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3 The Forensic and Clinical Relevance of Evidence-Based Investigative Interview Methods
4 in Historic Sexual Abuse Cases
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Abstract

Decades-old child sexual abuse cases stress the need to examine the accuracy of long-term memory regarding traumatic events. Goldfarb et al. (2019) showed that memories of genital contact occurring decades ago were highly accurate. We argue that their findings emphasize the use of investigative interviewing in historic abuse cases. The cognitive interview (CI) is a way to accomplish this, as it is known to increase the completeness of memory reports. We also contend that the CI may reduce a victim's anxiety at the time of the interview. Therefore, besides a well-proven legal relevance, investigative interviewing could also have clinical value.

Keywords: anxiety; cognitive interview; eyewitness memory; therapeutic jurisprudence

Laws about lengthening the statute of limitation for child sexual abuse are indicative of the extent to which victims can sometimes reveal facts that occurred decades earlier (e.g., Dodier & Tomas, 2018). Goldfarb, Goodman, Larson, Eisen, and Qin (2019) examined the accuracy of memories for genital contact nearly 20 years after they occurred, and for which the participants had already been interviewed in the 1990s (Time 1) (Eisen, Qin, Goodman, & Davis, 2002). Between 2012 and 2014 (Time 2) (Goldfarb et al., 2019), 43% ($n = 13$) of the participants reported the genital contact. Despite overall accuracy in the details reported by the participants and an ability to adopt a conservative response strategy (i.e., “I don’t know”), several participants falsely endorsed misleading and schema-consistent information suggested by the interviewer at Time 2 (e.g., falsely reporting that the doctor bent the participant over during the medical examination).

In this commentary, we will argue for the relevance of evidence-based interview methods such as the Cognitive Interview for adults (CI; Fisher & Geiselman, 1992). Using such protocols throughout the course of child sexual abuse cases could lead to higher rates of reported genital contact and lower rates of misinformation reporting in cases similar to those of the Goldfarb et al.'s study (2019). Furthermore, we will argue that such protocols meet the authors' expressed need for interview strategies that include "rapport building, cues, or memory reinstatement to retrieve and disclose the event" (Goldfarb et al., 2019, p. 392). We will also discuss the clinical relevance of the CI.

Investigative Interviewing

In historic sexual abuse cases, alleged victims of sexual abuse might wait for many years before disclosing the traumatic experience. The CI is a non-suggestive multi-phased investigative interview protocol that can be used in such cases. The CI includes an opening phase (i.e., building rapport, encouraging the interviewee to play an active role in the interview, transferring the control of the interview from the interviewer to the

interviewee, explicitly requesting a detailed response, giving the interviewee the right to answer “I don’t know”), free recall(s) (i.e., several rounds of free recall may be necessary, depending on what the interviewee reports), questions (i.e., preferably, open-ended questions, such as “What happened after he took off your clothes?” and specific questions, such as “What color was his shirt?”), and a closure phase.

The CI is based on several cognitive principles that facilitate memory retrieval: (i) mental context reinstatement (i.e., the mental replacement of the environmental and emotional contexts in which the event was encoded); (ii) the report-everything instruction (i.e., interviewees are asked to recall every detail they remember, even details that may seem irrelevant or peripheral to them); (iii) multiple and varied retrieval attempts (i.e., interviewees are encouraged to recall the event several times within the interview; interviewers can propose interviewees a variety of retrieval strategies, see *infra*); and (iv) witness-compatible questioning (i.e., asking questions that are compatible with the interviewees’ current mental image).

The CI is a flexible investigative interview method. In its original version, the CI included, for example, the change of order instruction (i.e., interviewees are asked to recall the event in a reverse chronological order), and the change perspective instruction (i.e., interviewees are asked to recall the event adopting another person’s viewpoint during the event, for instance a bystander. Further research has been devoted to the development of new retrieval strategies (e.g., Brunel, Py, & Launay, 2012; Colomb & Ginet, 2012; Paulo, Albuquerque, Vitorino, & Bull, 2017). One of the chief aims of the CI is to enable interviewers to rely on the most relevant strategy for a given case, depending upon the interviewees’ ability to retrieve and recall details. Therefore, the CI should be used as a toolbox, in which the interviewers can choose the strategy that is the most adapted to each particular—sometimes unexpected—situation (Fisher & Geiselman, 2017).

The Forensic Relevance of Investigative Interviewing

The CI might help individuals recall sensitive and hard-to-retrieve memory traces. Its use is recommended when other less advanced methods (e.g., standard or structured interview protocols) are not sufficient to overcome factors that prevent information retrieval (e.g., time delay). The study by Goldfarb et al. (2019) serves as a good example to argue for the relevance of using a CI. As the authors say, “(...) reporting not knowing might be expected, as the intervening time delay would likely result in significant forgetting” (p. 392). In such situations, using a CI might lead to: (i) a decrease in incorrect denial rates of genital contact, as well as a decrease in (falsely) assenting to misleading questions (see *infra*) and ‘I don’t know’ responses; (ii) an increase in reported genital contact.

Three decades of research showed the effectiveness of this protocol to help interviewees retrieve and recall details of experienced events, both in laboratory (for a meta-analysis, see Memon, Meissner, & Fraser, 2010) and in the judicial field (e.g., Colomb, Ginet, Wright, Demarchi, Sadler, 2013). Although accuracy rates of CI reports are generally equivalent to those of control interview protocols (e.g., structured interview), the CI leads to more complete reports than other interview methods (Fisher & Geiselman, 2017; Memon, Meissner, & Fraser, 2010).

Goldfarb et al. (2019) also found that participants’ suggestibility was mainly related to “less egregious acts” (p. 381, see also p. 391 for examples). However, in criminal cases, even when alleged victims falsely report minor details (e.g., which room he/she was abused), such false details could undermine the overall witness's credibility in court, leading him or her to be perceived as dishonest and prone to memory errors (Lavis & Brewer, 2017). Due to the generally inappropriate interview practices of investigators (e.g., Schreiber Compo, Hyman Gregory, & Fisher, 2012), there is a reasonable chance that interviewees’ memory reports might include significant amounts of erroneous

1 details. This issue is raised by the authors as well (p. 392): participants “might have been
2 less cautious if highly inappropriate interview techniques (such as coercion or overly
3 lengthy interviews) were utilized” and “It may also be that individuals would be more
4 suggestible when incorrect information is conveyed by an authority figure (e.g., police
5 officer) (...).” Moreover, because clinical psychologists—including expert witnesses
6 (Dodier, 2018; Melinder & Magnussen, 2015)—may endorse erroneous beliefs about
7 how memory works such as the belief in repressed memories (Patihis, Ho, Tingen,
8 Lilienfeld, & Loftus, 2014; Magnussen & Melinder, 2012), they might misinterpret
9 victims’ stated details and/or miss factors known to influence memory. Therefore, using
10 a CI to facilitate memory retrieval would be relevant, if not needed, for both forensic
11 (i.e., investigative interview) and clinical (i.e., psychology and/or psychiatry expert
12 testimony, psychotherapy) purposes.

13 Regarding people who are conservative in reporting, Goldfarb et al. (2019)
14 recommended the use of rapport building (p. 392): something that is part of the CI.
15 Besides the establishment of a relationship of trust between interviewers and
16 interviewees, ground rules (e.g., promoting an active role from the interviewee,
17 transferring control, the right to answer ‘I don’t know’, see *supra*) are explained to the
18 respondents. If, as stated by the authors, “participants’ memory has degraded so much
19 that the event is no longer accessible (...)” (p. 392), such rapport building could then
20 reinforce their conservative response strategies and limit subsequent misinformation
21 acceptance (e.g., Memon, Zaragoza, Clifford, & Kidd, 2010; Vallano & Schreiber
22 Compo, 2011). If, on the other hand, participants were conservative in their responses
23 because of “an inability or unwillingness to retrieve the memory at the time of the
24 interview” (p. 392), then such rapport building might encourage them to retrieve
25 potential critical information (Vallano & Schreiber Compo, 2011).

Goldfarb et al. (2019) also stressed the value of providing cues and memory reinstatement as retrieval strategies. By mentally recreating the external and internal contexts of the experienced event, interviewees themselves generate cues that allow them to better access the mental record of the event (Fisher & Geiselman, 1992, 2017). Using such CI components could (i) foster the retrieval and the report of critical information (e.g., genital contact); (ii) limit the use of closed and/or suggestive questions by interviewers (see Molinaro, Fisher, Mosser, & Satin, 2019); and therefore, (iii) reduce the risk of misinformation acceptance.

The Clinical Relevance of Investigative Interviewing

In addition to the benefits of the CI in terms of memory recall, it has been suggested that the CI could also help assist victims' psychological well-being and that it could therefore be of therapeutic interest (Fisher & Geiselman, 2010). That is, the CI might help victims regain a sense of control over their memories of the event (rather than being "controlled" by their memories), while reducing potential anxiety experienced at the time of the interview (Fisher & Geiselman, 2010). This reduction would be beneficial as acute stress experienced during retrieval impairs memory (Shields, Sazma, McCullough, & Yonelinas, 2017). The importance is demonstrated by the fact that slightly more than one out of four interviews about a traumatic event may be experienced as stressful by the interviewees (Langballe & Schultz, 2016).

There are solid arguments suggesting that the use of the CI is part of a therapeutic jurisprudence approach (i.e., the idea that legal and judicial processes may promote the psychological well-being of individuals involved in legal cases). First, interviews conducted in an empathetic, subject-centred and personalized manner may improve psychological well-being, one week as well as six months later, while an interview without a prior rapport may even increase anxiety (Madson & Holmberg, 2014). Second, several studies have highlighted the benefit of expressing emotions for mental health

(e.g., Esterling, L'Abate, Murray, & Pennebaker, 1999; Pennebaker & Seagal, 1999; Pennebaker, 1997; Zech & Rimé, 2005), including when it comes to traumatic events (Murray & Segal, 1994). Through its emotional context reinstatement and report-everything instructions, the CI may have clinical relevance as a tool for retrieving and recalling emotional memories of past traumatic experiences (Shepherd, Mortimer, Turner & Watson, 1999).

It is also important to realize that levels of anxiety felt during an interview could even increase if interviewees are unable to provide detailed and meaningful reports and if the conduct of the interview is predominantly controlled by the interviewer (Langballe & Schultz, 2016). The CI addresses such issues. For example, it allows interviewees to provide multiple free recalls, to structure their responses in their own way and to therefore control the conduct of the interview (e.g., the open and probing questions asked by the interviewer after the free recalls must be based on the information provided by the interviewee during the interview).

Of course, the CI is an investigative interviewing tool and should not be primarily used as a therapeutic tool (see Fisher & Geiselman, 2010, p. 325, for detailed arguments). Rather, in cases such as those described in the study by Goldfarb et al. (2019), the CI could help to improve the completeness of memory recalls, relative to techniques such as (un)structured interview protocols. Additionally, the CI might be advantageous for victims' psychological well-being. From a clinical perspective, expert witnesses, court-appointed experts or therapists could use the CI to obtain information regarding the victim's emotional state related to the traumatic event, while simultaneously attempting to ensure a non-suggestive and non-stressful approach.

Concluding Remarks

Goldfarb et al.'s study (2019) serves as a clear example for recommending the use of investigative interviewing methods such as the CI. First, in that study, there was a

20-year delay between the original event and the conducted interviews. This long delay may have explained some of the errors and the high rates of conservative responses (i.e., 'I don't know'). Using a CI could overcome some of these delay-related effects through its retrieval strategies. Second, the CI could reduce memory errors related to closed and misleading questions by minimizing their use. Third, the CI is known to facilitate retrieval processes and to improve the completeness of reports, compared to control interview protocols. It could then increase the rate of spontaneous disclosure of critical information (e.g., genital contact). Fourth, the authors explicitly specified the need for methods that include rapport building, cues and context reinstatement. The CI is partly based on these three strategies. Fifth and last, the CI might promote the psychological well-being of interviewees. Although this last point does not follow directly from the study by Goldfarb et al. (2019), it is nevertheless a clinically significant added value that we believe is crucial to present to readers. While individual components of the CI have shown benefits on the psychological well-being of participants, evidence of such effectiveness now remains to be provided when combined in a full CI (vs. control interview protocol). By measuring psychological well-being before and after interviewing actual victims, the CI could be tested at Time 2 in longitudinal research designs similar to the one employed by Goldfarb et al. (2019).

Apart from the use of the CI, the Goldfarb et al.'s study also underscores the need for using investigative interviewing at an earlier stage. In child sexual abuse cases, children sometimes talk to different persons (e.g., police, therapists). During such discussions, it is relevant for children to be interviewed using empirically based interview protocols. One of such protocols is the National Institute of Child Health and Human Development (NICHD) protocol which has been shown to lead to detailed accurate statement in children (Lamb, Orbach, Hershkowitz, Esplin, & Horowitz, 2007). Child sexual abuse cases are complex on which victims might be interviewed when they

1 are a child or adult. During this entire process, it is imperative that investigative
2 interviewing takes places.

3 The Goldfarb et al.'s study (2019) and this commentary also provide some
4 impetus for future research on the relation between advanced protocols and the
5 completeness and/or accuracy of reports in historic child sexual abuse cases. As the
6 authors stated, "There is a pressing clinical, societal, and scientific need (...) to identify
7 factors that promote accurate reporting of childhood events" (Goldfarb et al., 2019, p.
8 389). Here we show that one of the factors that promote the accuracy, or at least the
9 completeness of recall of such past experienced and potentially traumatic events is the
10 way in which these traumatic memories are targeted by using investigative interviewing.

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