

THE COGNITIVE WITNESS INTERVIEW PROCESS

ENGAGE AND EXPLAIN

The initial introduction and the subsequent explanation of what is to happen during the interview are very important.

ENGAGE

All interviews must start somewhere. The first impression given by the interviewer is very important as it is often the longest lasting.

The successful opening of an interview is dependant upon an introduction appropriate to the circumstances. It is desirable that a proper relationship is formed. This is done by being aware and able to respond to a number of factors which may include the short and long term welfare of the interviewee and their particular needs, fears and expectations.

Courtesy

Common courtesy is the key to all interviews. Introduce yourself and establish what the interviewee would like to be called. Once this has been done, use the suggested name throughout the interview. This helps to personalise the process. How you establish this relationship will depend on you and the interviewee. The following paragraphs will help you to provide a basis.

Reassure the witness that they are, in fact, a witness and not a suspect. An interviewee's character and the circumstances can determine the approach you should take. If witnesses or victims are very nervous, they will need reassurance. If they are irate, they will require calming down. In all cases give assurance that you have their best interests at heart.

Remember, it may be your fifth interview of the day, but it is likely that it will be the interviewee's first. Do not let any fatigue or boredom show.

Individuals

Interviewees should be made to feel individual and that their information is wanted and valued. It is important to show that the interview is not just another job.

Language

During the interview, use appropriate language. Speak to people in a manner which they will understand. Be polite at all times. Avoid using jargon which may detract from the personalisation of the interview. Avoid judgmental statements.

Welfare

In all interviews you must consider the welfare of the interviewee. Arrange things, such as refreshments, if the interview is lengthy.

What is the condition of the interviewee? Is this an appropriate time to actually conduct the interview?

EXPLAIN

This stage is concerned with the information given to the interviewee in order that the purpose and direction of the interview can be fully understood.

What follows is not designed to be used as an approach for every occasion but as information that will help you to explain the procedure and formalities of the interview process.

Reason For The Interview

The interviewee is, by now, aware who you are. The next logical step is to explain why the interview is necessary, that you understand that he has witnessed an incident and you are there to obtain a more detailed account.

Routines

You may be familiar with the interview situation and the routines to adopt. However, the interviewee may not be. Care should be taken to explain some of the more basic things that may happen. These might include:

- how and why notes will be taken and who by
- the introduction and reference to exhibits or other notes
- the writing of a statement.

Basic Outline Of The Interview

By providing a basic outline of the interview, the interviewee has an idea of how it will progress. How you introduce this will depend on the choice of method of interview which is described in the next section. Essentially you should tell them what you want of them and how the interview will be structured. Take your guidance for this explanation from the advice in the next section.

Be realistic and tell the witness how long you expect the interview to take. Do not underestimate the time required. If you estimate half an hour, but an hour later you are still conducting the interview, the interviewee may try to hurry things along and any further information not yet disclosed may be lost.

Summary

In the 'Explanation' phase, remember:

- Outline the reason for the interview
- Explain the routines that will be adopted during the interview

- Provide a basic outline of the interview
- Be flexible

INTRODUCTION

This stage of the interview is where you obtain and deal with the interviewee's recollection of the events.

THE 'COGNITIVE APPROACH'

The interviewee is asked to think back to the event and mentally re-live what happened therefore telling everything that is initially remembered with minimal interference (known as "Free Recall"). This is followed with at least one more attempt at 'Free Recall' using a different order or perspective. Areas of specific interest can be pursued when the 'Free Recall' attempts are concluded. This approach is designed to make use of how memory works and the way in which information is stored and retrieved. It also provides an inbuilt means of checking on accuracy and developing detail. It is, however, dependent upon an interviewee who responds freely.

The cognitive approach starts by creating the right environment for the interviewee to re-live the events he is going to be asked to recall. This requires you to explain what is going to happen, put the interviewee at ease, encourage concentration, hard work and the recounting of everything, however trivial.

- Encourage the interviewee to ask questions at any time, rather than to have doubts or uncertainties.
- Explain what you require of them. For example, you will be asking them to describe the incident they witnessed or suffered. This will involve them mentally re-living the time and place of the incident and recalling what happened.
- Ask them to speak slowly. This will not only assist recall, but it will help you to take notes without asking them to repeat themselves.
- Put the interviewee at ease. This is an important part of the process of obtaining information from a person's memory. It assists recall.
- Ask them to concentrate. The greater the focus and concentration, the more detailed will be the recall of information.
- Tell them to work hard. This will be necessary if the interview is to succeed.
- You will also have to work hard. You will have to process the information and note the areas to be probed.
- Explain that you will allow them to do most, if not all of the talking in the early stage of the interview. The idea is for them to exhaust their memory of the incident before you speak again.
- Explain that the questions you then ask will allow them to talk again. Reassure them that you will be actively listening to every word that they are saying.

GET THE INTERVIEWEE INTO CONTEXT

Start the cognitive approach by asking the interviewee to think back to the event under investigation and to picture it in their minds. Encourage them to feel again that they are part of what is taking place.

How did they feel, e.g. happy, sad, frustrated?

How did they picture their surroundings?

What sensations did they feel, such as the warmth of the sun or the coldness of the wind?

FREE RECALL

Ask them now to tell everything and not to edit anything out. What they may consider unimportant or unworthy of mention, may in fact be a vital piece of information. If you think it appropriate, suggest that they imagine they are speaking to a close friend or relative. Let the interviewee control the flow of information. Your task at this stage is to listen.

EMOTION

In cases where the interviewees have experienced a traumatic event, you should be prepared for them to become distressed. You may need to deal with their emotions before being able to continue.

DO NOT INTERRUPT

Interrupting the flow may cause information to be lost. Wait until the interviewee has completely finished before raising any points. 'Not interrupting' can be very difficult. The natural thing to do when you want certain information, is to keep asking questions. Try not to. It has been proved to disrupt flow, hinder the recall process and interfere with accuracy.

EFFECTIVE USE OF PAUSES

When interviewees think that they can remember no more, they stop speaking. This is the point at which many interviewers would naturally intervene and take control of the interview again. Instead, if a pause is allowed to develop, the interviewees may well continue to think and reach deeper into their memory. They may well remember new information.

The importance of not interrupting during these pauses cannot be over emphasised.

WRITTEN NOTES

Whilst you are taking notes, care should be taken to identify areas that will require further probing. (Remember to retain notes made, they may be required in the event of a prosecution.)

SECOND FREE RECALL

We are all capable of remembering more than we initially recall. Interviewees who believe that they have exhausted their recall, even after many pauses, should be encouraged to try again, but in a different order.

For example, start at the end of the incident and work backwards to the beginning. Alternatively, you could ask the interviewee to start at the most outstanding feature and work backwards and forwards from this point. Again, you should be careful not to interrupt but to use the effect of pauses to encourage them to continue.

THIRD FREE RECALL

In many cases a change of perspective, either sensory or physical, may encourage further recall of information. The more attempts that are made at recall, the more an interviewee will remember.

PROBING

At the conclusion of these various recall attempts, you will have obtained comprehensive information from 'Free Recall'. Such information is usually more accurate than answers given to specific questions. However, it is at this stage that you can use open questions to clear up any ambiguity arising from the free recall. Differences in detail arising from the various accounts must be clarified. Questions at this point can also be used to prompt the interviewee to recall details of previously unmentioned features.

It may be an advantage to introduce points by using the interviewee's own words. For example, "You said that the car was a hatchback. What can you tell me about it?"

Open questions such as, "What can you tell me about his eyes?" will prompt a fuller and more accurate answer than, "Did he have blue eyes?"

By using open questions, you are less likely to contaminate or interfere with the interviewee's response.

LEADING QUESTIONS AND NEGATIVE PHRASING

Care should be taken at all times to avoid using words or phrases that might indicate the anticipated answer. Ask questions such as, "How would you describe his build?" rather than, "Was he stocky?" By using the latter, there is a subtle implication that the suggested description is correct. It also might interfere with the interviewee's memory and subsequent recollection.

Similarly, use of negative questions such as, "You don't remember his build?" instead of "Do you remember his build?" can subtly imply that you believe that the interviewee does not know the answer to your question. This may invite the negative response, "I don't remember".

QUESTIONING SEQUENCE

It is better to start with questions of a general nature and progress step by step to specifics.

When questioning about one particular feature of the event or person, keep your questions confined to that area. This will assist the interviewee to retain a mental image of what is being described. You should not jump from one unrelated area to another. For example, if a person's hair is being described, do not then ask for a description of the shoes.

If, however, the interviewee moves from the area to another which is unrelated, because of a suddenly remembered detail, then concentrate on that area until exhausted, and then move logically back to the original area.

REVIEW

Once you have exhausted the interviewee's memory through the use of free recall and open questions, a review of the information given may prompt one more retrieval attempt, and allow you to check that you have accurately recorded every detail.

During reviews, be careful not to put words into the interviewee's mouth. Where possible, use their own words. In interviews where the initial recall is lengthy, it is useful to conduct a review stage before proceeding to the next recall attempt.

WRITING THE WITNESS STATEMENT

By now, both you and the interviewee will have been working very hard. You will have obtained a full account of everything which can be remembered. However, it will not necessarily be in a neat chronological order. From your notes, a detailed statement can be written.

Statements are generally produced with information in a chronological flow. Be careful that your wish to put the information into order does not lead to a sequence that the witness' memory cannot support.

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Scenario Considerations:

No	Consideration	Scenario Number	Lead Officer	Support Officer
1	Friend required (Interjects)	6	Ashlie	Affab.
2	Solicitor required	09	Gordon	Andy.
3	Appropriate adult required			
4	No comment interview	07	Affab	Bradley
5	Full admissions interview (before and/or during)	1	Gordon	Brad
6	Refusal to admit in interview (denials)	12	Bradley	Andy
7	Search during interview	04 004	Affab ^{Bradley}	Ashlie
8	Change of mind – yes solicitor (any stage)	10	Ashlie	Gordon
9	Change of mind – no solicitor (any stage) No time	6	Ashlie	Affab
10	Person enters during interview	04	Bradley	Ashlie
11	Only engages with Support Officer in interview	12	Bradley	Andy
12	Goes to walk out during interview			
13	Wants a break in interview	11	Affab	Gordon
14	Wants to smoke in interview			
15	Doesn't understand caution in interview	1	Gordon	Brad.
16	Incomplete 001 or 003 in interview	11	Affab	Gordon
17	Objects to interview being tape recorded	3	Andy	Ashlie
18	Solicitor is Conveyancing, not Criminal	08	Andy	Affab
19	Pre-prepared statement (any stage)	07	Affab	Bradley
20	2 nd tape	11	Affab	Gordon
21	Shake head & nod (non-verbal answers)	3	Andy	Ashlie

22 Inhaler

1

Gordon

Brad

23 Ring in Interview

11

Affab

Gordon

24 Coldee (tapes running)

3

Andy

Ashlie

25 Tape recorder unplugged.

Scenarios

<u>No</u>	<u>Scenario</u>	<u>1st Officer</u>	<u>2nd Officer</u>	<u>Order</u>
1	Audit	Gordon	Bradley	1st
3	Audit	Andy	Ashlie	4th
11	POCA	Aftab	Gordon.	3rd
06	Snapcheck	Ashlie	Aftab	2nd
12	Access Analysis	Bradley	Andy	5th
02		Darrell	<u>TRAINING</u>	
10	Supply Chain	Ashlie	Gordon	4
9	Audit	Gordon	Andy	3
04	Audit	Bradley	Aftab Ashlie	1
07	Audit	Aftab Andy	Andy Bradley	5
08	SnapCheck	Aftab Andy	Aftab.	2