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The cognitive interview: a tiered approach in the real world

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This is an accepted manuscript of a book chapter published by Routledge in Evidence-based Investigative Interviewing: Applying Cognitive Principles on 5 March 2019, available online:

http://www.routledge.com/9781138064690

Milne, R., Griffiths, A., Clarke, C., and Dando, C. (in prep). The cognitive interview – a tiered approach in the real world. To appear in Schwartz, B. L., Dickinson, J., Schreiber Compo, N., Carol, R., & McCauley, M. (Eds.) *Evidence based investigative interviewing*. Routledge.

This chapter will examine how the cognitive interview (CI) has been applied into the real world of policing. We will consider the impact the CI has had on every-day policing, ranging from front-line communication, to being utilised within a visually recorded interview, which may replace live evidence in the court-room (depending on the legislative framework of the country it is being applied). As the CI is utilised in a multitude of different types of information and evidence gathering scenarios the way in which the CI needs to be applied, and thus trained should reflect the context within which it is to be used in the field. Accordingly, the UK has developed the 'Tiered approach' to interview training (Clarke & Milne, 2011), whereby interviewers learn interviewing skills (including the CI) incrementally, across a police investigator's career span. This approach has been adopted in numerous countries and the chapter will explain the approach, outline a model of training to maximize transference of skills into the workplace, and the research base examining its effectiveness in the field.

The beginnings

The CI, is one of the glowing examples of research-based innovation founded in psychology, as is well documented in this book and elsewhere (e.g. Fisher and Geiselman, 1992; Milne & Bull, 1999; Fisher, Milne & Bull, 2011). The CI first emerged in 1984 (Geiselman, Fisher, Firstenberg, Hutton, Sullivan, Avetissian, & Prosk, 1984). Since then its

evolution demonstrates how academic research adapts, refines, and morphs concepts across time, adding to the growing set of tools that have now become part of the CI. Many researchers, ourselves included, have examined the CI in different guises, in an attempt to countenance the application of the constituent components in the real world of policing. There is no doubt that the CI is a successful forensic tool because it enhances memory, increasing the amount of accurate investigation relevant detail (Milne & Bull, 2016). As information is at the heart of establishing the answers to the two core investigative questions; (1) What happened? (if anything did happen) and (2) who did it? (Milne & Bull, 2008, 2016), it is no surprise that the CI has become one of the most prominent tools in any investigators armoury for combating crime. Indeed, over the past 25 years many law enforcement organisations, worldwide, have recognised the importance of the CI and have incorporated it into their training as one of the main interview frameworks (e.g. the UK, Norway, Australia, Ireland and New Zealand; See Fisher et al, 2011). Nevertheless, researchers continue to be baffled by the fact that the CI in its *entirety* is rarely implemented in the field. This begs the question, why? We will attempt to answer this question in this chapter, and give workable solutions to help both practitioners and academics realise the full potential of the CI, and establish how techniques developed in the laboratory can then be applied into the field (see also Griffiths & Milne, in prep – Investigative Interviewing Impact Framework- IIIF for a full discussion of the necessary elements required for research-based investigative interviewing skills transference and Lamb, 2016 for similar issues with respect to child forensic interviewing).

Early studies examining the applicability of the CI to the field were very promising in that they demonstrated that police officers could be readily trained in a very short period and the resultant interview behaviour improved, substantially (Fisher et al., 1989; Clifford & George, 1996). However, it was not until the police in England and Wales developed a national

approach to interviewing, following a public outcry due to miscarriage of justice cases which had poor interviewing at the heart of the acquittals (see Poyser & Milne, 2011; 2015; Poyser, Nurse & Milne, in press for a review), that the CI was for the first time adopted by police organisations nationwide. The government and police response in the UK to the backlash of the miscarriages was to professionalise the police with regard investigation and interview training. As a result, the investigative interviewing ethos, and the PEACE (an acronym for the stages of an investigative interview- see below) approach to interviewing was established (Milne & Bull, 2016; see also Milne, et al., 2007; Griffiths & Milne, 2005).

It was a team of practitioners and academics working together in 1992 who coined the term PEACE and created a new era of research-based investigative interviewing (Griffiths & Milne, 2018). A strategic decision to remove the term interrogation from the UK police vernacular marked the start of a culture shift towards an investigative information gathering mind-set, away from the prevalent, but now out dated, confession culture. Within the PEACE framework of communication (where; P- planning and preparation, E- engage with and explain the interview process to the interviewee, A- gaining an account, C- closure of the interview, and E- evaluation of the information attained and interviewer skill level), two models of interviewing from the research literature were adopted by the British police service in its entirety (all 43 areas which make up the UK Police Service, plus Northern Ireland and Scotland (the latter in the form of PRICE)). The two models that emerged as best practice were; (i) conversation management (CM; Shepherd, 1993) which was deemed useful for interviewing more resistant interviewees and (ii) the CI (Fisher & Geiselman, 1992) which was useful for interviewing co-operative interviewees - interviewees who were willing to speak (however truthful; for a fuller description see Milne & Bull, 1999; Shepherd, 2007; Shepherd & Griffiths, 2013; Fisher & Geiselman, 1992). For the first time, a whole country was to train all operational

officers (N=127,000) in the use of the CI (using police officers as trainers; Milne & Bull, 2016). This was a giant step in the evolution of the CI from the laboratory to the field.

PEACE training started to be rolled out to forces in England and Wales in 1993 as a week-long course. This then continued across the UK for over ten years. In 1998 the Home Office then commissioned Clarke and Milne to examine the effectiveness of PEACE - Had it worked? – i.e. produced skilled interviewers who conducted ethical and legal interviews. This first National evaluation of PEACE in the UK examined the standard and legal compliance of real-life police interviews of suspects, witnesses and victims of crime. The resultant research report, now known as the Clarke and Milne (2001) report, found that the interview training officers had received was not being fully transferred into the workplace, i.e. interviewers were not using all elements of PEACE, including the components of the CI. Several reasons were put forth for the lack of adherence to the training and PEACE framework (see Clarke & Milne, 2001, 2011, 2016), including a lack of supervision in the workplace. The Clarke and Milne report made several recommendations for police interviewing. Many of the recommendations have since been implemented nationally (Clarke & Milne, 2001, 2011, 2016). Amongst the most apparent changes was the adoption of the recommended Tiered approach to developing an interviewers' skill level, learning skills incrementally across an individual's career, which was fully adopted by the UK police and formed part of the then UK government's "Professionalising the Investigative Process" (PIP) agenda and associated National Occupation Standards. The '5-tiered approach' to interview training starts from Tier 1 – basic communication skills for recruits to Tier 5 highly skilled interview managers who create interview strategy in high-profile and complex cases (Griffiths & Milne, 2005). The tiered approach has also been adopted by many countries (e.g. Australia, Canada, Ireland, New

Zealand, Norway). With regard the CI, in the UK, the essence of the CI is taught at Tier 1 and then techniques are added to the CI 'toolbelt' across the tiers/levels.

Research specifically examining the perceived practical utility of the CI found that police officers (both experienced and less experienced front liners) generally found the CI to be a worthwhile approach, although some techniques were preferred and used more frequently than others (e.g. the report everything instruction; Kebbell, et al. 1999; Dando, 2009; Dando et al., 2009a, 2009b). For example, the instruction to report everything, never guess, and mental reinstatement of context technique were perceived as more regularly used and more effective than the change temporal order and change perspective techniques (Dando, Wilcock, & Milne, 2008). Research investigating whether perceived behaviours were consistent with actual application revealed some consistency, albeit often techniques used were not correctly applied, or the instructions were incomplete. Typically, the reasons given were a lack of time and perceived ineffectiveness. Studies examining real-life witness interviews, even since the inception of the 'Tiered approach' which extended the training of the CI in length and imersiveness found that the CI techniques were used sparingly, if at all (Clarke & Milne, 2001; Griffiths, et al., 2011; Wright & Holliday, 2005; Gartrell & Milne, in prep). A similar lack of transference of interview training per se to the field has also been seen in other countries, such as Canada (MacDonald, Snook, & Milne, in press), and in the child interviewing arena (Powell, Fisher & Wright, 2005; Davies, Bull, & Milne, 2016; Lamb, 2016). However, research seems to show that the spirit of the CI and best practice guidance (i.e. an open-ended questioning approach) are understood and embraced, which is and of itself a triumph. What is missing seems to be an understanding of what is happening in practice at the coal face, where there is a different picture. There seem to be barriers for 'techniques' to be embodied into everyday practice (taken up below).

It is believed that these barriers or enablers fall within eight key areas – or necessary elements to produce skilled interviewers within an organisation;

(i) **wanting or needing to change**: an organization must recognize the need to change and want to change, to foster a learning culture ripe for transference, providing opportunities to apply new skills, giving workplace support (managers, subordinates, peers & supervisors). Often, this want/need for change arises from miscarriages of justice (see later). In turn, individual - motivation, self-efficacy, and expectation emanate from an organization ready to embody a new approach,

(ii) **organizational/legislative framework**: there must be a framework in place that allows the skills taught to be utilized in the field ethically and/or legally (e.g. recording interviews – see later),

(iii) **knowledge of interviewers and trainers**: both parties need to have the requisite amount of knowledge across the tiers. This knowledge often based on psychological evidence in the research literature (e.g. memory),

(iv) **investigative mind-set or cognitive style**: the interviewers/investigators require the correct attitude to enable them to utlise the skills taught (e.g. open-mindedness and open-ended approach),

(v) **ability/ skill set of interviewers**: the organization needs to ensure that the trainees have the necessary skill set to enable them to utilize the skills taught (see later),

(v) **perceived and actual flexibility with the tool- in this case the CI**: the tools being taught need to be utlised in a variety of investigative settings and therefore need to be adapted to suit the circumstances,

(vi) **training regime being an appropriate standard (e.g. Powell, 2008; Powell & Barnett 2015) and immersive**: (see full details later),

(vii) **quality assurance mechanisms in place**: to ensure continuance of standards after the training there needs to be sufficient mechanisms in place for supervision in the workplace, a refresher training programme, and appropriate evaluation tools, and under-pinning the aforementioned seven elements there is a need for

(viii) the use of **technology**.

If these are in place the outcome is ethical, legal and well conducted interviews administered by skilled interviewers. We will discuss a selection of these elements in this chapter (for full detail of the IIIF see Griffiths & Milne, in prep).

As can be seen from the prior discussion and the history of police interviewing in the UK, the first necessary element to skills/technique transference is; the *want* for an organisation to change (and could be argued *the need* to change – due to societal and political pressure through miscarriages of justice; see Poyser et al, 2015; Poyser, Nurse & Milne, in press for more on such miscarriage cases and forcing change; see also Walsh, O'Callaghan, & Milne, 2016, for a US perspective, and see Walsh, Oxburgh, Redlich, & Myklebust, 2015 and Milne, Savage & Williamson, 2009- for a range of countries). Once an organization, or country has decided to change then there are several elements that need to be in place for skillful interviewers to emerge conducting skillful interviews. The first substantial area that we will look at is the training regime itself.

Training regime

Originally the PEACE course consisted of experiential training with practical exercises relating to police investigations. Exercises consisted of small group discussions, plenary

sessions, role play interviews and feedback; by students and trainers. Training started with an introduction to the principles of investigative interviewing (see Milne & Bull, 1999) and the PEACE model on Day 1. After which participants spent two days learning how to interview suspects and two days to interview witnesses using the learning strategy previously described. The term 'cognitive approach' was used to describe the CI, with officers being taught to ask the interviewee to think back about the event, not to interrupt the interviewee, use pauses effectively, and avoid leading questions. Officers' were also taught to encourage a further recall using a different chronological order, or from a different perspective. It is interesting that this pioneering course included, even at that time, the initial features of Powell's (2008) elements of effective training programs for investigative interviewers of children; establishing the key principles or beliefs that underpin effective interviewing (the principles of investigative interviewing), the adoption of an interview framework that maximize narrative detail (PEACE), and clear instruction in relation to the framework (group discussion). However, Clarke and Milne (2001) found that a week-long course was typically trained by ill-equipped trainers, with limited supervision, which resulted in adequately conducted ethical and legally compliant interviews with suspects, but poor witness/victim interviews.

The knowledge and skills of police trainers is a concern; i.e. who is training the trainers in the first place, what is their knowledge of psychology, where are they attaining their knowledge, and their own skills to cognitively interview? In essence trainers are being expected to be pseudo-psychologists, often overnight (Milne & Bull, 2016). Training also needs to be tailored to each trainee group independently and for any good transference of interview skills into the workplace, trainee interviewers need to repeatedly practice the interviewing skill within the training framework (Powell & Wright, 2008; Lamb, 2016). In addition, the trainees need on the spot constructive feedback within the training environment.

As previously mentioned the quality and methods used to train investigative interviewing are pivotal in enabling transference to the workplace but what is transference? In the past, transfer of training has been considered in terms of Kirkpatrick (1975) four levels of transfer; 1. Reaction, 2. Learning, 3. Behaviour, and 4. Results; though a recent review of this framework (with regards medical education) by Yardley and Dornan (2011) found the framework to be unsuitable for complex educational (training) interventions. Therefore, a more appropriate definition would be that of Hofman, Andrews, Flore, Feltovich, DiBello, & Ward (2014; p. 51) as "When knowledge, skill or strategy in one context or learned from one problem/task type is successfully utilized in learning or performance in some other context or for some other problem task/type, where either the context or problem/task types have both important similarities and substantive differences.". We would argue that this definition captures some of the complexity of investigative interviewing, which requires interviewers to consider the context, interviewee differences, personal perceptions (bias), and a range of appropriate interviewing tools when conducting every interview. The transfer of investigative interviewing can also be considered in terms of 'near transfer' i.e. the transfer of appropriate skills to interviews similar to those experienced during training (e.g. for Tier 1 and Tier 2 training) and 'far transfer' where interviewers would be expected to transfer appropriate skills to interviews that are similar to but also significantly different from those experienced during training (e.g. Tier 3). Of course, to improve the chances of transfer taking place interviewers must be given opportunities to practice and receive feedback from experts (Powell, 2008).

As Clarke and Milne (2001) identified, the treatment of witness interviews was found to be far worse than the treatment of suspects. Indeed, there was no provision for the supervision of interviews with witnesses in the PEACE programme. This was thought to be

9

due to many factors, including a perception that officers record written accounts from witnesses (i.e. take a statement) rather than conduct an interview, the limited amount of time spent on learning the skills to interview witnesses, a lack of legislation around this core part of policing business (see more on this later), time pressures, and context issues (e.g. interviewing witnesses in uncontrollable environments – see later for more discussion on this). One way to rectify this was to reinforce the importance of the witness in investigations within the policing domain, increase the length of training dedicated to witness interviewing, develop the Tiered approach to interview training, and write National guidance concerning best practice, that included evidence based techniques, such as the CI (e.g. Achieving Best Evidence, 2002; 2007; 2011- see Davies, Bull & Milne, 2016 for more on ABE and impact into the field).

It appears that although the increased scrutiny on suspect interviews because of miscarriage cases has led to a change in culture and practise (i.e. trained interviewers are aware of the effects of poor interviewing), this change has not yet permeated culture and practise, as experienced by witnesses. When Griffiths, Milne and Cherryman (2011) examined the questioning styles of the same Tier 3 interviewers in both suspect and witness interviews they found that even these well-trained officers lacked empathy and dominated the exchanges within the interview. Some of the officers used probing focused questioning even when the interviewee was fully co-operative and motivated to talk. Griffiths et al (2011) concluded that the method of training the officers, i.e. an intensive suspect interview course supplemented by shorter (3 days) CI training had resulted in an overshadowing effect of the original training, which was focused on resistant interviewees. This study led to changes in the training model where officers pursued a specialism in either suspect or witness interviewing and received equivalent training designed for each discipline. The original training model, although

significantly contributing to an overall improvement in interview skills, had originated from a culture that saw interviews with suspects as more important. In fact, as the spectre of miscarriages caused by coerced false confessions fades in twenty first century Britain the authors contend that poor witness interviewing has probably caused as many, if not more miscarriages (to include guilty suspects not being charged through incompetent witness interviewing; Savage & Milne, 2007).

High quality training – that places equal emphasis on evidence and information gathering from any investigative interview is imperative in delivering better outcomes and justice. Clarke and Milne (2001) demonstrated that the time and content emphasis of most PEACE courses under emphasised witness interview skills and it took a decade after PEACE was implemented to begin to rectify this imbalance. Evidence from other countries (see Walsh et al, 2016) suggests that the same pattern is being repeated where miscarriages caused by coerced confessions are leading to a focus on interviews with suspects and problems with witness interviewing and therefore evidence of poor standards are still being largely ignored because legislators and leaders are unaware of the issues. Well-designed witness interviewing training is therefore a key component in changing life practise.

Furthermore, academics and practitioners alike must look beyond forensic psychology into associated disciplines such as educational psychology where there is already a well-established body of knowledge about 'what works' in skills transference of complex skills (Hoffman, et al, 2014). Knowledge of the cognitive processes that underpin communication is only part of the equation; the remainder being knowledge about training methods that successfully embed the required skills and resist fade. The skills fade phenomenon was developed from military training research that indicated gradual performance decline (Hoffman

et al, 2014). This finding corroborates Griffiths at al. (2011) who identified significant skills fade in complex interview skills learnt by Tier 3 interviewers only one year after training.

Griffiths, Milne and Cherryman (2011) examined whether the Tiered approach worked and specifically focused on Tier 3, the Advanced interview training programme. What was found that if we 'select' the correct individuals and give them intensive training in small groups, with lots of hands–on practice and constructive feedback then we can get officers up to a good standard of interviewing suspects in high stake cases (e.g. murder). One of the interesting findings that emerged from this work concerned the 'who' is selected, as it was found that not everyone could reach (or may never be able to reach) the Tier 3/Advanced level, i.e. it is thought that some people did not have the innate ability that we could hone through training (see more later). Thus, with respect to suspect interviewing we seem to have the formula of how to create and maintain good interviewers (see Griffiths & Milne, in prep for the full formula). However, the interviewing of suspects is only one half of the investigative coin; what about witnesses/victims? This part of investigative interviewing business is not so clear cut.

So, one key to getting the training right is to get the right people into the training room in the first place, especially for the more advanced levels of training. Is there an 'X' factor of interviewing? Or can all people be trained?

Ability/skill sets of interviewers – the 'X' Factor of interviewing

As has been outlined, there is now a comprehensive academic and practitioner literature regarding what constitutes best practice for investigative interviewing. There is an evidence-base that dictates what interview methods are most suitable dependent upon the types of interviewee; i.e. interviewees are sometimes compliant, sometimes resistant, some are vulnerable, and others are motivated to be dishonest (Milne & Powell, 2010); and for specific

types of crime (e.g. sex offenders, Westera, Kebbell, & Milne, 2016). Research has also started to examine the context in which the techniques are to be used; from front-line policing, which requires fast and efficient methods to visually recorded interviews where often more time can be afforded (Milne & Bull, 2016; Dando, Wilcock, Milne & Henry, 2009; Dando, Wilcock, Benkle, & Milne, 2011 – also see later in this chapter). Nevertheless, how *able* interviewers are at utilising such dictum, each having differing levels of natural ability, different levels of skill, and under different pressures is an area ripe for work. Indeed, as mentioned the majority of research examining the impact of interview training into the real world and the transference of skills into the field has found variable and disappointing results (e.g. Dando, Wilcock, & Milne, 2009; Griffiths, Milne, & Cherryman, 2011; Milne & Clarke, 2015; MacDonald, et al, in press; Walsh & Milne, 2008). A further factor in the application of good practice is individual differences across interviewers.

Prior to 1984 in the UK (and still existing in many countries) interviewing by police officers was considered to be an inherent skill that all officers possessed and which could be developed merely by learning from more experienced colleagues. As previously noted PACE (and the associated Codes of Practice) for the first time laid down that all interviews with suspects must be recorded. This resulted in the working practices within the police interview room being opened to public scrutiny on a grand scale; evaluative research could begin (Milne & Powell, 2010). The first ever such study found, perhaps not surprisingly due to the lack of structure, investment and the haphazard approach to interview training, that there were severe shortcomings in the skills demonstrated by the police during such interviews (Baldwin, 1992). A direct result was the PEACE approach to interviewing being developed and associated training regime created as already outlined (Milne, Shaw & Bull, 2007 and see earlier). Nevertheless, field studies of police interviews have still shown that most real-life interviews

still contain some undesirable practices (e.g. Clarke & Milne, 2001; 2015; Compo, Schreiber, Hyman & Fisher, 2010; Snook, Luther, Quinlan & Milne, 2012).

Perhaps one reason for lack of transference is due to individual differences/ potential. In 2006, Griffiths and Milne evaluated 60 interviews conducted by 15 police officers trained in the basic PEACE protocol. After coding 96 criteria for level of skill and presence of interviewing techniques, Griffiths and Milne found that skill level was *below* that expected for basic PEACE-trained officers (Tier 2). However, interviewers who were identified as "*having potential*" and who went on to receive three weeks of advanced interview training (Tier 3) showed improvement across all criteria measured, though the skills that were deemed complex as opposed to simple (e.g. building rapport versus stating those present in the interview room respectively) depreciated when the interviewers went back into the field and this dissipated further over a 18 month period (see skills fade discussion earlier: Griffiths & Milne, 2010; Griffiths, Milne & Cherryman, 2011). 'Having potential' is an interesting concept, and raises the question – what is this potential? The discrepancy between best practice methods and actual investigative interviewer behaviour revealed by nearly all these previous evaluations tells only part of the story of how well police interview suspects and witnesses.

Some people are perceived as 'natural' communicators/interviewers; is this what we see as potential? Being a natural communicator stems from the belief that communication skills are an aspect of an individual's personality and thus have an inherited element. Horvath (1995) presented a coherent argument for the biological origins of 'communicator style'. Further, McCroskey, Heisel and Richmond, (2001) mapped correlations between Eysenck's big three personality dimensions (extraversion, neuroticism, and psychoticism) and communication variables. All of which supports the common-sense view that some people are naturally better

communicators than are others. If interviewing is an innate skill that some have, this might lead one to question the purpose of communication skills training at all. However, heritability just increases the likelihood of a trait's manifestation (Rowe, 1993). Whereas an interactionist perspective would highlight the impact of environment on communication style. Indeed, Horvath (1998) suggested that training should be able to improve communication skills, but when under pressure individuals may revert to their predisposed communication style (everyday communication) rather than the good practice that they have been taught. Such information could be used to identify those with 'potential' to become 'expert' interviewers. Clarke and Cherryman (2010) conducted a pilot study to examine the relationship between interviewer behaviour and individual differences. Eighteen students, undertaking a Medicine Management Module, completed the NEO PI-R at the start of the module and then conducted four simulated consultations each (over 2 months), which were video recorded and evaluated. The results demonstrated a range of strong correlations between interviewer behaviour and various individual differences. For example, the facet anxiety (Neuroticism domain) had significant negative correlations with smiling, attentiveness, vocal warmth, and vocal relaxation. These findings suggest that certain individual differences have the potential to help identify personnel who could become highly skilled interviewers.

In addition to personality factors there are several cognitive factors that likely impact on the cognitively demanding task of interviewing (Griffiths, Milne & Cherryman, 2011). Such as the ability to focus on the task in hand (i.e. the interview), to be flexible (i.e. ability to adapt to changing circumstances), to have the ability to think critically (i.e. the Sherlock Holmes factor), be self-aware (emotional intelligence), and the interviewer's own cognitive style. Indeed, Risen, Binder and Milne (in press) recently aligned the ability of being self-aware and being a good interviewer. Investigators have also been criticised for their disposition to seek

and attend to information that accords with a previous case hypothesis i.e. confirmation bias (e.g. Shepherd & Milne, 1999). This behaviour suggests a lack of critical thinking or cognitive flexibility. Cognitive flexibility is one's ability to adapt to the changes in a task or situation (Frensch & Funke, 1995). Krems (1994) suggests three task dependent mechanisms for flexible problem solving and these are the ability to (i) consider alternative interpretations of the data, (ii) modify their representation of the current situation, and (iii) change strategies to reflect the changes in the situation. Thus, interviewers who have cognitive flexibility are unlikely to demonstrate a confirmation bias but take an information seeking approach that is open to alternative explanations, willing to modify their views and a willingness to be flexible in the light of changing information or circumstances (see also Fahsing, & Ask, 2013, 2016, for more on investigative decision making). Such investigators are likely to be critical thinkers and good investigative interviewers. Indeed, O'Neill and Milne (2014) found the key behaviour that under-pins being a good investigator in the UK was being a good communicator (see also Westera, Kebbell, Milne and Green, 2016a & b for similar findings in Australia). Thus, are the skill sets, that are at the core of being a good investigator also at the core of being a good investigative interviewer? This area of work is currently under-way by the authors of this chapter.

What has become clear however, is that there also needs to be an appropriate legislative framework to place the well-trained interviewer in, to allow them to utilize the skills trained during the well-executed course. For, example, if the interviewer is not allowed to record the interview and instead must write everything down that the interviewee (and sometimes interviewer) says then a large proportion of the skills outlined in the best practice guidance is impossible to implement; it also increases the interviewer's cognitive demand. How can an interviewer allow the interviewee to give an uninterrupted free recall in such a situation? This

is one of the reasons we believe that witness interviews have been found not to conform to best practice guidance in the UK – a lack of mandatory recording. It is to this issue we now turn.

Organizational/legislative framework

As already noted, the treatment of witnesses has often found to be poorer than the treatment of those suspected of crime, and we believe the focus of attention in the UK should turn to the interviewing of witnesses to and victims of crime (Clarke & Milne, 2001). This is even more important when considering the fact that because the interviewing of suspects has improved dramatically over the past 30 years, the focus of the defence has had to also change. What is emerging is that the interviews of victims and witnesses are seeing increased attention from the criminal justice system (Poyser & Milne, 2016). Unfortunately, research (Griffiths & Milne, 2008) has consistently shown that such interviews are somewhat lacking. Furthermore, the process of recording interviews with adult witnesses and victims through handwritten statements has also been highly criticised (e.g. Milne & Bull, 2006; 2016; Milne & Shaw, 1999; Shepherd & Milne, 2006; Westera, Kebbell & Milne, 2011). Such handwritten recordings have been seen to be full of inaccuracies (Rock, 2001), as they rely on the interviewers' memories of what was said, and it is well established that memory is not a perfect process. Thus, the interviews lack quality (Clarke & Milne, 2001;2011), the resultant report lacks detail, is inaccurate and tends to misrepresent what the interviewee has actually said (McLean, 1995; Lamb, Orbach, Sternberg, Hershkowitz, & Horowitz, 2000; Milne, Nunan, Hope, Hodgkins, & Clarke, in prep; Lamb, 2016). There continues to be an urgent need for transparency in this vital part of the investigation and criminal justice process. Technological advancements should be able to help us in this venture (e.g. Body Worn Video (BWV) cameras; Milne & Bull, 2016 – see next section).

Flexibility with the tool itself

Clarke and Milne (2011/2015) found that officers perceived PEACE (and the CI) as an inflexible approach. However, the CI needs to be recognised as a flexible tool (Fisher, Milne & Bull, 2011). In the past, the CI has been trained as a rigid structured protocol which needs to be adhered to. On the contrary, the CI is a set of tools in an interviewers 'tool-belt' that can be applied, matched and shaped according to numerous investigative factors; (i) the interviewee type, (ii) interview location, (iii) the interviewer skill level (or Tier level – as elements of the CI are given to trainees incrementally over training Tiers), (iv) investigative need, and (v) on how the interview is being recorded (see above discussion). Thus, the CI is not a one size fits all approach (Fisher et al., 2011). This section will examine how research has tailored the CI to adapt to the *circumstances* of the field.

Most incidents in the UK (and several other countries) are reported by telephone to a centralised control room (Ambler & Milne, 2006; in prep). The role of a control room operator is primarily; (i) to promptly determine the nature of the call, (ii) to assign a level of urgency to the call, and (iii) to determine the most appropriate response to it depending on which emergency service is required (fire, police, ambulance: Milne & Bull, 2016). To do this, the call handler questions/interviews the caller. The effectiveness of this process in terms of the quality of the information obtained and the way in which the information is elicited is paramount, as it is this initial interaction that determines the initial response (e.g. correctly dispatching an emergency response to save lives; see Shawyer, Milne, Dalton, May, Nunan, Gabbert & Hope, in prep – for Fire Service call centre research) and it is information elicited at this stage that commences many investigations (Wilcock et al., 2008). However, at this stage

information must be gained quickly often from highly traumatized individuals who may be in circumstances that are not conducive to memory retrieval (e.g. chaotic scenes; See Nunan, Milne, Shawyer, Wakefield, Dalton, Abbott & Cowup, 2017 for critical incident information gathering).

There is limited knowledge as to what occurs at this vital stage. Ambler and Milne (2006) conducted one of the first examinations of how information was garnered from memory at this phase of the emergency services process and found that the way the information was elicited by the call handlers was highly interviewer-driven and included many leading questions (see also: Leeney and Mueller-Johnson, 2011 for similar findings). Such questioning can contaminate memory, which in turn may influence the decision making of the call handler, and subsequent responder. One solution has been the development of a call handling interview protocol based on the CI that aims to gain good quality information quickly, but without marring memory. Pescod, Wilcock, and Milne. (2013) created a call handler free recall instruction which included the 'Report Everything' instruction from the CI. This instruction simply allowed the caller to control the flow of recall and instructed them to tell everything without any editing. This was compared against a control condition which mirrored what question types call handlers typically used. The report everything instruction elicited significantly more information than the typical, control procedure, especially concerning person description details, necessary in most criminal investigations (see also Charlton, Wilcock, & Milne, in prep, for similar findings).

The next stage in the emergency service process usually involves frontline officers attending the scene. Their first task is incident resolution (i.e. the safety of individuals has been ensured and the emergency is over). Secondly the police and fire investigators embark on their investigative role; gathering information/evidence. Information gained at the scene guides the

ongoing investigation and can be used as evidence in later court proceedings. However, again there has been limited field research at this early stage of the investigative process. What is known is that many such interactions tend to be conducted by officers who have very limited policing experience and training (Dando, et al., 2008). The adoption of the use of body worn video cameras (BWV) in the UK and elsewhere has allowed researchers for the first time to view what actually happens at an incident scene, to see what interaction occurs (Milne & Bull, 2016). What has been found is that emergency services are working tirelessly and professionally to resolve difficult situations. Nevertheless, improvement can be made in the communication used to ensure contamination of the 'memory scene' is kept to a minimum (see Nunan et al, 2016; Dalton, Milne, Hope & Pike, in submission; for front line communication). A tailored version of the CI – taking into consideration speed and interview location – the 'Structured Interview Protocol; SIP (Gabbert, Hope, La Rooy, McGregor, Milne, & Ellis, in prep) has been developed to help practitioners at this critical stage of the communication process.

Another innovation that emerged from the context reinstatement element of the CI, again focusing on time constraints of front-line officers, was developed by Dando, et al. (2009) involving a sketch to enable and promote the retrieval of information from memory. Novice police interviewers often reported spontaneously asking witnesses to draw sketches as they recalled to help memory, thus it was decided to examine the efficacy of sketching for externally scaffolding memory performance (Dando et al., 2009a; 2009b; 2011). A series of studies were conducted. The first (Dando, et al., 2009a; 2009b) tested the mnemonic properties of sketching for enhancing recall about an eyewitness event. Utilising a typical eyewitness paradigm it was found that the *Sketching technique* was more effective than *a control group,* who were simply asked to recall the event. Others incorporated the sketching technique into a full frontline

interviewing procedure (Dando, et al., 2009c; 2011) and employing a mock eyewitness procedure it was found to facilitate memory compared to an appropriate control.

The next stage in the investigation process typically is the investigative interview which comes in many forms depending on several factors such as the severity of the case, resources, and time available. In the ideal world for maximum memory retrieval an interviewee should be interviewed in a neutral environment, free from distractions, with well-trained interviewers, who can spend as much time with the interviewee as is needed, and with the interview being visually recorded (Milne & Bull, 2016). However, the real world is far from ideal, as has already been seen in this chapter.

Conclusion

Thus, for the CI to be fully realised in the field, researchers and practitioners alike need to endeavor to put the aforementioned in place to enable the use of these innovative techniques that have already had such an impact on the investigative and interviewing world around the globe. It is imperative that rather than responding to mistakes exposed by the criminal justice system, training implements change pro-actively as reliable empirical evidence emerges. Global collaborations between academics and practitioners provide ample opportunity for this if the research agenda is forward thinking and not reactive.

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