

**The Cognitive Interview method of conducting police interviews:  
Eliciting extensive information and promoting Therapeutic Jurisprudence.**

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**Abstract**

Police officers receive little or no training to conduct interviews with cooperative witnesses, and as a result they conduct interviews poorly, eliciting less information than is available and providing little support to assist victims overcome psychological problems that may have arisen from the crime. We analyze the components of a typical police interview that limit the amount of information witnesses communicate, and which militate against victims' overcoming psychological problems. We then describe an alternative interviewing protocol, the Cognitive Interview, which enhances witness recollection and also likely contributes to victims' well being. The component elements of the Cognitive Interview are described, with emphasis on those elements that likely promote better witness recollection and also help to assist victims' psychological health.

## **The Cognitive Interview method of conducting police interviews: Eliciting extensive information and promoting Therapeutic Jurisprudence.**

When a crime occurs, police take as their primary goals solving the crime and apprehending the criminal. Police try to elicit as much information as possible from victims and witnesses, as their testimony is considered to be the best predictor of solving crimes (Berresheim & Weber, 2003; George & Clifford, 1992; Kebbell & Milne, 1998; Kebbell & Wagstaff, 1997). Often overlooked, however, is the plight of the victim, who may suffer psychologically from having been victimized. Might the police, in a properly conducted investigation, also be able to assist the victim, in line with the tenets of Therapeutic Jurisprudence (Wexler & Winick, 1996)? We focus here on the role of the police interview to accomplish these two goals: eliciting witness information to solve crimes, and promoting victims' psychological health. Specifically, we examine a particular interviewing protocol, the Cognitive Interview (CI), as a method to accomplish these goals.

Ideally, witnesses and victims would observe the crime under optimal viewing conditions, possess good memories and verbal abilities, and be psychologically healthy after the crime. Unfortunately, these ideals often do not materialize as victims sometimes observe the crime under suboptimal viewing conditions, have poor memories and verbal skills, and are traumatized by their experiences. Police have no control over these factors, however, and so they seem more like wishful thinking than effective police work. About the only factor that police can control is how they interview victims and witnesses. Our working hypothesis, and the focus of this article, is that the most realistic way to elicit high-quality witness information and facilitate victims' health will come about by conducting effective interviews.

What kind of training do police receive to interview witness and victims and how do they actually conduct these interviews? We were discouraged to find that police often receive only minimal, and sometimes no, formal training to interview cooperative witnesses, and, not surprisingly, their actual interview practices are quite poor (see Fisher & Schreiber, 2007, for a review). Throughout much of the world, police training focuses on the many facets of police work other than interviewing cooperative witnesses, e.g., learning the law, writing reports, testifying in court, driving safely, using firearms, controlling crowds, protecting evidence, etc. To the degree that police do receive training on interviewing, it seems to be more on interrogating suspects (to elicit confessions) rather than on interviewing cooperative witnesses and victims. Although training in interviewing cooperative witnesses is better in some parts of the world (e.g., UK, Sweden, Australia), for the most part, it is seen as a secondary, or more likely, tertiary, skill for effective police work (see e.g., Allison, Sarangi, & Wright, in press, analysis of interviewing in India).

The lack of formal training in interviewing cooperative witnesses and victims allows police investigators to conduct interviews based on their intuitions. In that sense, police interviewers are similar to other investigative interviewers who are also poorly trained, including accident investigator, attorneys, physicians, fire marshals, safety inspectors, etc. The prototypical interviews in all of these domains follow the same style of asking specific questions directed toward each fact that the interviewer needs to learn. The only difference across domains is in

terms of content: Fire marshals ask specific questions related to combustion, physicians ask specific questions related to biochemistry and bodily functions, safety inspectors ask specific questions about safety equipment, etc. So, for instance, the typical police interview opens with a series of questions aimed at eliciting demographic information (e.g. witness's name, address, telephone, time available). This is followed by a perfunctory open-ended question about "What happened?" Shortly after the witness begins to provide a narrative response—usually on the order of a few seconds—the interviewer interrupts and asks in a staccato fashion a barrage of short-answer questions: How old was the robber? Was he Black or White? How tall was he? Did he have a gun? How much money did he take? Interwoven among these questions may even be some leading or suggestive questions: Was he wearing a red shirt? This line of specific, short-answer questions continues until the police investigator has exhausted the list of crime-relevant factors. Finally, the interview terminates with the *pro forma*, Is there anything else?—which invariably yields no new information (see Fisher, Geiselman, & Raymond, 1987, for a description of American police, and George & Clifford, 1992, for a similar description of British police).

What are the consequences of this commonly used, evidence-driven style of interviewing? We examine this issue with respect to the two goals of investigative interviewing: eliciting extensive, accurate information and promoting victims' psychological health. In short, the above style of interviewing accomplishes neither of the goals: It elicits less information than is available and it does not contribute to therapeutic jurisprudence—if anything, it may harm victims' psychological health. We examine why the typical police interviewing strategy is dysfunctional and then we describe an alternative interview protocol that enhances the amount and quality of information gathered and also likely promotes victims' well being.

First, let us describe the interview itself, and then explore the implications for eliciting witness information and promoting Therapeutic Jurisprudence. The typical police interview is dominated by the police interviewer—with the witness playing a subordinate role—and it revolves around the evidence needed by the investigator. These two principles give rise to a host of undesirable results, including: (a) the interviewer does most of the talking (in the form of asking questions), and the witness merely "helps out" by answering the questions, (b) the questions are very specific, often in the form of True/False or forced choice (e.g. Was he Black or White?), (c) witnesses are discouraged from providing information unrelated to the specific question, (d) the sequence of the interview is determined by the interviewer, often adhering to a pre-determined written checklist of questions, (e) the interview opens with a set of formal questions (e.g. witness's name, contact information) to allow the interviewer to fill out his/her crime report, (f) the interviewer frequently interrupts the witness to ask follow-up questions, and (g) the interviewer often asks leading or suggestive questions to confirm his/her hypothesis about the crime.

These unsalutary practices have the adverse effects of reducing the amount of information witnesses provide and increasing inaccurate responses. This is because these practices entice witnesses to (a) withhold information, (b) not provide any unsolicited information, (c) give abbreviated answers, and (d) volunteer answers they are unsure of. Furthermore, they disrupt the natural process of searching through memory, thereby making memory retrieval inefficient.

These dysfunctional practices also do very little to contribute to healing victims' feelings of fear or inadequacy. If anything, these poor interviewing practices may exacerbate victims' psychological concerns by (a) conveying that interviewers relate to them only as evidence-providers and not as people with emotions and needs, (b) frustrating them by constraining the order in which they provide information or discouraging them from providing elaborate answers, (c) depersonalizing the interview by asking such impersonal questions as one's contact information at the outset of the interview ("I understand that you were raped. Where can I call you on Tuesday evenings after 9:30 PM?"), (d) asking so many specific, short-answer questions that victims feel inadequate when they cannot answer all of the questions or become defensive because they feel like they are the suspect of the investigation—which several people have told us, (e) terminating the interview abruptly before victims develop a sense of closure, (f) relegating victims to the role of question-answerer rather than as a person who can narrate her/his story (We've even heard a police officer cut short a witness's narrative response by saying: "Let me ask the question, and you give the answers.")

Given the shortcomings of current police interviewing practices, we attempted to develop a more effective interviewing protocol. Initially we developed the protocol to enhance only the evidence-gathering component of criminal investigation, but we believe that many of the principles should also enhance victims' well being. We shall describe the basic components of the CI, review the validation testing, and then speculate about how the various elements of the CI contribute to Therapeutic Jurisprudence.

### **The Cognitive Interview**

The following is a thumbnail sketch of the CI (for a complete description, see Fisher & Geiselman, 1992). The elements of the CI are organized around three basic psychological processes: cognition, social dynamics, and communication.

**Cognition:** Two limiting factors in any criminal investigation are the witness's ability to retrieve information about the crime, and both the witness's and the interviewer's ability to perform many cognitive tasks at the same time, e.g., the interviewer must listen to the witness's response while formulating the next question and notating the witness's answer.

**Context Reinstatement.** Memory retrieval is most efficient when the context of the original event is recreated at the time of recall (Tulving & Thomson, 1973). Witnesses should therefore be instructed to mentally recreate their physiological, cognitive and emotional states that existed at the time of the original event. Context reinstatement may also be therapeutically valuable during the narration of traumatic memories (Shepherd, Mortimer, Turner, & Watson, 1999).

Interviewers should therefore allow and even encourage victims to describe their emotions while narrating the factual portion of their testimony (Pennebaker, 1990; Winick, in press). We suspect that police interviewers may often discourage victims from describing their emotions because (a) the emotions are not directly related to the factual evidence that police investigators seek, and police do not want to "waste their time" on "irrelevant" information, and (b) the police

interviewers themselves become upset when observing victims give voice to their negative emotional experiences. If police interviewers were more aware of the cathartic value of victims voicing their emotional experiences, perhaps police would be more receptive to allowing victims to incorporate their emotional reactions within their narrative of the crime details.

If victims do become highly emotional during the interview, they should be empowered to stop the interview process when they wish, but it is generally recommended that the interview not be terminated unilaterally by the interviewer (Cote & Simpson, 2000). This is because interrupting or stopping the interview may be experienced by the victim as patronizing and denying an opportunity to testify. Instead, possible empathetic responses and supportive comments are recommended. These include: "From what you are saying, I can see how you would be..." or "It sounds really hard..." or "I'd imagine you'd be feeling really \_\_\_\_ right now." Our experience, mainly as related by police investigators who interview rape victims, is that if victims are permitted to stop narrating their experiences when they feel extremely emotional, they frequently become silent for a while, and then, after gaining their composure, continue to narrate their story, oftentimes providing many details.

Limited Mental Resources. People have only limited mental resources to process information (Baddeley, 1986; Kahneman, 1973), and especially if they are in a highly aroused state. For instance, witnesses may have limited ability to understand interviewers' questions and instructions, while the witnesses are concurrently searching through memory. Interviewers can minimize overloading witnesses by refraining from asking questions while witnesses are searching through memory and in general by asking fewer, but more open-ended, questions. Witnesses also should be allowed to close their eyes before responding, as that is known to enhance concentration, presumably by reducing visual interference (Perfect, Wagstaff, Moore, Andrews, Cleveland, Newcombe, Brisbane, & Brown, 2008). Requesting witnesses, and especially victims, to close their eyes during the interview should be done only after having developed adequate rapport, and after witnesses feel comfortable with the interviewer.

Witness-compatible Questioning. Each victim's mental record of an event is unique. Some victims may have focused on the perpetrator's face, whereas others may have focused on the weapon. Interviewers should tailor their questions to each particular victim's mental record instead of asking all victims the same set of questions and in the same order. Interviewers often violate this rule by using a standardized checklist to guide their questioning of all victims (Fisher et al., 1987) or by constructing a fixed set of questions to ask before the interview has begun and then using those pre-interview questions blindly, even if they are inappropriate for the particular victim.

During the course of an interview, event details will vary in accessibility. Memory for the weapon, for instance, should be more accessible when the victim is thinking about when she/he first saw the weapon than when she/he is focusing on the assailant's face. In general, event details will be most accessible when they are perceptually related to the victim's current mental image (Pecher, Zeelenberg, & Barsalou, 2003). Interviewers therefore should be sensitive to the victim's currently active mental image, so as to time their questions efficiently. This may require interviewers to defer asking questions about specific details until later in the interview, when the

questions are compatible with the victim's current mental image. For instance, if the interviewer needs to learn about the rapist's knife, but the victim is currently thinking about the rapist's odor, then the interviewer should defer asking about the knife until the victim is thinking about the knife.

Witness-compatible questioning is probably the most difficult aspect of the CI to learn, as it requires the interviewer to defer to the victim and to be aware of the victim's changing thoughts during the course of the interview. Sensitivity to the victim's thoughts, however, should make the task easier for the victim, and in the process also confer more control to the victim, since her/his thoughts will direct the course of the interview rather than be subjugated to the interviewer's needs. Structuring the interview around the victim's recollections, rather than proceeding in a predetermined sequence, should also confer a sense of dignity to the victim, as it makes clear that the interviewer is listening to the victim and that the victim plays a more central role in the interview process.

Multiple Retrieval. The more often people search through their memories about an event, the more new details they will recall. Interviewers can enhance witness recollection by asking witnesses to describe the critical event several times within the interview, and interviewing them more than once. Interviewers should make use of the fact that victims will continue to think about the crime even after the interview has terminated—and thereby recall new details—by contacting the victim after the interview to learn about any such post-interview recollections and to inquire about the victim's emotional health. Such a post-interview follow-up should help to reassure the victim of the interviewer's concern about the victim as a person and not merely as a fact generator, which should help contribute toward the victim's perceived dignity. These post-interview contacts are particularly important to combat victims' feelings of isolation, and especially for victims who do not have well formed social networks to rely on.

Accuracy of Responding. Witnesses will recall more accurately if they communicate only those recollections they are certain of and refrain from guessing (Koriat & Goldsmith, 1996). Interviewers should therefore explicitly instruct witnesses not to guess, but, instead, to indicate that they "don't know." Similarly, interviewers should refrain from applying social pressure on witnesses or otherwise encouraging them to answer questions they are uncertain of. These principles are particularly important when interviewing children, who may defer to an adult interviewer's authority.

Recall accuracy is also influenced by the question format: Responses to open-ended requests (e.g., Describe the rapist's appearance) are more accurate than to closed questions (e.g., Did the rapist have dark or light hair?). An over-riding principle of the CI then is to conduct the interview primarily by asking open-ended questions. Closed questions should be used only sparingly, when witnesses do not provide a complete response to the open-ended question. A second benefit of asking primarily open-ended questions is that they typically elicit longer, richer, narrative responses than the abbreviated responses to closed questions. Such long narrative responses should also foster a sense of control as they allow victims to tell their own story.

Minimizing Constructive Recall. At times, memory is a constructive process, whereby the witness incorporates information from other (non-crime) sources to reconstruct the crime episode (Bartlett, 1932; Bransford & Franks, 1971; Loftus & Palmer, 1974). For instance, witnesses might incorporate knowledge gathered from speaking with other witnesses or watching television to supplement their memory of the crime. Practically, witnesses cannot be restricted from speaking to one another or from being exposed to the media. Of greater concern, witnesses may acquire information from the interviewer (Ceci & Bruck, 1995). Interviewers should therefore monitor themselves to avoid leaking information to witnesses either non-verbally (e.g., showing increased attention to specific witness statements) or verbally (asking leading or suggestive questions).

### **Social Dynamics**

Witnesses and interviewers do not function in isolation but as a dynamic social unit, where each person's behavior is influenced by the other. For the interview to be successful the two members must co-ordinate their roles effectively and each must be sensitive to the other's concern.

Developing rapport and personal concern. Victims are often asked to give detailed descriptions of intimate, personal experiences to police officers, who are complete strangers. Victims must be psychologically comfortable with the interviewer *as a person* to go through the mental effort and emotional distress of describing crime-related details. Police interviewers must therefore invest time at the outset of the interview to develop meaningful, personal rapport with the witness (Collins, Lincoln & Frank, 2002), a feature often absent in police interviews (Fisher et al., 1987). Furthermore, the interviewer must interact with the victim not merely as a source of evidence that can be applied toward solving the crime. Rather, the interviewer must feel and express his/her concern about the victim's plight, as a person who has undergone a potentially life-altering experience.

Active Witness Participation. The witness has more knowledge about the crime details than does the interviewer. Therefore the witness, and not the interviewer, should be doing most of the mental work during the interview. In practice, however, just the opposite occurs: Witnesses sit passively waiting for interviewers to ask questions, and interviewers actively formulate and ask questions (Fisher et al., 1987). This role reversal occurs for at least two reasons. Witnesses expect that the police interviewer, who has more social status than they, will dominate the interview, and so they defer to the police officer's authority and allow him/her to control the interview. Second, police interviewers typically ask many short-answer questions that require only brief answers (Was he White or Black?) To compound the problem, police interviewers often discourage witnesses from taking an active role by interrupting them in the middle of a narrative response. Interviewers can create a more appropriate social environment in which the witness takes the more active role by:

- (a) explicitly instructing the witness about his/her role in the interview and by previewing the general tone of the interview ("You saw what happened, not I, so I expect you to tell

me what happened, and without waiting for me to ask questions. I won't be asking you many questions, so you'll be doing most of the talking. I'm interested to know what happened to you, so I'm here mainly to listen to you.”),

(b) asking open-ended questions, and (c) not interrupting witnesses during their narrative responses.

Allowing victims to take a more active role in the interview should not only increase the amount of information gathered, but, by giving the witness a voice in the investigative process, it should also promote a sense of self-efficacy and control over the interview process. By contrast, the traditional police-dominated interview simply relegates victims to continue playing a passive role in which they have little control. Just the opposite of the desired effect occurs when police interviewers interrupt witnesses in the middle of their narration, as it makes witnesses, and especially victims, feel like they have even less control over the interview process. It also frustrates witnesses and victims by making it difficult for them to narrate their story and to communicate all of their information.

Unburdening the Victim: Witnesses, and especially victims, may feel that they were partially responsible for the crime, witnesses because they did not intervene and victims because they may have placed themselves in compromising situations. Such counter-factual thinking (What would have happened had I done ....?) is common, but not productive or healthy. Nevertheless, interviewers must deal effectively with any feelings of inadequacy that may arise, and especially with victims. If victims hint at such thoughts, interviewers need to assure them that it is the perpetrator's behavior that is in question, not the victim's. Second, interviewers must guard against inducing such feelings of inadequacy by not making judgmental comments such as “Why were you walking in that area?” or more subtly, formulating questions in a negative tone, “You don't recall his name, do you?” Such negative questioning may reinforce the victim's sense of inadequacy. The form of the question also allows, the victim to answer the question easily with a “No” response rather than encouraging a deep search through memory.

### Communication

Interviewers must communicate their professional, investigative needs to the witness, and, in turn, witnesses must communicate their knowledge of the crime to the interviewer. Ineffective communication will lead witnesses to withhold valuable information or to provide irrelevant, imprecise or incorrect answers.

Promoting Extensive, Detailed Responses. Police interviews are unusual in that they require witnesses to describe events in more detail than civilians normally do in casual conversation. Inducing such an extraordinary level of description requires that interviewers convey this goal explicitly, which they rarely do. To compound the problem, witnesses often withhold information because they do not know what is relevant for a police investigation. To minimize witnesses' withholding information, interviewers should instruct them to report everything they think about, whether it is trivial, out of chronological order, or even if it contradicts a statement made earlier. If contradictions arise within a witness's testimony, interviewers should wait until

later in the interview to resolve the contradictions. Some researchers have mistakenly interpreted the “report everything” instruction to mean that witnesses should guess if unsure (Memon, Wark, Bull, & Koehnken, 1997). This misinterpretation violates the spirit of the CI, which discourages witnesses from guessing. The “report everything” instruction merely directs witnesses to give expression to events when they think of them, while they are temporarily accessible. This freedom to report events in an unconstrained order should further confer a sense of informational control to witnesses.

Non-verbal Output. Interviewers and respondents often use only the verbal medium to communicate. Some people, however, can express themselves more effectively non-verbally, and some events are easier to describe non-verbally (Leibowitz, Guzy, Peterson, & Blake, 1993). Ideally the response format should be compatible with the witness's mental record of the event, thereby minimizing the need to transform the mental record into an overt response (Greenwald, 1970). If an event is inherently spatial, (e.g., the location of objects within a room) then witnesses should respond spatially, by drawing a sketch of the room or by placing model objects within a (model) room. Similarly, if the event to be described is an action, witnesses may find it easier to enact the event than to describe it verbally.

### **Validation Testing of the CI**

The CI was developed initially to enhance witness memory, rather than for therapeutic purposes. Therefore, most of the formal validation testing has examined the CI's ability to increase the amount and quality of witness recollection. Only recently have we thought of the CI as a way to promote victims' psychological well being, and hence, we can report only some anecdotal evidence that bears on the relation between the CI and Therapeutic Jurisprudence.

The CI as an information-gathering technique has been tested in approximately 100 laboratory tests, most of which were conducted in the United States, England, Germany or Australia. In these studies, volunteer witnesses (usually college students) observed either a live, innocuous event or a videotape of a simulated crime. Shortly thereafter (ranging from a few hours to several days), the witnesses were interviewed by a trained researcher—or in some cases by experienced police officers—who conducted either a CI or a control interview. The control interview was either modeled after a typical police interview or after a generally accepted interview protocol, e.g., the Memorandum of Good Practice (1992). Across these studies, the CI typically elicited between 25 % - 40% more correct statements than did the control interview. The effect is extremely reliable: Of the 55 experiments examined in a meta-analysis (Koehnken, Milne, Memon, & Bull, 1999), 53 experiments found that the CI elicited more information than did the comparison interview (median increase = 34%). Equally important, accuracy was as high or slightly higher in the CI interviews (accuracy rate = .85) than in the comparison interviews (.82).

All of the above studies were conducted in the laboratory, with non-threatening events. Two other studies have examined the CI with victims and witnesses of real-world crimes. In these field studies, one conducted in the United States (Fisher, Geiselman, & Amador 1989) and one

conducted in England (George & Clifford, 1992), experienced police officers received training in the CI or did not receive such training. In both studies, the CI-trained police investigators elicited considerably more information than did the untrained investigators. Thus, the field studies showed the same general pattern as the laboratory studies.

Overall, the superior performance with the CI has been very robust: The effect generalizes across cultures (U.S., England, Germany, Australia), types of witness (young, elderly; college students and non-students; cognitively impaired or healthy), retention interval (few minutes, several weeks or years) and kind of event to be recalled (crime, accident, daily activities; for recent reviews, see Fisher & Schreiber, 2007; Holliday, Brainerd, Reyna, & Humphries, 2009). The only task in which the CI has not been superior is in person identification (e.g. lineups), where the CI was equivalent to a control interview.

We do not know of any formal studies that have examined the CI's ability to enhance victims' psychological functioning. However, based on anecdotal evidence, we have some reason to believe that the CI does promote victims' psychological health. The first author (RF) regularly conducts training programs on the CI at FBI headquarters as part of a program for experienced sketch artists. Several of the sketch artists who had interviewed rape victims reported that, following a well conducted CI, victims often reported feeling more in control of their earlier ordeal and generally more self confident. The second author (RG) has conducted several investigative interviews for law enforcement, primarily on cold cases, and has observed witnesses to be generally upbeat and positive following the interviews. The witnesses tend to remark spontaneously about how well they think they did in the interview. Given that the CI leads to more information generated than most of the previous standard interviews that they have experienced, the witnesses' self evaluations typically are quite favorable.

The CI was not developed for therapeutic purposes. Therapists are in the business of helping people to feel better. They care mainly about the "narrative truth" (what the patient believes to be true) that might give closure or catharsis to the patient (Cohler, 1994). In contrast, forensic investigative interviewers are concerned with the "historical truth" (reality) and any therapeutic value would be an added benefit if that could be achieved in the process. Indeed we, as well as others (Lindsay & Read, 1994), have consistently argued against applying the CI as a therapeutic tool in cases such as those involving "recovered memories." Similar arguments have been launched against non-therapeutic forensic hypnosis (*People v. Shirley*, 1982). Nevertheless, if the CI were used in a therapeutic context, any increase in fabrications remains to be documented empirically. We have no reason to believe that the CI would contribute to fabricating recollections. Empirically, we know that recall accuracy is as high as or slightly higher with the CI than with comparison interviews (see Koehnken et al's 1999 meta-analysis). CI interviewers tend to ask mainly open-ended questions and rarely ask leading or suggestive questions, thereby minimizing the opportunities for fabrication. Finally, CI interviewers explicitly instruct witnesses not to guess but to say "I don't know" and to report only those events that they remember, and not merely believe to be true.

Sometimes the goals of a forensic investigation will clash with therapeutic concerns. The second author (RG) was asked to conduct a CI of a cold case victim a few years ago where the victim

had total amnesia for the events, which were terrible. The CI involved extensive reconstruction of the circumstances leading up to and into the target events. As with many forensic cases of amnesia, the underlying impediment could have been repression, suppression, ordinary forgetting, or an absence of a consolidated memory record due to brain injury. Given the circumstances of the case, some therapists who were experienced in handling victims of severe trauma suggested that it would be best if she never remembered the events. Instead, she should receive treatment for her symptoms for as long as necessary. The victim's own therapist however believed it would be best if she did remember the events in an effort to achieve some closure to this unfortunate life episode. In this particular case, the CI was not successful in "unblocking" her lack of memory for the events, but she was appreciative and appeared satisfied with the interview experience.

### **CI Components Promoting Therapeutic Jurisprudence**

Although we believe that the CI promotes better psychological health among victims, we have not examined systematically which components of the CI contribute to this effect. We speculate here which components are the "active ingredients" and why they promote victims' well being. Our guiding framework is that victims may feel a loss of control over their lives—after all, being victimized implies that one cannot control one's life. Victims may also experience a sense of inadequacy, which manifests itself retrospectively as feeling responsible for their own misfortune and prospectively as feeling anxious about their ability to "perform" as a good witness during the interview. Finally, they may experience feelings of outrage of having been victimized and they need to share those feelings with another person who can understand their plight.

We also borrow from more classic applications of Therapeutic Jurisprudence, of patients going through the process of being committed to a hospital (Winick, 2005a; 2005b). Here, scholars have argued that a few core principles are essential for patients to maintain their self-esteem and self-worth, namely, being treated with dignity and respect, having the opportunity to give voice to their beliefs and to tell their story, and ideally, to be guided, but not coerced, to make decisions. We believe that the same elements will also promote psychological well being among victims.

Increased Recall: Our original goal in developing the CI was to increase victim/witness recall, not to promote their well being. We now believe that victims' greater recall with the CI may contribute to their better psychological functioning. That is, extensive recall is itself a sign that victims have mastered the event, and especially when they can provide fine-grained details in a free-flowing narration. We are constantly impressed when witnesses comment after the interview session: Wow, I'm surprised that I can remember so much! And it is precisely because victims can recall the event in such depth that allows them to conclude that they can control the event rather than being controlled by the event. As a result of having recalled extensively in a public context (i.e., in concert with the investigator), victims are also likely to feel more committed to

the investigative process, in which case, victims may be more willing to participate in later police interviews and to appear as a witness in court.

Increased Reliance On Narrative Responding. Conventional police interviews rely heavily on asking many closed questions, relegating the victim to the role of question-answerer. In comparison, the CI relies more heavily on eliciting information via open-ended questions, gently guiding victims to narrate about the topics of investigative interest. (Several people have commented to us that the CI does not seem like an interview at all, because the interviewer asks so few questions, and the witness seems merely to be telling a story.) By allowing victims to talk more, and especially in the form of a narration, the CI has an enabling effect by affording more control to victims to give voice to their stories. Equally important to the tenets of Therapeutic Jurisprudence, the free narrative format allows victims to relate their stories in a non-coercive fashion. In support of this idea, Fisher, Mello, and McCauley (1999) found that CI interviews were rated as being less manipulative and less coercive than interviews conducted in a more typical police fashion.

A second benefit of the CI's asking primarily open-ended questions is that victims can almost always provide some information in response to open-ended questions (e.g., "What happened?") and so they experience some degree of success when answering such questions. In contrast, when participating in a conventional interview, victims may be unable to answer some of the specific questions ("Was the gun a revolver or an automatic?"), and experience memory failure frequently. Similarly, victims should be more successful in communicating their knowledge within a CI than in a typical police interview, because the CI allows for more response options (e.g., non-verbal responding). Experiencing greater success and less failure in the CI should increase victims' feelings of self-efficacy.

Previewing the Interview. Victims and witnesses often will be anxious about the interview process because they are uncertain about what is expected of them and how the process will transpire (Sydeman, Cascardi, Poythress, & Ritterbrand, 1997). CI interviewers attempt to reduce that uncertainty by previewing the structure of the interview, and especially by explaining the "ground rules" of the interview. Furthermore, victims are encouraged to ask questions about the process. Foreshadowing the interview should reduce victims' anxiety about the process as it reduces uncertainty.

Interviewer Understanding: A survey of crime victims conducted by the Federal Law Enforcement Training Center found that the primary concern of victims was that someone should understand their plight. They were more concerned that the investigator understand their personal experience than for the investigator to solve the crime—presumably the investigator's primary concern. This concern is likely thwarted by the typical police interviewer who spends only minimal time developing rapport and proceeds through the interview by asking many short-answer factual details (Fisher et al, 1987). By comparison, CI interviewers make a more concerted effort throughout the interview and in follow-up sessions to develop a strong sense of personal concern. Following such a humane policy ought to promote a sense of dignity for the victim and a belief that the interviewer is concerned about the victim's plight and is not merely fulfilling his/her official responsibility as a criminal investigator. We expect this victim-as-a-

person approach to increase victims' willingness to participate in police interviews throughout the investigation and later to appear in the courtroom as a fact witness.

Witness-centered Interviewing: In a typical police interview, the investigator controls the social dynamics, and structures the interview around his or her cognitive needs. For instance, interviewers interrupt witnesses' narrations frequently to ask follow-up questions, because interviewers are concerned that *they* will forget to ask the follow-up question—and they consider only secondarily, or not at all, that their interruptions disrupt the witness's thought processes. By comparison, in a CI, the victim plays a more central role: The victim's thoughts and emotions drive the interview process, and the interviewer alters his/her questions in response to the victim's recollections. We suspect that the victim's greater control over the interview process in the CI leads to a greater sense of self-efficacy than in the typical police interview, where the victim/witness plays a more subordinate role.

A parallel phenomenon occurs when interviewing people whose first language is different from the interviewer's, e.g. an English-speaking police investigator interviewing a new immigrant whose first language is French, and who has difficulty expressing himself in English. In the CI, interviewers allow victims first to write out or tape record their story in their preferred language (here, French) and only after having expressed themselves in this comfortable modality does the interview proceed in the witness's non-preferred language (here, English). Allowing victims to express themselves first in their preferred language increases the likelihood that victims will generate more complete and accurate descriptions, and thereby raise victims' feelings of self-efficacy and control. By comparison, forcing victims to describe events only in their non-preferred language further increases victims' frustration.

Heightened Concentration: The CI victim likely concentrates more intensely during the interview than does a conventional interview victim. That comes about for a variety of reasons: (a) CI interviewers ask fewer questions and are less likely to disrupt the victim's concentration; (b) the CI is conducted at a slower pace; (c) the CI victim is encouraged to close his/her eyes; (d) the CI encourages victims to provide long narrative responses, in which victims become increasingly focused as the narrative develops (cf. conventional interviews in which victims provide many brief answers). We believe that the resulting heightened concentration allows victims to be more relaxed during the interview, and that this confers a greater sense of control and mastery when thinking about the critical event.

Trust Between Interviewer and Victim: In conventional police interviews, victims often report that they feel like suspects when they are asked a string of very specific, closed questions at the outset of the interview. By comparison, when witnesses are permitted to give an open-ended narration at the beginning of a CI, they feel as if the interviewer trusts them, and actually listens to them. Not surprisingly, feeling like a trusted person rather than as a suspect should contribute to the victim's perception of dignity and respect.

The aforementioned are the major differences between the CI and conventional police interviews. We suspect that there may be many other subtle components within the CI that contribute toward victims' well being, and conversely, that many components of the conventional interview contribute to its disruptive effects. It is interesting to note that some

schools of journalism offer teaching modules on good practice interviewing techniques for use with victims and witnesses to traumatic events (Cote & Simpson, 2000), and the suggestions in these modules are very similar to the elements of the CI protocol. Explaining the ground rules up front and fostering a sense of teamwork are considered central. Building rapport, effective listening, and sharing control with the interviewee also are key. Thus, cognitive interviewing and journalistic interviewing are largely consistent with respect to recommended questioning of victims and witnesses of stressful events.

## **Conclusions**

We have received anecdotal evidence from our own interviews and from interviews conducted by detectives that the CI has resulted in some therapeutic value to victims and witnesses of crimes. We believe that such case examples of therapeutic jurisprudence can emerge from a combination of the following factors:

Communication Components. The CI is a witness-centered approach with a transfer of control to the interviewee who has the sought-after information. The interviewer acknowledges that he/she was not at the scene and that the witness must play an active role in the interview. Toward this end, the CI protocol promotes effective rapport development and teamwork instead of placing the witness in a subservient or reactionary role to an authority figure who asks closed-ended questions. Witness-compatible questioning further ensures that traumatized victims believe they have an ally in what they have gone through. The communication components of the CI are likely to heighten the witness's sense of control, perhaps restoring some of the power that was lost in the victimization. Finally, the review and closure stages of the CI protocol (Fisher & Geiselman, 1992) underscore the important role that the interviewee has played in the process, leaving the witness with a sense of being appreciated.

Memory Components. In contrast with some standard investigative interviews, the CI emphasizes the use of open-ended questions without interruption during the witness's responses. In this manner, the CI enables interviewees to talk it out while reporting the information in a non-coercive environment. Most important, the memory-enhancement components of the CI result in significantly more information than a standard interview while preserving accuracy. This outcome should instill a greater hope for case resolution in honor of the victim's suffering. At a minimum, greater memory recall should leave the interviewee with a sense of accomplishment and perhaps a greater sense of control over his/her life.

## **Future Directions**

It is reasonable that the CI protocol and its constituent elements should enhance therapeutic jurisprudence. Our anecdotal experiences support this possibility. Future work should include experiments that directly measure how people feel before and after a Cognitive Interview versus

a standard police interview. This program of research should begin with a laboratory test (cf. Geiselman et al., 1985) followed by a field test (cf. Fisher et al., 1989). Dependent variables should include both short-term and long-term measures of personal well being as well as measures of attitudes toward the interview process and the interviewer. Secondary measures might include the degree to which victims continue to participate in the investigative process (follow-up police and attorney interviews) and the legislative process (appearing as a witness in court). As this research progresses, attention to which elements of the CI protocol are most beneficial for Therapeutic Jurisprudence could prove useful toward refining interviews specifically for use with anxious or traumatized persons.

A second direction for future work is to develop new techniques that can be added to the Cognitive Interview to make it more effective both to collect investigatively relevant facts and to enhance victims' health. One such approach is to combine two techniques, one of which was generated from the information-gathering approach and the other from the Therapeutic Jurisprudence approach. That is, asking witnesses to write their immediate recollections of an event, using a type of self-administered Cognitive Interview, serves to preserve witnesses' recollection and to inoculate against later forgetting (Gabbert, Hope, & Fisher, 2009). At the same time, writing about one's feelings has therapeutic value for people who have encountered negative experiences (Pennebaker, 1990). Perhaps we can combine these two approaches and ask victims to do a self-administered interview and also to incorporate their emotions into their written narrative. We suspect that would yield a more informative and healthier victim. We encourage researchers to develop other innovative techniques to improve upon these two important goals of the legal system: collecting crime-related information for investigative purposes and enhancing victims' (and others') well being.

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