

ARTICLES

The importance of scientifically analysing the quality of joint investigative interviews (JIIs) conducted with children in Scotland

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The authors wish to highlight the importance of using a scientifically based approach to assessing the quality of interviews conducted with children in Scotland. To achieve this goal, experts, legal commentators and judicial fact finders must have access to both electronic recordings of interviews and typed transcripts of those interviews. We believe that this article is timely given the recent rollout of visual recording of interviews with children in Scotland (Scottish Executive, 2011): this initiative by the Scottish government is an important development in serving the needs of children who allege abuse.

Introduction

There is an international consensus among experts that forensic interviews with children should provide an opportunity for children to report about accounts of events in question in their own words, free from pressure and suggestive influence. This requires that appropriately trained interviewers follow recommended evidence based procedures. The core recommendation of experts is that interviewers should use as many “open prompts” as possible when eliciting information from children (e.g., “Tell me what happened”), and minimise the use of closed and focused questions (e.g., “What day was it?”). Suggestive questions (e.g., “Everyone else has told us what happened and now you have to tell us”) should be avoided altogether. The emphasis on eliciting information using open prompts arises from the fact that open prompts are more likely to elicit accurate information than other types of questions (e.g., Wh. (i.e. who, what, where, when, why), How, option posing, leading, yes/no, and suggestive).

Research shows that the way interviewers question children dramatically affects the accuracy of the information elicited. Therefore, it is important to thoroughly examine the manner in which forensic interviews are conducted with children and identify exactly what information was obtained from “safe” open prompts, compared to information elicited from focused and suggestive questions. It is vitally important that the quality of interviews are assessed scientifically, using reliable methods, as opposed to simply “viewing” an electronically recorded interview with a child and arriving at an overall conclusion that is subject to confirmation bias (e.g., deciding early on that the interview is ‘good’ and then, in the rest of the interview over attending to the positive aspects while subconsciously ignoring negative aspects: or vice versa).

On a recent training course conducted in Scotland that teaches the scientific approach, a group of experienced professionals viewed a DVD of a forensic interview with a child and were asked to “estimate” what the quality of the interview was in terms of the numbers of appropriate questions and how much “safe” (e.g., non-suggestive) information was elicited from the child. These “best estimates” by the professionals in attendance varied greatly from individual to individual. When the scientific method was then used, the variation in the quality assessments was reduced by a very small margin. This, along with several hundred scientific studies, clearly demonstrates the superiority of the scientific method in delivering consistency of judgment using evidence based methods. In fact, when professionals used the scientific method to assess the interviews they had extremely high inter-rater reliability (i.e., their analyses were nearly identical and conclusions completely consistent). It is not possible to achieve consistency in judgments about the quality of evidence obtained from children by simply viewing a DVD for many of the same reasons that it isn’t possible to tell whether someone is telling the truth or lying from their demeanour alone.

What is required to undertake scientifically based assessments of the quality of interviews conducted with children in Scotland?

Experts have consistently emphasised the importance of electronically recording children during forensic interviews. Handwritten notes are inadequate and are very unlikely to serve as an accurate record. Research shows that it is not

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physically or cognitively possible to write down exactly what people are saying at the same time they are speaking. Such handwritten notes include the gist of what each person has said but without the exact wording of the questions and answers, the analysis cannot be accurately conducted. The advantage of having an electronic recording of interviews (both video and audio) is that children's evidence is accurately preserved, and that the interviews can undergo the necessary scientifically based analysis, akin to the analyses used by researchers published studies of forensic interviewing. To conduct a detailed analysis, the forensic interview should be fully transcribed, word for word, so that all of the interviewer utterances and responses from the child can be easily examined. Transcribing a forensic interview requires considerable time, effort, and expertise, with the amount of time required varying depending on the quality of the recording, speed of speech, tone, accent, *inter alia*. Specialised transcribing software/equipment may be required.

Following transcription, the interview must be carefully inspected to identify aspects of the interview that are conducted in accordance with best practice, and to identify any areas of concern surrounding the nature and appropriateness of questioning. For example, a typical interview analysis will involve categorising information elicited in terms of the questions and prompts that were asked (i.e., exactly what information was elicited using open prompts, closed and focused questions, and suggestive questions) and the sequence in which they were asked. This type of analysis involves a *line by line* examination of the transcript. Again we emphasise that it is not possible to do this type of detailed analysis in "real time" by simply viewing the recording.

Further analysis can also involve, but would not be limited to, examination of answers to repeated questions, the specific versus generic nature of the account, the consistency of answers, contradictions within and between interviews, the appropriate use of "ground rules", the effectiveness of rapport and episodic memory training (or "practice interview"), the supportiveness of the interviewer, the use of "props", body diagrams, and human figure line drawings. Depending on the aspects of the interviews that are of interest, it is often necessary to also inspect the electronic recording. For example, when looking at answers to questions relating to a diagram or drawing, it would be important to verify that

the child actually had sufficient time to see the material in question. Similarly, sometimes a question can be difficult to code without hearing the intonation of the questioner. For example, even the word "Okay" can be considered either a question or a neutral comment.

Because children are able to provide a great deal of information in forensic interviews when they are conducted appropriately (i.e., following the National Institutes of Child Health and Human Development Interview Protocol), experts must be able to conduct appropriately detailed analysis. As explained above, this involves access to electronic recordings so that typed verbatim transcripts of interviews can be produced and analysed in detail. While interview analyses are undertaken by experts, they may often need to review aspects of the electronic recording to clarify the information provided (e.g., sometimes a child communicates answers through gestures, pointing, or nodding).

For more information about the scientific methods, the information provided in this article, and the established literature on child interviewing, we recommend reading the texts listed under the heading "References and Further Reading" in the most recent Scottish Executive, 2011, guidelines for interviewing children: in particular, the most up to date books are provided by Kuehnle & Connell (2009), Lamb, Hershkowitz, Orbach & Esplin (2008), and Lamb, La Rooy, Malloy & Katz (2011).

In this article we have emphasised that it is not possible for professionals to simply "view" an electronic recording and form an overall opinion of the quality of the interview: there is no scientific proof that this is possible. Instead, we recommend that assessments of the quality of the interviews be based on the line by line coding of transcripts using the scientific method. Further, it is crucial that the videotape of the interview be available to analysts so that they can determine intonation, examine gestures, and clarify any other concerns. The development of our knowledge of child forensic interviewing has been based on rigorous scientific methods, has influenced interview guidelines around the world, and should be used to inform fact finders about the quality of the evidence before them.