



Investigative Interviewing Techniques based on Cognitive Psychology

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- Beware of “popular psychology” and self-declared “interrogation” experts
- Scientific psychology **does not** provide a set of tricks to manipulate people.
 - “good-guy-bad-guy” approach =
 - false promises =
 - the pretense of having proof =
 - deliberate false accusations and threats =
 - other forms of intimidation or psychological torture (sleep deprivation etc.) =



Those are not part of any serious academic research program to improve interviewing and interrogation techniques

- Only serious academic research can provide good instructions. They happen to be perfectly compatible with human rights, because their goal is to find a most authentic recall of events and to allow the person to explain their behavior in full length.



Dimensions of statement validity (instead of “truthfulness”)

The “TRUTH” can never be known independently from human perception and judgment. However we can evaluate 5 dimensions of the validity of a statement (containing descriptions, comments and arguments and inventions)

1. **Source validity:** How was the information obtained, what has happened to it since, where is the evidence localized now, where could more evidence be found? Valid statements provide spontaneous information about the sources
2. **Formal validity:** sentences (hypotheses in the sense of Russel) are stated straight forwardly, they are falsifiable, not rhetoric and tricks
3. **Inner consistency** of the statement: no duplicity, a more or less coherent chronology and localization can be established
4. **External consistency:** the information provided matches other evidence (ILL: anchors consist of the corroboration of police evidence unknown to the interviewee)
5. **Causality and intentions** (to be evaluated in the light of the entire collection of evidence)



How to obtain valid information from a cognitive-psychological perspective

The human mind is like a crime scene. Don't trample about it with your own preconceived ideas and terms. Every information that the police/prosecutor supplies before it has been addressed by the interviewee, diminishes the weight of proof of all subsequent answers

- The initial question obtain a maximum of reliable and precise information:
What has the person of interest experienced and done during a given time period? What does she know about a given topic?
(such as practices of her work environment ...)
- The person has to be heard in **her own words**, those need to be protocolled as literally as possible - together with each question.
- How to get that:
- **Slow down and allow long pauses of silence**
- Speak slowly, encourage the person to remember carefully,
- Give her the time she needs to dip deep into her memory,
- Never interrupt the free recall for as long as it covers the relevant topics



Different phases require different techniques

There are different goals to achieve and each one requires its own technique

1. Phase I: collect an open statement and obtain broad information
2. Phase II: complete the picture with details and precisions (names, locations, timeline etc.)
Phases I and II -> allow the evaluation of source validity and formal validity
3. Phase IIIa: clear up inconsistencies within the statement, duplicity
Phase IIIb: confront with other pieces of evidence, external inconsistencies
Phases III: -> cross-examination allows the evaluation of internal and external validity
4. Phase IV (only for suspects): state the allegation to the point –
“do you have anything to do with ...?”
Phase IV: allows the evaluation of all dimensions, including causality
5. After each major concession or confession this sequence starts again with the demand for a new open statement



Goal-oriented interview as a double funnel © Ch. ILL & H. Haas 2011

Open

Closed

Open

Closed

Goals

Open statement

wealth of information

specific details

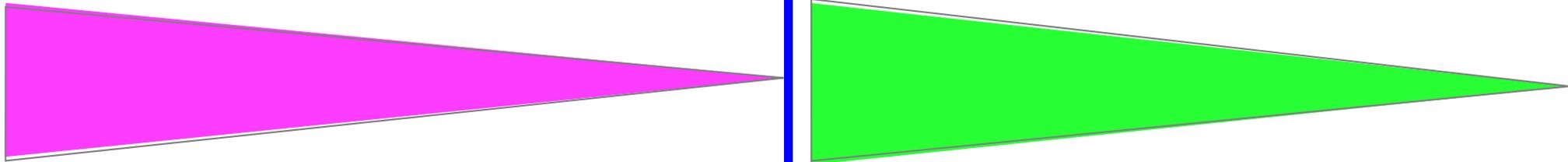
addressing inconsistencies

insiders' knowledge*

elements of the crime*

justifications mens rea*

concession/confession*



Have you got anything to do with ...?

Techniques

Active Listening
w-questions
confrontations

same sequence of techniques as in the first round

* Obviously the interview must be terminated at this point if there is no reason for a further suspicion. All subsequent types of information can surface only if somebody did indeed have inside knowledge of the offense (does not necessarily imply guilt, because there can be reasons of justification)



To collect open statements

Active listening instead of questions

- Mental focus on the interviewee with empathy (not just “waiting”)
- Silence, silence, silence
- non-verbal gestures, lifting an eye-brow,
- approving sounds like „aha“, „mhm“, „ok“,
- Incentive to remember without any content: „*and then?*“
- Echoing key words such as: „*called you names?*“ “*that shit?*“
- Instead of a detailed question:
 - Not good = „*where did you go after you went away?*“
 - Good = just the echo: „*away?*“



Socratic dialogue to go deeper into answers lacking credibility

When answers lack credibility, when they take absurd turns, and in cases of overt lying:

Don't interrupt the interviewee.

Lies can provide inside information, they can betray perpetrators knowledge

Christoph ILL: use the Socratic dialogue, the why-question

- *“I wonder why?”, “could you explain this?”, “what was the reason?”*
- E.g. a young male suspected of pushing an old lady to rob her purse, says: *“she started it first, she wanted to attack me with her crutch. I had to defend myself”*.
- Interviewer: *“why would she do that?”*



- The “who, when, where, what, why and by which means (how)” serve to complete the picture of what has happened
- State only 1 question at the time, no chain-questions
- Avoid using the negative form (z.B. „*you can't tell me which color it was, can you?*“) -> result: „*no, I'm afraid not*“.
- Avoid the diminutive form („*could you tell just a little bit more?*“) -> asking for a „little bit“ will result in just a little bit.
- Eye-witnesses whose description remains vague: don't push them to a decision with pre-fabricated answers (such as “*was it red or blue?*”) Those will overshadow and replace the original memories. So in a later interview the witness might falsely remember that it was “between red and blue”.
- Instead ask: “can you describe the car?” or then “what color was it?”
- Which errors should count as normal flaws of perception and memory and which ones not? Golden rule: everything that needs an instrument to be measured or to be recorded may contain natural errors.



- Start addressing suspected duplicity and internal contradictions within the statement before you provide any information about the evidence you have.
- Do not provide all information you have at once, every piece of evidence is like a poker card
- Allow possibilities for confessions, concessions and justifications. Goodwill should be encouraged not punished – never forget the final goal of the penal code which is offender rehabilitation.
- Present each piece separately (the strategy has to be planned in advance)
- Be patient
- Don't judge interviewees when they are lying, offer them a face saving intervention, like:
- *“You may have thought it would be better to distract and now you have come to a point where this becomes difficult. Maybe we could just have a fresh start and get a new account of what happened”*



- After the cross-examination part, you must bring the prosecutors hypothesis to the point with a yes-no question:
- *“do you have anything to do with?”* Or
- *“were you there at the time of ...?”*
- The interviewee must have the explicit opportunity to contest all allegations (not only pieces of evidence), this belongs to the fairness of the procedure.
- After each major concession or partial confession, you restart the whole circle of
- -> open statement -> w-questions -> cross-examination -> bringing it to the point in order to clear issues of cause and effect, mens rea, intentions and knowledge etc.



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