyewitness memory, witnesses, cognitive interview, police interviews

On popular television programs, beautiful and handsome police detectives track down criminals using state-of-the-art computers to conduct photochemical analyses of blood-stained clothing or to create perfectly matching age-progressed photographs—and they invariably find the criminal (by the end of the show). In the real world, however, ordinary-looking detectives usually have to rely on mundane verbal descriptions generated from interviews with victims and witnesses—and unfortunately, these descriptions are often less complete than is needed for a successful investigation (Kebbell & Milne, 1998).

Although much of this under-reporting is due to uncontrollable factors, such as poor viewing conditions, some under-reporting undoubtedly reflects that police frequently conduct interviews poorly. What kind of training do police receive to interview cooperative witnesses, and how well do they actually conduct interviews? Unfortunately, except for a few countries (e.g., the United Kingdom, New Zealand, Israel), most police officers receive very little training in such interviewing. As a result, police conduct interviews based on their intuitions and on-the-job experience. The typical police interview begins with a standard open-ended question (e.g., “What happened?”), continues with a barrage of closed questions focused on each element of the crime (e.g., “What color was the gun?” “How tall was the robber?”), and ends with a perfunctory “Is there anything else?” (Fisher, Geiselman, & Raymond, 1987). There are many problems with such interviews, including (a) failing to establish rapport, (b) interrupting witnesses during their narratives, (c) asking too many closed questions, and (d) asking leading and suggestive questions (e.g., “Was he wearing a blue shirt?”). Similar problems also plague investigative interviews that are conducted after noncriminal incidents like car crashes.

Given the importance of interviewing cooperative witnesses but the current lack of formal training at police academies, several researchers have developed theory-based interviewing protocols to improve on eliciting information from witnesses. Many of these protocols are directed toward a specific kind of interview setting—for example, the National Institute of Child Health and Human Development (NICHD) protocol for interviewing children (Orbach, Hershkowitz, Lamb, Sternberg, & Horowitz, 2000) or *conversation management* for interviewing uncooperative witnesses (Shepherd, 1988). We focus here on a more general approach, the *cognitive interview* (CI; Fisher & Geiselman, 1992), because it is more comprehensive than other approaches and because it has undergone considerably more empirical testing.

Ed Geiselman and Ron Fisher developed an early version of the CI involving several theoretically based techniques to retrieve earlier experiences (e.g., Geiselman, Fisher, MacKinnon, & Holland, 1985). They then revised the CI after (a) examining hundreds of hours of tape-recorded interviews, (b) speaking with police and other investigators about their interviewing strategies, (c) modeling the differences between effective and ineffective police interviewers, and (d) examining the literature on interviewing as found in clinical/counseling psychology and nonpsychology sources (e.g., social work, oral history). The revised CI expanded the original approach by addressing

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three psychological processes that underlie interviews with cooperative witnesses: Social dynamics between the witness and interviewer, the witness's and interviewer's cognitive processes, and communication between the witness and interviewer. The following is a thumbnail description of the CI (for a more complete description, see Fisher & Geiselman, 1992).

CI Techniques

Social dynamics between witness and interviewer

Rapport. Witnesses and, especially, victims are often asked to describe unpleasant or traumatic experiences to a police officer they have never met before. Moreover, the police investigator often appears as an official government agent, carrying a gun and wearing a formal uniform. To be effective, police must establish personal rapport with victims/witnesses, a fact that investigators often overlook

Active witness participation. Police interviews are often characterized by a series of specific questions that entice witnesses to provide brief answers. Although this accords with many peoples' beliefs of what constitutes an interview, it is inefficient because throughout most of the interview the witness is passive, waiting for the interviewer to formulate the next question. Interviewers should instruct witnesses explicitly that their role is to generate information without waiting to be asked questions. Furthermore, police interviewers should ask primarily open-ended questions throughout the interview and not interrupt witnesses during their narrative responses, to facilitate witnesses playing an active role.

Maximizing witnesses' and interviewers' cognitive processing

Witnesses and interviewers have difficult cognitive tasks: Witnesses must remember complex events and describe them in detail to an interviewer who is trying to listen to and notate the witness's description while formulating his or her next question and developing a theory of the crime. The CI attempts to enhance the witness's cognitive processing by (a) reinstating the environmental and psychological context of the original event, a strategy known to facilitate memory; (b) encouraging witnesses to search through memory repeatedly and from different perspectives, to facilitate retrieving new information; (c) asking neutral, nonleading questions, to minimize witnesses constructing answers from information embedded in the question; (d) tailoring questions so they are compatible with the witness's unique mental representation of the crime rather than asking all witnesses questions in a standardized format; and (e) explicitly instructing witnesses not to guess, if they are uncertain, in order to promote high-accuracy responses.

Interviewers also need to be cognitively efficient by not overloading their own limited cognitive resources. Being

efficient entails asking fewer, mainly open-ended questions rather than asking many closed questions. Open-ended questions, which promote long, narrative responses, allow interviewers to listen more carefully to subtle nuances within witnesses' answers.

Facilitating communication between the interviewer and witness

Police know what kinds of detail are important for a criminal investigation; however, if they do not communicate those investigative needs effectively, witnesses may fail to provide the desired information, even if it is available. Conversely, witnesses must communicate their knowledge of the crime, which is often difficult, as some knowledge is inherently nonverbal (e.g., faces, spatial layouts). In such cases, witnesses should be encouraged to convey their knowledge in a corresponding, nonverbal output format, such as a sketch.

Empirical Testing of the CI

In most validation studies of the CI, volunteer participants watch a videotape of a simulated crime and then are interviewed about the crime. Participant witnesses are assigned randomly to be interviewed either via a CI or by a control interview, which is either a "standard" police interview (police interviewers are instructed to use whatever techniques they normally use when interviewing cooperative bystander witnesses) or a "structured interview," which is considered to be a good interviewing procedure but which does not include the unique characteristics of the CI. The CI invariably elicits considerably more correct information than the control interview, on the order of 25% to 50% more, and at approximately the same accuracy rate (proportion of all recalled statements that are accurate; for reviews, see Fisher, Ross, & Cahill, 2010; Griffiths & Milne, 2010; for meta-analyses, see Koehnken, Milne, Memon, & Bull, 1999; Memon, Meissner, & Fraser, in press).

Two field studies have also been conducted with victims and witnesses of real-world crime. In a study by Fisher, Geiselman, and Amador (1989), 16 experienced detectives from the Robbery Division of the Miami-Dade Police Department were assigned either to receive training in the CI or not (other than their several years of on-the-job experience). The detectives tape-recorded their interviews with victims and witnesses before and after training (or at comparable times for the no-training group), and the interviews were then scored for the number of elementary statements (e.g., "The robber wore a green shirt"). Detectives who received the training elicited 48% more statements after than before training, and trained detectives elicited 63% more statements than did untrained detectives. Similar findings were observed in a British field study.

The CI protocol is completely process oriented and is unrelated to the content of the investigation (e.g., crime). Therefore, it should be effective in other, noncriminal investigations,

because non-police investigators often use a similar, intuitive style of interviewing as do police—that is, asking many targeted, closed questions (Walsh & Bull, in press). We examined the generalizability of the CI, first in public health investigations of food poisoning (not to worry, our experimental participants ate healthy foods: Fisher & Quigley, 1992) and then in a car accident investigation (in which participants saw a videotaped accident; Brock, Fisher, & Cutler, 1999). In both cases, the CI was superior to the interview protocol typically used by public health investigators or accident investigators. Finally, we compared the CI to a standard type of epidemiological interview protocol to elicit physical activities the respondents did in the distant past: In 1995, we asked people about their physical activities in 1960 (Fisher, Falkner, Trevisan, & McCauley, 2000). Again, participants remembered their activities from 35 years previous better (as measured by the consistency of their 1995 answers with the answers they provided originally in 1960 to a then-current survey) when interviewed with a CI than when interviewed with a conventional epidemiological interview protocol. The only task in which the CI was not superior to other techniques was in identifying people or faces (lineups or photo-arrays); in this task, the CI yielded the same results as the standard interview protocol.

The aforementioned studies have only limited real-world application, because they do not measure directly whether the additional witness statements assist police to solve crimes. To address that concern, Pipe, Orbach, Lamb, Abbott, and Stewart (2008) examined the NICHD protocol for child interviews. The NICHD interview concentrates primarily on asking children open-ended questions and avoiding leading and suggestive questions, two important elements of the CI. In their study, Pipe et al. evaluated the outcomes of 1,280 suspected child abuse cases, of which approximately half were investigated before interviewers received training in the NICHD protocol and half followed such training. Training was extremely successful: Cases in which the investigators were trained in the protocol were more likely to result in charges filed against the suspect and were more likely to result in a conviction than were cases in which the investigators had not had prior training.

The Cognitive Interview as a Practical Forensic Tool

In the early 1990s, after the initial successes of the CI, the police in England and Wales were developing a national approach to interviewing, due to much public outcry over miscarriage-of-justice cases that had poor interviewing at the heart of the acquittals. The government and police response was to professionalize its police force, adopting two models of interviewing: the CI (for cooperative witnesses) and conversation management (for uncooperative witnesses). As a consequence, all operational police officers ($N = 127,000$) were to be trained in the CI. Since then, several other countries have also adopted the CI as one of their primary interview models for police interviews (e.g., New Zealand, Australia, Canada, Norway) and for other investigative interviews (e.g., the Federal

Bureau of Investigation and National Transportation Safety Board in the United States).

Training in the CI, at least in the United Kingdom, is based on a tiered system, whereby new recruits are trained initially (Tier 1) on the most important skills (social dynamics: establishing rapport and encouraging witnesses to provide rich narrative answers). Later (Tier 2), experienced, uniformed officers and detectives are trained on more complex goals (memory retrieval mnemonics). Finally (Tier 3), the most successful, experienced investigators (as assessed by a formal process) are trained in the full complement of the CI to be used in the more complex cases, where ample time and resources are available (Griffiths & Milne, 2005).

Anecdotal evidence suggests that the CI has been instrumental in solving a few complex criminal and noncriminal cases (see Geiselman & Fisher, 1997, for a description of some cases). More formal analyses reveal that police officers found the CI to be worthwhile, although they preferred and used some component techniques more frequently than others, with some used sparingly, if at all. Police also reported that often there was not adequate time to implement all of the CI components, and so researchers have begun to develop shortened, more efficient versions of the CI (e.g., Dando, Wilcock, & Milne, 2009). Finally, some situations (e.g., a riot at a sporting event) preclude interviewing all of the witnesses immediately, as there are many more witnesses than police interviewers available. If witnesses are not interviewed immediately, their memories will degrade over time. To reduce such forgetting, Gabbert, Hope, and Fisher (2009) developed a self-administered form of the CI in which witnesses are given a booklet describing memory retrieval strategies shortly after the critical event and are instructed to record their recollections immediately in the booklet. Laboratory testing shows that this self-administered interview inoculates against forgetting, as measured by a face-to-face interview conducted 1 week later.

For the CI to be used effectively in the field—where the cognitive and social demands vary across cases and across witnesses—it cannot be applied in a robotic fashion, interviewing all witnesses the same way. Rather, for greatest effect, it should be thought of as a toolbox of skills to be used strategically, in which the interviewer incorporates only those elements that are appropriate for the task at hand and modifies or adapts the various elements as the witness or case conditions demand (see Fisher et al., 2010, for further discussion). Training should be accompanied by explanation of the psychological theories the techniques are based on, so that interviewers will have some conceptual basis for modifying the techniques.

Future Directions

We hope that future researchers will make additional advances in interviewing (a) by adding new elements to promote better social dynamics, cognition, or communication—or uncovering other underlying, psychological processes—or (b) by providing guidance about how to adapt the current CI protocol to work more effectively with specific witnesses or interviewing

conditions. An alternative approach to improved interviewing is to determine which, if any, personal characteristics discriminate between good and poor interviewers. This would allow us to use resources more efficiently by selectively training those investigators with the greatest potential.

Recommended Reading

- Fisher, R.P., & Geiselman, R.E. (1992). (See References). Describes in lay terms the basic principles of the CI, along with samples of good and poor interviewing techniques.
- Fisher, R.P., Ross, S.J., & Cahill, B.S. (2010). (See References). Thorough discussion of applying the CI in field investigations and, specifically, of the need to modify and adapt the CI.
- Milne, R., & Bull, R. (1999). *Investigative interviewing: Psychology and practice*. Chichester, England: Wiley. Describes the theory behind the CI and places it within the wider context of investigative interviewing.

Declaration of Conflicting Interests

The authors declared that they had no conflicts of interest with respect to their authorship or the publication of this article.

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