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Police interviewing of sexual assault victims: Current organisational responses and recommendations for improvement

This chapter provides an overview of police organisational approaches to enhancing the quality of evidence obtained from adult and child victims of sexual assault. This chapter also reviews the degree to which actual organisational strategies are aligned with the guidance on what constitutes recommended (ideal) practice. The chapter evolved from a longstanding gap identified in academic research on investigative interviewing (Lamb, 2016). Despite clear consensus regarding the importance of a narrative-based framework consisting predominantly of non-leading open questions, most police interviews are characterized by an abundance of specific and closed questions (MacDonald, Snook & Milne, 2017). Globally, the failure of transfer from the training curriculum to the field is the most dominant issue in contemporary interviewing research, although this issue is by no means unique to police interview training (Brown, 1990). The constructive recommendations set forth in this chapter draw on our collective understanding of current research on investigative interviewing of sexual assault

¹ This chapter is based on Appendix B to a 318-page technical research report prepared for the Australian Royal Commission Into Institutional Responses to Child Sexual Abuse by Martine B. Powell, Nina Westera, Jane Goodman-Delahunty, and Anne-Sophie Pichler in 2016, entitled *An evaluation of how evidence is elicited from complainants of child sexual abuse*. Nina Westera passed away in May 2017.

complainants, as well as our understanding of international police interviewer training practices.

The chapter is structured around four main elements that are essential for promoting good interviewing. These elements include: (a) an evidence-based interview framework; (b) opportunities for skill development; (c) quality assurance for interviewer and organisational performance; and (d) a reliable method of recording verbal evidence. Each subsection commences with an overview of the key criteria for evidence-based practice on that topic, followed by a list of common limitations (based on our observations and experience of police organisational practice) that inhibit adherence to best interviewing practice.

An evidence-based interview framework

Scholars have developed research-based interview protocols for interviewers to use as guiding frameworks with specific population groups (e.g. Fisher & Geiselman, 1992; Poole & Lamb, 1998; Sternberg, Lamb, Orbach, Esplin, & Mitchell, 2001). Two guiding principles derived from scientific research on witness memory collectively define best-practice investigative interviews to (a) maximise relevant narrative responses and (b) minimise irrelevant detail.

The first guiding principle is that the questioning style needs to maximise the elicitation of narrative detail. Open-ended or expectative questions (Whipple, 1909) elicit a narrative response, whereas closed-ended questions are implicative in nature and are used to seek confirmation or denial of a particular proposition (Loftus & Goodman-Delahunty, 1985). Specifically, the interviewer should elicit a comprehensive and coherent narrative account, using open-ended questions (where possible), prior to using specific (more short-answer) questions (Milne & Bull, 1999; Poole & Lamb, 1998; Powell, Fisher, & Wright, 2005).

Open-ended questions encourage elaborate detail without dictating what specific information is required (Powell & Snow, 2007). They also minimise individual differences in response accuracy due to variability arising from memory, language and social skills (Agnew & Powell, 2004; Ceci & Bruck, 1993; Lipton, 1977). All witness groups respond with high accuracy to open-ended questions, whereas witnesses respond with less accuracy to specific questions (such as “what”, “where”, “when”, “who” and “how”), especially when the witness is vulnerable (Dent & Stephenson, 1979). The benefits of open-ended questions are broad. They elicit longer responses (Sternberg et al., 1996), encourage witnesses to play an active role in the interview process (Roberts, Lamb, & Sternberg, 2004), enhance witnesses’ perception that they have been heard (Eastwood & Patton, 2002), maximise story-grammar and victim credibility (Feltis, Powell, Snow, & Hughes-Scholes, 2010), elicit more temporal information (Orbach & Lamb, 2007), reduce the negative consequences of interviewer confirmation bias (Powell, Hughes-Scholes, & Sharman, 2012), and assist in detecting deception (Vrij, Granhag, & Porter, 2010).

Open-ended questions are not all equally effective at eliciting *accurate* narratives. An open-ended leading question that incorporates a falsehood (such as asking a witness “Tell me what happened when Joe hurt you?” when it has not been established that the witness was hurt by Joe) is more likely to lead to a false account than a yes/no question (such as “Did Joe hurt you?”) (Sharman & Powell, 2012). This is because the open-ended question presumes the false detail is correct and asks the witness to generate a response (Greenstock & Pipe, 1996; Roberts, Lamb, & Sternberg, 1999). With open-ended leading questions there is opportunity to integrate existing memories into the response, whereas the process of providing a response to a closed question is much more superficial (i.e., the witness may assent to the question without even hearing or understanding the question). The effortful process of responding to leading questions makes the witness more prone to affirm the information implied in that

question at a later time compared to a leading closed question (Loftus & Goodman, 1985, p. 263).

The best type of non-leading open-ended questions, coupled with nonverbal encouragement (e.g., head nodding), direct the witness to provide the evidentiary detail required, minimise defensiveness and anxiety, overcome the witness's natural tendency to suppress information, prevent interviewers from incorporating information that has not yet been established, and encourage coherence and elaborate detail (Powell & Guadagno, 2008). In addition, open questions allow the interviewee to feel in control of the flow and pace of the interview, a feature found to be therapeutically beneficial to traumatised interviewees (Risan, Binder & Milne, in press; 2017; 2016). Over a decade ago experts thought that children's responses to open-ended questions would be lacking in detail, but subsequent research has indicated that gentle persistence with well-phrased, non-leading, open questions can yield elaborate accounts, even among very young children. Research has also highlighted the dangers of using cues and props (such as anatomical dolls) or clinical methods (like dolls and timelines). Additional tools may enhance memory recall (mnemonics), but these methods are usually poorly applied in practice, and increase errors as well as correct responses, regardless whether a cue is in the form of a specific question, instruction, timeline or physical prop (such as a doll, demonstration aid or scale model) (Poole & Bruck, 2012; Poole, Bruck & Pipe, 2011; Salmon, 2001). Maximising narrative detail should comprise the foundation of interview protocols, even for witnesses with limited memory and language abilities (Powell, Mattison, & McVilly, 2013).

The second guiding principle of investigative interviewing pertains to the content of the narrative account. Scholars and police previously sought to maximise the amount of detail recalled regardless of relevance. This can be counterproductive when interviewing sexual assault complainants. As a result of prosecutors' continued concerns that police interviews

with child witnesses are often too long and incoherent, and contain large numbers of irrelevant details (Burrows & Powell, 2014b; Cashmore & Trimboli, 2006), recent research has examined how police interviews can better meet evidential requisites (Burrows & Powell, 2014a). Prosecutors have raised similar concerns about excessive and incoherent details in adult sexual assault complainant interviews (Criminal Justice Joint Inspection (CJJI), 2009; Stern, 2010; Westera, Kebbell & Milne, 2013b; Westera, Powell & Milne, 2017). High levels of detail about irrelevant matters not only reduce the coherence of the account, but provide a source of material that defence counsel can use to undermine the credibility of the witness during cross-examination (CJJI, 2009; Stern, 2010; Westera, Kebbell, & Milne, 2013b; Westera & Powell, 2015). When these details are elicited through specific questions, the lower accuracy of the responses is likely to exacerbate these problems (Burrows & Powell, 2014a). Such minor inconsistencies in an account are commonly misunderstood as indicators that memory for relevant events is inaccurate (Goodman-Delahunty, Nolan & Van Gijn-Grosvenor, 2017, p. 22-23). Research across 19 separate empirical studies found that these sorts of inconsistencies are poor predictors of the accuracy of overall memory (Fisher, Brewer, & Mitchell, 2009).

The objective of a police interview with a sexual assault complainant is to maximise coherence and relevant details, not to increase the overall quantity of the detail per se. Use of open-ended questions that encourage a narrative of events rather than descriptive detail can avoid these problems (such as “Tell me more about the part where ... ” instead of “Tell me about the room”) (Orbach & Lamb, 2007). Best-practice guidelines for interviewing sexual assault complainants should therefore include guidance to help the interviewer pursue *relevant* evidentiary information (such as the nature, location and time of the offence) in an appropriate manner, and to avoid pursuit of irrelevant details (Burrows, Powell, & Anglim, 2013).

Many police organisations across the world (e.g., United Kingdom, Australia, US) use interview protocols or methods that focus on obtaining a narrative account from complainants, and they recognise this important aspect of evidence-based practice (e.g., the UK Achieving Best Evidence Guidance, Home Office, 2002, 2007, 2011; see Davies, Bull & Milne, 2016 and Smith & Milne, 2017 for reviews). The language in the policy and guidelines for interviewers typically supports this approach by identifying the value of open-ended questions, and problems associated with leading and specific questions. The guidance appropriately focuses on narrative detail as the central form of evidence, not on nonverbal responses or drawings. The guidance on child sexual abuse or adult sexual assault interviews and investigations also specifies legislative requirements to establish what type of crime, if any, may have been committed – that is, the *prima facie* elements of particular offences. As police organisations, however, are often *independently* responsible for developing and implementing their own regime for investigative interviewing, there is typically a dilution and tainting of the recommended best practice.

From our evaluation and experience in reviewing evidence-based protocols there are three main areas where police organisations, as a whole, could improve. First, we perceive that there could be better streamlining of definitions of interviewing methods. Definitions of question types are often formulated differently in protocols and training materials devised for interviewing children versus adults, and for non-sexual versus sexual crimes. Consistency in the use of definitions across interview guidance for multiple types of complainants and offences would make it less confusing and less time-intensive for trainees to learn advanced interviewing skills. At present, officers selected to attend specialist training to investigate child or adult sexual assault complaints have usually previously attended interview training as a recruit and as an investigator or a trainee detective. In these training courses, they are exposed to panoply of interview methods, lexicons and definitions (such as the UK PEACE

interviewing framework reviewed by Griffiths & Milne, 2005) that can vary from those they subsequently learn in child or adult sexual assault interviewer training courses. For example, in one jurisdiction in which we have worked, general adult witness guidance uses the terms “closed questions (appropriate)”, “probing questions”, “forced choice questions”, “inappropriately closed questions” and “reflective probing questions” to describe closed or specific questions, whereas the child witness guidance in the same jurisdiction uses the terms “specific questions” with subcategories of “cued recall”, “yes/no questions” and “forced choice questions”.

These differences in terminology, lexical labels and definitions of interviewing methods are sometimes also contradictory. For example, in one jurisdiction in which we have worked, the child guidance defines an open-ended question as one that “elicits an elaborate response and does not specify what information to recall” whereas the adult witness guidance defines an open-ended question as one that “encourages people to express their thoughts, feelings, views, experiences and observations” (i.e., specified what to recall). Trainers (usually internally appointed officers) are often unaware of these contradictions because the same people are not assigned to oversee both the child and adult interviewing training components. Inconsistent definitions can be a problem because child interviewers (as a result of such inconsistency) need to spend time (re)earning new questioning skills rather than building upon prior knowledge. Habits formed from contradictory previous knowledge and experience inhibit the acquisition of new skills (Powell, Hughes-Scholes, Smith & Sharman, 2014). Some differences in definitions arise in part from inconsistencies in academic usage (Oxburgh, Myklebust and Grant, 2010).

The second area where police organisations can effectively improve the acquisition of questioning skills, is in relation to guidance and training about the definitions and application of different question types. In learning questioning skills, interviewers need to be familiar

with various types of open questions; how they differ from others that may appear similar; why they are important; and how they can be applied to obtain a useful, coherent narrative account. In our view, the guidance provided by many police organisations is not sufficient to enable effective learning of questioning skills. Definitions of questions are often crude, incorporating only broad examples accompanied by little guidance on *how* to apply open-ended questions in the context of an interview. Often absent from training and interview guidance are sufficient examples of different types of open-ended questions; explanations of how open-ended questions can be framed in a leading way, resulting in the reporting of unreliable information; and how to use open-ended questions to elicit a coherent narrative account (for example by focusing on the actions of past events, and keeping questions as simple as possible within a developmental framework). Indeed, in one guide, specific “what”, “where”, “when”, “who” and “how” questions were incorrectly described as open-ended and effective in reducing a child’s suggestibility, when in reality, these types of questions are not the least error-prone and are counterproductive to narrative elicitation (Powell, Garry & Brewer, 2013).

We propose that police should dedicate the majority of interviewing guidance to describing the importance of open-ended questions and how to carefully craft questions to obtain a coherent and evidentially relevant narrative. Instead, guidance on interviewing children is often cluttered with information that is superfluous to understanding the core skills required for effective interviewing – notably, dense content on child development and memory theory, and additional interview tools. Available police guidelines for interviewing adult sexual assault complainants are often similarly devoid of specific advice or guidance on how to apply certain types of questions.

The third area that police organisations could address to improve their interviewing responses is to implement guidance that clearly defines the investigative and evidentiary goals of

interviews specific to sexual assault cases. Current guidance typically encourages interviewers to gather as much detail as possible without it defining the relevance of detail. This approach leads prosecutors to express concerns about excessive detail in the records of interview. This problem is especially pronounced in guidelines for interviewing adults based on the Cognitive Interview, which often contain direct instructions to report trivial or unimportant details (as part of the ‘report everything instruction’). The ‘report everything’ instruction, for example, aims to reduce the subjective threshold of an adult witness for reporting information, with the hope that even partial or apparently insignificant features of an event may trigger previously inaccessible relevant memories (Fisher & Geiselman, 1992; Milne & Bull, 1999). The instruction encourages interviewees to report fine-grain and elaborate detail, counter to everyday English-speaking communication rules which inhibit detailed reporting. Nevertheless, such techniques need to incorporate clear guidance on how interviewers can manage the detail produced to ensure that the resultant interview, if used in court as evidence in chief, serves the primary evidential goal, which is a detailed but relevant coherent narrative (Westera, Powell & Milne, 2017). Guidance on when to follow up to secure details and when not to, will help interviewers make the interview more useful for investigative and evidentiary purposes. For example, when the child says, “he touched my private part”, does the interviewer need to seek elaboration as to what is meant? (Burrows, Powell, & Benson, 2015).

Opportunity for skill development

In recent years, the evidence base on how to learn interviewing skills has advanced to the extent that we now know the core components of an effective training regime (Powell, 2008). The most difficult skill to learn is also the most important: using open-ended questions to elicit a narrative account that contains the required evidentiary detail (Cederborg, Orbach, Sternberg, & Lamb, 2000; Myklebust & Alison, 2000). Like any other complex skill, an

incremental approach to learning is required for trainees to use the skills effectively (Clarke & Milne, 2001, 2016; Griffiths et al, 2011). Specifically, trainees must learn the knowledge and subskills that underpin the complex task of questioning before they progress to practice sessions in applying the complex skill set (Burrows, Powell, & Benson, 2015). Research findings have specified the training activities to be learned and the order in which they should be learned to produce proficient interviewers. First, trainees must receive clear, explicit instruction on the knowledge that underpins the skills, so that they understand what constitutes best practice in questioning, and *why* (Clark, Kirschner, & Sweller, 2012; Hattie, Biggs, & Purdie, 1996). Next, they need to develop the ability to identify different question types and to know how to apply them in practice (Powell, Benson & Sharman, & Guadagno, 2013; Powell, Guadagno & Benson, 2014; Yii, Powell, & Guadagno, 2014); coding question types in interview transcripts is one of the most effective methods to learn this subskill (Orbach et al, 2000; Yii, Powell, & Guadagno, 2014). Interviewers then need to repetitiously practice saying the various phrases or stems that are common to many questions (Benson & Powell, 2015) and learn how to apply them to elicit the types of information relevant to the investigation and prosecution of the case (Burrows, Powell, & Anglim, 2013; Mugford, Corey, & Bennell, 2013).

Once equipped with the subskills for effective questioning, trainees need repeated, focused practice opportunities to facilitate incremental skill development (Clark, Kirschner, & Swellwe, 2012; Ericsson, Krampe, & Tesch-Romer, 1993). It is vital that this practice incorporates a number of key features to make it effective. Failure to do so can result in a decline in skill level (Kluger & DeNisi, 1996). Practice is most effective when spaced across multiple sessions, dispersed with rest over a period of months rather than days (Donovon & Radosevich, 1999). Practice should address the trainee's specific learning needs, depending on their level of competency. It should be sufficiently challenging to give the trainee an

opportunity to make some errors and to learn to correct these errors in a controlled environment (McGeoch, 1947). For trainees to learn from their errors, they need corrective feedback explaining why specific behaviours are problematic, and instruction on alternative strategies that they can use (Hattie & Timperley, 2007). This feedback is only effective when the person providing it has expertise in evidence-based practices for interviewing, and on giving task-orientated feedback (Powell, 2008). If the instructor lacks this expertise, feedback may result in a decline in the trainee's performance (Kluger & DeNisi, 1996). An important topic must be raised here – who are training the trainers? Finally, practice should expose trainees in a controlled way to common challenges that arise in the interview process. Using actors (or computer simulated avatars) who simulate the behaviours of witnesses in mock interviews can achieve this type of controlled practice (Pompedda, Zappala, & Santilla, 2015; Powell, Fisher, & Hughes-Scholes, 2008). The actors need special training on how to provide standardised responses to certain interviewer behaviours, and how to tailor the level of difficulty of the interview to the needs of the individual trainee (Forgery, Badger, Gilbert, & Hansen, 2013; Powell, Fisher, & Hughes-Scholes, 2008).

The research clearly shows that mastery of interviewing child and adult sexual assault complainants requires a sophisticated, evidence-based learning regime. In reality, many jurisdictions acknowledge the complexity of skills required to interview child complainants, and have strict policies on who can interview child complainants of sexual assault, often making specialist training a mandatory prerequisite. The comparable policy on who is permitted to interview adult complainants of sexual assault, however, is less stringent. Specialist training is not always a prerequisite for conducting these interviews, and the training that is available for adult sexual assault investigators seldom incorporates guidance on how to interview these *types* of complainants. Some training regimes do focus on learning interviewing skills and on providing the opportunity for interviewers to practice the skills and

receive feedback about their performance, showing that the importance of practice is recognised to some degree. However, many training regimes are inadequate to facilitate the incremental approach required to learn and master interviewing skills. Indeed, most consist of a face-to-face block of training (ranging from 3-20 days) hosted in-house by police trainers. Research has shown that short, intensive block-training regimes are ineffective, as gains made in the classroom in these circumstances are typically short-lived (Clarke et al, 2011; Griffiths et al, 2011; Smith, Powell, & Lum, 2009).

Police training curriculae are too often dedicated to knowledge acquisition, with little time spent on how to question complainants. In most organisations, there are inadequate practice opportunities to develop mastery of the skills needed to interview sexual assault complainants. Practice opportunities are usually provided towards the end of the training course, over a maximum of two days, with one or two practice interviews per trainee. Police interview training could also better incorporate the elements required for effective practice (Powell, 2008). In some courses we have examined, no time is spent practicing interviewing skills for adult sexual assault complainants and there are usually no follow-up opportunities for practice after attending the training course. Without opportunities spaced over time (that is, months) to gain practice and progressively develop these complex skills, interviewers are unlikely to master interviewing.

Some police training regimes include practice sessions with feedback from a trainer or experienced practitioner who had previously completed the same interview training course (Mount, 2017). Given the weaknesses in the training regime and interview framework in use, however, it is unlikely that these trainers are equipped with the skills to provide 'expert' feedback. Instead, they may be reinforcing errors in practice, resulting in a decline in interviewer performance (Powell, 2008). Alternatively, some organisations have incorporated into their training feedback from supervisors or peers, but it is unlikely that these people have

an in-depth understanding of evidence-based practice in interviewing, and how to give effective feedback. Adding to this problem, organisational rules around tenure – where some organisations specify that a person can remain in the specialist investigation role for no more than a two- or three-year period – curtail the time interviewers have to master their interviewing skills (Powell & Barnett, 2015). A quality assurance regime for trainers and others who provide feedback would alleviate some of these problems.

Police can further improve the quality of practice sessions by using actors trained with a script designed to present interviewers with opportunities to practice dealing with challenges they will likely confront in the field (Sharman & Powell, 2012). Currently, most practice sessions scheduled during training are completed with other participants on the course, or children from a local school or kindergarten who play the role of the witness. These mock interviewees are not specially trained to work to a script that clearly outlines how they should respond to the interviewers' prompts. This makes it difficult to tailor the practice sessions to the individuals' training needs and to introduce common challenges that are likely to arise in the field.

Some jurisdictions are moving towards a blended training model incorporating computer-based modules over a period of months. These modules include instruction, quizzes, coding exercises and exemplars of practice, to provide the knowledge and develop the subskills needed to interview effectively (Benson & Powell, 2015). Trainees also participate in multiple mock interviews – in different sessions spaced over time – with a specially trained actor working to a script either over the telephone or via Skype. A recent evaluation of these new regimes indicated positive outcomes of the training, including interviewer use of a greater proportion of open-ended questions, adherence to the interview protocol, improved coverage of evidentially relevant information and a reduction in interview duration (Benson

& Powell, 2015). The implication is that there is now an evidence-based alternative to the (ineffective) traditional classroom based training system for investigative interviewers.

Quality assurance for interviewer and organisational performance

A robust quality assurance regime (i.e., the establishment of evidence-based methods of ensuring consistent provision and improvement of services) is essential to the effectiveness of any service (Stockdale, 1993; Clarke & Milne, 2001). Effectiveness in the context of interviewing sexual assault complainants refers to how well police interviews in the field align with evidence-based practice, and meet investigative and evidentiary needs.

Quality assurance is necessary to continuously improve service delivery (Hoyano & Keenan, 2007). The two main purposes of quality assurance for interviewing sexual assault complainants (Burrows, Powell, & Benson, 2015) are: (i) to evaluate the performance of individual interviewers and thus enable effective supervision by identifying and addressing their professional development needs; and (ii) to evaluate organisational performance, training, policy and other processes to identify how to improve the provision of this service. Effective quality assurance for interviewing involves comparing current performance against objective, valid and reliable standardised measures of evidence-based practice (Burrows, Powell, & Benson, 2015). Without a mechanism that objectively measures current standards of service, organisations will not have the ability to identify patterns of poor performance, the factors contributing to these patterns, or effective strategies to overcome these problems (Clarke & Milne, 2001, 2016; Stockdale, 1993).

The scientific evidence base suggests several key components to effective quality assurance. Participants' ratings of their own performance (which are commonly used in evaluation of quality assurance) are poor indicators of actual performance (Cherryman & Bull, 2001; Walsh, King & Griffiths, 2017). Wright, Powell & Ridge, 2007), so organisations need to

compare interviewer performance to a standardised, objective and evidence-based measure (Burrows, Powell, & Benson, 2015; Clarke and Milne, 2001). The basis for this measure should be adherence to the features of the interview framework discussed above, focusing on open questions and evidentiary requirements. For this evaluation to be reliable and valid, the person who administers it must have demonstrated expertise in interviewing, and the organisation should provide regular inter-rater reliability (i.e., indication of agreement or concordance among raters) and moderation sessions when multiple evaluators are used (Gregory, 2004).

An important factor in achieving quality assurance is the timing of the evaluation. Ideally organisations should evaluate interviewer performance against objective measures: before the interviewer attends training (to obtain an objective benchmark of performance); immediately after the training (to determine if the training has been effective); after the interviewer has conducted field interviews (to determine if the skills learnt in training have transferred to the field); and at regular intervals in the field when interviewing these types of witnesses (to determine if the skills are maintained because performance typically declines over time without monitoring) (Griffiths, Milne, & Cherryman, 2011; Orbach et al, 2000; Smith, Powell, & Lum, 2009). Standardising the context of the evaluation by using an actor who can control the witness's responses, for instance, tests the interviewer's application of core skills across different response scenarios. Overall, the use of specially trained actors can provide organisations with the most valid and reliable indicators of performance (Burrows, Powell, & Benson, 2015). Organisations can use the results of the evaluation to identify where individual performance can be improved, and where commonalities in sub-optimal performance indicate the need for broad organisational change.

Case tracking, or mapping the progress of a case as it goes through the criminal justice system, is another useful quality assurance mechanism that can help police working with

other criminal justice agencies to make evidence-based decisions about how to improve their policy and procedure (Brownell & Jutte, 2013). While many past evaluations of child protection and criminal justice systems rely on retrospective data collection, these data provide limited insights because the multiple agencies that are involved do not have common, interlinked databases (like child protection, the police and courts) and do not uniformly identify and code individual case information (Brownell & Jutte, 2013).

The type of information captured in the tracking system – and how it is recorded – is integral to the success of the evaluation. Contemporaneous case tracking enables researchers to move beyond descriptive analyses, to examine the inter-relationship between variables in determining evidence quality and case outcomes. This tracking can capture a wider range of case-related details such as abuse and referral type; victim and suspect relationship and demographics; onset and frequency of abuse; agencies involved; case outcomes; and speed of case processing (Leach, Baksheev, & Powell, 2015). A case-tracking system facilitates an effective review of interviewer performance by providing supervisors with output measures for their staff (such as number of interviews, case outcome and number of cases) (Leach et al., 2015). Tracking the progression of cases across multiple agencies requires clearly defined variables to be uniformly implemented by all agencies that use the database (police, child safety services, the courts and academics), supported by clear policies and audits of data entry accuracy (Leach et al., 2015).

Without information about the effectiveness of their current practice, police cannot continually improve. Yet most police organisations do not have a robust quality assurance regime for monitoring interviewer and organisational performance, and for identifying areas for improvement. While some organisations have introduced processes to address quality assurance, such as supervisory file reviews, peer review of interviews and formal feedback from the public prosecution agency, these processes are not evidence-based. A common

problem is the absence of any mechanism to validate the expertise of those administering the quality assurance or to provide effective feedback. Supervisors – who are often responsible for other aspects of an interviewer’s performance management – do not often have the requisite level of interviewing expertise to effectively conduct quality assurance (Powell, 2008). Prosecutors are integral to developing the criteria for the evidentiary measures incorporated into this evaluation, but are unlikely to have the expertise in interview methods.

A reliable method of recording verbal evidence

A strong evidence base indicates that the most reliable, complete and transparent method for recording an interview is visual recording (Kohnken, 1995; Nickerson, 1998; Shepherd & Milne, 2006). This form of recording preserves the complainant’s exact words, behaviour and demeanour, as well as the methods used by the interviewer to elicit those responses from the complainant. In contrast, a written statement prepared by an interviewing officer – the historical method relied on to generate a record of interview – is not a verbatim record of the complainant’s account (Cauchi, Powell, & Hughes-Scholes, 2010; Milne, Nunan, Hope, Hodgkins, & Clarke, 2017; Shepherd & Milne, 2006). A written statement is incomplete and unreliable because it relies on the officer’s memory about what was said; memory is a reconstructive process that is prone to error (Baddeley, Eysenck, & Anderson, 2009; Kohnken, 1995; Loftus & Palmer, 1974; Milne et al., 2017). Without an electronic (reliable) record of interview, it is not possible to effectively evaluate interviewer performance and to examine how the interview process may have influenced the reliability of the complainant’s account (Heaton-Armstrong & Wolchover, 1992; Shepherd & Milne, 2006).

Adding to the above-mentioned problems, the process of taking a statement encourages the interviewer to pay less attention to the complainant and instead focus on controlling the flow of information by resorting to methods that are likely to decrease the reliability of the

information provided (such as repetitive, specific and leading questions) (Clarke & Milne, 2001; Vrij, Granhag, & Porter, 2010; Westera, Kebbell, & Milne, 2011). These methods are likely to make a complainant feel disbelieved and frustrated during an interview that is already prolonged due to the need for the officer to take notes and then write out the statement for the complainant to sign (Clarke & Milne, 2001; Vrij, Granhag, & Porter, 2010; Westera, Kebbell, & Milne, 2011). A visually recorded interview not only benefits the complainant, it also improves the quality of evidence elicited and enables effective review of the quality of interview.

Videorecording the interview has additional benefits at trial. When legislation allows, the visual recording can be used as the basis for a complainant's evidence-in-chief (e.g., in England and Wales those deemed vulnerable as part of the *Youth Justice and Criminal Evidence Act, 1999 Sect 16 and 17*- see Smith and Milne, 2017 for a review; in Australia this is available to children and those with intellectual disability in all jurisdictions, and in the Northern Territory, to all sexual complaints). The detrimental effects of delay on memory quality and quantity – and the more relaxed social environment of the interview – mean that videorecorded evidence is likely to be more complete and reliable than live evidence in court (Advisory Group on Video-Recorded Evidence, 1989; Deffenbacher, Bornstein, Penrod, & McGorty, 2004; Read and Connolly, 2007; Westera, Kebbell, & Milne, 2013b). Use of the police interview as evidence-in-chief at trial reduces the complainant's stress during a trial proceeding (Burton, Evans, & Sanders, 2006; Davies, Wilson, Mitchell, & Milsom, 1995; Kebbell, O'Kelly, & Gilchrist, 2007). Furthermore, when the police take a written statement, the inaccuracies or omissions in the statement are likely to generate inconsistencies with subsequent live testimony, creating opportunities for defence counsel to discredit the complainant's credibility on cross-examination (Milne et al, 2017; Westera, Kebbell, and Milne, 2013a).

Children are especially likely to benefit from the transparency and reliability provided by videorecording the interview – due to the developmental issues limiting their ability to report detailed information over time, and their heightened vulnerability to suggestion (Ceci & Bruck, 1993; Leippe, Romanczyk, & Manion, 1991; Poole & White, 1993). The reconstructive nature of memory and deterioration of memory over time also affect adult sexual assault complainants (Baddeley et al., 2009; Read & Connelly, 2007). Adult complainants, who are often also vulnerable due to psychological and developmental issues, are particularly likely to benefit from having their interview videorecorded.

In recognition of the evidence base, a growing number of jurisdictions routinely videorecord interviews of child complainants of sexual assault, and adult complainants with an intellectual disability. These witnesses are most vulnerable to stress and suggestion, and research supports the priority of making available special measures for their evidence over that of other witnesses (Australian Human Rights Commission, 2013). This approach often coincides with legislative provisions that provide these complainants with the added benefit of using the police record of interview as evidence-in-chief. Videorecorded interviews, however, are not usually conducted with adult complainants; some jurisdictions record adult interviews but only occasionally, depending on the circumstances of the particular case. We propose that police organisations could better align their practice with evidence-based methods if they extend the use of videorecording to all sexual assault complainants.

Videorecording is likely to benefit complainants, and promote more effective decision making by investigators, legal professionals and other tribunals of fact – even when that interview is not used as evidence. Without a videorecording it is impossible to evaluate interviewer performance and improve police practice for interviewing adult complainants of sexual assault. Where police use videorecorded interviews, they should adopt a considered and careful approach to avoid the problems preventing some videorecorded child interviews

from use as evidence-in-chief, such as concerns about overly long accounts, too many irrelevant details and insufficient evidentiary content, i.e., interviews need a coherent narrative.

Conclusion

Despite positive efforts within some jurisdictions, police officers' ability to align with evidence-based practice is impaired by many factors. These impediments may account for the well-documented gap between recommended and actual police practice (Cederborg, Orbach, Sternberg, & Lamb, 2000; Clarke & Milne, 2001; 2016). A number of topics were identified, outlining where organisations can focus to close this gap. These include the use of up-to-date, evidence-based interview methods; good quality learning regimes to maximise transfer of training; implementing a quality assurance programme to enable continuous improvement in interviewing practice; and a reliable method of recording verbal evidence. Given the central role of complainant interviews in the criminal justice system's response to sexual assault allegations, improvements in police practice are likely to yield better investigative and prosecutorial outcomes, as well as minimising trauma to complainants of sexual assault (Westera, Kebbell, & Milne, 2016).

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