



Interviewing to elicit best evidence

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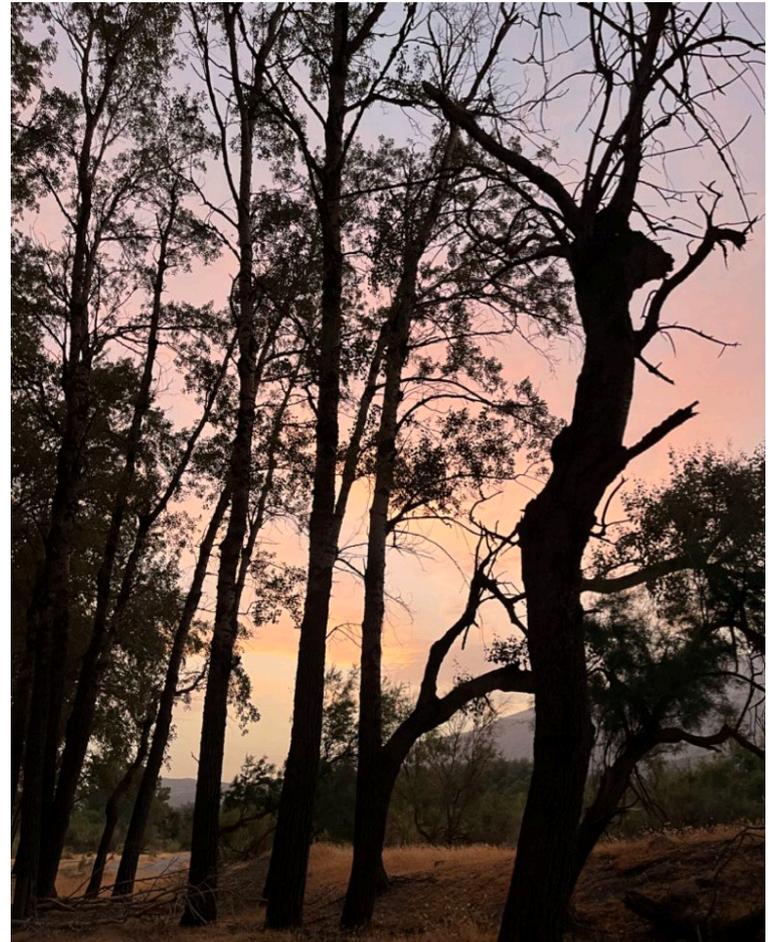


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RAIB, November 2023

Eliciting Best Evidence: what the science tells us

1. Obstacles to remembering accurately
2. The Investigative lens
3. The Cognitive Interview:
Our understanding today
of what works
4. Priorities: Preserving
evidence and witness care



Perception

Retention

Retrieval

Forgetting – passive (normal) / motivated.

Context – who is asking, power, environment.

Questions – what is asked, closed v. open, misleading information (see bias)

Culture – specificity, what is recalled.

Suggestibility – changes to memory and what an interviewee chooses to report and remembers (see multiple interviews)

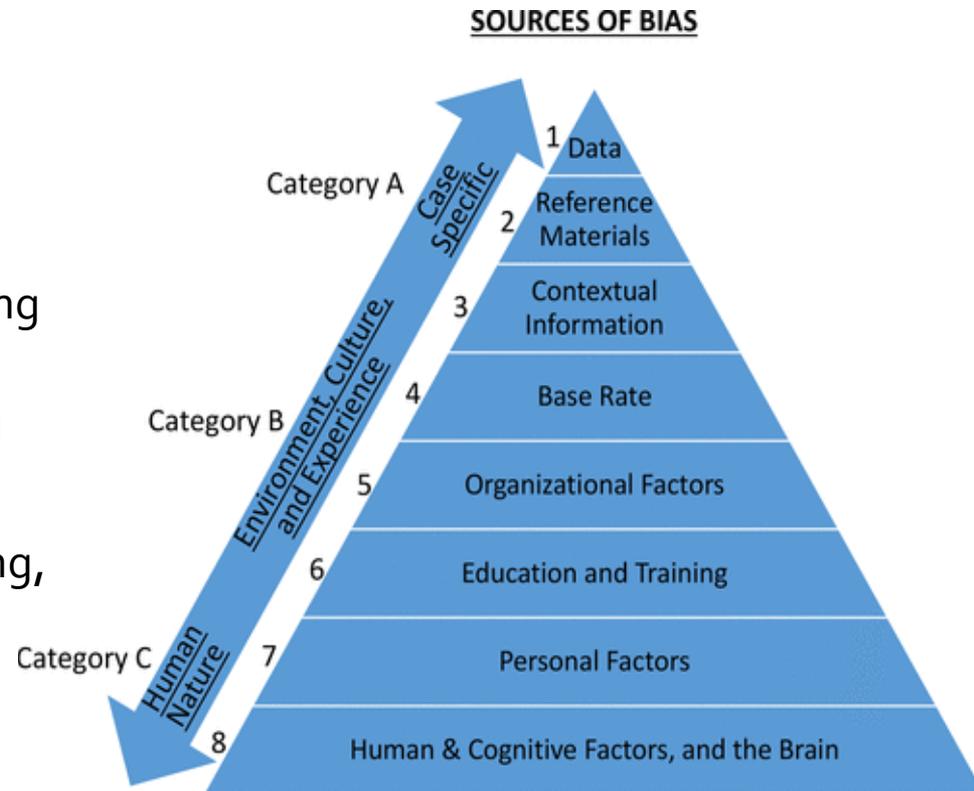
Bias- you can introduce bias in many ways..

Multiple interviews: Bias

- **Case Specifics**- data, reference materials and contextual information

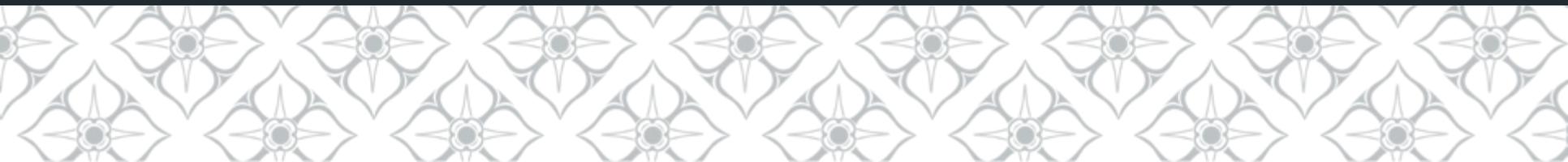
Environment/culture: specific person doing the analysis, past experience, base rates, organizational factors, education, training

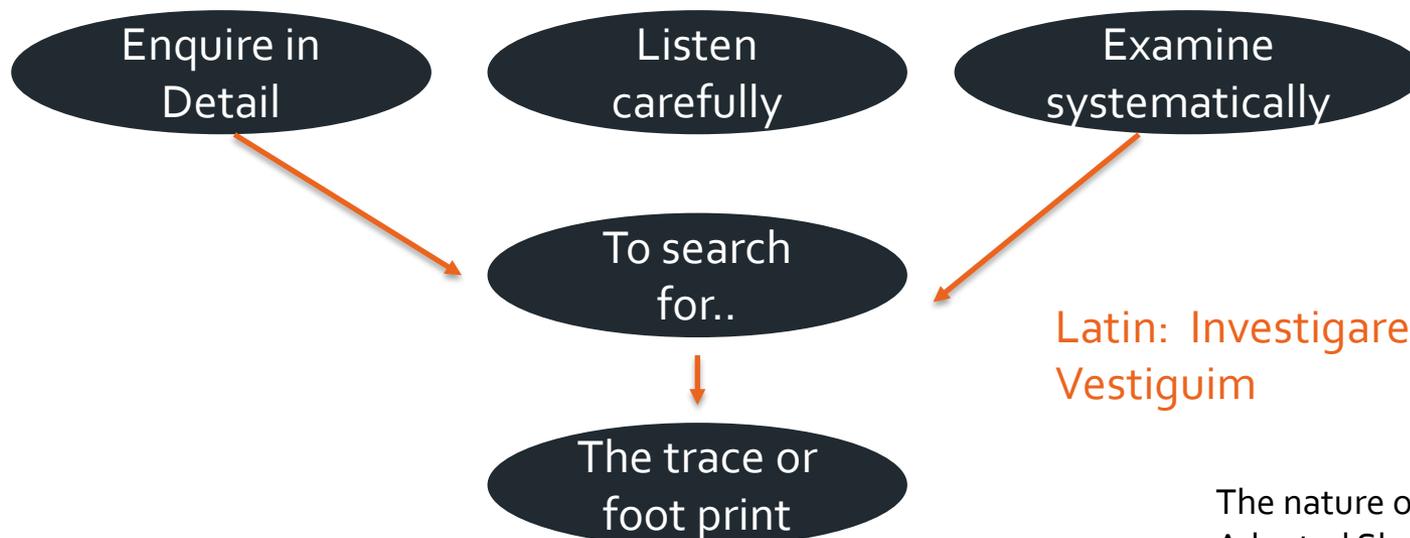
Human nature that impacts us all-sampling, how data are collected, interpreted,





A situation where there are multiple (traumatised) witnesses who need to be questioned – where to start?





The Cognitive Interview

2 core principles of investigative interviewing

Communication

Memory (cognitive techniques)



Key Phases & Techniques : Cognitive Interview (CI)



Phase 1	Rapport,	Establish Trust, Empathy,
Phase 2	Explain aims Ground Rules	Transfer Control

Rapport

Rapport/Trust/ Empathy  information gain

The interviewer must be seen as reliable and dependable (**cognitive trust**) and conveying goodwill and warmth toward the source (**affective trust**).

Simon Oleszkiewicz, Dominick J. Atkinson, Steven Kleinman & Christian A. Meissner (2023) Building Trust to Enhance Elicitation, International Journal of Intelligence and CounterIntelligence,

Reduce power differential with empathy

A key element of **empathy** is the effort to adopt another person's perspective. While perspective-taking has become a popular theme, a far more effective approach involves *perspective-getting* (i.e., actively inquiring about another person's perspective)

Meissner et al. in press

Transfer of control

How?

Pass control of the interview to the interviewee in these ways:

- Explain that witness has first-hand knowledge of the incident
- Active listening
- Do not interrupt
- Let the interviewee dictate the pace
- Body Language, Minimal encouragement
"Uh- hum, I see.."

Why?

- Interviewee better understands the interviewer role
- It encourages truthful interviewees to talk > more detail
- Interviewee led-Reduces the likelihood confirmation bias

Key Phases & Techniques : Cognitive Interview (CI)



Phase 1	Rapport	Trust Empathy
Phase 2	Explain aims Ground Rules	Transfer Control
Phase 3	Initiate free report	Report in Detail Reinstate Context

Witness to a multi-car crash – 1 day post-incident

After rapport and transfer of control...the interviewer gives the context reinstatement instruction.



Key Phases & Techniques : Cognitive Interview (CI)



Phase 1	Rapport	Trust Empathy
Phase 2	Explain aims Ground Rules	Transfer Control
Phase 3	Initiate free report	Report in Detail Reinstate Context
Phase 4	Follow-up Questions	Additional tools...

Questioning: the Gold Standard



“...The use of **open questions**, by **not interrupting** witnesses..... For example... by pausing between questions, the interviewer allows the witness time to form an image and to **engage in a more exhaustive search**, and this may **induce more elaborate responses**...”

Memon et al. (1997)

Key Phases & Techniques : Cognitive Interview (CI)



Phase 1	Rapport	Trust Empathy
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Phase 3	Initiate free report	Report in Detail Reinstate Context
Phase 4	Follow-Up Qu's	Additional tools
Phase 5	Closure	Witness Care

State of Science : Meta-Analysis & Study Space Analysis

What has/has not been looked at? What's replicated? What's new?

46 published studies and 2,887 participants

- Compared CI (either original, enhanced or modified) with a structured protocol
- A large (stat. sig.) increase in correct details compared to control interviews
- A small increase in incorrect details

Memon, A., Meissner, C. A., & Fraser, J. (2010). The Cognitive Interview: A meta-analytic review and study space analysis of the past 25 years. *Psychology, Public Policy, and Law*, 16, 340.

Modifications of the Cognitive Interview and additional tools

The self-administered interview (SAI)



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SAI benefits for investigators on the front line

Benefits

- Can interview multiple witnesses and without delay
- Reduces demand characteristics/ stereotype threat

Research

- Comparable to a face to face interview
- Has been used in multiple contexts, contact tracing, Investigation of industrial accidents



Hope, L., Gabbert, F., & Fisher, R. P. (2011). From laboratory to the street: Capturing witness memory using the Self-Administered Interview. *Legal and criminological psychology*, 16, 211-226.

Gabbert, F., Hope, L., & Fisher, R. P. (2009). Protecting eyewitness evidence: Examining the efficacy of a self-administered interview tool. *Law and Human Behavior*, 33, 298-307.

Getting a detailed account ASAP

'Eliciting an initial account is vital ..to reduce memory loss and contamination arising from people talking to each other

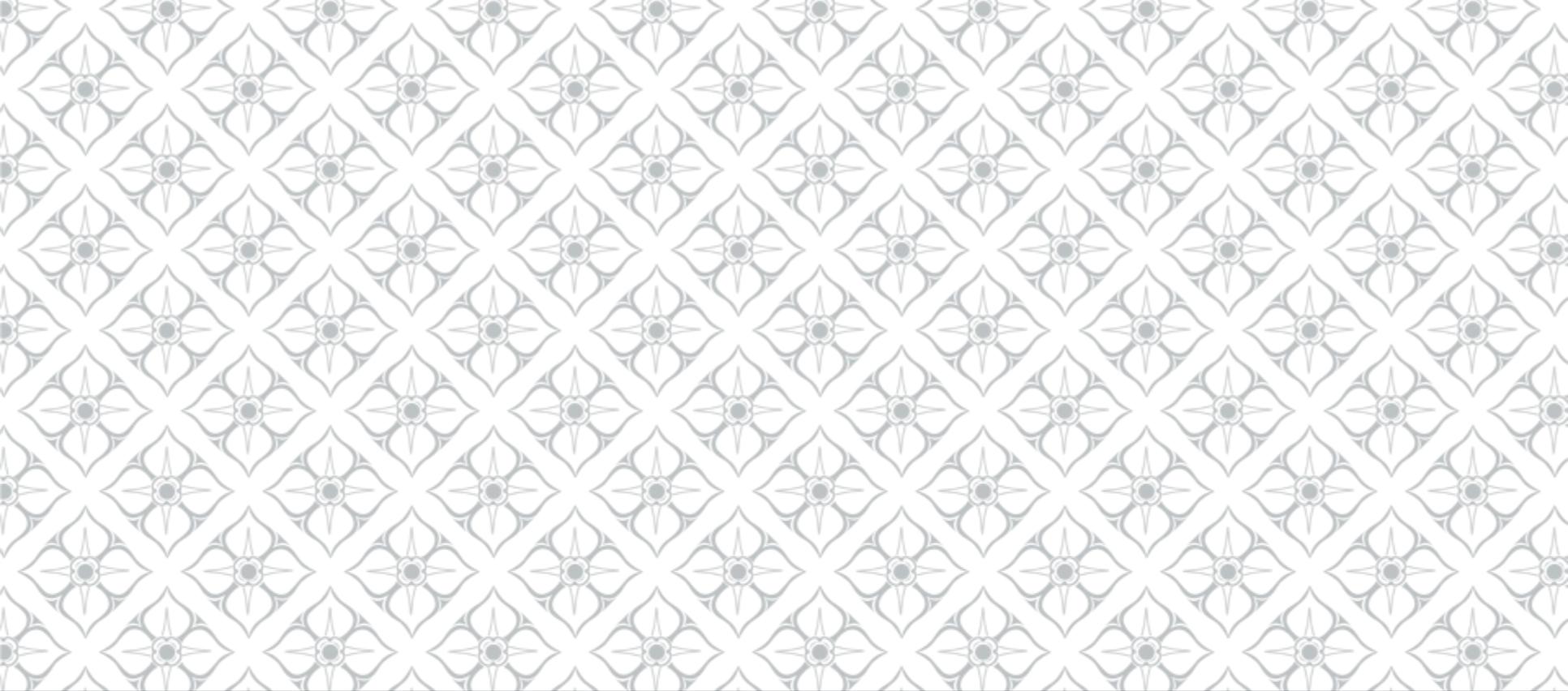
Recent research finds administering an SAI online (via a computer or mobile device as opposed to using a paper-based format) is not detrimental to witness reporting.



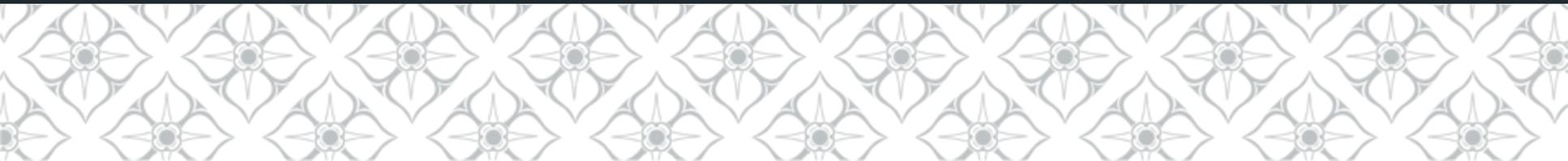
college.police.uk

Initial Account
Interviewing Guidance
Consultation

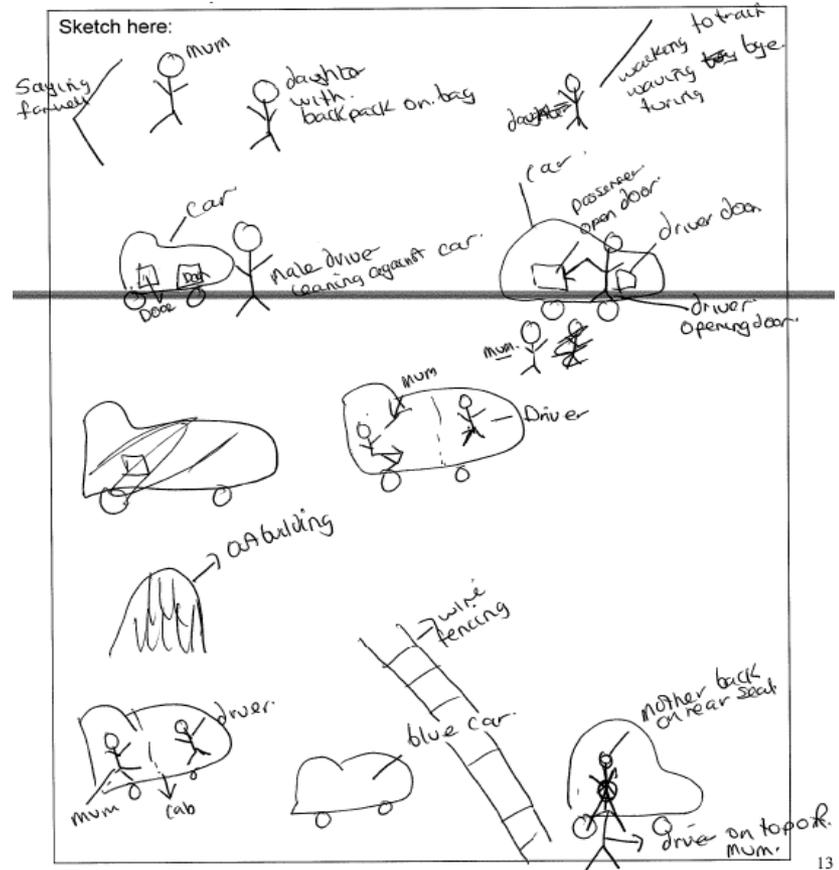
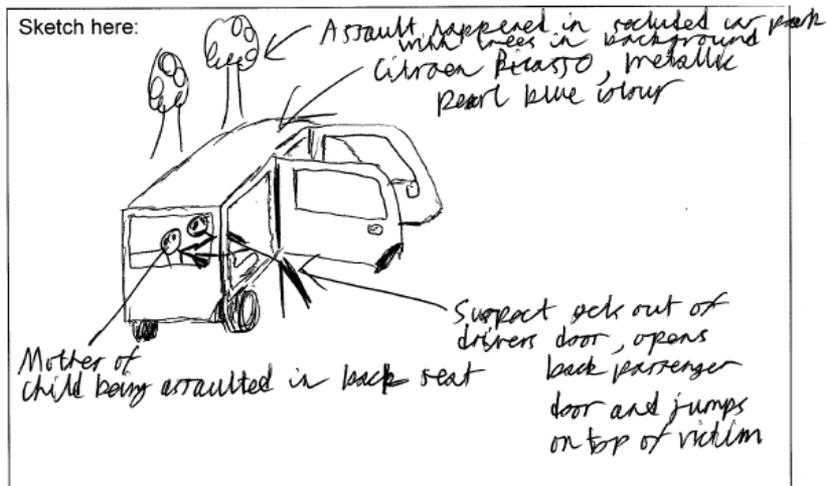




Additional Tools



Witness perspective
 Direction of movement
 Locations of people/objects
 Distances



Application: Carmont derailment 2020

Cross-checking CCTV

Evidence from witnesses as well as from the on-train CCTV showed the leading power car was visibly on fire **immediately after** it came to rest. The likely cause of the fire was the spillage of diesel fuel from the ruptured fuel tank, onto hot engine parts. Coach B subsequently caught fire.

Timing: Witnesses state that coach B was not visibly on fire **until well after the emergency services had arrived.**

Location: Witness evidence specifically mentions the fire on coach B as being **near the battery compartment.** No-one was in Coach B at the time of the accident, and no-one was injured as a result of either fire.

The Timeline technique

- Increases recall from specific time period **in sequence**, to identify and describe the people
- **link** those people with their specific actions i.e. **who said what and when**

Research

- Self-generated cues: list the first six things you remember seeing and follow-up prompts
(Kontogianni et al 2018, 2021)
- Memory for conversations (Hope et al, 2019)

CREST CREATE THE RESOURCES AND EVIDENCE ON SECURITY THREATS

THE TIMELINE TECHNIQUE

This technique uses a 'timeline' to provide a structure for remembering and reporting recently experienced events. In doing so it aids recall and elicits more detail.

HOW DOES IT WORK

“ The Timeline Technique helps interviewees recall and report events from a particular time period in sequence, identify individuals involved, and link those individuals with their actions. ”

We use our 'working memory' to temporarily store and manage the information required to carry out complex cognitive tasks such as reasoning, decision-making, and organising recalled information.

Working memory has a limited capacity and can easily become overloaded. Recalling details about complex events that happened over a period of time is difficult for most people because it places a lot of demands on cognitive processing, including working memory. The Timeline Technique helps interviewees by giving them an intuitive way of organising their recall and reporting, which makes it easier to organise their thoughts and reduces demands on cognitive processing.

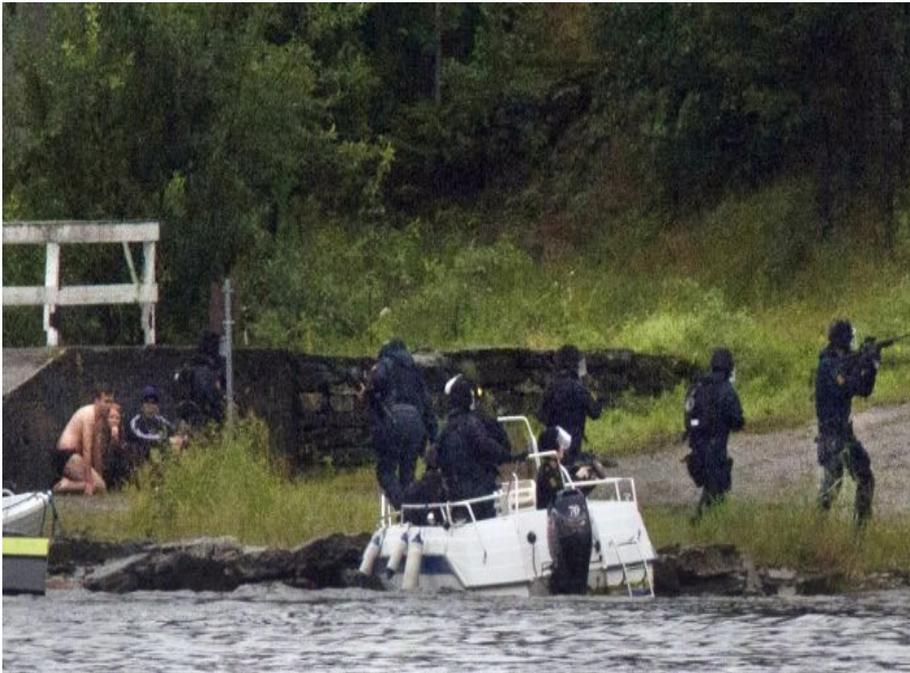
The Timeline Technique helps the interviewee to organise and report their recollections of the main events occurring over an extended period, place

occurred, and identify key individuals encountered and the contexts in which they were encountered. Compared to a 'free recall' technique (e.g., "tell me everything you can remember about the events"), the Timeline Technique:

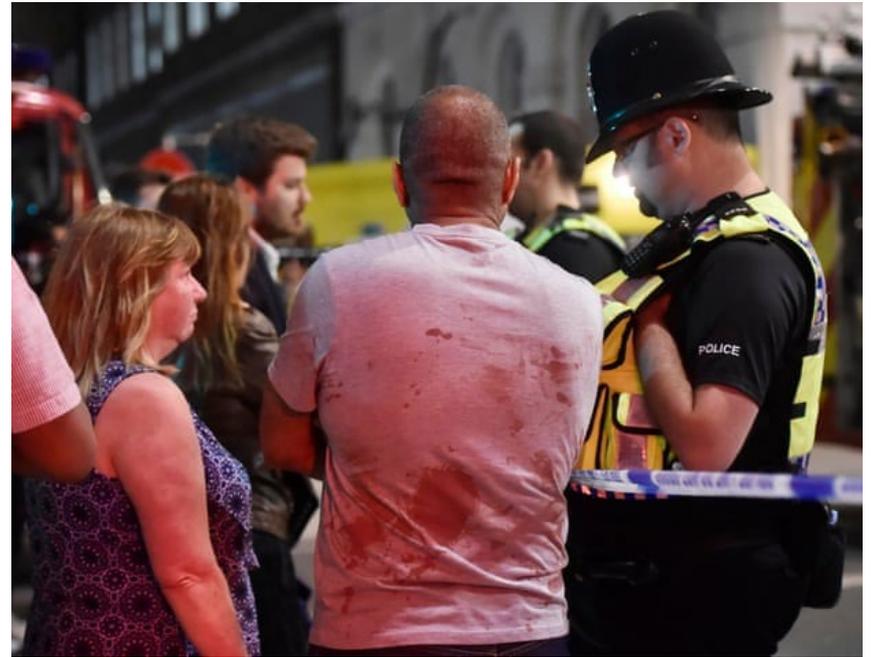
- is easier for the interviewee because it supports the remembering process
- typically yields more detail about descriptions of people, actions they took, sequences, and verbatim quotes
- enables the interviewer to access a detailed initial understanding of the interviewee's experiences over the relevant time period

As the method is largely self-administered, the interviewee is also less likely to encounter leading or suggestive questions that may influence or distort their account.

Interviewing traumatised witnesses



Utøya massacre, Norway



Aftermath -London Bridge Attack

Accommodating Trauma in Police Interviews: the benefits of Rapport

- Self reports PTSD levels in victims was 6 X higher than general populations when questioned by Norwegian Centre for Violence & Trauma Studies, 4-5 months after Utøya massacre
- Semi structured interviews of police investigators who interviewed survivors
- Rapport is not just a tick box, but an active process (and impacts memory and communication, as per Fisher & Geiselman, 1992)

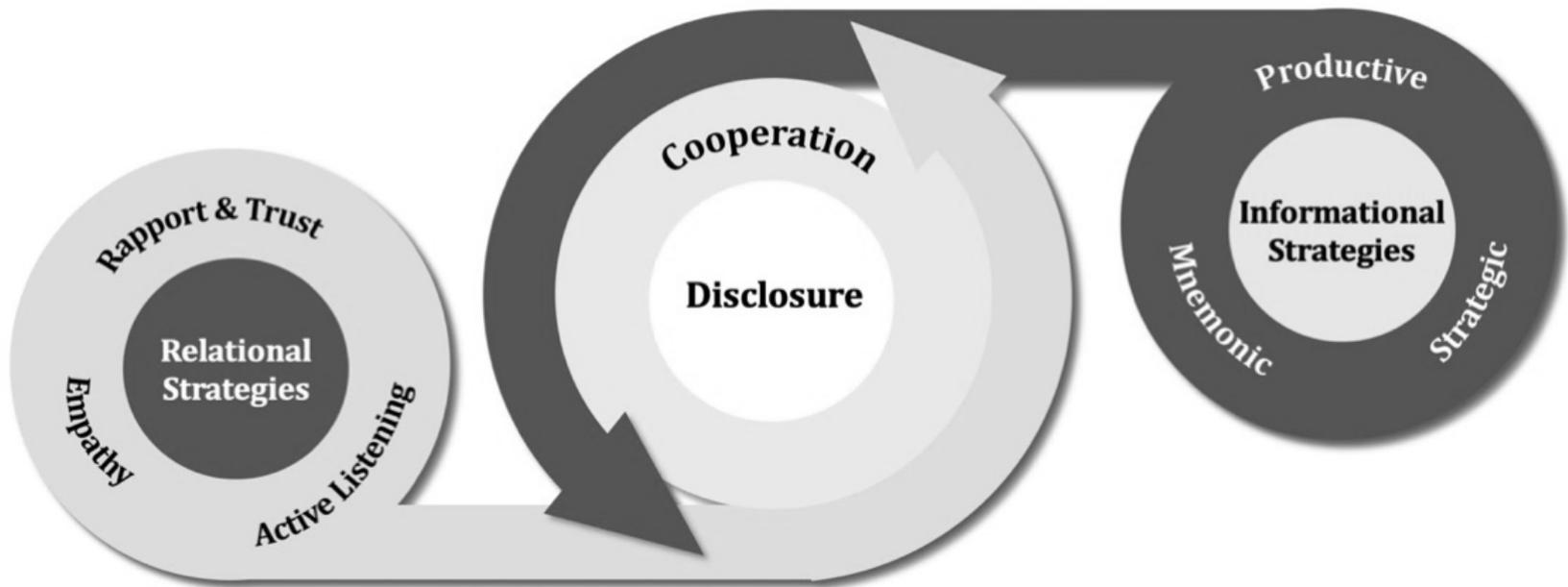
I sit there and think –its hard for them to tell their story and relieve it in such detail; it was tough for them, and some of them started to cry. Then I just let them cry and let them know how I feel for them, I understand that its difficult but we will get through it. I know it will get better later.

Creating Safety, Trust, Compassion, Positivity

Skills: Emotional Intelligence

Patrick Risan, 2017, PhD Thesis , University of Bergen

Figure 3. Model of science-based investigative interviewing that includes relational approaches that facilitate cooperation and informational approaches that increase disclosure



Source: Meissner et al. in press

Take Home Messages

Take time to **establish a rapport, elicit trust** and get the **witness perspective (empathy)**

Transfer control: let the witness speak, use open questions and additional tools flexibly

Witness Care: Accommodate Trauma

Avoid delays, multiple interviews and stick with an investigative lens (to minimize bias)