

Achieving Best Evidence in Criminal Proceedings: Interviewing Child Victims of Sexual Assault.

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Interviewing Child Victims of Sexual Assault

- Early 20th century research indicated that child witnesses were very suggestible (e.g. Varendonck 1911)
- Also reported that free recall was more accurate though less complete (e.g. Pear & Wyatt 1914)
- Research for the next century has supported these findings (e.g. Dent & Stephenson, 1979; Lamb et al, 1998)

Interviewing Child Victims of Sexual Assault

- Optimal quality of evidence is obtained by free recall with minimal contamination by the interviewer's use of questions
- Guidance on interviewing, based on this research, was produced by the Home Office in 1992, 2002 & 2007
- Achieving Best Evidence (ABE)

Interviewing Child Victims of Sexual Assault

- Training police officers to conduct optimal interviews with children commenced in the 1980s and is widespread today
- Effectiveness of the training has been variable (e.g. Aldridge & Cameron, 1999; Sternberg et al, 2002)
- Most research has found low adherence to ABE (or similar) guidance (e.g. Powell, 2006, Lamb et al, 2007)
- Expert witness experience supports this view

Summary of ABE Guidance

- Preparation for interview including equipment and venue
- Pace and breaks
- Establishing rapport
- Establishing ground rules – e.g. informing the witness that the interviewer was not present at the incident(s) and is reliant on the witness's recall for information
- Making sure the witness knows the difference between truth and lies
- Explaining the outline of the interview

Summary of ABE Guidance

- Establishing the purpose of the interview
- Initiating and supporting a free narrative account
- Questioning – types of questions, examples and when they should be used. Use of open-ended questions is strongly advocated
- Closing the interview
- Planning for after the interview
- Storage of data
- Evaluation of the information obtained
- Evaluation of the interviewer's performance

Evidence of Non-Adherence To ABE Guidance

- Rapport Phase – establishing a relationship between the witness and interviewing team
- St-Yves (2006, p.87)
- Collins, Lincoln and Frank (2002)
- Free Narrative – Account of an event in a child's own words and pace without interruption
- “Every effort should be made to obtain information from the child that is spontaneous and free from the interviewer's influence” (ABE, 2007, p.25)
- Westcott and Kynan (2006).

Evidence of Non-Adherence To ABE Guidance Continued...

- Open-Ended Questions – Reduces the contamination of an interviewees account (Lamb & Brown, 2006)
- Wright & Powell, 2007
- Almerigogna et al, 2008

- Leading Questions
- Can mean the difference between admissible and non-admissible evidence in court.
- Hughes-Scholes and Powell (2008)



Example of skilful adherence to ABE guidance

- DS continues with another open question, ‘Well you’ve said that things that’s going on. Tell me what those things are.’ R continues to have difficulty in responding to this question, so DS reminds her that she has not done anything wrong. R still struggles to say anything and says it will be easier for her if DS asks her questions so she can respond to those. DS says that he will not be embarrassed by what she tells him and asks her to tell him about what has happened. When he says ‘that’s all I can say to you’, R begins a period of free narrative, ‘...I started to get a bit older and um, he was looking at me strange.’



Example of non-adherence to ABE guidance

- When DC asked K, ‘Tell me about G?’ K responded with a section of free narrative about G’s physical appearance. However, when K hesitated, uncertain about one detail, instead of encouraging her to continue, DC posed a closed question and continued with a series of closed questions.



Potential Reasons for Non-Adherence

- Quality of training
- Insufficient post-training support & monitoring
- Quality assurance procedures not implemented

Potential Reasons for Non-Adherence

- Police officers' new skill is not sufficiently established to be available in a stressful & complex situation
- ABE interview style is uncomfortably different from normal conversation
- ABE interview style counter intuitive – drive to obtain details may compete (Wright, Powell, and Ridge, 2007)
- Lack of experience with children
- Children's lack of experience responding to open ended invitations



Potential Reasons for Non-Adherence

- Untapped information and opinion from interviewers which might suggest better ways of interviewing children
- Police officers being insufficiently aware of the current consequences of non-adherence to ABE guidance



Consequences of non-adherence to ABE guidance

- Child's evidence may not be accurate
- In court, such non-adherence will be used to discredit the child's evidence

Ways Forward

- Qualitative research interviewing police officers and others experienced in interviewing children
- Delivery of a workshop designed to increase awareness of the consequences of non-adherence.

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