



# **Does current police investigative interviewing practice assist the child witness to give their best possible evidence?**

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## Table of Contents

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# Declaration

## Declaration

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This thesis contains no material that has been submitted by the author for examination in any other course or accepted for the award of a degree or diploma in any University. To the best of my knowledge it contains no material previously published or written by any other person, except where due reference is made in the text.

**Signed:**



**Martin Vaughan**

# Acknowledgements

## Acknowledgements

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This research project would not have been possible without the support and guidance of so many people. As I come to the end of my policing career having served 30 years I am truly grateful for the support provided to me both financially and morally from Gwent Police without whom this qualification would not have been possible.

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When I joined the police service in 1983 I had a handful of school qualifications and found the English language both challenging and daunting. So gaining a Master's degree to add to my current academic achievements is for me, a boy from the valleys, truly masterful.

To my family, my three children, James, Rhys & Lloyd, to my grandchildren, Sonny & Erin, and my wife Julie, you provide me with the love and inspiration to increase my knowledge and search for a brighter future. I love you all xxx



# **Abstract**

## Abstract

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Since 1992 children who are witnesses in specific crime types have been able to avail themselves of an investigative interview which is recorded visually and subsequently used as evidence-in-chief in the court room. The interviewer follows a set of guidance which was originally contained in the 'Memorandum of Good Practice' (Home Office and Department of Health, 1992) and more recently replaced by updated guidance contained within 'Achieving Best Evidence in Criminal Proceedings – guidance on interviewing victims and witnesses, and guidance on using special measures' (Ministry of Justice, 2011)

In 2009 the Judiciary Police Interview Working Group in the United Kingdom (UK) reported that the Judiciary had concerns regarding the methods adopted to structure investigative interviews and the perceived ineffectiveness of these interviews in meeting the requirements of evidence-in-chief standards. The introduction (Chapter1) sets out the background to these concerns before explaining how the author will seek to provide answers to those concerns by producing a set of aims which formed the basis of the research.

A review of the relevant research literature and training programmes (Chapter 2) was conducted before collecting data through a range of primary and secondary research methodologies (Chapter3). Interviews were conducted with Police Officers and Crown Prosecution Service lawyers. A detailed analysis of actual interview

recording took place with interviews being rated as being excellent, good, satisfactory, below standard or unsatisfactory.

Having presented the data results (Chapter 4) an analysis (Chapter 5) demonstrated that the overall quality of the interview was below standard and that the questioning phase contained very little case specific material and identifies that this phase of the interview was below standard with a combined value of 2.275. However, there was positivity in the outcome of question structure with more productive questions being used than non-productive. A series of recommendations were identified with the aim of improving the quality of both the interviews with child witnesses and the presentation of their evidence at the court room.

In conclusion (Chapter 6), this study provides additional insight into interviewer practices during an investigative interview with victims of child abuse. It supports and extends earlier research suggesting that interviewers find it difficult to maintain and utilise the knowledge gained in the training arena when conducting the actual interview

# Figures & Tables

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## **Chapter 1**

# **Introduction**

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## Background

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In 2009 the Judiciary Police Interview Working Group in the United Kingdom (UK) reported that the Judiciary had concerns regarding the methods adopted to structure investigative interviews and the perceived ineffectiveness of these interviews in meeting the requirements of evidence-in-chief standards. These concerns included the long held view that children were not competent to give evidence in what is essentially an adult legal system. These concerns were raised again during a joint inspection of experiences of young witnesses in the criminal justice system carried out by the Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Constabulary and contained in joint report (HMCPSP & HMIC 2012). The main criticisms were:

- Lengthy rapport building in respect of establishing truth and lies
- Having provided a clear account, the witness finds themselves subjected to in-depth questioning which serves only to create confusion and repetition
- Little evidence of planning
- Inconsistencies not being challenged
- Over use of leading questions
- Lack of understanding regarding impact of the interview as evidence in chief



Inappropriate interview techniques, such as the use of leading questions have been found to contribute to the contamination of child witness accounts of abusive events, presenting subsequent problems within the court room process (Bruck, 1999; Cesi and Bruck 1995; Leo, 2005; Pipe, Sternberg, Lamb, Orbach, Stewart and Esplin 2007, and HMCPSI and HMIC 2012). Recent research in this particular area has reinforced this shortcoming within police investigations and shown that interviewers rarely adhered to best practice guidance (Lamb, Orbach, Sternberg, Aldridge, Pearson, Stewart, Esplin and Bowler 2009).

One of the first studies to examine the effectiveness of investigative interviewing was conducted by Davies, Wilson, Mitchell and Milsom (1995) who evaluated 40 interviews conducted within the first two years following the introduction of the *Memorandum of Good Practice*. This study and the vast amount of research that has subsequently been conducted focussed on the elements of the four phased approach in respect of their presence in the interview. With regards to the questioning phase the research examined question typology as opposed to relevance of the content.

The use of a structured approach has been shown to enhance the quality of the investigative interviews with children as established by Lamb, et al, (2009, p. 464). However, a particular study conducted by Davies, Hoyano, Keenan, and Morgan (1999) reported upon the difficulties encountered by interviewers when trying to balance the needs of the investigation and the court process. They established that the investigative interview has three purposes. These are:

- Initially to ascertain whether an offence has been committed by an identified perpetrator,
- Whether the child is in need of protection,
- The examination-in-chief of the child's evidence at trial.

Having observed the conduct of some 79 video interviews with children, they reached the conclusion that the above three purposes are extremely difficult to reconcile and place unrealistic demands upon interviewers. This conclusion is also the pivotal concern expressed by The Association of Chief Police Officers (ACPO, 2010) regarding the current investigative interview process.

This proposed research will seek to address the limitations of the current bulk of research by examining the link between all three processes i.e. the needs of the interviewee, the investigation and the court process, as identified by ACPO (2010) and Davies, et al (1999) and establish whether the methods adopted to interview the witness are both ethical and 'best practice' compliant as identified by ACPO (2010) and Bull (2010). They emphasises the guidance contained in investigative interviewing protocols such as Achieving Best Evidence in Criminal Proceedings; Guidance for Vulnerable and Intimidated Witnesses including Children (Ministry of Justice 2011) (ABE) and as a consequence are able to meet the requirements of the judiciary.

This research differs from those previously conducted in that it proposes that the questioning phase of the interview could be separated into two sub-divided phases of:

- i. Incident-specific questioning; and
- ii. Case-specific information important to the investigation.

## **Value and Benefit of the Research**

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The findings of the research will not only be relevant to the Police Service of South East Wales but to partner Forces within the Welsh region. On a wider scale the findings will contribute to the debate that continues surrounding this issue at the ACPO National Steering Group for Investigative Interviewing therefore the research will be shared with that forum.

In order to ensure that the outcomes of the research reach practitioner level the author intends to present his findings at conferences on investigative interviewing both internally and externally. The findings will be shared with partner agencies within the criminal justice arena to ensure they are fully apprised of the findings. The Police Service of South East Wales is aware that a copy of all academic dissertations conducted by their staff will be lodged at that university and no exemption is sought for this particular study. In line with research protocols a copy of the dissertation will also be made available for storage and use at the National Police Library, Bramshill, UK.

The benefits to the Police Service is that this research paper will examine the entire process of the child's interview from the planning phase to its conclusion and by doing so will address the current concerns expressed by (ACPO) (2010) regarding the transference of information obtained during the interview phase into appropriate application within the court room. There are clear benefits for the child witness where an interview is conducted professionally, accurately and by adhering to 'best practice' such as the avoidance of leading questions, as established by Pipe, et al., (2007). The most evident of these benefits is that during the process of cross examination the child's account does not become distorted. Another benefit is that it reduces the potential for suggestibility and in-turn inaccurate recall of events.

The significance of this study is to ensure that the Police Service in South East Wales is meeting its primary duty of protecting and reassuring the public in addition to ensuring that the service provided to them is of the highest standard and fit for purpose. This research paper will provide, initially the Police Service of South East Wales and subsequently the Region, with an in-depth review on the quality of the service they deliver together with a gap analysis as to how the service can be improved for all concerned in the investigative process especially during the court process. The aim of this study will be to:

- Determine whether the guidelines are actually being used by investigative interviewers;
- Determine whether any aspects of the guidelines conflict with one or more of the interview's purposes;

- Identify concerns of the judiciary in the application of the interview product during the criminal court process;
- Develop practical recommendations aimed at enhancing the reliability of the child's evidence in the court room.

## **Research Questions**

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The current research will seek to answer the following questions:

- To what extent officers follow best practice (within the questioning phase) when interviewing children?
- How does sub-dividing the questioning phase of the interview (i.e. incident specific questioning and case specific information) benefit the child and investigation?
- How does using two sub-phases affect editing when required to present the evidence at the court?
- How does the best practice method affect the Criminal Justice System (CJS)?

## **Chapter 2**

# **Literature Review**

## Introduction

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Research conducted by psychologists over the last 30 years has established that children of all ages are able to produce accurate accounts of events if they are interviewed properly (Goodman, Hirschman, Hepps, & Rudy, 1991; Wattam, 1992; Peterson & Biggs, 1997; Milne & Bull 1999, DeVoe & Faller, 1999; Faller, 2003; Zajac, R. 2009). A consistent theme amongst all the research is that interviewing of children has improved dramatically over the years but questions still exist in respect of the way the testimony is received within the court arena (Cashmore, 2002; Westcott & Kynan, 2006). However, children can be influenced by the manner of the questioning they face by those conducting the forensic interview and experts agree that allowing a child to tell their story in their own words is the most effective manner of gathering information from the child (La Rooy, Lamb & Memon, 2011). It is this very issue that the author seeks to explore within the context of the questions posed during this research project.

Several major investigations into child abuse in the United Kingdom (UK) since the 1980's, for example the Cleveland enquiry (Butler-Sloss, 1988), the Orkney report, (Clyde, 1992) and the Victoria Climbié enquiry (Laming, 2003), have all served to focus society on the maltreatment of children and manner in which children are forensically interviewed by those charged to investigate those crimes. Children may be interviewed as either victims of the maltreatment or witnesses regarding other forms of crime. The process of gathering information within the forensic interview is essentially the same. The common theme of the above cases highlighted the inappropriate interview techniques, for example, use of leading questions, lack of

open questions and a lack of an open minded investigative approach, all of which contributed to the contamination of the child's evidence (Bruck,1999; Cesi & Bruck, 1995). In the case of Victoria Climbié there was a failure to collect forensic investigative interviewing evidence by not adhering to nationally recognised protocols designed to support an effective forensic examinations of a child's allegation of abuse ( Laming, 2003, para 14.55). The report examined the manner in which was Victoria was spoken to by the investigating police officer and social worker and comments at para 14.80 report "*PC Jones has little recollection of the questions they asked, and she told the investigation that she did not take any notes*". This left Laming to comment that, "*In my view, PC Jones failed to conduct an adequate investigation of the crime committed against Victoria of which she became aware of on the 28<sup>th</sup> July 1999. In the process, she displayed what I consider to be gross incompetence*".

The Cleveland enquiry saw 121 children removed from their families. Over the course of a few months, two paediatricians diagnosed sexual abuse in 121 children from 57 families in the area. Most of the children were removed from their homes under place of safety orders. The 1988 enquiry into child abuse in Cleveland, chaired by Baroness Butler-Sloss, blamed the crisis on lack of clear understanding by agencies of each other's' functions, lack of communication between agencies and a difference of opinion by middle managers which wasn't recognised by senior staff and subsequently affected those on the ground. The enquiry highlighted several issues regarding the manner in which the children were interviewed. There were a number of recommendations, in particular that children should not be subjected to repeated interviews, nor to the probing and confrontational style of 'disclosure



'interview (Wattam, Hughes & Blagg, 1989). The report highlights the extent of confusion that existed surrounding the purpose of an interview. It suggested that agencies should understand fully the nature of the investigative interviewing process and that the interview process should be approached with an open mind and employ the use of open questions to establish accurately the facts of an allegation. The report concluded that sound training of professionals tasked with dealing with child witnesses is necessary to reduce the systematic abuse often endured by child witnesses once they enter the criminal justice system and that once trained it should only be those trained individuals who are tasked to conduct the investigative interview (Butler-Sloss, 1988).

On February 27th 1991 on South Ronaldsay in Orkney, Scotland the largest child abuse enquiry in Scottish history unfolded with a raid by social workers and police on four homes and the subsequent removal of nine children following allegations of ritual sexual abuse. The police and social services were convinced that the children were victims of a Satanic worshipping paedophile ring. The allegations were eventually dismissed and social workers accused by the presiding Sheriff of having conducted a 'fundamentally flawed' investigation. In August of 1991 Lord Clyde was appointed to conduct a public enquiry into the case which was subsequently reported in October 1992. The final report contained 194 recommendations of which 29 recommendations (108 -137) related to the manner in which the children were interviewed (Clyde, 1992). The main issues concern the training of interviewers and the planning, management and recording of the actual interview (Spencer & Flin, 1993). A consistent theme emerged between this enquiry and that conducted by Butler- Sloss with respects to the training of interviewers and

the manner in which the interviews were conducted. Recommendation 116 states, “the importance should be recognised of interviewers keeping an open mind on the truth or otherwise of any allegations.” Recommendation 134 stated:

Before embarking on an investigative interview interviewers should consider the matters of denial and retraction by a child, the interviewer’s knowledge of information relating to allegations, the interviewer’s own agenda, the use of leading questions and the introduction of personal matters

The importance of effective investigative interview training cannot be over emphasised. All three of the above reports highlighted significant developmental factors with respects to the training already provided or that which should be provided. In order to establish whether the guidelines are being followed the researcher will examine the current training programmes that are being delivered to police officers throughout the UK to establish their structure and whether the guidelines conflict with one or more of the interview’s purposes. Police investigators agree that eyewitnesses and victims usually provide central leads in their investigations (Berresheim and Webber, 2003; George and Clifford, 1992; Kebble and Milne, 1998). However, it is the quality of the information that has been subject of much criticism (Kebble & Milne 1998). The lack of adherence to recommended guidance has contributed to the failure of the interview process not only in United Kingdom but also in the United States of America, Canada, Sweden, Finland, Norway and Israel even though there is a clear international consensus regarding the most effective way of conducting an investigative interview surrounding the abuse of children (Lamb, Hershkowitz, Osbach & Esplin, 2008; Granhag, 2010; Powell, Wright & Clark, 2010). This consensus manifests itself in the main interviewing protocols that are used throughout the world, for example, the NICHD

Investigative Interviewing Protocol, 2007 and the Achieving Best Evidence in Criminal Proceedings, 2011 as both procedures include an introduction phase, a rapport building phase, a questioning phase and a closure phase. Both these documents promote the use of free narratives and the use of open questions (Krahenbuhl, Blades, & Westcott, 2010, Harris, 2010).

## **Review of the Guidance**

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The quality of the product obtained from a forensic interview has been the subject of much interest since the increased awareness of child abuse and the visual recording of the interview with the child (Wilson & Powell, 2001; Westcott & Kynan, 2006). For the first time the courts could view not only what the child and interviewer said during the interview but the manner in which the questioning took place and the response of the child could also be seen within the court room. The U.K. Government first published guidance on how to interview children for criminal proceedings in 1992 with the issuing of the Memorandum of Good Practice. This was revised in 2002 with the publication of 'Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, Including Children'. Both of these publications provided advice on the structure and procedural aspects of interviewing children in order to enable them to give their best evidence criminal proceedings. Common to both documents is a four phased method of constructing the actual forensic interview with the child which includes, rapport, free narrative, questioning and a closure phase. The Achieving Best Evidence publication remains

the current guidance document on interviewing children in the U.K. and is currently on its 3<sup>rd</sup> Edition having been updated and re-launched in March 2011.

The Memorandum of Good Practice (MOGP) on Video Recorded interviews with Child Witnesses for Criminal Proceedings was published as a joint publication between the Home Office and the Department of Health in August 1992 (Home Office/Department of Health (1992). The main function of the document was designed to provide for the first time in England and Wales a set of procedures to follow when conducting interviews with children under 14 years for physical abuse offences and under 17 years for sexual abuse offences. The intended purpose of the MOGP was to encourage the use of best practice in obtaining evidence from children (Wattam, 1992, Bull, 1992.). The introduction states that *'if handled properly, the video recorded interview will be in the interests of the child and in the interests of justice'*.

The origins of the MOGP can be found in the report produced by Justice Thomas Pigot QC, The Pigot Report (1989) who had chaired the Home Office Advisory Group on the introduction of video recorded interviews of children into criminal proceedings. The report recommended that a Code of Practice be introduced to guarantee interviews were conducted in compliance with the rules of evidence however, having been subject of several draft versions and professional review the title changed from 'Code' to 'Memorandum of Good Practice'. Davies and Westcott (1999, p.2) suggest that the change in title was *'to reflect the view that the document should provide guidance rather than seek to lay down inflexible rules'*.

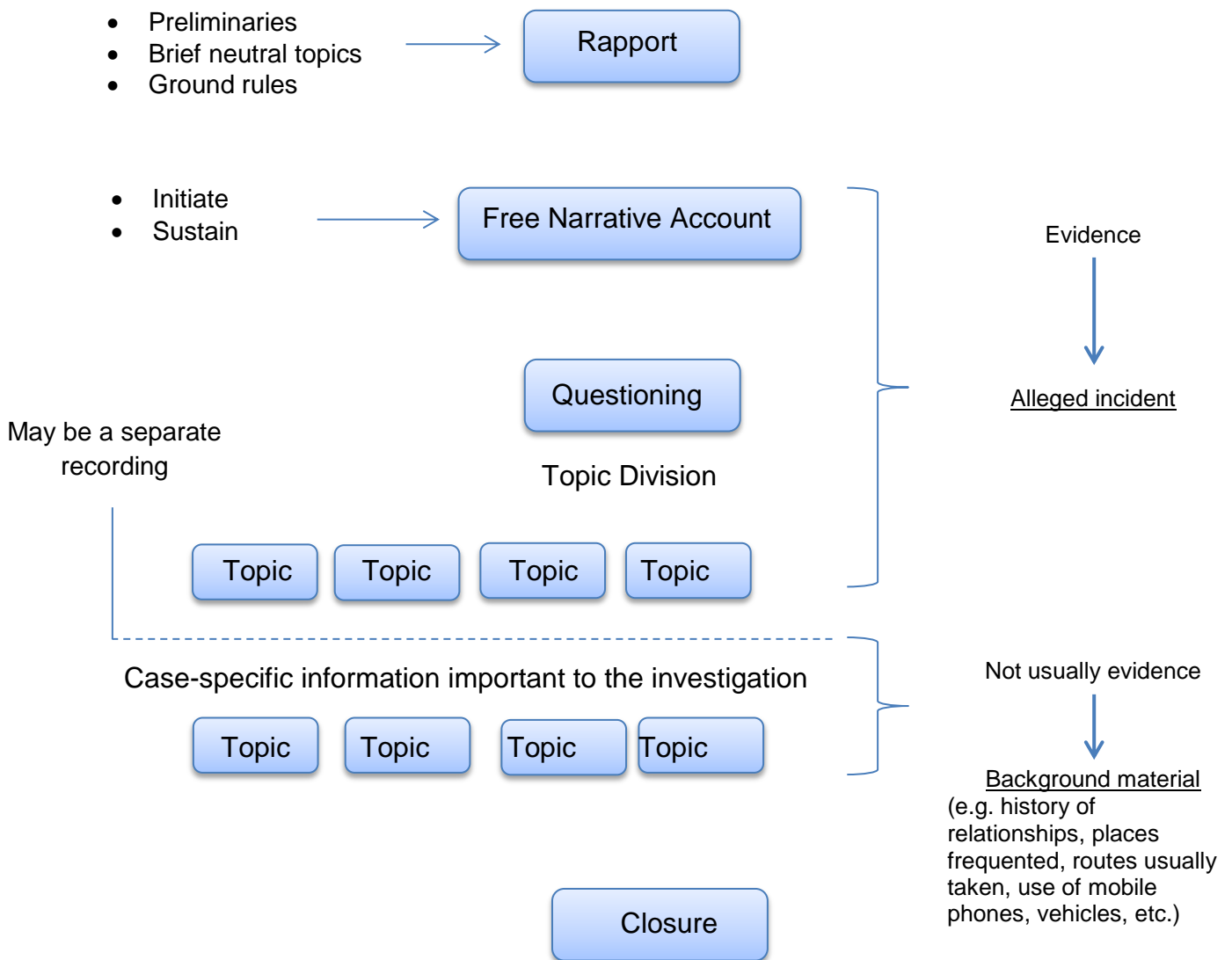
The interview structure promoted with the MOGP consisted of four phases, rapport, free narrative account, questioning and closure of the interview. This method of constructing the interview mirrored a number of similar methods available at that time including the Interview Schedule (Jones & McQuiston, 1988, Jones 1992) and the Step-wise Interview (Yuille, Hunter, Joffe, & Zaparnink, 1993). The main recommendations of the MOGP are:

- Interviews should be conducted as soon as practicable after the allegation of abuse emerges
- Interviews should take place in an informal setting with interviewers trained in talking to children
- Children should be given every opportunity to articulate their own story before being asked explicit questions
- The interview is modelled on the phased or 'step-wise' approach beginning with open ended questions before utilising the follow-up question types of specific, closed or leading
- Interviews should last no longer than one hour

(Davies, Marshall & Robertson, 1998; Davies & Westcott 1999, p1, and Lamb, et al, 2009, p.455)

The current guidance suggests that the basic goal of an interview with a witness is to obtain an accurate and reliable account in a way which is fair, in the interests of the witness and which is acceptable to the court (Ministry of Justice 2011). The document, whilst still promoting the 'four phase' method of interviewing a child, includes a new concept in respect of Phase Three and suggests that this phase should be subdivided as outlined in Figure 1 below.

**Figure 1: Typical Interview Structure**



MOJ (2011, p.69)

The guidance contained in the latest edition of ABE offers an explanation as to why the questioning section has been subdivided and appears to be at odds with the concerns expressed by the Judiciary in 2009:

While obtaining an account of the alleged event it is essential, other matters might need to be covered during the interview in order to progress the investigation. These matters can be regarded as ‘information important to the investigation’. Obtaining a complete picture of all the relevant issues within an interview is essential because it will provide the investigating officer with the information necessary to conduct a comprehensive investigation.

MOJ (2011, p.48)

This change comes eleven years after a review of the admissibility and sufficiency of evidence in child abuse prosecutions described the extreme difficulty facing forensic interviewers when attempting to balance the needs of the criminal and child protection investigations with the needs of the courts (Davis, et al., 1999). The change in the guidance on how to structure Phase Three comes as a result of several research studies ( Wattam, 1992; Wade, Lawsen & Aldridge,1998; Davies & Westcott 1999; Davies et al, 1999; Aldridge & Wood, 2000; Westcott & Kynan, 2006) which examined the manner in which the child's evidence is received by the court. Wade, Lawsen and Aldridge (1998) identified four issues associated with videotaped testimony from children who provided their evidence at court. They observed a lack of specific important evidence and that increased concentration levels were needed by those listening to the evidence. They also noted the inclusion of facts not generally admitted through live examination and problems with the lack of neutrality of the interviewer. These issues contributed to the fragmented mechanism of the evidence presentation to the court and made it difficult to follow the evidence. This study was supported by Davis, et al, (1999) and more recently by HMCSI and HMIC (2012) when describing the child's account in the interviews they had observed as 'rambling and incoherent'. They suggested the interview has three purposes;

- To ascertain whether an offence has been committed and by whom at an early stage in the investigation
- To establish if the child is in need of protection and from whom
- The examination-in-chief of the child at trial and compliance of the rules of evidence

Both studies demonstrate that the interview process places unrealistic demands on the investigator in their attempt to reconcile the above processes. It is this very issue that has been the source of debate in recent years between the police service and the judiciary within the U.K. (HMCSI & HMIC, 2012) and has been the catalyst for the change in the guidance in respect of Phase Three in an attempt to achieve the fine balance that is required between the needs of the police, the victim or witness and the judicial process.

To date there has been little discussion in literature regarding the process of reconciling the conflicting demands of the interview. Most of the prior research has concentrated in the main on the Rapport Phase of the interview process and identified that this phase was an essential part of the interview process (Westcott & Kynan 2006 and 2004; Sternberg, Lamb, Davies & Westcott, 2001; Sternberg, Lamb, Esplin & Baradaran, 1999; Milne & Bull 1999; Sternberg, Lamb, Hershkowitz, Yudilevitch, Orbach, Esplin & Hovav, 1997 and Saywitz, Geiselman & Bornstein, 1992). During the interview phase children are often asked to provide an intimate detailed description of the abuse they have suffered and these personal experiences are examined by investigators who are complete strangers to the child. It is therefore essential that the interviewers' invest sufficient time from the outset so that meaningful and personal rapport can be established between them and the witness (Collins, Lincoln, & Frank, 2002). Children are not used to being treated as important informants therefore it is incumbent upon the interviewer to clearly communicate their expectations regarding the child's roles and responsibilities within the interview. The one issue that all the commentators agree upon is that positive rapport between the interviewer and the witness can improve the quantity and quality of information



gained in the interview (Westcott & Kynan 2006 and 2004; Sternberg, Lamb, Davies & Westcott, 2001; Sternberg, Lamb, Esplin & Baradaran, 1999; Milne & Bull 1999; Sternberg, Lamb, Hershkowitz, Yudilevitch, Orbach, Esplin & Hovav, 1997 and Saywitz, Geiselman & Bornstein, 1992). Interviewers should strive to build rapport with children by asking open-ended questions about neutral, everyday events before questioning them about sensitive topics (Lamb, et al., 2008) and maintain the rapport throughout the interview (Walsh & Bull, 2012)

## **Question Type**

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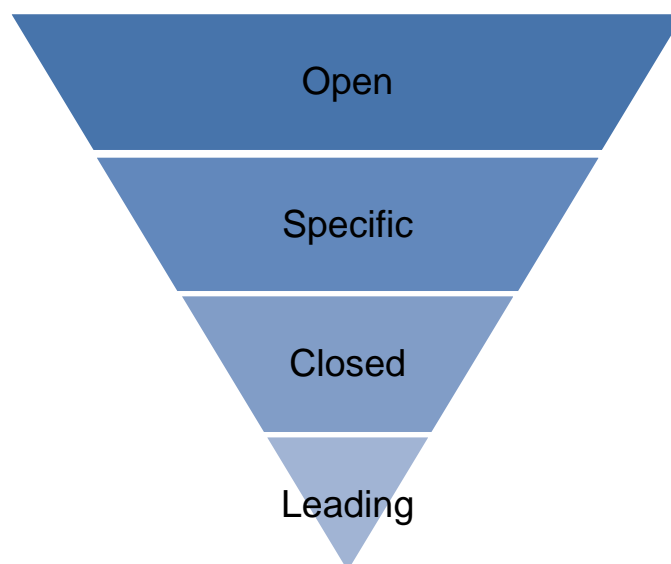
During the free narrative phase of an interview most witnesses will not be able to recall everything relevant that is encoded in his or her memory. Through the use of appropriate questions the interviewer will be able to aid this process and obtain an account of the event witnessed by the interviewee. Interviewers should appreciate that there are various types of question which vary in how directive they are. The current guidance in the U.K. promotes the use of open-ended questions before introducing more specific closed questions. Forced-choice questions and leading questions are promoted as last resort question types (Ministry of Justice 2011). This approach has become known as the 'funnel' approach and one that is promoted in the U.K and other countries around the world and is illustrated in Figure 2 below.

Lamb & Brown, (2006, p. 219) suggest that;

Such a questioning style provides support for children by encouraging exhaustive retrieval of information and increases the communicative value of their reports by helping children structure their reports in a coherent manner.

The quality of the information obtained has also been the focus of much research with the type of questions asked to elicit information becoming the focal point of debate. Children are just as capable of being influenced by questioning as adults are and a vast body of research has established that information obtained from open-ended questions will be more accurate and of a superior quality than information using more focused prompts (Hershkowitz, Lamb, Sternberg & Esplin, 1997; Baker-Ward & Ornstein, 2002).

**Figure 2: Questioning Structure – Funnel Approach**



Yuille,(1998)

However, several researchers have found that these types of questions are rarely used in a forensic interview setting, for example, Sternberg, et al., 2001, found that interviewers asked only 4% open questions, as compared to 33% specific and 20% closed question instead.

Specific questions are generally referred to as the second best type of question (Milne & Bull, 1999) and should be used to obtain information not already provided by the witness following the use of open-ended questions. A closed question is one that allows only a relatively narrow range of responses which usually consist of one word or a short phrase answer. The danger of using closed questions is that they produce more incorrect responses compared to open-ended questions (Lipton, 1977; Memon & Vartoukian; 1996, Milne & Bull 1999 and Krahenbuhl & Blades, 2006). The current guidance to interviewers suggests that the use of specific-closed questions, for example, 'Who', 'What', 'Where', 'When' and 'Why', allows the interviewer to control the interview and minimise irrelevant information being provided (Ministry of Justice, 2011).

One of the issues facing forensic interviewers is the ability to understand the difference between question types. An interview is a learning experience, especially if the witness has limited or no knowledge of the interview situation. As a consequence any interviewer behaviour is likely to have an immediate effect on the interview process. By opening an interview with a series of closed questions the interviewee will learn very quickly to answer with short answers and come to expect this for the remainder of the interview (Ministry of Justice, 2011, p. 189 para. H.2.2.4 and Milne & Bull 1999). Open-ended questions on the other hand allow for more elaborate and accurate responses. Open ended questions are effective in eliciting complete and accurate information (Price & Roberts, 2007). However, it appears from current research that closed questions are still being used more frequently than open-ended questions but also confirms the raft of research that makes it clear that open-ended questions elicit more detailed information (Thoresen, Lonnum, Melinder

& Magnussen, 2009). This pattern of question is likely to increase the disjointed nature of the child's evidence, with most of the talking being performed by the interviewer rather than the interviewee.

The current guidance for forensic interviewers within the UK identifies the following question types as being less accurate and ones that should be avoided if possible;

- ✚ Forced-choice questions
- ✚ Multiple questions
- ✚ Leading questions

*Ministry of Justice (2011)*

The forced-choice question is also known as a selection question which leaves the interviewee with a small number of alternatives to choose from which may not include the actual correct answer. The associated negativity with this question type is that vulnerable witnesses may guess the answer by selecting one of the alternatives provided (Milne, Clare & Bull, 1999).

A multiple question is an utterance that seeks information regarding several issues at the same time. Each question contains a sub-section which will require an answer. This creates confusion for the interviewee with regards to construction of the answer and also has the potential for misinterpretation of the answer by the interviewer. A leading question is one that implies the answer or assumes facts that are likely to be in dispute. Leading questions should only be used as a last resort

and should not be used to develop a particular hypothesis to support an interviewer's version of events.

Questioning styles have been found to be a major factor in how a jury interpret a child's evidence during the court process (Tubb, Wood, & Hostch, 1999; Karla & Heath, 1997, and Schmidt & Bringham, 1996). Interviewees have been shown to be adversely influenced by the way the interviewer has structured a particular question (Cesi & Bruck, 1995; Bruck,1999; Milne & Bull, 1999; Roebers & Schneider, 2000; and Krahenbuhl & Blades, 2006). Milne & Bull (1999, p.63) comment:

In essence an interviewer needs to know the rules of verbal and non-verbal behaviour within a conversation. Competence in interpersonal skills means monitoring and adjusting one's conversational behaviour depending on the interviewee. This in turn requires cognitive and analytical competence.

By constructing an appropriate interview strategy which incorporates an acceptable questioning structure then information will be obtained without contamination of the witnesses account and should be a contributory factor in improving understanding of utterances at the court arena.

## **Presentation of Evidence at Court**

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While the best evidence must present an accurate record of the account given by the witness, the gathering of the evidence and the manner in which it is presented at the court must meet the needs of the investigation and the needs of the judiciary.

The needs of judiciary are not complicated (Spencer & Flin, 1993). They suggest that the basic rule is that all material facts must be established by evidence. It has, however, become apparent that this is not always the case. Several factors have been identified as potentially problematic when a witness's account is played in court as evidence in chief (HMCSI & HMIC, 2012):

- ✚ Difficulty in providing an accurate and reliable account due to anxiety, stress, trauma or disability,
- ✚ Failure to report events sequentially,
- ✚ Presentation of matters regarding the witness which by the time of the court appearance are not relevant,
- ✚ Lack of quality of the interview structure with no apparent objectives

The quality of the evidence-in-chief is dependent upon the skill of the interviewer to make the child's evidence intelligible (Davies, et al., 1999). A child's story is often presented in the forensic interview as confused, incoherent and lacking in detail. In contrast to the position of the barristers in the court and the trial judge, the officer conducting the forensic interview has no clear idea of what the child is about to say during an interview which is mainly conducted at an early stage in the investigation. One of clearest opinions which are at odds with the current criticism, identified above by HMCSI and HMIC, 2012, from the judiciary is that presented by Davis, et al., (1999, p. 21), when they comment:

Many of the issues which would later be raised in court had not yet emerged and so could not be covered. With no clear idea of the specific nature of the allegations, it is difficult for interviewers to maintain an overview of the child's allegation during an interview so as to ensure that all the questions that could be asked are asked.

A chronological portrayal of abusive events is not always achievable in a child's forensic interview especially if the witness is reluctant or embarrassed to discuss intimate details of the abuse inflicted upon them. The introduction of a 'story-telling' framework creates a communication avenue which allows barristers, jurors, witnesses and the judge to present, hear and make sense of evidence presented within the court arena (Westcott & Kynan, 2004; Bennett & Feldman, 1981). A successful account will therefore have an identifiable setting, concern and resolution. The author identifies a significant flaw in the components of the 'story-telling' interview structure in that no mention is made of obtaining case specific information. The method concentrates on the alleged abuse act, including the actions of the perpetrator and the consequences of the perpetrators actions and, fails to address the wider implications of investigatory important information which may serve to bring the investigation to a successful conclusion.

What emerges from the weight of research that has been conducted surrounding the analysis of children's evidence in the court room is that the child's account presents as inadequate, nebulous and disordered (Wade et al., 1998; Davies et al., 1999 and Westcott & Kynan, 2004). By following a detailed structure the witness will be adequately prepared to provide a detailed sequential account of the event and also present their evidence at a subsequent court hearing (Lamb et al., 2008). The author believes that the key to a successful interview is the adherence to the training the forensic interviewer received and how this training is applied within the interview framework.

## Training

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Training is fundamental to any organisation and of paramount importance is the need to ensure that its employees have the skills and knowledge to carry-out their duties effectively and efficiently. It should be acknowledged that not everyone has the aptitude to become expert interviewers just like not everyone has the aptitude to become firearms officer or advanced traffic officers. Those who do have the aptitude must first be provided with appropriate and sound training (HMIC, 2002).

The purpose of training is to improve knowledge and skills and to change attitudes and behaviour (Mullins, 2007). Mullins identifies many benefits of training for both the individual and the organisation. Training can:

- Increase the confidence, motivation and commitment of staff;
- Provide recognition, enhanced responsibility and potential to earn more and seek promotion
- Personal satisfaction and achievement and the potential to broaden career opportunities and progression; and
- Improve availability, quality and skills of staff

Training is therefore a key element of improved organisational performance.

Police training in the area of witness interviewing has historically been relatively minimal not only in the U.K. but also throughout America, European countries and



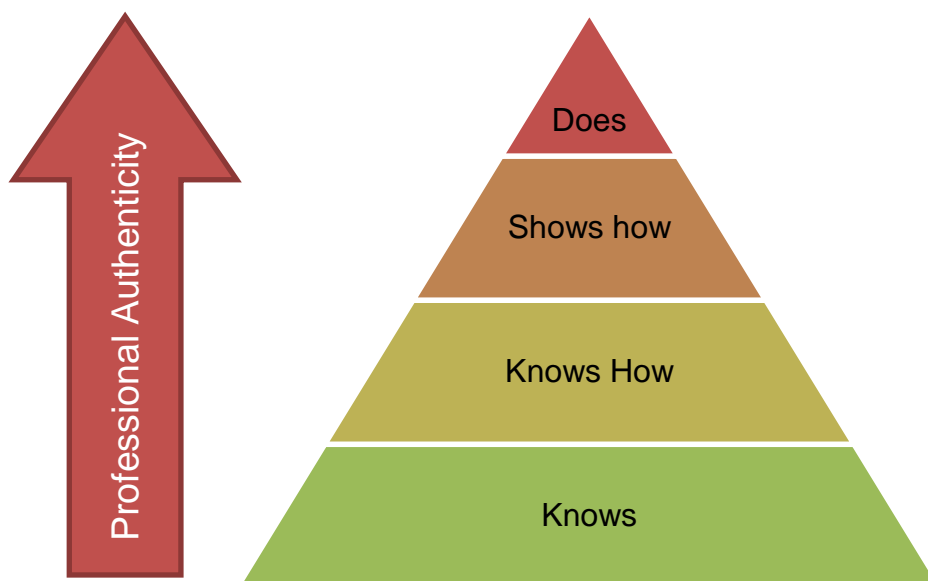
Australia, all of which have had some form of training programmes in existence for the last 20 years (Milne & Bull 1999, Granhag, 2010, and Powell et al., 2010). Investigative interviewing is a highly complex skill which needs appropriate training both in quantity and quality. There have been several attempts to produce a structured training programme for child interviewers which have included the need to include a number of methods such as lectures, reviews of interview transcripts viewing real life interviews and conducting role plays (Kohnken, 1998). Other suggestions have included a process of mentoring newly trained interviewers by more experienced practitioners (Wood & Garven, 2000). The author would endorse the above processes and would include the practice of regular monitoring of interview products to ensure that nationally approved guidance is being adhered to and that there is transference of skills obtained in the training environment to the work place. Although training has reportedly improved (Bull, 2010 p.10) there still remains a lack of comprehensive published research on what more recently trained interviewers are able to achieve in England and Wales.

Workplace assessment is a key element in ensuring that the NOS are met by the interviewing officer. Although many officers display skills that demonstrate their competencies in the investigative interviewing arena, many are still falling short of the required standard. It is, therefore, important to properly assess the performance of the interviewer in the workplace to establish their training and developmental requirements (NPIA 2009). The introduction of work-based assessment to the police service of England and Wales is as a direct result of the HMIC 2002 report *Training Matters*. Work-based assessment in the police service is intended to be holistic in its approach, using a variety of assessment methods. The assessment is guided by the

relevant Role Profile which lists, amongst other things the activities and behavioural competencies required for the role.

The underlying objective of performance management is to improve the performance of individuals leading to improvement in the performance of the service delivered by the business area of the organisation (Mullins, 2007). The difficulty has always been in assessing the 'does' level (Figure 3), which in professional practice refers to performance in context (Miller, 1990). The lack of interview evaluation is a contributory factor in this assessment failure.

**Figure 3: Simple Model of Competence**



Miller (1990)

Despite best practice guidance being available in several countries and having been available in the U.K for 20 years most research (Lamb et al., 2009; Sternberg

et al., 2001 and LaRooy et al., 2011) indicates that interviewers do not implement the guidance during the forensic interview for example, the distinct lack of appropriate questioning structure. In fact the evidence from research suggests that much of the training has had little impact on the manner in which interviewer's conduct an interview (Freeman & Morris, 1999; Powell, Fisher, & Wright, 2005). All of the outlined literature acknowledges that the interviewing of children is a highly specialised skill. However, the researcher would also assert that without an acceptable understanding of the best practice guidance material and how to sustain that level of knowledge then interviews will continue to fail children.

In an attempt to professionalise the standard of investigative interview training the National Policing Improvement Agency (NPIA) published for the first time, in 2008, a national curriculum for a training course that would comply with the requirement of National Occupational Standards. The course is designed to equip officers to deal with complex and serious crime including the interviewing of child witnesses and additionally provides a consistent approach to training for the first time within the UK.

The structure of the course builds on the experience of the interviewer obtained in lower tier training. In addition the interviewing element NPIA has also developed a Specialist Child Abuse Investigator Development Programme which aims to achieve, develop and maintain professional competence and registration as a child abuse investigator. The author acknowledges that due to the infancy of these programmes

no evaluation exists and would welcome researchers' involvement in reviewing these programmes so that meaningful development can take place.

The importance of measuring employee performance is still not fully understood. According to Kermally, (2002,p.19),

Managers need to value and measure the contribution of those that work for them in order to understand how people contribute to organisation success. For this reason, it is imperative that performance reviews and measurements are undertaken continuously.

The process of continuous measurement is demonstrated in Figure 4 below (Kermally, 2002). However, feedback is a pointless exercise if not part of the organisation culture (Butcher, 2002).

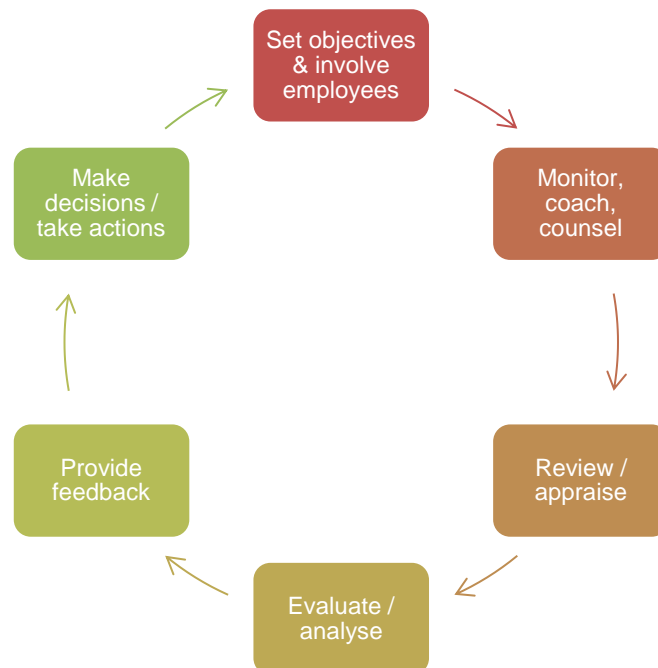
Powell et al., (2010, p. 221) suggests that, *'The introduction of specialist qualifications for forensic interviewing could offer immediate and localised benefits to police organisations as well as broader benefits to the community'*. One such benefit is that the NPIA course is a competency based training programme and in order to complete the programme the candidate has to provide evidence in relation to particular learning descriptors. Having satisfied the requirements of the programme which includes a classroom based training course and work place assessments, the candidate receives a certificate of competence. Several universities are now accepting these certificates as entry qualifications enabling the student to enrol on specified investigative related course.

**Table 1: National Investigative Interviewing Strategy and PIP**

PIP Level	NOS	Notes	Former NIIS Tier
1	<p><b>CJ101</b> - Interview victims and witnesses in relation to priority and volume investigations.</p> <p><b>CJ201</b> – Interview suspects in relation to priority and volume investigations</p>	<p>Expected standard for volume investigators (for example patrol officers).</p> <p>Does not preclude Level 1 investigators achieving a higher level of interviewing skill where their role requires it</p>	1
2 Core functions	<p><b>CJ102</b> – interview victims and witnesses in relation to serious and complex investigations.</p> <p><b>CJ202</b> – Interview suspects in relation to serious and complex investigations</p>	<p>Must of demonstrated competence in CJ101 and CJ201 as a prerequisite.</p> <p>Expected standard for those conducting serious investigations (for example, CID officers and others in specific investigative roles).</p>	2
2 Specialist roles	<b>CJ103</b> – Carry out specialist interviews with victims and witnesses.	<p>Must have demonstrated competence in CJ102 as a prerequisite.</p> <p>Expected standard for those conducting specialist interviews with victims and witnesses (for example, interviewers of witnesses with severe learning disabilities and children)</p>	3
2 Specialist roles	<b>CJ203</b> – Carry out specialist interviews with suspects.	<p>Must have demonstrated competence in CJ202 as a prerequisite.</p> <p>Expected standard for those conducting specialist interviews with suspects (for example, interviewers of suspected category A murderers)</p>	3
2 Specialist roles	<b>CJ301</b> – Manage and co-ordinate interviews for serious, complex or major investigations	<p>As a minimum prerequisite must either be:</p> <ol style="list-style-type: none"> <li>1. Competent in CJ103 and knowledgeable about CJ203; or</li> <li>2. Knowledgeable about CJ103 and competent in CJ203.</li> </ol> <p>Expected standards for interview advisers</p>	5

NPIA (2009)

**Figure 4: Continuous measurement diagram**



i

Adapted from Kermally (2002 p.19)

However, the author is concerned that there has been a lack of consistency in the approach to training across the country. It is clear that training is essential but there is considerable difficulty in identifying what that training should comprise and how should be delivered.

## Conclusion

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The process by which reliable, accurate and detailed information is obtained from children who have either been subject to abuse or have witnessed some form

of abuse is a complex one which requires specialised skills in forensic interviewing. The researcher's proposed research will seek to address the limitations of the current volume of research by examining the link between all three processes of the needs of the interviewee, the investigation and the court process, as identified by ACPO (2010) and Davies, et al., (1999) and establish if the methods adopted to interview the witness are both ethical and 'best practice' compliant and as a consequence able to meet the requirements of the judiciary.

The police services of the U.K. are acknowledged as leading lights in interviewing for investigative purposes. Milne and Bull, (1999, p. 191), postulates that:

Society cannot afford investigative interviewing to be poor. This affects people's perceptions of the criminal justice system. The guilty get away, the innocent are convicted, justice for children and vulnerable adults is inadequate. Poor interviewing is of no value to anyone; it is a waste time, resources and money.

The author concurs with the weight of literature that investigative interviewers are not following the published best practice guidance. Interviewers require clear incentives to improve their interview products and this can be obtained through effective supervision and regular monitoring of their performance within the work place. An interview that has been properly planned and appropriately structured is likely to add value to an investigation and to any legal proceedings that follow from it by assisting the witness to give their best possible evidence.

## **Chapter 3**

# **Methodology**



## Introduction

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The main approach of this research project is based on the analysis of qualitative data and, as a consequence, theory development occurs continually (Coffey and Atkinson, 1996). Many researchers have identified that this method of theory development is grounded in the observations and the data collected (Glazer & Strauss, 1967; Bryant & Charmaz, 2007; Neuman, 2011; Charmaz, 2011). It was Glazer and Strauss (1967) who developed the phrase 'Grounded Theory' and described the theory as '*consisting of a set of flexible analytical guidelines that enable researchers to focus their data collection and to build middle-range theories*'. Creswell (1998) suggests that a 'grounded theory' study examines the process of people's actions and interactions. This is the very essence of this study with the process of how we interview children being the focus of attention. The study will ultimately look to present a theory about the concerns being raised as discussed in Chapter 1 of this study.

Data collection and research methodologies are intrinsically linked. For this reason the methodology used for this particular research project has taken into account the nature of the data that will be collected in the resolution of the problem. Leedy and Ormond (2010, p.94) found that different questions obtained different types of information. Different research problems lead to different research designs and methods, which in turn result in the collection of different types of data and different interpretations of those data. Data for this research was collected from two different sets of Primary Sources which included data collected from document

analysis of transcribed investigative interviews and also semi-structured face to face interviews.

Data analysis was conducted by exploring the text found in real life interviews with victims or witnesses of child abuse. Existing transcripts of interviews that have actually been conducted formed the basis of the review. A benefit of this process is that it minimised the relationship between the researcher and the researched so that any need for the respondent to try and impress, hide or obscure their answers is eradicated.

Neuman (2011) submits that scientists gather data using specialised techniques and use the data to support or reject theories. He defines 'Data' as being the empirical or information that is gathered according to rules or procedures. The data can be 'quantitative', i.e., expressed as numbers, or 'qualitative', i.e., expressed as words, pictures or objects. The below table, Table 2, illustrates the distinguishing characteristics of the quantitative and qualitative approaches. Quantitative researchers seek explanations and predictions that will generalise to other persons and places. The intent is to establish, confirm or validate relationships and to develop generalisations that contribute to theory. Qualitative researchers seek a better understanding of complex situations. Their work is often exploratory in nature and they may use their observations to build theory from the ground up.

**Table 2: Characteristics of the quantitative and qualitative approaches.**

Question	Quantitative	Qualitative
What is the purpose of the research?	<ul style="list-style-type: none"> <li>To explain and predict</li> <li>To confirm and validate</li> <li>To test theory</li> </ul>	<ul style="list-style-type: none"> <li>To describe and explain</li> <li>To explore and interpret</li> </ul>
What is the nature of the research process?	<ul style="list-style-type: none"> <li>Focused</li> <li>Known variables</li> <li>Established guidelines</li> <li>Predetermined methods</li> <li>Somewhat context free</li> <li>Detached view</li> </ul>	<ul style="list-style-type: none"> <li>Holistic</li> <li>Unknown variables</li> <li>Flexible guidelines</li> <li>Emergent methods</li> <li>Context bound</li> <li>Personal view</li> </ul>
What are the data like, and how are they collected	<ul style="list-style-type: none"> <li>Numeric data</li> <li>Representative, large sample</li> <li>Standardised instruments</li> </ul>	<ul style="list-style-type: none"> <li>Textual and/or image based data</li> <li>Informative, small groups</li> <li>Loosely structured or non-standardised observations and interviews</li> </ul>
How are data analysed to determine their meaning	<ul style="list-style-type: none"> <li>Statistical analysis</li> <li>Stress on objectivity</li> <li>Deductive reasoning</li> </ul>	<ul style="list-style-type: none"> <li>Search for themes and categories</li> <li>Acknowledgement that analysis is subjective and potentially biased</li> <li>Inductive reasoning</li> </ul>
How are the findings communicated?	<ul style="list-style-type: none"> <li>Numbers</li> <li>Statistics, aggregated data</li> <li>Formal voice, scientific style</li> </ul>	<ul style="list-style-type: none"> <li>Words</li> <li>Narrative, individual quotes</li> <li>Personal voice, literary style</li> </ul>

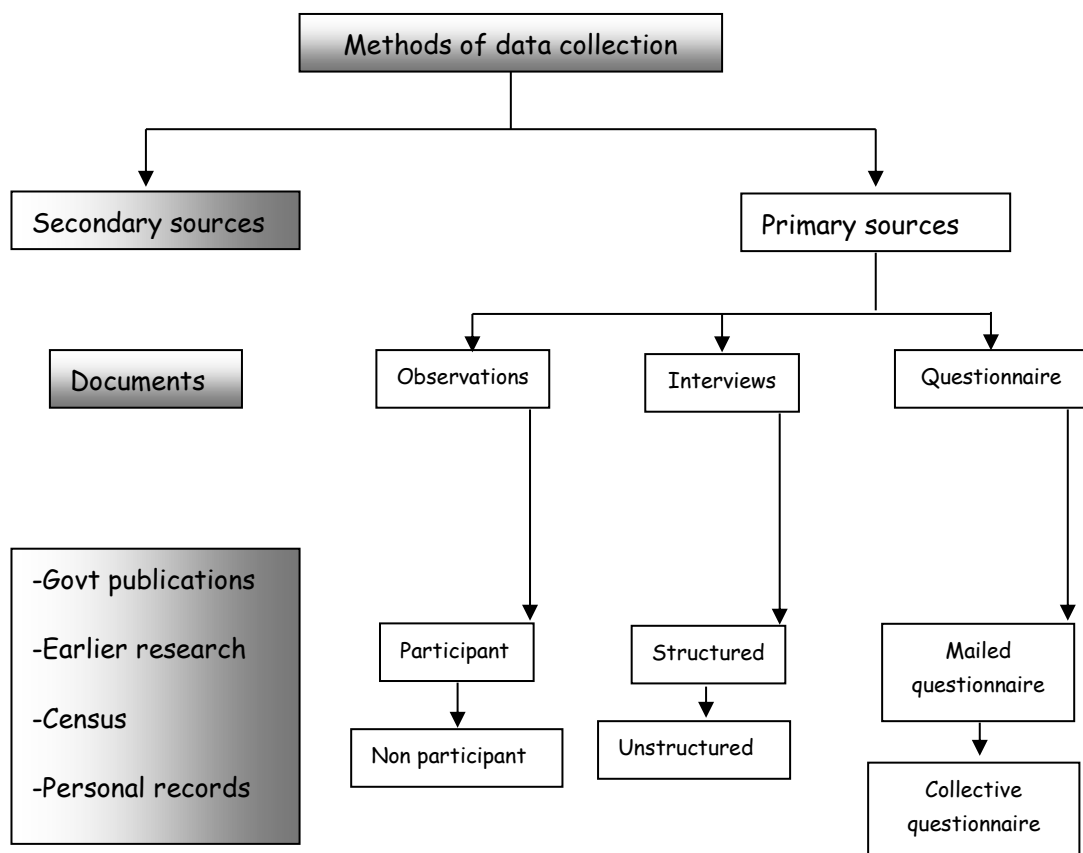
Adapted from Leedy and Ormond (2010, p.96)

Kumar (2011) identifies two major approaches to gathering information about a situation, person, problem or phenomenon. It may be that information is already available and need only be extracted. However, there are times when information

must be more proactively collected. He suggested that data could therefore be categories into 'Secondary data' and 'Primary data'.

Figure 5, below, identifies various methods of data collection. In summary, primary sources provide first hand information and secondary sources provide second hand data. One of the most significant points to remember in relation to data collection is that no method of data collection is 100 per cent accurate or reliable (Kumar 2011,p.119) and as a consequence the author has selected a range of methods to validate th data collection process.

**Figure 5 : Methods of Data Collection**



Adapted from (Kumar, 2011)

## Face to Face Interviews

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The Interview method is the most commonly used technique of collecting data and can yield a wealth of useful information (Kumar, 2011, p.126). Silverman (2011) identified that the research interviewer should ask questions regarding facts; people's beliefs and perspectives about the facts; feelings; motives; present and past behaviours; standards of behaviour and finally conscious reasons for actions or feelings. The benefits of a semi-structured interview include the ability to begin with a defined interview plan but it allows the interviewer to move away from the plan to follow the flow of conversation. The advantage of this approach allows for the capture of unexpected data that emerges during the interview (O'Leary, 2010). In addition the semi-structured approach produces higher response rates than any other due to the agreement to participate between the interviewee and the interviewer and the rapport building seen as an enabler to cooperation, (Bachman & Schutt, 2011 and Leedy & Ormrod, 2010). However there are some identifiable disadvantages which need to be addressed when constructing the research method, for example, the time and expense involved in this means of data collection (Leedy & Ormrod, 2010).

One of the main concerns identified by the author in this particular study is that of the relationship between the interviewer and the interviewee. Although the author is a member of the participating Force the study was approached honestly and with an open mind. The participants were given the confidence that they are not compelled to participate in this research and that they are under no obligation to be

involved. The author has no direct line supervision responsibilities for those involved in this research. The author is aware that 'rank' might be an issue for some of the participants and therefore this must be sensitively addressed when required and assurances provided that the author's rank was not an issue for this research project. It was emphasised to the participants that the author approached this study as a researcher and not a Police Officer. It was recognised that some participants may still see the author as a Police Officer but every effort was made to eliminate this impression. Prior to the interview each of the participants were provided with an information document which outlined the purpose of the research, who was conducting the project and why, what would taking part involve, confidentiality concerns and what would happen to the information that was provided during their particular interview (Appendix 1). The interviewees were informed that the names of those involved in the study would not be made public either internally or externally. This issue was seen as vital in gaining the interviewees co-operation and in receiving honest responses within the interview.

### **Police Officer Participants**

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Twenty trained child protection interviewers who work within the Public Protection Unit (PPU) were invited to participate in the face-to-face semi-structured interview with the author via an email invitation sent to all Child Protection interviewers with the Police Public Protection arena. Each prospective participant was provided with an information sheet and consent form (Appendix 2) which outlined the aims and objectives of the research. If they agreed to take part then a

suitable time and location was arranged for a briefing and introduction to the author on an individual basis. A completed signed consent form was returned prior to the agreed meeting. These officers were different officers to those who conducted the interviews that were analysed as part of this study.

The officers were asked questions as outlined in the 'Interviewer Question Session' document (Appendix 3) which were calculated take no longer than 30 minutes. This was intended to address the time issue as identified by Leedy and Ormrod, (2010, p.188) who identified two main disadvantages to this method which was time and expense. The author addressed this issue by obtaining an agreement from the Officer's management team that the interviews would be conducted during the officers working day at no expense to the officer and that the time needed to complete the question session would be factored into their working schedule.

The questions were designed to offer a flexible structure so that the intended data could be collected but also allowed for the interviewer to shift the thread of the question in order to follow the flow of the conversation. In order to fully understand this aim of each question a number of sub questions were asked of each participant. At the commencement of face-to face meeting the aims and objectives of the study and issues around confidentiality were again explained to all participants and additional verbal consent was sought. When presenting the responses from the participating police officers their answers will be identified as, for example, PO1 to PO20. Anonymity is a key factor in contractual arrangements between the researcher and the participants and this identification coding will ensure anonymity.

## Crown Prosecution Service Participants

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The same process was employed with regards to the participation of the Crown Prosecution Service. In order to gain access to interviewees in an ethical manner (O'Leary, 2010) Crown Prosecution Service (CPS) managers at the relevant CPS were asked to identify suitably qualified Senior Crown Prosecutors who make decisions regarding the evidence obtained in child abuse investigations. Whilst only five CPS lawyers were to be interviewed, the management was asked to identify more than 5 so that those not wishing to participate could be accommodated. Whilst managers were asked to nominate suitable prosecutors no information will be shared with the management team of those who agreed to participate and those who did not choose to participate. The author e-mailed each identified individual and invited them to participate in a face-to-face semi-structured interview at a suitable time and location. Each prospective participant was provided with an information sheet (Appendix 4) and a consent form (Appendix 2) which outlined the aims and objectives of the research. If they agreed to take part then a suitable time and location was arranged for a briefing and introduction to the author. A completed signed consent form was returned prior to the agreed meeting by the participant.

In exactly the same procedure as the police interviewees the lawyers were asked questions as outlined in the 'CPS Question Session' document (Appendix 5) which were calculated to take no longer than 30 minutes. The questions were designed to offer a flexible structure so that the intended data could be collected but also allowed for the interviewer to shift the thread of the question in order to follow



the flow of the conversation. At the commencement of face-to face meeting the aims and objectives of the study and issues around confidentiality were again explained to all participants and additional verbal consent was sought. When presenting the results of face-to-face sessions with the Crown Prosecution Service participants their responses will be preceded by the identification of, for example, CPS1 to CPS5.

## **Interview analysis**

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In order to establish whether the methods adopted to interview the witness are both ethical and 'best practice' compliant as identified by ACPO (2010) an examination of 20 interview transcripts using a coding system as outlined in 'Interview Evaluation' document (Appendix 6) was conducted. Content analysis of the text was undertaken within the questioning phase of the interview to establish the exact extent of information gained within the following areas:

- i. Incident-specific questioning; and
- ii. Case-specific information important to the investigation.

Content analysis allows one to view and reveal the content within a communication exchange (Neuman, 2011). Analysis will be conducted by exploring the text found in real life interviews with victims or witnesses of child abuse. Existing transcripts of interviews that have actually been conducted will form the basis of the review. A benefit of this process is that it minimises the relationship between the researcher and the researched so that any need for the respondent to try and impress, hide or obscure their answers is eradicated. Examining narrative texts

aids the researcher in understanding how the participants experience, live and tell about their world, (Keats, 2009). Exploring existing texts produces a range of advantages, (O'Leary, 2010), for example,

- Exploration of what people actually produced in the real situations
- Eliminate the need for physical access to research subjects, which can reduce costs as well as minimising stress for both researchers and research subjects.

The last point being evidentially important when examining issue of child protection.

The interviews were products of cases dealt with between January 2008 and December 2009. This timespan ensured that all cases were completed and a resolution achieved through the court process. Due to the cases having already gone through the court process the documents will be matter of public record and therefore will not be subject to sub-judice. No child was spoken to or approached to take part in this review.

## **Ethical issues**

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Most ethical issues fall into one of four categories; protection from harm, informed consent, right to privacy and honesty with professional colleagues (Leddy & Ormrod, 2010; Neuman, 2011; O'Leary 2010; Bachman & Schutt, 2011 and Denzin & Lincoln, 2011). The main ethical issues for this research centre on the accessing and discussing of information from the operational policing environment. The author will be accessing data as a 'researcher' and not a Police Officer at the request of the

Head of Crime Operations as per the Terms of Reference (appendix ?) which contains authorisation to access the material. The largest percentage of data is likely to come from the transcript of interviews together with the face-to-face semi-structured interview process. Participants will be fully informed as to their involvement including time commitments, their role, topics to be covered and the rationale for the research together with the dissemination process. This issue will be included in the information sheet provided to each participant. The participants will be assured by the author of their anonymity as a result of their involvement or withdrawal. Interviews will take place at a venue convenient to the interviewee so that every effort will be made for them to feel comfortable in participating and not to be identified by others who may see them being interviewed.

Sapsford and Abbott (1996) insist that the first principle of research ethics is that the subject of the research should not be harmed by it. There is a high degree of sensitivity related to the documents and responses within the field of child protection and it is incumbent upon the author to ensure that confidentiality is maintained throughout the entire research project. This involves protecting the identity of those involved and the security of all collected data which will remain with the author. All names were eliminated from the transcripts and the interviewee was asked to double check the document so the interviewee's confidentiality had been upheld. Confidentiality must be assured as the primary safeguard against unwanted exposure (Denzin & Lincoln, 2011). Bell and Opie (2002) provide further guidance by explaining that researchers should be precise in defining their role. The researcher should be clear about what they mean by anonymity and confidentiality

and make sure that their participants hold the same interpretations of those definitions and terms.

The author has an important role within his own organisation and that of the ACPO Investigative Steering Group and is aware of his responsibilities to conduct ethically based research adhering to the strictest moral based obligations. The Head of Crime Operations was regularly updated as to the progress of the study.

The author met with the Principal Lead Crown Prosecutor (PLCP) for the participating CPS and discussed the research with a view to accessing meetings with a minimum of 5 Senior Crown Prosecutors(SCP) who will be asked to participate in the research. Due to nature of their role there are only 5 SCP's and therefore they were not randomly selected. However, participants must be given the confidence that they will not be compelled to participate in this research and that they are under no obligation to be involved. The PLCP was updated regularly on the progress of the research. Central to the approach to the PLCP was an undertaking as to the confidentiality of the content of the responses provided by the participants from the CPS. Each lawyer actively participated in the research and the fact they were specifically chosen to participate appears to have no effect on the results. Interviews took place at a venue convenient to the interviewee so that every effort was made for them to feel comfortable to participate and not to be identified by others who may have seen them being interviewed.

Other risks to be managed included ensuring that the author's biases did not distort the interpretations and understandings and to avoid taking responses and data out of context (O'Leary, 2010). This issue had been discussed with the authors academic supervisors and they agreed to assist with this process during their reviews of the research. Another main concern is that of identification of breaches of guidance and legal issues. This concern is clearly met in the Terms of Reference from the commissioning force. If evidence had been found of poor interviewing practice then this will be fed-back to the Head of Crime Operations by the CI. In respect of serious police misconduct then this would be referred to individual officer's line manager to deal with accordingly. However, this issue was not expected to arise as all the cases examined in this research had passed through the court system prior to analysis. This issue will be fully outlined in the information sheet provided to each participant. At the end of the evaluation process this concern was unfounded and no issues came to light which required reporting back to the participating police force.

## **Coding**

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A coding system was used to ensure a consistent approach to all interview analysis. Coding requires careful examination of text and conversion in a systematic manner which measures words used within a conversation (Neuman, 2011). The system identified the presence of each element of the four phased approach:

- Rapport
- Free narrative
- Questioning

- Closure

Each element of the interview process was scored within a range of 1 to 5; with 1 being unsatisfactory and 5 being excellent. The data will show exactly the performance of the interviewer in each particular defined skill area as defined within the four phased approach to interviewing and contained within the ABE and will identify the positives and negatives of the interview process in line with National Occupation Standards CJ103.2 (Conducting specialist interviews with victims and witnesses) as set by Skills for Justice, (2008) and address one of main aims of this research which was to establish whether or not investigative interviewers actually follow national guidance throughout the entire interview process not merely the questioning phase.

Detailed examination of the Questioning Phase was examined against the suggested content contained within paragraphs 2.156 and 2.158 of ABE (MOJ, 2011) which separates the questioning phase into two distinct areas of:

- Information important to the investigation relating to general investigative practice
- Information important to the investigation relating to case-specific material

Questions were categorised as being either productive or non-productive. Productive questions consisted of open and specific types and non-productive consisted of closed, leading and multiple/choice type of questions. These questions types were measured throughout the questioning phase. One evaluator was used to

score the individual information data sets for all the interviews. This evaluator was the present author who because of his specialist police role, had access to such tapes. Therefore there was a consistent approach to the analysis of the data and subsequent rating scale scores. A test of inter-rater reliability was considered however the nature of the tapes dictated that this could only be another specialist police officer and due to time constraints and workloads no such officer was available.

## **Validation**

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To ensure the quality of a research project triangulation is used by examining the main research question from a range of differing perspectives i.e. the Police and Crown Prosecution Service, to indicate that more than one method can be used within the study with a view to checking the result (Bachmann & Schutt, 2011). The idea is that the reader and the researcher can be more confident in the accuracy of the results if different methods were used and can be employed in both qualitative and quantitative studies. Cohen and Manion (1994,p.233) define triangulation as *'The use of two or more methods of data collection in the study of human behaviour'*. It involves cross-checking of evidence, obtaining data from more than one source and comparing and contrasting one account with others. This methodology has the advantage of guaranteeing that no one set of data is presented as factual evidence and ensures a more balanced presentation of the research argument and supports the theory presented by Neuman (2011) in that we learn more by observing from multiple perspectives than by examination from a single perspective.

## Limitations

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There were a number of limitations associated with this particular study. The sample size of officers and lawyers questioned was relatively small compared to those in the participating force and Crown Prosecution Service. There is no guarantee that the responses obtained from those who participated are representative of the wider criminal justice environment but it does offer a valuable insight into an area that is presently under researched and provides a platform for other research development to take place to expand on the results identified. The number of interviews analysed were similarly small in size again measured against the number of interviews conducted across the participating force.

The suggested current practice of separating out the questioning phase materialised from the Judicial concerns expressed by ACPO (2010) and later incorporated into ABE guidance (2011). Analysis of the interviews conducted in 2008 and 2009 will add to the current discussions as 'information important to the investigation' and 'case specific material' appear in the ABE guidance published in 2007. As a consequence these two areas should have been covered in investigative interviews of children. However given that the interviews had to meet strict ethical considerations those that were examined produced a rich source of data that will now be open to other researchers to build upon in what is evidently an underexamined arena of forensic interviewing.



## **Chapter 4**

# **Presentation of Data**

The data will be presented in three main areas:

- Presentation of qualitative data from interviews with Police Officers
- Presentation of qualitative data from interviews with Crown Prosecution Service lawyers
- Presentation of quantitative data from analysis of actual interviews of Child Witnesses

## Police Officers

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The officers, who participated, (n=20) were asked a series of questions which were designed to address the main themes of this particular research project.

### ***1. What training have you received in Child Protection Investigative Interviewing?***

All officers had attended the required training programme for what is locally known as the Joint Investigation of Child Abuse (JICA) course with a range of attendance at their original training spanning from 1993 to 2010. PO1 stated:

*I received a 3 week course in 2001 and a 3 day refresher course in 2004. No other training has been offered to me. (Extract 1)*

This was mirrored by **PO18** who commented:

*I received my training in 2004 and a one day update input about 3 or 4 years ago but no formal refresher training. (Extract 2)*

All officers reported that they had received the new editions of Achieving Best Evidence guidance manuals when they were published. **PO6** stated:

*I received the new ABE documents when they published but no formal training or indication as to the changes with each new edition. (Extract 3)*

The common theme emerging from the participants responses indicates a lack of investment in officers' training and development.

**2. In respect of the questioning phase how did the training you received meet your needs in the workplace?**

Most of the respondents, 95% (n = 19), reported a positive experience with respects this issue with only one exception. **PO3** commented:

*Gave me the structure of questions to ask, given options, open, closed, etc. the training enabled me to use other question structures appropriately (Extract 4)*

However, one officer, **PO13**, provided a contrary view point:

*I think attending the course identified that I had already had the skill to interview using TED and 5WH. I felt the questioning phase was glossed over because we were all police officers. (Extract 5)*

**3. How closely do you follow the guidelines of 'Achieving Best Evidence' when considering topics to be included in the questioning phase?**

All officers reported the benefits of following the guidance contained within ABE. There were differences in confidence in abilities to vary the delivery of the guidance, for example, **PO12** comments:

*Very closely, but the guidelines depend on the subject because they can sometimes dictate your topics. The age of the interviewee will determine your question style (Extract 6)*

In supporting the above comment **PO20** offers a more direct response when reporting:

*It's your bible. Prior to every interview I use the ABE as a reference point in order to plan and prepare for the interview. (Extract 7)*

In contrast **PO4** suggests:

*I follow the structure when necessary but feel confident to make adaptations when appropriate. Confident to go outside of guidance in order to achieve aims and objectives. (Extract 8)*

The responses to this particular question are characterised by the length of time the interviewer has been engaged in the investigative interviewing arena, for example, officers who received their training as far back as 1993 and 1996 under the old Memorandum of Good Practice, were more likely to be prepared to deviate from the ABE guidance.

***4. What obstacles, if any, are there which do not allow you to follow best practice guidance?***

This particular question received a number of differing responses which included pressures placed on the interview team by a Senior Investigating Officer who instructs that an interview is to take place sooner rather than later. This aspect was identified by 30% (n = 6) of the participants with PO's 1,5,6,12,17 and 18 all raising the instruction by the SIO as an obstacle to good interviewing, for example, **PO18** comments:

*SIO's not understanding the interview procedures and then interfering with process by directing that an interview is carried out almost immediately.*

**(Extract 9)**

Partnership working as promoted by ABE was identified as another major obstacle, 25% (n = 5) of participants, for example, **PO2** reports:

*Joint investigations should be just that, i.e. joint with Social Services, but due to difficulties with partnership working, it is usually Police only interview teams and Social Services not even present. (Extract 10)*

This stance was supported by **PO9** who commented:

*Obstacles which do not allow best practice occur when the child witness interview is to be conducted when partner agencies are not available in order to conduct a full assessment. This can occur during the evenings and at weekends. When this occurs the interviews are then police planned and managed without any other agency being involved. (Extract 11)*

Two participants, 10% (n = 2), identified that the obstacle can, in fact, be due to the age of the child. **PO7** suggests:

*Sometimes the ability of the child to hold concentration and to answer the question given can cause problems, but that relates more to trying to be*

*disciplined with bringing the child back to topic areas and planning breaks into the interview phase. (Extract 12)*

Conversely 15% (n = 3) of participants reported no obstacles at all.

**5. The document discusses the differences of evidential material and case-specific information. How do you deal with in an interview?**

This question was designed to seek answers to what in essence is the pivotal issue of this particular research project. The majority of participants, 80% (n = 16), identified that they do not construct their interviews to separate evidential material and case specific information. **PO15** commented:

*I don't as such because I don't separate CSI and EM. It's difficult to ask a child to separate CSI from EM. (Extract 13)*

An interesting answer was provided by **PO2**, and mirrored by **PO13**, when the participant reported that often interviews were not even planned and therefore separating the accounts was not even considered. One participant indicated that they often separate the questioning phase in line with current guidance, whilst another participant suggested that you could conduct two separate interviews in order to achieve the desired outcome.

However, the overwhelming theme from this question would indicate that ABE guidance together with an ACPO directive is not being adhered to.

**6. What are the main benefits or disadvantages for the child in questioning the solely on the incident?**

All officers responded with a clear voice that they felt there would be a lack of information obtained from the witness if they were solely questioned on the incident. This was reported by **PO6** as follows:

*When interviewing the child specifically on the incident it is difficult to obtain information due to having to relive the event. Some children minimise what's happened to them especially if known to the offender. When interviewing this type of child I go straight to the heart of the matter. (Extract 14)*

This was supported, for example, by the comments of **PO10** who stated:

*Disadvantages are that you are mainly directing them to what you want to hear and the child may feel limited to what they want to say, sub-consciously limited the recall. Assuming only 1 incident and you may miss the focus of what they want to say. (Extract 15)*



In exploring the advantages of such an approach 85% (n = 17) of respondents reported very similar observations with the main theme being that it reduces unnecessary distress to the child witness. For example, **PO9** comments:

*The benefit of questioning the child solely on the incident allows for a clear plan that can be prepared prior to the interview and also minimise the child sitting unnecessarily in an interview setting. It also can benefit the child's needs in relation to the length of time that they can concentrate for.*  
**(Extract 16)**

**7. What are the benefits or disadvantages of asking the child investigative questions after the evidential gathering process?**

From a benefits perspective there were a range of differing opinions from the respondents including: **PO4** and **PO15** who both reported that the interviews would be shorter and as a consequence would reduce the opportunities for the defence to attack the witness. **PO19** suggested:

*It would allow to you to elaborate and obtain information regarding the wider picture.* **(Extract 17)**

When identifying potential disadvantages several of the respondents suggested that this process would be confusing for the child. **PO11** replied:

*Asking questions after the investigative questioning may confuse the child and could also confuse them as you may have to stop them from talking about a part of the incident that was not in the investigative phase. (Extract 18)*

This theme was additionally commented on **PO2** who suggested:

*This approach has the potential to disrupt the flow of the victim's evidence and account. So could lose vital information. (Extract 19)*

**8. Discuss the evaluation process adopted by you following the interview.**

The responses to this question fell into two distinct arenas, those who completed an evaluation process and those who didn't. **PO1** commented:

*Evaluation is initially done by 1<sup>st</sup> and 2<sup>nd</sup> interviewer immediately after the interview. Following that a written summary is prepared which allows you to establish if the aims and objectives have been met. The plan is revisited. Final stage is to proof read the interview. (Extract 20)*

This observation was mirrored by **PO8** who stated:

*Following the interview I review the interview and then complete a summary for the investigating officer to assist their investigation. (Extract 21)*

Those who failed to complete any form of evaluation can be summed up by the comments of **PO14** who replied:

*I am aware that there used to be an evaluation sheet which should be completed following interviews. I am not aware if this still a practice, but certainly it is not a practice which is being conducted in general on an operational level. (Extract 22)*

### **9. Does the evaluation assist in the editing process?**

The majority of responses to this question, 70% (n = 14), indicated that police officers were rarely involved in the editing process, for example, **PO19** stated:

*I haven't been involved in editing process; it's normally a process for the court. (Extract 23)*

The responses from those who thought that their evaluation assisted the editing process as captured by the comments of **PO12**:

*A properly structured interview with clearly defined objectives in an evidential timeline with an accurate evaluation will allow accurate editing. (Extract 24)*

### **10. How is a child's evidence presented at court?**

All officers reported that the child's evidence is presented visually in the court by the playing of their edited DVD recording of their interview and followed by cross examination via a live link with the child outside of the court room in a separate part of the building.

***11. What effect does editing have on the product presented in court?***

All officers agreed that the editing process impacted negatively on the evidence presented to a jury and portrayed the child in a different light and situation from that of the actual performance during the initial interview.

*Huge impact- any emotion from the child is edited out. The jury see an unaffected child who has reported a serious offence – the jury must question has it happened. Edited interviews do not show the true character of the interview. (PO15) (Extract 25)*

There was also agreement amongst the respondents that the editing process rendered the interview disjointed and questioning sequences having none or little context.

***12. Explain what problems you encounter post interview with the court process, if any?***

There were several differing responses provided by 85% (n = 17) of the respondents with the exception of 15% (n = 3) of respondents who reported 'no problems'. The main areas identified as problematic are summarised as:

- CPS and Court raising the issue of lengthy rapport phases within an interview
- Criticism of length overall of the interview
- Children not adequately prepared for the initial interview process and subsequent court process
- The editing process, child not understanding why content left out thus causing confusion for the child

***13.If there were problems could they have been identified and issues dealt with differently?***

The same 15% (n = 3) of respondents as in question 12 offered no response to this question. The remainder of the respondents again offered a wide variance of responses which may be summarised as those listed below:

- Improved training for both CPS reviewing lawyers and the officer conducting the interview
- Improved communication between both CPS and Police
- Rethinking the process of gathering the evidence from the witness

**14. How would a structured approach to planning of the interview assist the Criminal Justice System?**

The majority of respondents, 95% (n = 19) all offered positive and constructive suggestions which indicated that by producing a structured plan prior to the interview then this would assist in developing a product that the court would find more acceptable. **(PO14)** comments:

*It will make it easier for the jury to follow the account, easier for the child to focus on each area and to probe the area to obtain the most information possible from their account **(Extract 26)***

This view was supported by **PO1** who commented:

*Your plan should directly affect the interview; the interviewer should follow the plan which in turn should lead to less court time from disjointed interviews. **(Extract 27)***

There was an alternative view expressed by **PO15** who suggested:

*Don't think it would. The Criminal Justice System and in particular the court, should understand that all children are different and approaching each interview in the same structured way is unrealistic. **(Extract 28)***

**15. As a practitioner what change would you make to ensure the interviews meet the needs of the investigation, the victim and the Criminal Justice System?**

There was a broad consensus amongst the respondents, 85% (n = 17) that the change that could demonstrate an impact for all agencies would be proven through improved training for all those involved in the Criminal Justice System to ensure everyone knew of their role, evidence gathering protocols and how the evidence is to be used at court.

**PO4** comments:

*As a practitioner I would like to see greater communication and training between the CPS and Police to ensure understanding of each other's processes, needs and what is trying to be achieved by both agencies.*

**(Extract 29)**

Officers were in agreement that simply supplying them with the latest edition of the guidance manual and expecting them to fully understand the changes was an unrealistic expectation.

## Crown Prosecution Service

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The Crown Prosecution Lawyers who participated, (n=5) were asked a series of questions which were designed to address the main themes of this particular research project.

### **1. What training have you received in respect of Child Protection Investigative Interviewing?**

The participants fell into two camps, those who had received training and those who hadn't. The majority fell into the latter with 3 out of 5 stating they had received little if any training on this subject, for example, **CPS3** stated:

*Not a great deal. I was appointed to be a 'child abuse specialist' in the early 1990's when recorded interviews with children became admissible and the preferred way of gathering evidence from them. I attended a two-day training course about two years after that, but the subject matter was more to do with the legal aspects of the cases than a qualitative analysis of the interviews themselves. I have never actually read the ABE document in its entirety but I have read extracts of it, some more than other. (Extract 30)*

The only person to have received accredited training was the lead lawyer who had attended a CPS national training course for the prosecution of child abuse



cases. The lawyer had also received training regarding the application of ABE. A second lawyer had attended in-house training and was responsible for the training of police officers in respect of the CPS role with respect to the courts expectation of the application of the guidance contained within ABE

***2. The ABE document discusses the difference of evidential material and case-specific information. How do you deal with this as a lawyer when considering the case material?***

All of the lawyers agreed that that they had to consider the evidence in its entirety. **CPS1** suggests:

*One has to consider the whole of a witness's evidence and therefore the differentiation between evidential material and case-specific information in the context of visual recorded accounts is academic from the CPS perspective.*

**(Extract 31)**

**CPS2** comments:

*It is helpful to be able to see the child's performance in all areas of questioning so that they are able to cross reference features which are able to corroborate and support the child's account. (Extract 32)*

A common theme that emerged from the lawyers was that at the time of conducting the interview the officer had little knowledge of what was of significance to the wider investigation. **(CPS4) comments:**

*The significance as far as the lawyer is concerned is that by the time a case is being reviewed, the lawyer will have a fairly good idea of evidence the witness can give which is actually going to be admissible, and what might have been asked by way of case specific investigation, but turned out to of no real value. This is the benefit of hindsight, unavailable to the interviewer. (Extract 33)*

**3. In your view are officers following the ABE guidance when conducting interviews with children?**

Again there was broad agreement that officers mainly followed the guidance.

**CPS1** suggested:

*Not always – there is some divergence of approach between officers previously in the PPU and those in the Onyx unit. (Extract 34)*

This was supported by **CPS2** and **CPS5** who suggested that officers on more specialist unit, for example the Major Incident Team and the PPU, were more likely to follow the guidance especially in respect of question structure than their counterparts in neighbourhood policing teams

**4. What are common issues surrounding the investigative interview?**

The lawyers reported several common issues for example, **CPS1** identified,

*Some officers find it difficult to ensure that supporters do not intervene during the interview. (Extract 35) This was supported by CPS 3 and 5*

**CPS4** suggested:

*A relatively common issue is for an officer to fail to ask questions pertinent to the offence, for example, they will discuss touching of the vagina, but fail to establish whether there was penetration or not. (Extract 36)*

**5. What are the benefits or disadvantages for the child in questioning the child solely on the incident?**

All agreed the main advantage for the child would be the reduction in time spent in the interview process with interviews being shorter. With regards to the disadvantages **CPS5** suggested:

*The disadvantages are that there is a potential to lose pieces of information which might ultimately turn out to be of value to the overall investigation. (Extract 37)*

This issue is developed further by **CPS1** who adds:

*From a criminal justice perspective, separating the witness's evidence would mean that a jury or bench of Magistrates is unlikely to be given sufficient evidence. (Extract 38)*

**6. What are benefits or disadvantages of asking the child investigative questions after the evidential gathering process?**

There was broad agreement that the interviews would need to be carefully planned and executed by the investigative interviewer. The lawyers were in agreement that all information obtained in the interview environment would need to be reviewed by the lawyer and trial advocate to decide what elements required incorporation into an edited visual account.

An interesting observation was made by 3 of the 5 lawyers in that they thought that separating the two accounts would generate unnecessary extra work for the Technical Support Unit who would be tasked to create composite evidential interview recordings.

*Another DVD to watch, more time needed, more strain on already overstretched resources in police, CPS and TSU (CPS4) (Extract 39)*

One lawyer (**CPS3**) made a thought-provoking observation in that much will depend on the age of the child. This is an area that is sometimes overlooked.

**7. Discuss the process adopted by you when reviewing the interview for the consideration of editing.**

Cases involving child abuse investigations are generally, if not always, Crown Court cases. Again there was unanimity of opinion between the lawyers that this function is undertaken by prosecuting Counsel in conjunction with the views of the defence Counsel. **CPS3** offered an explanation of the process which is adopted by those tasked in the editing of the interviews:

*The general procedure is firstly to edit out the majority of the rapport and parts of the closing which are of no real value in understanding the issues in the case. The second task is to edit out the purely inadmissible and that which is legally objectionable, which may of course not amount to much. What is left is then subject to editing to obtain a balance between a structured whole with little repetition or irrelevance as possible. The overall object of the exercise is to have something to present to the jury as evidence which will (a) contain all the evidence required from the witness, (b) remain a coherent whole and (c) maintain their focus. The free narrative part of most interviews goes before the jury unedited. How much of the rest is edited depends on repetition and interviewers recap technique, and how much of the investigative material is not relevant. (Extract 40)*

**CPS1** confirms:

*Cases involving child witness video interviews are generally Crown Court cases, and thus prosecuting Counsel has the task of editing the child's video account. (Extract 41)*

### **8. What assists the editing process?**

The common theme of the responses was that a full transcript of the interview allowed those tasked in the editing process to completely understand the utterances of the child. CPS2 succinctly reports:

*Full transcripts of the interview which have been prepared. (Extract 42)*

### **9. How is a child's evidence presented at court?**

Collectively the lawyers reported that the usual way that a child witness gives evidence in court is by playing the edited recording of the interview, followed by any supplemental questions in examination in chief and then cross examination by the defence Counsel via a live link. **CPS4** commented:

*This sometimes has a disadvantage if, for example, the child is upset by the end of the interview the jury will not see the extent of it as the live link will be*

*switched off quicker than had the child had to have been escorted from the court room in full view of all the jury. (Extract 43)*

**10. What effect does editing have on the product presented in court?**

The lawyers were again in agreement with their responses in that following editing the product can appear disjointed. Warning the child beforehand was seen as good practice, however, this was dependent on the age and understanding of the child. **CPS5** commented:

*This depends on the skill of the editors (prosecution and defence) in obtaining the referred to above. Good editing can make the recording much more easily absorbed by the jury. Conversely, bad editing can make the product too 'jumpy' and difficult to follow, resulting in lost jury attention. (Extract 44)*

**11. Explain what problems you encounter post interview with the court process, if any.**

Each lawyer presented a range of problems as indicated below but the common theme emerging from this question was none of the lawyers sought to

attribute blame on the shortcomings of the investigative interview. The problems encountered are as follows:

- Judges criticising DVD's for being too long
- Equipment at the Crown Court not being fit for purpose
- Cases are not often well presented as they might be by the lawyers in court

In relation to the above comment regarding the judge's criticism the **CPS4** provided a contrary view point by clarifying:

*I do not necessary agree as long as the interviews are well conducted and to the point. (Extract 45)*

***12.If there were problems could they have been identified and issues dealt with differently?***

The issues identified above are generally all the result of human activity or inactivity. Technological problems are acknowledged to exist by the lawyers who report the courts try to work around them by changing court rooms.

***13.How would a structured approach to planning of the interview assist the Criminal Justice System?***



The majority of the respondents (4 out of 5) concluded that there was no need for a detailed plan for the interview with child witnesses. **CPS4** suggested:

*If the interview is conducted properly, the evidence will come from the witness in a natural unforced way to include all the detail required for evidential purposes. The interviews need to be a little more concise on occasions, though from experience, child interviews are not overly long in the same way as adult sex abuse victims tend to be. (Extract 46)*

This view point was supported by **CPS1** but the lawyer held an alternative observation with regards to the length of the interview:

*I don't think such an approach would help the CJS. The problem that we have with visually recorded interviews do not lie with the lack of structure on evidential and case specific information, but rather with poor training of officers who do not seem to understand the purpose of the interview and allow witnesses to 'ramble', and thus produce an overlong interview requiring considerable editing. (Extract 47)*

However, **CPS2** commented that there was a need for improved planning as it was clear to them that interviewers seldom displayed knowledge of the child or the nature of the investigation.

**14. As a lawyer what change would you make to ensure the interview meets the needs of the investigation, the victim and the Criminal Justice System?**

The problem, as 3 of the lawyers saw it, lay in the attempt to use the visual recording process as a tool to serve very different purposes. None of the lawyers saw a need to change the current system of gathering the evidence and additionally were in agreement that the 'presentation of evidence' at the court was where the problems lay.

In concluding **CPS3** provided a laconic analysis of the current procedure:

*The child interview and presentation of evidence system that we have is a little like the jury system itself; easy to criticise in some aspects but not easy to replace with something better, and a great deal more satisfactory than what went on before. (Extract 48)*

## **Investigative Interviews**

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All of the interviews reviewed (n=20) were conducted in interview rooms constructed on police premises that had been designated for sole use of vulnerable witnesses as defined within the Youth Justice and Criminal Evidence Act 1999 and all meet the specifications outlined within Achieving Best Evidence Guidance 2011. The interviews were randomly selected from those interviews conducted in 2008 and

2009. Table 3 identifies the characteristics of the interviews. The age of the witnesses ranged from 6 years old (5%) to 16 years (10%) with an average age of 12 years. Gender split was identical and the interviews fell into categories of abuse of sexual (45%) and physical (55%)

**Table 3: Characteristics of Interviews**

	<i>Gender</i>		<i>Ages</i>			<i>Category of Abuse</i>	
	<i>Male</i>	<i>Female</i>	<i>Under 7</i>	<i>7 -11</i>	<i>11-16</i>		
<i>Male</i>	10		1		9	<i>Sexual</i>	9
<i>Female</i>	10	1			9	<i>Physical</i>	11

Table 4, below, presents the data on the presence of the four phases an ABE interview. All interviews were conducted in the recognised order with all phases being present but at vastly varying degrees. The ‘closure phase’ was by far the poorest facilitated element of the interview process with a minimum interaction of 1 minute in 4 (20%) of the interviews. Those who offered a closure element did not include all the required features of the ABE guidance and the spent a maximum of only 5 minutes in this phase. Direct questioning constituted the longest phase of the interview with an average of 36 minutes (80%) being spent in this phase.

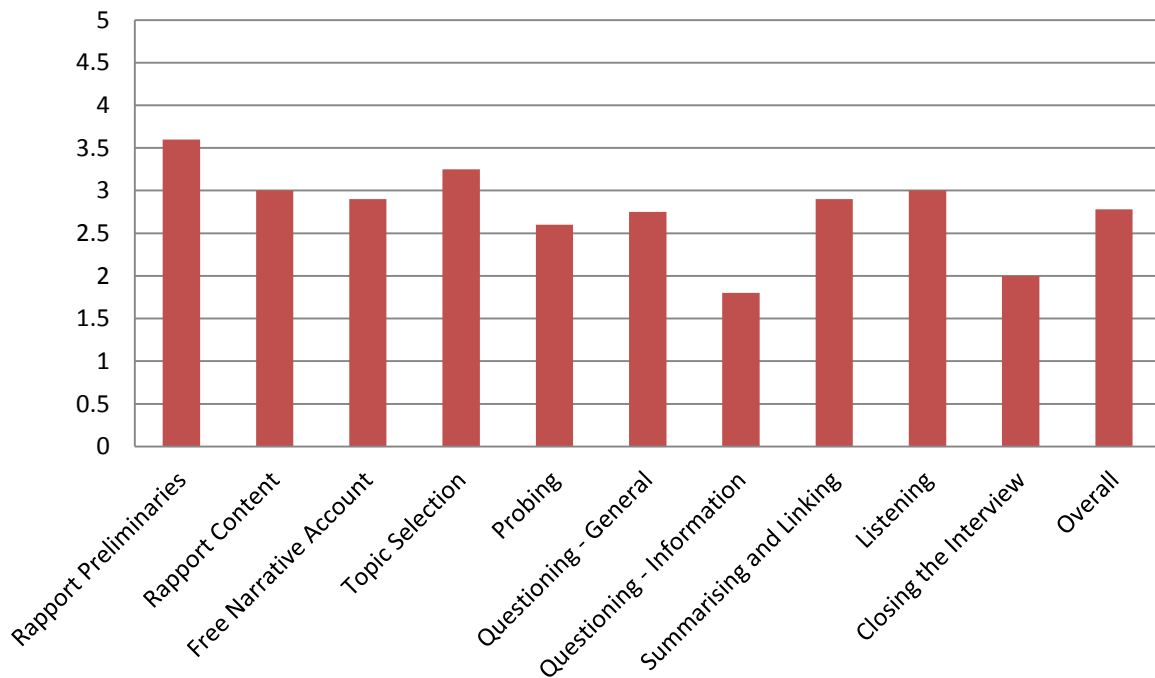
The results indicate that the majority of areas were less than satisfactorily conducted with only 4 (40%) areas being graded as having been conducted to a satisfactory standard. This particular study is concerned with the ‘questioning phase’ of the interview and what is evident from the below analysis is that this phase of interviewing is being conducted below the required standard. The overall analysis

demonstrates that the interviews were below standard with a combined score of 2.78.

**Table 4: Length of interviews by individual phases of an ABE Interview based on the 20 analysed interview recordings**

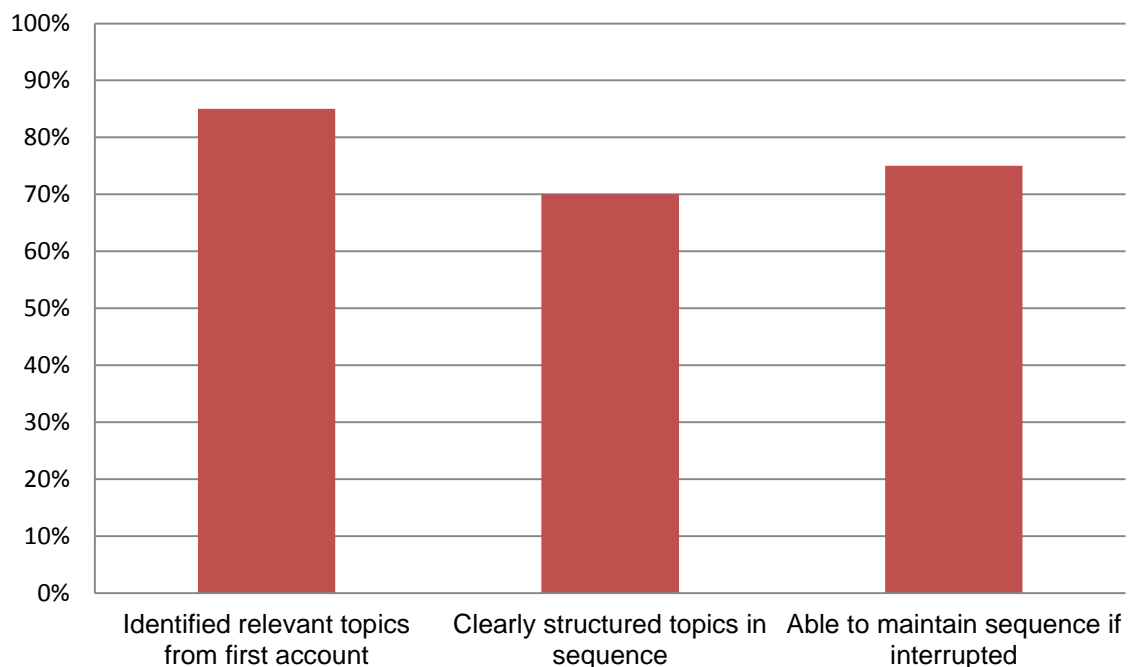
	<i>Average</i>	<i>Minimum</i>	<i>Maximum</i>
<b>Length of interview (in minutes)</b>	49	24	100
<b>Rapport phase</b>	8	3	14
<b>Free narrative phase</b>	5	1	16
<b>Questioning phase</b>	36	16	86
<b>Closure phase</b>	2	1	5

**Figure 6: Witness Interview Evaluation**



Overall the 'topic selection' section of the interview was conducted to a satisfactory standard with a total value of 3.25. Figure 7 below, identifies that in 85% of the interviews the interviewers were able to identify relevant topics. However in 30% of interviews the topics were not structured sequentially which resulted in poor interaction with the witness and led to further difficulties when attempting to probe the account. The interviewer was unable to avoid topic hopping and this process was counterproductive to the witness.

**Figure 7: Topic Selection**



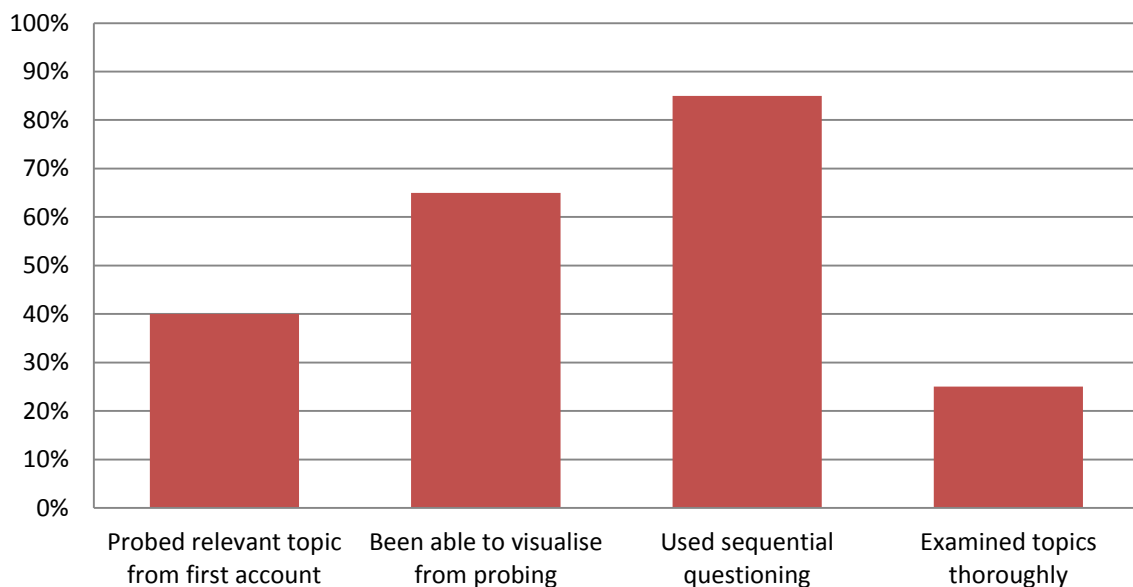
Although the interviewer had clearly identified the topics from the free narrative account, evidenced by the content of the summary conducted by the interviewer, probing of the topic fell below standard with a total value of 2.6. Figure 8 identifies that in only 25% of the interviews was the topic examined thoroughly and in only 40% of interviews were relevant topic identified from the first account from the

witness. Conversely, in 85% of the interviews there was evidence of sequential questioning within the topic selection.

The main focus of the study centred on the examination of the 'questioning phase' with respects to:

- i. Incident-specific questioning; and
- ii. Case-specific information important to the investigation

**Figure 8: Probing**



What the analysis demonstrates is that the interviews fell below standard in both of the above areas, 2.75 in area (i) and only 1.8 in area (ii). Closer scrutiny highlighted the reasons for the lack of performance in each category. Figure 9 illustrates that the interviewers were shown to have conducted the interviews in a calm and well-paced manner (100%). The questions were clearly understood (85%) however there were an over use of closed, leading and multiple/choice questions. A

common theme developed throughout the analysis of this phase in that whilst appropriate questions were being asked there was no depth to the questions

**Figure 9: Questioning - General**

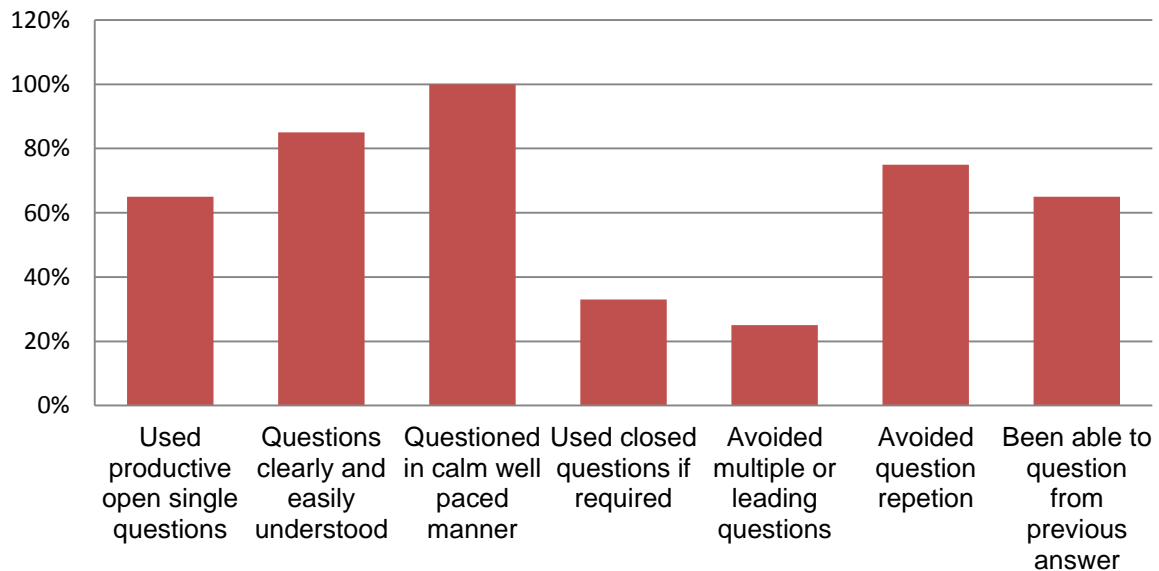
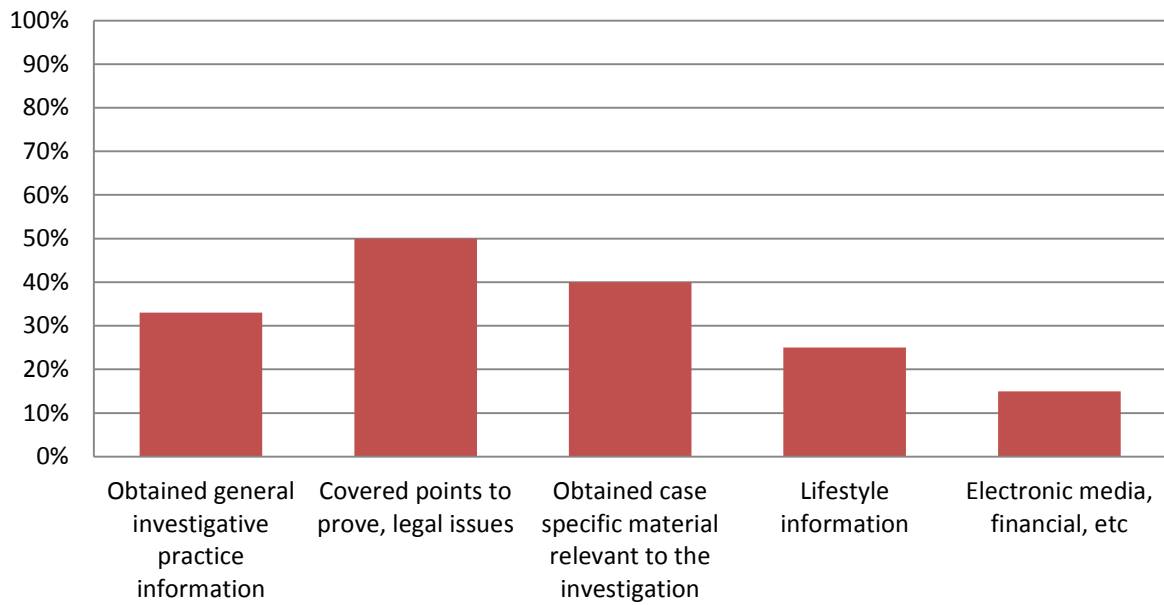


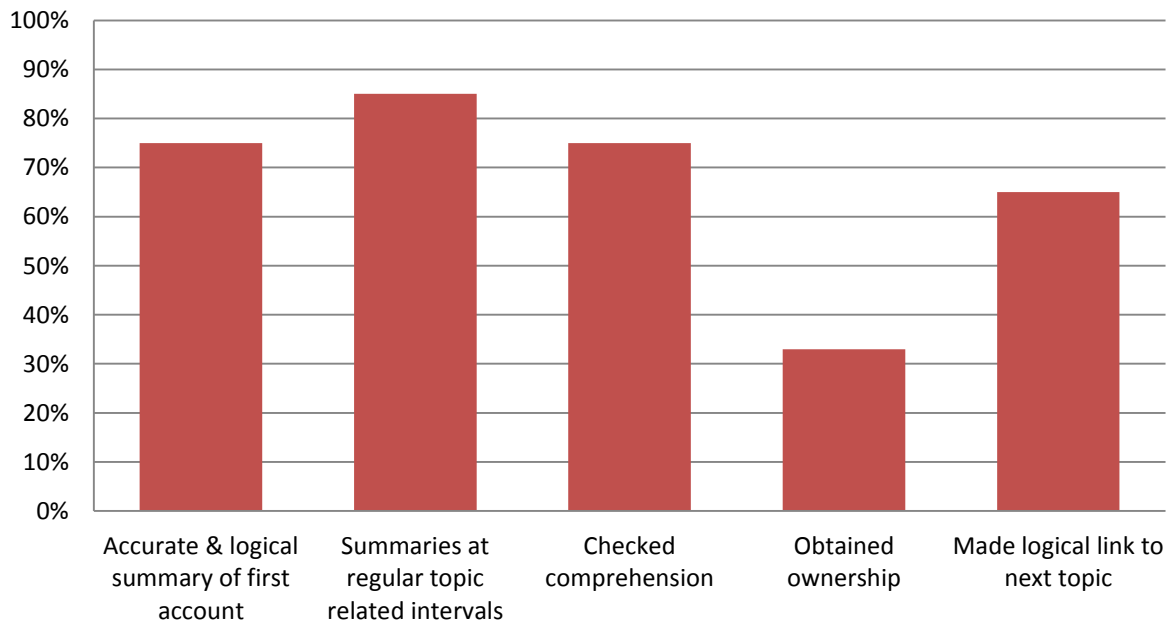
Figure 10 clearly illustrates the woeful attempts at gathering information which the ABE (MOJ, 2011) suggests should feature in this phase. All interviews were conducted by officers who were trained to Advanced Interviewer status yet in only 50% of the interviews were points to prove or other legal requirements such as identification covered. In the modern era where children have access to electronic media such as computers, I-Pads, mobile phones etc., in only 15% of the interviews was this even spoken about and, only then, superficially.

It was a common theme in all interviews that once the evidential aspect of information gathering had been completed interviewers rarely followed this up with any meaningful enthusiasm. The questioning reduced and the interview stalled.

**Figure 10: Questioning - Information**



**Figure 11: Summarising & Linking**



Interviewers should only summarise what the witness has said at the end of each topic if it is appropriate to do so. Figure 11 demonstrates that, with the exception of one of the target areas, interviewers performed above average. Overall, as illustrated in Figure 6, the value was 2.9, just short of being satisfactory. This



could have been obtained if the interviewers had taken ownership of the information by informing the witness that they understood what had been said to them and checking that position with the witness.

Officers performed better in the category of 'listening' achieving a satisfactory overall level with a value of 3. Figure 12 demonstrates that officers performed consistently across all elements of this category. In all of the interviews (100%) the interviewer showed continued attentiveness. The majority of officers (65%) utilised non-verbal and verbal communication in showing encouragement to the interviewee which allowed information exchange to develop.

**Figure 12: Listening**

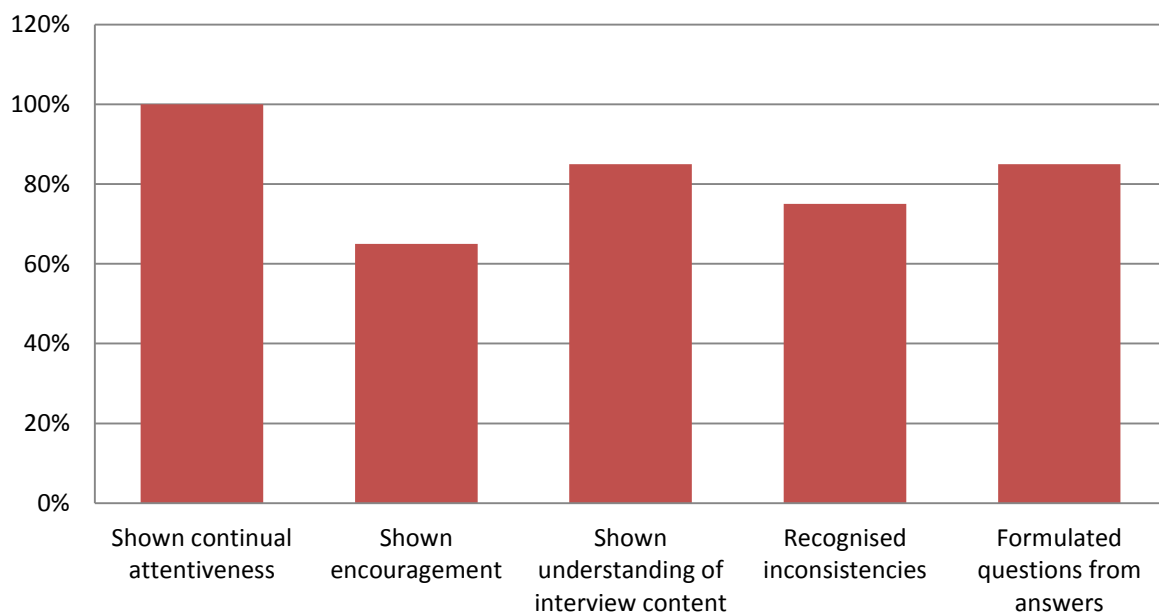
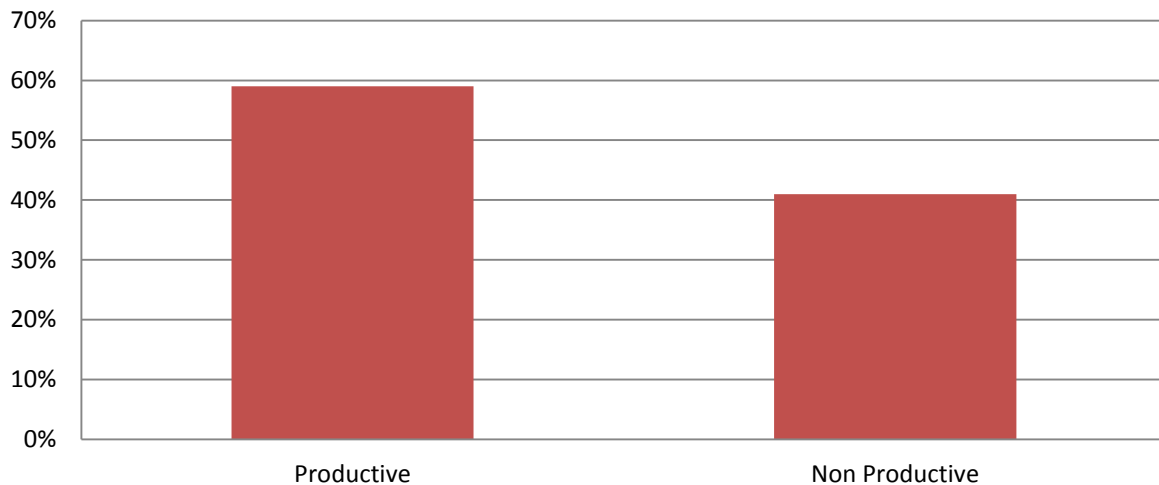


Figure 13 illustrates that 59% of total questions used were productive and 41% non-productive.

**Figure 13: Analysis of Question Type**



**Table 5: Extract from interview demonstrating non-productive questioning with a doubting attitude**

Int. (I)	How do you know that it was his willy or 'worm' that touched your bikini line through the blanket?
Child (C)	I seen it poking out
I	Poking out?
C	Not poking out of the thing, just poking
I	Poking through pyjamas?
C	Mmm
I	You saw the material did you, you saw it move?
C	Mmm
I	Are you sure it wasn't his hand?
C	I'm sure because his hands were both near me, near the lap of me.
I	Are you sure of that?
C	Yeah
I	Okay and it couldn't have been his hand?
C	Uh no, it wasn't because when he was kissing me, his willy touched me
I	Could it have been his knee?
C	No

Table 5 provides an extract of an interview with a 12 year old female who was reporting a sexual assault. The extract identifies that not a single open question is used in the interaction and that the tone of the question is both doubting and disbelieving. Overall in that particular interview only 33% of questions were classified at productive leaving 67% as non-productive.

In contrast, Table 6 below provides an extract from an interview with a 12 year male who was reporting that his mother had killed his little sister and was now fighting for her own life. The open questions posed assisted the child to both present and develop his account. In this particular interview 57% of the questions were classified as productive and 43% as non-productive

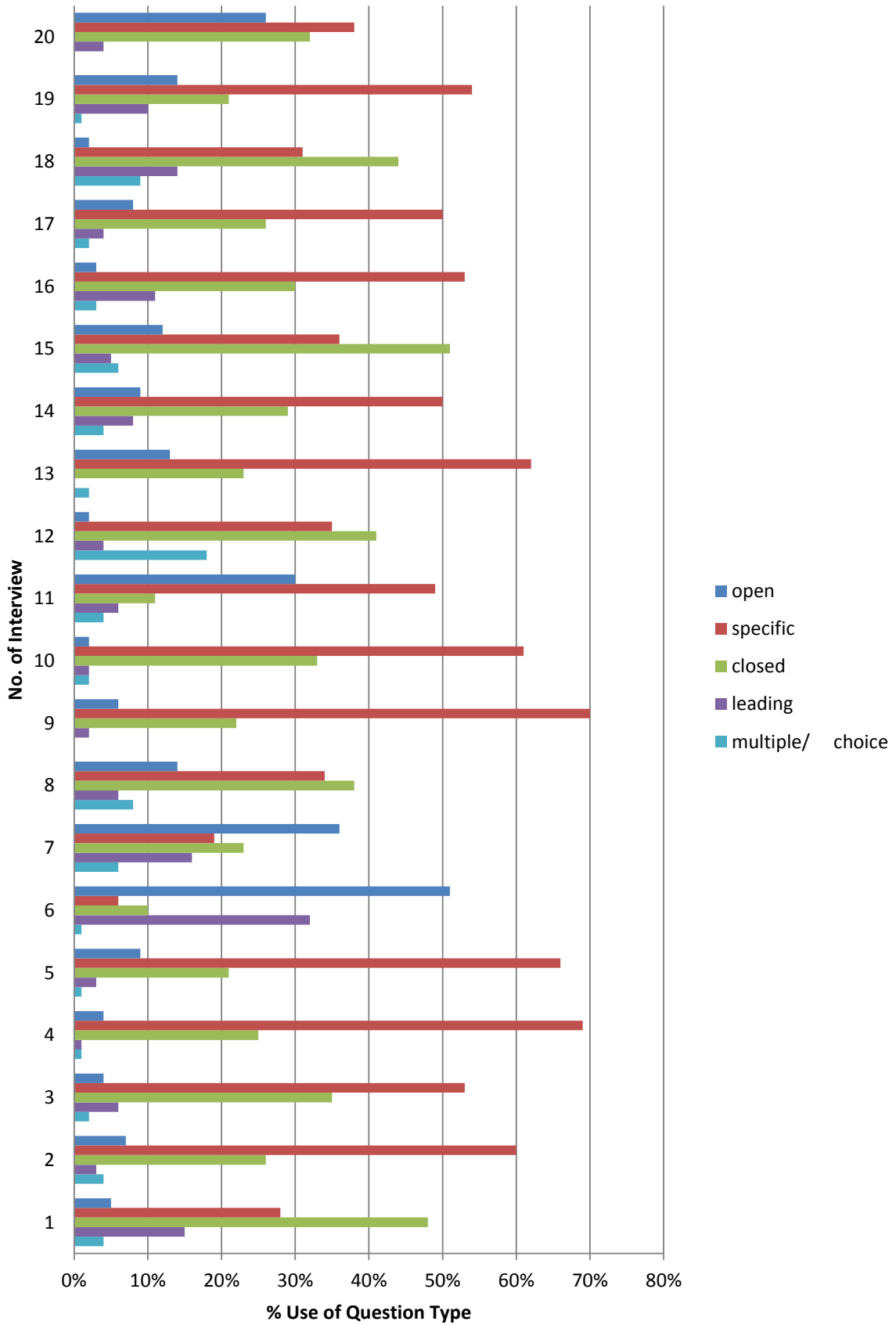
**Table 6: Extract from interview demonstrating productive questioning**

Int (I)	So what did you do when they told you to do that?
Child (C)	I saw the blanket wrapped round my mum. I thought that'll do like
I	Yeah
C	I was in a hurry. I was thinking " Mum just press down on the wound with the blanket" and she goes, "All right
I	What did she do?
C	I'm sorry?
I	What did she do?
C	Put it on her wound (demonstrates)
I	So she did as you told her to do, yeah
C	Yeah, I ran back into the bedroom and I said, I've done that, now what do you want me to do? I didn't say that, just sort of thing. I said, "I've done that", and she said, Right, I need you to move any animals", like she asked me if I had got a cat or a dog or something like that...
I	Yeah
C	... and I said " Yeah I have, I've got a cat." She said, "Will you move it out the way and put it in separate room so that it don't get in the way of the men when they come in". I said "Yeah fine", and put it in my sister's room. There was stuff in there but like there was a little space, so I just put it over there.
I	Okay

C	And erm, what I done is I shut my sister's bedroom door and I left the cat in there, and I forgot about that after that. But erm...
I	Where did you go next?
C	I ran downstairs, no I ran back into my bedroom, asked them, "What shall I do I now? And she said "unlick the door, and keep the door open, they should be here any second."
I	Mmm-hmm
C	And I ran back downstairs, opened the door, unlocked it, opened the door and waited for the people to come and they said "Where is she, is she upstairs? And I said "Yeah she's by the bathroom, up on the landing, go straight" and then he said, Oh, is there anyone else in the house before I go in?" I said, " My cats in my sister's bedroom the one on top of the stirs, and my sisters is in the bedroom next to the bathroom I think", and he goes "Okay"

Questions used in each interview are exemplified in Figure 14 and illustrate that the most common question type used was that of 'specific' with 46.2% of the question ration. However, there was an over use of 'closed' questions (29.5%). A positive finding was the consistent lack of use of multiple/choice type questions and also leading questions (11.5%).

Figure 14: Question Typology



## **Chapter 5**

# **Analysis of Data Findings**

## Police Officers

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Analysis of the qualitative data demonstrates that all officers had received training which had been provided by their organisation (**Extract1**). Training courses had originally been 3 weeks in duration when the Memorandum of Good Practice was introduced in the early 1990's but the current course duration is 2 weeks long covering the new ABE. This correlates well with the findings of Davies, Marshall and Robertson (1998) who established that officers were receiving between five and ten days training. The training programmes provided by the officer's organisation equipped the individual officer with knowledge and ability to conduct the investigative interview with a child in accordance with relevant guidance available at the time of the course.

A reported failure of the organisation is that no follow-up training has been provided with any regularity especially concerning the current thinking and guidance surrounding the separating out of evidential and case specific information (**Extract 3**). The current ABE (MOJ, 2011, p.9) suggests:

Training needs to be set in a context of developmental assessment regime. Such a regime should deliver a means of quality assuring interviews, while developing, maintain and enhancing the skills of the interviewer.

There has been a dramatic increase in the knowledge and understanding surrounding the interviewing of children since the introduction of the Memorandum of Good Practice in 1991 (Bull, 2010; Lamb, et al. 2008; La Rooy et al. 2010). Clearly

the guidance is not being adhered to both from a practitioner level or a strategic level in respect to this important aspect of the service provision to child abuse victims and witnesses.

However, training alone will not produce skilled and highly effective practitioners. Officers require regular training in conjunction with an effective quality monitoring system. It is only when the officer obtains regular feedback on their performance and content analysis of the detail obtained in the interview does the quality of interviewing improve and remain at a high standard (Larson & Lamb, 2009; Lamb, Sternberg, Orbach, Esplin, & Mitchell, 2002). There were a higher proportion of officers, 60%, who conducted no evaluation of their interview products at all. In addition 95% of officers reported that their interviews were not subjected to regular, if any, supervisory review, and all, 100%, reported never having received feedback on their interviews (**Extract 22**). These findings corresponded with those established by the HMCPSI and HMIC (2012) who reported that none of the forces subject of their inspection had a quality assessment programme for child witness interviewing. Providing on-going feedback and support should be considered a priority for the Police Service even in times in austerity.

Universally officers felt that separating the sub phases of the questioning stage would have an adverse effect on the quality of the information obtained (**Extracts 14, 15, 18 and 19**). There is currently no published research on the potential benefits or disadvantages of this process. This research project identified that 80% of the officers were not implementing the current guidance.



There was a broad agreement between the Interviewing Officers and Crown Prosecution Service Lawyers regarding the effectiveness of the editing of interview recordings **(Extracts 25 & 44)**. Both agencies reported that 'editing' impacted negatively on the child witness and potentially portrayed a false impression of the child to the jury. The provision of a full transcript was seen by both agencies as crucial to the successful editing process. Again there was a lack of published research in this area and one that would undoubtedly add to the discussion and debates surrounding the presentation of a child's evidence within the Criminal Justice System. The author would welcome and suggest that this particular issue be subject of careful and detailed review to establish the balance of the needs of the victim and that of the court.

It is not surprising that overall the officers concluded the most effective change that could be made to ensure interviews meet the needs of the investigation, the victim and the Criminal Justice System would be improved training for each agency in addition to combined training for greater understanding of how the CJS works, for everyone, including the victim **(Extract 29)**.

## **Crown Prosecution Service**

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It is vital that all professionals engaged in the protection of vulnerable and intimidated witness including child witnesses are adequately trained and have the

ability to perform a critical role with the Criminal Justice System. A surprising revelation from the CPS Lawyers manifested itself when not all declared themselves trained in the guidance contained with ABE (**Extract 30**), with one lawyer admitting never having read the guidance. The lawyers were all highly experienced Crown Court lawyers who made decisions on Child Protection cases on regular basis.

The current changes were introduced to address some of the concerns raised by the judiciary about the standard of visually recorded interviews with witnesses. The lawyers interviewed for this research project broadly agreed that officer produced a product that was acceptable in criminal proceedings. The skill base of the officer correlated to the quality of the product with those officers working on specialist units like PPU and Major Crime, consistently producing higher quality products (**Extract 32**). The lawyers confirmed that, to their knowledge, no case had ever been discontinued, in their unit, due to poor quality of an interview.

In examining the central debate of whether the keeping of sub-phases of the questioning stage separate have benefits for the child, whilst reporting the obvious advantage of shortening the interview process as far as incident based questioning is concerned, the lawyers were in agreement that at the time of conducting the interviews the officers would have little if any knowledge of the extent of the allegations and by restricting the questioning have the potential to lose pieces of information which might ultimately turn out to be of value to the overall investigation (**Extract 33**). This position supports the earlier findings of Davies, et.al. (1999, p.21) who commented:

It has to be understood that from the outset interviewers are placed in a more difficult position than a barrister would be when questioning a child in direct examination. An interviewer has no clear idea of the nature of the child's allegations before the interviews begin, whereas the barrister has planned his or her questions based on the witness statements in their possession.

There was no support from the lawyers in respect of the notion that by separating the accounts it would benefit the investigation, the victim and the CJS **(Extract 39)**. On the contrary most believed it would only serve to confuse the victim and create a more bureaucratic process, increased workloads and technical problems at evidence disclosure phase. This view was supported by several police respondents, **(Extract 18 & 19)**. The author would recommend that this area receive more detailed and wider research to establish if, as presented by the judiciary, a problem actually exists.

## **Interview Analysis**

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The analysis of the interviews conducted by officers between 2008 and 2009 reveal both strengths and weaknesses in their performance. There was an initial difficulty in obtaining the actual interviews as no database existed which could identify which visual interviews related to children, adults or significant witnesses. All interviews were contained on single entry database from which their movements could be recorded but little other information was categorised. This process could be rectified with minimal cost and time by a simple colour coded labelling system, for example, blue for children, yellow for vulnerable adults, and white labels for significant witnesses.

Question techniques have received much attention from research over the years (Milne & Bull, 1999; Wright & Powell, 2006; Hughes-Scholes & Powell, 2008; Thoresen, et.al.,2009; Lamb, et.al., 2002) and all have concluded that the use of open ended questions produce a higher degree of information. What can be seen from this study is that officers are not maximising their use of open ended questions in order to facilitate communication with the child. The interviewer plays a significant role, both positively and negatively, on the manner in which testimony is elicited. This is demonstrated in the extracts shown in Table 5 and 6. What is clearly evident between both interview extracts is the difference in the quality of information obtained when productive questions are asked compared to non-productive question.

The concerns identified by the judiciary, and reported by ACPO (2010), with regards to lengthy interviews, interviewing by inexperienced interviewers, poor interview structure, length of rapport, question techniques, unnecessary probing and constant summaries have been addressed in the research study. The length of the analysed interviews showed an average of 49 minutes spent in interview which considering the process is designed to obtain evidence in chief does not constitute a lengthy process. However, in support of the concerns of judiciary the research illustrates that the interviews, with the exception of the rapport phase, fell below the required standard.

The quality of the evidence obtained is closely related to the skill of the interviewer in following the 'best practice' approach. An interesting observation

pertinent to all of the interviews is that no other technique other than straight questioning was used in order to maximise the quality of the information from the witness, for example, drawing during the interviews (Butler, Gross & Hayne, 1995; Gross and Hayne, 1998). This technique may have been more suited to the 6 year old witness but the interviewer persisted with questioning more appropriate to an older child but detail was absent from the responses provided by the child.

The review highlighted the disconcerting observation that once questioning regarding the incident had perceivably been completed there was little attempt to progress the interview to establish case specific material. This issue is central to concerns of the judiciary who have suggested that the interviews are 'rambling' and not evidenced focused. The new ABE guidance incorporates this opinion and suggests that the interviews need to be more concise and focussed. The guidance suggests that some aspects of the phased approach are not now required within the interview recording, for example, the rapport phase.

The current guidance contained within ABE (MOJ, 2011) suggests that the incident-specific questioning and case-specific information important to the investigation should be kept separate for the following reasons:

- case-specific information that is important to the investigation is not usually evidence relevant to the trial;
- Inclusion of case-specific information at an early stage might serve to distract the witness whilst recalling the event specific information.

The analysis of this section of the interviews highlight that this area of information gathering rarely takes place and when it does it can be categorised as unsatisfactory, with a value of 1.8. The author concludes that the quality of the interviews fell below the required standard and there are significant challenges for the organisation in encouraging a culture of adherence to published guidance, planning and preparation, appropriate questioning and the incorporating of evidence and case specific material.

## **Chapter 6**

# **Conclusions**

## Conclusions

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This study provides additional insight into interviewer practices during an investigative interview with victims of child abuse. It supports and extends earlier research suggesting that interviewers find it difficult to maintain and utilise the knowledge gained in the training arena when conducting the actual interview (Westcott & Kynan, 2006; Aldridge, 1992; Aldridge & Cameron, 1999; Orbach et al., 2000; Westcott, Kynan, & Few, 2005). Evidence from the interview analysis confirms earlier research (Larson & Lamb, 2009) in that investigative interviewers consistently use closed, leading or multi/choice questions classified together as non-productive questions. The current research demonstrated that the type of questions asked had an effect on the type of responses provided.

The aim of this study was to provide answers to the research questions.

- **Determine whether the guidelines are actually being used by investigative interviewers**

The indications from the study are that the current guidance contained within the ABE (MOJ, 2011) is not being adhered to especially within the questioning phase. What is clearly evident is that interviewers who do not follow the recognised investigative interviewing structure fail to allow the child to tell their story in their own words. Only on-going interviewer training and the introduction of a more effective evaluation process can ensure that children will be adequately accommodated within



the Criminal Justice System. There needs to be an acknowledgement that forensic interviewing of children is a highly skilled process and necessitates extensive training and supervision within the workplace.

- **Determine whether any aspects of the guidelines conflict with one or more of the interview's purposes**

In establishing whether any aspect of the guidance conflicts with one or more of the interview purpose it is good to remember what the actual purpose documented within the current guidance of ABE (MOJ, 2011, p10) states:

The purpose of an investigative interview is to ascertain the witness's account of the alleged event(s) and any other information that would assist the investigation.

What has been evidenced as a result of this research is that investigators fail to obtain basic case specific material and fail to cover questions designed to established basic legal compliance information, such as evidence of identification.

- **Identify concerns of the judiciary in the application of the interview product during the criminal court process**

The author suggests that the current discussion between the judiciary and the prosecution is not helpful in respect of the above as it has the potential to create

confusion for the interviewer, miss vital information from the witness and lead to potential miscarriages of justice at court. The findings from the interviews conducted with the Police Officers and Crown Prosecution Service lawyers provide an interesting observation as to whether any problems actually exist between those charged with gathering the evidence and those presenting the evidence.

- **Develop practical recommendations aimed at enhancing the reliability of the child's evidence in the court room.**

The recommendations are designed to engender discussion at management level as well as practitioner level. In conclusion, there is clear justification for further wider research in this area to establish whether the needs of the child are being met within the criminal justice system.

The author would therefore welcome and suggest that a detailed research analysis of interviews conducted post the introduction of the guidance contained in the current edition of the ABE (MOJ, 2011) be undertaken to establish whether or not the separation actually works within the Criminal Justice System.

## Recommendations

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The author, through this research study, has identified a range of shortcomings and an alternative perspective to that presented by the judiciary and therefore makes the following recommendations with a view to addressing these issues.

- Refresher training for all officers to be a common occurrence and embedded in the strategic development of the annual training plan
- Trainers of Child Witness Interviewing should be adequately skilled and familiar with current research especially in the arena of question typology and linguistics
- An effective quality monitoring tool should be devised and implemented in order to create a culture of evaluation which examines all aspects of the interview process
- A detailed examination of interviews post the introduction of the current guidance on separating the sub-phases of the 'Question' stage be conducted to establish its effectiveness
- All lawyers should complete a national training programme on the investigation of child abuse which includes a full understanding of the guidance contained within ABE
- Implement an appropriate data recording system covering registration and storage and management provisions which identify the recordings as a child, vulnerable adult or significant witness. When the interview process becomes a digital recording system then a simple tick box field can be entered as

metadata and captured within the recording. The search facility would be able to retrieve accurate and timely data which at present the system is not equipped to perform

**Word Count: Page 1 – 102 = 19,692**

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# Appendix 1

**Student: Martin Vaughan**

**Course: MA (Investigation Management)**

### **Information Sheet for PPU Staff**

**‘Does current police investigative interviewing practice assist the child witness to give their best possible evidence?’**

#### **Contact details for the research**

**Martin Vaughan**  
Major Investigation Team  
Ystrad Mynach Police Station  
Caerphilly Road,  
Ystrad Mynach,  
CF82 7EP  
01443 865548  
07813 898439  
[martin.vaughan@gwent.pnn.police.uk](mailto:martin.vaughan@gwent.pnn.police.uk)

#### **Contact details of research supervisor**

**Andy Gowens**  
AUSTRALIAN GRADUATE  
SCHOOL OF POLICING  
FACULTY OF ARTS  
PO Box 168  
Manly NSW 1655  
Australia  
Tel: +61 2 9934 4828

#### **Contact details of research co-supervisor**

**Dr Anna Corbo Crehan**  
Lecturer, AGSP  
Chair, SOPSEAC  
Managing Editor, AJPAE  
Locked Bag 2005  
Goulburn NSW 2580  
Australia  
Tel: +61 2 4824 2523

## **Who is conducting this Research project and why are they contacting me?**

I am a research student conducting a research project as part of my studies at Charles Sturt University, NSW, Australia, studying on the MA (Investigation Management) degree course and you are being asked to take part in this research so that a structured evaluation of interviews with children can be undertaken in order to establish if the interview process employed by the Gwent Police meets the needs of the child, the investigation and the court system. Nationally, the Association of Chief Police Officers (ACPO) Investigative Interviewing Steering Group have highlighted the concerns expressed by the judiciary. These concerns included the long held view that children were not competent to give evidence in what is essentially an adult legal system. Inappropriate interview techniques such as, the use of leading questions have been found to contribute to the contamination of child witness accounts of abusive events, presenting subsequent problems within the court room process. Recent research in this particular area reinforced this shortcoming within the investigation and showed that interviewers rarely adhered to best practice guidance.

As a trained specialist investigative interviewer in the arena of child protection I am interested in interviewing you because your views and experiences are seen as important to the debate surrounding the interviewing of children. I value your input and would be very grateful for your assistance in the study.

## **What is the research about?**

In 2009 the Judiciary Police Interview Working Group in the United Kingdom (UK) reported that the Judiciary had concerns regarding the methods adopted to structure investigative interviews and the perceived ineffectiveness of these interviews in meeting the requirements of evidence-in-chief standards. During the last 18 months there has been much debate regarding these concerns and in 2010 the Association of Chief Police Officers (ACPO) National Strategic Steering Group for Investigative Interviewing published guidance in an effort to provide renewed guidance surrounding the structure of visually recorded witness interviews. ACPO (2010, p. 7) reported that the methods used to gather the witnesses account and the subsequent presentation of that evidence *'must meet the needs of the investigation and the needs of the judicial process'*.

The purpose of this research is to examine whether the guidelines police officers currently use to inform investigative interviews with child witnesses allow for the needs of the police, the witness and the judicial process, as identified by the ACPO (2010) guidelines, to be achieved.

Specifically your involvement will aim to establish information about your experiences and assist in the development of future training in the specialist arena of child protection investigative interviewing and the manner in which information obtained during such interviews is presented at court.



### **What will taking part involve?**

If you agree to take part in this study we would like you to sign the consent form and you will be asked questions in the following areas which should take no longer than 30 minutes:

Experience

Knowledge of guidance contained in ABE

Interview processes

Court processes

Training

Your replies will be summarised and recorded in writing by the CI. The completed interview response sheet will be checked by me to ensure you have not provided any identifying information about yourself or others. If I find any such information, and de-identify it, I will contact you to check that I have not inadvertently changed the meaning of your responses.

### **Will anyone know what we talk about?**

The research is confidential. This means that your identity will not be made public. A written record will be made of the meeting held with you by the researcher. They will be held securely in a locked cabinet and will be destroyed on completion of the research project. The record of the interview will help in the preparation of the analysis of data.

No identifying characteristics such as names and places will be used when producing the final report. However, should you disclose practices that are of a criminal nature then this will be outside of a confidentiality agreement and a referral will be made to your line management team.

### **Can I change my mind?**

Taking part in our project is voluntary. This means that you can decide not to take part should you wish. You may withdraw from the study at any time and there will be no adverse consequences. However, your name will be removed from the sheet of your responses at my first opportunity, and after this point I will not be able to identify your responses and withdraw them from the data pool.

### **Who will I have contact with?**

**Martin Vaughan** is the chief investigator on this research project. He holds a B.A.(Hons) degree in Post Compulsory Education and Training (University of Wales, Newport), a Post Graduate Diploma in Child Forensic Psychology and Law (University of Leeds) and a Certificate in Education (University of Wales, Newport). Martin is currently studying for a M.A. degree in Investigation Management at Charles Sturt University, NSW, Australia. As a police officer Martin is employed by Gwent Police as a Detective Sergeant and is the Force Interview Advisor and also performs the advisory function of ACPO Interview Advisor for the Welsh region. He can be contacted on the works telephone numbers and email address as shown on page 1.

### **What happens afterwards?**

The Chief investigator will report regularly to Gwent Police about the research findings so that appropriate planning for the future of investigating interviewing within the Force. A final report will be presented to Gwent Police following approval of the University in July or August 2012. The findings of the study will be published as a research project for marking. A copy of the research project will be stored at the Police Library at Bramshill Police College together with Charles Sturt University.

The findings of the research will not only be relevant to the police service of South East Wales but to partner Forces within the Welsh region. On a wider scale the findings will be relevant to the debate that continues surrounding this issue at the ACPO National Steering Group for Investigative Interviewing therefore the research will be shared with that forum.

In order to ensure that the outcomes of the research reach practitioner level the author intends to present his findings at conferences on investigative interviewing both internally and externally. The findings will be shared with partner agencies within the criminal justice arena to ensure they are fully apprised of the findings. There are no plans for the research findings to be published via journals for example. The findings will be shared, once sanctioned by Charles Sturt University, with the Learning and Development units of the police service within Wales and NPIA who are responsible for developing appropriate and ethical strategies for the interviewing of child witnesses. Therefore publication is via internal means within the researchers' employment.

### **What if I would like more information?**

If you would like to know more about the study please contact Martin Vaughan via the details provided on page 1.

**Charles Sturt University's Ethics in Human Research Committee has approved this study, reference 2012/058**

If you have any complaints or concerns about this research contact:

The Executive Officer  
Human Research Ethics Committee  
Office of Academic Governance  
Charles Sturt University  
Panorama Avenue  
Bathurst  
NSW 2795  
Australia  
Phone: (02) 63384628  
Email: [ethics@csu.edu.au](mailto:ethics@csu.edu.au)

Any issues you raise will be treated in confidence and investigated fully and you will be informed of the outcome.

**Martin Vaughan**

# Appendix 2

**Student : Martin Vaughan**

**Course: MA (Investigation Management)**

## Consent Sheet

*To be read or given to the interviewee at the start of the research:*

**Thank you for agreeing to take part in the study. I am a researcher conducting a review of the interview processes within the child protection arena on behalf of Gwent Police. The research will form the basis of a MA Degree in Investigation Management being conducted at Charles Sturt University, NSW, Australia. Please sign below indicating that you have:**

read the information sheet for participants

had a chance to ask questions and discuss this study

received enough information about the study

understood that you can stop the interview at any time with no adverse results

by given this consent, understand that you have the right to withdraw from the programme at any time without disadvantage to yourself and without being obliged to give any reason

understood that any information / personal details gathered in the course of this research are confidential and that neither your name nor any other identifying information will be used or published without your express written permission

agreed to take part in this research

Charles Sturt University's Ethics in Human Research Committee has approved this study.

If you have any complaints or concerns about this research you should contact:

The Executive Officer  
Human Research Ethics Committee  
Office of Academic Governance  
Charles Sturt University  
Panorama Avenue  
Bathurst  
NSW 2795  
Australia

Phone: (02) 63384628  
Email: [ethics@csu.edu.au](mailto:ethics@csu.edu.au)

**Interviewee's statement**

I understand the information I have been given and agree to participate in this study.

**Signature** ..... **Date** .....

**Name (Please print)** .....

**Chief Investigators statement**

I confirm that I have carefully explained the nature, demands and foreseeable risks of the proposed study to the participant.

**Signature** ..... **Date** .....

**Name (print)** .....

# Appendix 3

## PPU Staff Question Session

### Questions

	Research Questions	Related Interviewer Questions
1.	To what extent do officers follow best practice (use Sub-phases of the Questioning Stage) when interviewing children?	<p>What training have you received in respect of Child Protection Investigative Interviewing?</p> <p>In respect of the questioning phase how did the training you receive meet your needs in the workplace?</p> <p>How closely do you follow the guidelines of 'Achieving Best Evidence' when considering topics to be included in the questioning phase?</p> <p>What obstacles, if any, are there which do not allow you to follow best practice guidance?</p> <p>The document discusses the difference of evidential material and case-specific information. How do you deal with this in an interview?</p>
2.	Does keeping Sub-phases of the Questioning Stage separate have benefits for the child and investigation?	<p>What are the benefits or disadvantages for the child in questioning the child solely on the incident?</p> <p>What are benefits or disadvantages of asking the child investigative questions after the evidential gathering process?</p>



3.	Does that method make it easier when editing is required to present the evidence at the court?	<p>Discuss the evaluation process adopted by you following the interview.</p> <p>Does the evaluation assist in the editing process?</p> <p>How is a child's evidence presented at court?</p> <p>What effect does editing have on the product presented in court?</p>
4.	How does the best practice method affect the CJS?	<p>Explain what problems you encounter post interview with the court process, if any.</p> <p>If there were problems could they have been identified and issues dealt with differently?</p> <p>How would a structured approach to planning of the interview assist the Criminal Justice System</p> <p>As a practitioner what change would you make to ensure the interview meets the needs of the investigation, the victim and the Criminal Justice System.</p>

### **Post Interview**

I will report regularly to Gwent Police about the research findings so that appropriate planning for the future of investigating interviewing within the Force. A final report will be presented to Gwent Police in July 2012 following approval from the University.

**Thank you for taking part in the research project.**

**Martin Vaughan**

# Appendix 4

**Student: Martin Vaughan**

**Course: MA (Investigation Management)**

## **Information Sheet for Crown Prosecution Service Participants**

**‘Does current police investigative interviewing practice assist the  
child witness to give their best possible evidence?’**

### **Contact details for the research supervisor**

**Martin Vaughan  
Major Investigation Team  
Ystrad Mynach Police Station  
Caerphilly Road,  
Ystrad Mynach,  
CF82 7EP  
01443 865548  
07813 898439  
[martin.vaughan@gwent.pnn.police.uk](mailto:martin.vaughan@gwent.pnn.police.uk)**

### **Contact details of research co-supervisor**

**Dr Anna Corbo Crehan  
Lecturer, AGSP  
Chair, SOPSEAC  
Managing Editor, AJPAE  
Locked Bag 2005  
Goulburn NSW 2580  
Australia  
Tel: +61 2 4824 2523**

### **Contact details of research**

**Andy Gowens  
AUSTRALIAN GRADUATE  
SCHOOL OF POLICING  
FACULTY OF ARTS  
PO Box 168  
Manly NSW 1655  
Australia**

**Tel: +61 2 9934 4828**

## **Who is conducting this Research project and why are they contacting me?**

The researcher is a student at Charles Sturt University, NSW, Australia, studying on the MA (Investigation Management) degree course and you are being asked to take part in this research so that a structured evaluation of interviews with children can be undertaken in order to establish if the interview process employed by the Gwent Police meets the needs of the child, the investigation and the court system. Nationally, the Association of Chief Police Officers (ACPO) Investigative Interviewing Steering Group have highlighted the concerns expressed by the judiciary. These concerns included the long held view that children were not competent to give evidence in what is essentially an adult legal system. Inappropriate interview techniques such as, the use of leading questions have been found to contribute to the contamination of child witness accounts of abusive events, presenting subsequent problems within the court room process. Recent research in this particular area reinforced this shortcoming within the investigation and showed that interviewers rarely adhered to best practice guidance.

As a qualified Crown Prosecution Service lawyer in the arena of child protection I am interested in interviewing you because your views and experiences are seen as important to the debate surrounding the interviewing of children. I value your input and would be very grateful for your assistance in the study.

## **What is the research about?**

In 2009 the Judiciary Police Interview Working Group in the United Kingdom (UK) reported that the Judiciary had concerns regarding the methods adopted to structure investigative interviews and the perceived ineffectiveness of these interviews in meeting the requirements of evidence-in-chief standards. During the last 18 months there has been much debate regarding these concerns and in 2010 the Association of Chief Police Officers (ACPO) National Strategic Steering Group for Investigative Interviewing published guidance in an effort to provide renewed guidance surrounding the structure of visually recorded witness interviews. ACPO (2010, p. 7) reported that the methods used to gather the witnesses account and the subsequent presentation of that evidence *'must meet the needs of the investigation and the needs of the judicial process'*.

The purpose of this research is to examine whether the guidelines police officers currently use to inform investigative interviews with child witnesses allow for the needs of the police, the witness and the judicial process, as identified by the ACPO (2010) guidelines, to be achieved.

Specifically your involvement will aim to establish information about your experiences and assist in the development of future training in the specialist arena of child protection investigative interviewing and the manner in which information obtained during such interviews is presented at court.

## **What will taking part involve?**

If you agree to take part in this study I would like you to sign the consent form and you will be asked questions in the following areas which should take no longer than 30 minutes:

Experience  
Knowledge of guidance contained in ABE  
Interview processes  
Court processes  
Training

Your replies will be summarised and recorded in writing by the researcher. The completed interview response sheet will be checked by me to ensure you have not provided any identifying information about yourself or others. If I find any such information, and de-identify it, I will contact you to check that I have not inadvertently changed the meaning of your responses.

## **Will anyone know what we talk about?**

The research is confidential. This means that your identity will not be made public when the results are discussed. A written record will be made of the meeting held with you by the researcher. They will be held securely in a locked cabinet and will be destroyed on completion of the research project. The record of the interview will help in the preparation of the analysis of data.

No identifying characteristics such as names and places will be used when producing the final report.

However, should you disclose practices that are of a criminal nature then this will be outside of a confidentiality agreement and a referral will be made to your line management team.

## **Can I change my mind?**

Taking part in our project is voluntary. This means that you can decide not to take part should you wish. You may withdraw from the study at any time and there will be no adverse consequences. However, your name will be removed from the sheet of your responses at my first opportunity, and after this point I will not be able to identify your responses and withdraw them from the data pool.

## **Who will I have contact with?**

**Martin Vaughan** is the chief investigator on this research project. He holds a B.A.(Hons) degree in Post Compulsory Education and Training (University of Wales, Newport), a Post Graduate Diploma in Child Forensic Psychology and Law (University of Leeds) and a Certificate in Education (University of Wales, Newport). Martin is currently studying for a M.A. degree in Investigation Management at Charles Sturt University, NSW, Australia. As a police officer Martin is employed by Gwent Police as a Detective Sergeant and is the Force Interview Advisor and also performs the advisory function of ACPO Interview Advisor for the Welsh region. He can be contacted on the works telephone numbers and email address as shown on page 1.

### **What happens afterwards?**

The Chief investigator will report regularly to Gwent Police about the research findings so that appropriate planning for the future of investigating interviewing within the Force. A final report will be presented to Gwent Police following approval of the University in July or August 2012. The findings of the study will be published as a research project for marking. A copy of the research project will be stored at the Police Library at Bramshill Police College together with Charles Sturt University.

The findings of the research will not only be relevant to the police service of South East Wales but to partner Forces within the Welsh region. On a wider scale the findings will be relevant to the debate that continues surrounding this issue at the ACPO National Steering Group for Investigative Interviewing therefore the research will be shared with that forum.

In order to ensure that the outcomes of the research reach practitioner level the author intends to present his findings at conferences on investigative interviewing both internally and externally. The findings will be shared with partner agencies within the criminal justice arena to ensure they are fully apprised of the findings. There are no plans for the research findings to be published via journals for example. The findings will be shared, once sanctioned by Charles Sturt University, with the Learning and Development units of the police service within Wales and NPIA who are responsible for developing appropriate and ethical strategies for the interviewing of child witnesses. Therefore publication is via internal means within the researchers' employment

### **What if I would like more information?**

If you would like to know more about the study please contact Martin Vaughan via the details provided on page 1.

**Charles Sturt University's Ethics in Human Research Committee has approved this study, reference.....**

If you have any complaints or concerns about this research contact:

The Executive Officer  
Ethics in Human research Committee  
Academic Secretariat  
Charles Sturt University  
Private Mail Bag 29  
Barthurst  
NSW 2795  
Australia  
Phone: (02)6338 4628  
Fax: (02) 6338 4194

Any issues you raise will be treated in confidence and investigated fully and you will be informed of the outcome.

**Martin Vaughan**

# Appendix 5

## Crown Prosecution Service Question Session

### Questions

	Research Questions	Related CPS Questions
1.	To what extent do officers follow best practice (use Sub-phases of the Questioning Stage) when interviewing children?	<p>What training have you received in respect of Child Protection Investigative Interviewing?</p> <p>The ABE document discusses the difference of evidential material and case-specific information. How do you deal with this as a lawyer when considering the case material?</p> <p>In your view are officers following the ABE guidance when conducting interviews with children?</p> <p>What, are common issues surrounding the investigative interview?</p>
2.	Does keeping Sub-phases of the Questioning Stage separate have benefits for the child and investigation?	<p>What are the benefits or disadvantages for the child in questioning the child solely on the incident?</p> <p>What are benefits or disadvantages of asking the child investigative questions after the evidential gathering process?</p>



3.	Does that method make it easier when editing is required to present the evidence at the court?	<p>Discuss the process adopted by you when reviewing the interview for the consideration of editing.</p> <p>What assists the editing process?</p> <p>How is a child's evidence presented at court?</p> <p>What effect does editing have on the product presented in court?</p>
4.	How does the best practice method affect the CJS?	<p>Explain what problems you encounter post interview with the court process, if any.</p> <p>If there were problems could they have been identified and issues dealt with differently?</p> <p>How would a structured approach to planning of the interview assist the Criminal Justice System</p> <p>As a lawyer what change would you make to ensure the interview meets the needs of the investigation, the victim and the Criminal Justice System.</p>

### **Post Interview**

I will report regularly to Gwent Police about the research findings so that appropriate planning for the future of investigating interviewing within the Force. A final report will be presented to Gwent Police following approval from the University in July 2012.

**Thank you for taking part in the research project.**

**Martin Vaughan**

# Appendix 6

## WITNESS INTERVIEW - EVALUATION FORM

### Introduction

This form consists of thirteen areas. Within this form I have emphasised the most important criteria. I will indicate (by ticking) whether the officer has fulfilled the criteria. Finally, I will rate the candidate on the quality of the product.

5 = Excellent      4 = good      3 = satisfactory      2 = below standard      1 = unsatisfactory

**Officer** .....

### **PIANNING**

<input type="checkbox"/> Detailed knowledge of evidence <input type="checkbox"/> Interviewed from memory <input type="checkbox"/> use of notes	Comments:  Overall Grade: <table border="1" style="float: right; text-align: center; width: 100px;"> <tr> <td>5</td><td>4</td><td>3</td><td>2</td><td>1</td></tr> </table>	5	4	3	2	1
5	4	3	2	1		

### **PREPARATION**

<input type="checkbox"/> Gathered and analysed information <input type="checkbox"/> Organised relevant evidence <input type="checkbox"/> Organised materials <input type="checkbox"/> Organised environment <input type="checkbox"/> Anticipated questions from legal adviser	Comments:  Overall Grade: <table border="1" style="float: right; text-align: center; width: 100px;"> <tr> <td>5</td><td>4</td><td>3</td><td>2</td><td>1</td></tr> </table>	5	4	3	2	1
5	4	3	2	1		

### **RAPPOT- PRELIMINARIES**

<input type="checkbox"/> Consultative impression <input type="checkbox"/> Polite and professional greeting <input type="checkbox"/> Established name preference <input type="checkbox"/> Involved interviewee	Comments:  Overall Grade: <table border="1" style="float: right; text-align: center; width: 100px;"> <tr> <td>5</td><td>4</td><td>3</td><td>2</td><td>1</td></tr> </table>	5	4	3	2	1
5	4	3	2	1		

### **RAPPOT - CONTENT**

<input type="checkbox"/> Neutral topics <input type="checkbox"/> Explained recording procedure <input type="checkbox"/> Fully explained the ground rules <input type="checkbox"/> Clarified their understanding of what to do if they don't understand Q. <input type="checkbox"/> Informed about breaks in interview <input type="checkbox"/> Truth and lies explored	Comments:  Overall Grade: <table border="1" style="float: right; text-align: center; width: 100px;"> <tr> <td>5</td><td>4</td><td>3</td><td>2</td><td>1</td></tr> </table>	5	4	3	2	1
5	4	3	2	1		

### FREE NARRATIVE ACCOUNT

<input type="checkbox"/> Recognised interviewee prior agenda <input type="checkbox"/> Used simple structured questions <input type="checkbox"/> Displayed active listening skills <input type="checkbox"/> Opened account to cover relevant areas <input type="checkbox"/> Developed into second account	Comments:   Overall Grade:					
	<table border="1" style="display: inline-table;"> <tr> <td style="width: 20px; height: 20px;">5</td> <td style="width: 20px; height: 20px;">4</td> <td style="width: 20px; height: 20px;">3</td> <td style="width: 20px; height: 20px;">2</td> <td style="width: 20px; height: 20px;">1</td> </tr> </table>	5	4	3	2	1
5	4	3	2	1		

### TOPIC SELECTION

<input type="checkbox"/> Identified relevant topics from first account <input type="checkbox"/> Clearly structured topics in sequence <input type="checkbox"/> Able to maintain sequence if interrupted	Comments:   Overall Grade:					
	<table border="1" style="display: inline-table;"> <tr> <td style="width: 20px; height: 20px;">5</td> <td style="width: 20px; height: 20px;">4</td> <td style="width: 20px; height: 20px;">3</td> <td style="width: 20px; height: 20px;">2</td> <td style="width: 20px; height: 20px;">1</td> </tr> </table>	5	4	3	2	1
5	4	3	2	1		

### PROBING

<input type="checkbox"/> Probed relevant topics to appropriate detail <input type="checkbox"/> Been able to visualise from probing <input type="checkbox"/> Used sequential questioning <input type="checkbox"/> Examined topics thoroughly	Comments:   Overall Grade:					
	<table border="1" style="display: inline-table;"> <tr> <td style="width: 20px; height: 20px;">5</td> <td style="width: 20px; height: 20px;">4</td> <td style="width: 20px; height: 20px;">3</td> <td style="width: 20px; height: 20px;">2</td> <td style="width: 20px; height: 20px;">1</td> </tr> </table>	5	4	3	2	1
5	4	3	2	1		

### QUESTIONING - GENERAL

<input type="checkbox"/> Used productive open single questions <input type="checkbox"/> Questions clearly and easily understood <input type="checkbox"/> Questioned in calm well paced manner <input type="checkbox"/> Used closed questions if required <input type="checkbox"/> Avoided multiple or leading questions <input type="checkbox"/> Avoided question repetition <input type="checkbox"/> Been able to question from previous answer	Comments:      Overall Grade:					
	<table border="1" style="display: inline-table;"> <tr> <td style="width: 20px; height: 20px;">5</td> <td style="width: 20px; height: 20px;">4</td> <td style="width: 20px; height: 20px;">3</td> <td style="width: 20px; height: 20px;">2</td> <td style="width: 20px; height: 20px;">1</td> </tr> </table>	5	4	3	2	1
5	4	3	2	1		

### QUESTIONING – INFORMATION

<input type="checkbox"/> Obtained general investigative practice information <input type="checkbox"/> Covered points to prove, legal issues <input type="checkbox"/> Obtained case specific material relevant to the investigation <input type="checkbox"/> Lifestyle information <input type="checkbox"/> Electronic media, financial, etc.	Comments:      Overall Grade:					
	<table border="1" style="display: inline-table;"> <tr> <td style="width: 20px; height: 20px;">5</td> <td style="width: 20px; height: 20px;">4</td> <td style="width: 20px; height: 20px;">3</td> <td style="width: 20px; height: 20px;">2</td> <td style="width: 20px; height: 20px;">1</td> </tr> </table>	5	4	3	2	1
5	4	3	2	1		

### SUMMARISING AND LINKING

<input type="checkbox"/>	Accurate/logical summary of first account	Comments:
<input type="checkbox"/>	Summaries at regular topic related intervals	
<input type="checkbox"/>	Checked comprehension	
<input type="checkbox"/>	Obtained ownership	
<input type="checkbox"/>	Made logical link to next topic	
Overall Grade:		5   4   3   2   1

### LISTENING

<input type="checkbox"/>	Shown continual attentiveness	Comments:
<input type="checkbox"/>	Shown encouragement	
<input type="checkbox"/>	Shown understanding of interview content	
<input type="checkbox"/>	Recognised inconsistencies	
<input type="checkbox"/>	Formulated questions from answers	
Overall Grade:		5   4   3   2   1

### CLOSING THE INTERVIEW

<input type="checkbox"/>	Sought clarification where necessary from interviewee account or response	Comments:
<input type="checkbox"/>	Informed they can add new information at this point of interview	
<input type="checkbox"/>	Discussed neutral topics again	
<input type="checkbox"/>	Thanked witness for their efforts	
<input type="checkbox"/>	Approach was problem solving	
<input type="checkbox"/>	Contact details provided	
Overall Grade:		5   4   3   2   1

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### Quality of product

Overall Grade:

5	4	3	2	1
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Comments

**SIGNED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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