Ellen DeGeneres on Forgetfulness

NCITI

National Crisis Intervention Training Institute

Accredited by the State of Oklahoma

Council on Law Enforcement Education and Training

Accreditation # 17-0989

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INTRODUCTION

About the Instructor

- Chief of Police, Northwestern Oklahoma State University Police Department.

- Former Sergeant, Victim's Advocate, and CIT Officer for Mid-America Christian University Police Department.

- Founder and Co-Director of the National Crisis Intervention Training Institute / Current Director NCITI's Critical Response Division.

- Veteran police detective (Norman, OK); specialized in investigation of crimes against children and covert child pornography investigations.

- Former Director, Department of Crimes Against Children, Children's Rights of America, Inc.

- Former Youth Crisis Counselor, Supervisor, then Director of the National Youth Crisis Hotline (Children's Rights of America, Inc.)

- Co-founded the "S.T.R.E.E.T. Outreach" (Specialized Techniques in Recovery, Engagement, Empowerment, and Tactical Outreach) program in Tampa and Atlanta, GA, under the auspices of Children's Rights of America, Inc.

- Former addictions counselor and paramedic.

- Developer of the Empathetic Interrogation Method, the Volunteer Applicant Screening Interview, and the NCITI Psychological Autopsy Technique.

- M.A.Ed. in Education, with emphasis upon the "Diverse Learner."

- Doctoral Researcher (all but dissertation) with primary research interests in predator and survival psychology, crisis intervention methodology, detection of deception, addictionology, victimology, and suicidology.

- Author/Instructor of 32 CLEET-accredited law enforcement courses.

Cognitive Interviewing Victims, Witnesses, and Suspects
Training Manual and Resource Guide

Law Enforcement Application of This Material

- Applying these techniques in forensic interviews, especially when it is important to elicit as much detail as possible.

- Assisting victims and witnesses in recalling details and descriptions of offenses, environment, offenders, et cetera.

- Utilized in interrogation in eliciting emotional admissions from suspects.

- Utilized in interrogation in locking suspect into details of the crime.

- Strengthening investigator's conventional interviewing skills.

Housekeeping Announcements

Pop Quiz #1

Without communicating with the persons sitting near you, please take out a piece of paper and pen, and describe, in as much detail as possible, what you just saw and heard. Include as much descriptive information as you can recall.

Take your time.

Topics to Be Covered

DAY ONE

- Cognitive Interviewing Overview.
- Requisite Communication Skills.
- Efficacy of CI.
- Limitations and Challenges.
- Memory and Recall.
- Amnesia.
- Confabulation.
- False Memory Syndrome.
- CI versus Guided Imagery & Hypnosis.
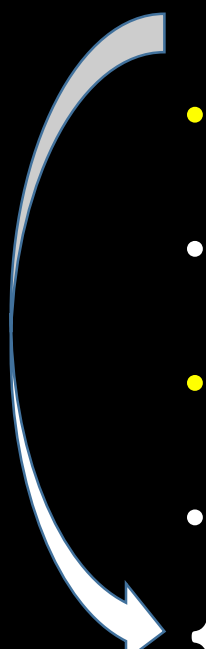- CI Children and Adolescents.

DAY TWO

- Deciding CI Methodology.
- CI Scheduling Strategies.
- Preparing for the Cognitive Interview.
- Interview Dynamics, Guidelines, and Strategies.
- Constructing and Organizing Question Flow.
- Overcoming Strategies.
- CI Skill Development Training.

WHAT IS "COGNITIVE INTERVIEWING?"

Foundation of "Cognitive Interviewing"
(Tulving & Thomson, 1973)

- First developed circa 1984 by two American psychologists: Ronald Fisher and Edward Geiselman.

- Based upon two cognitive principles: Encoding Specificity Principle (Endel Tulving) and the Multi-Component View of memory.

- Technique focuses on two distinctive problems: memory processes and communication processes.

- The Witness, NOT THE INTERVIEWER, plays to central role in the process, because it is the Witness who has access to the information.

- The interviewer, a "guide on the side," evaluates how the Witness has learned the information, and to personalize the interview accordingly.

- CI is based upon two fundamental laws concerning human memory:
  - Memory Traces consist of several elements. Recall effectiveness depends upon overlapping elements.
  - Not all information is universally retrievable; different retrieval methods are needed for various pieces of memory.

- Presented cues are more effective in eliciting memory if they have some similarity to those which were present at the time of encoding.

Mnemonic Concepts of Cognitive Interviewing
(Upon Which the Four Retrieval Methods Are Based)

- **Improving Effectiveness of Recall.**
  - Report all details, regardless of their apparent importance.
  - Reinstate the context (Relive the experience).
- **Improving Retrieval of Information.**
  - Change the Sequence of the recall.
  - Change the perspective.

"Cognitive Interviewing"
Defined from Law Enforcement Perspective

A systematic method of interviewing eyewitnesses, victims, and suspects in order to gather information about what they remember from a crime scene, recalling greater and more vivid details than they might recall as a result of traditional interviewing methods. Cognitive Interviewing involves utilization of one or more of four special retrieval methods, designed to enhance the person's awareness of their surroundings during the catalytic incident, in a manner which will evoke enhanced remembrance of the significant elements of the event, as well as sequence of events, et cetera.

Television's Version of Cognitive Interview Technique

Fisher/Geiselman Cognitive Interview Model
(Fisher & Geiselman, 1992)

Introduction → **Open-Ended Narrative** → **Probing Memory Codes** → **Review** → **Close** → **Follow-Up**

Cognitive Interview Sequence
(Fisher & Geiselman, 1992)

- Introduction / Establishing Rapport / Develop Social Dynamics Necessary for Cognitive Interview / Manage Eye-Witness Anxiety / Generically Explaining Cognitive Interviewing Process / Preparatory Instructions / Pre-Interview to Determine Method to be Utilized / Appointment Made for Cognitive Interview.

- Preparation: Questions / Setting / Equipment / Assistants.

A
- Re-Cap of Introduction / Explanation of CI Process / Give Recall Example / Further Deal with Anxiety, If Necessary.

B
- Open-Ended Narration / Inference of Overall Representation of the Event / Developing Efficient Probing Strategies.

C
- Probing Memory Codes / Information gathering / Guiding Through Richest Sources of Knowledge.

D
- Review / Review of Recorded Information / Providing Additional Opportunity to Recall.

E
- Closing the Interview / Conclusion of Police Business / Suggestions to Facilitate Further Recollection / Establish Positive Attitude in Eye-Witness.

F
- Follow-Up / Re-Contact, If Necessary / Exercising Open-Door Policy..

Cognitive Interviewing Brief Overview

- Based on Cognitive Psychology principles.
- Triggers recall of traumatic event details by using sensory-oriented cues.
- Enhances victim's/witness's awareness of subconsciously-retained details of the catastrophic event (suspect description, behavioral details, et cetera).
- Reliably facilitates more accurate and complete factual recall, overcoming skewed retrieval of schemas.
- Also may trigger emotional response to recalled details.
- NCITI's application of Cognitive Interviewing is used with suspects, witnesses, and victims.
- Helpful in uncovering details which may lock suspect into crime.
- Requires establishment of trust and rapport.
- Cognitive Interviewing is MORE AN APPROACH than a rigid, structured procedure.
- Facilitates establishment of new cognitive pathways, to improve recall capability.

Two Major Components of Eye-Witness Testimony

Memory — Testimony — **Communication**
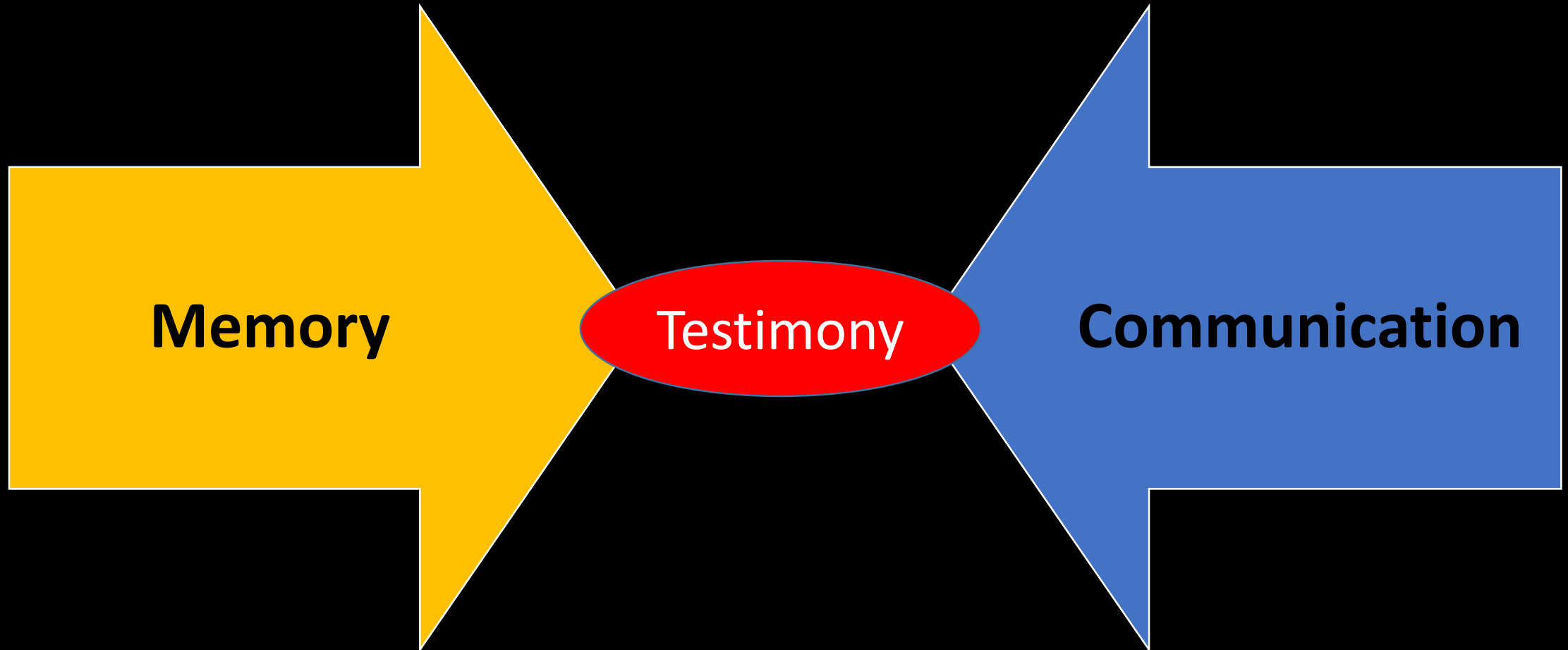
Most Common Cognitive Interviewing Methods
(Fisher & Geiselman, 1992; Johnson, 2014, 2014a, 2014b)

- Mental Reinstatement Method. *
  - a.k.a. "Reinstating the Context."
- Multi-Perspective Reporting Method.
  - a.k.a. "Changed Perspective."
- Variable Order Narrative Method.
  - a.k.a. "Reverse Sequence."
- Detail Reporting Method. *
  - a.k.a. "Eliciting Spontaneous Account."

*(*Best Methods for Cognitive Interviewing of Children)*

Cognitive Interviewing Rules of Thumb
(Fisher, et al, 1989; Fisher & Geiselman, 1992; Johnson, 2014)

- Of the four primary CI retrieval methods, "Mental Reinstatement of Environmental and Personal Contexts" and "Detail Reporting Method" are highly recommended in interviewing victims, witnesses, and suspects.

- "Variable Order Narrative Method" and "Multiple Perspective Method" are particularly valuable tools in criminal interrogation.

- Extreme caution should be taken in utilizing "Multiple Perspective Method," especially in dealing with victims and survivors.

- Appeal to as many of the five senses as possible.

- Olfactory sense (smell) recall is most powerful in eliciting both detail and emotional recall.

- Formulate each question based upon the answer to the prior question.

- Primarily ask open-ended questions.

- Avoid interrupting. Interrupting inhibits free thought flow, and also discourages the person being interviewed from disclosing.

- Avoid "changing the subject" during the interviewee's thought flow.

- Try to not ask leading questions. Let the victim/witness discover/recall the answer.

- Paint as thorough a picture as possible of the setting prior to, during, and following the catalytic event.

REQUISITE COMMUNICATION SKILLS FOR COGNITIVE INTERVIEWERS

IMPORTANT!

- Establish TRUST.
- Establish RAPPORT.
- Establish FREE, OPEN, AND HONEST COMMUNICATION.
- PERSONALIZE the Interview.
- If possible AVOID DIRECTLY CONFRONTING CREDIBILITY, unless it is clear that the statement is not truthful.

To Build Trust and Rapport, Be
(Gordon, 1975; Johnson, 2010, 2014; Johnson & Bogan, 1986, 1988)

- Clear, concise, and organized.
- Accessible.
- Down to earth.
- Relaxed and unhurried.
- Supportive and willing to listen.
- HUMAN.
- Someone to be trusted.
- Non-judgmental.

Let's Look at Some Other Roadblocks to Communication
(Gordon, 1975; Johnson, 2005, 2006)

- **Solution-oriented** statements.
- **Put-downs.**
- **Other inferior methods** of communicating.
- **Inhibiting factors** unique to customer.
- Our **general approach.**
- **Reinforced powerlessness** (Enabling).
- **Anxiety / crisis** mode.

More about Roadblocks to Communication

(Gordon, 1975; Johnson, 2005, 2006)

Solution-oriented

- Ordering.
- Threatening.
- Moralizing.
- Advising.
- Lecturing.
- Criticizing.
- Directing.

Put-Downs

- Flattering / False Praise.
- Name-Calling.
- Reassuring.
- Advising.
- Probing.
- Diverting / Humoring.
- Interrupting.

Other Potential Problematic Co-Factors
(Johnson, 2005, 2006, 2014; Johnson & Bogan, 1986, 1988; Kaufman, 1989)

- Disregarding inhibiting factors unique to person in crisis.

- Our general approach.

- Co-Factors which may be influencing the person's behavior.

- *Shame.*

Remember the Other Inferior Methods of Listening

(Gordon, 1975)

- Parroting.
- Paraphrasing.
- You-messages.
- Monologue.
- Excluding / Ignoring.

In Addition To

the actual words, the way we say them and how we act when we say them can help to build trust / rapport and a level of comfort with the needful customer. Also, how far apart we are physically.
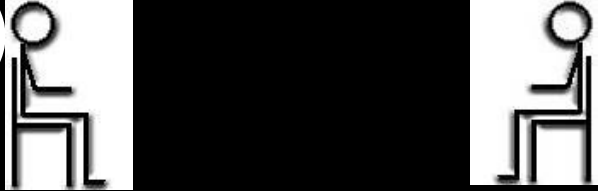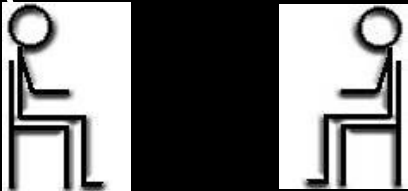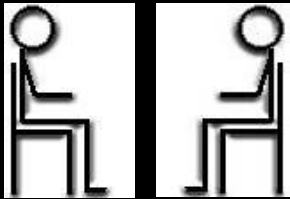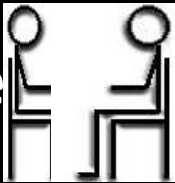
Be Conscious of the "Four P's"

- Posture.

- Para-linguistic (tone, volume, cadence, inflection, et cetera)

- Precipitating co-factors and co-morbidity factors.

- Proxemics.

Proximity Zones (Proxemics)
(Inbau, et al, 2001)

- **Public Zone** (Over 5 Feet)
- **N/A**
- **Social Zone** (3-5 feet)
- **Start Here**
- **Personal Zone** (1 – 3 feet)
- **Work Closer**
- **Intimate Zone** (0-1 foot)
- **Be Sure Before Getting Into Intimate Zone**

Verbal De-escalation Skills and Guidelines
(Gordon, 1975; Johnson, 2005, 2006)

- I-Messages.
- Active Listening.

Components of I-Messages

Describe Behavior: *"When you interrupt me and tell me to 'not feel that way'... "*

Describe How it Makes You Feel (in Realistic, Non-inflammatory Terms): *"It makes me even more frustrated and angry, like you don't want to allow me permission to feel..."*

Describe Tangible Consequences (or Benefits) to You, and/or to Your Relationship: *"That causes me to shut down, not be honest and open, and that hurts our relationship, which is very important to me."*

Components of You-Messages

Label the Person: *"You're an inconsiderate jerk who never listens to me. You don't love me...you think I'm stupid!"*

Describe How it Makes You Feel (in Inflammatory and/or Exaggerated Terms): *"That makes me want to rip off your head and spit down your neck!"*

Cite Either Non-realistic Consequences or Share No Consequences to You or To the Relationship: *"Maybe if I was dead and couldn't talk at all, you'd be happy."*

I-Messages versus You-Messages
(Gordon, 1975; Johnson, 2005, 2006, 2010, 2014)

- I-Messages validate feelings, lessen risk of damage to the relationship, and are more difficult to argue with.

- You-Messages have much higher risk of damaging the relationship.

- I-Messages facilitate clarification, honesty, and open communication.

- You-Messages cause people to shut down, and stuff anger.

- I-Messages are excellent first-steps to discussing and solving problems.

- You-messages shut down communication and impede problem solving.

Co-Factors Which May Be Influencing the Person's Behavior And/Or Inhibiting Disclosure
(Inbau, et al, 2001; Johnson, 2005, 2006, 2010, 2014)

- Importance of the issue.
- Self-Image.
- How the person views others.
- How the person views the interviewer.
- Relationship with the interviewer.
- Previous contact with law enforcement.
- Prior treatment for various mental disorders.
- Mental state of the individual.

- Transference.
- Response to Counter-transference.
- What person has to gain or lose.
- Environment.
- Audience.
- Threats or promises by another person (present or not present).
- Methods and tactics used by the interviewer.
- Physical state of the individual.

Effective Listening Levels
(Gordon, 1975; Johnson, 2005, 2006)

- **Analytical** = for information / to categorize.

- **Directed** = to answer specific questions.

- **Attentive** = for general information.

- **Exploratory** = because you're interested.

- **Appreciative** = for esthetic pleasure.

- **Courteous** = because you feel obligated.

- **Passive** = overhearing, but not attentive.

Yes, we can respond with

- **Parroting** - repeating the exact words the person said.

- **Paraphrasing** - putting what they said in your own words.

- Of the two, **paraphrasing is better** than parroting, **but not the best** alternative.

And then there's ACTIVE LISTENING
(Gordon, 1975; Johnson, 2005, 2006, 2010, 2014; JohnSon & Bogan, 1986, 1988)

- We speak in **codes** and **messages**.
  - **Codes**: the words we say.
  - **Message**: what we really mean.

- **Process**:
  - **Listen** to code.
  - **Interpret** code into apparent message.
  - **Relay** back message to speaker.
  - **Allow** and **respond** to feedback.

Advantages of Active Listening
(Gordon, 1975; Johnson, 2005, 2006, 2010, 2014; Johnson & Bogan, 1986, 1988)

- Better than parroting or paraphrasing, because it relays your message.

- Makes the person in crisis feel better about the conversation.

- Tells the person in crisis that you're listening.

- Insures that you are interpreting accurately and/or allows the person in crisis to correct you if you're reading them wrong.

- Therefore, it renders more accurate information which will help you in helping the person in crisis.

Helpful Hints

- **Remove** the words **"WHY,"** **"SHOULD,"** and **"OUGHT"** from your customer service vocabulary.

- **"Why"** tends to sound accusatory and may place the listener "on the defensive."

- **"Should"** and **"ought"** are autocratic, solution-oriented terms which tend to say **"You're dumb."**

Example

"What was going on that prevented you from TELLING SOMEONE ABOUT WHAT WAS GOING ON?"

As opposed to

"Wow, Bill. Why didn't you SAY SOMETHING SOONER! IF YOU HAD, WE MAY HAVE BEEN ABLE TO HELP YOU MORE. NOW, I'm JUST NOT SURE WE CAN."

Facilitate Communication Via
(Johnson, 2005, 2006, 2010, 2014, 2014a, 2014b)

- Rapport-building exercises.

- Encouraging person to give their version of event in narrative form; uninterrupted.

- Utilizing active-listening and I-message skills.

- Avoiding "why" questions.

- Avoiding put-downs and solution-oriented communication techniques.

- Strategically and carefully utilize leading questions which do not compromise integrity of investigation.

- Team-building and trust-building exercises.

Facilitating rapport and cooperation

- Be patient.
- Don't push.
- Don't stereotype.
- Offer respect.
- Be observant to needs.
- Give choices.
- Facilitate supportive and autonomous decision-making.
- Empower.
- Connect with survivors.

Recommended verbal approaches

- *"Cindy, I'm not asking you to trust me. After all you've been through, you'd be crazy to trust a total stranger, or even one who has been nice to you. I'm just asking you to watch me, and when you're ready, to make a decision on whether or not I've earned your trust."*

- *"I look at you and me as a team working together to uncover the truth, and to help you recall information that can help us to catch the man who hurt you."*

- *"You're in control: you don't have to tell me anything you don't want to. I want you to feel free choosing what we talk about, and how much or how little you wish to share with me."*

- *"If you say you're done for the day, the interview's over. I know it can be very tiring talking about things that are painful and scary. But if you're willing to continue, I want you to feel free to take your time. Do you feel the need to take a little break right now?"*

- *"Don't worry about not remembering everything right now. When you're hurt really bad inside, it sometimes affects your memory. Don't worry about not getting everything right, or in the exact order that things happened. It will come back to you. I'm here to give you a safe place to remember those things, and to sort them out."*

Planting seeds

Top Ten DON'Ts
of Crisis Intervention Communication
(Johnson & Bogan, 1986, 1988)

- DON'T place the individual on defensive with "why" questions.
- DON'T be confined to listen for "codes." Focus on underlying "messages."
- DON'T ever get caught in a lie.
- DON'T make promises you can't keep.
- DON'T enter into secrecy pacts with the person being interviewed.
- DON'T invalidate or impede the individual's expression of feelings.
- DON'T give advice; Especially, legal advice.
- DON'T feed into "staff-splitting" behavior.
- DON'T lose the respect of the person being interviewed.
- DON'T coddle or pity the individual; empathize and empower the person.

Interacting with the victim, keep in mind the importance of
(James & Gilliland, 2001; Johnson, 1986, 1988; Roberts, 2000)

- Willingness to listen.
- Patience.
- Gentleness.
- Respect.
- Rapport.
- Empathy.
- Choices.
- Encouragement.
- Empowerment.
- Positive reinforcement.
- Sensitivity to Victim's needs.
- Verification of Victim's statements.
- Likelihood that Victim will withhold information to protect the Trafficker.
- Determining how Victim wishes to be addressed.

- Interviewing in a safe setting, conducive to disclosure.
- Privacy, but not isolation.
- Avoiding the "crime scene" as a place to interview.
- ANY possible communication from the Pimp or Trafficker, directly or through third party.
- Ascertaining who retained legal counsel, if they arrive.
- Signs of the Victim preparing to "rabbit."
- Documenting and investigating comments and assertions made by victim.
- Third party witnessing all interaction between the investigator and the victim.
- Asking gently-probing questions to elicit clues and indicators of human trafficking.

Simple Rapport-Building Tactic

Don't get the victim/survivor something to eat…

…Get BOTH of you something to eat…or share your lunch with them. Talk about normal, social stuff over lunch. *It's the "normal" thing to do.*

"You know what? We've been talking for an hour, and I'm tired of talking. Besides, I'm hungry. You hungry? What you hungry for? What do you say we take a break and have some lunch?"

Normalizing

Bonding

Rapport Building

I SEE WHAT YOU DID THERE

EFFICACY OF COGNITIVE INTERVIEWING

Findings of Early Studies of Cognitive Interviewing by Law Enforcement
(Fisher, et al, 1989; Fisher & Geiselman, 1992; George 1991)

- **Metro-Dade Police Department (1989).**
  - Investigators elicited 47% more information than via traditional interview techniques.

- **England – Multiple Agency Study (1991).**
  - Investigators elicited 55% more information than via traditional interview techniques.

Efficacy of Cognitive Interviewing Affected By
(Fisher & Geiselman, 1992; Johnson & Bogan, 1986)

- Appropriate matching of methodology with individual case situation.
- Proper selection of timing, location, and setting dynamics of interview.
- Lack of operational errors by Interviewer.
- Development of trust, rapport, and cooperative relationship between the Interviewer and the Interviewee.
- Lack of inhibiting co-factors and co-morbidity factors.
- Effective interventions to overcome inhibiting co-factors and co-morbidity factors.
- Personalizing the interview.

Personalizing the Interview
(Fisher & Geiselman, 1992; Johnson, 2014)

- Recognize and address Interviewee's individual needs.
- Refer to the interviewee by name, as much as possible.
- When appropriate, occasionally repeat the last idea shared by the interviewee, and follow up with appropriate questions.
- Take care of incidental matters and preparatory needs in advance.
- Avoid bias in pre-interview by recognizing and avoiding preconceived expectations.
- Inject some personal biographical info about the Interviewer, as appropriate.
- When gathering needed biographical or demographic information about interviewee, explain that it is a police requirement.
- Utilize "empathy bridges."

Cognitive Interview versus Hypnosis versus Traditional Interview Method

- Study by Geiselman, et al (1985) compared three standard retrieval modalities (above). Number of facts and number of errors were recorded.

- Average # of correctly recalled facts:
  - Cognitive Interview: 41.2
  - Hypnosis: 38.0
  - Standard Interview: 29.4

LIMITATIONS AND CHALLENGES OF COGNITIVE INTERVIEWING

Limitations and Challenges of Cognitive Interviewing
(Johnson, 2014)

- CI takes longer to conduct than standard police interviews.

- CI requires higher levels of mental concentration from the Interviewer.

- Cognitive interviews are most useful with cooperative witnesses.

- Therefore, should not be employed until trust/rapport is established.

- It is vitally important to let the person being interviewed paint the picture, not the Interviewer.

- May require special attention to emotional elevation due to recall of triggers.

- Be cautious NOT to utilize "guided imagery" as an alternative technique. GI can create serious problems with accuracy of recall and admissibility of statements.

Cognitive Interviewing May Be Used in *Interviewing* and *Debriefing* Protocols...As Well as *Interrogation.*

Interviewing versus Debriefing

(Johnson, 2014)

- Interviewing occurs during the investigation.
- Debriefing often occurs after the investigation is complete.
- Interview is designed to elicit the truth.
- Debriefing is designed to flesh out details which support the truth.
- Interview is designed to discover information relevant to the investigation, as well as information which may lead to other investigations.
- Debriefing is conducted in a manner which poses the suspect, victim, or witness as a person possessing special knowledge, or as an expert.
- Interview may be brief, and may be either structured or unstructured.
- Debriefing is more thorough, and may involve multiple sessions.
- Interview is often not preceded by clearance from the Prosecutor.
- Debriefing is often preceded by clearance from the Prosecutor.

Debriefing

Digging for Gold

MEMORY AND RECALL

Beware!

Types of Evidence

- Testimonial.
  - Participative witness.
  - Experience.
  - Confessed.
  - **Eye-witness.**
  - Expert (Opinion).
- Documentary.
  - Demonstrative.
  - Contextual.
  - Inferred.
- Physical.
  - Prima Facie.
- Demonstrative.
  - Exculpatory.
  - Inculpatory.

Considered Most Unreliable

Phases of Memory
(Fisher & Geiselman, 1992; Melton, 1963)

- **Encoding** – Bring it in and catalog it. File is created here.

- **Storage** – Put it away where it is maintained for later use.

- **Retrieval** – Bring it back up to review and use it.

Important to Remember

A stored mental record of an event is not an identical replica of the event. It reflects a complex relationship among the event itself, its surrounding context, observer's moods, and many other co-factors.

Eyewitness Reliability Affected by

- Bias.
- Vested Interest.
- Perspective / View.
- Mood
- Physical Condition.
- Substance-related Intoxication / Influence / Impairment.
- Other Forms of Cognitive, Emotional, or Psychological Impairment.
- Prior Experience.
- Expectation.
- Conflicts of Interest.
- Environmental Distractors / Impediments / Obstacles.
- Priorities.
- Perception of Significance.
- Language / Cultural Barriers
- Fear / Shock Factor.
- Shame/Embarrassment

Eye-Witness Reliability Affected by

Any ONE of These Can Dramatically Affect Reliability of Eye-Witness Testimony

When Multiple Influences Are Present, Alteration Of Eye-Witness Testimony Can Be Dramatic

Reliability Influences

- Shame/Embarrassment
- Bias
- Vested Interest
- Perspective / View
- Mood
- Physical Condition
- Intoxication
- Other Impairment
- Prior Experience
- Expectation
- Conflict of Interest
- Environmental Distractors
- Priorities
- Perception of Significance
- Cultural / Language Barriers
- Fear/Shock Factor

Primary Types of Recall

- Free Recall – Recollection of items without regard to their serial order.

- Cued Recall – Retrieval of memory with the help of cues.

- Serial Recall – Recalling items in the order they were presented.

Theory of Encoding Specificity
(Cabeza, 2011)

Recognition is linked to recall. Memory is gleaned from the situation from which information was learned, and environment in which it was retrieved.

Aging affects encoding.

Memory Mapping
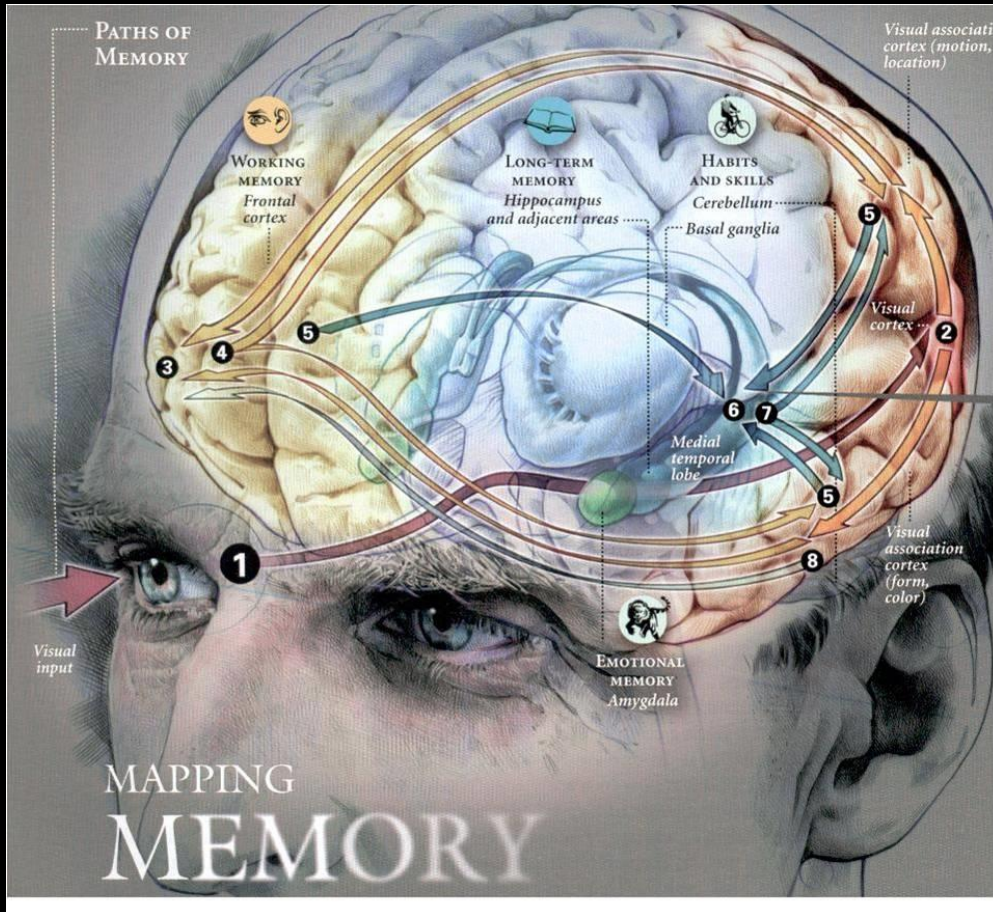
- **Associative Mapping.**
  - Associative memory used to store content and addresses both of the memory words.

- **Direct Mapping.**
  - "RAM" is used to store data , and some is stored in the "Cache."

- **Set-Associative Mapping.**
  - Modified form of Direct Mapping, where the disadvantage of direct mapping is removed. Each word can have two or more words in the same memory for the same index address.

Memory Storage/Retrieval Flow
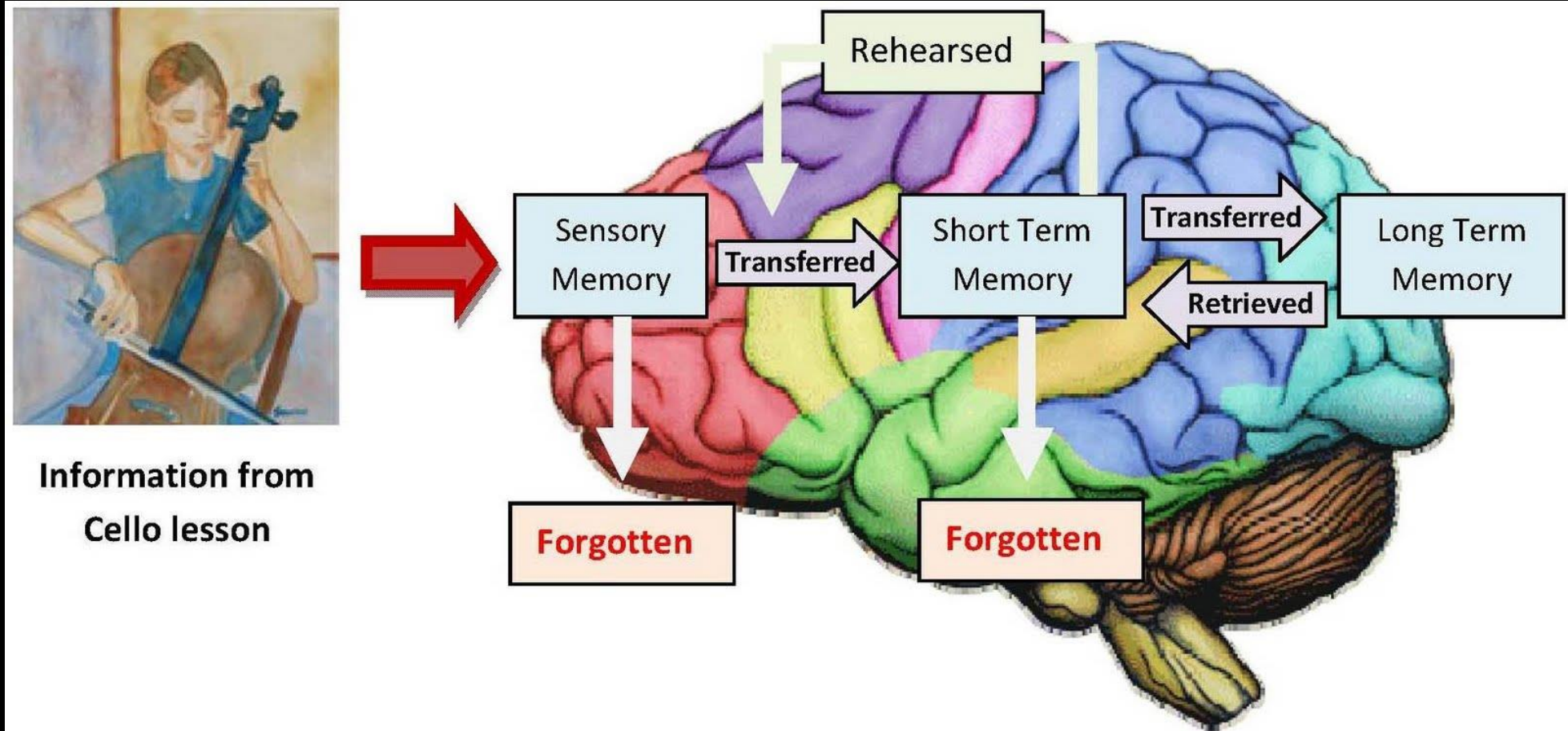
The Older The Person, the More Likely He/She Will be Impaired in Recollection, but More-Highly Skilled in Recognition

(Daselaar, Fleck, Dobbins, Madden, & Cabeza, 2006)
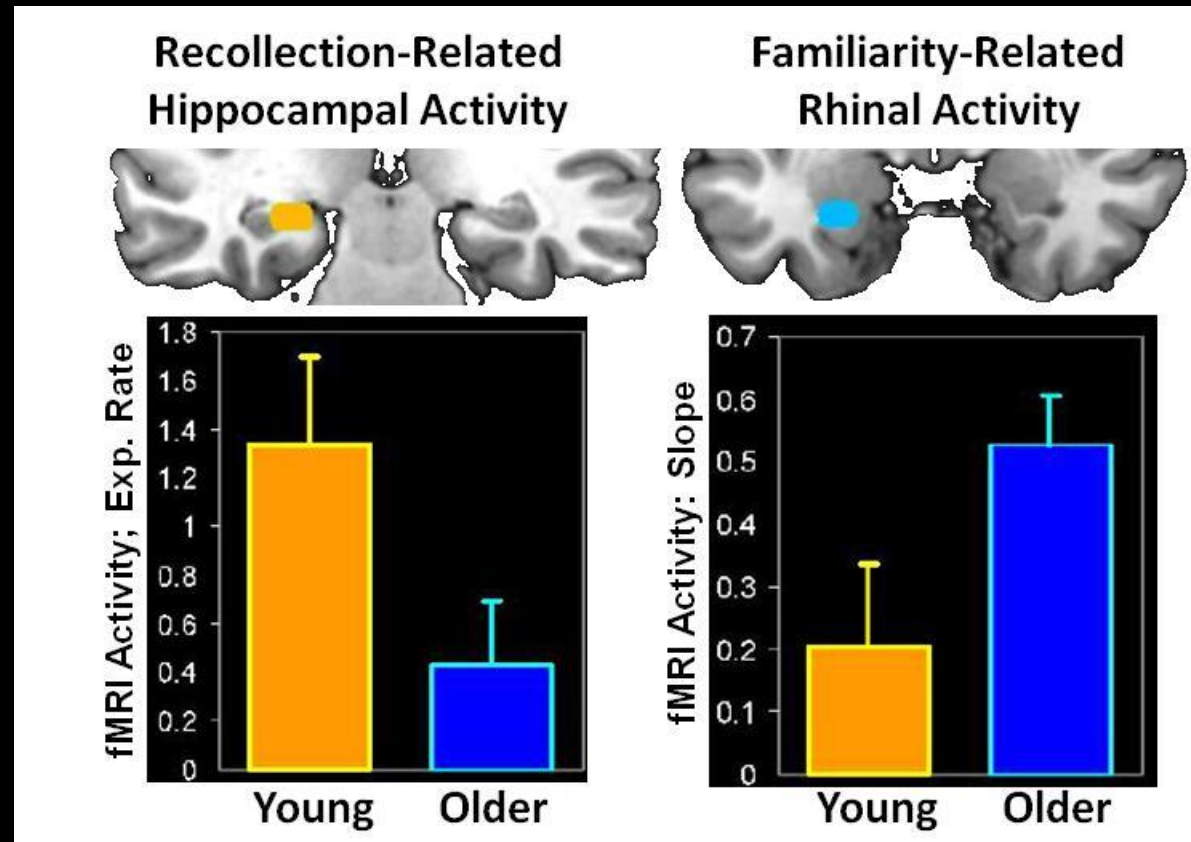
Austin Simonson Theory
(Tulving & Thomson, 1973; Watkins & Gardiner, 1979)

Recall begins with search and retrieval of stored information, followed by a decision to recognize select ("correct") information. There is less risk of faulty interpretation if current recognition is involved, as opposed to recall.

AMNESIA

Conscious Memory Loss May Be Triggered By

- Physical Trauma, Especially Head Trauma.
- Psychological or Emotional Trauma (Often Result in Forms of Dissociative Amnesia).
- Substance Abuse or Prescription Medication Influence (Especially Sedatives, Hypnotics, and Opioids/Opiates).
- Organic Pathophysiology.
- Stress.
- Time.
- Cloaking Events.
- Cognitive Reassignment.
- Mental Programming.
- RbAp48 Protein Deficiency.

Forms of Amnesia
(Wikipedia, 2014)

- **Retrograde Amnesia** = Inability to retrieve information that was learned or experienced prior to a particular date (usually date of traumatic event).

- **Anterograde Amnesia** = Inability to transfer information from short-term memory to long-term memory. AA sufferers cannot remember information for a long period of time.
  - RA and AA may occur concurrently.
  - Often, damage has occurred to the medial temporal lobe and hippocampus of the brain.

- Lacunar Amnesia = Loss of memory about a single event.

- Childhood Amnesia = Implicit memories are not recalled (e.g. how to play piano, walk, et cetera).

- Transient Global Amnesia = Usually lasts less than a day. Idiopathic origin.

- Source Amnesia = Inability to remember how and when information was acquired.

- Korsakoff's Syndrome = Associated with long-term alcohol abuse and malnutrition (Vitamin B_1 Deficiency).

- Drug-Induced Amnesia = Caused by various benzodiazapines and sedative-hypnotics.

- Prosopamnesia = Inability to remember or recognize faces.

- **Situation-Specific Amnesia** = Resulting from PTSD.

- Transient Epileptic Amnesia = Very rare. Associated with temporal lobe epilepsy.

- **Dissociative Amnesia** = Elective memory loss which occurs as a "defense mechanism," following severe psychological, physical, or sexual trauma.

Types of Dissociative Amnesia
(Ofshe & Watters, 1994)

- **Repressed Memory** = Inability to recall information which is stored in long-term memory, but is difficult or impossible to retrieve, often due to trauma. Sufferer can recall new information (Formerly known as "Psychogenic Amnesia").

- **Dissociative Fugue State** = Usually temporary, caused by trauma. Sufferer can't remember own identity. May clear up, then reoccur. Person often leaves and travels a distance away from home (Formerly known as "Psychogenic Fugue State").

- **Posthypnotic Amnesia** = Events which occur during hypnosis are forgotten, and cannot be recalled.

- **Dissociative Identity Disorder** = Formerly known as "Multiple Personality Disorder." Fragmented personalities are developed as coping mechanisms to deal with traumatic events. Often associated with loss of time, different personality traits and remarkably-different behaviors, changed physiology, et cetera). There is a lot of debate re: the legitimacy of this diagnosis, as well as argued likelihood for this being a factitious disorder.

CONFABULATION

Confabulation

(Gilboa, 2006; Kopelman, Thomson, Guerrini, & Marshall, 2012; Nalbantian, 2010)

- Disturbance of memory.

- Involves production of fabricated, distorted, or misinterpreted memories, WITHOUT conscious intent to deceive.

- Recall can appear to be coherent, internally consistent, and normal.

- Persons with confabulated recall are usually confident in their memory recall.

- "Authoritatively Wrong."

- May be symptomatic of organic brain syndrome, brain damage, et cetera (e.g. aneurism, Alzheimer's Disease, Wernicke-Korsakoff Syndrome, et cetera).

Types of Confabulation
(Gilboa, 2006; Kopelman, Thomson, Guerrini, & Marshall, 2012; Nalbantian, 2010)

- **Distinctions.**
  - Verbal.
    - Spoken false memories.
    - Common.
  - Behavioral.
    - Occur when person acts on their false memories.
- **Provoked.**
  - Normal response to faulty memory.
  - Common in both amnesia and dementia cases.
  - Often become apparent during memory tests.
- **Spontaneous.**
  - Relatively rare.
  - More common in dementia cases.
  - Often result from organic amnesia or frontal lobe pathology.

Characteristics of Confabulation
(Moscovitch, 1995)

- Usually verbal statements.

- Sometimes includes autobiographical and non-personal information.

- Account may be coherent, incoherent, or "fantastic."

- Both premise and details of account may be false.

- Account usually drawn from actual experiences, including past and current thoughts.

- Person recalling is unaware of distortions or inappropriateness.

- Often no evident motivation behind the confabulation.

- Person's personality may play a role in determining readiness to confabulate.

Some Reasons People Confabulate
(Metcalf, Langdon, & Coltheart, 2007; Pickel, 2004)

- Neuropsychological disturbance.
- Self-identity issues.
- Temporality issues (disability or inability to establish time/place context).
- Reality disturbance.
- Truthfulness monitoring deficit ("pathological liar.")
- Interviewer-led false memory.
- Eventual acceptance of the repeated lie as truth.
- Self-Serving motivation – may be subconscious.

Would you phrase your questions differently?
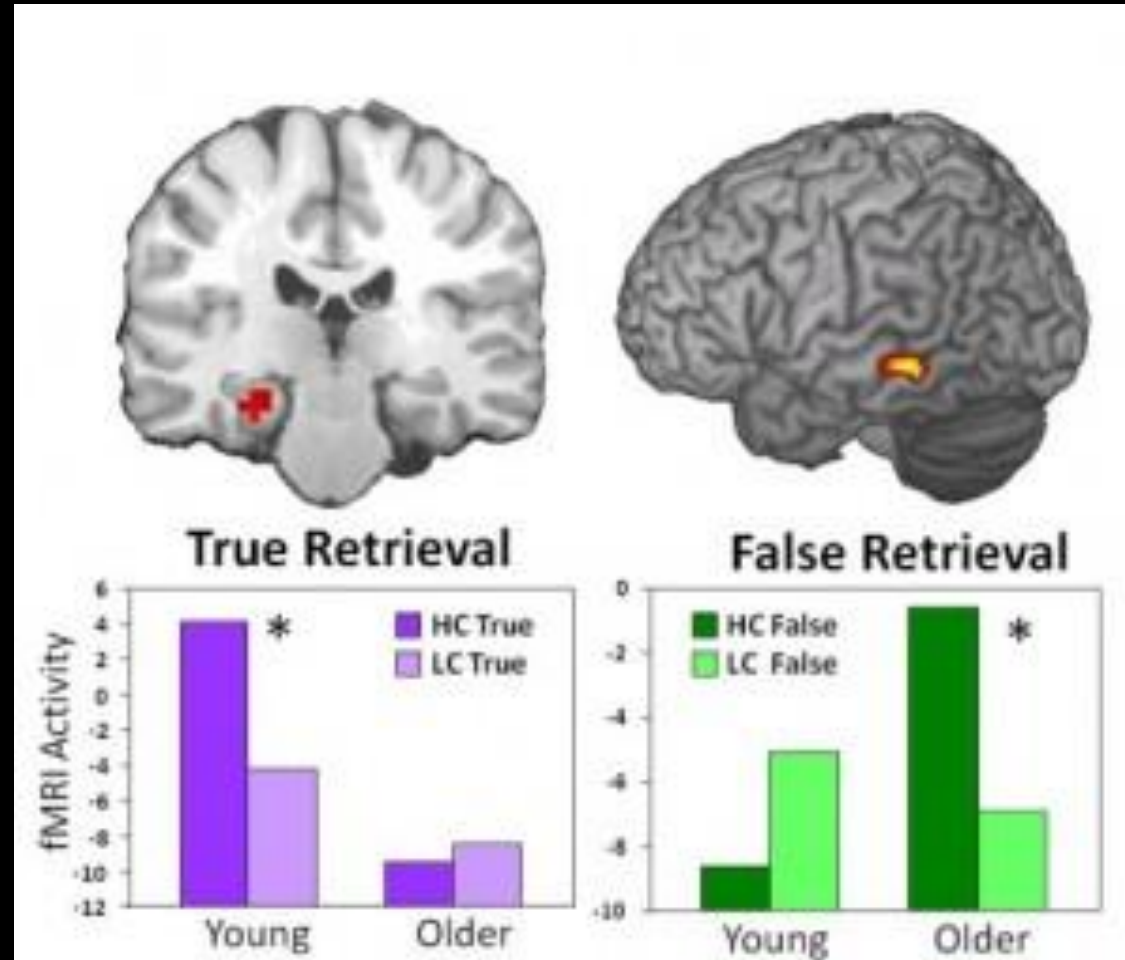

Why or Why Not?

FALSE MEMORY SYNDROME

Episodic Memory: Distinction Between True and False Memory
(Daselaar, et al, 2006)

Aging reduces true memories and decreases false memories.

Elizabeth Loftus on False Memory

"False Memory Syndrome"

(Dallam, 2002; Dineen, 1996; Loftus, 1980; Ofshe & Watters, 1996; Pendergast, 1995; Whitfield, 1995; Whitfield, Silberg, & Fink, 2001)

- Not officially recognized as a mental disorder in DSM-V, but is anecdotally/almost-universally recognized as a legitimate problematic phenomenon.

- May develop as a direct result of so-called "recovered memory therapy," which involve techniques which are prone to create confabulations.

- Memory consolidation is often involved, affecting integrity of memories stored in the hippocampus of the brain.

- Obsession to a false memory, planted memory, or indoctrinated memory may even result in delusions.

- Due to these problems, "recovery" of "repressed memories" have been viewed with strong skepticism in recent years.

Findings of the Royal College of Psychiatrists Working Group on Reported Recovered Memories of Sexual Abuse

(1998)

- *"No evidence exists for the repression and recovery of verified, severely traumatic events, and their role in symptom formation has yet to be proved. There is also striking absence in the literature of well-corroborated cases of such repressed memories recovered through psychotherapy. Given the prevalence of childhood sexual abuse, even if only a small proportion are repressed and only some of them are subsequently recovered, there should be a significant number of corroborated cases. In fact there are none."*

Psychology Industry Manufactures Victims By
(Dineen, 1996)

- **Psychologizing** – Reducing real-world experiences to psychological theories.

- **Pathologizing** – Turning normal people in abnormal situations into abnormal people.

- **Generalizing** – Equating all forms and extents of trauma into a single construct.

Fabricated Victims
(Dineen, 1996)

- Synthetic – Ordinary people brought into the Psychology Industry's influence, who subsequently become "manufactured victims."

- Contrived – People diagnosed with some sort of psychiatric disorder.

- Counterfeit – Those who turn to the Psychology Industry for "victim identity."

All three categories are easy targets for False Memory Syndrome.

Psychology Industry Tactics
(Dineen, 1996)

- **False Interpreting** – Application of various psychological theories and "therapies."

- **False Naming** – Fraudulent or mistaken assignment of diagnoses, labels, and explanatory terms for the patient's condition / behavior.

- **False Remembering** – Search for "traumatic events," as well as their meaning and/or cause.

Common Therapist-Manufactured False Memory Scenarios

- Childhood sexual abuse; memories emerging in adulthood.
- Childhood incest; memories emerging in adulthood.
- Satanic ritual abuse.
- Alien abduction.
- Adult emergence of factitious mental disorders.

Common "Psycho-therapy" Co-Factors Commonly Associated with Manufacturing of False Memories
(Johnson & Bogan, 1986; Loftus, 1980)

- Imagination Exercises.
- Guided Imagery.
- Dream Interpretation.
- Group Discussion of Abuse Histories.
- Improperly-Framed "Leading" Questions.
- Hypnosis.
- Exposure to False Information.
- Topic-Directed Journaling.
- Milieu Including Clients Diagnosed with Factitious Disorders.
- Milieu Including Clients Diagnosed with Borderline Personality Disorder, Dissociative Identity Disorder, and Histrionic Personality Disorder.
- Therapists "specializing" in Dissociative Identity Disorder and "Satanic Ritual Abuse Survivors."

Danger Signs of False Memory

- Assertion of memory when there is no physical evidence to support allegations, and/or where irreconcilable contradictions exist, such as established, iron-clad alibis by alleged perpetrators.

- Diagnostic clusters by specific therapists (e.g. Dissociative Identity Disorder a.k.a. "DID").

- Discovery of DID after beginning therapy with a therapist who specializes in DID.

- Emergence of "repressed memories" and/or DID diagnosis after participating in group therapy with others diagnosed with DID.

- Accompanied by other signs and expressions of symptoms of chameleon-like acting-out personality disorders, such as Borderline Personality Disorder.

How to Implant False Memories...According to Elizabeth Loftus

"Satanic Panic"
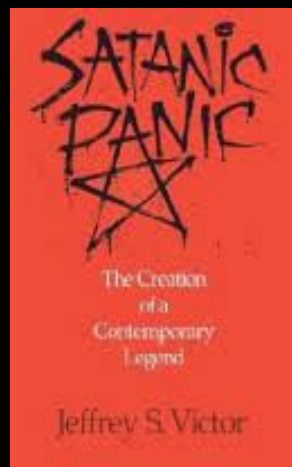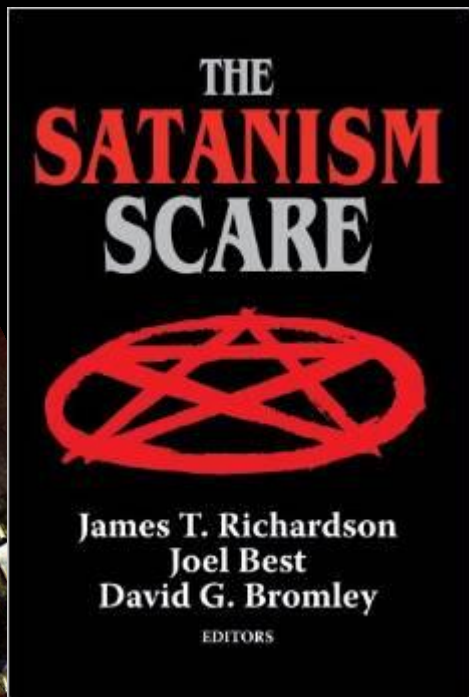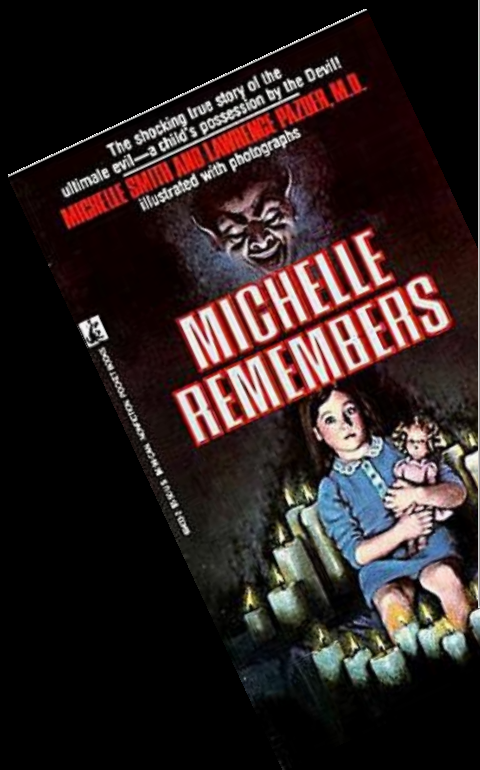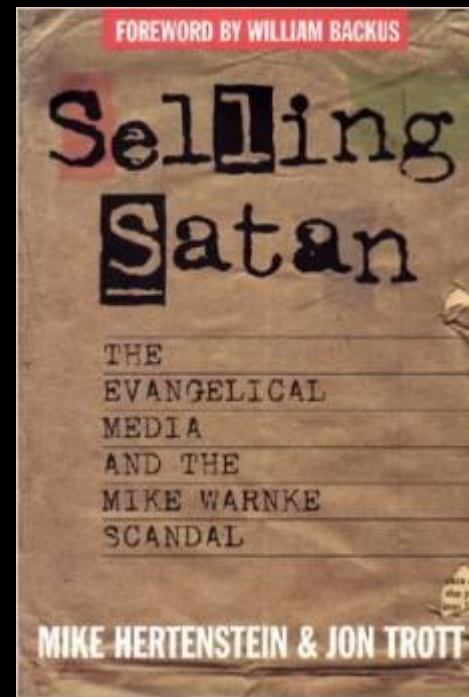
False Memory? Truth? Lie?

Use your skills and experience to read his verbal, para-linguistic, and non-verbal behavior

Michael Aquino, PhD
Lt. Col. (Ret.)???   US Army
Founder, Temple of Set

US Army / PsyOps

Starship Enterprise

How to Implant False Memories –According to the "Good Mythical Morning" Team

Study in a False-Memory-Contaminated Investigation Gone Wild

Top Defendants in McMartin Daycare Case

Ray Buckey

Virginia McMartin

Peggy McMartin Buckey

McMartin Daycare Case Timeline
(Eberle & Eberle, 1993)

- May 12, 1983 – Judy Johnson's child, Billy Johnson, goes to first day of daycare at McMartin Daycare Center.

- August 12, 1983 –Initial complaint by Judy Johnson, mother of McMartin Daycare student. Accusations of sodomy.

- August 18, 1983 – Judy Johnson meets with Detective Hoag, MBPD to file report, alleging abuse by Ray Buckey.

- August 30, 1983 – Judy Johnson brings Billy to MBPD to be interviewed.

- Ray Buckey questioned, but initially not arrested or charged, due to lack of evidence.

- September 7, 1983 - Ray Buckey arrested.

- September 8, 1983 - Letter sent to 200 sets of McMartin parents by MBPD Chief of Police Harry Kuhlmeyer. Parents were asked to question their children re: possible sexual abuse.

- September 30, 1984 – Judy Johnson reports bizarre additions to allegations to MBPD, involving costumes and rabbits being butchered in front of her child.

- November, 1983 - Children's Institute International staff was commissioned to interview children, led by Kee MacFarlane. By Spring, 1984, CII Staff claimed that 360 children had been abused.

- January 13, 1984 – McMartin Daycare Center closes permanently, after 28 years in business.

- February 3, 1984 – KABC starts media feeding frenzy, publicizing "massive child abuse scandal" at MDC.

- February 24, 1984 – First civil suit filed against several MDC parties, by a family named Curry…asking $1 million in damages.

- Astrid Heppenstall Heger, MD, conducted medical examinations and took photos of what she interpreted as minute anal tears and fissures.

McMartin Daycare Case Timeline – Cont'd

- Bizarre allegations of satanic ritual abuse emerged; one child allegedly stated that Virginia McMartin was present when Ray Buckey committed the abusive acts.

- March 22, 1984, Virginia McMartin, Peggy McMartin Buckey, Ray Buckey, Peggy Ann Buckey, and teachers Mary Ann Jackson, Betty Raidor, and Babette Spitler were charged with 115 counts of child abuse, later expanded to 321 counts of child abuse involving 48 children.

- April 2, 1984 – LA Times reports reports rape, child pornography, and animal sacrifice details of allegation.

- April 12, 1984 – Children's Institute International begins massive fundraising efforts, requesting financial aid in help with the investigation. By 1989, over $11 million dollars are raised. Michelle Smith and Lawrence Pazder, M.D., later-discredited co-authors of "Michelle Remembers" were later brought in to interview the children. Critics assert that they further contaminated the children's testimony.

- May, 1984 – Indictment count reaches 208, involving 40 alleged victims.

- June, 1984 – Bail for Peggy Buckey set at $1 million. Ray Buckey is held without bail.

- July 12, 1984 – Federal grand jury is empaneled to begin an independent investigation.

- July, 1984 – 30 additional individuals are placed under investigation.

- August 8, 1984 – Prosecutor Lael Rubin announces that seven McMartin teachers committed 397 sexual crimes, in addition to the initial 115 for which they had been charged.

- December, 1984 – ABC "20/20" air a program on the McMartin Daycare case, adopting the prosecutor's views.

- March, 1985 – Group of nearly 50 McMartin parents, led by Bob Currie, begin searching and excavating the lot next to the school, looking for underground rooms. A few days later, the DA's office employs an archeological firm to dig. No evidence is found.

- March 6, 1985 – Judy Johnson is hospitalized for psychiatric reasons.

McMartin Daycare Case Timeline – Cont'd.

- September, 1985 - Questioning methodology came under suspicion, as well as remarkable procedural errors. Some prosecutors at the DA's office expressed concerns and doubts. However, 41 of the original 360 children eventually testified at the grand jury and pre-trial. Less than a dozen testified at the actual trial.

- Methodology came under high criticism by Dr. Michael Maloney, a British clinical psychologist, as well as other prominent authorities.

- January, 1986 – Testimony ends in preliminary hearings, led by Prosecutor was Lael Rubin. Preliminary hearing took over 20 months.

- January 17, 1986 – DA drops charges against 5 of the 7 indicted defendants. Ray Buckey (79 counts – later reduced to 59 counts) and Peggy Buckey (20 counts) are prosecuted.

- December, 1986 – Judy Johnson dies of alcohol poisoning.

- January, 1987 – It is discovered that DA Lael Rubin and her assistants withheld exculpatory evidence. Questions are also raised about Judy Johnson's mental illness.

- July 14, 1987 – Opening statements in first McMartin trial begin. The first child witness takes the stand in August.

- October 17, 1988 – The defense presents its case.

- December, 1988 – Ray Buckey's bail is reduced to $1.5 million.

- February, 1989 – Ray Buckey released on bail after spending 5 years in jail.

- May, 1989 – Peggy Buckey takes the stand in her own defense.

- July 28, 1989 – Ray Buckey takes the stand in his own defense.

McMartin Daycare Case Timeline – Cont'd.

- January 18, 1990 - Hung jury. Peggy Buckey is acquitted on all counts. Ray Buckey is hung on 13 of the 52 counts. Ray Buckey re-tried; again deadlocked. 7 of the jurors vote to acquit Ray Buckey on all charges. Case eventually closed.

- January, 1990 - Nine of the 11 jurors who appeared at a press conference stated they believed the children had been molested, but molestation had not been proved beyond a reasonable doubt.

- Responding to pressure from parents, DA Reiner announces he will re-try Ray Buckey on 8 counts involving three female victims.

- July 27, 1990 – Verdict reached in second McMartin trial. Jury hung on all counts, but favor acquittal by large margin.

- 1991 – The building which housed the McMartin Daycare Center is demolished.

- 1995 – Virginia McMartin dies at age 88. HBO aired a docu-drama called, "The Indictment," about the McMartin case, starring James Woods.

- In 2005, one of the children (then an adult) retracted the allegations of abuse in the following statement:

"Never did anyone do anything to me, and I never saw them doing anything. I said a lot of things that didn't happen. I lied. … Anytime I would give them an answer that they didn't like, they would ask again and encourage me to give them the answer they were looking for. … I felt uncomfortable and a little ashamed that I was being dishonest. But at the same time, being the type of person I was, whatever my parents wanted me to do, I would do."

The case lasted 7 years (including investigative, preliminary hearing, and trial phases), and the trial alone cost the taxpayers $15 million dollars.

The entire investigation and trial was contaminated with methodological errors, false conclusions, and credibility problems. "Bad technique" on the part of investigative, prosecutorial, and clinical personnel caused problems from Day One....not the least of which was the letter sent to the parents of McMartin Daycare children by Chief of Police Harry Kuhlmeyer, Manhattan Beach Police Department, at onset of the investigation. The letter read as follows:

Letter from the Chief of Police to the Parents of Children in McMartin Daycare – Manhattan Beach, CA – Dated September 8, 1983

"Dear Parent: This Department is conducting a criminal investigation involving child molestation (288 P.C.) Ray Buckey, an employee of Virginia McMartin's Pre-School, was arrested September 7, 1983 by this Department. The following procedure is obviously an unpleasant one, but to protect the rights of your children as well as the rights of the accused, this inquiry is necessary for a complete investigation. Records indicate that your child has been or is currently a student at the pre-school. We are asking your assistance in this continuing investigation. Please question your child to see if he or she has been a witness to any crime or if he or she has been a victim. Our investigation indicates that possible criminal acts include: oral sex, fondling of genitals, buttock or chest area, and sodomy, possibly committed under the pretense of "taking the child's temperature." Also photos may have been taken of children without their clothing. Any information from your child regarding having ever observed Ray Buckey to leave a classroom alone with a child during any nap period, or if they have ever observed Ray Buckey tie up a child, is important. Please complete the enclosed information form and return it to this Department in the enclosed stamped return envelope as soon as possible. We will contact you if circumstances dictate same. We ask you to please keep this investigation strictly confidential because of the nature of the charges and the highly emotional effect it could have on our community. Please do not discuss this investigation with anyone outside your immediate family. Do not contact or discuss the investigation with Raymond Buckey, any member of the accused defendant's family, or employees connected with the McMartin Pre-School."
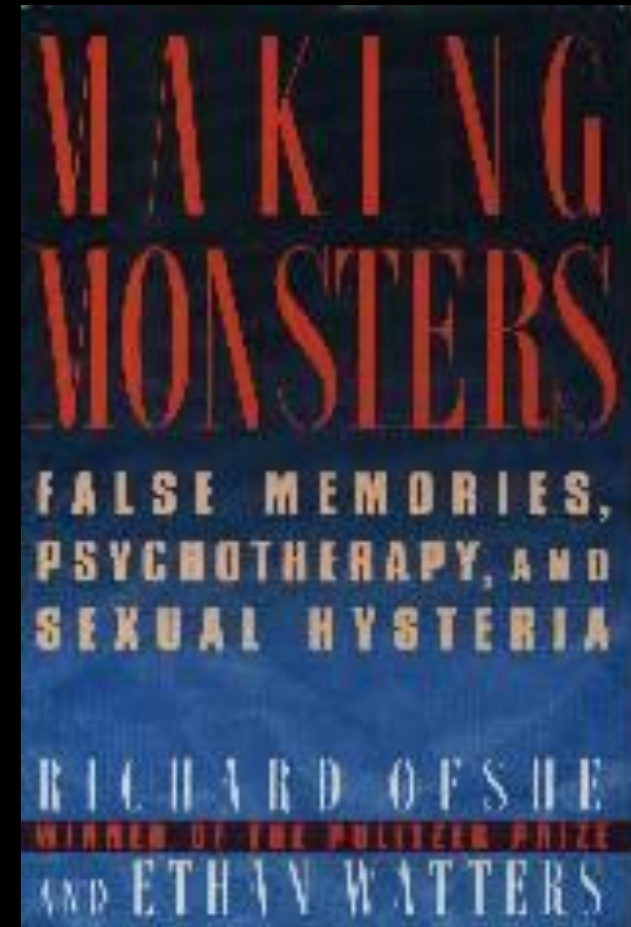
The Debate re: "False Memory Syndrome" Continues
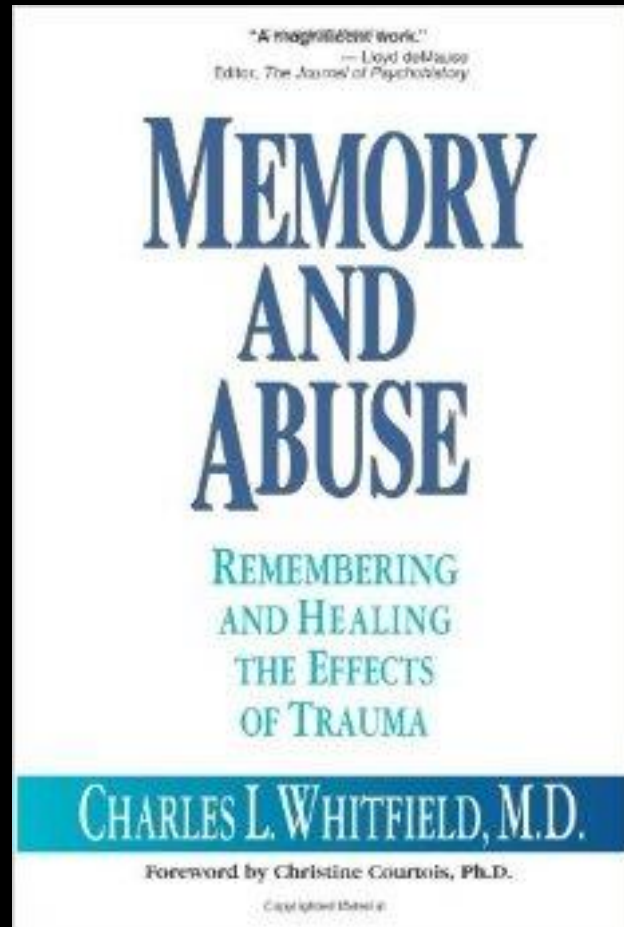
VERSUS

?

COGNITIVE INTERVIEWING
VERSUS
"GUIDED IMAGERY"

What NOT to Do – Part One
Law of Attraction / Guided Imagery

Cognitive Interviewing vs. Guided Imagery
(Johnson, 2014)

Cognitive Interviewing

- Recommended for interrogation or investigative interview

- Scientifically based

- Interrogator is "guide on the side"

- Interrogator facilitating suspect recalling an actual event

- Focuses on suspect recalling actual environmental specs (temperature, lighting, et cetera)

- Factual memory recall enhanced by reinstating historical context

- Lower risk of emotional trauma

- Locks suspect into offense by corroborating details

- Lower risk of false confessions

- Facilitates emotional admission

- Applicable to witnesses, victims, and suspects

Guided Imagery

- NOT recommended for interrogation or investigative interview

- Anecdotal efficacy, at best

- Interrogator is "sage on the stage"

- Interrogator telling a story

- Interrogator subjectively imposes environmental specs

- Stimulates suspect's imagination

- Hazards similar to those of hypnosis

- Higher level of suggestibility

- Likely to elicit false memories

- Higher risk of emotional trauma

- Higher risk of false confessions

- Creates platform for defense to argue validity of suspect's admission

- Evokes powerful emotions

- Never use with witnesses and victims

What NOT to Do – Part Two
Guided Imagery – Becoming Aware of Your Energy

COGNITIVE INTERVIEWING
VERSUS
HYPNOSIS

Forensic Hypnotism by Law Enforcement

Safeguards and Cautions in Using Forensic Hypnotism

- Pre-Session Interview is vitally important.
- **Relaxation is important part of preliminary** stage of hypnosis.
- Victims and Witnesses ONLY. Not suspects.
- Investigators directly involved in case or privy to case details should not conduct the hypnosis session.
- Sessions should be videotaped.
- Only one session per person.
- Hypnosis should be used ONLY as a last resort.
- Altered level of consciousness lends to increased suggestibility.
- Hypnotist must be thoroughly trained in issues related to preservation of testimonial evidence and investigative technique.
- Questions should be pre-prepared and scrutinized prior to hypnosis.
- Only should be done if approved by Prosecuting Attorney.
- Only formally trained/certified law enforcement personnel who are hypnotists should conduct session.
- Extreme caution should be taken. Defense are likely to argue tainting by the hypnosis process.

...Speaking of Hypnosis...
Food For Thought

- This article speaks of the utilization of hypnosis in the manufacturing of artificial memories...to be used in treating depression among survivors of childhood trauma.

- *"Christine Blasey Ford, a California woman who has accused Supreme Court nominee Brett Kavanaugh of attempted rape in the 1980's, co-authored an academic study that cited the use of hypnosis as a tool to retrieve memories in traumatized patients. The academic paper, entitled "Meditation With Yoga, Group Therapy With Hypnosis, and Psychoeducation for Long-Term Depressed Mood: A Randomized Pilot Trial," described the results of a study that tested the efficacy of certain treatments on 46 depressed individuals. The study was published by the Journal of Clinical Psychology in May 2008.*

- *While the paper by Ford and several other co-authors focused on whether various therapeutic techniques, including hypnosis, alleviate depression, it also discussed the therapeutic use of hypnosis to "assist in the retrieval of important memories" and to "create artificial situations" to assist in treatment."*

HYPNOSIS-ELICITED MANIFESTATION OF DISSOCIATIVE IDENTITY DISORDER

Dissociative Identity Disorder
(APA, 2013; Johnson & Bogan, 1988)

- *"Disruption of identity characterized by two or more distinct personality states, which may be described in some cultures as an experience of possession. The disruption in identity involves marked discontinuity in sense of self and sense of agency, accompanied by related alterations in affect, behavior, consciousness, memory, perception, cognition, and/or sensory-motor functioning. These signs and symptoms may be observed by others or reported by the individual."*

- Recurrent gaps in recall of everyday events.

- Memory gaps inconsistent with normal "forgetting."

- Symptoms cause high degree of distress and disruption of life functions (social, occupational, relationships).

- Formerly referred to as "Multiple Personality Disorder."

- Highly controversial diagnosis.

- Authentic cases are probably very rare.

- Allegedly-high incidence of false diagnosis.

- Often mimicked by persons suffering from Borderline Personality Disorder.

- DID and BPD have common etiology: often childhood history of traumatic abuse.

- Real or fake, DID is a coping mechanism.

- A "highly entertaining" disorder.

Alleged Dissociative Identity Disorder
Trudi – Suffering from a Factitious Disorder, Created by Her Therapist?

Danger Signs Which May Point to a Factitious Mis-Diagnosis of Dissociative Identity Disorder

- Prior and/or concurrent diagnosis of Borderline Personality Disorder.
- Manifestation of BPD signs and symptoms in relationship with therapist.
- DID symptoms and overt signs first manifest in therapy.
- Therapist "specializes" in Dissociative Identity Disorder.
- Unusually-high susceptibility to hypnosis.
- Symptoms and signs manifested during hypnosis.
- Patient is aware of most or all of his/her "alters."
- Easy, "on command" retrieval of various alters.
- New alters manifest themselves when there is progress in alter integration.
- DID symptoms and overt signs first manifest during group therapy with other DID sufferers.
- Patient has thoroughly researched Dissociative Identity Disorder.
- Extended therapy where Therapist takes acute interest in this particular case, over and above other patients or clients with "garden variety" disorders.

COGNITIVE INTERVIEWING
CHILD VICTIMS AND WITNESSES

Cognitive Interviewing of Children

- Generally: 20-35% more information recalled with CI than without.

- 7-12 year-olds: 21% more information recalled with CI than without.

- Children more likely to make errors and confabulate than adults.

- Open-ended questions most effective with children.

- Research into CI of children is ongoing.

Children
(Fisher & Geiselman, 1992; Johnson, 2006)

- Children are more uncomfortable in presence of adults they do not know.
- Encourage child to speak without being interrupted, at least at first.
- Be cautious of child fabricating information to please the Interviewer.
- Their verbal skills are more limited.
- Children's roles in the interview are more easily influenced by Interviewer's behavior.
- Due to shorter attention spans, watch for signs of restlessness and loss of concentration. Segment CI into shorter intervals.
- Special precautions need to be taken to ensure that adults present (e.g. parents, guardians, et cetera) do not detract from the interview process ("Out of sight/out of mind").

Cognitive Interviewing of Children
General Guidelines and Principles
(Fischer & McCauley, 1991); Koehnken, 1995)

- Role of Interviewer is to facilitate the process of information retrieval.
- Sequence of questions should be adjusted to focus on retrieval of information.
- Interviewer should sit naturally, leaning toward the child.
- Interviewer should express friendliness and support.
- Frequent eye contact okay….but do not stare at the child.
- Speak slowly, use short sentences, and make pauses between sentences.
- Para-linguistic affirmations should be utilized to encourage the child.
- DO NOT use evaluative terms such as *"That's right!"*
- Interviewer should praise the child's efforts to remember and assist.
- Interviewer should avoid rapid movements or chaotic style of speaking.
- Interviewer should NOT interrupt the child.
- Interviewer should allow breaks.
- Interview should proceed at a slow person.
- Activate imaginative pictures (or representations).
- The Cognitive Interview is not based upon questions prepared in advance.

Cognitive Interviewing of Children
Phases
(Koenhken, 1995)

- Personalize the interview and establish rapport.

- Explain the goals of the interview.

- Importance of recalling details is emphasized.

- Reinstatement of context of the event.

- Ask the child to listen to instructions carefully.

- Give the child enough time to reinstate the event.

- Ask questions.
  - Ask questions slowly; make intentional pauses.
  - Ask one question at a time.

- Do not continue the interview before the child re-establishes the context.

- Begin the process by obtaining a "free account" of what happened.

If the Child Quits Talking

- Be patient and quiet…even if pauses are long.

- Re-encourage a "free account."

- *"Do you remember anything else?"*….then pause several more seconds.

Types of Question = Potential Problems or Challenges

- Open-Ended = May result in more elaborate or extensive answers.
- Close-Ended = Requires a precise answer.
- Multiple Choice = Limiting / Demands a choice.
- Complex = Contains many auxiliary questions. Mistakes likely.
- Grammatically-Complex Questions = Confusing and difficult to comprehend.
- Suggestive Questions = The answer is suggested; therefore, "leading."

Children and "Imaginative Pictures"
(Koehnken, 1995)

- When the Interviewer asks questions, it facilitates pictures to emerge in the child's consciousness.

- If the next question concerns the same picture, the child will continue to use the same picture.

- If, however, the next question concerns another imaginative representation, the first representation will be abandoned, and the child will go on to another picture.

- Each transition involves a memory scan interruption and requires mental effort.

- Therefore hopping from representation to representation may sacrifice quality, logical cohesion, and completeness in the process of memory retrieval.

- BOTTOM LINE: Asking questions in a way that minimizes transition from one imaginative representation to another

Facilitative Technique With Children
(Koehnken, 1995)

- Begin by reinstating the original representation, and exhausting questioning re: that particular detail prior to moving to the next.

- Repeatedly ask questions which minimize premature transition to another representation.

- Activate imaginative pictures within context of a particular, finite period of time.

- Reconstruct the child's representation as accurately, and with as much detail, as possible.

- To do so, use the child's original vocabulary.

- Begin with open-ended question that allows for an exhaustive answer.

- Ask the child to recall as many details as possible.

- Ask questions slowly and considerately.

- ASK ONLY RELEVANT QUESTIONS. Does not stray.

- Ask one question at a time.

- Continue to narrow until finite until the subject is exhausted.

- If the child doesn't answer, rephrase the question.

REMEMBER: Closure is particularly important to the child.

Retrieval Methods That Work Best with Children
(Koehnken, 1995)

- Reinstating the Context.

- Eliciting a Spontaneous Account (complemented with specific questions).

NOTE: Reverse Sequence Method may work well with older youth (adolescents). The Changed Perspective method does not work well with children or youth.

DECIDING ON COGNITIVE INTERVIEW METHODOLOGY

Application of Cognitive Interviewing Methods

- **Mental Reinstatement Method.**
  - Highly recommended in interviewing victims and witnesses.
- **Multi-Perspective Reporting Method.**
  - Use with CAUTION when working with victims and survivors. Usually should be avoided.
  - Valuable method when dealing with suspects, especially sexual offenders.
- **Variable Order Narrative Method.**
  - Effective in Interrogation in Determining Truthfulness.
- **Detail Reporting Method.**
  - Highly recommended in interviewing victims and witnesses.

Think Aloud Versus Verbal Probing
(Willis, 1999)

Think Aloud

- Subjects are explicitly instructed to "think aloud."
- Interviewer documents answers and how the out-loud thought processes worked.
- "Try to visualize the room you were in, and think about the number of windows in the room. As you count the windows, tell me what you are seeing and thinking."

Verbal Probing

- After Interviewer asks question, the subject answers, and the interviewer then asks for other specific relevant information.
- Nature and extent of probing is based upon the response.
- Types: Comprehension/Interpretation; Paraphrasing; Confidence Judgment; Recall; Specific; and General Probes.
- Approaches: Concurrent and retrospective.

Advantages of Think Aloud Versus Verbal Probing
(Willis, 1999)

Think Aloud

- Free from Interviewer-imposed bias.
- Minimal training required for Interviewer.
- Open-ended format.

Verbal Probing

- Control of interview: Interchange is largely controlled by interviewer.
- Interviewer can focus on particular areas.
- Easy to train subject to participate in the interview.

Disadvantages of Think Aloud Versus Verbal Probing
(Willis, 1999)

Think Aloud

- Need for subject training.
- Subject resistance.
- Burden on subject.
- Tendency for subject to stray from task.
- Bias in subject information processing.

Verbal Probing

- Artificiality is suspected, if finesse is not used in Interviewer's technique.
- Potential for bias.

SCHEDULING STRATEGIES

Scheduling Pre-Interviews and Cognitive Interviews
(Shafer & Lohse, 2014)

- If possible, schedule pre-interview and cognitive back-to-back...same day.

- This is less stressful and burdensome on the subject.

- If not possible to interview back-to-back, schedule both for within 1-2 days.

- Allow for enough time to avoid being rushed. Allow for at least 1-2 hours for the Cognitive Interview itself.

- Be well-rested and prepared; encourage subject to do the same.

PREPARATION FOR THE COGNITIVE INTERVIEW

Preparing for Cognitive Interview

- Questions to be asked.
- Setting.
- Materials to be used.
  - Drawing/writing instruments.
  - Consent forms, if applicable.
  - Recording devices.
  - Visual aids.
- Subject.
- Self.
- Homework.
- Scheduling.
- Brief Supervisor if done at headquarters.
- Person documenting the interview.

INTERVIEWING DYNAMICS, GUIDELINES, AND STRATEGIES

Cognitive Interview Dynamics
(Fisher & Geiselman, 1992)

- The Interviewer / Eye-Witness relationship is interactive and dynamic.
- Both the Interviewer and Eye-Witness can alter each other's behavior.
- Interviewer's demeanor influences Eye-Witness's participation in interview.
- Both the Interviewer and Eye-Witness have their own needs and goals.
- The Eye-Witness's level and quality of cooperation increases or decreases in direct proportion to the Interviewer's demeanor, and measures taken to instill empowerment, comfort, and confidence in the Eye-Witness.
- It is vitally important that Eye-Witnesses be interviewed individually, and not in the presence of other witnesses....and if possible, outside of the presence of other third parties.
- If third parties MUST be present (e.g. parents, victim advocates, et cetera), it is important that they be instructed to not distract the Eye-Witness, and also to remain "out of sight/out of mind."

Shared Control of the Interview Facilitates Disclosure

The more the Eye-Witness is allowed to engage in narrative answering, the more likely he/she will feel that control of the interview is being shared with the Interviewer.

Interviewing Guidelines and Strategies

- Begin with a "warm-up question" (e.g. describing room at home; # of windows, et cetera).
- Try to work at subject's comfort level; be sensitive to distraction, exhaustion, anxiety, conflicts, et cetera.
- Allow ample time for interview, but don't extend it beyond subject's comfort level.
- Use non-verbal and para-linguistic "encouragements" and positive reinforcements during the procedure.
- Avoid roadblocks to communication; use rapport/trust-building strategies.
- Use open-ended questions; probe gently, but thoroughly.
- Be sensitive as to how subject relates to experiences and opinions: does he/she "think," "Feel," or "Believe?"
- If possible, utilize a third-party to take notes…out of sight and out of mind of subject.
- Assure the Eye-Witness that as much time as is necessary will be devoted to the interview.
- Encourage the Eye-Witness to be as detailed and explicit as possible.
- Afterward, debrief with the note-taker.

Important!

Be a
"Guide on the Side,"
NOT a
"Sage on the Stage."

Cognitive Interviewing is **NOT** Done Via a Rigid Recipe

It MUST Be Highly Interactive, Responsive, and Spontaneous.

Importance of Semblance of Control
(Fisher & Geiselman, 1992)

By allowing the Eye-Witness to do most of the talking, the Interviewer supports the impression that the Eye-Witness is controlling the direction of the interview.

This facilitates better and more-thorough disclosure.

In fact, in a properly-facilitated cognitive interview, the Interviewer always maintains control.

The Eye Witness has the information. It is important to convey the central role he/she plays in the interview, and the importance of taking an active role in the process.

More About Personalizing the Interview
(Fisher & Geiselman, 1992; Johnson, 2014)

- Take care of distractors before the interview begins. Give the Eye Witness your undivided attention.

- Be personable.

- Be willing to self-disclose "human details" which do not compromise the Interviewer's security. BE HUMAN!

- *"My name is _____ . Please feel free to call me _____ if you wish to . I work here as a _____."*

- Remember: The Eye-Witness is an individual with his/her own particular set of needs. Identify and address those needs.

- LISTEN!

- Avoid "Legalese" and other inhibiting language traits.

- Communicate EMPATHY. AVOID communicating SYMPATHY.

Relative versus Absolute Judgments / Recognition versus Recall
(Fisher & Geiselman, 1992)

- Memory elicited by reference are typically more complete and accurate than memories stemming from shear recall.

- Therefore , eye-witnesses tend to recognize objects better than they recall them.

- Provide a concrete reference point to facilitate comparison.

- Consider using color swatches and charts, and/or texture samples as reference prompts; Also, pictures of various firearms, knives, automobiles, et cetera.

- If the interviewer is providing alternatives, it is important to provide all possible alternatives, rather than a small number.

Sometimes Eye-Witnesses Do Not Disclose Because
(Fisher & Geiselman, 1992; Johnson & Bogan, 1986, 1996)

- *They do not believe the particular information is important or relevant.*
  - *Therefore, encourage them to be as detailed as possible, stating that even minor or irrelevant details may sometimes link up with other pieces of information, and therefore become significant.*
- *They do not understand the technical details surrounding the piece of information.*
  - *Therefore, the interviewer should provide as much detail as possible explaining the circumstances or context of the information to be recalled.*
- *The question is asked out of context or in illogical context/sequence.*
- *Therefore, the interviewer should carefully plan the sequence of interview questions.*
- *Shame, embarrassment, or fear.*
- *Therefore, the interviewer should make every possible effort to avoid any "blaming or shaming" terminology, and offer appropriate assurances.*

Pace and Timing of Questions
(Fisher & Geiselman, 1992; Johnson, 2006; Johnson & Bogan, 1986)

- Quality of responses are affected by the wording of the question, pace, timing, and other issues relevant to delivery.

- Rapid-fire, staccato style of question-asking usually elicits poor, even problematic, responses. They cause shifts to superficial memory which may not be accurate, and which cause disruption of recall.

- Rapid-fire questions also limit the amount of time the Eye-Witness has to respond, therefore stunting disclosure.

- Rapid-fire question can also affect extent and quality of questions asked later on in the interview. They cause the Eye-Witness to keep gravitating toward superficial recall memory banks.

- Extended pauses, silence, and encouraging para-linguistic and non-verbal communication strategies will have positive effect upon quality and extent of disclosure. Brief encouragements, such as "good....keep going..." may be employed, if extended silence seems awkward.

- Interruption by the Interviewer should be avoided.

Tone of Voice
(Fisher & Geiselman, 1992; Johnson & Bogan, 1986)

- Authoritarian tones tend to cause the Eye-Witness to take a more passive role.

- Relaxed, even tones tend to encourage the Eye-Witness to disclose more, and to take a more active, voluntary role in the interview.

- Elevated vocal volume can be distracting, disrupting, and discouraging...and to sound authoritarian and/or punitive.

- Volume should be easily audible, but not too loud/not too soft.

- Interviewers should listen to their own recorded interview speech patterns and tendencies, in order to identify problem areas, and improve delivery.

- Investigators are sometimes uncomfortable (initially) with taking a supportive, "counselor-type" tone.

Modeling the Desired Behavior in Interviews

If the Interviewer has "done his job" properly, the Eye-Witness will be susceptible to positive influence in the form of modeling the desired behavior. For example, a calming and assuring tone of voice, relaxed pace, unrushed tempo, et cetera, will often aid an Eye-Witness in self-controlling his/her excited utterance.

Recording and Taking Notes
(Fisher & Geiselman, 1992; Johnson, 2014, 2014a, 2014b, 2014c)

- If at all possible, tape record and videotape the cognitive interviews, as well as pre-interviews.

- Test equipment ahead of time. If battery-operated equipment is used, have spare batteries on hand.

- ALWAYS document case #, date, time, and location of interview, name of person being interviewed, et cetera.

- If using a cassette or micro-cassette tape, make sure there is more than enough tape to include the entire interview.

- Explain the purpose of the notes.

- Don't write immediately during shame-based or embarrassing disclosures.

- If possible, have a third party take notes…out of sight, out of mind.

- If the Interviewer is making notes: ask for permission.

- Be as "low profile" as possible.

- Don't write a book. Take prompting crib notes.

- If the Eye-Witness is quoting someone (e.g. the Suspect), state, *"If you don't mind, I'd like to write that down word for word, for my report."*

- *Cryptic, abbreviated notes should be converted to narrative notes a.s.a.p., in order to avoid loss of recall.*

- *Ask the eye-witness if it is okay, if necessary, to contact them for further clarification later on.*

More Than One Way to Skin a Cat – Part One
(Example: Brief Glance at License Plate)
(Fisher & Geiselman, 1992)

- What color was the license plate?

- What color were the letters?

- Were the letters dark on a light background, or light on a dark background?

- Were there any pictures on the license plate?

- Was the sequence composed mainly of digits?

- Were the letters consonants?

- Did any or all of the letters spell a word?

- Did any of the digits have a circular shape?

- Were any of the digits close to a number significant to you or anyone you know?

- Did any of the digits or letters have more than one syllable?

More Than One Way to Skin a Cat – Part Two
(Example: Recalling Names – Event-Free Properties)
(Fisher & Geiselman, 1992)

- Frequency.
- Ethnicity / Nationality.
- Length.
- Stress Patterns of Syllables.
- Beginning Letter.
- Speaker's Voice When He Said the Name.
- Visual Pattern – Handwriting.
- Relation with Other Names – Were any other names mentioned?
- Similarity to Other Names.
- Affiliation – Did the name sound similar to other name?
- Pleasantness – Did the name sound pleasant or not?

More Than One Way to Skin a Cat – Part Three
(Example: Recalling Number/Letter Sequences)
(Fisher & Geiselman, 1992)

- Length = How many characters in the sequence?

- Order = Were characters in descending or ascending order?

- Mixture = Numbers only? Letters only? Mixture?

- Repetition = Were any of the characters repeated?

- Odd/Even = Were the numbers mainly odd or even numbers?

- Magnitude = Were the numbers large or small?

- Letter Type = Mainly vowels or consonants?

- Pronounceability = Were letter groups pronouncable?

- Meaningfulness = Form a word or portion of a word?

Using Reference Points to Estimate Time of Event
(Johnson, 2006)

- Ambient light.
- Ambient temperature and other weather features.
- Before or after a significant date (e.g. birthday, holiday, et cetera).
- Before or after graduation, promotion, transfer, et cetera.
- Wardrobe changes.
- Removal or growth of facial hair / hair length, et cetera.
- Before, during, or after certain radio or television programs.
- Before or after movie release dates.
- Reruns or episodes of television programs.
- Politicians' terms of office.

CONSTRUCTING AND ORGANIZING QUESTIONS AND INTERVIEW FLOW

Eliciting Descriptions
(Fisher & Geiselman, 1992)

- Facial features: Start with the top of the head, and proceed downward, toward chin.

- Try to rely upon open questions as much as possible, and to not ask leading questions. E.g. "Do you remember if he had any hair? What color was it? How long was it? How was it styled?" NOT: "Did he have brown hair?"

- Ask, *"What was the MOST distinctive feature about the suspect's appearance?"*

- If the eye-witness describes emotion or physical features in subjective terms, ask to elaborate in objective terms. E.g. "What was it about the suspect that made you think he was angry?"

- When possible and appropriate, use comparison frames of reference to establish measurement of height, weight, build, age, et cetera.

Wording Questions
(Fisher & Geiselman, 1992; Johnson, 2006; Johnson & Bogan, 1986)

- Be careful to avoid using definite articles (e.g. "the") which may imply or lead. Use indefinite articles (e.g. "a").

- Avoid adjectives or adverbs which may be leading.

- Ask for descriptors with nouns, rather than adjectives or adverbs (e.g. *"What was the assailant's height?"* Rather than *"How tall was the assailant?"*

- Leading questions, no matter how subtle, can redirect and skew the interview.

- Leading questions can affect how the Eye-Witness retrieves the information.

- Be cautious with asking insightful questions (or especially, making statements) which may be leading.

- Avoid negative questions *("You don't remember _____, do you?").*

- Ask simple questions, not compound or grammatically-complicated questions.

- Don't ask jargon-laden or "technical" questions.

Closed versus Open Questions
(Fisher & Geiselman, 1992; Hilgard & Loftus, 1979; Johnson, 2006; Johnson & Bogan, 1986)

- Closed-ended questions elicit narrowly-defined responses.

- Open-ended questions elicit broader-spectrum, more elaborate responses.

- Each type has its advantages and disadvantages, and should be used strategically.

- Unwanted "pontification" can be controlled by closed-ended questions, as well as giving Eye-Witness opportunity to "vent" early in interview, before information-gathering questions are initiated.

- Increased disclosure can be encouraged by open-ended questions.

- Closed-ended questions have greater chance of eliciting false information.

- Closed-ended questions increase likelihood that possibly-important, idiosyncratic information will go unreported.

- Open-ended questions may be followed up with closed-ended questions, to hone in on specific detail.

- Neither should EVER be "leading" questions, however.

Interview Question Flow Strategy

Narrative → Open-Ended Questions → Defining Closed-Ended Questions

Witness-Compatible Questioning
(Fisher & Geiselman, 1992)

- Draw upon individual witness' expertise, especially for portal questioning utilized to "prime the pump."

- Focus upon noticeable characteristics MAY be gender-driven.

- IMPORTANT: Individualize the question flow to cater to the witness' perspective.

- Ask the witness to describe the mental images he/she has of the crime, the suspect, the crime scene, et cetera.

- Listen carefully, and try to infer the witness' mental images and perspective.

- Direct questioning toward or away from item focused upon (e.g. weapon, face, et cetera).

- If multiple stationary perspectives were viewed by the Eye-Witness, ask him/her to describe what they say, heard, or felt from each perspective.

Question Order
(Fisher & Geiselman, 1992)

- Order the question to focus on the most detailed image being recalled.

- Establish momentum by ordering the question so that it can be answered in context to the image currently held in consciousness.

- Do not bounce back and forth from perspective to perspective in question order (e.g. running away; frontal; running away, et cetera).

- Exhaust each perspective before moving to another perspective.

- Don't disrupt general knowledge questions with specific detail questions, and vice versa.

- Develop a global probing strategy consistent with the principles of detail and momentum.

Probing Strategies
(Fisher & Geiselman, 1992)

- Identify which images should be evoked? What details should be extracted with each question? In what order should the images be probed?

- Probing strategies may be decided upon by carefully listening to the Eye-Witness' narrative, thereby determining their individual perspective.

- Evocation involves activating and probing each image.

- The initial images to be activated and probed are the ones most relevant to the crime…progressing to the less important images.

- If an image is relevant to multiple perspectives, they variable-perspective images should not be explored consecutively.

- Each perspective should be exhausted before to moving to another perspective.

Probing Image Codes
(Fisher & Geiselman, 1992)

- Have Eye-Witness close eyes and concentrate on the evoked mental image.

- Activate the image by faithfully recreating the mental image earlier-shared by the Eye-Witness, using the Eye-Witness' wording.

- Ask the Eye-Witness to *"generate in her mind"* (NOT "imagine") a detailed image of the scene. BE QUIET during this process.

- DO NOT immediately probe the image once it is evoked.

- When probing is appropriate, use soft, even voice, slow tempo, framed around images relevant to the investigation, and utilize open-ended questions.

- Also, explicitly request that the Eye-Witness elaborate on detail.

Follow-Up Probing
(Fisher & Geiselman, 1992)

- Re-probing for missing details should be done immediately, within each perspective context....prior to moving on to the next perspective.

- *"I'd like you to focus on _____...please picture again what the _____ looked like. Now, tell me as much as you can about the _____."*

- When probing, focus on one end of the image and proceed in a single direction.

- Make notes of any details that should be re-probed from a different perspective, then go back once the initial perspective-driven probing is completed.

- Sometimes totally new information emerge. Explore them. However, this is not the primary goal of re-probing.

Probing Concept Codes
(Fisher & Geiselman, 1992)

- Undetailed, global information lies in concept codes.

- Exploring physical characteristics, abstract ideas, explanations, personality traits, et cetera, may not require detailed probing. These types of information are often more easily remembered.

- Associations and comparisons may be explored in this realm, as well. E.g. Suspect's physical similarity to another person.

- In exploring explanations (e.g. motive, et cetera), Multiple Perspective Reporting Method may be appropriate.

- Be cautious in evoking multiple perspectives, due to risk of transference-led sympathy or allegiance to suspect being reinforced.

Cognitive Interview Sequence
(Fisher & Geiselman, 1992)

- Introduction / Establishing Rapport / Develop Social Dynamics Necessary for Cognitive Interview / Manage Eye-Witness Anxiety / Generically Explaining Cognitive Interviewing Process / Preparatory Instructions / Pre-Interview to Determine Method to be Utilized / Appointment Made for Cognitive Interview.

- Preparation: Questions / Setting / Equipment / Assistants.

A
- Re-Cap of Introduction / Explanation of CI Process / Give Recall Example / Further Deal with Anxiety, If Necessary.

B
- Open-Ended Narration / Inference of Overall Representation of the Event / Developing Efficient Probing Strategies.

C
- Probing Memory Codes / Information gathering / Guiding Through Richest Sources of Knowledge.

D
- Review / Review of Recorded Information / Providing Additional Opportunity to Recall.

E
- Closing the Interview / Conclusion of Police Business / Suggestions to Facilitate Further Recollection / Establish Positive Attitude in Eye-Witness.

F
- Follow-Up / Re-Contact, If Necessary / Exercising Open-Door Policy..

STEP ONE: Initial Introductory Process
(Fisher & Geiselman, 1992)

- Purpose.
  - Introduction.
  - Establishing Rapport.
  - Develop Social Dynamics Necessary for Cognitive Interview.
  - Manage Eye-Witness Anxiety.

- Steps.
  - Personal Introduction.
  - Generically Explaining Cognitive Interviewing Process.
  - Preparatory Instructions.
  - Pre-Interview to Determine Method to be Utilized.
  - Appointment Made for Cognitive Interview.

STEP TWO: Preparation
(Fisher & Geiselman, 1992)

- **Purpose.**
  - To make sure CI is uninterrupted and successful.

- **Steps.**
  - Questions.
  - Setting.
  - Equipment.
  - Assistants.

STEP THREE: Introduction – Day of Interview
(Fisher & Geiselman, 1992)

- Purpose.
  - To initiate the Cognitive Interview process.

- Steps.
  - Explanation.
  - Recall sample.
  - Deal with anxiety and reservations.

STEP FOUR: Open-Ended Narrative
(Fisher & Geiselman, 1992)

- **Purpose.**
  - To draw an inference of overall representation of event.

- **Steps.**
  - Recreate the general context.
  - Request the narrative.
  - Identify target areas to probe and uninformative disclosure.
  - Watch for re-emergence of anxiety.
  - Determine the Eye-Witness' representation.
  - Make note of the Eye-Witness' images.
  - Decide upon probing strategies and retrieval method(s).

STEP FIVE: Probing Memory Codes
(Fisher & Geiselman, 1992)

- **Purpose.**
  - Information gathering.
  - Guiding through richest sources of knowledge.

- **Steps.**
  - Probing.
  - Probing remaining images.
  - Re-Probing images activated earlier.
  - Probing concept codes.

STEP SIX: Review
(Fisher & Geiselman, 1992)

- Purpose.
  - Review recorded information.
  - Provide additional opportunities to recall.

- Steps.
  - Repeat relevant information back to Eye-Witness.
  - Check accuracy of notes, based on feedback by Eye-Witness.
  - If new information emerges, explore it.

STEP SEVEN: Closing the Interview
(Fisher & Geiselman, 1992)

- **Purpose.**
  - Conclusion of police business.

- **Steps.**
  - Summary.
  - Suggestions to facilitate further recollection.
  - Thank you and acknowledgement.
  - Establish open-door policy.
  - Positive note.

STEP EIGHT: Follow-Up
(Fisher & Geiselman, 1992)

- Purpose.
  - Facilitate receipt of additional information.
- Steps.
  - Re-contact, If Necessary.
  - Exercise open-door policy.

LET'S CLASSIFY AND CRITIQUE THESE STATEMENTS / QUESTIONS

- *"Tina, can you tell me what you're thinking about right now?"*
- *"Can you tell me about what happened that day, starting with when you woke up?"*
- *"It looks like you're trying to think of the right thing to say. There are no right or wrong answers to that question, so it's okay to relax."*
- "Please do something for me. Close your eyes for just a moment and think back to being in that room. Was it dark or was it bright?
- *"How was the room lit up?" "Was the sun still up?" "Was it warm or was it cold?"*
- "So it was warm in the room, but really cold outside. How did you know it was cold outside?"
- *"So when you went to the window to look out, what did the window look like?"*
- "Did you do something to clear a spot to look out?"
- *"What did the glass feel like on your fingertip. Was it warm or cold?"*
- "So after you opened the window, was the wind blowing?"
- *"Could you smell anything?"*
- "Could you hear anything before you opened the window? How about after?"

"What did you hear next?"

"When the door opened, did you shut the window or leave it open?"

"Once you put the blindfold back on, like he told you, did you hear the floor creaking as he walked across the room?"

" Did you hear anything in the other room?"

"How many voices did you hear?"

"Can you describe the voices?"

"Did any of the men call someone by name?"

"What noises did you hear next?"

"When he moved up behind you and came close to you, could you feel his presence?"

"What did his breath smell like?"

"Could you smell any other smells?"

OVERCOMING CHALLENGES

Environmental Distractions

- Radios.
- Cell phones (Interviewer's and Eye-Witness')
- People entering / exiting room.
- Third-party input.
- Décor.
- Ambient noises.
- Eye contact.
- Closed- versus open-ended questions.
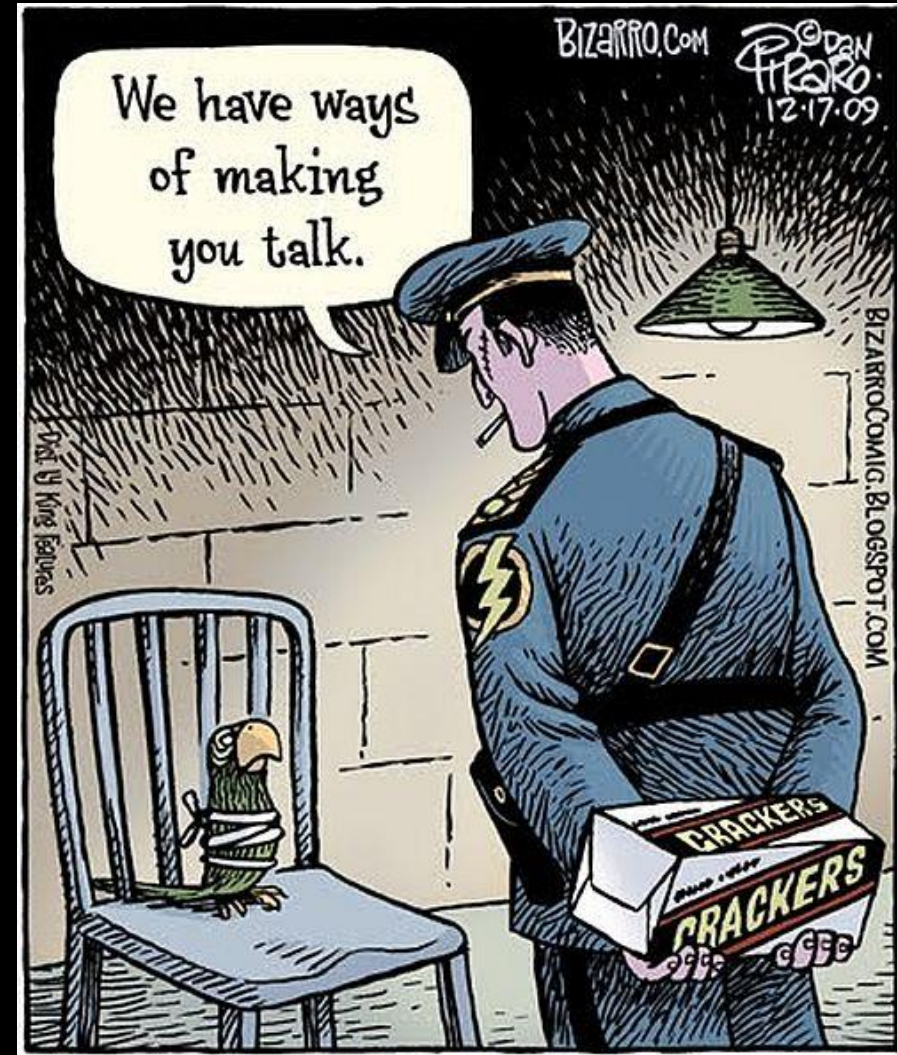- Interrupting statements.
- Other outside interruptions.

Potentially-Inhibiting or -Distracting Environments

- Police Stations and Sheriff's Offices.
- School.
- Crime Scene.
- High-Distraction Areas.
- Eye-Witness Residence.
- Eye-Witness Workplace.
- Areas Observed by Public.
- Where Significant-Others are Present.
- Any Place Where Eye-Witness or Interviewer May Be Interrupted.
- Jails.
- Telephone.
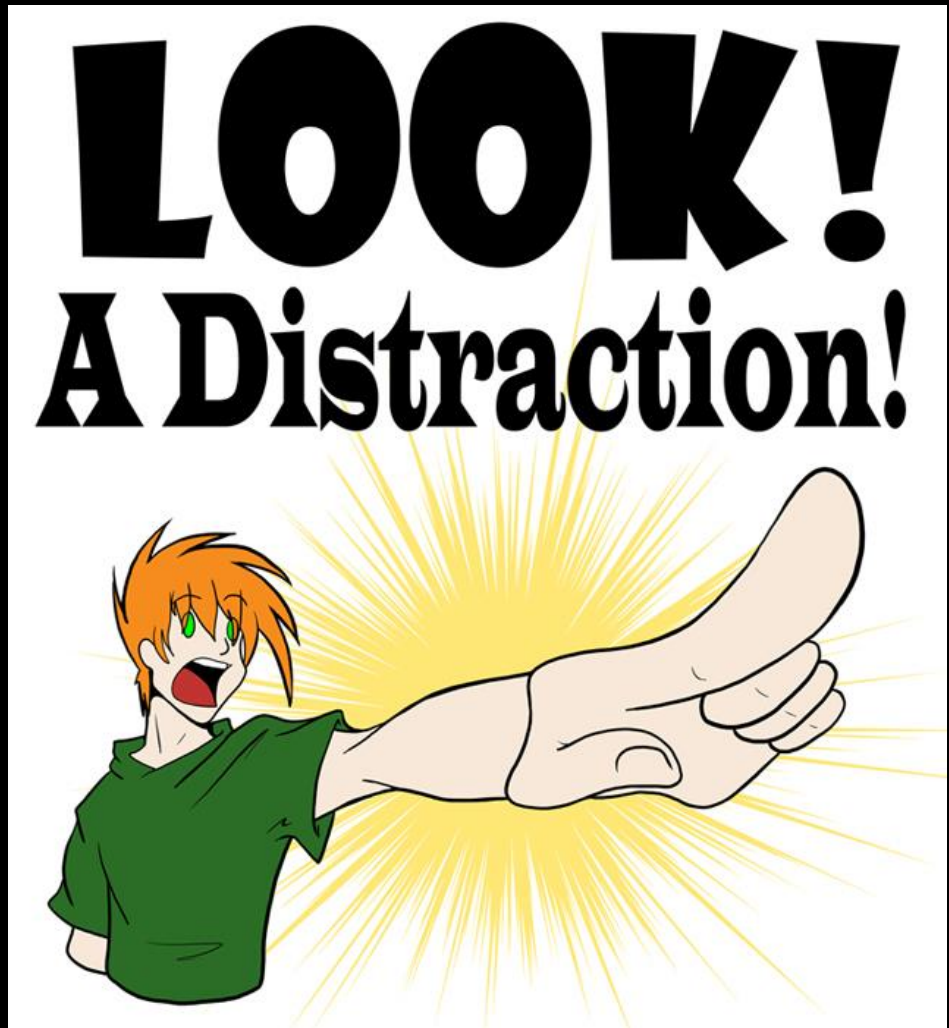
Breaking Down Victim/Witness Resistance

- Videotape Perpetrator / play strategic portions for Victim.

- Apologize on behalf of prior adverse/ridiculing contact with law enforcement.

- Be fair, firm, and honest. Never compromise ethics.

- Don't make a promise you can't keep / Keep all promises made.

- Extend dignity and respect.

About Contradictory or Doubted Statements

- Delay direct confrontation until main part of Cognitive Interview is concluded.

- Explain "need to clarify" or to resolve "confusing" statements.

- Sometimes, clarity is reached by spontaneous explanations by the person being interviewed, or be details given.

- Pre-conceived doubts and suspicions are often conveyed through non-verbal and paralinguistic indicators. These can inhibit further disclosure.

- In the context of interrogation, however, those indicators may be appropriate. Use caution.

Overcoming Eye-Witness Anxiety
(Fisher & Geiselman, 1992; Johnson & Bogan, 1986, 1996)

- Important: Address anxiety immediately and effectively.

- Anxiety can adversely affect perception.

- Empathize and address the obvious or suspected anxiety and fear.

- Point out that such anxiety and fear is normal.

- Consider asking the Eye-Witness to frame the recollection as a third-party would report the incident.

- Breathing affects anxiety level. Controlled breathing can alleviate or reduce anxiety (inhaling through nose; exhaling through mouth).

- Use vocal methods to de-escalate Eye-Witness.

Overcoming Suppression of Information
(Fisher & Geiselman, 1992; Johnson & Bogan, 1986, 1996)

- Do not challenge inconsistencies prematurely (e.g. during "free thought flow" portions of the CI).

- Encourage Eye-Witness to disclose information as soon as they think of it.

- Encourage Eye-Witness to provide as much detail as possible, no matter how seemingly trivial the information may seem.

- Carefully encourage Eye-Witness to not speculate or fabricate information, but to share what they factually recall.

- Use para-linguistic and non-verbal communication skills to positively-reinforce disclosure.

Abused Victims
(Johnson, 2006, 2014, 2014a, 2014b; Johnson & Bogan, 1986, 1988)

- Establishing trust and rapport particularly important, as is timing and setting.

- Be especially cognizant of proxemics, physical boundaries, et cetera.

- As much as possible, give Abused Victims opportunity to make choices.

- Watch for, and address, S/S of abuse, PTSD, BSS, et cetera.

- Be especially aware of inhibitors, such as environment, persons present, shame-based co-morbidity factors, et cetera.

- Be very cautious with Multi-Perspective Reporting Method.

- Watch for indicators of Stockholm Syndrome Types I, II, and III.

Intoxicated Witnesses
(Fisher & Geiselman, 1992; Johnson & Bogan, 1986)

- Avoid, if possible, until not intoxicated.

- They have problems organizing coherent responses.

- Focus on specific subjects.

- Provide as much structure as possible.

- Consider re-interviewing once the eye-witness has become sober.

Non-Native English Speakers
(Fisher & Geiselman, 1992)

- Be sensitive to inferences which are affected by cultural differences.

- Some cultures consider certain acts, gestures, et cetera, as rude.

- Be specific when establishing facts and observations.

- Be cautious re: eye-witness acknowledging understanding of statements made by Interviewer.

When Multiple Interviews With an Eye-Witness is Needed
(Fisher & Geiselman, 1992)

- Lack of motivation on part of Eye-Witness may be a barrier.

- Multiple-Perspective Method is a good alternative method.

- Eye-Witnesses often are prone to try to simply repeat the information given in the initial cognitive interview.

- The Interviewer should approach the subsequent Cognitive Interviews VOID OF EXPECTATION, in order to avoid contamination by bias.

- If conflicting information emerges, wait until narrative portion of subsequent interviews is done, then clarify discrepancies.

DRANK THAT ICEE TO FAST

BRAIN FREEZE!

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"Ear-Witness Identification"
(Johnson, 2015)

BACKGROUND {
- Did the Witness hear background noises? What did they sound like?
- Any electronic or mechanical sounding noises?
- Cutting in and out?
- Vehicular or machinery noise?

VOICE(S) {
- Anything unusual about the voice in general?
- Volume?
- Whispering or shouting?
- Masculine or feminine?
- Tone?
- Tempo?
- Accent?
- Did the accent sound fake?

CONTENT {
- Notable terms and other words used?
- Did anyone speak to the other person on the phone?
- What did they say?
- Vernacular / Colloquialisms?
- Did it sound like the third party knew the other person?
- Obscenities used?
- Pet names and/or terms of endearment used?

SKILL DEVELOPMENT TRAINING

Remember
(Fisher & Geiselman, 1992)

- Phase A INTRODUCTION
  - Control Eye-Witness' anxiety.
  - Rapport.
  - Active listening.
  - Instruct Eye-Witness to NOT edit thoughts, or make up answers.
- Phase B OPEN-ENDED NARRATIVE
  - Create general context.
  - Elicit narrative response.
  - Encourage active information sharing.
  - Open-ended questions.
  - Pause to give Eye-Witness opportunity to respond.
  - Do not interrupt.
- Phase C PROBING MEMORY CODES
  - Re-emphasize importance of concentration.
  - Ask Eye-Witness to close eyes.
  - Ask open-ended, framed question.
  - Be clear and direct when requesting detailed descriptions.
  - Do not interrupt. Long pauses before asking Q's.
  - Exhaust image for information before changing perspectives.
  - Take detailed notes.
 - Probe and re-probe images. Probe concept codes.

- Phase D REVIEW
  - Review from Interviewer's memory or notes.
  - Ask Eye-Witness to interrupt immediately if Interviewer's interpretation is in error.
  - If new lead develops, pursue it.
  - Speak slowly and deliberately.
  - Encourage Eye-Witness to use imagery, but do NOT engage in "guided imagery."
  - Recreate the original context.
- Phases E / F CLOSE AND FOLLOWUP
  - Collect background information.
  - Adopt the Eye-Witness' perspective.
  - Remind Eye-Witness to call if new information emerges.

Scenario Participation for Each Retrieval Method Exercise
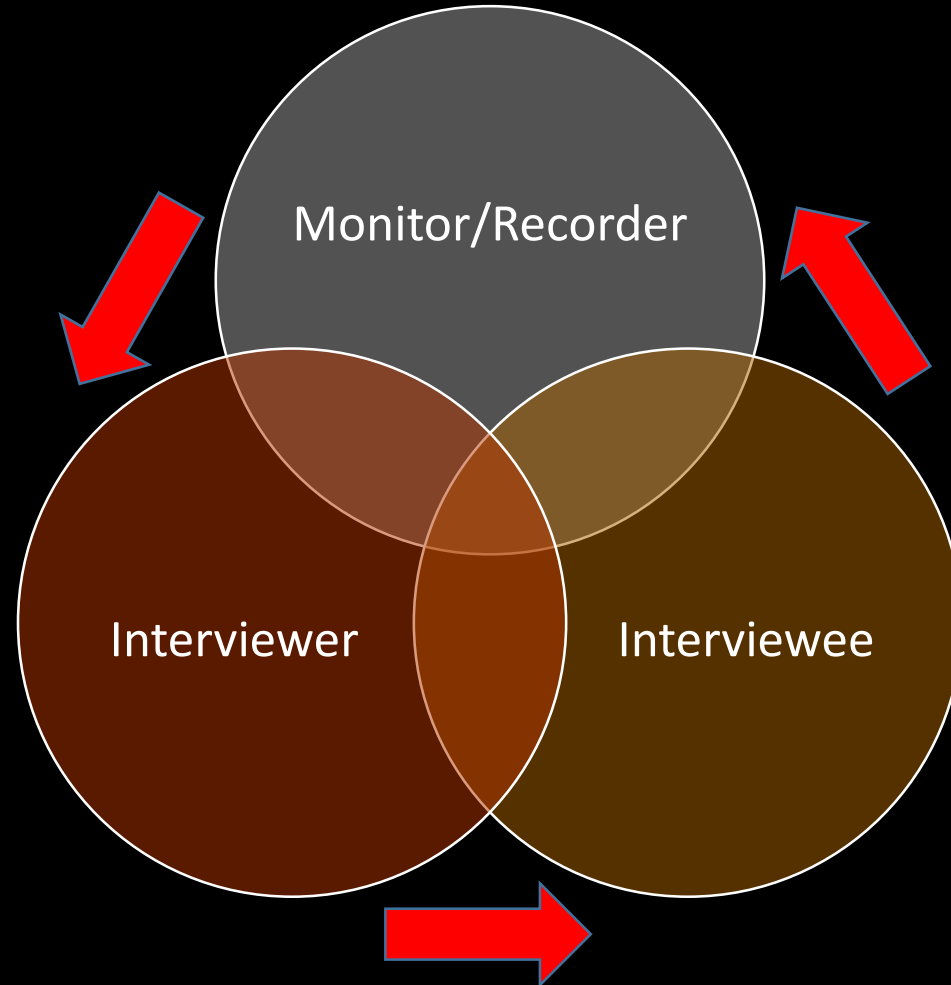
MENTAL REINSTATEMENT METHOD

Mental Reinstatement of Environmental and Contextual Descriptors of the Crime Method

- Have witness recall general activities and feelings experienced during the day in question, before, during, and after the incident.
- May include:
  - Sights.
  - Sounds.
  - Emotions.
  - Details of weather.
  - Ambient temperature.
  - Tactile stimulation.
  - Smells.
  - Et cetera.

DEMONSTRATION AND PRACTICE

FEEDBACK AND CLASS CRITIQUE OF METHOD
Mental Reinstatement Method

MULTI-PERSPECTIVE REPORTING METHOD

Multi-Perspective Reporting Method

- Witness is asked to describe details and give a general account of the incident according to how they believe others (e.g. witnesses or even the suspect) would be perceiving the details of the offense.

- It is common for this method to elicit additional details, once the proxy reporting of details is verbalized.

DEMONSTRATION AND PRACTICE

FEEDBACK AND CLASS CRITIQUE OF METHOD
Multiple-Perspective Reporting Method

VARIABLE-ORDER NARRATIVE METHOD

Variable-Order Narrative Method

- Victim or witness is asked to recount the incident in a different order of narrative.

- Research indicates the more recent the event, the more clear the memory – i.e. "Recency Effect" (Geiselman & Fisher, 1992).

DEMONSTRATION AND PRACTICE

FEEDBACK AND CLASS CRITIQUE OF METHOD
Variable-Order Narrative Method

DETAIL REPORTING METHOD

Detail Reporting Method

- Witnesses are asked to report every detail of an incident (and collateral contextual information) they can recall, no matter how seemingly "trivial."

- "Trivial" details often act as retrieval triggers for recall of key information re: the incident.

DEMONSTRATION AND PRACTICE

FEEDBACK AND CLASS CRITIQUE OF METHOD
Detail Reporting Method

CONCLUSION

Summary of Comparison / Contrasting the Four Primary Retrieval Methods
(Johnson, 2014)

- **Mental Reinstatement Method.**
  - Applicable to victims, witnesses, and suspects.
  - Most common method used in field CI's, as well as victim/witness CI's.

- **Multiple Perspective Reporting Method.**
  - Use caution when using with victims.
  - Revealing when used with suspects; may help to pinpoint psycho-pathology.

- **Variable Order Narrative Method.**
  - Particularly helpful in determining truthfulness.
  - Helpful in focusing in on most significant portion of narrative.

- **Detail Reporting Method.**
  - Works well in tandem with Mental Reinstatement Method.
  - Useful tool during debriefing of suspects, and during AFTER completion of written confession.

Pop Quiz #2

A.   B.   C.   D.

What Retrieval Method Was Illustrated with Each of the Photos Above?

Recommended Reading

QUESTIONS?

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