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Published

2019

Journal Title

Salus Journal

Version

Version of Record (VoR)

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Courtroom Questioning of Child Sexual Abuse Complainants: Views of Australian Criminal Justice Professionals

Nina J. Westera, Martine B. Powell*, Rachel Zajac, and Jane Goodman-Delahunty

ABSTRACT

In the prosecution of child sexual offences, complainants' accounts are the most important and sometimes the sole evidence. Police organisations around the world have taken steps to ensure that they interview children using evidence-based interview protocols, yet far less attention has been paid to the way children are interviewed in the courtroom. Here, we provide a snapshot of Australian criminal justice professionals' views on the questions posed to child witnesses in court, and on the willingness of judges to intervene when questions are inappropriate. We interviewed judges, prosecutors, defence counsel, and witness assistance officers (N = 43) from four Australian jurisdictions. Participants generally agreed that questioning of child complainants—especially during cross-examination—remained problematic, and that judges did not consistently disallow inappropriate questions. Overall, these professionals did not perceive these problems to stem from a lack of rules and guidelines, but rather from problems implementing them. We consider potential ways forward.

Keywords: Courtroom questioning, Cross-examination, Child sexual abuse, Child witnesses, Judicial interventions, Professionals' views

INTRODUCTION

Around the world, child sexual abuse cases are characterised by high rates of attrition (Australian Law Reform Commission, 2010; Eastwood, Krift & Grace, 2006; Goodman, 2006). Some estimates suggest

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that a reported case of child sexual abuse has only an 8-9% chance of being prosecuted (Community Development and Justice Standing Committee, 2008; Fitzgerald, 2006). One major contributor to these statistics is the nature of the evidence. Because such cases so rarely involve physical evidence or corroborating witnesses, fact-finders have to base their decisions largely on the complainant's account. Therefore, the way in which these accounts are elicited is critical.

In recent decades, researchers have firmly established effective interview procedures to facilitate memory recall. Although questioning considerations are broadly the same for children and adults, children exhibit specific cognitive and social vulnerabilities that can make them disproportionately vulnerable to error (Ceci, Hritz, & Royer, 2016). Evidence-based interview protocols ensure that police investigators elicit child complainants' accounts in a way that maximizes the chances of adducing a high level of detail without compromising accuracy. The NICHD protocol (La Rooy et al., 2015) and the Developmental Narrative Elaboration Interview (Saywitz & Camparo, 2014) are two examples of widely-used protocols catering specifically to the unique needs of child witnesses, including their language skill, memory capabilities, and susceptibility to suggestion.

Yet the way in which child complainants are questioned during the trial has received less attention. Child complainants of sexual abuse report that being questioned in court is extremely challenging; many state that they would not disclose abuse again (Eastwood & Patton, 2002; Quas et al., 2005; Prior, Glaser, & Lynch, 1997). Such sentiments typically concern the cross-examination process, during which the defence lawyer scrutinizes the child's evidence (Eastwood & Patton, 2002).

Some decades ago, numerous reforms were introduced to make the trial process more child-friendly. Many of these (e.g., screens, CCTV, and witness support persons) focused on altering the child's environment to reduce distress, but restrictions on the nature and scope of cross-examination questions were also strengthened. For example, in Uniform Evidence Law jurisdictions, judges are now required to disallow cross-examination questions that are (a) misleading or confusing; (b) unduly annoying, harassing, intimidating, offensive, oppressive, humiliating or repetitive; or (c) put to the witness in a manner or tone that is belittling, insulting, or otherwise inappropriate (Babb, 2009).

Whether these reforms have led to meaningful changes in the questions posed to children in court remains largely untested. Acquittal rates at trial in child sexual assault cases remain disproportionately high in comparison to other types of criminal cases (Zhou, 2010). Concerns about the nature of cross-examination questions continue to be raised by academics, many of whom contend that this process still presents substantial and unacceptable challenges for children (Ellison, 2001; Kean, 2012; Malloy et al., 2007; Goodman-Delahunty, Lee, Powell & Westera, 2017; Zajac, O'Neill, & Hayne, 2012). The limited existing research aligns with these views, suggesting that defence lawyers still struggle to match their linguistic style to the developmental needs of child complainants, and that judicial intervention is rare (Cashmore & Trimboli, 2005).

To assess whether further improvements to courtroom questioning are necessary, we need to identify what is—and isn't—working. Currently missing from the research landscape is an analysis of the perspectives of key legal stakeholders. We asked Australian criminal justice professionals to reflect on the way in which child questioning is conducted and managed in the courtroom, with a particular emphasis on perceived barriers to best practice.

METHOD

Sample

Approval was obtained from the University Human Research Ethics Committee. Criminal justice professionals were recruited from four Australian jurisdictions: New South Wales, Victoria, Western Australia, and Tasmania. The heads of relevant criminal justice agencies were contacted to secure approval for their members to participate. Only agencies whose members had regular experience with children's evidence were approached. Participating agencies were offices for public prosecution, law firms conducting criminal defence work, a barristers' society, the judiciary, and witness assistance agencies. Based on the agency's preferences, either the head of the agency nominated participants known to have expertise in child sexual abuse matters, or the agency circulated an email inviting eligible members to participate.

Of 58 criminal justice professionals identified and approached, 43 agreed to participate. All were experienced in their criminal justice role

and with child sexual abuse matters (Table 1). To safeguard participants' anonymity, no further demographic details are provided, and broad descriptors are used to specify the source of interview responses.

Table 1
Participant Characteristics

| | <i>N</i> | <u>Gender</u> | | <i>M</i> years in current role | <i>M</i> years in professi on | <i>M</i> number of cases |
|-----------------------------|----------|---------------|------------|---|--|--------------------------------|
| | | Male | Fem ale | | | |
| Prosecutors | 12 | 3 | 9 | 16 | 20 | 115 |
| Defence counsel | 11 | 6 | 5 | 11 | 17 | 119 |
| Judges | 14 | 7 | 7 | 13 | 29 | 174 |
| Witness support officers | 6 | 1 | 5 | 9 | 20 | >300 |

Note. *M* = mean

Procedure

Of the 43 participants, 21% (n = 9) were interviewed in person and 79% (n = 34) via telephone. All interviews were conducted by the first author. Stakeholders were asked to consider the manner in which child complainants were questioned in court; current practice, policy, and procedures in their jurisdiction; reasons for any variation in practice; the strengths and limitations of current practice (including the way in which judicial intervention was used to moderate this process); and how—if at all—the process could be improved.

Rather than rely on pre-existing theories or frameworks, the study involved an inductive, bottom-up approach to gain insight into what stakeholders perceived were the major issues for practice. The researcher

asked only broad open-ended questions to encourage narrative responses. At the end of the interview, each participant provided details about their experience in the criminal justice system, and estimated the number of child sexual abuse prosecutions on which they had worked. All interviews were audio-recorded, transcribed verbatim, double-checked for accuracy, and de-identified.

Analysis

Thematic analysis conformed to the six guidelines for best practice using an inductive approach (Braun & Clarke, 2006). Two researchers subjected each transcript to open coding, independently conducting a line-by-line analysis of the transcripts (reduction) and identifying concepts within statements (Strauss & Corbin, 1990). Statements with similar concepts were grouped together. The two researchers met to identify common concepts, and found a high rate of agreement. They re-examined transcripts for statements that supported the identified concepts, grouping these according to core themes. Identification of core themes reduced the large volume of natural language data into meaningful and concise units of analysis (Miles & Huberman, 1984). Once the two researchers had agreed on all themes, a third researcher re-analysed the transcripts using these themes, and identified representative quotes to illustrate the findings. Potentially identifying information was removed, and minor corrections to wording and grammatical were made to improve readability.

RESULTS

Below, we outline the main themes that arose during discussion of (1) lawyers' questioning, and (2) judicial intervention. Within each topic, themes are presented in order of frequency, with the most common listed first. There were no discernible differences across jurisdiction, therefore the quotes provided are not differentiated in this way.

Lawyers Questioning

Of our sample, 33% (N=14) perceived that child questioning was working effectively, 41% (n=18) said that it depended on the circumstances, and 26% (N=11) rated it as ineffective. We identified four primary themes in stakeholders' responses, most of which centred on cross examination

Variability in questioning practices. Stakeholders noted considerable variability in questioning practices. Some legal professionals—often those

with their own children—were perceived to be very effective at establishing rapport, communicating effectively, and putting the complainant at ease. Others, however, were considered ill-equipped to question children, for a variety of reasons. Stakeholders gave examples of legal professionals who were aggressive, dismissive, rude, harassing, confusing, and repetitive; they suspected some defence counsel of deliberately trying to inflict distress. The general tenor of the comments suggested that stakeholders considered the cross-examination process to be particularly unfair to child complainants.

Much like the police interview, cross-examination varies so wildly depending on the capability of the person asking the question. (Defence Lawyer)

There are lawyers who are antagonistic and aggressive in these cross-examinations and there are some that are not... I have seen defence counsel be aggressive with child witnesses, and sometimes it appears that they are deliberately trying to cause distress. (Defence Lawyer)

There are still some older-style barristers whose tone is belittling and humiliating, and often victims say to me at the end of it “Why are they allowed to just call me a liar? Why am I on trial? I didn’t do the wrong thing”. Overwhelmingly, victims feel quite horrified by the ordeal that they have been put through in cross-examination. (Prosecutor)

I have seen prosecutors and defence counsel who should not be allowed near a complainant. (Judge)

Developmentally inappropriate questioning. The most common criticism of questioning was legal professionals’ inability to adapt their question style to the developmental level of the child. This could manifest itself in two ways: (1) questions formatted in a confusing and complex way (e.g., lengthy, multiple, or leading questions), and (2) questions using developmentally inappropriate language and concepts (e.g., complex terminology or legalese). Stakeholders expressed concern that problematic questions elicited unreliable responses.

Lawyers vary a lot in terms of their capacity to understand the cognitive limitations of children. Some of them talk to children as if they are adults, and some of them talk to them as if they are babies. Trying to pitch their questions in terms that are appropriate to the child's level of language ability is a difficult thing. I have seen very ineffective cross-examination because the defence counsel gets that wrong. (Defence Lawyer)

The main problems I see are double-barreled questions, multiple questions rolled up into one, confusing topics that make the questions confusing, the use of legal terminology as opposed to simple plain English and changing topics. (Prosecutor)

Everyone needs more education on the appropriateness of the language used. (Judge)

The questions are always complex and ambiguous, and children do not understand so they just agree. (Witness Support Officer)

Aggressive cross-examinations are counterproductive. Despite their criticisms of current practice, many stakeholders suggested that attitudes towards child cross-examination had changed considerably over the last 30 years, and that an aggressive and harassing style of cross-examination was less common than it used to be. Defence counsel emphasised that treating a child aggressively or disrespectfully during cross-examination was counterproductive, because jurors reacted negatively to this behaviour, in turn biasing the jury against the accused. Aggressively questioning children was perceived to indicate outmoded practice and/or incompetence of defence counsel. Many stakeholders suggested that fairness to both the child and the accused was achieved by a considered and careful approach to cross-examination.

Defence counsel are far less aggressive with children because they know it will completely turn off the jury. So they are much more careful about their questions because they know the child has to understand them, and the judge will jump on them [the defence counsel] if they are using complex or multi-barrel questions. (Prosecutor)

I think there is a wide understanding among defence counsel that you do not win any points with the jury by speaking rudely to a child, trying to confuse them, or being unduly nasty. That sort of hostility in cross-examination is on the decline. But there are different people with different styles. My experience of watching defence counsel cross-examine children is that generally they do it quite well, in a way that would not leave them feeling too attacked. (Defence Lawyer)

Sensible counsel have taken the view that extremely aggressive questioning of a child witness can often be counterproductive. (Judge)

Current questioning guidelines are sufficient but poorly enforced. Lawyers and judges commonly noted that current practice guidelines for the questioning of child sexual abuse complainants (e.g., s41 of the *Evidence Act 1995 (Cth)*; Babb, 2009) gave adequate protection to complainants and were fair to both parties, but the degree to which they were followed varied. Particular concern was raised that the guidelines were sometimes disregarded—at times deliberately and at other times due to a lack of skill or awareness of their existence or form. In such cases, legal counsel had a basis for objection and the presiding judge had sufficient power to intervene, but objections were not usually made and judges did not always exercise this power.

We have published guidelines on cross-examining child witnesses and witnesses with mental disabilities. The guidelines assist both the judge and counsel to understand what the expectations are. But sometimes it does not matter how many guidelines you have, some counsel are just incapable of framing a question in a simple way. (Judge)

One of our judges has drawn up some guidelines, which guide defence and prosecution about how they need to be talking to children. The problem is that it depends on the judge actually managing that process. (Witness Support Officer)

There is this brilliant practice direction but defence lawyers have not read it and judges do not enforce it, so it is basically useless.
(Prosecutor)

One rule that defence counsel noted could be reformed to improve child complainants' courtroom experience was having to ask the child about the accused's theory of the case. Often this requirement was achieved using questions like "I put it to you that..." or "I suggest to you that..." Several defence counsel questioned the utility of this long-standing practice—both evidentially and in terms of the potential harm and confusion it might cause to child complainants.

I do not deliberately set out to upset anybody, but you have to put to people fairly directly that they are lying about things. It is the adversarial process, and you cannot get around it. It is never going to be a round table discussion, it is always going to be two sides of the story, otherwise it would be a guilty plea. There is no easy fix. (Defence lawyer)

The way that questions are asked during cross-examination could be simplified. They need to take away the "I put it to you" and "I suggest to you", and just say "maybe it did not happen that way." (Witness Support Officer)

Lawyers and judges need more professional development in this area. There was strong acknowledgement by lawyers and judges that cross-examining a child required a high level of skill. Levels of professional development varied across jurisdictions and professions, but most legal professionals in our sample expressed a desire for more training and professional development opportunities for evidence-based questioning.

Although some stakeholders noted that their organisations provided initial and ongoing opportunities for professional development, others reported that they had to learn "on the job." Several judges described their current level of training as inadequate, and acknowledged the negative impact this might have on trials. Defence counsel in particular were considered to be at risk of lacking ongoing professional development because, unlike judges and prosecutors, they did not tend to have

organisational support for training. Stakeholders recognised that even when opportunities for professional development existed, there was no guarantee that professionals took advantage of them.

We are doing a pretty good job at professional development, but it comes down to the individual and how much they take on board. For those people who really believe in the work we do, it's great. Other people will just do it to get the professional development points. In terms of what is being offered by our office as an organisation, I think we are doing pretty well. (Prosecutor)

We have continuing professional development every year about various strands of our practice. In criminal law, a lot of us do child sex (or sexual) type matters. But I think the development in this area is something that you learn from experience, rather than being told. (Defence Lawyer)

Generally we have no evidence-based practice. Legal training generally is very limited. There is a lot of misplaced intellectual snobbery about learning from social science disciplines. A lot of research about juries, child development and children's disclosure in sexual offence cases is being done but is not actually known and is not easily accessible to practising lawyers and judges. There is a real risk that unfounded belief and mythologies continue to be perpetuated. (Judge)

Regarding the specific nature of training required, lawyers and judges perceived that training should be more practical (e.g., role-playing) and should include external expertise (e.g., experts in memory and interviewing). As well as wanting specific knowledge, direction, practice and feedback on appropriate questioning of children, professionals further commented on the need for broader training—in child development and children's responses to sexual abuse, for example.

There is a need for experts in child psychology to speak to lawyers. (Defence Lawyer)

Education is needed for lawyers and judges regarding the appropriateness of the language used with children. We have had a little bit, but we need a lot more. (Judge)

The more professional development available and the more we base things on evidence, the better. Tell our politicians that. (Judge)

JUDICIAL INTERVENTION

Stakeholders were divided in their views about the effectiveness of judicial interventions when children are questioned. Across the sample, 38% ($n = 16$) of participants stated that interventions were working effectively; 41% ($n = 18$) stated it depended on the circumstances; and 21% ($n = 9$) stated it was ineffective. Our analysis revealed two primary themes in stakeholders' responses.

Some judges are better at intervening than others. A strong theme in responses about the scope and quality of judicial interventions was that these depended on the characteristics of the presiding judge. Stakeholders stated that some judges allowed inappropriate cross-examination to continue without intervening, whereas others erred by intervening too much, disrupting the flow of the trial.

It depends on the particular view of the judge and their attitude toward whether their role is to intervene, or be a more traditional judge who should leave it to the parties and intervene as little as possible. (Prosecutor)

The process of cross-examination is necessarily one that is meant to test the evidence, and the question is: when does it reach the point of being too testing because it becomes too traumatic for the witness or too aggressive? The dividing line is a matter of judgment, which can vary from judge to judge. (Judge)

Stakeholders offered a variety of reasons for observed inconsistencies in judicial practice; these primarily centred on how the judge balanced the need to protect the child's welfare with the accused's right to a fair trial. The degree to which a judge restricted cross-examination was considered

to reflect the degree to which the judge leaned towards the prosecution or defence. Some judges were perceived as more protective of complainants due to a better understanding of their needs and of the myths around sexual abuse. Judges who were more understanding were often also perceived as more friendly to complainants and able to put them at ease, thereby improving the complainants' experience of giving evidence. Prosecution and defence counsel perceived that variability in judicial intervention was problematic because the judge could exert a strong influence on trial outcome.

The success and failure of a case can depend on which judge you get. It affects everything. It affects the interventions that they make and how they speak to the complainant. It affects when you object to a cross-examination that is unfair, convoluted or confusing to a child, as you are dependent on whether they allow the objection or not. (Prosecutor)

Some judges are fantastic and will stop defence when they keep asking the same question, or when they have been at cross-examination for days on end. But there are judges who just allow things to go on ad nauseam. So it is a personality choice as well when you are choosing the judicial officers. Some of them are divine, they put victims at their ease. Other judges, usually the older males, can be rude and dismissive. (Prosecutor)

There are so many different judges. I had one judge who was very defence-leaning and although no one was being nasty, there were lengthy cross-examinations, without due regard for the needs of the children. But you also get the other extreme of that. (Defence Lawyer)

Some judges are really good at making sure that the victim understands the questions and they do intervene if the questions are too long or confusing. But, at the same time, some judges will not say one word to the victim during the whole of the evidence and cross-examination. (Witness Support Officer)

Intervening regularly is detrimental to a fair hearing. Many of the lawyers and judges in our sample saw the judge's role as overseeing the trial and ensuring that both parties adhere to the law. These participants believed that judges should intervene minimally when lawyers were questioning a child complainant. Concerns were expressed that frequent interventions could bias juror decision-making by implying support for one side. In particular, participants noted that frequent interventions during cross-examination of a child could be prejudicial to the accused. Again, stakeholders discussed the need for a judge to walk a delicate line between protecting the complainant and allowing a fair trial.

The more the judges butt out and leave it to the parties running the case the better. Judges batting for either side is dangerous, and it can backfire if it becomes too obvious. The judge has a lot of power and they should be very careful about using it. (Defence Lawyer)

The prosecutor does not necessarily mind that the defence counsel are asking inappropriate questions, to a point, because it does not go down well with the jury, so it may actually advance your case. (Prosecutor)

I avoid intervening during counsel's questioning because it is not a good look. I am not running the trial, the advocates are running the trial. Their job is to represent their respective clients, the complainant and the accused. My job is to keep my head down. (Judge)

There is, in my view, great wisdom in aspiring to silence when on the bench. (Judge)

Both prosecutors and defence counsel expressed strong views that an overly interventionist judge could inappropriately disrupt a line of questioning, and therefore the lawyers' ability to test the evidence. Lawyers reported that some judges adopted a more inquisitorial manner—asking questions and eliciting more information; this approach was perceived to be contrary to their assigned role within the adversarial system. Another disincentive for judges to intervene was that it could

provide grounds for appeal; hence, adopting a conservative approach reduced the likelihood of a re-trial and of the complainant having to give evidence again.

Some judges are so interventionist that they keep interrupting and try to run the trial themselves. You might be asking a line of questioning when they cut you off and ask a series of questions, so when they tell you to continue it has completely stuffed up your line of questioning. (Prosecutor)

Judges are intervening for everything you can imagine; it is really completely unnecessary. They just need to sit back, and if there is anything detrimentally wrong then by all means they should intervene, but unless they are called upon they should just adjudicate. They are there as the law's judge; they need to make sure the law is in force in their courtroom, but they are not an inquisitor. (Defence Lawyer)

The judge should not interfere with the adversarial process, and it is for counsel, being conscious of their obligations, to decide what questions are going to be asked and what questions are not going to be asked. That has led judges to be reluctant to intervene in cross-examination. (Judge)

A lot of judges stay out of it to a certain degree because if they do intervene it could be an appeal point. (Witness Support Officer)

DISCUSSION

The overarching theme in stakeholders' responses was that the procedures for questioning child complainants in the courtroom were not optimal and could be improved. Stakeholders noted that the adversarial nature of criminal trials meant that giving evidence at trial will inevitably be taxing for child complainants, but they nonetheless identified clear pathways for improving the process, emphasising that such improvements were likely to improve the reliability of the evidence as well as the subjective experience of the child.

The major focus of discussion about questioning practices was cross-examination. This focus was not surprising given that cross-examination's unique aims (i.e., to discredit the witness) and methods (e.g., a high reliance on leading questions) are out of step with best-practice techniques for interviewing children. This focus echoes concerns of social scientists who have explored the effect of this process on children's consistency and accuracy (Zajac et al., 2012). The observed emphasis on cross-examination may also reflect the fact that, in all four jurisdictions represented in this study, pre-recorded police interviews were increasingly used as children's evidence-in-chief, greatly reducing the need for prosecutors to question child complainants in court.

Although stakeholders acknowledged that cross-examination posed difficulties for children, they perceived that legal counsel had come a long way from the days of confusing and intimidating children in an attempt to strengthen the defence. Their perception was that, nowadays, very few defence lawyers—and typically only those who were “old school”—sought to do this deliberately. Stakeholders noted that the reduction in this approach was likely for ethical reasons, and because aggressive cross-examinations were now seen as counterproductive.

But even defence lawyers who are not aiming to cause distress or confusion do not automatically ask questions commensurate with a child's developmental level. In fact, the structure of cross-examination questions in Australia and New Zealand has remained unchanged across several decades (Zajac, Westera, & Kaladelfos, 2018). Rather, our stakeholders perceived that the inappropriate pitch of courtroom questions was often unintentional—both in terms of the structure of the questions and the vocabulary and concepts used.

Although judicial interventions should serve as a safeguard against inappropriate questions, our analysis revealed three primary reasons why this is unlikely to be the case. First, judges might not be aware of when they should intervene. In fact, some early North American empirical research suggested that judges believe they are already doing a good job of addressing inappropriate courtroom questions posed to children (e.g., Hafemeister, 1996). Such beliefs are out of step with the low rates of judicial intervention perceived in this study and directly observed in studies in New Zealand (Davies & Seymour, 1998; O'Kelly et al., 2003; Zajac et al., 2003; Zajac & Cannan, 2009). Such a mismatch suggests that

judges may not possess a robust functional understanding of the types of questions that are inappropriate for children (Eastwood & Patton, 2002).

Second, other factors discourage judges from intervening in response to developmentally unsound questions. Foremost among these is avoidance of any action that might evoke an appeal or form a basis to set aside a verdict. For instance, judges avoid the appearance of bias. They may also be hesitant to disrupt the trial—especially if an intervention necessitates legal discussions in the absence of the jury (see also Davies & Seymour, 1998; O’Kelly et al., 2003).

Third, judicial interventions do not necessarily serve to improve the questions posed. Research tells us that even when lawyers are alerted to the fact that their questions are developmentally inappropriate, they struggle to know how to correct them. In Zajac and Cannan’s (2009) study, for example, on the rare occasions when a child complainant asked a lawyer to rephrase a question, the lawyer’s subsequent question was more likely than chance to be linguistically complex. Such findings suggest that awareness is a necessary-yet-insufficient component of improving questioning.

How, then, do we improve the skill with which lawyers question children? The stakeholders in our study appreciated that interviewing children is a particularly complex task requiring a specialist skill-set that can’t be taught without practice. They expressed a need for instruction that was practically focused—based on active skill development rather than the mere transmission of information. The empirical literature supports this approach. Even evaluations of practical-based interview training programs for child witness interviewers show that participants struggle to develop and maintain appropriate questioning skills (Cederborg, Orbach, Sternberg, & Lamb, 2000; Sternberg, Lamb, Orbach, Esplin, & Mitchell, 2001; 1999). The key to achieving lasting change is likely to be an incremental approach, in which professionals first receive clear instruction on questioning methods and their application, then build from sub-skills to more complex skills, engage in multiple progressive learning sessions spaced over time, conduct mock interviews with trained actors, and receive expert feedback on their performance (Powell, 2008). Blended learning—which includes both online and face-to-face sessions—can be an effective and inexpensive means of developing these skills (Benson & Powell, 2015). The use of intermediaries and communication assistants could also

provide a contingency plan for situations in which lawyers' questions are still unnecessarily challenging (see Plotnikoff & Woolfson, 2015); such approaches are already being piloted in Australia (Cashmore, Katz, Shackel, & Valentine, 2017).

Notably, the stakeholders also expressed a desire for education on broader topics, such as children's responses to sexual abuse. Training in this area could eliminate some of the myths about the behaviour of child abuse victims that have persisted in courtroom questioning—even across several decades (e.g., that a genuine victim of abuse would not maintain a relationship with the perpetrator; Zajac, Westera, & Kaladelfos, 2017).

CONCLUSION

Overall, stakeholders perceived that the questioning and management of child questioning courtroom had improved markedly in recent decades, but noted that further progress was necessary. Rather than communicating a desire for further reform, however, their proposed solutions focused predominantly on the need for more assistance to adhere to existing rules and guidelines. While we note the limitations associated with research of this kind—including a relatively small, self-selected sample and potential memory and social desirability biases—it is of note that the issues raised were consistent, both within our sample and outside of it. Indeed, the concerns voiced by the stakeholders in this study are largely the same as those raised by researchers for a number of years. Now that legal professionals are acknowledging the importance of—and indeed welcoming—input on these issues, it is imperative that psychological scientists respond swiftly to their call, by developing and providing comprehensive hands-on training for lawyers, and by conducting ongoing research into the factors that increase its relevance and efficacy. Such an approach will pave the way for a fairer process for child witnesses, and in turn for a more effective criminal justice system.

AUTHOR NOTE

This work was supported by funding from the Royal Commission into Institutional Responses to Child Sexual Abuse. The views and findings expressed in this report, however, are those of the authors.

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