

**Adapting a Child Interview Framework for use with Adult Sexual
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Adapting a Child Interview Framework for use with Adult Sexual Assault Complainants.



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Abstract

The investigative interview forms the evidential pillar in cases of adult sexual assault. Yet, the police have been criticised for undermining the strength of evidence in these cases and re-victimising complainants. Broader research suggests that this may be because the Cognitive Interview (CI) – the major framework used by police to interview adults including those alleging sexual assault – does not align *entirely* with the characteristics of sexual assault cases. To address these criticisms, I adapted a child interviewing framework for use with adult complainants of sexual assault. I did so by adopting a multistage mixed-method approach. Stage one identified components in the CI that are (or are not) meeting the needs of stakeholders (i.e., investigators, prosecutors, and victims) and considered how frameworks used with children may be applied with adults. The latter question was guided by studies showing that child interviewing researchers have successfully found ways to enhance the evidential quality of children's accounts whilst tending to their emotional needs. Stage two experimentally tested the utility of discrete elements of the child interviewing framework identified as holding promise with adults and compared the two frameworks in the laboratory prior to future implementation of the new framework in field settings.

Four studies are presented in this thesis. The first study addressed the initial step in the adaptation process – eliciting feedback from expert academics and stakeholders with a vested interest in adult sexual assault investigations about whether the CI is meeting their needs, and the utility of the Standard Interviewing Method (SIM; a framework used with children in Australia and abroad). Prior studies have largely relied on one single group of stakeholders (e.g., only prosecutors) when exploring the challenges arising during the police interview process of sexual assault cases. However, the investigative interview needs to satisfy multiple (often competing) purposes for various stakeholder groups. Thus, it is important to bring multi-disciplinary stakeholders together in a single study to collaboratively

identify challenges and reconcile those challenges in a way that meets each of their needs. Study 1 recruited a multidisciplinary group of eight stakeholders including police detectives, crown prosecutors, victim advocates and expert academics. The participants were shown elements of the CI and the SIM framework (and were blind to which element belonged to which framework) and provided feedback about the utility of the various elements of each framework. The stakeholders expressed support for some elements of the CI (e.g., use of open-ended questions and need for rapport). However, there was unanimous support to adopt elements of the SIM with adult complainants. Based on this study, my supervisory team and I developed a preliminary interview framework for adult complainants of sexual assault.

Studies 2 and 3 addressed the second step in the adaptation process— testing distinct elements from the SIM with adult mock witnesses. Study 2 examined the utility of a simple set of ground rules routinely delivered to children, with adults. One hundred and thirty participants watched a video about an implied sexual assault and were interviewed after a brief delay. At the end of the interview, participants in the ground rules conditions were questioned about their perceptions of the rules. The results demonstrated that ground rules improved adults' responses to problematic recognition questions posed by interviewers. Furthermore, most adults reported that the rules should be necessary with adults because they reduce anxiety and discomfort about the interview process. Study 3 tested the utility of a practice narrative, a preparatory activity used to build rapport and prepare children for the demands of an interview, with adults. The aim of the study was to examine whether a practice narrative would improve the memory performance of adults and build rapport. One hundred and twenty-seven participants completed an interactive online event that depicted an unwanted sexual encounter and were interviewed after a short (two days) or long (two weeks) delay. The results showed that a practice narrative neither bolstered or impaired memory

performance and that the majority of adults viewed the activity as helpful in meeting the socio-emotional needs of adult complainants.

While Studies 2 and 3 tested discrete elements of the SIM in isolation to establish their utility with adults, Study 4 compared mock adult witnesses' memory performance, perceptions, and non-verbal behaviours across a SIM and CI-led interview. Ninety-one participants watched a video of an implied sexual assault and were assigned to one of three interview conditions: the CI, the SIM, and the SIM with a practice narrative. Participants interviews were video recorded. After the interview, the participants evaluated their perceptions of the interview process. The findings demonstrated that adults interviewed using a CI framework reported more information than those interviewed using a SIM-led interview. However, the reverse was true when interview length was controlled for. Additionally, CI participants perceived the interview as more effortful than SIM participants, but there were no other differences in perceptions or non-verbal behaviours of comfort and discomfort.

Overall, my findings demonstrate that a more streamlined and tailored interview framework may be most appropriate for adult complainants of sexual assault. The thesis also highlights the usefulness in merging adult and child interviewing literatures to enhance the way vulnerable adult witness populations (i.e., sexual assault victims) are interviewed. This avenue of research may allow adult interviewing scholars opportunities to further refine how adult complainants of sexual assault are interviewed. However, further research is needed on how decision-makers (e.g., prosecutors, defence lawyers and investigators) view interviews conducted using a CI and SIM with adult complainants. Moreover, future research should examine whether these two frameworks exert differing effects on key downstream measures. The implications arising from the findings of this thesis are discussed and situated within the broader interviewing literature.

Statement of Originality

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

Mohammed M. Ali

ALL PAPERS INCLUDED ARE CO-AUTHORED

Acknowledgement of Papers included in this Thesis

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Included in this thesis are papers in Chapters 6, 7 and 9 which are co-authored with other researchers. My contribution to each co-authored paper is outlined at the beginning of the thesis. The bibliographic details for these papers including all authors, are:

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Appropriate acknowledgements of those who contributed to the research but did not qualify as authors are included in each paper.

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List of Publications

The publications in bold represent the studies included in the current thesis.

Ali, M. M., Westera, N. J., Zajac, R., & Powell, M. (2019). Australian stakeholders' views on improving investigative interviews with adult sexual assault complainants. *Psychiatry, Psychology and Law*, 26(5), 724-739.

My contribution to the paper involved:

As first author of this paper I assisted in the design of the study; data collection, the review of the literature, data analysis and interpretation. I was also responsible for writing the initial draft of the paper which was reviewed and edited by co-authors Rachel Zajac and Martine Powell. After peer-review, I was responsible for addressing all reviewers' comments with the guidance of Rachel Zajac. Co-authors Martine Powell and Nina Westera conceptualized the study, and Nina Westera assisted in the data collection process.

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My contribution to the paper involved:

As first author of this paper I assisted in the conceptualization and design of the study; data collection, the review of the literature, data analysis and interpretation. I was also responsible for writing the initial drafts of the paper which were reviewed and edited by co-authors Sonja Brubacher, Becky Earhart and Martine Powell. Both Sonja Brubacher and Becky Earhart assisted with the data analysis process. After peer-review, I was responsible for addressing all reviewers' comments with the guidance of Sonja Brubacher. Co-authors Sonja Brubacher, Martine Powell, and Nina Westera assisted with the conceptualization of the study. Sonja Brubacher and Becky Earhart were also assisted in the data collection process.

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CHAPTER 1- INTRODUCING THE AIMS AND STRUCTURE OF THIS THESIS

Sexual offences are some of the most—if not the most—difficult criminal offences to prosecute successfully (Daly & Bouhours, 2010; Fileborn, 2011). Such offences are usually committed in the absence of independent witnesses and, in most instances, there is little to no objective corroborating evidence (Edwards, 2003). Even when physical evidence of a sexual act exists (e.g., DNA or signs of genital trauma), that evidence provides little value in establishing the presence or absence of consent (Edwards, 2003; Lees, 2002). For this reason, investigators—who are tasked with working out whether or not a criminal offence occurred—are largely reliant on complainants' verbal accounts (Lees, 2002).

Unfortunately, decades of research have shown that eyewitness accounts are susceptible to a host of distorting influences, one of which is the interviewing style employed to elicit them (see Powell et al., 2009). In acknowledgement that well-conducted interviews play a crucial role in criminal justice outcomes (Westera et al., 2013), numerous police organisations around the world have implemented evidence-based interview training for investigators (Fisher & Schreiber, 2007). These training programmes vary somewhat in their timing and delivery, but all converge on the importance of several factors: (1) preparing the witness adequately for the interview, (2) remaining open-minded about what happened, (3) eliciting a narrative-based account at the beginning of the interview, and (4) avoiding questions that might unduly shape what the witness says (Powell et al., 2005; Sternberg et al., 2001).

One (major) evidence-based interview framework that is used with adults across several countries (e.g., UK, New Zealand, and Australia) is the Cognitive Interview framework (CI; see Schollum, 2005). The aim of the CI framework is to maximise the amount of information that witnesses provide, without compromising overall accuracy (Fisher & Geiselman, 1992; Geiselman et al., 1984). To do this, the CI employs a variety of

instruction-based techniques to enhance reporting, ideally reducing the need for specific questions that might contaminate the witness's account (Geiselman & Fisher, 1988). Some CI techniques are aimed at encouraging witnesses to provide more detailed information than they would in everyday conversation (*report everything* mnemonic). Others are aimed at maximising reports by helping make retrieval conditions as similar as possible to encoding conditions (*mental context reinstatement* mnemonic) or by encouraging the witness to report the event in different ways (*change perspective* mnemonic and *change order* mnemonic). Efficacy research suggests that the CI leads to an improved quantity of information during free recall while only minimally affecting the accuracy of the details provided (Fisher & Geiselman, 1992; Fisher et al., 1989; for a review see Memon et al., 2010).

The CI has been widely established as the 'gold standard' of adult investigative interviewing (Köhnken et al., 1999; Memon et al., 2010), although it is not without its problems in practice (Dando et al., 2008; Kebbell et al., 1999). For instance, officers perceive some components of the CI as ineffective and consequently report rarely using them during witness interviews (Dando et al., 2008). However, some scholars argue that these criticisms are partly due to poor practice and the lack of experience by investigators (Fisher et al., 2010; Fisher & Geiselman, 2010). These scholars suggest that some investigators are unable to recognise which components of the CI should be implemented based on the specific interview context and how to best implement those techniques (Fisher et al., 2010). More recently, however, some scholars have suggested that beyond the issues of poor practice and investigator inexperience lies a more significant problem: some of the key elements of the CI do not necessarily align well with all types of investigations—and the investigation of sexual offences in particular (Castelfranc-Allen & Hope, 2018; Chenier et al., 2021; Dando et al., 2009; Gabbert et al., 2009; Launay et al., 2021; Westera & Powell, 2016; Westera et al., 2023; Zajac et al., 2019).

The CI was originally designed to be used with cooperative witnesses reporting stranger-perpetrated offences (e.g., robbery; Westera & Powell, 2016). In these contexts, large amounts of highly specific detail could facilitate the pursuit of leads, ultimately assisting investigators to locate an offender. Cases of alleged sexual assault, however, differ markedly to these offences in terms of the criminal context, the characteristics of the witness, and the evidence necessary for a successful prosecution (Westera et al., 2017).

A growing body of literature suggests that stakeholders perceive challenges with the use of the CI in the investigation and prosecution of sexual offences. Police investigators, for example, have expressed concern about selectively eliciting the information that is crucial to the investigation (Westera et al., 2023). Unlike witnesses to stranger-perpetrated offences, the majority of adult complainants of sexual assault know their assailant, and the crime itself took place in a familiar location (Australian Bureau of Statistics, 2004; Planty et al., 2013). Consequently, while some details become more important in sexual assault investigations than they would be in other types of investigations (e.g., thoughts and cognitions can be crucial in establishing the nature of consent), other details become far less so (e.g., the physical description of a known offender). Police investigators using the CI report that, while the mnemonics might elicit large amounts of information, the proportion of relevant information obtained tends to be poor (Westera et al., 2023).

Challenges in using the CI in sexual offences cases are not limited to the interviewers. Complainants, too, have expressed concern about the way in which they are interviewed. Encouragement to report numerous highly specific details, even about aspects of the experience that seem unimportant, presents a number of difficulties. First, complainants reportedly find the process exhausting and confusing, especially against the backdrop of short- and long-term cognitive and emotional problems that often arise as a result of a sexual assault (Boyd, 2011; Kilpatrick et al., 1981; Suris et al., 2007). These cognitive and

emotional problems are also likely to negatively impact on their ability to retrieve and recount their experiences (e.g., Calhoun et al., 1982; Moran, 2016). Complainants have also reported that the emphasis on detail makes them feel less confident in their memories—as though their account is not “good enough” for prosecution (McMillan & Thomas, 2009). They seem to interpret the pursuit of what they perceive to be trivial details as a sign that investigators don’t believe them (McMillan & Thomas, 2009). Together, these factors can cause complainants considerable distress, with many withdrawing from the prosecution process altogether (Jordan, 2001; Patterson, 2011; Spohn & Tellis, 2014). Indeed, high rates of complainant withdrawal are a hallmark of adult sexual assault cases (Daly & Bouhours, 2010; Gregory & Lees, 1996; Hohl & Conway, 2017).

Furthermore, prosecutors’ perspectives on investigative interviews become increasingly important as more jurisdictions make provisions for the interviews to be recorded and used as complainants’ evidence-in-chief (e.g., New Zealand, Australia, England and Wales; see Kebbell & Westera, 2011). Prosecutors have reported that some traditional advantages of CI-led accounts backfire in the courtroom (Westera et al., 2017). In particular, they perceive that long-winded instructions and unnecessary detail tend to clutter complainants’ accounts, making them longer, less coherent, and ultimately taxing for jurors to follow (Criminal Justice Joint Inspection Project, 2010; Stern, 2010; Westera et al., 2013; Westera et al., 2017). Prosecutors have also noted that long and detailed accounts generate more opportunities for defence lawyers to discredit complainants. Indeed, complainants whose cases proceed to trial are subjected to lengthy cross-examinations that focus on minor inconsistencies within and across their accounts (Kebbell et al., 2007; Zydervelt et al., 2017).

In sum, the research findings to date suggest that revisions to the way that police elicit evidence from adult sexual assault complainants are warranted, with the overarching goal of improving both criminal justice outcomes and complainants’ experience of the criminal

justice system. Such an endeavour should not be interpreted as the dismissal of the CI framework. Indeed, the CI has provided a strong foundation based on decades of empirical research. Instead, this endeavour focuses on examining whether other interview frameworks may be more suited to adult sexual assault investigations. Researchers studying the investigative interviewing of child complainants of sexual abuse have successfully refined how children are interviewed by providing investigators with guidance on how to meet evidential objectives providing emotional support to children (Benson, 2015; Benson & Powell, 2015; Burrows et al., 2016). This field, which includes adolescents, has strong overlaps with the broader circumstances surrounding interviews with adult sexual assault complainants (i.e., nature of evidence required and social barriers present to disclosing abuse). Consequently, a key feature of this research is to determine what elements comprise an effective and appropriate interview with a victim of sexual assault. As a starting point, I examined *whether* (and *how*) elements of the Standard Interviewing Method (hereby referred to as the SIM), an evidence-based interview framework used with children in Australia and internationally, could be adapted for use with adult complainants.

Drawing on a multi-method approach, this research will be the first to explore an alternative interview framework for adult complainants of sexual assault. It is anticipated that improving the quality of investigative interviews with this population will have several benefits for criminal justice outcomes, including an overall improvement in the quality of evidence (e.g., relevance of details, coherence) obtained from adult complainants, and clearer guidance for investigators on how to meet the emotional and psychological needs of complainants while achieving evidential objectives. The anticipated benefits for complainants include greater emotional support (e.g., creating and maintaining rapport; reducing anxiety, frustration, and fatigue). Finally, the benefits to the wider community include an increase in the prosecution and conviction rates of adult sexual assault cases.

The structure of this thesis is as follows. Chapter 2 presents a review of the barriers that adult complainants experience when deciding whether to report their assault to police. Chapter 3 provides a brief overview of the reforms enacted in Australia to address the barriers complainants experience when reporting and the role of the investigative interview vis-à-vis the reforms. Chapter 4 presents a review of the adult interviewing literature including the CI framework. Chapter 5 introduces the SIM and reviews the research informing its development. Chapter 6 presents the first study in this thesis where a multidisciplinary group of stakeholders discussed (a) whether elements of the CI and SIM framework promote (or hinder) the evidential objectives of sexual assault cases and complainants' emotional wellbeing and (b) how the current interviewing framework could be further refined to better meet these goals. Chapters 7 and 8 present the second and third study in this thesis where the utility of two discrete interview elements routinely delivered to children (Study 2: a set of ground rules and Study 3: a practice narrative) were tested with adult mock witnesses. Chapter 9 presents the final study in this thesis. This study compared adult mock witnesses' memory performance, perceptions and non-verbal behaviours across the CI and SIM. Chapter 10 provides a general discussion that situates the contribution of this thesis within the interviewing literature and provides recommendations for future research.

CHAPTER 2 – A REVIEW OF BARRIERS TO REPORTING AND PARTICIPATING IN POLICE INVESTIGATIONS OF SEXUAL ASSAULT

Sexual assault remains a pervasive problem throughout much of the globe (Basile et al., 2011; Daly & Bohours, 2010; WHO, 2018). The latest victimisation data from Australia shows that almost 2 million adults experienced at least one incident of sexual assault since the age of 15 (ABS, 2016). When broken down by gender, the figures reveal that 1 in 6 women (17% or 1.6 million) and 1 in 25 men (4.3% or 385,000) have been sexually assaulted on at least one occasion since the age of 15. Yet, some studies estimate that as little half of all sexual assault incidents are ever reported to the police (Greenfield, 1997; Rennison & Rand, 2002). In other words, the proportion of sexual assault incidents that are reported to the police reflect only a fraction of the incidents that take place in the community (Daly & Bohours, 2010; Gregory & Lees, 1996; Hohl & Stanko, 2015; Kelly et al., 2005; Temkin & Krahé, 2008). Moreover, victims that do decide to make a report to police often delay their disclosure over a period of days, weeks or even years (Adler, 1987; Ahrens et al., 2010; Bronitt, 1998; Ellison, 2005).

Considerable efforts have been made by social science researchers to understand why various victim populations may choose not to report their assault to the police (e.g., Mengeling et al., 2014; O'Donohue, 2019; Tillman et al., 2010; Sabina & Ho, 2014; Sable et al., 2006), the reasons influencing victims' decisions to delay their disclosure to police (e.g., Cashmore et al., 2016; Hérbert et al., 2009; Tener & Murphy, 2015; Ullman, 1996), and why victims might discontinue their complainant during the investigation phase (Hansen et al., 2015; Hansen et al., 2018; Hohl & Stanko, 2015; Murphy et al., 2014). An understanding of the factors shaping sexual assault victims' decisions to report their assault and engage with police during their investigation is crucial to improving victims experience of the investigative interview. Thus, the purpose of this chapter is to review research that has

examined the (i) demographic and situational factors that predict the reporting of sexual assault to police, (ii) barriers faced by victims when reporting to police and taking part in the police investigation, and (iii) factors that nudge victims to report their assault to police despite the barriers described in (ii).

Individual and Situational Factors that Predict Reporting an Assault to the Police

Studies that have examined the factors that predict victims' decisions to report their sexual assault can be categorised as those that have adopted quantitative or qualitative methods. Quantitative studies have focused on two main objectives. The first objective has been to examine the *individual* characteristics that predict a report being made to police. These studies have identified several individual characteristics that predict a victim's likelihood to report their assault to the police. For example, older victims are more likely to report than younger victims (Gartner & Macmillan, 1995), white women are more likely to report than women of colour (Feldman-Summers & Ashworth, 1981; Lizotte, 1985), victims with greater levels of income and education are more likely to report than those with lower levels of income and education (Avakame et al., 1999, Lizotte, 1985; Pino & Meier, 1999), and victims who are better able to recall the incident more clearly are more likely to report than those who cannot recall the assault clearly (Sabina & Ho, 2014).

The second objective of these quantitative studies has been to identify *situational* characteristics that increase the likelihood that a victim will report an assault to the police. These studies show that victims are more likely to make a report to the police when certain circumstances are present, including: the perpetrator is a stranger (Fisher et al., 2003; Hohl & Stanko, 2015; Lizotte, 1985); a weapon, great physical force or visible physical injuries are present (Bachman, 1998; DuMont et al., 2003); the assault occurred in a public or unfamiliar location (Clay-Warner & McMahon-Howard, 2009; Fisher et al., 2003); and the assault

involved multiple perpetrators or perpetrators of a different race to the victim (Sabina & Ho, 2014).

Taken together, these findings highlight that cases of sexual assault that contain individual and situational characteristics which closely align with “real rape” constructs (i.e., stereotypical understanding of rape as being violent, committed by a stranger in a dark and unfamiliar location; Estrich, 1987) are more likely to be reported to the police by victims. Yet, these are not the features that define most cases of sexual assault (Lievore, 2003).

Barriers to Reporting an Assault to the Police

Another subset of quantitative studies examining sexual assault victimisation has focused on identifying (the most) common barriers experienced by victims when reporting to the police. These studies typically focus on the degree to which victims endorse barriers identified in prior research by Tjaden and Thoennes (2000) (see O’Donohue, 2019 for a review). For instance, Zinzow and Thompson (2011) examined the endorsement of various barriers to reporting sexual assault victimisation using a sample of 127 female undergraduate students who experienced sexual assault (measured using the sexual assault experiences survey; Koss et al., 1987). The participants completed a self-report survey that explored the frequency and nature of the assault alongside their reasons for not disclosing to the police. The latter required the participants to state whether any of the 12 following barriers contributed to their decision not to report: (1) thinking they would not be believed, (2) believing that they would be blamed, (3) thinking the police would not do anything, (4) fear of the offender, (5) thinking the assault was not serious enough to be a crime, (6) experiencing shame/embarrassment, (7) not wanting anyone to know about the assault, (8) not wanting to be involved in the legal system, (9) not wanting the offender to be arrested, (10) wanting to handle the situation themselves, (11) not wanting the relationship to end, and (12) reporting the incident to someone other than the police (e.g., friend).

Of the 12 barriers, the most frequently cited by participants were handling the assault themselves (70%), that the incident was not serious enough to report to police (68%), not wanting anyone to know about the assault (45%), not wanting to involve the police (45%) and experiencing feelings of shame / embarrassment (42%). Zinzow and Thompson (2011) collapsed the most frequently cited barriers into two broad dimensions using factor analysis; shame/not wanting others involved and acknowledgement/handling it themselves. The authors concluded that feeling ashamed of the sexual assault and failing to identify the assault as a serious crime both influenced victims' decisions not to report their assault to the police.

Barriers to Participating in the Police Investigation

For those victims that overcome the myriad of barriers to reporting their assault to the police, the next major hurdle is participation in the police investigation phase. An extensive body of research shows that after the initial reporting phase, the police investigation phase accounts for the largest proportion of attrition of sexual assault cases in the criminal justice system (Daly & Bohours, 2010; Kelly et al., 2005; Lovett & Kelly, 2009; Temkin & Krahé, 2008). This finding has been demonstrated across several western jurisdictions (e.g., Daly & Bohours, 2010). The high attrition rate in sexual assault cases is of concern given that victims' willingness to participate in investigations has been shown to predict officers' willingness to arrest a perpetrator in a sample of reported rapes (Alderden & Ullman, 2012). This finding has been attributed to the fact that, in the majority of sexual assault cases, the only evidence available to investigators is the victim's account (Davies & Westcott, 2006; Edwards, 2003; Lees, 2002).

Against this backdrop, there is a clear need to understand and explain *why* victim-survivors may withdraw their complainant from the police investigation phase. Several studies have pointed to *secondary victimisation* as being a major factor that explains why complainants discontinue their complainant (Jordan, 2001; McMillan & Thomas, 2009;

Patterson, 2011). Campbell and Raja (1999) define secondary victimisation as a set of victim blaming-attitudes, behaviours, and practices that are adopted by formal service providers that result in additional trauma for sexual assault victim-survivors. Blaming attitudes that are internalised by service providers can give rise to behaviours that contribute to victim-survivors' feelings of secondary victimisation. These attitudes are often referred to as *rape myths* (Burt, 1980; Lonsway & Fitzgerald, 1994).

Rape myths are attitudes and beliefs that are widely held by community members but are generally false (Lonsway & Fitzgerald, 1994). Rape myths serve to deny and justify male sexual violence towards women and girls. Common examples of rape myths include that only bad women or girls are sexually assaulted and that women can resist a sexual assault if they truly want to. These beliefs can permeate into how service providers communicate with victims. Some examples of how these beliefs may be embedded in communication with victims include (but are not limited to) questioning a victim's prior sexual history (with the perpetrator and others) and inquiring about how the victim was dressed leading up to the assault.

Several studies have documented victims' experiences with secondary victimisation during their interactions with the police (Ahrens, 2002; Campbell, 2005; Patterson, 2011). For example, Campbell (2005) interviewed 81 sexual assault victims and explored how medical and legal service providers treated them. The women described a range of behaviours that lead to feelings of secondary victimisation including being questioned about their choices, behaviours and whether they were sexually stimulated during the assault (i.e., orgasmed), and their prior sexual history. At the end of their interaction with the service providers, the women in the study reported being discouraged from filing a report. Campbell (2005) also explored the women's feelings about their treatment and found that the majority felt violated (89%), disappointed (91%), depressed (71%), nervous/anxious (62%), and were

unlikely to seek out further help after their interaction with the service providers (80%). A separate study by Campbell et al. (2001) highlighted the damaging effect of harmful social reactions—including rape myths—on victim disclosures. The conclusion was that “victims may be better off receiving no support at all than receiving reactions they consider hurtful” (p. 300). Although Campbell et al. (2001) focused on the social reactions of informal support providers (i.e., friends and family), it is reasonable to assume that victims might be equally, if not more acutely, harmed by the negative reactions of police.

Why Victims Decide to Report their Assault to the Police

There is little insight into *why* victims decide to make a report, and their expectations of the investigative process thereafter. Moreover, some quantitative studies have explored the perceived importance of specific barriers that victims may face when deciding whether to report their assault to the police (e.g., Sable et al., 2006) or use hypothetical scenarios to unpack adults’ reporting intentions after a sexual assault (e.g., Feldman-Summers & Ashworth, 1981). Although these studies advance our understanding of the barriers to reporting sexual assault, they do not reflect the reality of experiencing a sexual assault. Consequently, they may not necessarily capture the difficulties associated with deciding to make a report to the police or feelings that arise thereafter (Brooks-Hay, 2020; Testa et al., 2011).

Several qualitative studies largely conducted in Australia, the United States, the United Kingdom, and New Zealand address the limitation of quantitative studies by exploring why victims disclose their assault to formal support services including the police (Brooks-Hay, 2020; Demers et al., 2017; Herman, 2005; Jordan, 2001; Kilpatrick et al., 2007; Konrandi, 2007; Patterson & Campbell, 2010; Taylor & Norma, 2012). Across these studies, one common theme driving victims’ decisions to report their assault to the police is the need for therapeutic release and social support. For example, Brooks-Hay (2020) interviewed 24

Scottish women who reported their sexual assault to the police. Using semi-structured interviews, Brooks-Hay found that for many of them women in her study the need for personal and emotional safety helped them make the decision to report the assault to the police. For these women, reporting their assault to the police was an important step in being able to ‘move on’ and return to lives without constant fear. For other women in Brooks-Hay’s study, reporting to the police was not driven by a desire for personal and emotional safety but the need for validation from police that their assault was harmful and unjust.

Other qualitative research suggests that victims’ decisions to report to the police are strongly influenced by the desire for their perpetrator to be publicly exposed and incapacitated rather than the conventional objectives of the legal system (deterrence or retribution). For instance, Herman (2005) drew on a sample of 22 victims of domestic and sexual offences (11 of whom filed a complaint with the police) to explore what justice might look like from the victims’ perspectives. Herman’s findings indicated that the victims were less concerned with their offender being deprived of liberty and more concerned with the incapacitation and public exposure of their perpetrator. The reasons driving these conceptions of justice for victims was primarily to seek validation from those close to them (friends and family) and the community (including police) more generally about the harm inflicted on them. This finding has been a prominent theme in other qualitative research examining the reasons why sexual assault victims decided to report their assault to police (e.g., Brooks-Hay, 2020).

That victims seek the public exposure and incapacitation of their perpetrator is tied to a desire to protect others from potential victimisation. This observation is echoed across existing qualitative research that has examined why victims report their assault to the police (Herman, 2005). Although prior research typically subsumes victims’ needs for personal and emotional safety and the desire to protect others under the theme of ‘safety concerns’, there is

growing acknowledgement that the two are distinct reasons that drive victims' decisions to report their assault to the police. For some women a concern about their family members who may be at risk from threats or abuse from their perpetrator acts as a driving force to report their assault to the police. This desire supersedes concerns victims may have for their own safety or having to endure the lengthy and hostile criminal justice process.

Lastly, victims may decide to report their assault to the police due to the influence of third parties (e.g., friends, family, or police). For example, in Brook-Hay's (2020) study involving 24 women, 14 (58.33%) indicated that their report was either driven by or directly made by a third-party. A further five women made the decision to report their assault to the police after discussion with third parties that took place amidst emotional 'crisis points' for the victims. These findings lend support to prior sexual assault victimisation research that suggests individuals experience difficulties in self-identifying as a victim of sexual assault (O'Donohue, 2019). Women in this category may find it challenging to label their experience as a sexual assault because it does not have the hallmarks of a 'real rape' script. For example, the women may not have physically fought back. This dissonance is particularly evident in instances where the perpetrator is an intimate partner of the victim. Consequently, it may be that only after disclosing to a third-party do victims come to understand that experience was indeed an assault. The discussions between victims and third parties are characterised by the third party challenging the victim's self-blame in a bid to redirect the responsibility towards the perpetrator and away from the victim.

Summary

A wide body of research exists to show that adult sexual assault victims face a number of barriers when deciding whether to report their assault to the police and during their participation in the police investigation. This body of research has identified how feelings of shame and not recognising their assault as a crime because it did not conform to a 'real rape'

construct can dissuade victims from making a report to police. Those that do decide to make a report are often on the receiving end of harmful social reactions that are grounded in rape myths and contribute to the secondary victimisation of complainants. Consequently, many complainants decide to withdraw their complaint.

In light of these immense challenges, other research has examined why victims would be compelled to report their assault to the police. This body of research shows that for many victims the need to move on with their lives, the protection of oneself and others in the community, validation of the harmful impacts of their assault, and the public exposure and incapacitation of their offender are factors that influenced their decision to report the assault to the police.

Given that this thesis is concerned with improving the police interview framework with adult sexual assault complainants, it is crucial to understand this broader body of research on victims' experiences prior to and during the police investigation phase. Doing so will assist in developing a framework that not only improves the investigative and evidential quality of police interviews, but also centres the (emotional) needs of complainants. Therefore, this chapter provided an overview of research that has canvassed the barriers facing complainants when reporting their assault to police and their experience during the police investigation phase. In sum, this research highlights the important role complainant's emotions play in determining whether to report their assault and what they expect from police during the investigation phase. This research demonstrates the need for any interview framework used with this population to embed elements that address complainant's emotional needs.

CHAPTER 3 – A BRIEF OVERVIEW OF KEY SEXUAL ASSAULT REFORMS ENACTED IN AUSTRALIA TO IMPROVE THE HANDLING OF SEXUAL ASSAULT CASES

The adaptation of the police interview framework with adult complainants needs to be embedded in any broader reform that have been enacted to improve the handling of sexual assault cases by the criminal justice system. Thus, it is important to first understand how policymakers have addressed the barriers described in the prior chapter. Doing so provides the relevant and necessary context against which the adaptation of the new interview framework will be set. Thus, I will illustrate broader reforms that have been enacted in Australia, how they address barriers and challenges reported by complainants, and their relative success in removing those barriers and providing complainants with the best possible chance of a just outcome. This will facilitate an understanding of where these reforms fall short and how focusing on (further) developing the way adult sexual assault complainants are interviewed by police is a crucial piece in addressing those shortcomings.

The current chapter provides an overview of key sexual assault reforms enacted in Australia that were designed to enhance the sensitivity and responsiveness of the criminal justice system. The reforms described in this chapter are categorised as those focused on (1) increasing *specialisation* (i.e., develop specialised responses to sexual offences), (2) *legislative* reform (i.e., creating or amending existing legislation on sexual offences), and (3) *procedural* reform (i.e., amending legal process surrounding sexual assault investigations and trials). I conclude the chapter with a brief commentary on the impacts of these reforms on relevant metrics (e.g., attrition) and the important role of the investigative interview in addressing gaps that persist.

Specialisation

Multidisciplinary Centres and Specialist Teams

One way that the Australian legal system has adopted a specialised response to sexual offences has been through the creation of Multidisciplinary Centres (MDCs) in some jurisdictions. MDCs co-locate a range of services from various agencies that complainants may need in one building such as police, counselling, victim support and advice and forensic medical examinations (Powell & Cauchi, 2013; Powell & Wright, 2012; Victorian Law Reform Commission, 2021). The objective of MDCs is to provide complainants of sexual assault with a victim-centred, holistic, and integrated point of contact with legal and health service providers (Powell & Cauchi, 2013). MDCs were trialled in the state of Victoria in 2007 and co-located specialist police investigators alongside counsellors and advocates from the Centre for Sexual Assault, a not-for-profit organisation that provides support to victims of sexual violence (Powell & Cauchi, 2013; Victoria Police, 2017). MDCs were subsequently expanded to co-locate child protection staff from the Department of Health and Human Services, community health nurses, and medical officers from the Victorian Institute of Forensic Medicine. Under the previous service delivery model (which is still operating in most states in Australia at the time of writing), victims would need to move between separate sites to receive these services (Victorian Law Reform Commission, 2004). Evaluations of MDCs in Victoria have been positive (see Powell & Cauchi, 2013; Powell & Wright, 2012). MDCs have been well received in Victoria, and as a result, some other Australian states have also announced plans to pilot the MDC model (see for example, Tasmanian Government, 2022).

A second way that the legal system has enhanced its specialist handling of sexual offences has been through the introduction of investigations team expertly trained in sexual-based offences in some jurisdictions. These specialist teams are referred to as Sexual Offence

and Child Abuse Investigations Teams (SOCITs). The role of SOCITs includes providing complainants with support and liaising about their case as necessary, as well as carrying out the criminal investigation (Powell & Cauchi, 2013; Victorian Law Reform Commission, 2021). The previous model to SOCIT also included a specialist team which were referred to as Sexual Offences and Child Abuse Units (SOCAUs) (Victorian Law Reform Commission, 2004). The difference between the two, however, was that SOCAUs were not trained at the detective level and consequently were restricted to interviewing and victim support roles only. Detectives from other units such as the Criminal Investigation Unit and Sex Crimes Squad took on responsibility for the criminal investigation.

The introduction of both MDCs and SOCITs arose from the need to address the low levels of confidence and participation in the legal system by victims of sexual assault. These concerns have been frequently highlighted in prior studies (e.g., O'Donohue, 2019) and were echoed by the Victorian Law Reform Commission's (2004) final report on the handling of sexual assault cases. In their report, the Commission indicated that part of the low reporting rates and justice outcomes associated with cases of sexual assault can be attributed to poor handling of cases by police and a culture of disbelief and scepticism among policing agencies. Consequently, complainants were often left re-traumatised and without appropriate support services designed to assist them cope with the physical and emotional costs of their assault. The Victorian Law Reform Commission (2004) concluded that existing systems were inadequate, fragmented, and compounded complainants' distress because complainants often had to re-tell their account to multiple service providers. In addition to greater training of police (as well as legal and forensic specialists), the Commission recommended enhanced relationships and collaboration between key service providers to reduce re-traumatisation and delays in complainants accessing required care. This shift towards a more collaborative team-based approach to service delivery for sexual assault victims reflects that adopted in the

United Kingdom (e.g., Sexual Assault Referral Centres – SARC; Lovett et al., 2004) and the United States (Sexual Assault Response Teams – SART; Greeson & Campbell, 2013).

Legislative Reform

Consent

Changes to the way sexual assault is understood has underpinned legislative efforts to reform the handling of sexual assault cases by the legal system. For example, the changing conceptualisation of sexual assault over time has had an influence on key aspects of sexual offence legislation, namely consent (Australian Law Reform Commission, 2010; Fileborn, 2011; Victorian Law Reform Commission, 2004). In other words, as our understanding of sexual assault evolved over time, the significance of consent in these cases came to the fore.

Fileborn (2011), for example, indicates that three conceptualisations of sexual assault have existed in Australia since the late 1960's and early 1970's. Each of these categories shaped the prevailing understanding of consent at the time. Initial conceptualisations in the early 1960's and 1970's viewed sexual assault as a property offence. Women were considered properties of their fathers, with this ownership being transferred to a husband upon marriage. The sexual assault of a woman was therefore seen as a violation of the economic (i.e., property) interests of that woman's father or husband. That is, women who were sexually victimised were viewed as having damaged or diminished worth. A woman's consent or her bodily integrity were entirely overlooked by the legal system. Some of the ways in which this view shaped the matter of consent include (1) unmarried women could only be considered sexual assault victims if they were virgins, (2) married women could not be sexually assaulted by their husbands because the law presumed that a wife consented to all of her husband's sexual advances through her wedding vows, (3) sexual assault of the orifices other than the vagina was not considered rape, and (4) the sexual assault of women who were not virgins was not a crime (Tracy et al., 2012). The idea that a woman was the property of

her a male guardian remained enshrined in law until the 1980's when immunity for marital rape was abolished in Australia (Australian Law Reform Commission, 2010; Featherstone, 2021; Fileborn, 2011).

After the 1980's, Australia then moved towards a conceptualisation of sexual assault as an offence committed against the *will* of a person (Fileborn, 2011). According to this conceptualisation, sexual assault occurred forcibly and against the will of a woman. It was here that the premise of consent (and non-consent) received greater attention from the legal system as the concept was thought to be inextricably tied to a woman's will. In other words, a woman that was not consenting to sexual activities would demonstrate signs of active resistance (i.e., her will). These signs of resistance were understood to emerge in the form of physical injuries such as bruises and cuts. Although Australia and other Commonwealth nations have moved away from this conceptualisation of sexual assault and consent (McDonald & Tinsley, 2012; Temkin & Krahe, 2008), the idea that a genuine victim would display physical or emotional markers of resistance remains is a belief held by some criminal justice professionals including police (Hine & Murphy, 2017; Parratt & Pina, 2017; Sleath & Bull, 2017; Temkin & Krahe, 2008). This belief (which falls under the umbrella of rape myths) means that victims without physical signs of their sexual assault are viewed with greater suspicion, which can dissuade them from continuing with their complaint (McMillan & Thomas, 2009).

More recent conceptualisations of sexual assault have similarly shifted how the legal system views consent. Currently, most Australian jurisdictions view sexual assault as an offence against a person's agency (Fileborn, 2011). This conceptualisation of sexual assault is grounded in the notion of *positive consent*. The rationale underpinning positive consent is that it highlights the idea that if a person wishes to engage in sexual activities, they will actively demonstrate their willingness either verbally or physically through actions. This

model moves away from earlier conceptualisations that rested on the erroneous belief that a woman who does not consent to sexual assault will display physical markers of resistance. Although each Australian state and territory have some variation on the way they define consent, most have shifted towards this positive model of consent (Australian Law Reform Commission, 2010; Fileborn, 2011; Heath, 2005).

Positive models of consent typically include two key features (Fileborn, 2011). First, there must be a free agreement between all parties involved. Free agreement refers to the absence of coercion, use of force, threats of violence or circumstances that would render an individual incapable of giving consent (e.g., sleep and intoxication) or undo any consent provided earlier (Australian Law Reform Commission, 2010; Fileborn, 2011; Victorian Law Reform Commission, 2004). Second, there must be an active display of one's willingness to participate and engage in sexual activity (Fileborn, 2011). Under this model, simply submitting to a sexual encounter or failing to say 'no' is deemed insufficient to demonstrate the presence of consent. Moreover, an individual should actively seek and affirm consent rather than merely assuming it has been given. This model is an important shift in earlier conceptualisations of sexual assault and consent which suggested that unless there was active resistance of an assault, consent may be assumed.

The changing conceptualisation of sexual assault – and by extension consent – described here have been important steps in addressing some of the barriers experienced by victims outlined in the preceding chapter. For example, many victims chose not to report their assault to police because they fear they will be criticised for not resisting (O'Donohue, 2019). This is despite psychological research showing that responses to traumatic events such as a sexual assault can be wide ranging and often including victims freezing or dissociating during the assault (Boyd, 2011; Mason & Lodrick, 2013).

Reputation and Sexual History Evidence

Historically, in nations such as Australia, the sexual reputation and prior sexual history of a victim of sexual assault were submitted as evidence during criminal trials (Easteal, 2011; Heath, 2005; Temkin & Krahé, 2008). This type of information was presented to the court as evidence of ‘notorious bad character’ (Heath, 2005; Temkin & Krahé, 2008). Defence lawyers submitted this evidence as a way for juries to infer consent and evaluate a complainant’s credibility (McGlynn, 2017). Later cases extended the bounds of this case law by arguing that a woman’s promiscuity damaged her credibility and inferred her consent to sexual activity with her perpetrator. In extending the bounds of this case law, a practice emerged whereby a complainant’s sexual reputation and prior sexual history were deemed relevant to the matter of consent, the offence in question, as well as their credibility and reliability as a witness (McGlynn, 2017). As a result, sexual assault complainants could be (and were) routinely questioned and cross-examined about their sexual reputation, sexual history with the accused, sexual history with others (i.e., excluding the accused), any sexual activities that occurred after the alleged offence, and the complainants lack of sexual experience (i.e., virginity) (Easteal, 2011; Heath, 2005; Kift, 1998; McGlynn, 2017; Temkin & Krahé, 2008).

The use of sexual reputation evidence has long generated considerable debate among legal professionals, socio-legal scholars, and feminist advocates over the years. At the heart of this debate is an apparent difficulty that exists in balancing the right of the complainant and that of the accused to a fair trial (Heath, 2005; Kift, 1998; McGlynn, 2017). For example, on the one hand, some groups within the legal community have argued that sexual history evidence is relevant in select circumstances and that excluding such material entirely would impede justice for the accused (Kift, 1998). More specifically, they argue that because sexual assaults are often marked by an absence of physical corroborating evidence, that excluding

sexual history evidence could make it difficult for jurors to determine a verdict in the absence of any crucial evidence. Others have suggested that preventing the use of sexual history evidence bars an accused from the right to present all their relevant evidence before the court as well as their right to fully cross-examine any witnesses (McGlynn, 2017).

On the other hand, socio-legal scholars and feminist advocates argue that the use of reputation and sexual history evidence is both harmful and prejudicial to complainants (Heath, 2005). Concerning the former, these stakeholders indicate that questioning a complainant about her sexual history causes humiliation and compounds the feelings of stress, anxiety and trauma that accompany these case types (McGlynn, 2017). As a result, these groups argue that complainants' rights to be treated with dignity, compassion and respect are directly contravened by the reliance on sexual history evidence. With respect to the legal prejudice, although it is increasingly less common for defence lawyers to suggest that a sexually active woman is less credible, there is a reliance on strategies that focus jurors' attention on questions of moral credibility.

McColgan (1996) refers to moral credibility as evidence used to signal the complainant as being someone who is morally inferior. That is, they either do not deserve the sympathy of the court or do not provide a sound foundation for punishing the accused. While restrictions have been introduced to address the use of the complainant's sexual history across Commonwealth countries like Australia and the United Kingdom, evidence relating to the sexual character is often admitted (McGlynn, 2017). Sexual character is a concept that refers to a woman's lifestyle, clothing, and personal habit and choices. Drawing on the sexual character of a woman can be just as damaging as submitting evidence on her sexual history because it invites moral judgement and similarly runs the risk of influencing decision-makers' determination of credibility and responsibility.

Moral credibility and references to sexual character both provide useful frameworks for understanding why defence lawyers may find value in introducing sexual history evidence despite widespread acknowledgement that sexually active women are not less credible than non-sexually active women. McGlynn (2017) argues that knowledge of a woman's sexual activities serves to shift the focus of jurors away from the defendants' actions towards those of the complainant. In doing so, the moral and legal blame for the assault is similarly shifted away from the defendant and placed squarely with the complainant.

Given the potential harm and legal prejudice of sexual history evidence, all Australian jurisdictions reformed this law in the 1970's and 1980's (Heath, 2005). In reforming these laws there was wide acknowledgement that the unjustified use of sexual history evidence would indeed be humiliating and distressing for complainants, jeopardise a fair trial, and contribute to producing unjust acquittals. As a result of these reforms, evidence about a complainant's sexual history and reputation is no longer permitted in any Australian jurisdiction except in the Northern Territory where it is permitted only with the permission of the court (Heath, 2005).

Corroboration and Delayed Reporting

Complainants of sexual assault have been—and to some extent continue to be—viewed as potentially unreliable witnesses. Much like other Commonwealth nations, the Australian legal system has historically been reticent to convict an accused individual of sexual assault on the sole testimony of a woman or child (Australian Law Reform Commission, 2010; Heath, 2005). Historically, members of the judiciary have provided several reasons justifying this position and consequently the designation of women and children as a class of unreliable witnesses (Australian Law Reform Commission, 2010). The reasons provided included (1) how easy it is to make an unfounded allegation of sexual assault and how difficult it is to refute such an allegation, (2) jurors likely being overly sympathetic to complainants in

comparison to an accused, and (3) that women often lie—convincingly—about matters related to sex and sexual assault. Many of these justifications are grounded in stereotypical understandings of sexual assault that are born out of rape myths (Heath, 2005).

Due to erroneous beliefs, Australian states and territories required that judges provide juries with instructions to ensure a fair trial (Australian Law Reform Commission, 2010; Heath, 2005). These instructions involved warning juries not to convict an accused individual based on the uncorroborated evidence of a complainant. Similar warnings were given in cases where the complainant had delayed making a report to the police immediately after their assault. If a judge failed to provide these instructions to juries, they risked a conviction being overturned on an appeal, which could cause a retrial or the acquittal of an accused.

Feminist advocates challenged the use of these directions by judges in sexual assault trials in the late 1970's and 1980's (Heath, 2005). They argued that the reliance on such directions served as a barrier for women seeking to report their assault and significantly reduced their chances of a just outcome by hindering a successful prosecution. Moreover, feminist groups asserted that judges' directions about the dangers of convicting an accused on uncorroborated evidence would increase unwarranted acquittals and compound distress and humiliation for complainants. Indeed, these concerns have been echoed in prior research with victims who expressed fears about not being believed (Jordan, 2001; O'Donohue, 2019; Patterson, 2011).

The efforts by feminist advocates to draw attention to the unfairness and dangers of judges' directions about uncorroborated evidence and delayed reporting were successful. Statutory reforms were introduced in the 1990's across all Australian states and territories (Australian Law Reform Commission, 2010; Heath, 2005). These reforms meant that there was no longer a requirement that juries be warned about the dangers of convicting an accused individual on the uncorroborated evidence (of a woman). Additional reforms to judges'

directions have enacted over the years to address misconceptions about delayed reporting (Australian Law Reform Commission, 2010; Victorian Law Reform Commission, 2004: 2021). These subsequent reforms have meant that judges can explain why delays in reporting are common, and that there may well be good reasons for not complaining or delaying a complainant over long periods of time. Such directions form part of a broader set of judges' directions that have been enacted in recent years to address rape myths and the notion of a 'real rape' held by jurors. These directions include, for example, instructing juries that complainants who do not consent to a sexual act may not be physically injured.

Procedural Reforms

Special Measures for Giving Evidence

Adult complainants who give evidence in sexual assault cases face considerable barriers during the trial process (Cossins, 2010; Zajac & Cannan, 2009). Giving evidence in court can be highly distressing and compound trauma directly stemming from the assault itself (Hamlyn et al., 2004). Not only does this have negative consequences for a complainant's psychological and emotional well-being, but it can also impede the quality of their account and their capacity to respond accurately when their evidence is tested (Deck et al., 2021; Deffenbacher et al., 2004; Victorian Law Reform Commission, 2021). Adding to these difficulties are the lengthy delays between a complainant's disclosure and the trial which diminish accurate memory reporting (Henderson, 2011). These challenges have the potential to deter victims from making a report to police in the first instance as well as considerably shaping justice outcomes in sexual assault cases (Deck et al., 2021; Victorian Law Reform Commission, 2021).

To improve complainants' experiences of engaging in the legal system, legislative reforms were introduced in the 1980's and 1990's to address the difficulties arising when giving evidence (New South Wales Law Reform Commission, 2003). These reforms allow

the courts to make special arrangements in order for complainants to give their evidence (Pichler et al., 2020; Victorian Law Reform Commission, 2021). In other words, the courts can provide complainants with alternative modes of giving evidence other than from the witness stand (i.e., live in court before the accused). In comparison to the earlier reforms outlined in this chapter that target stereotypical understandings of sexual assault, special measures are intended to overcome withdrawal from the prosecution process by reducing the distress associated with coming face-to-face with the accused and providing evidence at numerous stages of the justice process (Deck et al., 2021; Pichler et al., 2020; Victorian Law Reform Commission, 2021).

Pichler et al. (2020) provide an overview of the various types of special measures available for adults and children in Australian jurisdictions. Closed-circuit television (CCTV) is one type of special measure available to complainants in Australia. This measure involves a complainant providing their evidence via CCTV from a remote room that may be located on or off the court premises. The benefit of CCTV is that it allows a complainant to give their evidence in real time without having to face the accused as is the case in when taking the stand live.

Pre-recording a complainant's account or cross-examination can also serve as special measures. The former involves recording the police interview with a complainant and then submitting the recording as their evidence-in-chief. Pre-recorded cross-examinations, on the other hand, involve recording the cross-examination and re-examination of a complainant at a preliminary hearing, and then submitting that recording in court. Pre-recording evidence has benefits such as obtaining a complainant's evidence early (i.e., prior to natural memory decay and other factors that may negatively affect reporting), enhancing the accuracy and completeness of the complainant's account, and importantly allowing a complainant to begin

the difficult process of moving on with their lives sooner (for a detailed overview of other special measures see Pichler et al., 2020).

Any of the measures described above can be used for vulnerable witnesses (i.e., children and adults with a cognitive impairment) across Australian jurisdictions (Deck et al., 2021; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). However, at the time of writing, pre-recorded evidence cannot be requested for adults without a cognitive impairment (Deck et al., 2021).

Impact of Reforms on Sexual Assault Investigations and Justice Outcomes

Evaluation research over the years suggests that, on the whole, the reforms described in this chapter have improved the criminal justice system's sensitivity and handling of sexual assault cases (e.g., Australian Law Reform Commission, 2010; Deck et al., 2021; Victorian Law Reform Commission, 2004: 2021; Pichler et al., 2020; Powell & Cauchi, 2013; Powell & Wright, 2012). These improvements may partly explain the greater levels of reporting by adult complainants to police over the last several decades in comparison to the 1970's and earlier (Daly & Bohours, 2010). Despite these improvements, considerable challenges with respect to attrition and justice outcomes still persist (Daly, 2011; Daly & Bohours, 2010). For example, while a greater number of adults are reporting instances of sexual assault to police, attrition rates continue to be at their highest during the police investigation stage and continue along into the prosecution and trial phase. In their study Daly and Bohours (2010) revealed that only 30% of all cases reported to police resulted in a decision to prosecute, and of those that make it to trial, one in ten ends with a conviction.

Broadly speaking, the attrition rate and low levels of conviction can be attributed to two interconnected factors. First, the withdrawal of complainants at the police investigation stage contributes to attrition. For instance, prior research shows that complainants withdrawing from the police process accounts form the largest share of attrition in sexual

assault cases (Daly & Bohours, 2010; Hohl & Stanko, 2015). Second, criminal justice scholars have noted that one of the major factors contributing to low rates of prosecution and conviction in cases of sexual assault is the poor strength of evidence characterising these investigations (Criminal Justice Joint Inspection Project, 2010; Stern, 2010; Westera et al., 2013; Westera & Powell, 2015). This poor strength of evidence stems from the absence of physical corroborating evidence and independent third-party witnesses (Zajac et al., 2019). Therefore, decision-makers such as police, lawyers, judges, and jurors are left with only the complainant's account to determine case outcomes. This unique criminal context clearly highlights that more work—particularly at the police investigation stage—is needed to address the issues of complainant withdrawal and poor strength of evidence. To that end, one area that has received little attention (relative to other reforms described in this chapter), but nonetheless can have a significant impact on complainants' decisions to withdraw (or continue) a complaint and justice outcomes, is the investigative interview.

Summary

The current chapter has detailed the key reforms enacted in Australia to improve the treatment of adult sexual assault complainants and the handling of sexual assault cases in the criminal justice system. It has also highlighted that while these reforms have enhanced the general sensitivity of police and the responsiveness of legal decision-makers (i.e., lawyers, judges, and jurors), the key problems of attrition and low conviction rates of these case types persist. These outcomes can be partly attributed to complainants withdrawing during the police investigation and the poor strength of evidence that characterises sexual assault investigations. Thus, the current chapter highlighted the significant role the investigative interview *could* play in whether complainants (dis)continue their complaint and the quality of evidence gathered.

Despite the impact the investigative interview could have on the direction of sexual assault cases, how adult sexual assault complainants are interviewed by police has received little attention in comparison to the other reforms described. This represents a critical gap in efforts to strengthen both complainants' experiences of the justice system and positive justice outcomes. Future efforts towards these goals must therefore recognise the importance of the investigative interview process and focus on building our understanding of (1) how adult sexual assault complainants are currently interviewed in Australia, (2) the underlying evidence supporting this interview framework and (3) challenges being experienced by stakeholder groups due to current interviewing practices in the field. The following chapter provides a discussion of these factors.

CHAPTER 4 – A REVIEW OF THE INVESTIGATIVE INTERVIEW LITERATURE

In this chapter I provide a discussion of the investigative interviewing literature and the role of these interviews in the context of adult sexual assault investigations. First, I summarise the importance of the investigative interview in justice outcomes. Second, I review factors that can affect the account provided by complainants during the investigative interview. Next, I provide an overview of the Cognitive Interview (CI)—the major framework used to interview adults, including those alleging sexual assault—and research supporting its efficacy. I conclude the chapter by describing the challenges experienced by stakeholder groups (i.e., complainants, prosecutors, police) vis-à-vis the application of the CI framework in sexual assault investigations. The purpose of this discussion is to highlight that while evidence-based interview frameworks are born out of decades-long memory and communication research, they may not necessarily suit all types of criminal investigations.

The Importance of the Investigative Interview in Criminal Justice Outcomes

Criminal justice outcomes for complainants of sexual assault can be strongly influenced by the way in which police interview (Westera et al., 2017). Because these offences are committed in the absence of other witnesses, and there is limited physical corroborating evidence (Edwards, 2003), the information provided by the witness is often the central or only source of evidence in these difficult to prosecute cases (Lees, 2002). Both investigators and lawyers use the account provided by the witness to determine whether there is sufficient evidence to prosecute, while prosecutors and defence lawyers use the weight of evidence provided in the interview to decide a plea. If a case proceeds to trial, the investigative interview forms the basis of the complainant's evidence. It is used either as a guide for prosecutors on how to question the complainant, or in some countries, the video recorded interview is played during trial as evidence. The video-recorded interview is also used by defence lawyers to draw out any inconsistencies in the account provided by the

complainant, and any inconsistencies are used as ‘ammunition’ to discredit the complainant during cross-examination (Zydervelt et al., 2017). As a result, the reliability and credibility of a complainant’s account during the investigation interview plays a crucial role in determining the direction of the investigation, preparing and planning interviews with potential suspects, as well as determining the type and number of offences to be charged (Milne & Shaw, 1999). However, obtaining a detailed and complete account from witnesses is a challenging task that is marred by a range of factors including fallible eyewitness memory, and the questioning style employed by investigators. The following section discusses each of these factors in turn.

Factors Affecting the Accuracy of an Eyewitness Account at Encoding

Most scientists break down human memory into three stages; encoding, storage or retention, and retrieval (McDermott & Roediger, 2020), each of which is prone to distortion or error. During encoding, an eyewitness is exposed to an event (i.e., crime) and information about that event is entered into memory in the form of a memory trace (Stewart, 2002). The accuracy and detail of the witnesses account at retrieval (i.e., interview) is heavily influenced by the quality of the interaction between the witness and the event (Wells & Olson, 2003). For instance, if the witnesses had prolonged exposure to the event, they could process more event detail, subsequently resulting in a more accurate report and testimony (Powell et al., 2013).

More time focusing on the details of the event does not always ensure more accurate reports. Several other factors including the distance from the crime, lighting conditions and the type of processing adopted by the witness (i.e., deep versus shallow) also play a role in how well information is committed to memory by the witness. One of the key factors that can interfere with one’s ability to commit more peripheral details to memory is the distinctiveness of the event. This is because typical details tend to be processed automatically, and more atypical details are processed with more concentration and effort

(Hunt, 2003). As a consequence of being more attuned to salient aspects of an event, witnesses often have trouble reporting peripheral items and details. For instance, when witnesses encounter particularly violent crimes, their attention narrows, and leads them to focus on the most vivid details, disregarding more secondary information (McDermott & Roediger, 2020). This is best illustrated using the *weapon focus* phenomenon, whereby eyewitnesses tend to pay a disproportionate amount of attention to any weapon(s) used by an offender, at the detriment of other details (Cooper et al., 2002; Kassin et al., 2001; Wells & Owen, 2003). Loftus et al.'s (1987) study captured the weapon focus phenomenon well. The study tracked adult participants' eye movements while they watched one of two versions of a film. The first version depicted a man pointing a gun at a cashier in a restaurant, while the second depicted the same man handing a cheque to the cashier. The researchers found that adults' eyes fixated more on the gun than the cheque. The second phase of the same experiment asked participants to report what happened during the film. The results revealed that participants who saw the man with a gun reported fewer details than those who saw the man with a cheque.

Factors Affecting the Accuracy of an Eyewitness Account at Storage

Several factors can distort an eyewitnesses' memory for an event during storage, such as delay between event and interview, and the witness's personal schemas. That memory deficits increase over time is one the most robust findings from basic and applied memory research (Nelson & Goodmon, 2003). This finding is thought to be the result of normal forgetting (Hall et al., 1984; Yarmey, 1990). One explanation for this trend is that over time there is a decrease in the strength of a memory trace. This places witnesses at an increased risk to suggestibility, as the features that distinguish that event memory from other memory sources gradually fade with time (Lindsay, 2008).

A common misconception held by the general public regarding memory is that it functions like a video recorder, whereby an eyewitness is able to simply and accurately replay an event hours, days, or years later (Baddeley et al., 2020). Unfortunately, events that are witnessed cannot be played back in this way. When an event is witnessed and later reported it is reconstructed using information that was committed to memory, in conjunction with the witnesses' personal schemas (Anderson, 2020). Schemas refer to a person's cognitive system that allows them to make sense of the world by drawing on previous knowledge and experiences (Anderson, 2020). Because schemas rely on an individual's prior experiences, they assist in determining how to act in different situations (Shank & Abelson, 1977). For instance, most people are familiar with what is expected of them when they go to a restaurant based on preconceived schemas. If there is information missing from their memory for attending a restaurant, people will 'fill in the gaps' in with information from the schemas, but that information may be inaccurate for the specific occurrence (Bower et al., 1979). In an investigative interview context, Tuckey and Brewer (2003) examined how crime schema influenced eyewitness reports. They found that witnesses relied on their schemas to make sense of ambiguous information, and this led to poorer memory performance.

Factors Affecting the Accuracy of an Eyewitness Account at Retrieval

The final stage of memory is retrieval, where witnesses report what took place during the event, or identify persons or objects related to the event. Errors can occur at this stage if the eyewitness is unable to accurately report information that was stored in memory. It is important to note that while it is not possible for the criminal justice system to control situational factors that were present at the encoding stage, or the characteristics of the witness, they do have control in facilitating how information is retrieved (Fisher & Gieselman, 1992).

The type of questions employed by investigators is arguably the most important way to elicit accurate and detailed accounts from eyewitnesses (Milne & Bull, 2003; Powell & Snow, 2007). The proper use of questions is crucial because different types of questions elicit more reliable and accurate accounts than others. Questions that access recall memory (i.e., open-ended questions) have been shown to produce more accurate and reliable responses than questions that access recognition memory (i.e., yes/no questions and other forced choice questions) (Phillips et al., 2012; Sternberg et al., 2001b). For instance, Phillips et al. (2012) examined the impact of question types during interviews with victims of child sexual abuse. Their study found that open-ended questions elicited more evidentially relevant information than closed-ended and forced choice questions. Other research shows that the use of open-ended questions during an interview is associated with more guilty verdicts, pleas, and incidence of charges (Pipe et al., 2013).

How interviewers phrase information *within* a question can also influence their memory for an event. An example of this is Loftus and Palmer's (1974) 'smash versus hit' experiments. Participants in these experiments viewed a series of slides depicting car accident and were later asked several questions regarding the speed of the vehicles (study 1), and whether there was any broken glass (study 2). Study one showed that participants who heard the word smash (compared to verbs such as collided, bumped, hit, and contacted) in the question estimated faster vehicle speed, while study two demonstrated that those who heard the word smash were more likely to remember seeing broken glass compared to participants who heard the word hit.

Taken together, this body of psychological research illustrates the susceptibility of human memory to distortion, error, and suggestibility. Recognising the importance of the investigative interview in criminal justice outcomes, police organisations around the world have attempted to address the shortcomings of human memory by implementing evidence-

based interview training for investigators (Fisher & Schreiber, 2007). These training programmes vary somewhat to account for differences in local customs and legislative requirements but all converge on the importance of: (1) preparing the witness adequately for the interview, (2) remaining open-minded about what happened, (3) eliciting a narrative-based account in the first instance, and (4) avoiding questions that might unduly shape what the witness says (Powell et al., 2005; Sternberg et al., 2001a). To assist investigators to adhere to these factors, evidence based investigative interview frameworks have been developed for use with different populations (Powell, 2008).

The Cognitive Interview Framework

The CI is one of the major evidence-based interview frameworks used with adult witnesses, including complainants of sexual assault (Fisher & Geiselman, 2010; Fisher et al., 2010; Wixted et al., 2018). Developed by psychologists Ron Fisher and Ed Geiselman in the 1980's to address the lack of evidence based interviewing techniques, the CI protocol aims to increase the amount of information provided by a witness, without compromising the overall accuracy of that information (i.e., ratio of correct to incorrect details) (Fisher & Geiselman, 1992; Geiselman et al., 1984). To do this, the CI employs a variety of cognitive mnemonics in the form of instructions to enhance reporting, ideally reducing the need for specific questions that might contaminate the witness's report (Geiselman & Fisher, 1988). When first developed, the CI was comprised of four key retrieval mnemonics drawn primarily from theoretical principles of memory: report everything, context reinstatement, change perspective, and change order (Paulo et al., 2013). Each of these mnemonics is briefly discussed in turn.

Report Everything Mnemonic

The report everything instruction encourages witnesses to provide as much information as they possibly can, including details they perceive as trivial or unimportant

(Fisher & Geiselman, 2010; Fisher et al., 2010). The process of communicating this to witnesses is significant for two reasons. Firstly, it is common for witnesses to withhold some information as they believe it is not important for the investigation. However, details that witnesses believe to be peripheral might in fact become central in solving a criminal investigation. Secondly, when reporting information about an event, an individual's memories for a particular aspect of that event often activate other relevant detail (Paulo et al., 2013).

Context Reinstatement

The context reinstatement mnemonic encourages witnesses to not only re-create the conditions of the to-be-recalled event (i.e., the crime scene), but also their physiological, cognitive, and emotional state at the time of the event (Fisher & Geiselman, 2010; Fisher et al., 2010). This mnemonic is used with witnesses because memory retrieval is context dependent. That is, recreating the encoding conditions of the crime during interview retrieval should theoretically increase the amount of information reported (Tulving & Thomson, 1973). During this instruction, witnesses are encouraged to close their eyes or stare at a position in the interview room and think of different moments within the offence episode (Paulo et al., 2013). The interviewer later explores each mental image reported by the witness in more detail.

Change Perspective

The change perspective instruction encourages witnesses to report the crime event from several different perspectives (Fisher & Geiselman, 2010; Fisher et al., 2010). For instance, the interviewer might instruct the interviewee to report details from when they were frightened during the crime event, followed by when they were more relaxed (Paulo et al., 2013). Alternatively, the interviewer might request the witness to report details from the perspective of another individual who was present during the crime event, including the

victim or perpetrator themselves (Anderson & Pichert, 1978; Boon & Noon, 1994, Memon et al., 1994). To determine which perspective is going to elicit the most useful information for the investigation, the interviewer must pay attention during the interviewee's initial free report and then select the most suitable perspective (Paulo et al., 2013).

Change Order

The change order mnemonic encourages witnesses to report the crime event from several different temporal orders, such as reporting the event backwards (Fisher & Geiselman, 2010; Fisher et al., 2010). The premise of this mnemonic is that reporting can be hindered by a witness's schematic knowledge about a particular event (Shank & Abelson, 1977). As a result, all new information is subsequently understood and reported based on this prior knowledge; this is often referred to as script-guided retrieval (Powell et al., 2013). Script-guided retrieval is problematic during an investigative interview as it limits novel information that does not fit a preconceived script. Given that scripts are usually organised in chronological order, recalling the crime event in another order bypasses script consistent reporting (Dando & Milne, 2009).

The CI protocol was refined in 1987 to expand on these four core mnemonics, and incorporate techniques facilitating social communication (e.g., rapport and transferring control of the interview to the witness; see Fisher & Geiselman, 1992; Milne & Shaw, 1999). The Enhanced Cognitive Interview (ECI) was the result, and is the version recommended for use by professional interviewers (Fisher & Geiselman, 1992; Paulo et al., 2013). In most research and applications in the field the CI has been subsumed into the ECI, with CI referring to the interview procedure that includes both the cognitive mnemonics and the techniques designed to facilitate social communication. Thus, the CI and ECI are often used interchangeably.

Efficacy Research on the Cognitive Interview Framework

Several studies have tested the efficacy of the CI in increasing the quantity and quality of information it yields (Fisher et al., 2010). For example, Köhken et al. (1999) conducted a meta-analysis which examined the efficacy of the CI overall. Drawing on 55 individual comparisons of the CI with a control group, the results revealed a large overall effect size for the increase in correctly reported details using the CI. However, the analysis also revealed a significant effect size for incorrect details, albeit to a lesser degree. As part of the meta-analysis, Köhken et al. (1999) examined the effect of several methodological variables on reporting and found that (1) effect sizes were larger for live events compared to video, (2) effects sizes were larger if the interviewees actively participated in the event, (3) there was no difference in effect size as a function of age of interviewees, (4) there was a decrease in effect size for correct details as the delay between the event and the interview increased (however few studies actually manipulated delay and average delay was only two days), (5) there were no significant differences in effect sizes for the CI and ECI, (6) the effect of the CI did not decrease when trained vs. untrained interviewers were used, (7) there were larger effect sizes for incorrect detail with adults compared to children and finally (8) the ECI produced more slightly more errors than the CI.

A more recent meta-analysis conducted by Memon et al. (2010) examined the efficacy of the CI, ECI, and modified versions of the CI. This analysis included 46 studies comprising of 2,887 participants in total. Overall, the results were in line with those of Köhken et al. (1999), as there was a large significant increase in correct details for the CI when compared with a control interview. Similarly, the overall effect size for incorrect details was also significant but much smaller when compared with a control condition. Prior to Memon et al.'s (2010) analysis, evaluations of the CI protocol primarily focused on examining correct and incorrect details reported (Köhken et al., 1999). Since then,

researchers have also focused on the effect of the CI on confabulations. Confabulations refer to distorted memory; for example, saying there was an item present when there in fact was not. Memon et al. (2010) found that there was a non-significant effect for confabulated detail, suggesting that the CI does not contribute to the creation of distorted memory over and above a control interview. Other researchers have noted similar findings concerning the CI and confabulations (e.g., Sharman & Powell, 2013).

With respect to the various methodological variables, Memon et al. (2010) found the CI elicits greater correct reporting for both young and older adults, and fewer incorrect details with children. Events thought to evoke greater arousal produced smaller effect sizes for correct details compared with more neutral events; however, the benefit of the CI still remained for both events. Memon et al. (2010) also found that as the delay between the presentation of the event and the interview increased the effect size for correct details decreased. Similarly, as the delay between the presentation of the event and the interview increased, the effect size for confabulated details equally increased. In terms of the type of CI used, the results indicate a modified CI produced significantly greater effect sizes for incorrect details compared to the original CI.

Supplementing these empirical analyses are several field studies that have examined the utility of the CI in a real-world context (Clifford & George, 1996; Fisher et al., 1989). For example, Fisher et al. (1989) examined the ecological validity of the CI with 16 detectives from the robbery division of the Metro-Dade Police Department in Florida. In Phase 1, the researchers requested all detectives to tape record their next several interviews using their standard interviewing technique. Based on the amount of information elicited by each detective in the tape-recorded cases and on the recommendation of the detectives' commanding officer, they were separated into two equivalent groups. One group received training that involved four 60-minute group sessions, comprising of descriptions of various

components of the CI framework, and examples of good and poor interviewing techniques. In Phase 2, each of the seven trained detectives and six untrained detectives were asked to record two to seven interviews with actual witnesses; 47 interviews were recorded in total (24 by the trained group and 23 by the non-trained group). To assess the efficacy of the training, Fisher et al. (1989) measured the number of facts elicited pre- and post- training and the number of facts elicited between the trained and non-trained group. The results indicated that as a group, the seven trained detectives elicited 47% more information post-training. Of the seven detectives, six elicited more information post- than pre- training. The one detective that elicited less (-23%) was the only one who did not incorporate the CI in his post-training interviews. Although the two groups were similar prior to training, the results highlighted that the detectives in the CI condition elicited 63% more information post training than they did prior to being trained in the CI.

A key limitation of the CI research base is the lack of data on the utility of the CI in high stress or trauma investigations (Memon et al., 2010). Acknowledging this gap, some researchers have tested whether the benefits of the CI extend to witnesses and victims experiencing stress and trauma (e.g., Colomb et al., 2013; Dodier et al., 2021; Ginet & Verkamp, 2007; Krix et al., 2016; Peace & Porter, 2004). For example, a recent study by Dodier et al. (2021) examined the usefulness of the CI for interviews with actual victims of a road accident. In that study, 56 victims who experienced a road accident in the previous two years were interviewed with either a CI or a control interview. Before completing the interview, the participants answered a questionnaire that asked about their level of stress at the time of the road accident (i.e., encoding phase). The findings revealed that the participants interviewed with a CI reported more details about the accident than those in the control condition, irrespective of their level of stress at the time of the accident. Dodier et al.'s findings demonstrate how the CI can enhance reporting even among adults recalling a

highly stressful event. An important caveat of that study, however, is that the researchers were unable to determine what proportion of the increased volume of information provided was accurate.

Challenges Arising when using the CI Framework in Sexual Assault Interviews

With the aim of improving criminal justice outcomes, researchers have recently started to consider whether the CI aligns well with other highly stressful and traumatic events, namely sexual assault investigations. A small, but growing, body of research has begun closely examining the challenges that are being faced by key stakeholders (e.g., complainants, police investigators, and prosecutors) in sexual assault cases (Chenier et al., 2021; Zajac et al., 2019). In the following sections I provide a brief overview of the challenges facing stakeholder groups.

Challenges for Complainants

One of the hallmarks of sexual assault cases is the high rate of attrition by complainants, particularly during the investigation process (Daly & Bouhours, 2010; Kelly et al., 2005). Because these investigations are characterised by an absence of independent witnesses, and little to no corroborating physical evidence, once the complainant withdraws little can be done other than to terminate the investigation (Hohl & Conway, 2017). The reasons given by complainants for discontinuing a complaint during the interview stage tend to be similar across the board. They relate to both the manner of the investigator during the interview (Jordan, 2001; McMillan & Thomas, 2009; Patterson, 2011), and the structure and nature of questioning (McMillan & Thomas, 2009; Zajac et al., 2019).

Research exploring complainants' perceptions of the police interview process suggests they measure the quality of the investigative interview differently to investigators (Jordan, 2001; McMillan & Thomas, 2009). Complainants report that a successful interview is one in which they are provided with a comfortable space to recount their story to a non-

judgemental interviewer, who was cognisant of their emotional needs (Jordan, 2001; Patterson, 2011). These conditions foster a more conducive environment for complainants to be forthcoming with information that often causes them a great deal of distress (Patterson, 2011).

Although some evidence exists to suggest an improvement in police handling of sexual assault cases over time (McDonald & Tinsley, 2011; Taylor & Gassner, 2010; Victorian Law Reform Commission, 2021), problems remain. For example, investigators still exhibit rape myths during the interview process, with a considerable proportion of them overestimating the number of false complaints (see Parratt & Pina, 2017 for a review). Complainants are likely to notice these beliefs, and consequently share less information with investigators (Patterson, 2011).

The structure and nature of investigators' questions also contributes to complainant's negative perceptions of the police interview process. Much like other evidence-based interview protocols, the CI framework is narrative-based and focuses on maximising the amount of detail provided by witnesses (Fisher et al., 2010). Although the pursuit of highly specific detail is designed to ensure a thorough investigation, it can lead to several problems that give rise to attrition (Zajac et al., 2019). For example, when investigators probe about detail that appears inconsequential or irrelevant, complainants interpret this as an indication of their account being challenged rather than clarified. Furthermore, complainants report feeling exhausted and distressed in response to highly specific questions that probe into the precise nature of sexual acts (McMillan & Thomas, 2009). This distress and exhaustion is likely to be exacerbated by the range of short-and long-term emotional difficulties that arise as a direct result of the offence itself (Suris et al., 2007). Such problems can, and do, interfere with a complainant's ability to retrieve and recount details of the assault (Moran, 2016).

Challenges for Investigators

Investigators find it difficult to satisfy the investigative objectives of the case, whilst also meeting the emotional needs of the complainant (Spohn & Tellis, 2014; Westera et al., 2023). This difficulty is the result of the nature of sexual assault investigations, in which the question is not who committed a crime, but rather, was a crime committed (Zajac et al., 2019). For this reason, many investigators do not see their role as simply eliciting an account from the complainant but also as assessing the veracity of that account (McMillan & Thomas, 2009; Westera et al., 2023). While some investigators are more concerned with fostering a safe environment for the complainant to provide their account, others are more focused on determining the veracity of the complainant's account by scrutinising inconsistencies within their account, and against other evidence (Westera et al., 2023; McMillan & Thomas, 2009; Meissner & Lyles, 2019; Zajac et al., 2019).

Investigators also report finding it difficult to elicit the necessary specific information required to evaluate the complaint and move forward with prosecution. For example, the investigators in Westera and colleagues' (2023) study, which explored police perceptions about sexual assault interviews, noted that while complainants give highly detailed accounts leading up to and after the assault, they often 'gloss over' details of the precise sexual acts (e.g., "That's when he raped me"). Such omissions prove difficult for investigators, who need to establish precisely what body parts were involved, and the nature and degree of any penetration. However, pressing for this level of information about intimate sexual acts can cause investigators and interviewees to feel uncomfortable (Westera et al., 2023; Zajac et al., 2019).

Similarly, establishing the nature of consent is crucial in these cases; more often than not, the complainant and the accused are known to each other (Daly & Bohours, 2010; Planty et al., 2013). This is a difficult task because it requires a detailed understanding of the

complainants' state of mind, her perceptions of the alleged offender's state of mind, and the offenders' perceptions of the victim's frame of mind (Davis & Loftus, 2019; Westera et al., 2023). For instance, an understanding of whether the accused had reasonable grounds to believe that the complainant consented is a key factor informing the decision to prosecute. For investigators to make these decisions, however, complainants are required to provide detailed information about cognitions, emotions, as well as verbal and non-verbal exchanges with the accused (Westera et al., 2023). Investigators report that this is made more difficult when complainants deliberately withhold information or engage in impression management in a bid to avoid being taken less seriously (Zajac et al., 2019). The types of information that might be withheld include having consumed alcohol or taken illicit substances at the time of the alleged offence, previous occasions of consensual sex with the accused, or previous sexual assault complaints that did not result in prosecution. The danger in withholding this information is that, should it emerge later in court, it will likely be far more damaging for the case than if it was initially disclosed. Again, however, investigators report that eliciting these details from complainants can be very difficult (Westera et al., 2023).

Finally, investigators indicate that much of the information complainants do report is often irrelevant from an investigative and evidential point of view (Westera et al., 2023). This likely occurs for two reasons. First, this information is often provided on the accord of the complainants, and investigators believe it is a defence mechanism employed by complainants to deal with distress and embarrassment or to appear more believable (Zajac et al., 2019). Second, the CI promotes generating a large amount of information and some of that information becomes irrelevant. Investigators report that the consequence of this is a lengthy interview process that causes the complainant to fatigue (Westera et al., 2023).

Challenges for Prosecutors

Prosecutors' views on the quality of sexual assault interviews are becoming increasingly sought, particularly in countries such as Australia that have legal provisions for a vulnerable witnesses' interview to be recorded and played as their evidence-in-chief at trial (Australian Law Reform Commission, 2010; Zajac et al., 2019). Because of this legal provision, prosecutors have a vested interest in ensuring the investigative interview is fit for this purpose should permission be granted for the interview to be played at trial. However, some prosecutors have expressed considerable concerns about the police interview process, much of which relates to the CI. They argue that elements of the CI framework that have traditionally been advantageous in other crime types typically backfire in sexual assault cases (Westera et al., 2017). A recent review of the adult witness interviewing literature has raised similar concerns (see Launay et al., 2022).

One of the major concerns held by prosecutors relates to the instructions given to complainants at the beginning of the interview. Prosecutors describe these instructions as unnecessarily long-winded, and ultimately taxing for jurors who must sit through several minutes of preamble before listening to the complainants' account (Westera et al., 2017). Moreover, the prosecutors suggest that the preamble makes jurors weary of the complainant's evidence by trivialising the interview process – particularly if the investigator is overly sympathetic (Westera et al., 2017).

Prosecutors also report that the long, at times “rambling” nature of the interview makes it difficult for jurors to sustain attention (Criminal Justice Joint Inspection Project, 2010; Stern, 2010; Westera et al., 2017). Although prosecutors are aware of the challenges associated with using a sexual assault complainant's interview for both investigation and evidential purposes, they argue that maximising information differs from maximising evidentially relevant information. The trouble, as the prosecutors describe, is that much of the

information elicited from the complainant by investigators serves no subsequent purpose. Additionally, when each point made by the complainant is probed in more detail using the mnemonic-based instructions in the CI, that information loses the coherence necessary for a persuasive case (Westera et al., 2017).

Finally, prosecutors express concern about overly long and detailed accounts generated in the interview. They argue that accounts of this nature generate additional avenues for defence lawyers to discredit complainants (Westera et al., 2017). In fact, complainants whose cases proceed to trial are routinely confronted with lengthy cross-examinations that focus on minor inconsistencies within and across their accounts, as well as memory omissions for peripheral details (Kebbell et al., 2007; Zydervelt et al., 2017). Scholars have voiced their concern about how such defence strategies unfairly damage trial outcomes (Temkin, 2000: 2002; Temkin & Krahè, 2008), with much of the extant literature supporting this concern (Zajac et al., 2019). For example, research has shown that while mock jurors equate detail with accuracy, including detail that is irrelevant to the case in question (Bell & Loftus, 1989; Warner & Pickel, 2010), they look less favourably on inconsistencies and gaps in a witnesses account (see Fraser et al., 2022).

Summary

Decades of research has shown that eyewitnesses accounts are susceptible to a myriad of distorting influences including the interviewing style used by investigators. To mitigate these issues, police agencies across the globe have adopted the use of evidence-based interview frameworks that are underpinned by an extensive body of memory and communication research. The CI interview framework is the most widely used interview framework with adult witnesses, including those alleging sexual assault. The CI was originally designed to be used in stranger-perpetrated offence investigations where a witness was motivated to, and could engage in, high level memory retrieval—and where retrieval of

numerous perceptual details could potentially aid investigation. The efficacy of the CI framework has been consistently demonstrated in both experimental and field settings where it has been shown to increase the overall amount of correct detail with only a small (but significant) increase in incorrect details. This body of research illustrates how the CI framework is well suited for contexts in which witnesses should provide as much accurate detail as possible (e.g., to facilitate the identification of an unknown offender).

Despite its utility in many types of investigations, a growing body of research suggests that stakeholders perceive challenges with the use of the CI framework in cases of sexual assault. For example, police investigators have expressed the need for greater guidance on how to satisfy investigative and evidential requirements whilst meeting complainants' emotional needs. Complainants have noted that the nature and level of detail requested by investigators leaves them feeling disbelieved and challenged. These feelings are compounded by the psychological and emotional consequences directly stemming from their assault. Lastly, prosecutors report that some of the traditional advantages of the CI, such as the large volume of information generated using the mnemonic techniques, can backfire in sexual assault cases.

Taken together, research suggests there is an urgent need to further refine how adult sexual assault complainants are interviewed by police. Doing so in a way that balances the evidential needs of these cases alongside the emotional ones of the complainant is a difficult task. Looking towards other evidence-based interview frameworks with vulnerable populations that have taken steps towards finding this balance is crucial. As mentioned earlier, child interviewing researchers have developed ways for investigators to meet evidential requirements whilst tending to the emotions needs of the child (Benson & Powell, 2015; Burrows et al., 2016). This field of research, which includes adolescents, has strong overlaps with adult interviewing both theoretically and in practice. And yet, efforts to

incorporate findings from this field with adult sexual assault complainants have been limited. This signals a clear gap and the need to break down the silo that exists between the child and adult interviewing literatures to develop a suitable interview framework for adult sexual assault complainants. Thus, the next chapter introduces the Standard Interviewing Method (SIM), an interview framework used with vulnerable witnesses (e.g., children) that is used increasingly across Australia and internationally. This thesis will consider whether the SIM framework can be adapted for use with adult sexual assault complainants.

CHAPTER 5 – INTRODUCING THE STANDARD INTERVIEWING METHOD (SIM)

As stated in the previous chapter, stakeholder groups have reported challenges when the CI framework has been used with adult sexual assault complainants. At the heart of these challenges lies the difficulty in balancing the investigative and evidential objectives of these cases with the emotional needs of complainants. Child interviewing researchers have made considerable strides in striking this balance. As such, I propose the need to consider whether, how, and which components of child interviewing frameworks might be applied to adult complainants to similarly strike a better balance and demonstrates a greater fit for purpose. In this chapter I introduce the SIM framework, which has evolved over 15 years and is used across Australia and abroad (Powell & Brubacher, 2020). The SIM incorporates elements of interview best practices with children; importantly, it is a highly flexible framework that can be adapted for various populations and information gathering contexts while adhering to a set of principles.

While differences exist between the SIM and CI, both frameworks are born out of the same body of memory and communication research. The differences between the two frameworks should not be interpreted as the superiority of one framework over the other. Rather, the disparities should be understood as the natural product of the slightly differing goals of the two frameworks. While the goal of the CI is to maximise the amount of correct (versus incorrect) detail, the aim of the SIM is to maximise *evidentially relevant* detail. Both frameworks stress the importance of making the witness comfortable. However, the SIM has a greater number of discrete interview components specifically designed to help interviewees feel more comfortable and prepare them for the structure of the interview. This chapter introduces the original SIM framework that was developed for interviewing of children. Like other child interviewing frameworks, the SIM has several core elements, which are (i)

Introduction, (ii) Ground rules, (iii) Episodic memory training, (iv) the Substantive phase, (v) the Break, (vi) Further Questioning, (vii) Closure, and Neutral Topic. The purpose of this chapter is to draw attention to the features of the SIM that distinguish it from adult frameworks such as the CI and to speculate why these features may be useful in the context of adult sexual assault interviews. Following an overview of these features of the SIM, I provide a discussion of efficacy research of the SIM.

Introduction and Ground Rules

After the formal introduction which includes a statement indicating the date and time, and names of the individuals in the room, interviewers using the SIM move onto an explanation of the conversational expectations of the interview (known as ‘ground rule instructions’ or ‘ground rules’). Delivering a *set* of ground rules to interviewees is a common feature in contemporary child interviewing frameworks. Outlining the conversational expectations is important as children are unlikely to be familiar with the style of the investigative interview process (Brubacher et al., 2015; Lamb & Brown, 2006; Poole & Lamb, 1998). This unfamiliarity is due to the interview process differing from the style of day-to-day conversations that children will have with the adults in their lives. For example, children assume that adults in their lives are more knowledgeable on the topic at hand in a conversation (Brown et al., 2008; Nelson & Fivush, 2000). Moreover, they are socialised to believe that it is wrong to correct adults in positions of authority during conversations. These assumptions may cause children to provide fewer details during their account, guess when an answer is not known or well understood and acquiesce to any suggestive and leading questions posed by adult investigators (Brown et al., 2008; Ceci et al., 2007; Hughes & Grieve, 1980; Lamb & Brown, 2006; Pratt, 1990; Principe et al., 2013).

The most widely used ground rules including those in the SIM instruct children that it is acceptable to say: (1) I ‘*don’t know*’ when information that is requested cannot be recalled

(2) I *'don't understand'* when questions that are linguistically complex or ambiguous are asked by the interviewer and (3) to correct the interviewer if they make a mistake about a previously mentioned detail (Lamb et al., 2011; Lyon, 2005; Powell & Brubacher, 2021; the State of Michigan Forensic Interviewing Protocol, 2011; Yuille et al., 1999). Most research examining the utility of ground rules shows that their provision benefits the investigative interview (see Brubacher et al., 2015 for review). For example, some studies suggest that highlighting the naiveté of the interviewer to children and encouraging *'don't know'* and *'don't understand'* responses reduce children's susceptibility to suggestive and misleading interviewer questions (Krackow & Lynn, 2010; Saywitz & Moan-Hardie, 1994).

Adult witnesses typically only receive the *'don't know'* rule, along with instructions to report everything they can remember (Powell et al., 2005). However, like children they are likely to experience the same challenges that necessitate the need for a simple set (rather than a single instruction) of ground rules. For instance, adults must also alert investigators to questions that are ambiguous, contain errors or are unanswerable. Failing to do so, and instead providing responses to appease the interviewer, could reduce the overall quality of their account (Ackil & Zaragoza, 2011). Investigators, however, will be naïve to many of the event details and thus will not know which of their questions are problematic (Powell et al., 2005).

Narrative Practice

The second key feature of the SIM (and most other evidence-based child interview frameworks) is the inclusion of an episodic memory training phase (also referred to as narrative practice) (Brubacher et al., 2011; La Rooy et al., 2015; Roberts et al., 2011). In the SIM, the child is prompted to report a pleasant or neutral recent event ("Tell me something fun that you have done recently"). The investigator and child then spend a few minutes discussing this pleasant or neutral event. The practice narrative serves an important purpose

in making the child comfortable with the interviewer and orienting them to the style and pace of questions that will take place later during the substantive component (Lamb et al., 2007; Roberts et al., 2011). Ensuring that children feel comfortable during the interview process is crucial, as the lack of familiarity with the setting and interviewer may lead to reluctance in describing sensitive and traumatic events (Saywitz et al., 1991).

Orienting the child to the style of and pace of the interview is achieved by using open-ended questions. Open-ended questions are also used when eliciting details about the alleged abuse later during the interview. Prior research shows that children who are prompted using open-ended questions during narrative practice report significantly more details during the substantive phase than those children who receive fewer open-ended questions, and children in a control group (i.e., no practice of any kind) (Price et al., 2013; Roberts et al., 2004; Sternberg et al., 1997). These findings are likely due to narrative practice enhancing rapport with the interviewer, foreshadowing task demands, and providing interviewers with an overview of the child's communication style.

Narrative practice may also be beneficial for adult complainants of sexual assault. For example, adults may be grappling with intense negative emotions in the aftermath of a sexual assault. Some of these emotions may relate to uncertainty about the interview process, how investigators will evaluate them, and whether they will be believed (Boyd, 2011; McMillan & Thomas, 2009). These negative emotions may deplete complainants' cognitive resources. Consequently, the quality of complainants' accounts may be diminished (Kieckhafer, 2014). Moreover, because complainants may be wary about whether they will be believed by investigators, they may decide against sharing highly intimate details that are evidentially necessary (e.g., precise nature of sex acts). Thus, narrative practice may free-up adults' cognitive resources and strengthen the emotional security required to disclose highly intimate and distressing details.

Substantive Phase

The substantive phase follows narrative practice. Unlike adult interviewing frameworks such as the CI that draw on mnemonic instructions (combined with open-ended questions), the SIM encourages investigators to elicit details about the topic of concern solely using open-ended questions. Although there is no set recommendation on the proportion of open-ended questions that should make up the interview, the SIM draws on extensive research that advises open-ended questions to be maximised (Lyon, 2010; Powell & Snow, 2007; Saywitz et al., 2011). To assist investigators to exhaust a child's account using open-ended questions, the SIM framework provides a list of suggested stems for open-ended questions. These stems are intended to serve as a guide for investigators on how to prompt children to elaborate on their account (including in the narrative practice phase). The inclusion of this list of suggested stems is informed by research showing that open-ended questions elicit more elaborate, spontaneous, and detailed information from children (Lamb et al., 2008; Lamb et al., 2007a; Lamb et al., 2007b; Lamb et al., 1994) and are associated with greater guilty verdicts, guilty pleas and incidence of charges (Pipe et al., 2013).

Further Questioning

The SIM prioritises investigators maximising relevant evidential details from children that are critical to demonstrate that an offence has occurred and the severity of that offence. Consequently, once the interview has reached this phase, some specific questions may be necessary to tease out key evidential details of the abuse. These questions are guided by prior research highlighting which details are evidentially relevant. For example, Burrows et al. (2013) conducted a study that sought to understand key categories of information deemed central to elicit from children alleging sexual abuse. Drawing on a sample of prosecutors and interviewers (19 police officers; 14 social workers), the authors noted that six categories of information were identified as critical by the participants. The categories were (1) the

location of the offence, (2) the date the offence took place, (3) the type of offence, (4) the identities of third-party witnesses, (5) the identity of the offender and (6) details relevant to any forensic analyses (e.g., DNA).

Guidance is provided by Burrows et al. (2013) for investigators seeking further information about these six categories. For instance, Burrows et al. (2013) suggested that interviewers consider whether the evidence sought requires identification or recognition by the child. This refers to whether the child is familiar with an aspect of the alleged event that needs to be clarified (e.g., identity of the offender). Or if the child is unfamiliar with an aspect of the alleged event (e.g., foreign location as site of the alleged abuse). In the former, the investigator should only seek enough information to establish a recognition by the child. With respect to the latter, further information including descriptive detail would be necessary to facilitate an identification. Providing guidance on how investigators can skilfully ask follow-up may address the criticism by prosecutors and improve the evidential strength of sexual assault cases (Westera et al., 2013; Westera & Powell, 2015).

Efficacy Research on the SIM Framework

Most of the research testing the SIM's efficacy has largely focused on questions of *adaptability*. More specifically, this body of research has explored whether (and how) the SIM (or its constituent elements) can be adapted to different investigative contexts and with various populations (Bearman et al., 2019; Hamilton et al., 2016; Hamilton et al., 2016a; Hamilton et al., 2017). For example, Navarro et al. (2019) examined how well the SIM translated into a language other than English (Spanish) and into a different cultural setting (Chile). Navarro et al. used a case study approach that involved examining documents detailing how the SIM had been adapted. These documents included meeting summaries, research reports, versions of the SIM framework in Spanish, summary tables of results, notes of interviews to experts, and the interchange of emails between the adaptation team and the

SIM's advisors. Navarro et al. demonstrated that while unique challenges relating to language, culture and context were evident when translating the SIM, variations that address these challenges can be successfully implemented to enhance the frameworks suitability with a Chilean population.

Other research has examined the efficacy of the SIM with adults who possess an intellectual disability. For instance, Bearman et al. (2019) compared the effectiveness of three interview frameworks with adults who have extremely limited expressive language (i.e., less than five-word utterances). In that study, 80 adults who were matched on measures of expressive language and intellectual functioning and participated in live events (a show and tell followed by a relaxation exercise and snack) on three occasions. The adults were assigned to one of three interview conditions: narrative-first, inter-mixed, or visual cues. The first interview condition was modelled on the SIM framework and involved the interviewer exhausting the participants' accounts using open-ended questions before asking a series of cued recall questions (e.g., "What colour was the [demonstrators] top?"). In the second condition, the interviewer used open-ended questions that were inter-mixed with cued recall questions to exhaust each chunk of information once it was reported. Adults in the final condition were interviewed in the same way as those in the SIM condition but with cue cards intended to depict question types (e.g., card with forward arrow depicted the question "What else happened?"). The findings demonstrated that an interview modelled on the SIM elicited better quality accounts (i.e., fewer intrusions) than the visual cue, but not the inter-mixed interview condition. Bearman et al.'s (2019) findings suggest that a framework like the SIM that is replete with open-ended questions can be beneficial to vulnerable adults. However, the framework should interweave specific cued recall questions with open-ended ones to promote scaffolding with adults possessing expressive language deficits.

The few evaluation studies on the SIM framework have demonstrated its ability to improve the investigative and evidential quality of interviews with children. For example, Benson and Powell (2015) conducted an evaluation of a training system delivered to investigative interviewers of children across two studies. The online training system focused on increasing investigators' understanding of relevant evidential requirements in child sexual assault investigations *and* how to elicit this type of information in a narrative format. To achieve the latter, the investigators were introduced to the SIM framework. The first study compared 92 investigators pre-and-post training performance during mock interviews. The second study adopted the same pre-and-post training experimental design to examine the effect of the training on 156 investigators performance in the field. The findings from study one demonstrated a significant increase in the use of open-ended questions coupled with a significant decrease in the use of specific and leading questions across the two-time intervals. Study two similarly revealed an improvement in the use of open-ended versus specific and leading questions in addition to significant reductions in interview length and improvements in the appropriateness of questions targeting evidential details.

In sum, much of the efficacy research on the SIM framework has focused on how it can be adapted for use across investigative contexts and with differing populations. Some of these studies have focused on vulnerable adults (e.g., those with intellectual disabilities, Bearman et al., 2019) and have shown how interviews conducted using a SIM framework can improve the quality of these adults' accounts. However, none of the studies have compared the SIM with respect to performance against other interview frameworks (e.g., the CI), nor have they examined whether a SIM framework (or its key features) could be applied to improve the evidential quality and experience of adult complainants of sexual assault and other similarly traumatic events.

For some adults, the experience of a sexual assault itself may give rise to feelings of vulnerability (e.g., Boyd, 2010), and for many others the assault may compound pre-existing vulnerabilities including those relating to mental health and cognitive and/or other intellectual disabilities (see Dworkin et al., 2017 for review). Thus, there is a need to find a way that balances eliciting critical evidential details from adults whilst minimising any harm that may occur in the interview process. Indeed, the need for such a balance is an ever-present concern for child interviewing researchers. For example, in their recent commentary Everson and Rodriguez (2020) argued for that forensic balance should be viewed as a foundational best-practice standard. Forensic balance, they suggest, involves finding a middle ground between specificity (i.e., conducting robust interviews that allow decision-makers to test the veracity of information) and sensitivity (i.e., creating conditions that emotionally support complainants to disclose highly sensitive events). Everson and Rodriguez assert that there are dangers associated with focusing exclusively on former, including the possibility of underestimating abuse. They provide a list of pitfalls investigators should avoid including (1) escalating to questions about an assault / abuse before rapport and comfort have been achieved, (2) failing to encourage and elicit an entire narrative account using narrative prompts, and (3) failing to elicit a complete narrative account before asking specific questions.

Everson and Rodriguez's (2020) recommendations align with key features of the SIM, which emphasises the need to encourage detailed disclosure from children whilst tending to their emotional needs and minimising any emotional harm placed on them. Although Everson and Rodriguez's discussion is framed around child interviewing practices, adult sexual assault complainants vulnerability may mean that features of the SIM could prove helpful in striking a more appropriate forensic balance.

Summary

Like the CI framework and other evidence-based interview frameworks, the SIM uses various components to enhance children's accounts by drawing on a wealth of psychological and communications research. However, several features distinguish the SIM (and other child interviewing frameworks) from the CI. These features are a simple set of ground rules, a memory training phase (practice narrative), the reliance on open-ended questions rather than cognitive mnemonics to probe interviewees' memories, and guidance on eliciting evidentially critical details that were not provided by interviewees during the substantive phase. Consequently, the SIM is more tailored, and was streamlined for sexual assault investigations with children. These features of the SIM mean that investigators can elicit evidentially relevant information from children whilst tending to their emotional needs.

Although some research has examined the utility of the SIM with adults who possess expressive language disability, no studies have yet explored the utility of the SIM with adult sexual assault complainants. Given that this group may be vulnerable for similar reasons as children, it appears worthwhile to consider whether, how, and which elements of the SIM framework (as well as those in the CI) might be embedded in the new proposed interview framework. In doing so, it is crucial to consider the needs of key stakeholders (police investigators, complainants, prosecutors, and expert academics) particularly given the differing, and at times, conflicting nature of those needs. This will facilitate an understanding of how to adapt the SIM in a way that serves stakeholders who have a vested interest in the interview process. The next chapter takes this step and presents the first study of this thesis.

CHAPTER 6- AUSTRALIAN STAKEHOLDERS' VIEWS ON IMPROVING INVESTIGATIVE INTERVIEWS WITH ADULT SEXUAL ASSAULT COMPLAINANTS (STUDY 1¹)

In this chapter, I present the first study in this thesis, and the initial step in the adapting the SIM for use with adult sexual assault complainants. This first step brings together expert academics, investigators, prosecutors, and victim representatives. The purpose of this step is to allow this multidisciplinary stakeholder group to closely examine the CI framework alongside the SIM framework. Given that complainants, investigators, and prosecutors will ultimately be the end-users of the proposed framework, it is important that the new framework addresses their concerns and the challenges currently being experienced when using the CI framework in the field. Thus, it is necessary to explore the unique and varying perspectives of the stakeholder group to determine (a) whether (and which) elements in the CI framework are currently meeting their needs, (b) how might elements that do not meet their needs be further developed so that the new framework is fit for purpose, and (c) whether the SIM framework (or specific constituent elements) might be adopted with adults to address the aforementioned point. Consequently, this study will determine what refinements are needed to the CI and SIM frameworks and what shape these refinements might take in. These findings will inform the experimental testing of any proposed refinements to ensure the scientific validity of the new framework prior to its implementation in the field.

In Chapter 4, I illustrated the nature of the concerns held by stakeholder groups about police interviews with adult complainants of sexual assault. Taken together, the concerns point to the need to urgently refine the current interview framework with adult complainants

¹ This chapter is based on a published study. The full version of the paper can be found here: Ali, M. M., Zajac, R., Westera, N., & Powell, M. (2019). Australian stakeholders' views on improving investigative interviews with adult sexual assault complainants. *Psychiatry, Psychology and Law*, 26(5), 724-739.

so that it better aligns with the evidential objectives of sexual assault investigations, whilst providing emotional support to complainants. However, determining how best to refine the way adult sexual assault complainants are interviewed by police will be a challenging task as stakeholders hold differing priorities. For example, investigators may prioritise eliciting large volumes of information because they view this as reflecting a robust and thorough investigation (Westera et al., 2022; Zajac et al., 2019). Prosecutors, on the other hand, may prioritise evidentially relevant information rather than a greater volume of information overall (Westera et al., 2017). Finally, complainants may focus more on being believed and the level of emotional support being provided during the interview process (and investigation more broadly) (Patterson, 2011).

Qualitative studies teasing out these concerns from stakeholders have played a critical role in shedding light on where gaps exist in the way adults are currently interviewed by police. A key strength of these prior studies has been the use of focus group methodology (e.g., Westera et al., 2017). Focus group designs play a crucial role in facilitating and eliciting group debate, problem solving and in-depth discussion (see Robinson, 1999). Thus, the first study in this thesis used the same methodology. Although prior research has examined the challenges arising in during police interviews with adult sexual assault complainants from the perspective of investigators, prosecutors, and complainants, this is the first study to bring these key stakeholders together so that they are able to share their views and collaboratively consider what further developments are need to the way adults are currently interviewed so that the new interview framework is fit for purpose.

Method

Participants

After approval to conduct the study was obtained from Deakin University Human Research Ethics Committee, I sampled individuals who had extensive experience in the

prosecution of adult sexual assault cases, from one Australian jurisdiction. Senior managers were asked to nominate individuals based on experience, seniority, and availability.

Managers provided the researchers with the contact details of individuals who met the selection criteria, and one researcher emailed the individuals to garner interest in participating in the study. Individuals who agreed to participate formed the focus group, which comprised: police officers ($n = 2$), a prosecutor ($n = 1$), victim representatives ($n = 1$ counselling, $n = 1$ court), and academics ($n = 2$). The seven stakeholders ($n = 5$ females; $n = 2$ males) all had considerable experience in the investigation or prosecution of sexual assault cases involving both child and adult complainants. Further information regarding the profile of the participants has been omitted to ensure anonymity.

Police policy and interview practice within this jurisdiction is, for the most part, consistent with other jurisdictions in Australia. Typically, investigative interviews with complainants are conducted by investigators who are specially trained in responding to sexual assault. These investigators are often detectives who are members of a criminal investigation branch (CIB) and have received training in evidence-based interviewing utilising a narrative-based approach (often—but not always—the CI). Interviews are either recorded in the form of a written statement or video-recorded. In cases that proceed to trial, video-recorded interviews may be admitted as complainants' direct evidence, provided they satisfy legal requirements.

Procedure

One week prior to the focus group, each stakeholder was sent a brief written booklet. This pre-focus group reading booklet began by stating that there are various ways that best practice interview methods can be administered within an interview. The booklet outlined examples of best practice interview elements that may be used during police interviews with witnesses. Before the interview elements were described, the booklet instructed the

stakeholders to (a) reflect on the utility of (each) element from their perspective (as an investigator, prosecutor, or victim advocate) and the strengths and weaknesses of each element and (b) if there are concerns about an element, to specify how (if at all) the element could be administered in a way that ensures a fairer justice process. The elements were taken from the CI and SIM frameworks (see Table 1). The inclusion of these elements was guided in part by prior research, primarily by Westera and colleagues (Westera et al., 2017; Westera et al., 2013) exploring the way in which current interview practice with adult complainants impacts the quality of evidence elicited. For instance, the adult interview elements were selected on the basis that they have been identified as contentious in previous stakeholder research (e.g., *report everything in detail*; Westera et al., 2017; Westera et al., 2013) but are routinely used by investigators across different versions of the CI (see Memon et al., 2010). Other elements were included after analyses of field interviews from Australian police jurisdictions. This analysis revealed that elements traditionally used in vulnerable witness frameworks are increasingly incorporated into adult frameworks due to the changing environment of adult sexual assault investigations (e.g., *promise to tell the truth*²). Finally, based on issues identified in previous research with stakeholders and complainants (McMillan & Thomas, 2009; Westera et al., 2013; Westera et al., 2017; Westera et al., 2023), elements from vulnerable witness frameworks that have not been considered for use in adult frameworks were selected. These include elements that provide a framework for investigators to particularise multiple occurrences (e.g., *dealing with multiple events*), to make decisions about when to clarify inconsistencies in a complainant's account (e.g., *eliciting clarification/dealing with inconsistencies*), and to build rapport with complainants (e.g.,

² In jurisdictions where adult sexual assault interviews are videotaped for possible use as evidence-in-chief, complainants are informed that their interview may be used as evidence, and that in order to meet legal requirements they are required to promise to tell the truth at the beginning of the interview. The specific nature of the promise varies according to jurisdiction.

narrative practice; see Roberts et al., 2011). Stakeholders were not given information about which interview element came from which framework.

The focus group was held in a private meeting room in a police academy. The moderator briefly introduced each interview element and then facilitated a discussion by asking what stakeholders' perceptions were of the interview element. Throughout the focus group, the moderator played a largely passive role during the focus group, asking minimal broad open-ended questions to further generate discussion. At several points throughout the discussion, the moderator asked the stakeholders to elaborate on their responses or clarify comments they made about the pre-reading material. The duration of the focus group was 106 minutes.

Analysis

The focus group was audio-recorded and transcribed verbatim by a professional typist, and then checked for accuracy. A grounded-theory approach was employed to analyse stakeholders' responses inductively rather than deductively or from an existing theory or concept (Glaser & Strauss, 1967). I used thematic analysis to identify and organise data into key themes to reduce the large data set into more meaningful units of analysis (see Miles & Huberman, 1984). I then met with members of the research team to collectively discuss the themes identified. Unanimous agreement was achieved, suggesting strong distinctiveness of the themes. The transcripts were then re-examined to organise statements that supported the identified themes.

Table 1

Interview Elements for Discussion

Element	Example(s)
Explaining the interview process	‘Thanks for coming to talk to me. I have a few things to tell you before we start. The purpose of the interview is to find out what happened. You and I will work together to do this. I want you to feel comfortable while you are here. You can use any words you want and talk at your own pace. You can take a break whenever you want. I will take a break to talk to [monitor] at some stage. I will write things down while you are talking. It helps me to remember what you have said.’
Promise to tell the truth	<p>‘Do you promise to tell the truth about what happened?’</p> <p>‘My job is to support you to tell me the truth about what happened in as much detail as you can. Your job is to tell me the truth about what happened. Do you promise to tell the truth?’</p> <p>‘It is an offence to make a statement to police that you know to be false. You are liable to prosecution if you do so. Do you promise to tell the truth?’</p> <p>‘This video recording may be played in court as your evidence. For that reason, it is important that you promise to tell the truth. Do you promise to tell the truth?’</p>
Ground rules	<p>‘Don’t guess or make anything up, just do your best to tell me what you remember.’</p> <p>‘If you don’t remember something I ask you, just say I don’t know or I don’t remember.’</p> <p>‘If I ask a question and you don’t know what I’m talking about, just say you don’t understand. I’ll ask it a different – that’s fine.’</p>
Report everything in detail	‘Tell me everything that happened in as much detail as you can.’

‘I don’t know what happened because I wasn’t there. So it’s important that you tell me everything you can remember, even things you don’t think are important.’

‘During this interview I want you to tell me everything you can about what happened, even the little things that you think are trivial or not important. Tell me even if you can’t remember something completely or if you can remember it partially. Whenever something comes to mind, tell me, even if it’s out of order or if it contradicts something you said earlier.’

Practice narrative/rapport-building

‘Some people find it helpful if we chat about something else before we get started. Like something you’ve done recently such as going on a holiday or something fun you enjoy doing. It might give you a chance to settle into the room and get used to how the interview will work.’

Interviewer encourages the witness to talk for 3-5 minutes about a neutral event using the following prompts: ‘what happened then/next/after that?’ ‘what else happened?’ ‘tell me everything that happened from the time [portion of event],’ ‘tell me more about [portion of event],’ ‘tell me more about the part where [portion of event],’ ‘you said X, tell me more about X.’ ‘Thank you for sharing that with me.’

Establishing the purpose of the interview

‘Tell me what you’ve come to talk about today (answer). Think about a point in time where you would like to start. Remember I wasn’t there so I don’t know what happened. Tell me everything that happened in as much detail as you can without editing anything out.’ Interviewer uses minimal encouragers and silence to extend the narrative.

‘Tell me what you’ve come to talk about today.’ Interviewer then uses open-ended breadth and depth questions, and minimal encouragers to expand on the account where relevant.

Dealing with multiple events

[Stakeholders were referred to a summary of techniques for eliciting accounts of multiple events, and sample transcripts illustrating the use of these techniques in practice.]

Eliciting clarification and dealing with inconsistencies	<p>‘Earlier you said a friend was there the time it happened in the shed. What is his/her name?’ (answer) ‘Tell me more about the part where [friend] was there.’</p> <p>‘When you mentioned the time in the basement you said he took his trousers off. Did something happen to your clothes?’ (answer) ‘Tell me what happened.’</p> <p>‘You said he put this finger inside you but you also said you had a snowsuit on?’ (answer). ‘Tell me how that happened.’</p>
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Results and Discussion

Overview

Stakeholders spoke passionately; they were open to and encouraging of amending current interview protocols for adult sexual assault complainants. The analysis revealed five key themes that framed their views: (1) avoiding a climate of disbelief, (2) addressing specific cognitive and emotional needs, (3) acknowledging factors that could limit full disclosure, (4) balancing coherence with contamination risk, and (5) thinking ahead to trial. Below, I elaborate on each of the themes and (where relevant) I also elaborate on stakeholders’ suggestions for how interview framework could be aligned to their concerns. Note that for some topics (e.g., the importance of a free narrative) the issues were non-contentious and sparked little discussion and were therefore not considered further here.

Theme 1: Avoiding a Climate of Disbelief

Stakeholders in this study expressed concern that complainants of sexual assault are likely to fear that they will be disbelieved; they noted that the interviewer’s instructions should not contribute further to this apprehension. This general theme tended to arise when discussing two of the interview elements that stakeholders had been asked to reflect on: (1)

asking complainants to promise to tell the truth and (2) instructing complainants to only report information if they are absolutely sure, and not to guess.

Promise to Tell the Truth

The stakeholders identified numerous legal issues surrounding the inclusion of a promise to tell the truth—whether such a declaration was necessary, what it should entail, when it should occur, and whether it would even make a difference to prosecution. Many of their comments about this interview element, however, pertained to what such an instruction might communicate to a sexual assault complainant.

*[Getting complainants to promise to tell the truth] might perhaps get them a bit offside. They're already feeling quite worried about coming in and whether they're going to be believed.*³ (Victim Representative, Counselling)

I think telling a sexual assault complainant that it's an offence to provide police with false information is not something we want to be putting up to someone who's really concerned about being there and being believed. I think you've got to soften your words. (Police Officer 3)

Legal issues permitting, the stakeholders suggested a 'softer' way of communicating the importance of telling the truth, which could even be integrated into the ground rules.

If adult complainants understand what the truth is, and the police officer instructs them that they are there to tell the truth, do we still need to ask these complainants 'Do you promise to tell the truth?' (Police Officer 1)

[There is a] legal question—do you need to commit a response about the truth, or is it enough to say it's important to tell the truth? I think that there are protocols in which a statement about the truth is incorporated with the ground rules. So 'don't guess, only tell me things that are true, that you remember.' Just in a list of the important things about the account. (Academic 1)

'It's important to tell the truth.' It's just that simple. (Police Officer 2)

³ Where quotes have been provided, they have been de-identified and grammatically corrected to improve readability.

I think it might be possible to have the softened approach at the beginning and then if [the interview] is going to be used as evidence you could say 'I need you to re-watch your interview' (which you'd have to do anyway) to go through it, and 'Now, are you prepared to sign a statutory declaration to that effect?' as part of the process.
(Police Officer 3)

Instructing the Complainant not to Guess

Some stakeholders were concerned that telling adult complainants to 'only report information if they're absolutely sure' and/or not to guess could backfire in one of two ways. First, sexual assault complainants who are concerned about how their accounts will be evaluated could be particularly prone to presenting themselves as more certain about their testimony than they really are.

Adult sexual assault complainants feel pressure to come up with the correct answer, even if they know they can't provide the correct answer.
(Academic 2)

Sometimes people giving evidence feel that they've got to get the right answer. So they are asked questions like 'So which hand was he using when he touched you?' and often I believe the right answer is 'I'm really not sure,' but complainants respond 'Oh, it was the right.' And you think 'Well, how sure are you about that?' (Victim Representative, Court)

I think there's this feeling that when you're in court you need to say the correct answer and there's pressure that you've got to come up with a correct answer. And that if you don't, you'll look unreliable in front of the magistrate or the jury. (Victim Representative, Court)

Some stakeholders noted that information can still be useful even if the witness is not certain of it, as long as that uncertainty is adequately communicated. In sexual assault investigations in particular, complainants are rarely describing strangers or unfamiliar locations, meaning that there is less danger of investigators following flawed leads that could compromise an investigation. Furthermore, in the case of repeat offenders, one stakeholder noted that even tentative information can build a useful picture if it is consistent across complainants.

From an investigative perspective, you do get useful leads from that partial information. [So, for example, if someone says] 'I don't know exactly if she said, like, she 'lifts' or she 'does physical work', but it was something like that.' That's valuable information. (Academic 1)

It might be good if complainants actually raised that they're not 100 per cent sure, particularly if you have an offender who's done something to different people, because it might mean that you get a pattern of behaviour. (Victim Representative, Court)

For this reason, there was general agreement that explicitly telling adult complainants—as opposed to children—not to guess could be problematic, and stakeholders suggested giving complainants explicit permission to indicate uncertainty.

It sounds to me that [telling complainants not to guess] is undermining them right at the start, their ability to give an accurate account. I'm just wondering if it's necessary at all. (Prosecutor)

The only thing that worries me is that telling a complainant 'don't guess' might be a little too limiting. It's okay to qualify an answer. For example, 'I think this might have happened but I'm not 100 per cent sure.' (Victim Representative, Court)

'If you're not sure let me know.' 'If I ask you something and you're not sure about it, tell me that,' or something. It's got to be simple. I was saying 'not sure' because it's a little bit more graded. It gives adult complainants permission to provide hedging. We don't want kids to engage in that behaviour, but with adults we probably do. (Academic 1)

Theme 2: Addressing Specific Cognitive and Emotional Needs

The stakeholders identified a wide variety of potential cognitive and emotional needs with which adult sexual assault complainants could present. Although many of these needs could also apply to other witnesses reporting a wide range of criminal events, the stakeholders perceived that the stress associated with recounting unwanted sexual experiences—alongside the fear of not being believed—could make sexual assault complainants particularly vulnerable. Most of the stakeholders' suggestions centred on making the interview preamble as straightforward as possible to reduce stress and cognitive load, while also bearing in mind that some complainants might find a lengthy 'settling in' process to be preferable.

Empowering the Complainant

The stakeholders described the considerable courage it might take for a sexual assault complainant to come forward, and noted that it was particularly important for them to feel in control of the interview.

I think it's good to give them some control of the process. (Victim Representative, Court)

[The preamble] can be empowering too for some witnesses, for example an Indigenous woman coming in to an interview with a non-Indigenous officer, just to say you can take a break whenever you want, this is your platform. (Academic 1)

I'm a big fan of [the preamble]. I always start a [counselling] session with some sort of spiel like this, just to orient them to the environment. Try and take the scary factor out of it a little bit. Recognise how hard probably it has been for them just to show up and walk through the door. And empowering them. (Victim Representative, Counselling)

Simplification of Preamble

Some of the stakeholders expressed concern that a long introduction—comprising the aims and procedures of the interview, the ground rules, and the instructions about how much detail to report—could overload a vulnerable complainant.

Recognise the impact of trauma as well. They're really terrified about being there, and only able to take in simple sentences until they get warmed up. (Victim Representative, Counselling)

I think [the preamble] is a lot to take in. My main concern is just the plain English, really. Just making [the interview instructions] as simple and easy as possible. And that's not being patronising or making assumptions about their language ability but just, again, the fear factor. (Prosecutor)

[A long preamble is] just too much information for them to have to process, especially if they've just been through something horrendous. (Police Officer 2)

There was also acknowledgement that a long preamble could even decrease the complainant's sense of control over the interview.

The whole message with the open questions and the way that our standard is going to be structured is that you're going to do the talking. And so to start out and say 'Okay, this is about your story and I'm here to find out what happened, so let me just talk for about 50 minutes before I let you speak'... it's not the right message. (Academic 1)

Importance of Rapport-Building and Practice Narratives

Rapport was unanimously seen as crucial in adult sexual assault interviews, but not all stakeholders felt that rapport-building needed to form an explicit component of an interview protocol. Rather, these stakeholders conveyed that a good interviewer would integrate rapport-building techniques into all of their dealings with a complainant—both inside and outside of the interview.

My view is if the other elements we've talked about today—the introduction, the ground rules—if that's all done well I think there is a fair bit of rapport building in there. (Victim Representative, Counselling).

The stakeholders described practice narratives in terms of serving a rapport-building function with most adults—relative to their utility with child witnesses, where a cognitive advantage was more likely to be present (see Roberts et al., 2011).

I don't know why you can't achieve the same level of rapport when you're walking through the front desk down to the interview room by saying 'How was your weekend?' 'What did you get up to?' and 'Where did you go?' and 'Where's that exactly?' and 'How did you get there?' Can't you have a little practice narrative without them even realising it? (Prosecutor)

With adults, we think [the practice narrative] serves more of a motivational purpose. Adults can be told explicitly that they need to report more detail in response to questions. So this is a chance for the witness to settle, but also to actually start talking and sharing some things while in a safe environment. It's a safe topic. (Academic 1)

There is some research out there on female survivors of sexual abuse who talk about their interactions with police. And, although they had both positive and negative things to say, one of the concerns was that they wanted to tell their story but they weren't ready to just spill it out [from the outset], they just needed a few minutes of chitchat. (Academic 1)

The academic stakeholders commented that a practice narrative could be a good way of identifying and addressing specific impairments or other factors that might make communication difficult for a complainant. Such knowledge could shape how the interviewer approaches the substantive part of the interview.

Some witnesses, particularly those who may come from more impoverished backgrounds, are not used to sharing a lot of information or not used to being in the spotlight. (Academic 1)

We don't always know if complainants are going to have any cognitive deficits or language impairments before we start talking to them. A practice narrative gives you the chance to see that—even just to see how cooperative this witness is going to be. (Academic 2).

The practice narrative, however, was not seen as necessary in all cases, and there was some suggestion that it could make the interview process very long—particularly as some complainants would arrive at an interview expecting (and wanting) to get started immediately. After some discussion, the resolution was that practice narratives might be useful in some circumstances but not others, and that the interviewer could make this decision based on the individual complainant. The stakeholders also felt that some complainants might prefer to split the process into two sessions, with the first session laying the groundwork and the second session comprising the substantive interview.

Some people might come in and just think 'I just want to get this over with,' and it might be easier to talk about sensitive topics with a complete stranger and just separate yourself from that. [Others] might feel like 'If I had a bit of a personal relationship with you it'd be easier for me to talk about something really sensitive.' (Academic 2)

I like the idea of it being optional. Maybe you start the questions; you do it as if you weren't intending to have a practise run. And you hit a bump and the person is clamming up and not saying anything, and you need to say 'Would you prefer that we leave it today, maybe we can just have a practise and you can tell me what you've been doing over the weekend, or what sports you like playing, and we'll arrange another time for you to come back and talk about this incident.' (Prosecutor)

If people come in straight off the bat and just say a rape occurred or whatever it is, we'll take them and talk to them and then say 'Okay so the process is this, would you like to give a statement now or would you

like to go home and think about your options?’ We don’t just walk them straight into the interview room, turn it on and go ‘Right, now, tell us what happened then.’ (Police Officer 3)

I had the same concern about lengthening the whole interview process if someone just wants to come in and get it over. If there is benefit in familiarising someone with the style of questioning, it is important enough to be a session itself—perhaps booked in before launching into the statement on a different day, and perhaps have someone from Victim Support sit in as well. (Victim Representative, Counselling).

Theme 3: Acknowledging Factors that could Limit Full Disclosure

The stakeholders expressed that it was critical to consider the myriad of reasons why sexual assault complainants might have difficulty giving a complete account of their experience(s) in a first interview. As well as considering memory processes that apply to all witnesses (e.g., reminiscence; see Payne, 1987), the stakeholders noted that complainants might be particularly uncomfortable revealing such personal details for a myriad of social reasons (e.g., feelings of shame that they or their family may experience, see Lavoie et al., 2019) before they had the opportunity to spend considerable time with the interviewer.

I think the research tells us that victims won’t tell us all the things that have happened. First of all, they’ll minimise aspects of the assault that occurred and not mention others. We need to be conscious of that. (Victim Representative, Court)

Incrementally disclosing things that have happened is natural from a motivational perspective. I may go to a police interview and share most of what happened, but there’s a part that I’m embarrassed to talk about, and then later it comes up in court and it might come out. That’s natural. (Academic 1)

We had a young man who had been sexually assaulted. We had a whole lot of counts and they were all indecent assaults. On about the sixth session this young man had with the prosecutor, he disclosed that there’d been a rape involved. It was only because he got to know everybody well and felt much more trusting. (Victim Representative, Court)

As well as noting that follow-up interviews could occur, stakeholders perceived that the ‘report everything’ instruction could be modified to acknowledge these issues, especially in light of the implications for cross-examination (see later).

One issue with the ‘report everything’ element is how difficult it is for complainants to report everything after such a traumatic event. (Victim Representative, Court)

I wonder if you could tweak the wording to say ‘tell me as much as you can’ instead of ‘tell me everything.’ (Academic 1)

Some stakeholders suggested going further, by asking the complainant to report what they ‘feel comfortable’ reporting, however there was eventual agreement that using the word ‘can’ would cover multiple eventualities.

‘Can’ is so much more ambiguous. [It could mean] how much you felt comfortable with, how much you remembered, or how much you were able [to report]. (Academic 1)

Theme 4: Balancing Coherence with Contamination Risk

The analysis indicated that the stakeholders were aware of—and concerned about—minimising the risk of contaminating complainants’ accounts while still ensuring that interview questions were presented in a coherent order. This issue predominantly arose when discussion turned to eliciting information about more than one event. Sexual offences can occur repeatedly—particularly in the context of family violence (Martin et al., 2007)—and there is often an evidentiary requirement for information that distinguishes one occurrence from another. Stakeholders agreed that following interview frameworks could be difficult in these instances, and they expressed a need for more guidance in this area.

We’ve had some really difficult matters where someone said, “This happened over and over again, it was the same every time,” and we were unable to get any specifics or take charges because it just didn’t come out. And I’m sure it probably did happen but unfortunately the evidence wasn’t there. So any way of trying to get that specified in different ways would be useful. (Victim Representative, Court)

It’s crucial that we be able to identify occasions. We want to be able to identify as many of them as we can, so we can rely on them being charged. But with any count we need to be able to have some confidence that they’ve identified an occasion that we can particularise as either a separate account or part of the overall charge. (Prosecutor)

The group reflected on two possibilities for how interviewers should elicit information about repeated events. On the one hand, some stakeholders supported asking specific questions about one occurrence before moving onto the next, rather than saving all specific questions until the end of the interview.

If you're engaged in conversation with the complainant who is telling you, for example, about multiple occasions and you think that there's something that's ambiguous about how something was able to happen, just deal with it there and then. (Prosecutor)

If you've been provided separate occurrences and had to hold off addressing inconsistencies, and then [later] said things like "Now we'll delve into that one" and "Now we'll delve into that one," it gets a bit difficult. And complainants start to blend things. (Police Officer 2)

Because you're already talking about the incident, [moving on to the next episode] takes away the complainant's attention. And then trying to bring the complainant back to the part of the incident you were speaking about five minutes before and clarifying aspects of it they might have omitted—it gets confusing for them. (Prosecutor)

On the other hand, there was some concern that breaking up narrative responses with highly specific questions could make it difficult for complainants to return to elaborate responses later and could also contaminate their subsequent reports.

Like [Academic 1] said, there is not really a clear answer. Let's say you've got a full narrative about one and—before switching to another—you wanted to go into your specific questions; it then changes how that witness responds to open questions. You've put them back into 'specific questions focus.' (Academic 2)

[One possibility is] to save specific questions to the end, so that they don't contaminate anything. Even if you're asking them about multiple different incidents, you get as much narrative as you can about all of it—completely uncontaminated by any specific or leading questions—and then you address your burning desires. (Academic 2)

Basically, you're at the end of the stage where they've told you everything that they can remember. I think that's the time when you ask questions about 'Okay, well, you said his finger was on your vagina, or under your pants when you were wearing the snow suit,' for example, 'Can you just tell me a little bit more about that, where did his finger go?' so that you're trying to clarify the penetration issue. Rather than just saying 'Okay well, she's told me everything about that incident,

now we're going to leave that incident, I'm going to return to it at the end.' (Prosecutor)

[Complainants] just want to say 'yes' and 'no'. They don't want to give these elaborate accounts, and so when you go back to your specific questions then they think 'Okay, I don't have to work so hard now.' And then you say, 'Tell me about another time.' And they think 'Why don't you ask me questions about it?' That's really the issue. (Academic 1)

Theme 5: Thinking Ahead to a Trial

The stakeholders were particularly cognisant of the potential influence that interview elements would exert on any subsequent trial. There was, for example, some mention of the length of the interview—and particularly the length of the introduction—and how that might affect the jury if it was played in court.

I think if [the interview] was to be used as evidence the only concern I would have would be if [the preamble] was any longer than that. Just purely from that perspective of it going before the jury. (Prosecutor)

The vast majority of the comments that fell under this theme, however, related to how complainants might be cross-examined.

It's a double-edged sword getting that explicit promise [to tell the truth], because if the complainants do say something that's slightly incorrect, they explicitly promised that they would tell the truth and now they haven't—they're lying according to the defence lawyers. (Police Officer 2)

Including [the 'report everything'] element in the complainant's video-recorded interview will cause defence counsel to say to complainants, 'well now you're saying this when you didn't say it before.' (Victim Representative, Court)

If that type of little wording change [from 'report everything' to 'tell me everything you can'] might just make you less susceptible to those kinds of attacks from defence. (Academic 1)

Limitations and Future Directions

The present findings must be considered in light of two primary methodological constraints. First, the reliance on a small number of stakeholders recruited from a single Australian jurisdiction make it difficult to generalise the concerns outlined in this study more

broadly to stakeholders across Australia, and in other countries where the CI is used as the primary adult complainant interview framework. Nonetheless, these results provide in depth insight into the ways in which stakeholders with day-to-day experience in the investigation and prosecution of sexual assault cases perceive that changes to interview frameworks should be made. Future research should examine whether the concerns and suggestions for modification raised here are consistent across other jurisdictions – both nationally and internationally.

Second, the sample was self-selected. That is, it is possible that those stakeholders who chose to take part in the current study might have been particularly motivated to improve the investigation and prosecution of sexual assault cases. In particular, although the participants displayed a deep understanding of the challenges associated with the modifications they were suggesting, they may have been more inclined to favour such modifications to current interview practices despite those challenges. To ensure a balanced discussion, researchers should explicitly seek to include the viewpoints of those who believe that the CI in its current form – and in the hands of a skilled investigator – can still elicit quality information from a complainant of sexual assault while also meeting their emotional needs.

Summary and Implications

It is clear that some aspects of interview frameworks employed with adult complainants of sexual assault could be better tailored to (1) meet the specific investigative and evidential requirements of these cases, and (2) provide complainants with a greater level of emotional support. The present study elucidated the themes that shape stakeholders' thinking and found multi-disciplinary support for making several further developments to current practice. The next step in the adaptation process is to test some of the proposed refinements of the SIM with adults in controlled analogue conditions. This is an important

next step before frameworks are compared. Nevertheless, it is clear from the findings of this first study that, for stakeholders, the ultimate goal is a simpler and more streamlined approach to interviewing adult sexual assault complainants, using a framework that promotes an accurate, coherent, and evidentially relevant account from a well-supported complainant.

CHAPTER 7 – THE UTILITY OF GROUND RULE INSTRUCTIONS WITH YOUNGER AND OLDER ADULT WITNESSES (STUDY 2⁴)

The purpose of this chapter is to present the second study in this thesis, and the second step in refining the interview framework used with adult sexual assault complainants. In the previous chapter I explored multidisciplinary stakeholders' views on the CI and SIM interview frameworks. The stakeholders perceived that both frameworks contained useful interview components that broadly meet investigative and evidential requirements along with complainants needs. This finding is not unexpected given that the CI and SIM framework are guided by the same body of memory and communication research. Despite the many similarities between the two frameworks, however, the stakeholders unanimously agreed that using several interview elements from the SIM with adult sexual assault complainants would improve the quality of evidentially relevant information provided and complainants experiences of the interview process.

One of the interview elements in the SIM framework that stakeholders perceived would be valuable with adult sexual assault complainants was a simple set of ground rule instructions in place of the wordy preamble that appears in the CI. The stakeholders reasoned that the simple set of ground rule instructions that appears in the SIM would sufficiently orient complainants to their role in the interview, reduce the cognitive load placed on them and increase their sense of control over the interview process. Ground rules do appear in the CI. However, some differences exist in the type, number, and delivery of ground rules between the CI and SIM frameworks. For example, unlike the CI, the SIM includes a simple set of rules (i.e., 'don't know', 'don't understand', and 'correct me' rules) and instructs investigators to assist interviewees to apply a ground rule using a practice question (see

⁴ This chapter is based on a published study. The full version of the paper can be found here: Ali, M. M., Brubacher, S. P., Earhart, B., Powell, M. B., & Westera, N. J. (2020). The utility of ground rule instructions with younger and older adult witnesses. *Applied Cognitive Psychology*, 34(3), 664-677.

Chapter 5 for an overview of research on ground rules) whereas the CI largely encourages investigators to remind witnesses not to guess if details are unknown (i.e., say ‘don’t know’) or ask for clarification if a question is not well understood (Fisher & Geiselman, 1992).

Although stakeholders in Study 1 suggested that some ground rules in the child version of the SIM be slightly amended for use with adults, the current study focuses on testing the SIM ground rules as they appear in the framework. This is a necessary first step to determine whether they can be used with adults before any further refinements to the wording are later implemented.

In Chapter 5, I outlined how prior research on the efficacy of ground rule instructions delivered as a discrete interview phase has shown some benefits with children. In comparison, few studies have tested the utility of ground rule instructions with adults. Of the studies that have tested ground rules with adults, the focus has typically been on individual instruction (e.g., ‘Don’t know’). To date, only one study has tested the efficacy of a set of pre-interview instruction designed to improve the quality of adults’ responses. Scoboria et al. (2014) examined the usefulness of a pre-interview training procedure wherein adult participants were provided with several cues aimed to promote appropriate responses to unanswerable Wh- and yes-no questions (e.g., “Were the robbers related?”). The cues encouraged participants to consider whether they could respond to the question based on information available to them and to carefully consider the source of an answer in response to an unanswerable question. The findings revealed that the pre-interview procedure improved responding by enhancing the rejection of unanswerable questions and increasing the likelihood that substantive responses to answerable questions were correct. That participants performance in response to unanswerable questions was enhanced also suggests that pre-interview instructions might be a simple way to improve witnesses’ strategic memory regulation (see Koriat & Goldsmith, 1996). That is, pre-interview instructions may encourage

witnesses to purposefully apply ground rules such as ‘Don’t know’ in response to problematic interviewer questions. Beyond Scoboria et al.’s (2014) study, little attention has been paid to how (if at all) other types of ground rule instructions would impact adult witnesses’ responses to interviewer questions.

While Scoboria and colleagues’ (2014) training study suggests potential benefits to delivering ground rules to adults, further research is needed to establish whether the set of ground rule instructions delivered in the SIM can improve the quality of adults responses and their sense of control during the interview process. Importantly, that research should build on the work of Scoboria et al. (2014) by increasing the ecological validity of the study design using a mixture of question types and follow-up questions from interviewees’ responses. To date, no studies have systematically examined the utility of different types and formats of ground rules with adults. Moreover, no research to date has examined whether ground rule instructions enhance adults’ sense of control during the interview process. This is despite calls for scholars to consider adults experience of the interview process more closely (Fisher & Geiselman, 2010), particularly those like sexual assault complainants who may be highly traumatised (Risan et al., 2016; Risan et al., 2020).

Current Study

The primary goals of the present study were to examine the utility of ground rule instruction with younger (aged 18 to 40 years) and older (aged 60 years and above) adults and to elicit their perceptions about the usefulness of such rules in forensic interviews. They watched a film depicting an implied sexual assault and were randomly assigned to one of three ground rule conditions: Control (no instructions), Statement (instructions only), or Practice (instructions and practice questions). Participants were asked challenge questions throughout the interview designed to test their application of the rules. Proportion accurate

responses to challenge questions served as the dependent variable. Those in the experimental conditions were also asked about their perceptions of the rules at the end of the study.

Hypotheses

In line with prior research, I predicted that adults who received ground rules would provide more accurate responses to interviewer questions than those in the control condition (e.g., Scoboria et al., 2014). For children, practicing ground rules enhances performance compared to merely hearing the rules, but I did not have a theoretical reason to expect the same would be true for adults, so I did not predict differences between the statement and practice conditions. Next, I reasoned that ground rule instructions (with or without practice) would be more useful for older than younger adults due to increasing the conservativeness of responding or making the task demands clearer for the former group (Multhaup et al., 1999; Panksy et al., 2009).

I had secondary research questions about the effectiveness of ground rules based on the format of problematic questions and type of ground rule. I expected ground rule instructions to promote more accurate responses to problematic recognition than recall questions. This prediction rested on the knowledge that recall questions inherently require interviewees to produce (vs. recognise) information and encourage deeper memory processing (Jacob et al., 1993). As such, even without instruction, interviewees should be more likely to notice problems with recall than recognitions questions. Due to a lack of literature, I did not make an *a priori* prediction about differences in the effectiveness of specific rules, but I included Ground Rule Type as a factor in the analyses to explore this possibility. Qualitative analyses regarding perceptions of the rules were data driven.

Method

Participants

Adults were recruited via printed flyers and social media advertisements from the wider community in Australia and Canada, with locations roughly balanced across experimental conditions. Fourteen participant interviews (two older adults) were excluded from the final data: 13 for interviewer error and 1 for audio failure, leaving a total of 130 adults in the final sample (30% male). There were 73 younger adults (age 18–40; $M = 23.38$, $SD = 4.42$) and 57 older adults (age 60+; $M = 71.32$, $SD = 8.30$). This sample size is consistent with studies in this area (e.g., Scoboria et al., 2014). There were 40 participants in the control (19 older), 42 in the statement (18 older), and 48 in the practice (20 older) conditions. Although variation exists in the way age groups have been operationalised across studies comparing memory performance, I selected a broad definition of younger adults to encompass both emerging (18–27 years) and young adults (28–40 years). I selected the older age bracket to capture any potential decline in episodic memory, which typically begins to occur around 60 years of age (Nyberg et al., 1996).

Participants' self-reported ethnic backgrounds were diverse: Australasian (35), European (59), Asian (25), North American (8), South American (2), and African (1). The majority of the sample listed English as their first language (88%). Of the remaining 12%, a small number ($n = 5$) self-reported that they had basic to low-intermediate English language proficiency. All participants provided informed consent, and upon completion of the study were compensated with a \$20 (AUD/CAD) gift voucher for their time. The university's (Deakin and Griffith) human research ethics committee approved the study.

Materials and Procedure

Cover Story

Participants were led to believe that the purpose of the study was to compare two distinct interview training modes. They were told that the interviewers had received training either face-to-face (in a class- room) or through an online course and that, in order to determine which mode of training was more effective, the quality of the inter- views (across training conditions) would be compared. At the end of the interview, participants were asked a series of questions to probe for suspicion.

Target Event

Participants viewed a 7-minute film depicting an implied sexual assault at a massage therapy studio. The film, based on a real case reported to police in an Australian jurisdiction, was selected in order to simulate the added social pressures faced by witnesses being interviewed about emotionally charged events. The film implied that a male mas- sage therapist digitally penetrated his female client. Younger adults viewed the target event on a laptop at the university, whereas older adults were given the option of viewing the target event at the university, their home, or in a quiet public space away from others, based on what was most convenient for them. Regardless of where the interview took place, all other aspects of the study remained consistent.

Distractor Tasks

All participants completed a set of distractor tasks immediately after viewing the target event. They first completed a modified Stroop Task (Stroop, 1935) followed by a Rosenberg Self-Esteem Scale (RSES; Rosenberg, 1965). The RSES is a 10-item scale which required participants to rate their overall self-esteem on a 4-point Likert scale ranging from “Strongly Disagree” to “Strongly Agree”. None of these data are the focus of the current study. Finally, the participants completed a demographic survey which asked about their age,

ethnicity, occupation, and English language proficiency. The delay between viewing the target event and being interviewed lasted approximately 5 minutes.

Interview

Two senior researchers, five trained research assistants, and the author of this thesis conducted individual face-to-face interviews with participants, in roughly equal numbers across conditions. Interviews lasted approximately 15 minutes, and were audio recorded and transcribed verbatim. The interviews consisted of a variety of question types with an average of 35% open- ($SD = 0.10$), 27% cued- ($SD = 0.08$), and 37% recognition- questions ($SD = 0.09$). These proportions are consistent with high-quality field interviews (Snook & Keating, 2011).

Participants were randomly allocated to one of the three ground rule conditions. Those in the control condition did not receive any ground rule instructions. Participants in the statement condition received the ‘don't know’, ‘don't understand’ and ‘correct me’ ground rule instructions in the form of statements. Participants in the practice condition received the same ground rule instructions as those in the statement condition, but also practiced applying them and received feedback if their responses were incorrect. See Table 2 for the wording of the ground rule statements and practice questions.

After delivering ground rules to the statement and practice conditions, interviewers told participants that they had not seen the film and were naïve about what happened. They invited participants to report everything they could remember. Interviews were designed to be as ecologically valid as possible, so they were unscripted and naturalistic in that interviewers chose their subsequent questions based on participants' prior responses. For all participants, *challenge* questions were asked throughout the interview which required application of one of the three ground rules. To help interviewers maintain uniformity in both the phrasing and number of challenge questions, they were given a list of challenge questions from which they

could choose. Interviewers attempted to use challenge questions at topically logical places in the interview so that they would flow with other (nonchallenge) questions.

To elicit a ‘don't know’ response, the interviewer asked a question about an aspect of the film that could not be known to the participant (e.g., “When did [the client] make the appointment at the massage studio?”); to elicit a ‘don't understand’ response the interviewer asked a question that included an arcane word (e.g., “Did the woman show lubency to participate in the massage?”); and to elicit a ‘correct me’ response the interviewer intentionally made a mistake about an aspect of the film (e.g., “Did [client] pay with a cheque or cash?” when she paid by card). The interviewers were instructed to use both recall (e.g., wh-) and recognition (e.g., forced choice) formats for their challenge questions, and include 1–2 for each ground rule (i.e., 6 questions at minimum, up to a maximum of 12). I estimated the number of challenge questions that would be feasible to ask based on the projected length of interviews and approximate number of nonchallenge questions that would be posed in that time frame. Too many challenge questions could have raised suspicion about the aims of the research, but too few would have limited variability in responses.

Table 2

Example Instructions and Practice Questions for the Three Ground Rules

Ground Rule	Instruction
<i>Don't know</i>	<p>When we're talking today, I might ask you a question that you don't know or remember the answer to, and that's ok. I just want you to tell me that you don't know or don't remember.</p> <p><i>Practice question:</i> For example, let's say I asked you: "What did you have for lunch on October the 8th, 2012?" What would you reply?</p> <p><i>Correct:</i> Exactly, thank you. <i>Incorrect:</i> Do you really remember what you had for lunch?</p> <p><i>If they say "yes", then ask,</i> "Well, how do you know what you had for lunch on October the 8th, 2012?" <i>When they admit they cannot remember or do not know, reply,</i> "Ok, so if I ask you something you don't know or don't remember, just tell me."</p>
<i>Don't understand</i>	<p>I might ask a question that doesn't make sense or that you don't understand. Just tell me you don't understand and I'll try to ask it a better way.</p> <p><i>Practice question:</i> So, let's say I told you my job is to quaeritate. What would you reply?</p> <p><i>Correct:</i> Exactly, thank you for telling me, I'll ask that in a different way. <i>Incorrect:</i> Did you understand what [I/ quaeritate] meant?</p> <p><i>If the participant says "yes", reply,</i> "Can you tell me what it means?" <i>If they say no/I don't know, reply,</i> "Ok, so just tell me if something does not make sense and I will ask it in a better way."</p>
<i>Correct Me</i>	<p>And I could make a mistake when I ask you something because I haven't seen the film. If I make a mistake, please correct me.</p> <p><i>Practice question:</i> For example, if I say, "You spent last Christmas alone on holiday in North Korea." What would you reply?</p> <p><i>Correct:</i> Exactly, thank you for correcting me. <i>Incorrect:</i> <i>If the answer is inaccurate (i.e., they do not attempt to correct you),</i> reply, "Did you really spend last Christmas alone on holiday in North Korea?" <i>If the participant says no, reply,</i> "Good – if I make a mistake just correct me."</p>

Manipulation Check and Debriefing

Once the interview was complete, participants were asked several post-interview questions related to their perceptions of the interviewer, the interviewer's training, and whether they thought the interviewer had been trained face-to-face or online. These questions were used to assess the extent to which the cover story was accepted, and to ensure that participants were still naïve about the true focus of the study. Some participants made comments on the interviewers' questioning styles with regard to their training, but none raised suspicion about the true purpose of the study. Immediately after, participants were informed of the true purpose of the study via a written debriefing sheet and an oral summary from the interviewer.

Qualitative Questions

After debriefing, participants in the statement and practice conditions were asked a set of qualitative questions regarding their perceptions about the utility of ground rule instructions in investigative interviews with adult witnesses. Participants were asked whether ground rule instructions are necessary in interviews with adults, and their overall perceptions of ground rule instructions in general.

Coding

Question Types

All interviewer prompts, including challenge questions, were categorised based on their question type. Open-ended prompts were those that invited an elaborate response but did not dictate what information should be reported (e.g., "Tell me more about [pre-disclosed detail]"). Cued-recall prompts were those that dictated the type of information that was required (who, what, when, where, why, and how). Forced choice and yes–no questions provided the participant with two (or more) possible choices from which to select. Challenge

questions were collapsed across categories as either recall- (open-ended/cued-recall) or recognition-based (yes–no or forced choice).

Challenge Questions and Responses

In each interview, challenge questions were identified and subsequently categorised based on the type of ground rule response that was expected (i.e., ‘don't know,’ ‘don't understand,’ or ‘correct me’). The participants' responses to the challenge questions were coded as pass (correctly applied the appropriate ground rule), fail (responded to the challenge question despite not knowing/understanding the question or did not correct the error), or other (when participants applied a different ground rule than the one intended, or provided a response that avoided the interviewer's question). The latter category was used infrequently and was collapsed with the pass category given that participants did not acquiesce to the challenge question. Since participants were asked varying numbers of challenge questions, proportion scores were calculated by dividing the number of correct responses by the number of challenge questions asked.

Film Accuracy

A checklist comprising all the possible details that participants could mention was developed by the author of this thesis and a research assistant through watching the film multiple times and creating an exhaustive list of people, objects, actions, locations, and contextual information. Once complete, there was a total of 130 details that participants could have mentioned based on watching the film. Participants' responses to nonchallenge questions were scored for correct and incorrect details mentioned. None of the participants reported a detail that was not on this list, which was confirmation of its completeness. Accuracy proportions were calculated by dividing the number of accurate details by the total number of details reported.

Reliability

Interviews

Question types were coded in 19 interviews (15% of the sample) by two coders who had prior experience coding question type; Kappa = .93. Identification of challenge questions, type of challenge question, and participant responses were coded in 26 interviews (20% of the sample). Percent agreement for identifying challenge questions was 84%. Kappa for classifying the type of challenge question was .92. Kappa for classifying participant responses (pass/fail/other) was .86.

Reliability for film accuracy coding was initially assessed with 16 interviews by two research assistants who were blind to conditions and hypotheses. Interclass correlation (ICC) estimates and their 95% confidence intervals were calculated based on a mean-rating ($k = 2$), 2-way mixed effects model (see Koo & Li, 2016). Results revealed excellent reliability for correct detail, $ICC = .99, p < .001, 95\% CI [.97, .99]$ and moderate reliability for incorrect detail $ICC = .79, p = .002, 95\% CI [.43, .93]$. The coders met to discuss the scores provided for incorrect details, and discrepancies were resolved via discussion. The coders then independently scored a further six interviews focusing on incorrect detail. Results revealed very good reliability for incorrect detail $ICC = .85, p < .000, 95\% CI [.64, .94]$.

Qualitative Questions

A grounded theory approach was used to analyse participants' responses to questions about their perceptions of the ground rules inductively rather than deductively or from an existing theory (Glaser & Strauss, 1967). I used thematic analysis to organise participants' responses into key themes to reduce the dataset into smaller more meaningful units of analysis (see Miles & Huberman, 1984). In some instances, participants responses reflected more than one theme, however, the majority of responses distinctly fell into a single theme, suggesting strong internal coherence (see Braun & Clarke, 2008). As a result of this

distinctiveness, axial coding was not employed to analyse the few responses that fell into multiple themes. One of the senior researchers and I met to collectively discuss the themes identified. Once we agreed that the themes adequately captured the responses, a blind coder was given the full list of participant responses and asked to apply the themes. Kappa for the coder's agreement with the themes applied by the authors was .91.

Results

Preliminary Analyses

Participant Characteristics and Interviewer Effects

I first examined whether pass rates for the ground rule challenge questions varied based on the participants' characteristics. No difference for pass rate was observed based on gender, $t(127) = .36, p = .72$, interview location (i.e., country), $t(128) = .71, p = .48$, or language proficiency, $F(3, 113) = 1.96, p = .12$. Because the five research assistants were blind to the study hypotheses but the three senior interviewers were not, I assessed whether there were any differences in pass rates across interviewers. A significant difference was driven by one of the blind interviewers, whose mean pass rate ($M = 0.71, SD = 0.21$) was significantly higher than all but one other interviewer, $F(7,122) = 2.77, p = .01$. To address this issue, I ran analyses with and without the 14 participants interviewed by the interviewer with the high pass rate. As the results were comparable, I report findings for the total sample.

Accuracy of Event Reports Across Conditions

Although I expected that ground rules would primarily influence responses to problematic challenge questions, rather than overall event reports, I nevertheless investigated the accuracy of event reports to ensure that conditions were comparable. A 2 (Age Group) \times 3 (Ground Rule Type) Analysis of Variance (ANOVA) on the proportion of accurate event detail provided by participants returned a main effect for age group, $F(1,124) = 8.79, p = .004, \eta_p^2 = 0.07$. The participants were very accurate on the whole, and the difference

between age groups was small, but younger adults provided proportionally more accurate details ($M = 0.92$, $SD = 0.04$) than did older adults ($M = 0.89$, $SD = 0.06$). There was no main effect of condition and no interaction, $F_s \leq 1.38$, $p_s \geq .26$, $\eta_p^2_s \leq 0.02$.

Accuracy of Responses to Challenge Questions

Embedding six types of ground rule challenge questions (three ground rule types \times two formats) at natural points during the interview proved difficult for all interviewers, irrespective of prior interviewing experience (two of the author interviewers had extensive interviewing experience). Out of 130 participants, only 68 (52%) received at least one challenge question in all six categories. Moreover, the percentages of participants who were missing a challenge question in each category were not comparable across conditions. I investigated whether this disparity differed significantly. Two analyses returned significant differences in question delivery: compared to the other conditions, fewer participants in the statement condition were missing ‘don’t understand’ recall questions, $\chi^2(2, N = 130) = 10.02$, $p = .007$, and more were missing ‘don’t understand’ recognition questions, $\chi^2(2, N = 130) = 12.04$, $p = .001$. When recall and recognition formats were considered separately, however, 99 (76%) participants received all three ground rule challenge questions in recall format, and 95 (73%) received all three in recognition format (68 overlapping). I therefore conducted separate 3 (Ground Rules Condition) \times 2 (Age Group) \times 3 (Ground Rule Type) ANOVAs on pass rates to recall and recognition challenge questions.

Recall Challenge Questions

Ground rules condition did not significantly influence pass rates to recall challenge questions (see Table 2). Participants in the control condition ($n = 28$) passed 68% of these questions ($SD = 0.45$), those in the statement condition ($n = 37$) passed 73% ($SD = 0.43$), and those in the practice condition ($n = 34$) passed 65% ($SD = 0.44$).

There was a significant Age Group \times Ground Rules Type interaction. To unpack this interaction, I compared rules within age groups because I was interested in knowing which types of challenge questions were most problematic for each age group (see Table 3 for means and standard deviations). Response accuracy differed as a function of rule type for younger adults. Post hoc tests indicated that younger adults were less accurate to ‘don't know’ than ‘don't understand’ and ‘correct me’ recall challenge questions, the latter not differing. Older adults showed a different pattern. Although the effect of ground rules type was significant, Bonferroni-corrected post hoc tests indicated only a marginally significant difference between responses to ‘don't understand’ and ‘correct me,’ with responses to ‘don't know’ questions not differing from either.

Table 3

Descriptive Statistics for the Age Group by Ground Rule Type Interactions

Age group	<i>n</i>	Ground rule type		
		Don't know	Don't understand	Correct me
Recall challenge questions (<i>n</i> = 99)				
Younger	55	.50 (.45) ^a	.86 (.33) ^b	.73 (.32) ^b
Older	44	.72 (.41) ^a	.76 (.42) ^a	.54 (.43) [*]
Recognition challenge questions (<i>n</i> = 95)				
Younger	49	.61 (.44) ^a	.81 (.38) ^b	.49 (.38) ^a
Older	46	.53 (.44)	.48 (.48)	.51 (.43)

Note. Different superscript letters indicate significant differences at $p < .05$ across rows. ^{*}Post hoc tests indicated that proportion accuracy to the 'Don't understand' and 'Correct me' rules differed at $p = .055$.

Recognition Challenge Questions

Ground rules condition significantly impacted the accuracy of responses to challenge questions in a recognition format (Table 4). Adults in the control condition were significantly less accurate ($M = 0.45$, $SD = 0.45$) than those in the practice condition ($M = 0.64$, $SD = 0.44$) $p = .007$, whereas those in the statement condition did not differ significantly from either of the other groups ($M = 0.59$, $SD = 0.40$), $ps \geq .16$.

It is worth noting that the accuracy difference between recall and recognition questions was large in the control condition (23%), but ground rules with practice elevated performance on recognition questions almost to the level observed with recall questions (mean accuracy of 65 vs. 64% for recall and recognition, respectively). Although missing data meant that I could not directly test the Condition \times Question Format interaction with the overall sample, I nonetheless sought stronger evidence that the benefit of ground rules was greater for recognition questions. Forty participants in the control condition and 47 in the practice condition produced responses to challenge questions in both formats. Mirroring the full sample, the average accuracy difference across formats was 13% ($SD = 38\%$), favoring recall questions, in the control condition but only 1% ($SD = 38\%$) in the practice condition, one-tailed $t(1, 85) = 1.49$, $p = .07$. Although this comparison did not reach significance, the finding suggests that ground rules with practice primarily helped adults resist challenging recognition questions.

Younger adults ($M = 0.64$, $SD = 0.26$) were more accurate than older adults ($M = 0.49$, $SD = 0.26$) in response to recognition questions, but a main effect of age was subsumed by an Age Group \times Ground Rule Type interaction (see Table 4). I unpacked this interaction in the same manner as for the recall analysis. Once again, there was a significant effect of Ground Rule Type for young adults (see Table 3 for means and standard deviations). Here, young adults were less accurate to ‘don’t know’ and ‘correct me’ than ‘don’t understand’

challenge questions. For the older adults, there was no effect of Ground Rule Type. Thus, the overall pattern of the Ground Rule Type \times Age Group interaction was the same for recall and recognition questions, with younger adults showing more variability in responses to different ground rules than older adults.

Table 4

Inferential Statistics for Recall and Recognition Analyses

Effect	<i>df</i>	<i>F ratio</i>	<i>p</i>	η_p^2
Recall challenge questions (<i>n</i> = 99)				
Condition	2, 93	1.05	.35	.02
Age group	1, 93	< 1	.53	< .01
Ground rule type	2, 186	7.20	.001	.07
Condition × age group	2, 93	1.29	.28	.03
Condition × ground rule type	4, 186	1.11	.35	.02
Age Group × ground rule type	2, 186	6.35	.002	.06
Condition × age group × ground rule type	4, 186	< 1	.97	< .01
Recognition challenge Questions (<i>n</i> = 95)				
Condition	2, 89	5.05	.008	.10
Age group	1, 89	7.92	.006	.08
Ground rule type	2, 178	2.52	.08	.03
Condition × age group	2, 89	2.41	.096	.05
Condition × ground rule type	4, 178	1.21	.31	.03
Age group × ground rule type	2, 178	4.62	.011	.05
Condition × age group × ground rule type	4, 178	1.04	.36	.02

Adults' Perceptions of Ground Rules

Most participants (94%) said that ground rule instructions would be useful in investigative interviews with adult witnesses. Four key themes framed their views: that ground rules: (a) reduce the need for impression management; (b) better manage witnesses' emotions; (c) familiarise witnesses with the interview process; and (d) discourage witnesses from filling in gaps in memory. I discuss each theme below and provide illustrative quotes (deidentified and grammatically corrected to improve readability; see Table 5 for additional quotes). Of the 12 participants who did not perceive the rules as useful, seven suggested the rules were not necessary because they were common sense and that adults would employ those rules regardless of whether the rules were delivered by the interviewer or not. Five participants were unsure about the usefulness of the rules and indicated that the delivery of such rules should be determined on a case-by-case basis.

Theme 1: Reduce the Need for Impression Management

Participants ($n = 21$) suggested that adults routinely attempt to control the impression that others form of them in order to avoid negative appraisal. They indicated that the need to manage one's impression would likely be exacerbated during an investigative interview due to the stress and pressure felt by the witness. As a result, to be perceived more positively by an interviewer, participants indicated that adult witnesses might withhold relevant information, speculate, acquiesce to suggestions, or fail to correct the interviewer.

A lot of people are scared that they will be perceived as dumb [by the interviewer] (younger adult – Australia).

The participants expressed support for the inclusion of ground rule instructions as a way to mitigate impression management behaviours during the investigative interview. They indicated that explicitly providing ground rule instructions at the beginning of the interview

gives adult witnesses permission to report information as they remember it, and not to appease the interviewer.

[Ground rules] help in the sense that they don't make you feel afraid to say something incorrect or invalid, they give you the option to say that you forgot something (older adult – Canada).

Theme 2: Better Manage Witnesses' Emotions

Participants ($n = 18$) supported the use of ground rule instructions to better manage adult witnesses' emotions. They highlighted the intimidating and unusual nature of a police interview, and suggested it would cause many witnesses to feel uncomfortable, leading them to provide poorer quality information. The participants also expressed concern that uncomfortable witnesses would be more likely to acquiesce to interviewers.

[When asked to explain the reason why ground rules are important]: Some people might be intimidated if they are in a situation where they are being interviewed by someone. It is not a usual thing to be interviewed [by police] like that (Older adult – Canada).

Interviews that are very strict do not get the best result, and are not the most comfortable for the interviewee. The interviewee will usually get answers wrong if they are not made to feel comfortable (younger adult – Australia).

Participants suggested that ground rule instructions would reduce the power difference between the interviewee and interviewer, making the exchange less intimidating. Interestingly, some participants indicated that ground rule instructions would lower witnesses' perception that investigators are trying to discredit them.

[Ground rules] are helpful at the start of the interview to make you feel more comfortable. I wouldn't even refer to them as rules, I think they are general interview etiquette (younger adult – Australia).

The rules made me feel more comfortable, as though it was okay that I didn't know some things. I think [ground rules] would make people less likely to talk about things that they don't know much about or are untrue (younger adult – Australia).

People don't like being wrong or having self-doubt because it messes with their psyche of what the expectations of the interview are. So by saying those [ground rules] it brings the conversation more to an equal standing. I feel most times in interviews the interviewer makes you feel very small, and in some cases tries to poke holes in your story. So you want to be certain about details, and that then winds you

up. But I believe if you have those ground rules you're treating [the interviewee] as an equal (younger adult – Australia).

Theme 3: Familiarise Witnesses with the Interview Process

Participants ($n = 28$) spoke about the importance of familiarising adult witnesses with the structure and style of the interview and the witnesses' unique role. Communicating this at the beginning of the interview was seen by the participants as a crucial way to orient adult witnesses to investigators' expectations. Participants indicated that poorly familiarising witnesses with the interview process might lead them to take a passive role, which may be particularly problematic when interviewing about traumatic events. The participants asserted that the only way adult witnesses would take greater agency over the interview process was through clear communication of what was expected. Participants also suggested that ground rule instructions were a simple and effective way to orient witnesses to the requirements of the interview and give them greater control of the process.

I think [ground rules] are necessary because they make you feel like the information is not just coming from the [interviewer], I could have input as well. If I did not want to answer a question, I did not have to (older adult – Canada).

[Ground rules] remind people, especially those who have gone through a traumatic experience, that they were the ones who were present at the scene, not the interviewer. So if you notice the interviewer says something that does not match up with your experience the [ground rules] give you a way to challenge what they are saying. The [rules] bring the [interviewer] back to reality and let them know the interviewee is in charge – creating a better structure for the interview (younger adult – Australia).

Theme 4: Discourage Witnesses from Filling in Gaps in Memory

Some participants ($n = 15$) expressed concern about the danger of witnesses guessing answers during the interview. They indicated that, much like children, in the absence of direct and explicit warning, adults would likely provide investigators with a best guess to unanswerable questions. Participants' responses suggested that they did not generally perceive guessing as an impression management behaviour (although a few did). Instead, the majority believed that adults likely engage in this behaviour to make sense of their own

memory of an event and provide a response to the investigators' question. The participants noted the difficulty in preventing such behaviour, particularly given how prevalent it is in day-to-day conversations. However, they were optimistic that ground rule instructions would discourage witnesses from guessing by conveying the acceptability of not having an answer to every question posed.

I think [ground rules] are really important because sometimes when people can't remember, they try and just get some sort of memory out of [the event] which might not actually be true (younger adult – Australia).

I think [ground rules], particularly the rule about not remembering, are important because people are likely to try and kind of make something up, if they are really grasping for an answer. I think [ground rules] set a good tone for the interview to ensure everybody is on the same page. I couldn't have imagined the interview without them (younger adult – Canada).

Table 5

Sample Quotes Reflecting Participants' Perceptions of the Utility of Ground Rules

Theme	Participant number	Response
Impression Management	C96 (older adult – Canada)	<i>Because a lot of people are apprehensive when it comes to being wrong. I've learnt through the years that I'm wrong a lot, so I would rather acknowledge that I'm wrong or don't understand something. I think it has a lot to do with self-esteem as well.</i>
	P20 (younger adult – Australia)	<i>I do think [ground rules] are necessary. I think as adults we try and pretend that we know everything. You would actually get a lot more done [in an interview] when you're relaxed. [Ground rules] make you more relaxed, and help you remember things and not make things up or alter your memory of what happened.</i>
	P22 (younger adult – Australia)	<i>If someone does not understand a question it is important that they get to qualify before they provide a response that might contain false information. From my own experience, if I think something is kind of obvious and I don't know how to respond, I try and answer the question anyway. But if you are given [ground rules] at the beginning of the interview you don't feel stupid just qualifying answers.</i>
Managing Emotions	C103 (older adult – Canada)	<i>I would say that [ground rules] are necessary. When people are being interviewed about a crime, it is an uncomfortable position from the get go. To add to that discomfort, the interviewer is a person of authority. So to be given the option to correct the interviewer if they make a mistake, or ask them to rephrase a question in language you can understand will provide for a better exchange.</i>
	P42 (older adult – Australia)	<i>I think [ground rules] make you feel more comfortable, more relaxed about the whole situation. You are not uptight. Some people would find being interviewed like that very intimidating. So I think [ground rules] make you feel more comfortable from that point of view.</i>
	P103 (older adult – Australia)	<i>I think [ground rules] are necessary if you are in a stressful situation such as being interviewed by the police. If the policeman asks you about details that you were not paying attention or were not important to you it becomes very difficult because this person of authority is asking you questions and you feel as though you have to find the answer to every question. I think if those ground rules are delivered it is good, but the interviewer then needs to be calm when you [use] them.</i>
Process Familiarisation	C81 (older adult – Canada)	<i>I think when adults get interviewed about a serious situation, there needs to be some ground rules. I should know what my rights and responsibilities are, as well as the person conducting the interview. I think that eases the whole [interview] process.</i>

	P41 (younger adult – Australia)	<i>I do think that [ground rules] are necessary. It does not matter if the person being interviewed is a child or an adult, setting the ground rules is a good way to start. It ensures that the [interviewer and interviewee] are on the same page. It also helps the [interviewee] understand what the expectations are, both parties then know what they are supposed to do.</i>
	P16 (younger adult – Australia)	<i>I think [ground rules are necessary] because when adults are being interviewed it is conversational based. The interview is very give and take.</i>
Discourage Witnesses from filling gaps in memory	C60 (younger adult – Canada)	<i>I think [ground rules are necessary]. If someone doesn't know something, they might speculate and say this is what happened and they might continue with that instead of just saying I don't know. Some of the vocabulary you used was more advanced as well. I think most people would ask for clarification but some people would assume they know what you are asking and just guess. I think [ground rules] are relevant.</i>
	C82 (older adult – Canada)	<i>I think you have to deliver those ground rules so that people do not feel as though they are forced to make answers up. [The rules] would make people feel as though they are not being forced to accept what you're saying. You need to lay those rules to just say this is how we play the game, so you don't get skewed information. I think [ground rules] are necessary.</i>
	C101 (older adult – Canada)	<i>I think the [ground rules] are necessary because people have to know that it is okay to say I don't know or I don't understand. People should not feel pressured to come up with an answer, sometimes they might not know the answer and speculate by saying maybe this or that happened. [Ground rules] eliminate the maybes.</i>

Discussion

The current study provided some evidence that ground rules can improve the response quality of adult witnesses in the face of some types of nonoptimal interviewer questioning. Specifically, adults who practiced ground rules were more accurate in response to recognition-based challenge questions than adults who received no rules, in partial support of my first hypothesis. Performance of the statement condition did not differ from the other conditions and ground rules did not significantly improve response accuracy in the recall analysis.

Contrary to my second hypothesis, ground rule condition did not interact with age group for responses to recall or recognition prompts. It also did not differentially affect performance on the three rule types. These findings suggest that delivering a set of ground rules (with practice) may be helpful to younger and older adults and does not seem to target performance for one particular rule. Regardless of ground rule condition, younger adults were more affected by the type of ground rule challenge question than older adults for both recall and recognition formats and were particularly unlikely to use a 'don't know' response when appropriate. Older adults' performance did not vary across ground rule types, except for a slightly poorer performance on 'correct me' challenge questions in response to recall questions.

Supplementing the quantitative findings, the majority of adults perceived ground rules favourably and highlighted the ways in which these rules would facilitate more accurate information from witnesses while also making them feel more comfortable during the interview process. In the subsequent sections, I elaborate on the findings of the present research with reference to broader theoretical and practical implications.

Effect of Ground Rules on Response to Challenge Questions

That adults provided with an opportunity to practice ground rules were more accurate in response to recognition challenge questions compared to those who received no rules is consistent with prior research with children demonstrating the benefits of practicing ground rules over no-rules control groups (e.g., Krackow & Lynn, 2010; Saywitz & Moan-Hardie, 1994). Ground rule instructions encourage greater metamemory awareness by prompting witnesses to consider: (a) whether they understand what is being requested; (b) whether they possess the requisite knowledge or memory to answer; and (c) whether the response they will provide originates in their own experience or from some other source (Brubacher et al., 2015; Scoboria et al., 2014). This is particularly important in the context of recognition-based challenge questions, which—unlike recall questions—limit witnesses' opportunities to engage in deep memory processing and force them to select from one of two options, neither of which might be correct (Milne & Bull, 2003). As a result, the finding of no ground rule condition effect in the recall analysis is unsurprising given that recall questions generate more accurate responses, irrespective of whether instructions are provided or not (Waterman et al., 2001).

Hearing ground rule instructions in the absence of practice should still encourage adults to use more conservative response strategies than participants who do not receive any instructions (e.g., Chambers & Zaragoza, 2001), but the present data suggest that this condition was only weakly effective. This finding is consistent with research demonstrating limited or no benefit when children *only* hear ground rules compared to a no-instruction group (e.g., Ellis, Powell, Thomson, & Jones, 2003; Peterson & Grant, 2001). I posit that practicing the ground rules heightened attention to them and may have kept the instructions fresher in memory during the interview. Anecdotally, many participants (in both experimental conditions) commented that they had viewed the ground rules as “just part of

the interviewer's protocol." Thus, while they remembered hearing them, perhaps those who also practiced processed the instructions more deeply, connected them better to the task at hand and felt more comfortable drawing attention to nonoptimal interviewer questions. This proposition requires further research.

Developmental Differences in Responses to Challenge Questions

Younger adults outperformed older adults in response to challenge questions in the recognition analysis, with no significant difference in their responses to challenge questions in the recall analysis. This finding could be due to the greater attentional resources required when identifying problematic recognition questions compared to problematic recall questions. Recall questions require interviewees to generate a response, while recognition questions only require the respondent to choose an option. At first glance, the present results appear contradictory to Danckert and Craik's (2013) findings that older adults show greater deficits in recall versus recognition questions compared to younger adults. I was unable to directly compare across question format, but mean performance on recognition questions for older adults was roughly 20–25% lower than for recall questions (with the exception of 'correct me').

I suggest that older adults' difficulty in answering recall questions has a buffering effect on problematic interview questions. Unanswerable or incomprehensible recognition questions may go unnoticed because a response can be provided without processing, in contrast to recall questions (Jacoby et al., 1993). This proposition might not be supported for questions containing interviewer errors (i.e., 'correct me' challenge questions). Here, the difficulty posed by recall questions might lead an interviewee to focus on the information sought, rather than the surface features of the question. For example, "Where did [the lady] say she felt sore from her work at the hospital"? seeks information about a part of the woman's body but contains erroneous information about her workplace. In the present study,

older adults were slightly less accurate to 'correct me' recall questions compared to the other recall types. Future research should explore this topic by testing ground rule type and question format as primary research questions and maintaining greater experimental control.

Younger adults' performance differed as a function of the type of ground rules challenge question for both recall and recognition questions. In particular, young adults struggled with admitting a lack of knowledge but not with admitting a comprehension failure. In the recall analysis, they accurately responded 'don't know' less often than accurately using 'don't understand' or correcting the interviewer; in the recognition analysis, performance for challenge questions that required a 'don't know' response or a correction was poorer than for indicating a comprehension failure. The 'don't know' findings appear congruent with the broader literature. Even under free recall conditions when 'don't know' responses are available, some witnesses answer questions of which they have little knowledge (Ackerman & Goldsmith, 2008). Younger adults may have been reluctant to admit ignorance too often because of the socio-communicative assumption that they should be accurate but also helpful and informative (Smith & Clark, 1993).

That younger adults were less accurate to 'correct me' recognition challenge questions in comparison to 'don't understand' questions suggests differences in the fluency of processing between different types of challenge questions. Erroneous recognition questions appear to have been more easily processed by younger adults than incomprehensible recognition questions, leaving the error undetected. Nonsensical words embedded in 'don't understand' challenge questions may have interfered with the ease at which information was retrieved. Conversely, erroneous recognition questions comprised topic relevant words, querying information that was consistent with the film's content but incorrect. These types of challenge questions would have been more fluently processed leading to information coming to mind more rapidly and in turn generating illusions of familiarity (Lindsay & Kelley, 1996).

Adults' Perceptions of the Usefulness of Ground Rules

Overall, adults indicated that they believed ground rules can improve the quality of a forensic interview and better meet the emotional needs of witnesses. Of the few participants who deemed ground rule instructions as either having little or no utility, none suggested that the rules were patronising.

Adults in this study indicated that the more comfortable a witness feels, the better the quality information they will provide to police. This view is consistent with research examining sexual assault victims' perceptions of the police interview process, which illustrates the difficulty victims experience regulating their emotions during the police interview because of trauma that is a direct result of the assault itself (Jordan, 2008; Patterson, 2011). Because these emotional needs are overlooked during the interview, victims report difficulty in providing information to police and, in some instances, experience secondary trauma (Jordan, 2008).

The majority of adults in the current study demonstrated an acute understanding of how trauma could affect a victim during the police interview. The participants were especially concerned about the ramifications of a traumatic event for victims' recollections during the interview. Our participants believed that interviewers should make a deliberate effort to attend to victims' emotional needs and ensure that such efforts empower victims to disclose what happened to the best of their ability. The majority of the participants indicated that simple ground rules might be one way to achieve these objectives. Given that police officers have requested greater training on how to manage victims' emotional needs during the interview (Westera et al., 2023), ground rules could be one relatively simple way to emotionally support adult complainants, particularly those being interviewed about highly traumatic events.

Limitations

The findings of the current study should be considered in light of the methodological constraints. First, the delay between the target film and interview was short. A longer delay would have resulted in some memory decay (Read & Connolly, 2007). Poorer memory for the film could have permitted me to uncover differences among ground rules conditions in accuracy for film details.

Second, despite my selection of a film with salient and emotionally charged content, it was not participatory, and may have varied in its personal relevance to participants. The efficacy of ground rules may be affected by whether the interview topic is about a witnessed versus lived event. This would be an interesting area for future research, and I encourage researchers to develop novel ways to assess the usefulness of ground rule instructions with adults using personally meaningful events.

Third, despite the interviewers' best efforts, it was difficult to achieve a fully balanced set of challenge questions for all interviewees (i.e., at least one recall and one recognition question for all three ground rule types). This limited my ability to examine differences in performance across ground rule type and question format. I urge researchers to test claims that ground rules may be more effective for problematic recognition than recall questions.

Fourth, although I tried to match our age groups by recruiting older adults living independently to avoid the inclusion of older adults suffering from cognitive impairments, I did not screen them using evidence-based tests of executive functioning. It is possible that cognitive and neurocognitive differences exerted some impact on the results of the study. Similarly, compared to the younger adults, a greater number of older adults in this study were interviewed at a place of convenience (e.g., their home). It is possible that the differences in environment (lab versus participants home) may have impacted levels of comfort and thus performance during the interview. Future research should consider how to balance these

trade-offs especially with harder to reach participant groups that are understudied in the interviewing literature (i.e., older adults).

Lastly, a proportion of my sample (12%) reported low to intermediate English language proficiency. Although this assessment was self-report in nature, it is possible that this may have impacted their ability to engage fully in the interview. Future research could account for English language proficiency differences in a more controlled manner.

Nevertheless, the inclusion of such samples increases generalisability of the findings to sub-populations with low to intermediate English language proficiency but are not proficient enough that they do not require an interpreter during a police interview.

Summary and Implications

The findings from this chapter lend support to the idea that a simple set of ground rule instructions routinely delivered to children can also confer benefits to the quality of adults' responses and provide a greater sense of control over the interview process. The study presented in this chapter, therefore lends some support to the suggestions made by stakeholders in Study 1 that ground rules that appear in the SIM framework could improve the quality of adult sexual assault complainants reports and experience of the investigative interview. However, it is important to acknowledge that while the findings presented in this chapter demonstrate the usefulness of breaking research silos that exist between the adult and child interviewing domain further empirical research is needed to resolve questions about the utility of such rules under more naturalistic settings. Nevertheless, as a preliminary step towards adapting the SIM framework for adult complainants of sexual assault, data from this second study indicate that interview components frequently used with children can also be effective with adults. In light of this finding, and the small number of previous ground rules studies with adults (Chambers & Zaragoza, 2001; Scoboria & Fisico, 2013; Scoboria et al., 2014), I suggest that it may be worthwhile for investigators to use a simple set of ground

rules coupled with age-appropriate practice examples in forensic interviews with adult witnesses including those reporting a sexual assault.

CHAPTER 8 – THE UTILITY OF PRACTICE NARRATIVES WITH MOCK ADULT SEXUAL ASSAULT VICTIMS ACROSS TWO DELAY INTERVALS (STUDY 3)

This chapter presents the third study in this thesis, and the third step in adapting the SIM framework for use with adult sexual assault complainants. In Chapter 6 (Study 1), I canvassed stakeholders' views on how to refine the current interview framework used with adults so that it more closely aligns with the needs of stakeholders in cases of sexual assault. In Chapter 7 (Study 2), I tested whether a simple set of ground rule instructions—like those that appear in the SIM—would improve the quality of adults' accounts and their experience during the interview process. The stakeholders also supported the inclusion of an optional practice narrative phase (in some format) to enhance trust and comfort with the interviewer and the interview process. Narrative practice is a rapport- building exercise that has thus far been used primarily with children (see Chapter 6 for a review). Few studies have tested whether the benefits that narrative practice confers to children might also extend to vulnerable adult witness groups. Thus, the purpose of Study 3 was to test whether narrative practice would improve the memory quality of adults' accounts and to explore adults' perceptions of this interview element.

Typically, narrative practice involves the interviewer and child spending a few minutes talking about a recent positive or neutral event the child experienced, to practice the types of questions and responses that will subsequently be used to explore the allegation (Roberts et al., 2011). Narrative practice has been shown to increase the amount of information children provide about subsequently discussed substantive topics. This is likely achieved through the following routes: building rapport and trust between the child and interviewer, enabling the complainant to retrieve information from episodic memory; and familiarising complainants with the structure and nature of questioning as they progress into discussing the allegation during the substantive component of the interview (Roberts et al., 2011). There are no

theoretical reasons why these benefits would not extend to adult complainants of sexual assault.

Despite potential benefits of narrative practice, only one published study to date explicitly tested this phase as delivered to children with an adult sample (Brubacher et al., 2020). In that study, adults ($N = 62$) aged 18-62 watched a short video of an implied sexual assault that occurred at a massage studio. After a 12-minute delay, researchers interviewed them with an interview framework that did or did not begin with narrative practice. At the end of the interview, participants in the practice condition shared their perceptions of the narrative practice phase. Researchers found that narrative practice did not affect the quality of adult witnesses' accounts of the video, and adults reported mixed feelings about its utility in enhancing both comfort and memory performance.

The findings from Brubacher et al. (2020) suggest that narrative practice could be helpful for adult witnesses in certain circumstances but not others (e.g., it may benefit when emotional needs are high and memory demands are somewhat lower). However, their study was subject to several methodological constraints. Firstly, the study relied on a videotaped film depicting an implied sexual assault at a massage studio as the target event. Although that film was selected due to its relevance, it was not participatory and may have varied in its emotional valence to the participants. Anecdotally, although an assault was implied, not all participants perceived that an assault took place. Secondly, the study design and the use of the videotaped film meant that participants adopted a bystander perspective. The findings might not generalise to victims who have had a more direct experience. Third, participants in the study were interviewed after a very brief delay (12 minutes). Such a short delay is unrepresentative of the timeframe in which victims of sexual assault are interviewed by police after making a complaint. For example, prior research shows that victims of sexual assault do not immediately make a complaint to the police, and when they do, they are

interviewed 14 days later, on average (Westera et al., 2013). Therefore, victims would experience some natural memory decay as a result of the protracted time frame between the time of the assault and the police interview (Read & Connolly, 2007).

Brubacher et al.'s (2020) study also raises important questions about the underlying theoretical mechanisms explaining why narrative practice could improve some adult witnesses accounts but not others. Participants who found narrative practice unhelpful indicated that it was not helpful because it interfered with their ability to retain details of the target film they had just watched (i.e., the practice narrative *increased* the cognitive load on bystander witnesses; Kieckhafer, 2014). For victims, however, narrative practice might free up cognitive resources required by decreasing the need to manage anxiety related to the memory of the event and the interview process. With this reduction in anxiety, victims should be in a better position to focus on memory retrieval and source monitoring tasks during the interview, ultimately improving the accuracy of their accounts. Further, narrative practice might be more helpful for interviewees who directly experience traumatic events (versus those who do not) and require a stronger interpersonal relationship with investigators (Kieckhafer, 2014; St Yves, 2006). Enhancing trust and rapport through narrative practice might increase the emotional security required to disclose intimate or distressing detail.

In sum, the utility of narrative practice with adult witnesses remains unclear. Including this phase might be a relatively straightforward rapport building tool that improves an adult sexual assault complainant's eyewitness report, whilst reducing anxiety about the interview process. Although research on the utility of narrative practice with adults is beginning to receive attention, little is still known about the conditions under which (and the underlying mechanisms why) adult interviewees could benefit from the technique as a tool to improve their memory reports and experience of the interview process.

Current Study

The primary objectives of the current study were to test the effect of narrative practice on the accuracy and completeness of information provided by mock victims after a short and long delay. The study also canvassed adults' perceptions of the utility of narrative practice. Participants completed an immersive and interactive online event that portrayed an unwanted sexual encounter from the perspective of a victim (i.e., first person). After completing the online event, the participants were randomly allocated to one of two rapport conditions: active control (model statement) or narrative practice and were interviewed either 2-days (short delay) or 2-weeks (long delay) after completing the online event.

Hypotheses

Drawing on research showing the decay of memory over time (Read & Connolly, 2007), I hypothesised that participants interviewed after a short delay would provide a greater number of accurate details than those interviewed after a long delay (Hypothesis 1). I predicted that participants in the narrative practice condition would provide a greater number of accurate details than those in the control condition (Hypothesis 2). I expected there would be an interaction between delay and condition (Hypothesis 3) but did not predict where the differences would lie. Specifically, there are theoretical reasons to expect that the difference between the preparation conditions would be greater at the shorter than longer delay (if the practice condition lowers anxiety resulting in a better memory search) and reasons to expect a greater difference at the longer than shorter delay (if the bolstering effects of practice are only evident when memory has decayed somewhat). Finally, I predicted that the majority of participants in the narrative practice condition will find the practice helpful in enhancing comfort in the interview process and interviewer (Hypothesis 4).

Method

Study Design

The present study adopted a 2 (preparation: practice narrative, control) x 2 (delay: short [2 days], long [2 weeks]) factorial design and used the quality of participants and the perceptions of the utility of narrative practice (for participants in the experimental condition) as the dependent variables of interest. The materials used are freely available on:

https://osf.io/v6fup/?view_only=4e83e69f23a846d9a2fea3b55085ea58

Participants

I calculated the sample size with the aim to power the main effect hypotheses (H1 and H2), because I did not have a solid basis upon which to predict the size of the interaction effect. Effect sizes on memory accuracy for delay and rapport are typically at least medium size when interviews contain a variety of question types (e.g., Kieckhaefer et al., 2014; Read & Connolly, 2007; Roberts et al., 2004; Vallano & Schreiber Compo, 2011). I ran a power calculation using G*Power 3.1 (Erdfelder et al., 1996) for ANOVA main effects. That computation suggested that a minimum of 128 participants would be needed to detect medium effect sizes ($f = .25$) with power .80, alpha .05, for 2 groups.

I recruited adults aged between 18-35 years, who spoke English and resided in Australia, the United States, or Canada. Although I expected the majority of the sample to be female identifying, the study was not limited to people who identified as female and heterosexual. Participants were recruited through several different forums including a website that hosts university-led online research, social media (Facebook, Twitter), and by posting flyers on campus at Griffith University and in the community.

From the 128 participants that were recruited, one participant was excluded from the final sample due to age. This left a final sample of 127 adult participants (26% male; $M_{\text{age}} = 26.40$, $SD_{\text{age}} = 3.95$). Sixty-three of those adults were in the narrative practice condition. I

intended to complete the study entirely in-person. Due to COVID-19 restrictions, however, many people requested that their interview be conducted remotely to minimise the possibility of infection transmission. As a result, just under half of the interviews (49.60%) were completed online via Microsoft Teams.

Most participants resided in Australia (96.90%) with the remainder residing in North America ($n_{\text{Canada}} = 1$, $n_{\text{USA}} = 3$). Just over half of the sample reported an undergraduate university degree as their highest level of education (52.00%). The remainder reported that their highest level of education was either up until college or a vocation (25.20%) or a graduate degree (22.80%). Most of the participants identified as heterosexual (87.40%) with the rest identifying as either bisexual (5.00%), pansexual (1.70%) or other (5.90%). The average number of sexual partners for the sample was 2.03 ($SD = 1.29$). With respect to race, the sample was diverse and included African (83), Anglo-Saxon (26), Asian (11), Arab (2), Pacific Islander (1) and Biracial (3) individuals. Most participants listed English as their first language (61.40%). Of the remaining 38.60%, the majority self-reported that their knowledge of spoken English was either excellent (85.70%) or good (14.30%). These participants also indicated that their knowledge of written English was either excellent (85.40%) or good (14.60%). All participants were informed that they could cease participation in the study at any time and that they could withdraw their data until completion of the interview session, but none did. Those that completed the interview session were compensated with a \$20 (AUD) gift voucher for their time. The human research ethics committee of Griffith university approved the study.

Materials

Cover Story and Event

Participants were led to believe that the focus of the study was on understanding perceptions of relationship violence scenarios. They were told that the research team

members were interested in investigating people's experiences of intimate partner violence and sexual assault. The event that the participants completed was based on an acquaintance rape scenario that was presented using a modified version of the *participant choice procedure*, which has been validated for examining people's responses to hypothetical sexual aggression (see Flowe et al., 2007, 2011, 2019). That procedure was developed to maximise participant involvement in hypothetical scenarios by allowing them to control the level of interaction they have with others in a scenario (e.g., whether a victim accepts a drink) and the level of intimate contact.

The scenario in the current study was presented electronically on a laptop (or other electronic device such as an iPad). On the opening screen, participants read that they would take part in an immersive online event. They were instructed to imagine themselves experiencing the situation and make choices about what they would do as the event unfolds. The scenario commenced with the participant learning they have been invited to a house party. From here, participants were required to make choices about the direction, and or elements within, the event. For example, participants could select which conversational group (e.g., politics, sports) to join at the house party and the personality type (e.g., witty, confident) of the individual who would eventually invite them (i.e., the victim) to their residence. Later in the event, an implied sexual assault takes place at the perpetrator's residence. Unlike Brubacher et al. (2020), the event used in the present study placed participants in the perspective of the victim and not a bystander. All the choices made by participants were saved within the online platform that administered the event (i.e., RedCap) so that the researchers were able to record and cross-check the accuracy of participants' memories and verbal accounts against their event choices later in the experiment.

To maximise immersion, the event included short video clips, images, audio, and text. While the event may be distressing, extreme care was taken to ensure that all study images, text, and video were non-graphic (and were less triggering than content participants would experience in their daily lives on media or in the news).

Demographic Questionnaire (Session 1)

The participants completed a demographic questionnaire that asked about their age, country of residence, country of origin, English language proficiency, sexual orientation and number of previous sexual partners. The questionnaire in the present study acknowledged that some participants may find questions intrusive and stated that all questions were entirely optional.

Word Stem Completion Task (Session 2)

A word stem completion task was used at the beginning of the interview session to enhance the likelihood that participants experience some level of anxiety prior to the interview (so that rapport building strategies could have an effect). The word stem task required participants to encode neutral (e.g., juice, shell) and sexual assault threat-related (e.g., judged, shame) words that have the same stem (first two letters). After the encoding phase, participants were presented with the word stems and completed them orally as quickly as possible. The word stem task used in this study was adapted from prior research (see Michael et al., 2005). The word threat completions were coded to determine how often the participants completed the words with the threat stem versus the neutral stem. These threat word completions were tallied and divided by the total number of neutral and threat word completions to derive a threat index. This task was included because people typically arrive at forensic interviews feeling anxious to talk, and rapport building activities are used to increase their comfort and willingness to share from the outset of the interview.

Anxiety Scale (Session 1 and 2)

Measures of self-reported anxiety were taken at the end of the event (Session 1), shortly before the interview, and towards the end of the interview (Session 2). The same self-report anxiety scale was used at all assessment points. The scale used was a simplified version of the Wong-Baker faces® pain rating scale (see Appendix A). This version was different enough from the trademarked scale (<https://wongbakerfaces.org>) that permission to use the scale was not required.

I elected not to give labels to each face, but rather numbers and a visual representation in order not to make assumptions about how people would describe their own experience (e.g., anxious versus upset versus angry). Thus, selecting the number one on the scale represented a happy mood and six represented anxiousness/distress/frustration. Participants who reported experiencing a six at any time were assessed by a member of the research team, who reminded them that there is no obligation to continue and asked them if they needed support. None of the participants reported the need for further support.

Procedure

The participants were provided with plain language statements that described the nature of the study, and consent forms which could be completed online. The consent forms included several content warnings about the content of the study and event. The forms required participants to acknowledge that they had read and understood the study and the content warnings. After reading the consent form, participants who were interested in taking part in the study were asked to complete the following details in order to consent to participate: email address (so they can be contacted for the second session), age (to verify they are over 18), an acknowledgment that they have read the content warning, an acknowledgment that the study included two sessions and that the second session would be audio-recorded, and agreement to participate.

Session One

Participants arranged a date with a member of the research team and those that opted to complete their session online were sent a Microsoft Teams link for their session one. One the day of their first session, participants engaged in a video conference with the member of the research team, who provided them with a secure link to complete the immersive online activity on their laptop or computer. The participants were then provided a unique identifier that they used to enter the online event (this identifier would be used to track participants responses but was replaced with a deidentified code upon completion of the session two interview, to unlink their data with their identity). Once the participant was ready to commence the event, the research team member and participant turned their camera and microphone off so that the participant could complete the event without distractions. This was done to mirror typical analogue studies whereby a participant would watch a target event individually in a room with a research team member waiting outside. Participants were instructed to turn their microphone on if they experienced technical difficulties or otherwise required the assistance of the research team member.

Upon completion of the event, the participant rated how they were feeling (anxiety scale 1) and then answered a series of demographic questions online. Participants typically completed session one in approximately 20 minutes. Then, both the participant and the research team member turned their cameras and microphones back on. The research team member then asked how the participant was feeling and if they needed support services. None of the participants in the current study requested additional support. After this, the participants were thanked for their time and told that they would be contacted shortly to schedule their second session. They were also told at this point, that they could withdraw their participation if they chose and that this would delete their data, including email address used to schedule the session two interview. Later that day, a member of the research team

emailed the participants to invite to take part in the second session, either 2 days or 2 weeks after completing the event session. The same procedure was used with those who completed their session one in-person. The only difference here was that the interviewer left the room once the participant was ready to commence the event and returned once the participant had completed the event.

Session Two

At the scheduled date and time, the participants met with a researcher either in the lab, a quiet location of their choosing, or remotely to complete their interview. Prior to the interview the participants entered their unique identifier from session one on the electronic device being used. This led to instructions indicating that the participants would be completing a word stem task and instructions on how to complete the task. These instructions indicated that the participants would be presented with a word-stem task on the electronic device being used. This task lasted approximately five minutes. Next, they completed the second self-report anxiety measure. Prior to commencing the interview, the research team member explained that they were interested in the participants' perceptions of the online event scenario they completed in session one, but that session two was also a memory interview, and the participant would be asked to report what they had experienced.

After introducing themselves and stating the date and time for the recording, the interviewer commenced the rapport building phase. Participants in the narrative practice condition were invited to talk about a recent pleasant event that they experienced (“before we talk about what happened during the scenario you experienced, some people find it helpful to settle in by chatting about something pleasant, like a social event maybe or something fun you’ve done recently, is there anything like that you can think of?”). If the participants were unable to select a topic, the interviewer used back up invitations to help participants identify an event (e.g., “what did you do on the weekend?” and “what are some of your favourite

things to do?”). After participants had selected an event, they were steered to focus on a specific episode. Participants were then encouraged to expand on their event using open-ended questions (e.g., “Tell me more about [aspect of event]”?). Interviewers were instructed to discuss the practice narrative topic for about five minutes.

Participants in the active control condition listened to an audio recording of a model statement that was based on an innocuous incident unrelated to the online event (see Bogaard et al., 2014). The content of the model statement was developed specifically for this study. The content was based on a woman who had spilled coffee on her foot while on the way to meet a friend who would accompany her to a farmers’ market. The recording lasted five minutes. Prior to playing the recording, interviewers explained to participants that the recording was indicative of the amount and type of details expected during an interview. Given that real world police interviews typically involve some sort of settling-in process, I reasoned that a control method that makes preparatory time equivalent was necessary. Thus, the model statement rather than a true control (i.e., beginning the interview with no preparation) was included to balance the amount of time those in the practice narrative condition spent with the interviewer before being interviewed about the event and allowing for a settling-in period.

Interview Procedure

After the rapport building phase, interviewers commenced the substantive phase. To increase the external validity of the study, the interview framework used was broadly guided by an evidence-based best-practice interview framework used by police in parts of Australia known as the Standard Interviewing Method (SIM) (see Powell & Brubacher, 2020 for overview). The procedure commenced with the delivery of ground rule instructions. The ground rules were followed by a broad open-ended invitation to the participant to describe the event. Interviewers then used a combination of open-ended and cued recall (Wh-

questions) questions to encourage participants to provide more detail. Verbal and non-verbal encouragers (e.g., head nods; ‘mhm’) were kept to a minimum. Importantly, participants were provided with the same opportunity to answer questions through partial pre-scripting of the interview to include ten of each open-ended, cued recall, and yes-no questions. The interview script was developed after the event was created to ensure that event features were incorporated into the specific questions.

At the end of the memory interview, the participants completed another self-report anxiety scale on the electronic device and then a short survey questionnaire that asked about their perceptions of the interview and interviewer (these data are not the focus of this study). They were told that the interviewer would not see those responses to promote more honest responding. Once participants had completed the interviewer perceptions questionnaire, they were asked a set of qualitative questions. Those in the practice narrative condition were] asked three questions: (1) “When we talked about [*topic*], did it help (or hinder) you in any way? E.g., did you feel more comfortable or any less comfortable to talk to me?” (Please explain); (2) “That initial chit chat phase is called a practice narrative and they are typically used with vulnerable witnesses like children to build rapport and familiarise them with the style of questioning during a forensic interview. Do you think a practice narrative helps build rapport with an adult witness?” (Please explain); and (3) “Do you think spending time *talking about something else* at the beginning of an interview would be helpful or unhelpful for someone who will then be interviewed about a highly personal and traumatic event? Why or why not?” Questions (1) and (3) were also amended to focus on the model statement and delivered to participants in that condition.

Finally, the participants were debriefed. In addition to previously described ethical safeguards, the participants were informed during the debrief that the study has an important underlying prosocial development aspect. They were told that discussing topics like assault

and consent aligns with federal campaigns designed to tackle sexual violence and violence against women in Australia (see *Respect.Now.Always* <https://www.universitiesaustralia.edu.au/project/respect-now-always/>), Canada (see *Women's Foundation GetConsent* <http://getconsent.ca>) and the US (see *It's On to Us* <https://www.itsonus.org> program). Thus, the debrief was also used as an opportunity for the participants to consider the importance of having these discussions. Indeed, prior research has shown that positive experiences in sharing sensitive information can promote later disclosure of wrongdoing (Wolitzky-Taylor et al., 2011). The debrief statement also invited participants to provide their email (unconnected to their data) for a summary of results upon the completion of the study and to receive their gift voucher. In total, the second session took approximately 50 minutes to complete.

Coding

Details about the event were coded as *accurate* (broken down by accurate reporting of (a) people, (b) settings and objects, (c) actions and conversations, and (d) event choices), *inaccurate* (e.g., describing a detail imprecisely, such as saying that the house number was 45 when it was actually 34), *confusion* (reporting a different choice option than the one actually made) or *confabulated* (reporting something entirely new that never happened during the event and was not a choice option). To categorise the details provided by participants, a research member associated with the study developed a scoring template that was used to check against participants' event scripts. Three additional detail types were also coded: *event-related unverifiable details*, *event-experience*, and *interview-related details*. Event-related unverifiable details are details that relate to what the participant was thinking, feeling, and experiencing during the event session from the perspective of the victim. These details are relevant in cases of sexual assault as cognitions and thoughts are often used to establish the nature of consent and the victims frame of mind (see Zajac et al., 2019). Event-related details

included those that were emotion-positive (e.g., “I was having fun at the party”), emotion-negative (e.g., “I was a little worried about going to Jaime’s house alone”), or emotion-neutral (e.g., “I was surprised that they left the party with someone they’d just met”). Event-experience details were statements made by the interviewee about their experience interacting with the event that come from their own perspective, rather than the victim perspective (e.g., “I was thinking that I would never let this happen to me.”). Lastly, interview-related details were those that related to how participants felt during the interview (e.g., “I thought I would feel more uncomfortable talking about this experience, but actually it feels really positive”).

Reliability

The author of this thesis and a second coder who was blind to the experimental conditions and hypotheses coded and scored interviews. Intercoder reliability was calculated on 25 interviews (20% of the sample) of for accurate details (i.e., for people, settings and objects, actions and conversation, and event choices) errors (including inaccuracies, confusion, and confabulations), event experience details (positive, negative, neutral and experience, experience), interview related details and finally the perspective adopted by participants when reporting the event. Interclass correlations (ICC) estimates and their 95% confidence intervals were calculated based on a mean-rating ($k = 2$), 2-way mixed effects model (see Koo & Li, 2016 for overview).

The findings revealed excellent reliability for accurate details: people description ICC = 0.94, $p < .001$, 95% CI [0.86, 0.97]; setting and object details ICC = 0.99, $p < .001$, 95% CI [0.98, 0.99]; actions and conversations ICC = 0.95, $p < .001$, 95% CI [0.90, 0.98]; and event choices ICC = 0.98, $p < .001$, 95% CI [0.96, 0.99]. There was also excellent reliability for errors including: inaccurate details ICC = 0.92, $p < .001$, 95% CI [0.82, 0.97]; confusion ICC = 0.98, $p < .001$, 95% CI [0.97, 0.99]; and confabulations ICC = 0.92, $p < .001$, 95% CI [0.83, 0.97]. Excellent reliability was also achieved for event experience details including

those that were: positive ICC = 0.92, $p < .001$, 95% CI [0.83, 0.97]; negative ICC = 0.96, $p < .001$, 95% CI [0.91, 0.98]; neutral ICC = 0.99, $p < .001$, 95% CI [0.98, 0.99]; as well as event experience ICC = 0.93, $p < .001$, 95% CI [0.85, 0.99]. Finally, there was a high level of reliability between coders for the perspective adopted by participants when reporting the event ICC = 0.94, $p < .001$, 95% CI [0.87, 0.97]. Reliability was not calculated for interview related details as there was no variance between participants (i.e., none of the participants in the sample provided interview related details during their interview). Consequently, that variable was no longer considered in subsequent analyses. Due to the high level of reliability between the coders, the remainder of the sample was divided between the author of this thesis and the independent blind coder.

Qualitative Questions. The qualitative responses were coded and analysed using the software package NVivo. Participants' qualitative responses were analysed inductively rather than deductively or from an existing theory (Glaser & Strauss, 1967). I used thematic analysis to organise participants' responses into central themes so as to reduce the dataset into smaller more meaningful segments of analysis (Braun & Clarke, 2006; Miles & Huberman, 1984). I then met with a senior research team member to collectively discuss the themes. Once we came to an agreement that the themes appropriately reflect the responses, a blind coder was given 10% of the responses and was asked to apply the themes to participants responses. Kappa for the blind coder's agreement with the author of this thesis was .71 (theme 1), .81 (theme 2), .89 (theme 3) and .77 (theme 4).

Results

Analytic Approach

My analytic plan comprised three stages. In the first stage, I examined whether the experimental conditions were balanced for demographic and interview related factors and explored the effect of manipulations used in the study (e.g., word stem completion task).

Second, I explored whether the demographic and interview related factors had an effect the dependent measures of interest. Third, I explored whether there were differences across the experimental conditions on measures of memory performance and event experience. Because my predictions focused on overall accuracy, I decided to collapse the differing categories of accuracy into a single variable for the main confirmatory analyses. The same approach was used to collapse inaccuracies into a single error variable. Although I anticipated errors would comprise only a small proportion of participants' accounts due to the largely open-ended and recall-based nature of the interviews (Brubacher et al., 2020; Lamb et al., 2007; Powell et al., 2005), I nevertheless explored how they differed between the experimental conditions. The results for all analyses I conducted are reported.

Demographic Balance and Manipulation Checks

Examination of demographic variables across the narrative practice and model statement conditions revealed that gender, age, the number of sexual partners were balanced across rapport conditions, $ps > .165$. Next, I compared the distribution of in-person and remote interviews across the experimental conditions. The findings revealed that the experimental conditions were evenly distributed for interview modality, $X^2(1, N = 127) = 0.01, p = .929$. Following that I examined whether there were differences in the proportion of completed threat words in the word stem task. The results revealed no significant difference in the number of threat words completed by participants across the two rapport conditions, $t(125) = 1.84, p = .068$. I subsequently considered where self-reported anxiety (i.e., faces scales) after the word stem task and rapport building activity differed across the two conditions. No significant difference emerged for participants self-reported anxiety after the word stem task across conditions, $t(125) = 0.83, p = .205$. However, there was a significant difference for self-reported anxiety after the rapport building activity across the two conditions, $t(124) = 7.15, p < .001$. Here, adults in the model statement reported significantly

higher levels of anxiety on the faces scale ($M = 2.78$, $SD = 1.01$) compared to those in the practice narrative condition ($M = 1.58$, $SD = 0.11$). Finally, I explored whether the measures of anxiety (i.e., word threat completions and self-reported anxiety) were correlated with the dependent measures of interest (i.e., accuracy and errors). Bi-variate correlations (see Table 6) revealed that word threat completions were negatively and significantly correlated with the number of accurate details reported by participants, $r(125) = -0.24$, $p = .006$. No other measure of anxiety was correlated with the dependent variables. Consequently, I decided to retain word threat completions as a covariate in the main confirmatory analyses.

Table 6

Correlations Between Adults' Memory Performance and Measures of Anxiety

	1	2	3	4	5
1. Accurate details	-				
2. Inaccurate details	.09	-			
3. Self-reported anxiety (post Word stem task)	-.08	-.04	-		
4. Self-reported anxiety (post rapport building phase)	-.07	.15	.40***	-	
5. Word stem threat index	-.24**	-.11	.02	.09	-

Note. ** $p < .01$, *** $p < .001$

Preliminary Analyses

Impact of Participant Characteristics and Interview Related Factors on Memory

Performance

Several simple linear regressions were used to examine whether participant age significantly predicted the number of accurate details and errors they reported across the accuracy and error categories. With respect to the accuracy categories, none of the overall regression models were statistically significant, $R^2 \leq .02$, $F_s \leq 2.00$, $ps \geq .16$, suggesting that participant age did not significantly predict reporting of accurate details across the accuracy categories, β 's $\leq .13$. The same pattern emerged for errors; none of the overall regression models were statistically significant, $R^2 \leq .01$, $F_s \leq 0.32$, $ps \geq .57$. Participant age did not significantly predict reporting of accurate details across the accuracy categories, β 's $\leq .05$.

Next, I examined whether there were gender differences in the number of details reported across the accuracy and error categories. No differences were observed between males and females for details across the accuracy categories, $F_s \leq 1.10$, $ps \geq .29$, $\eta_p^2 \leq 0.01$. For the error categories, a significant difference between genders emerged on the number of confusion details reported by adults, $F(1, 126) = 4.95$, $p = .028$, $\eta_p^2 = 0.04$. Female participants' accounts contained a greater number ($M = 0.92$, $SD = 0.84$) of details that confused aspects of the event compared to the accounts of males ($M = 0.54$, $SD = 0.83$). No other gender differences were observed for the remaining error variables, $F_s \leq 1.75$, $ps \geq .18$, $\eta_p^2 = 0.01$.

I then explored whether interview modality (in-person versus remote) impacted participants memory performance across the accuracy and error categories. The findings showed a significant difference for the reporting of accurate event choices, $F(1, 126) = 7.49$, $p = .007$, $\eta_p^2 = 0.06$. Adults who completed their interview in-person reported a greater number ($M = 4.80$, $SD = 2.54$) of accurate event choices than those who were interviewed

remotely ($M = 3.55$, $SD = 2.56$). No other significant differences on any of the memory performance variables emerged, $F_s \leq 3.58$, $p_s \geq .06$, $\eta_p^2 \leq 0.06$.

Finally, because (only) two of the interviews were conducted by female research team members, I considered whether the pattern of memory performance differed depending on their inclusion or removal. Consequently, I conducted a 2 (rapport condition) x 2 (delay type) Analysis of Variance on the categories of accurate and error detail with the two female-led interviews removed. The pattern of these findings was identical when the interviews with the two female research team members were included. Thus, I decided to retain these participants in my subsequent analyses including those pertaining to my hypotheses.

Impact of Rapport and Delay Condition on Memory Performance and Event Experience

I conducted a series of 2 (rapport condition) x 2 (delay type) ANOVAs on the categories of accurate details. With respect to accuracy, a significant difference emerged between the delay groups for reporting of action and conversations, $F(1, 123) = 8.87$, $p = .003$, $\eta_p^2 = 0.07$. Here, adults interviewed after a 2-day delay provided a greater number ($M = 39.33$, $SD = 1.86$) of action and conversation details than those interviewed after a 2-week delay ($M = 31.54$, $SD = 1.84$). There was a similar main effect for rapport condition, $F(1, 123) = 5.42$, $p = .022$, $\eta_p^2 = 0.04$. Inspection of the marginal means revealed that adults in the model statement reported a greater number ($M = 38.48$, $SD = 1.86$) of action and conversation details than those who completed a practice narrative ($M = 32.39$, $SD = 1.85$). There was also a significant main effect of delay type for accurate reporting of event choices, $F(1, 123) = 9.87$, $p = .002$, $\eta_p^2 = 0.07$. Unsurprisingly, adults interviewed after a short delay ($M = 4.88$, $SD = 0.31$) provided a greater number of accurate event choices than those interviewed after a longer delay ($M = 3.49$, $SD = 0.31$). No other significant differences emerged for the remaining accurate detail categories, $F_s \leq 0.81$, $p_s \geq .08$, $\eta_p^2 \leq 0.02$.

A similar series of ANOVAs were run on the categories of errors. However, because the inaccuracies variable had unequal variance, I examined differences between the experimental conditions using Welch's F test on that dependent measure. The findings revealed a main effect of a rapport condition for the number of inaccurate details provided, $F(1, 118.10) = 11.46, p < .001, \omega^2 = 0.08$. Adults in the model statement condition reported a greater number ($M = 5.89, SD = 3.97$) inaccurate details than those in the narrative practice condition ($M = 3.76, SD = 3.05$). No similar difference for delay type on inaccurate details were observed, $F(1, 118.71) = 1.29, p = .258, \omega^2 = 0.00$ nor were there significant differences on any of the remaining memory error categories, $F_s \leq 2.83, p_s \geq .09, \eta_p^2 \leq 0.02$.

Data screening revealed that all but one event experience measure (i.e., negative event experience) violated the homogeneity of variance assumption based on Levene's test, $p_s \leq .012$. Consequently, I used Welch's F test to compare differences between the experimental groups on measures of event experience. The findings revealed a significant difference between the two delay groups on the number of neutral event experience details provided during the interview, $F(1, 106.39) = 5.54, p = 0.02, \omega^2 = 0.03$. Participations interviewed after a short delay provided more ($M = 2.58, SD = 2.76$) event neutral experience details than those interviewed after 2-weeks ($M = 1.60, SD = 1.80$). No other significant differences emerged across the remaining three measures, $F_s \leq 3.09, p_s \geq .08, \omega^2 \leq 0.02$. The same set of analyses revealed no significant difference between the two rapport groups on for all event experience measures, $F_s \leq 0.09, p_s \geq .13, \omega^2 \leq -0.01$. Finally, a chi-square analysis was conducted to explore differences in the perspective participants adopted when reporting the event between our experimental groups. The findings revealed no significant difference in the perspective participants adopted when reporting the event between the rapport group, $X^2(2, N = 127) = 5.15, p = .076$ and delay condition, $X^2(2, N = 127) = 0.72, p = .699$.

Confirmatory Analyses

Memory Performance

To test predictions 1 to 3, a 2 (rapport condition) x 2 (delay type) ANCOVA, covarying word threat completion score, was conducted on the number of accurate details provided by participants (see Table 7). This revealed a main effect for delay condition, $F(1, 122) = 6.71, p = .011, \eta_p^2 = 0.05$. As expected, participants interviewed after a shorter delay (2-day) provided a greater number ($M = 55.53, SD = 2.75$) of event details than those interviewed after a longer delay (2-week) ($M = 45.44, SD = 2.73$). A main effect for rapport condition also emerged, $F(1, 122) = 5.36, p = .022, \eta_p^2 = 0.04$. Contrary to our expectation, participants in the model statement condition (i.e., control) provided a greater number of accurate details ($M = 55.03, SD = 2.74$) than those who received a practice narrative ($M = 45.95, SD = 2.76$). There was no interaction effect between rapport condition and delay type, $F(1, 122) = 0.24, p = .622, \eta_p^2 = 0.00$.

Next, I examined whether the experimental conditions differed on memory errors. A 2 (rapport condition) x 2 (delay type) one-way Analysis of Variance (ANCOVA) on the number of memory errors reported by participants revealed a main effect for rapport condition, $F(1, 122) = 5.03, p = .027, \eta_p^2 = 0.04$. Inspection of the estimated marginal means indicated that the memory accounts of participants in the model statement (i.e., control group) contained a greater number ($M = 11.09, SD = 0.68$) of errors than those in the practice narrative group ($M = 8.90, SD = 0.68$). There was no effect of delay type, $F_s \leq 0.771, p_s \geq .38, \eta_p^2 \leq 0.01$.

While participants memory performance differed on accuracy (between rapport and delay conditions) and on errors (for rapport condition only), these differences were based on the raw number of accurate or errors reported by participants during their accounts. I considered whether the differences observed between the groups would hold when

accounting for the *proportion of accurate details* reported by participants. A 2 (rapport condition) x 2 (delay type) one-way Analysis of Variance – covarying word threat completions – (ANCOVA) on the proportion of accurate details provided by participants revealed a main effect for delay condition, $F(1, 122) = 4.63, p = .033, \eta_p^2 = 0.04$. Inspection of the marginal means revealed that participants interviewed after a short delay (2-day) provided proportionately more ($M=0.84, SD = 0.80$) accurate details than those interviewed after a longer delay (2-week) ($M=0.80, SD =0.01$). No differences emerged for the proportion of accurate details provided for rapport type, $F(1, 122) = 0.01, p = .928, \eta_p^2 = 0.00$, nor was there a significant interaction effect between delay type and rapport condition, $F(1, 122) = 0.06, p = .81, \eta_p^2 = 0.00$.

Table 7

Memory Performance Data for Immersive Online Event

	<i>df</i>	<i>F ratio</i>	<i>p</i>	η_p^2
Raw Accurate details				
Word stem threat index	1, 122	8.63	.004	.06
Delay type	1, 122	6.71	.011	.05
Rapport group	1, 122	5.35	.022	.04
Delay type \times rapport group	1, 122	0.24	.622	.00
Raw Inaccurate details				
Word threat index	1, 122	2.97	.087	.02
Delay type	1, 122	0.77	.382	.01
Rapport group	1, 122	5.02	.027	.04
Delay type \times rapport group	1, 122	0.40	.528	.00
Proportion of Accurate details				
Word stem threat index	1,122	1.32	.251	.01
Delay type	1, 122	4.63	.033	.03
Rapport group	1, 122	0.01	.928	.00
Delay type \times rapport group	1, 122	0.06	.807	.00

Note. *p* values in bold denote significant difference between groups.

Adults' Perceptions of Narrative Practice

Participants overwhelmingly viewed narrative practice as helpful for adults. More specifically, most participants indicated feeling more comfortable after completing a narrative practice in the study (79.68%), that narrative practice (as delivered to children) would be helpful for adult witnesses (70.31%), and that narrative practice would be particularly helpful for adults who are reporting a highly personal and traumatic event (65.62%). Participants articulated a wide range of reasons for why they perceived narrative practice as being helpful when interviewing adult complainants of sexual assault. These reasons often related to the psychological and emotional impact of an assault, how these consequences would shape adults' participation during the interview, and what effect these consequences would have for the interpersonal relationship between the complainant and interviewer.

Participants' comments suggested that narrative practice would help to address these issues. Although views of the participants overlapped and varied across the three qualitative questions, I identified four overarching themes that shaped their views: (1) managing the negative emotions of interviewees; (2) understanding the interview process; (c) establishing a relationship with the interviewer; and for those who viewed narrative practice as unhelpful (4) considering individual and situational factors.

Although the model statement condition was an active-control group in the current study, as a point of comparison, only 37.50% of participants felt more comfortable after hearing the statement in the study and 42.18% felt as though a model statement could be helpful for adults reporting a highly personal and traumatic event. For most participants, the model statement increased anxiousness and stress about their own memory for the target event.

Practice Narratives as a Helpful Activity

Theme 1: Manages the Negative Emotions of Interviewees. The need to manage adults' negative emotions was one of the more dominant themes that emerged from participants responses ($n = 48$). Addressing adults' emotions was seen as a key piece in conducting a successful interview. They suggested that such an interview would allow complainants to freely provide details that may be distressing or humiliating. Practice narratives were seen as useful in achieving this goal. Within this broad theme, I identified three subthemes; namely that practice narratives reduce feelings of uncertainty about the interview process, reduce anxiety about discussing sensitive details, and enhance a sense of therapeutic support. Each of these themes is now discussed in turn.

Subtheme 1a: Reduces Feelings of Uncertainty about the Interview Process. For some participants ($n = 14$), the negative emotions were the product of not knowing what form the interview would take and what the process itself would entail. This gave rise to negative feelings such as anxiety and a sense of awkwardness when interacting with the interviewer, which participants suggested the practice narrative alleviated.

“Because I felt like [the practice narrative] took away that bit of like anxiety or that bit of like, yeah, it took away that bit of like anxiousness” (BL029, female, in-person).

“[The practice narrative] just made the interview like a conversation between each other. Like, it took away the awkwardness from the conversation” (BL045, female, remote)

Subtheme 1b: Reduces Anxiety about Discussing Sensitive Details. For a handful of other participants ($n = 11$), the negative emotions they were experiencing stemmed directly from the immersive event they completed in session one. These participants highlighted the difficulty in disclosing details about a sexual assault. They indicated that, in light of the difficulty associated with being involved in such an event and having to later describe it, the practice narrative helped them relax before commencing the interview.

“Well, I remember the experience. It was a bit intense, the activity that I did from a couple of weeks ago. So, I was feeling a little anxious about having to talk about it. So [the practice narrative] lightened up the mood”. (BL094, male, remote)

Subtheme 1c: Enhances Sense of Therapeutic Support. A considerable number of participants ($n = 24$) suggested that the practice narrative was useful for building rapport with adults due to its therapeutic benefits. This group of participants pointed out that experiencing a sexual assault and relaying details about that assault to an unknown individual in an unfamiliar location such as a police station requires a relationship akin to that built by therapists (i.e., therapeutic alliance). Amidst building this type of relationship, participants indicated that an adult witness would gradually feel more comfortable with the investigator, location (e.g., police station), and disclosing traumatic details about their assault.

“I think [a practice narrative] is helpful like making people comfortable and stuff and I know with like therapy, they do that a lot as well and like trying to make conversations almost like a comfort thing as well. Just talking about something that isn't related” (BL027, female, in-person).

“I am comfortable talking to strangers, but I think sitting in like a police station or something like that, where it's all quite clinical and cold and then jumping straight into questions would be very intimidating. Whereas like, you know, having a chat about something else, calms you down”. (BL083, female, in-person)

Some of these participants noted that the therapeutic benefit in a rapport building activity like a practice narrative is that it could help ground adults in the here and now. These participants reflected on the possible consequences of a traumatic assault on an adult and indicated that some adults may be grappling with markers of dissociation. They suggested that a practice narrative may be one option that could help these adults participate fully later in the interview.

“[the practice narrative] brings you out of your head and into your body, but in a way where you can still reflect” (BL082, male, in-person)

Theme 2: Facilitates an Understanding of the Interview Process. The second theme related to how the practice narrative could assist adults better understand the interview process. Participants noted that because most individuals are likely to be unfamiliar with the

process of a police interview (and may experience feelings of uncertainty; see Theme 1a), a practice narrative would appropriately orient adults to the interview process.

“I think [the practice narrative] made me more comfortable because I kind of understood how the questions might be in regard to the next situation.” (BL108, female, remote)

Subtheme 2a: Models Type of Responses Required. For some other participants ($n = 35$) the practice narrative usefulness lay in its ability to model the style of conversation that would occur later in the substantive phase of the interview. In particular, the practice narrative conveyed a sense that more elaborate and detailed responses were preferred, without the need for explicit requests from the interviewer.

“Because you were asking more questions and wanted to know more. So, I was like okay. At first I was keeping it simple and vague but [then] I just kept talking and talking.” (BL095, female, remote)

“Yes, I think so. Yeah. Because I think during our practice, you asked me to describe like, the [practice narrative topic]. So then when during the actual interview when you asked me again, I was able to describe it pretty in detail because I had like the practice.” (BL125, female, remote)

Subtheme 2b: Conveys a Sense that the Interviewee is in Control. A handful of participants ($n = 16$) spoke about the sense of empowerment that the practice narrative would provide adult victims. These participants suggested that because the interviewer was not present during their chosen practice narrative event, they felt as though they were in control. These feelings align with a key goal of evidence-based interview frameworks which is to transfer control and signal to victims that they are the experts on the matter at hand (see Fisher & Geiselman, 2010).

“I’d say comfortable one because [the practice narrative] gave me confidence to get talking. And because, you know, that small part of me [felt like] everything that happened in [practice narrative topic] was in my memory. Whereas I feel like you have control over the interview as the other part [and you were] empowering me to tell my story. I feel like control over that.” (BL096, male, remote)

“I think as I [practice narrative topic], if you had any questions, I was able to answer it. So, I felt more comfortable as in like I knew what I was talking about.” (BL123, female, remote)

Theme 3: Establishes a Relationship with the Interviewer. The final theme that shaped participants views for why a practice narrative was helped was its potential to establish a relationship with the interviewer. Several participants (n = 13) spoke about how the completing the practice narrative helped build rapport between them and the interviewer.

“I feel like it was more comfortable because [the practice narrative] helps like build rapport.” (BL041, female, in-person)

Subtheme 3a: Shows Interviewer is Engaged and Attentive. Others (n = 30) described how the practice narrative gave a sense that the interviewer was engaged and attentive to the event they were describing. For many of these participants, genuine interest on the part of the interviewer appeared an important aspect of the interviewer-victim relationship. Some participants suggested that a key outcome of interviewers showing genuine engagement and attentiveness was greater trust from victims.

“It was just that you were listening to what I was saying. And I could tell that you were paying attention. And that you were interested in talking about something sort of pleasant as well. It made it easier to not really feeling like you had to be heavily focused on what was going on because you can just recall something [fun] that's already happened. That's kind of like a nice experience.” (BL087, female, in-person)

“[The practice narrative] just builds trust, and puts [the interview] on a one-on-one level and people open up to you” (BL112, female, remote)

Practice narratives as an unhelpful activity

Theme 4: Considering Individual and Contextual Factors. Participants who viewed the practice narrative as being unhelpful for adults predominately spoke about how individual and situational factors would (or in the case of those who were uncertain about the helpfulness of a practice narrative, could) hinder its utility with adult victims. Within this broader theme, I identified three sub-themes: the personality and preference of interviewees, the cognitive capability of adults, and the jarring shift from a pleasant topic to one about an assault.

Subtheme 4a: Personality and Preferences of Interviewees. A handful of participants ($n = 19$) cited personality and individual preference as a reason why practice narratives may be unhelpful for all adults. They suggested that a practice narrative could make some adults less comfortable because they would be able to discuss highly sensitive details without a rapport-building exercise and thus would prefer to dive into the interview straight away.

“Honestly, I felt a tiny bit more uncomfortable, because I kind of just wanted to like, do the [interview]” (BL026, female, in-person)

“I don't know. I feel like that's like really individual dependent, because there are some people [that are like] I'm here because I have to be and I'm just going to try to recount everything in the most like, clinical way possible. And there's others where they just need someone to talk to at that stage.” (BL041, female, in-person).

Some participants felt that compelling adults who fell into these categories to complete a practice narrative could potentially disempower them and compound negative emotions.

“Like I imagine it would also be quite frustrating or humiliating at times, if you're, you know, waiting to be interviewed, and then someone's asking you about your day when you've had something traumatic happened to you.” (BL105, female, remote)

Subtheme 4b: Capability of Adults. A small number ($n = 5$) of participants suggested that the practice a practice narrative would be unhelpful with adults because, unlike children, adults are able to emotionally and cognitively capable of completing an interview without this type of activity.

“[For] anyone over 18 I don't think [the practice narrative] would help because I feel like people already think about how they tell stories. If I was just telling a story as if it happened, then it would be easy” (BL032, female, remote)

“I guess some adults you know, you can just start speaking straightaway, you can just start communicating straight off the bat.” (BL111, male, remote)

Subtheme 4c: Conversational shift from a pleasant topic to one of an assault. Some participants felt a practice narrative would be unhelpful for adults because the transition from a pleasant and fun topic to one concerning a highly personal and traumatic event may be too jarring a shift. One participant noted that this shift may be particularly problematic in specific cases involving high levels of violence.

“I don't think that having a [practice narrative would be] helpful. Like having them like recall something happy and then being like, okay, now let's dive right into this like traumatic thing that happened to [you].” (BL048, female, remote)

“If it's like a victim of domestic violence you can't just ask you know, [for] a positive story. Like, tell me the time you went to Tasmania and like what happened, you know, all that” (BL096, male, remote)

Discussion

The aim of the current study was to explore the utility of a practice narrative—a preparatory interview component intended to build rapport and comfort with vulnerable witness groups such as children—with adults using a novel immersive and interactive online event. The study tested whether (1) adults who completed a rapport condition provided better quality accounts than those in a control group, (2) adults interviewed after short delay (2-days) had better memory performance than those interviewed after a long delay (2-weeks), (3) rapport activity interacted with delay type, and (4) the majority of adults would perceive a practice narrative as helpful.

Four key findings emerge from this study. First, adults interviewed after a 2-day delay and those that heard a model statement (i.e., control group) provided more accurate details than those interviewed after 2-weeks and given narrative practice, respectively. Second, no differences emerged on the number of memory errors reported between the delay conditions; however, adults who heard a model statement had a greater number of memory errors in their accounts. Third, a delay period did not interact with the type of rapport building activity adopted prior to the interview. Finally, when accounting for the proportion of accurate details provide by participants, adults interviewed after a 2-day delay were more accurate than those interviewed after 2 weeks, but the difference between the model statement and practice narrative group no longer remains. Adults in the model statement condition scored significantly higher on self-reported anxiety after the rapport building phase (i.e., immediately prior to the interview) than those exposed to a practice narrative.

Practice Narratives and Adults' Memory Performance

Given the large body of eyewitness research that has shown memory performance declines with greater levels of delay (see Read & Connolly, 2007), I focus my discussion on the findings as they relate to the rapport conditions rather than those showing that interviews after a shorter delay yield more accurate information than those after longer delays. My prediction that adults who completed a practice narrative would provide more accurate details than those in a control (model statement) was unsupported. When considering raw details, adults who heard a model statement outperformed those who completed a practice narrative on accuracy, but their accounts also contained a greater number of errors. This finding may reflect expectations adopted by adults in the model statement concerning reporting behaviour and thresholds. For instance, prior to playing the model statement, adults were told by the interviewer that the recording represents the amount and type of detail expected in an interview. This may have incentivised adults to adopt reporting behaviours that prioritised the quantity of information they provided to interviewers (e.g., Koriat & Goldsmith, 1996). Once the proportion of accurate details was considered, however, adults in the model statement did not significantly differ from those in the narrative practice condition. Thus, the quantitative data suggest that narrative practice neither bolsters nor hampers adults' memory performance.

Unlike a model statement, which likely encourages interviewees to report greater volumes of detail (Porter et al., 2018), the underlying mechanism by which practice narratives are thought to improve memory performance is through reducing witnesses' negative emotions (e.g., anxiety, stress) by promoting familiarity with the interview process and the interviewer (Roberts et al., 2011). Victims of highly sensitive and traumatic events such as sexual assault, in particular, may suffer more acutely from these negative emotions prior to a police interview (Gilbert, 1998; Maddox et al., 2011; Risan et al., 2020). Moreover,

because victims often delay reporting their assault for a myriad of social reasons, negative emotions may become more pronounced during this time and up until they do decide to make a report to the police. Thus, addressing these negative emotions allows victims to direct their cognitive efforts to retrieving (accurate) details about their assault in response to investigators' questions. Although adults in the narrative practice condition reported feeling significantly less anxious than those in the model statement group, the present study suggests that feeling *less* anxious prior to commencing the interview did not translate to differing memory performance (at least in comparison to a model statement).

Only one other study to date has tested the usefulness of narrative practice with adults (e.g., Brubacher et al., 2020). Using a bystander event (rather than one from a victim's perspective), that study found that a practice did not affect the quality of adult witnesses' accounts of a mock sexual assault. Brubacher et al. (2020) concluded that investigators should consider the use of practice narrative with respect to the individual needs of witnesses and the circumstance of the case. My findings lend some support to those of Brubacher et al., using a more emotionally-laden and personalised event experience over differing delay periods. Yet, it may be premature to conclude that narrative practice has little to no effect on the quality of adults' accounts during investigative interviews. Instead, the findings of this study, along with those of Brubacher et al., appear to suggest that in the context of adult sexual assault interviews (with mock bystanders and victims), narrative practice may not necessarily confer memory performance benefits or impairments. However, whether and how narrative practice influences adults' memory performance in other types of investigations and differing vulnerable populations (e.g., cognitive impairments or communication needs) remains unclear. Further, as so little research has been done to investigate methods of preparing adult witnesses for interviews, it is unknown whether the format of practice for adults could be altered to produce greater benefit. In this study, the practice phase was

delivered in the same way as it is for children (i.e., talking about a specific and recent past event).

Adults' Perceptions of the Usefulness of Narrative Practice

The overwhelming majority participants indicated that narrative practice would be useful for addressing the socio-emotional needs of adult victims. A small minority of participants expressed uncertainty about the helpfulness of narrative practice. These participants suggested that narrative practice utility is contingent on individual and contextual factors (e.g., adults' personality and preference) and may be suitable on a case-by-case basis. An even smaller number indicated that adult victims may not benefit from narrative practice. These participants cited the same reasons as those who expressed uncertainty about the helpfulness of practice narratives.

Participants in this study demonstrated an understanding of the consequences of a traumatic event such as a sexual assault on a victim's ability to participate fully during police interviews. The need for investigators to manage negative emotions stemming directly from an assault in addition to those relating to the interview process dominated much of participants' viewpoints. This concern echoes much of the broader research on victims' recollections of the police interview process, which can often be marked by difficulties in regulating negative emotions and complex psychological consequences of trauma (e.g., dissociation; Jordan, 2008; Risan et al., 2016; Risan et al., 2020). Overlooking or ignoring the emotional needs of complainants during the police interview poses serious consequences. Complainants on the receiving end of poor or absent emotional support can be at risk for secondary trauma (Ahrens, 2002; Campbell, 2005). This has knock-on effects for the quality of a complainant's account and in turn undermines their opportunity of a fair outcome (Patterson, 2011). At the same time, research canvassing investigators' perspectives on the challenges associated with conducting sexual assault interviews suggests that tending to the

emotional needs of complainants remains one of the most difficult aspects of these interview types (Westera et al., 2023). The findings relating to adults' views suggests that narrative practice (in some format) might address these issues despite it being used with vulnerable witness groups such as children. This positive view of narrative practice appears to be driven by the fact that this activity is a relatively simple yet effective way to ensure that investigators demonstrate that they are actively focused on adult complainants' emotional needs from the very beginning of the interview.

Implications for Interviewing Practice with Adults

Rapport building techniques remain a pillar of investigative interview frameworks. While research continues to shed light on the best way to build rapport with adults across various investigative contexts (see Gabbert et al., 2020), the findings of this study underscore the need for interviewers to be clear about the *function(s)* of specific rapport building exercises such as narrative practice with adults. For example, in addition to facilitating the retrieval of information from memory and familiarising complainants with the style of questioning in an investigative interview, practice is also intended to build trust between the interviewee and interviewer. Thus, while a by-product of these goals theoretically includes greater accuracy, it may be that the functional utility of narrative practice in the case of (some) adults is more intricately tied to improving their experience of the interview process.

Given that police interviews are likely to be foreign for many adults, improving complainants' experiences of that process may be just as important as more traditional measures of a successful interview (e.g., greater accuracy). This idea is broadly consistent with procedural justice research which suggests that victims of crime place a high level of value on how they are treated by police irrespective of the outcome (Murphy & Barkworth, 2019). When police demonstrate that they genuinely care, people are more likely to view them favourably and report crime in the future (Murphy et al., 2014; Tyler & Huo, 2002).

This is particularly important in cases of sexual assault given the proportion of victim-survivors who chose not to report their assault to police out of fear for how they will be treated and whether they will be believed (e.g., Zinzow & Thompson, 2011). Focusing on strengthening the interpersonal connection with complainants during the interview through activities such as narrative practice may be empowering and begin addressing the broader issues at play during the interview process (e.g., dissatisfaction with police interview processes).

Limitations

This study had several limitations that should be considered. First, the design did not include a true control (i.e., condition that had no preparatory activity). Rather, the study relied on an active-control group whereby participants listened to an audio-recorded model statement. The decision to include an active rather than a true control was guided by the understanding that witnesses and victims will often have some form of a ‘settling in’ period when being interviewed by police. Thus, the inclusion of an active control reflected the need to ensure the experimental rapport conditions were balanced for the settling-in period prior to the interview. However, it is not unreasonable to expect that some adults would want to disclose their assault without any rapport building. Thus, future studies should consider including a true control to tease out differences between narrative practice, model statement (i.e., active control), and an immediate interview condition (i.e., no rapport building or dyadic interaction with interviewer).

Second, relative to other interviewing studies, my model statement recording was long (5 minutes in total; see Porter et al., 2020). My decision around the length of the recording was shaped by my desire to account for the time that adults would spend discussing a practice narrative topic (4-5 minutes). Third, apart from two interviews, the study only used a single male interviewer to minimise confounds stemming from interviewer demeanour,

gender and appearance. Anecdotally, several female participants reported experiencing discomfort discussing sexually suggestive acts with a male interviewer once their session two interview was complete. These participants cited cultural customs as a potential reason driving this discomfort (my participants were predominately from ethnic and racial minority backgrounds). It is possible that interviewer variables including cultural and religious (dis-)similarity between interviewees and the interviewer could interact with rapport condition and thus should be controlled for in future research.

Summary and Implications

Narratives practice is an interview preparatory activity used with children to increase the amount of information they provide about subsequently discussed substantive topics and to enhance rapport and comfort with the interviewer. Little is known about their utility with adults. Coupled with the findings of the only other study that has examined narrative practice with adults (i.e., Brubacher et al., 2020), the results of this study indicate that narrative practice does not confer any memory performance benefits or hindrances with adults reporting a highly personal and sensitive mock sexual assault event from the perspective of a victim. Moreover, although adults interviewed after a short delay (2-days) demonstrated greater memory accuracy than those interviewed after a longer delay (2-weeks), there was no interaction between delay interval and rapport condition. However, adults in the experimental rapport condition viewed narrative practice as useful tool to meet complainants' socio-emotional needs. Taken together, the implications of this study are that while narrative practice may not necessarily improve traditional metrics of interview quality (i.e., accuracy), they could be a simple yet effective exercise that improves some adults' experiences of police interviews.

CHAPTER 9 – ADULT MOCK SEXUAL ASSAULT WITNESS PERCEPTIONS AND NON-VERBAL BEHAVIOURS ACROSS DIFFERENT INTERVIEW FRAMEWORKS (STUDY 4⁵)

This chapter presents the fourth and final study in this thesis. In the previous two chapters I presented the findings of studies 2 and 3 in this thesis. Those studies focused on testing discrete interview elements that are routinely used with children, with adults. In study 2, I provided quantitative and qualitative evidence that ground rule instructions can improve the quality of adults' accounts and their experience of the interview process. In study 3, I showed that although narrative practice neither bolsters nor impairs memory performance, it provides adults with enhanced socio-emotional support. However, it is important to note that both studies 2 and 3 were concerned with testing the efficacy of *discrete* interview elements against a control condition. Consequently, it is still unclear whether (a) the more streamlined and tailored interview SIM framework would improve (or at the very least not hamper) the quality of information provided by adults during the interview and (b) a more streamlined and tailored framework like the SIM would improve adults' perceptions of the investigative interview.

Examining adults' memory reports and perceptions of the CI and SIM interview frameworks as complete interviews is an important final step in teasing out any further refinements that may be needed in the adaptation of the SIM for adult complainants of sexual assault. Doing so may provide insight into whether the slight differences across the frameworks (i.e., streamlined and tailored rather than lengthy and generalist) give rise to differences in adults' memory performance and perceptions of the interview process in the context of a sexual assault.

⁵ This chapter is based on a published study. The full version of the paper can be found here: Ali, M. M., Brubacher, S. P., Sharman, S. J. & Powell, M. B. (2022). Adult mock sexual assault witness perceptions and non-verbal behaviors across different interview frameworks. *Journal of Forensic Psychology Research and Practice*, 1-27.

Understanding how an interview framework impacts complainants' perceptions, in particular, is of high importance. This is because complainants' perceptions of the police interview process can shape their decisions to proceed with a complaint. For example, victims have indicated that interviews that caused exhaustion and distress discouraged them from proceeding with the investigative and prosecutorial process (Patterson, 2011; Spohn & Tellis, 2014). Although few studies have explored adults' perceptions of police interviews in laboratory settings using emotionally charged stimulus events, such scientific inquiries are important as they can help identify the interview components that may contribute to complainants' negative experiences during police interviews in the field. Extant research that *has* examined mock eyewitness perceptions of police interviews has primarily done so in the context of identifying procedures (or discrete elements) that enhance rapport between the witness and the interviewer (see Collins et al., 2002; Holmberg & Madsen, 2014; Kieckhafer et al., 2014; Nahouli et al., 2021; Nash et al., 2016; Sauerland et al., 2019; Vallano et al., 2011). Several of these studies modelled a rapport-building script on techniques recommended by the CI (e.g., interviewer self-disclosure; Kieckhafer et al., 2014; Nahouli et al., 2021; & Vallano et al., 2011) and have typically relied on emotionally neutral stimulus events (Memon et al., 2010; *cf.* Nahouli et al., 2021). Moreover, few studies have used stimulus events in which a witness and offender are acquainted. This is surprising given sexual assault cases often involve offenders who are known to the victim (Pozzulo et al., 2019).

The paucity of experimental research examining adults' perceptions of police interview frameworks has meant that our understanding about sexual assault complainants' perceptions of police interviews largely comes from interviews conducted with victim-survivors recounting their experience with police after the fact (e.g., Jordan, 2001; Patterson, 2011). It is clear there is a need to further refine police interview frameworks with adult

sexual assault complainants by more closely considering adults' needs during the interview process. In moving towards this goal, it is important to first explore adults' perceptions of evidence-based interview frameworks such as the CI and SIM in analogue settings that reflect the criminal circumstances surrounding the assault to understand whether (and how) these frameworks align with complainants' needs as canvassed in prior research (e.g., Jordan, 2001, Patterson, 2011). The broader literature surrounding sexual assault suggests that there may be reasons to believe that adults' perceptions of the two frameworks might differ in the context of sexual assault interviews. For instance, against the backdrop of the cognitive difficulties stemming from the assault, a more simplified framework such as the SIM might reduce the perceived effortfulness and burden experienced by some complainants. Moreover, the use of narrative practice (see Chapter 5 for overview of research on narrative practice) in conjunction with a simplified framework (as suggested by the stakeholders in Study 1) might build complainants' sense of psychological and emotional safety during the interview process.

Current Study

The overarching aim of this study was to investigate adult mock witnesses' perceptions of an interview conducted using a framework based on the CI or SIM (with or without a narrative practice phase) using an emotionally-charged stimulus event. A secondary aim was to explore whether comfort or discomfort/avoidant behaviours differed depending on the interview framework used. In addressing these aims, the current study advances the adult witness interviewing literature in three ways. First, it considers whether a simpler interview framework is perceived more favourably by adults interviewed about an implied sexual assault. Second, it extends prior interviewing research examining witnesses' perceptions of the interview process by using an emotionally-charged stimulus event rather than a neutral

one. Finally, the study explores whether non-verbal behaviours differ across interview framework and whether they are associated with adults' perceptions of those interviews.

Hypotheses

First, it was predicted that participants in the SIM+ Practice narrative (SIM+P) condition would report feeling the most comfortable (as measured by higher scores on questionnaire scale items that related to comfort), followed by those in the SIM condition, and then the CI condition. Second, I hypothesised that participants in the CI and SIM+P conditions would perceive the interviewer as more engaged with their account during the interview compared to the SIM condition. This prediction was made due to the CI mnemonics requiring the interviewer to draw on multiple retrieval instructions during the dyadic interaction, and the narrative practice component of the SIM+P condition. Finally, it was expected that participants interviewed using the CI would perceive the interview process as more effortful than those in the SIM and the SIM+P conditions. No *a priori* predictions about differences in non-verbal behaviours across interview conditions were made as this study was exploratory, but it was expected that participants who gave higher ratings to scale items about interview stress would also show more non-verbal behaviours associated with discomfort and avoidance.

Method

Participants

A total of 92 participants (38 males, 54 females) aged 18 to 62 ($M = 29.55$, $SD = 11.58$) were interviewed (one participant did not report age). One participant in the SIM+P condition was excluded from the present study for not having completed the perceptions questionnaire. Thus, the final sample size was 91. The participants responded to advertisements placed around a university campus and online and upon completion they were reimbursed with a gift card (AUD \$20). A subsample of participants (those in the SIM and

SIM+P conditions, including the participant that I excluded in the present study) were participants in a study that directly investigated the efficacy of narrative practice on adults' completeness and accuracy for the event (Brubacher et al., 2020), as part of a broader investigation on adult witness perceptions of interview techniques. Griffith University approved the research.

As part of a demographic survey, the participants were asked to indicate whether English was their first language. If not, they were asked to indicate what their main language was, whether they had taken a test to assess their English language proficiency and the score they received from the test. Seventy-seven (85%) participants listed English as their first language. Four of the remaining 14 indicated that they had grown up or received an education in an English-speaking country (e.g., Australia and New Zealand) and self-reported their command of English as being proficient. Six others reported that they had their English language proficiency tested through the International English Language Testing System (IELTS). The majority (83%) of these participants reported receiving a score on the IELTS that indicated that their command of English was good (band 7 and above). The remainder reported receiving a score that indicated that their command of English was competent (band 6 and above). The last four did not provide any information on where they had learnt English and their proficiency.

Materials and Procedure

The participants first completed a short demographic survey about their age, gender, highest level of education, and English language proficiency. Next, they viewed a 7-minute film depicting an implied sexual assault of a female client by a male massage therapist. The film did not expose participants to direct or graphic sexual assault scenes. The film, based on a reported case in an Australian jurisdiction and made alongside a professional film director and actors, was selected to simulate the added social pressures faced by witnesses being

interviewed about emotionally charged events, and it has been used successfully in other research (e.g., Ali et al., 2020). All participants viewed the film in full screen on a computer at the university with a research assistant present in the room.

After watching the film, the participants were given 12 minutes to complete two distractor tasks intended to disrupt their attempts at rehearsing the contents of the film. The first was the ‘same-different’ task which required participants to decide if two presented stimuli were the same or different. Once participants completed the first distractor task, they were given the remaining time to complete a Sudoku puzzle. A research assistant then directed the participants to an interview room for questioning. At the end of the interview, all participants completed a 23-item scale examining their perceptions of the interview process. All interviews were video recorded in interview rooms specially designed for training clinical interviewers (i.e., clinical / forensic psychologists).

Interview Conditions

Participants were randomly allocated to one of three interview conditions: the CI ($n = 30$), the SIM ($n = 31$) or the SIM+P ($n = 30$). One female interviewer, blind to the study hypotheses, conducted all interviews. The interviewer was a graduate student with extensive experience conducting interviews, but otherwise was uninvolved in the research.

Participants in the CI and SIM conditions engaged in a short rapport building phase to become familiar with the interviewer (e.g., they talked about themselves and their family). In both conditions, the interviewer established common ground by self-disclosing some information (e.g., “I have a brother too”). After the short rapport phase, the participants in the CI condition received four mnemonic-based instructions: report everything, transfer control (i.e., the witness is the expert about the event), concentrate hard, and to mentally reinstate the context in their minds. Upon receiving these instructions, the interviewer asked the participants to describe what happened in the film using a broad, open prompt that

encouraged the participant to provide as much detail as possible including aspects they might consider trivial; “Tell me everything that happened in the video, even the little things you think are not important. Remember, I have not seen the video. So, now, please tell me everything in your own time”. The interviewer did not interrupt during the free narrative phase where participants described everything they could remember from the film. Instead, she merely adopted active listening strategies (e.g., head nods).

Once the participant had exhausted their account, the interviewer stated that she would ask some questions based on the account provided. At this point the interviewer provided a ‘don’t know’ ground rule (i.e., “it is fine to say ‘I don’t know’ to any question if you do not know the answer), followed by 12 follow-up questions. Seven of the follow-up questions were open-ended and encouraged the participant to mentally reinstate the context relevant to the question. For example, when asked “What happened on the massage table?”, the participants were instructed to take a moment to think about what they saw, how they were feeling, what they could hear. The remaining five questions were specific (e.g., “Can you describe what Sarah was wearing?”). CI mnemonics that are seldom used in practice (i.e., reverse order and different perspectives instructions) were not delivered to participants in the current study.

After the brief rapport building phase, participants in the SIM condition – unlike those in the CI – were asked the broad, open-ended question; “Tell me everything that happened in the video”. The interviewer used active listening strategies while the participants provided their accounts. Once the participants had exhausted their accounts, the interviewer gave the instruction about asking follow-up questions and delivered the ‘don’t know’ ground rule. The interviewer then asked the same set of follow-up questions delivered to participants in the CI condition. However, participants in the SIM condition were not encouraged to mentally reinstate the context relevant to the question that was asked. Participants in the SIM+P

condition received the exact same interview as those in the SIM condition, except that they were first asked about a recent innocuous event of their choice prior to questioning about the film (see Brubacher et al., 2020 for further details, including the types of events participants chose).

Perceptions Questionnaire

At the conclusion of the interview, all participants completed a 23-item post-interview questionnaire that asked them to rate their perceptions of the interview experience, the interviewer, and the content of the film event. The questionnaire was developed specifically for the current study to compare participants' perceptions of comfort, interviewer engagement, and interview stressfulness. For example, the participants indicated how embarrassed they were talking about the contents of the film event, how interested they thought the interviewer appeared in what they were saying, and how stressful they found the interview process (see Table 3 for all questionnaire items). The participants were required to provide a rating ranging from 1 (*strongly disagree*) to 11 (*strongly agree*). Twelve of the items on the questionnaire were negatively valenced.

After completing the questionnaire, the participants were told that the purpose of the research was to explore adults' perceptions of interviewing approaches that might be used with adult complainants of sexual assault. The participants in the SIM+P condition were asked further qualitative questions about the narrative practice phase (Brubacher et al., 2020). All were provided contact details for a counselling service. No adverse events were reported.

Memory Performance Coding

The participants' accounts were scored for forensically relevant detail from the film event. Two senior researchers with experience coding interviews created a list of all possible details that could be reported about the film (total = 83). The details reported in participants' accounts were scored as either correct or incorrect. Eleven of those correct details were

deemed central to proving the offence (central details). Errors that did not fall under incorrect details (e.g., confabulations about things that did not happen in the film) were infrequent and as such were combined with incorrect details. Finally, repeated details were coded when participants reported any previously mentioned detail a subsequent time. This was done because prior research examining the utility of the CI has predominately focused on correct and incorrect details (Memon et al., 2010); yet, during the interview it is likely that participants may repeat some previously mentioned details. For example, the CI encourages witnesses to concentrate on different aspects of an event and make multiple retrieval attempts. It is reasonable to assume that this is likely to generate some repeated information.

Nonverbal Behaviour Coding

The selection of non-verbal behaviours was informed by prior studies that examined or reviewed rapport- and discomfort- (including avoidance) related behaviours with either adult or child witnesses (e.g., Bernieri et al., 1996; Collins et al., 2002; Katz et al., 2012; Vallano & Compo, 2011). This led to the generation of a list of non-verbal behaviours commonly assessed across interviewing studies (see Table 8). I broadly operationalised comfort related behaviours as those (1) conveying positive displays of emotion (e.g., smiling and laughter), (2) demonstrating focused attention while the interviewer is talking (e.g., head cock to side, nodding, leaning forward towards interviewer), (3) enhancing expressivity to facilitate understanding of the account (e.g., hand gestures to explain), and (4) increasing connectivity with the interviewer (e.g., mirroring body posture). These rapport behaviours align with Tickle-Degnen and Rosenthal's (1990) model, which is one the most widely accepted models of rapport.

Table 8

List of Non-Verbal Behaviours

Comfort non-verbal behaviours	Discomfort and avoidance non-verbal behaviours
Leaning forward towards interviewer	Crossing arms
Gesturing with hands to explain	Crossing legs
Cocking head to side	Leaning backwards away from interviewer
Smiling / laughing	Shifting gaze away from interviewer
Head nodding	Fidgeting with hands
Mirroring interviewer body posture	Fidgeting with legs

Tickle-Degnen and Rosenthal's (1990) model measures behavioural indicators of rapport using three categories: expressivity, attention, and coordination. Expressivity refers to actions and expressions that communicate an individual's affective state. These feelings are displayed through gestures, facial expressions, body leans and proximity. Attention refers to the degree to which an individual focuses on another during a dyadic interaction to demonstrate engagement (e.g., eye contact). Finally, coordination refers to an individual's immediate and spontaneous behaviour being in sync with another during an interaction. For example, greater displays of body posture mirroring signal a desire to establish rapport. These behaviours made up the index of non-verbal comfort. Discomfort non-verbal behaviours were operationalised as those indicating stress (e.g., fidgeting of hands or feet), physical disengagement and avoidance (e.g., crossing the arms or legs, shifting eye gaze away from interviewer) and distancing behaviours (e.g., leaning backwards away from interviewer).

I coded the aforementioned non-verbal behaviours using a frequency method. A non-verbal behaviour was coded each time it was exhibited by a participant (including when it was repeated). This was done for the entire duration of the main interview phase (but not during preparatory activities that differed across conditions, such as narrative practice). One

participant's video (SIM condition) could not be coded for non-verbal behaviours due to the positioning of the video camera, so the mean score for non-verbal comfort and discomfort were used to replace the missing data.

Reliability

Memory Performance

Two blind research assistants (RAs) were trained to code for correct, incorrect, central, and repeated details using six randomly selected transcripts. Upon completion of training, the RAs double coded a further 20 interviews transcripts. Inter-rater reliability was good, with results showing 82.2% agreement on scores. Any disagreements were resolved through discussion. The coders then divided the remainder of transcripts evenly amongst themselves.

Non-Verbal Behaviour

All interview videos were coded by the author of this thesis who was not blind to hypotheses but was blind to condition during coding. Another two research assistants blind to interview condition and the study's hypotheses were trained to code the nonverbal behaviour of the participants to provide a measure of reliability. Video sound was muted when coding so that interview condition could not be inferred and to avoid the influence of para-verbal cues such as voice pitch. The research assistants each coded the same five randomly selected interviews to establish reliability. Once reliability had been established, the two research assistants coded a further 20 interviews selected at random (25 in total). Inter-rater reliability was assessed at each of these two time points. Reliability for coding after time point one was assessed by comparing the scores for the initial 5 interviews coded by the two research assistants with those of the first author. Interclass correlation (ICC) estimates and their 95% confidence intervals were then calculated using a mean-rating ($k = 2$), 2-way mixed effects model (see Koo & Li, 2016). Results revealed excellent reliability for both comfort-related

non-verbal behaviours, $ICC = .99, p < .001, 95\% CI [.93, 1.00]$ and discomfort-related non-verbal behaviours $ICC = .99, p < .001, 95\% CI [.94, 1.00]$. ICC estimates at time point two revealed very good reliability for comfort-related non-verbal behaviours, $ICC = .86, p < .001, 95\% CI [.71, .93]$ and excellent reliability for discomfort-related non-verbal behaviours, $ICC = .98, p < .001, 95\% CI [.97, .99]$.

Results

Preliminary Analyses

Examination of demographic variables across interview conditions revealed that age, gender, educational background, and English as a first language were balanced across the three interview conditions, $ps \geq .52$. Given the possibility that females might experience the event differently than males, I compared their scores on the memory variables, the three factors identified from the perceptions scale, and the non-verbal measures. The only significant difference between males and females was that females reported more correct details ($M = 36.11, SD = 10.11$) than males ($31.15, SD = 9.95$), $t(89) = 2.33, p = .022$, Cohen's $d = 0.50$. I conducted a similar analysis that compared participants who reported English as their first language to those who reported a language other than English as their first language. No significant differences emerged between the two groups on the dependent memory variables, $F(4, 86) = 1.09, p = .363, \eta^2p = .050$, the three factors extracted from the perceptions scale, $F(3, 87) = 1.76, p = .160, \eta^2p = .060$, or non-verbal behaviours, $F(2, 81) = 12.16, p = .194, \eta^2p = .040$. Consequently, neither gender nor participant's first language was considered further.

There was a significant difference between conditions for interview duration, $F(2, 90) = 22.78, p < .001, \eta_p^2 = .341$. Interviews conducted using the CI took significantly longer ($M = 32.37$ minutes, $SD = 14.04$) to complete than those conducted using the SIM ($M = 15.16$ minutes, $SD = 10.02$), $p < .001$ and SIM+P ($M = 19.32$ minutes, $SD = 4.95$), $p < .001$.

Additionally, interviews conducted using the SIM+P took significantly longer to complete than those conducted using the SIM ($p = .045$). However, the difference between these two conditions disappeared ($p = .36$) once the narrative practice component was subtracted (SIM+P length without narrative practice, $M = 15.21$ minutes, $SD = 4.30$).

Memory Performance

Memory performance data for the SIM and SIM+P conditions were previously reported elsewhere (Brubacher et al., 2020). The SIM conditions did not differ on the number of correct, central, incorrect, or repeated details. As such, for the purpose of this section, the two SIM conditions were combined, and these memory variables were compared between the CI and SIM interviews. A 2 (condition: CI, SIM) one-way MANOVA was significant, Pillai's trace = 0.29, $F(4, 86) = 8.55$, $p < .001$, $\eta^2_p = .285$. There were significant differences between interview conditions for all detail types. See Table 2 for descriptive and inferential statistics. Participants interviewed using the CI reported more correct, central, incorrect, and repeated details than participants using either variation of the SIM.

The main phase of the CI was significantly longer than the main phase of the SIM conditions. Thus, each dependent memory variable was divided by the length of the main interview phase to produce a score per minute. A second MANOVA was then conducted on these corrected values. The MANOVA was again significant, Pillai's trace = 0.36, $F(4, 86) = 12.16$, $p < .001$, $\eta^2_p = .361$. Individual statistics can be found in Table 9. Significant differences were observed for the number of correct and central details per minute. In both cases, the assumption of homogeneity of variance was violated, but Welch statistics indicated that the findings were robust. Participants in the CI condition reported *fewer* correct and central details per minute than participants in the SIM conditions. The assumption was satisfied for the number of repeated details per minute, which differed significantly, but the effect was much smaller than for correct and central details. Here again, the participants in

the CI reported fewer repeated details per minute than the participants in the SIM conditions.

The number of errors per minute did not differ across conditions.

Table 9

Memory Performance Data

	CI condition	^a SIM conditions	<i>F</i>	<i>df</i>	<i>p</i>	η^2_p
Raw Details						
Correct	41.03 (9.24)	30.57 (9.07)	26.43	1, 89	< .001	.229
Central	8.83 (1.53)	7.57 (1.70)	11.78	1, 89	< .001	.117
Incorrect	4.99 (2.77)	2.92 (2.38)	13.64	1, 89	< .001	.133
Repeated	37.33 (24.02)	20.95 (13.18)	12.16 ^b	1, 37.83	.001	.166
Details Per Min						
Correct	1.38 (0.39)	2.19 (0.73)	48.12 ^b	1, 88.15	< .001	.244
Central	0.30 (0.09)	0.56 (0.21)	68.56 ^b	1, 88.35	< .001	.293
Incorrect	0.16 (0.07)	0.19 (0.13)	2.89 ^b	1, 86.64	.093	.016
Repeated	1.11 (0.53)	1.38 (0.55)	4.89	1, 89	.030	.052

Note: ^aSIM conditions did not differ from one another (blinded) and were collapsed. ^b Welch statistic, *df*, and *p* value reported due to inhomogeneity of variance and unequal sample sizes. There were 83 possible correct details and 11 central (key evidentiary) details that could be reported.

Perceptions of the Interview Process

Given that the perceptions scale was newly developed for this study, Exploratory Factor Analysis (EFA) was conducted to derive the categories of participants' perceptions to be compared across interview conditions. Principal component analysis with varimax rotation was used in an initial run to estimate the likely number of factors from eigenvalues. The maximum number of factors (with eigenvalues larger than 1) was 6. However, retention of 6 factors was unreasonable given the small sample size (see Tabachnick et al., 2007). Rather than relying on the scree plot as a secondary guide for the number of factors to be extracted (scree plots are less reliable with smaller sample sizes), I opted for a parallel analysis (Horn, 1965). Parallel analysis is a three-step process. First, a randomly generated data set with the same number of cases and variables is generated. Next, principal component analysis is performed on the randomly generated data set and all eigenvalues are noted for each analysis. Those eigenvalues are then averaged for each component and compared to the results from the real data set. Only components from the real data set whose eigenvalues exceed the averaged eigenvalue from the randomly generated data set are retained. In the current analysis, three components were retained.

Once a 3-factor solution using the parallel analysis method was determined, I applied an orthogonal rotation using varimax. There were two items (3 and 8) that did not load on a factor, and one item that cross-loaded (22). After removing these items, a further two items no longer loaded on any of the factors (19 and 21). Subsequent removal of these two items resulted in a further item no longer loading (13). Although there were 16 items and 90 participants, the Kaiser-Meyer-Olkin statistic was .75, which indicates good sampling adequacy.

The results of final factor loadings along with mean total scores for factor and each item comprising that factor are shown in Table 10. The factors were logical and reflected the

variables that I expected to be relevant when defining the study hypotheses. The factors were defined as *comfort* (e.g., how comfortable the interviewee felt discussing the content of the film with the interviewer, $\alpha = .83$), *interviewer engagement* (e.g., how engaged the interviewee felt with the interviewer, $\alpha = .75$), and *effort* (e.g., cognitive effort of the interview process on the interviewee, $\alpha = .72$). These factors explained 55% of the variance. The correlations among the factors are presented in Table 11. Comfort and engagement were positively related, and both were negatively correlated with effort.

Table 10

Factor Loadings and Means for Factors Across Interview Conditions

	Factor loading	CI	SIM	SIM+P
Factor 1: Comfort				
Q.1. I was comfortable with the interviewer's questions	.65	8.87(2.36)	8.61(2.69)	9.47(1.76)
Q.10. I was embarrassed talking about what I saw in the video ^a	-.86	8.23(2.34)	8.42(2.77)	8.87(3.00)
Q.12. I was comfortable watching the video	.62	7.23(3.28)	7.55(2.33)	7.30(3.51)
Q.15. I was comfortable talking about what I saw in the video	.75	7.73(2.45)	8.13(2.47)	9.00(2.55)
Q.20. I was embarrassed watching the video ^a	-.73	8.80(2.38)	9.23(2.01)	9.53(1.96)
<i>Total</i>		<i>7.65(1.40)</i>	<i>7.61(1.68)</i>	<i>7.59(1.77)</i>
Factor 2: Interviewer Engagement				
Q.4. The interviewer was interested in what I was saying	.85	9.47(1.87)	9.61(1.58)	9.63(2.04)
Q.9. The interviewer's instructions were easy to follow	.53	9.60(1.50)	9.45(1.91)	9.53(2.05)
Q.16. I was engaged with the interviewer	.71	8.33(1.97)	8.68(2.15)	8.67(2.34)
Q.17. The interviewer's instructions were strange ^a	-.53	8.67(3.05)	9.16(2.16)	8.37(2.67)
Q.18. The interviewer was friendly	.80	10.40(1.04)	9.94(1.26)	10.50(0.90)
<i>Total</i>		<i>9.53(1.22)</i>	<i>9.36(1.26)</i>	<i>9.72(1.08)</i>

Factor 3: Effort

Q.2. I was frustrated during the interview	.42	3.40(2.86)	2.87(2.12)	2.94(2.49)
Q.5. The interview was stressful	.53	4.20(2.48)	3.23(2.20)	3.52(2.64)
Q.6. The interview was tiring	.80	5.00(2.94)	3.03(2.17)	3.16(2.32)
Q.7. I found it tiring remembering the type of detail the interviewer wanted	.76	5.53(2.47)	4.42(2.70)	5.29(3.08)
Q.11. I was repeating myself during the interview	.64	8.47(2.08)	6.42(2.80)	8.00(2.77)
Q.14. The interview was longer than it needed to be	.67	3.93(2.43)	2.58(1.89)	3.03(2.56)
<i>Total</i>		5.09(1.75)	3.76(1.42)	4.32(1.76)
Not included in a factor				
Q.3. The interviewer's questions were long and wordy		3.77(2.27)	2.87(2.39)	2.23(1.38)
Q.8. The interviewer was patronising		2.17(2.44)	2.87(2.73)	1.73(0.98)
Q.13. The interview was easy		7.67(2.28)	7.03(2.52)	6.63(2.68)
Q.19. I was starting to get confused about what I could remember		6.00(2.35)	6.16(2.53)	7.13(2.33)
Q.21. I gave the interviewer the type of detail they needed		7.90(1.69)	7.06(1.96)	6.93(2.62)
Q.22. The interview process was a positive experience		7.67(2.07)	8.06(2.49)	7.83(2.29)

^a = these items had negative factor loadings and were reverse scored.

Table 11Correlations Between Adults' Memory Performance, Perceptions of the Interview, and Non-Verbal *Behaviours*

	2	3	4	5	6	7	8	9
1. Correct	.658***	.312**	.670***	.019	.120	.200	.199	.134
2. Central	-	.115	.503***	-.119	-.008	.267**	.136	.193
3. Incorrect		-	.516***	.153	.157	.116	.265*	.058
4. Repeated			-	-.089	.091	.265*	.297**	.162
5. Comfort factor				-	.260*	-.330***	.053	-.108
6. Engagement factor					-	-.230*	.047	.169
7. Effort factor						-	.058	.190
8. Non-verbal comfort							-	.311**
9. Non-verbal discomfort								-

* $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$

Main Analyses: Comparing Perceptions and Nonverbal Behaviour Across Conditions

To test the three main hypotheses, I conducted a 3 (condition: CI, SIM, SIM+P) one-way MANOVA on the three scale factors. Here, I considered the two versions of the SIM separately, as these data had never been investigated previously, and I made different predictions as to participants' perceptions of the interviews. The MANOVA was significant, Wilks Lambda = .85, $F(6, 172) = 2.38$, $p = .031$, $\eta^2_p = .077$. Contrary to Hypotheses 1 and 2, I found no differences among the interview conditions on perceptions of comfort, $F(2, 88) = 0.01$, $p = .98$, or interviewer engagement, $F(2, 88) = 0.69$, $p = .50$. There was a significant difference in participants' perceptions of effort across the three interview conditions, $F(2, 88) = 5.34$, $p = .006$, $\eta^2_p = .108$. In partial support of Hypothesis 3, examination of Bonferroni post-hoc tests revealed that participants experienced the CI interview as significantly more effortful than the SIM interview, $p = .005$, $d = 0.83$. The mean effort score for SIM+P participants was intermediate and did not differ from the other two conditions.

I also examined the six items that did not load on a factor by conducting six one-way ANOVAs. Participants' perceptions that the "Interviewer's instructions were long and wordy" significantly differed by interview condition, $F(2, 88) = 4.14$, $p = .019$, $\eta^2_p = .086$. Examination of post hoc tests revealed a significant difference between the CI and SIM+P conditions only, $p = .016$. Participants in the CI condition more strongly agreed that the interviewer's instructions were long and wordy compared to those in the SIM+P condition. None of the remaining items that did not load on a factor revealed significant differences between interview conditions, $F_s \leq 2.09$, $p_s \geq .12$, $\eta^2_p \leq .05$.

Inspection of histograms revealed that the non-verbal data were highly positively skewed. This occurred because most participants demonstrated minimal to moderate amounts of non-verbal behaviour (either of comfort or discomfort), but a few participants displayed high levels (four outliers at $2SD$ for comfort behaviours, and one outlier at $2SD$ and six

outliers at $3SD$ for discomfort behaviours). Unexpectedly, there was a moderate *positive* relationship between the two measures of non-verbal behaviour, $r(89) = .311, p = .003$. This relationship means that individual differences in general activity level were more important than interview condition in producing observable non-verbal behaviour.

Despite the nature of the non-verbal data, I decided not to exclude outliers (i.e., I retain all data). Therefore, I compared the non-verbal behaviours across conditions (using all participants) with parametric and non-parametric tests (Kruskal-Wallis) on the raw data, and parametric tests on transformed data (a log transformation on comfort and a square root transformation for discomfort, both of which normalised the distributions). All tests yielded the same results. For simplicity, the parametric analysis conducted with the raw scores is presented. A one-way MANOVA revealed no significant difference in comfort and discomfort non-verbal behaviours across the three interview conditions, Wilk's Lambda $= .35, F(4, 174) < 1, p = .99, \eta^2_p < .01$.

Irrespective of interview condition, the final hypothesis was that participants who scored higher on items reflecting stress during the interview would display more non-verbal discomfort behaviours. There was a non-significant trend in that direction, $r(89) = .19, p = .071$, but the hypothesis was not supported.

I assessed all possible relationships among the memory variables, perceptions variables, and non-verbal behaviour, for completeness. The correlation matrix can be found in Table 4. Interesting relationships included the positive association between higher scores on the effort factor and a greater number of central details provided. The effort factor was also positively related to the number of repeated details provided. Non-verbal discomfort was unrelated to any variable except non-verbal comfort, but non-verbal comfort was positively related to the number of incorrect and repeated details provided.

Discussion

This study aimed to explore adult mock witnesses' perceptions of the CI and SIM frameworks using an emotionally charged event stimulus. I also explored adults' non-verbal behaviours of comfort and discomfort across the frameworks. The results show that adults interviewed using a CI framework reported a greater number of correct, central, incorrect, and repeated details than participants interviewed in the SIM conditions, but most of these differences were reversed when length of interview was controlled for. Interestingly, I found that females reported more correct details than males (no other gender differences emerged).

Although this study did not set out to examine gender differences on measures of memory, I briefly discuss the finding here because it is relevant to understanding how participants engage with analogue scenarios. Prior research suggests that when people are exposed to high volumes of information, they selectively attend to (and subsequently report) what they deem most important (Castel et al., 2002; Siegel & Castel, 2018; Stefanidis et al., 2018). How people allocate their attention when encoding new information or reporting a past event is partially based on their point of view and the functional significance of the information (Castel, 2007). It is possible that differences in attention allocation underlie the gender difference in the number of correct details reported by participants in this study. This may have been shaped by the content of the film event itself (i.e., a woman being massaged by a male massage therapist in a private room). Prior research has noted that women can feel vulnerable in some settings because of fears they hold about being victimised by men (Boyd, 2011). This sense of vulnerability can lead to a heightened watchfulness for cues that an assault may occur. Perhaps female participants in this study were more vigilant about the potential for the actress in the film to be victimised. Consequently, female participants may have made a greater effort to focus on the film event because they placed greater importance on the content in the film than male participants. This greater level of attention may have led

female participants to encode more (correct) details than males. Despite a difference in how the event was encoded, however, there were no gender differences associated with the interview itself, in terms of perceived comfort and non-verbal behaviour.

Perceptions of Comfort, Engagement, and Effort

With respect to the dependent measures of interest, I found that participants interviewed with the CI perceived the interview process to be more effortful than those interviewed using the SIM, and they more strongly agreed that the instructions were wordy compared to participants in the SIM+P condition. Otherwise, there were no differences between conditions.

The predictions that adults interviewed using the SIM+P would feel most comfortable, and those interviewed using the CI and SIM+P would report the interviewer as being more engaged in their account, were not supported. Indeed, for the factors of comfort and engagement, there were no differences across the three interview conditions. Prior research indicates that while some complainants have a positive and comfortable experience reporting to police, others note that the process is uncomfortable and perceive the interviewer to be uninterested in their account (Jordan, 2001; Patterson, 2011). Given that recent research with stakeholders suggests that a simpler and more emotionally supportive framework would be more sensitive to the needs of individuals who have experienced emotionally charged and distressing offence types, what might explain the nonsignificant differences between adults' perceptions in the current study? Like other evidence-based interview frameworks, the CI encourages interviewers to build rapport and to demonstrate engagement with complainants prior to eliciting their accounts (e.g., 'Tell me about your family'; Fisher & Geiselman, 1992), and I included these components in the CI condition. These aspects of the interview are especially important with victims who have experienced distressing offences such as a sexual assault because they foster a psychologically and emotionally safe atmosphere for

complainants to provide their account (Risan et al., 2020). However, because the adults in this study witnessed the event from a bystander perspective (rather than directly experiencing it), levels of distress and anxiousness about the interview process and interviewer would have been lower, on average, compared to what a victim may experience. It may be that the adults in this study were sufficiently settled by a brief rapport-building phase; thus, the longer narrative practice phase conferred no additional benefit.

That the adults interviewed using the CI framework reported the interview process as more effortful than those interviewed using the SIM lends some support to stakeholders' recent suggestions that sexual assault complainants' experience of the police interview process can be improved by using simpler frameworks like the SIM (Ali et al., 2019). This finding provides support for my third hypothesis. Prior research—supported by data in the current study—has shown that while the CI can increase the number of accurate details provided, it also leads to longer, more repetitive interviews that contain lengthy instructions (Memon et al., 2010).

I propose that the differences between the CI and SIM in the perceptions of effortfulness are due to the mnemonic instructions that comprise the CI. The use of these mnemonic retrieval instructions likely placed greater levels of cognitive demand on the participants. This finding has implications for sexual assault interviewing, which informed the current study. For example, many complainants of sexual assault experience a range of short-and-long term psychological and emotional difficulties as a direct result of the offence (See Chapter 2). Although participants in the current study were effectively bystander witnesses of sexual assault, there is evidence that such witnesses may experience trauma or distress, and neural activity that differs from people reporting a non-traumatic witnessed event (Gvozdanovic et al., 2017; Witte et al., 2017). Psychological and emotional difficulties can affect complainants' abilities to engage in cognitive tasks including a thorough memory

search, particularly for those who have symptoms of acute stress and PTSD (Brewin & Holmes, 2003; Hardy et al., 2009). It is possible that the CI's mnemonic retrieval cues would place cognitive demand on complainants and the experience of retrieving details of a distressing event via several different mnemonic strategies (e.g., through a mental reinstatement of context) might exacerbate cognitive fatigue and distress.

It is important to reiterate that these results do not point to one framework being superior to the other. Indeed, as mentioned earlier in this thesis, both frameworks used in the current study are born out of the same body of memory and communication research and are viewed by scholars as flexible frameworks rather than prescriptive protocols (see Fisher & Geiselman, 2010; Powell & Brubacher, 2020 for a discussion). Rather, the findings suggest that when considering the specific and unique challenges associated with conducting sexual assault interviews, a simple framework, without lengthy instructions and cognitive mnemonics but replete with witness-centred open-ended questions, may be the most appropriate.

Non-Verbal Comfort and Discomfort Behaviours

The results revealed no significant differences between comfort or discomfort non-verbal behaviours across interview conditions. Similarly, participants' non-verbal behaviours did not significantly correlate with their perceptions of the interview process, contrary to expectation. Interestingly, irrespective of condition, the participants who exhibited more non-verbal behaviours of comfort also tended to repeat details and provide erroneous details.

Taken together, these findings suggest that interviewees' non-verbal behaviours may have little to do with the interview framework used and more to do with interviewees' individual characteristics and interviewer reactions. This suggestion is supported by the unexpected finding that non-verbal indicators of comfort and discomfort were positively associated with each other. Interviewees who were more expressive may have been more

verbose, and more willing to provide information even when they were uncertain, much like Gilstrap and Papierno's (2004) finding that children with higher levels of sociability reported more inaccurate details. Conversely, some complainants might demonstrate non-verbal behaviours of comfort or discomfort in *response* to how an investigator reacts or follows-up on detail provided. Indeed, victims have noted how investigators' questions and responses that communicate rape myths and disbelieving attitudes can cause them to feel uncomfortable and, in some instances, physically unwell (Jordan, 2001). Prior research has shown that although the way in which sexual assault cases are handled has improved over the years, some investigators still exhibit rape myths (Parrat & Pina, 2017).

Limitations

The results of this study should be considered in light of several limitations. First, there was no CI + narrative practice condition. I argue that this imbalance is of minor concern, however, because the further addition of narrative practice to the already lengthy CI is not likely to make participants perceive lower effort, at least within the current event design. Second, although the film that was used was salient, it might not have been emotionally charged enough to discern differences in perceptions of comfort and non-verbal behaviours across interview conditions. In contrast to the rape scene presented to participants in Gvozdanovic et al. (2017), participants in the current study did not actually witness the sexual assault—it was implied. Adults' perceptions of the interview conditions and their non-verbal behaviours might have differed if they were reporting a more explicit event or one that was participatory. Some researchers have found novel ways to maximise the level of personal involvement of participants in hypothetical sexual aggression by allowing them some control over the level of interaction they have with an offender in a scenario (e.g., participant choice procedure; Flowe et al., 2011; 2019). Researchers should build on those methods to examine

differences in perceptions and non-verbal behaviours across best-practice interview frameworks.

Third, I examined the non-verbal behaviour of interviewees only and not those of the interviewer. Non-verbal behaviour is recognised by social scientists as an emotional and behavioural interplay between *two* individuals (Tickle-Degnen, 2006; Tickle-Degnen & Gavett, 2003). Fourth, a shorter delay than is typical of the timeframe in which adult sexual assault complainants are usually interviewed about their assault was used. On average, complainants are interviewed 14 days later (Westera et al., 2013). During that time, anxiety about the interview process and whether they will be believed by police is likely to increase and shape their level of comfort during the interview process and their perceptions of the interviewer. Fifth, participants were not asked if they had been victims of sexual assault themselves. It is possible that there may have been some differences in participants' perceptions if they had a prior history of sexual assault victimisation. Finally, the study included a single female interviewer, in order to minimise potential confounds associated with interviewer demeanour, gender, and appearance. It is possible that interviewer variables would interact with interview condition, and this could be explored in future work.

Conclusion

The present research lends preliminary support to recent calls by stakeholders to refine how interviews with adult complainants of sexual assault are conducted. The findings suggest that an interview based on a CI framework is associated with perceived effortfulness of the interview— but not perceptions of comfort, engagement, or indicators of non-verbal comfort or discomfort. As has been demonstrated elsewhere, the amount of information (correct, central, incorrect, and repeated) obtained by the CI was greater than the SIM conditions; however, a follow-up analysis that accounted for interview length demonstrated that these gains were due to increased interview time. Longer interviews with multiple

requests to describe the experience in different ways may not be congruent with the needs of sexual assault victims (Ali et al., 2019; Zajac et al., 2019), and the present data suggest that a simpler, more straightforward interview framework may be equally successful in obtaining investigation-relevant details in a shorter time.

Summary and Implications

The research presented in this chapter provides support for the small, but growing, body of studies pointing to the need to adopt a more streamlined and tailored interview framework for use with adult sexual assault complainants. There is now a wealth of social science research that shows that high levels of attrition remain a major issue for cases of sexual assault in the criminal justice system. One of the driving factors for the high levels of attrition is complainants discontinuing their complaint at the investigation phase. Available studies indicate that complainants experience the investigation phase and the police interview, in particular, as exhausting and distressing. The findings presented in this chapter show that a more streamlined interview framework such as the SIM that is replete with witness-centred questioning (and without lengthy instructions and mnemonics) may reduce the cognitive strain placed on complainants without sacrificing the quality of information elicited.

CHAPTER 10 – GENERAL DISCUSSION

Investigating incidents of sexual assault is one of the most challenging areas in policing. In these cases, there is often an absence of physical corroborating evidence or independent eyewitnesses (Edwards, 2003). Even when physical evidence of a sexual act exists, that evidence seldom tells investigators whether or not the act was consensual (Henry & Jurek, 2020; Menakar et al., 2017). For this reason, prosecutors must often rely solely on a complainant's account, making it difficult to satisfy evidential requirements of proof and demonstrate criminal culpability (Menakar et al., 2017). Given these unique characteristics, police officers play a critical role in eliciting complainants' accounts in a way that ensures the best opportunity for justice outcomes. Yet, police agencies have received criticism about how they handle cases of sexual assault, including how they interview complainants (Criminal Justice Joint Inspection Project, 2009; Stern, 2010, Victorian Law Reform Commission, 2004). As I outlined in the review chapters, part of these criticisms relate to the interview framework currently used not aligning well with the characteristics of sexual assault cases (Ali et al., 2019; Westera, Powell & Milne, 2017; Zajac et al., 2019).

The cognitive interview (CI) is the basic framework that police in Australia use to interview witnesses, although they may not adhere to it precisely (Schollum, 2005). The CI was originally designed as a general interview framework which could be used in a range of criminal investigations, particularly those involving stranger-perpetrated offences (e.g., robbery), where maximising detail is critical to identifying an unknown offender, and the witness can be assisted to provide high levels of information (Fisher & Geiselman, 1992). Under these conditions, CI techniques have been shown to generate more correct information compared to control conditions (Köhnken et al., 1999; Memon et al., 2010). However, there is growing recognition that the CI may not be suited to every type of investigation. Researchers, for example, have shown that interviews conducted using the CI take longer to complete, can

be repetitive, and contain wordy preambles (Memon et al., 2010; Westera et al., 2013). These by-products typically do not pose a problem for bystander eyewitnesses with good communication skills who are able to engage in highly complex memory retrieval tasks. However, they can pose a challenge for complainants of sexual assault and their experience of the interview process (Westera & Powell, 2015; Zajac et al., 2019). Moreover, both investigators and prosecutors have reported experiencing challenges with CI-led interviews of sexual assault complainants (Zajac et al., 2019).

To begin addressing the criticisms related to how police conduct interviews with adult complainants of sexual assault and corresponding issues of fitness for purpose, I set out to determine what elements comprise an effective and appropriate interview for this population. Recognising that child interviewing scholars have successfully refined how children are interviewed by investigators through a greater focus on meeting evidential objectives and providing emotional support to children (Benson & Powell, 2015; Burrows et al., 2016), I examined whether (and how) elements of the Standard Interviewing Method (SIM) could be adapted for use with adult complainants of sexual assault. To do so, four individual studies were undertaken.

Given that I argued the CI framework may not be entirely *suited* for sexual assault investigations, the starting point for the four studies in this thesis was to explore the views (and individual needs) of stakeholders. Thus, in Chapter 6, I presented the first study whereby a multidisciplinary group of stakeholders (academics, detectives, victim support representatives, and a prosecutor; $n = 7$) discussed (a) whether elements of the CI and SIM framework promote (or hinder) the evidential objectives of sexual assault cases and complainants' wellbeing and (b) how the current interviewing framework could be further refined to better meet these goals. That first study revealed that some aspects of interview frameworks employed with adult complainants of sexual assault could be better tailored to

meet the specific investigative and evidential requirements of these cases and provide complainants with a greater level of emotional support. Importantly, there was multi-disciplinary support for the use of several elements of the SIM with adult sexual assault complainants.

The findings from Study 1 (Chapter 6) guided the experimental testing of select elements identified by stakeholders as potentially improving the evidential quality and experience of adult complainants during police interviews. For example, Study 2 (Chapter 7) examined whether a simple set of ground rules routinely delivered to children would improve the quality of information provided by younger ($n = 73$) and older ($n = 57$) adults, and whether these rules would be viewed as necessary and useful in interviews with adult complainants in the field. The findings revealed that a simple set of ground rules improve the quality of younger and older adults' responses and provide these groups with greater emotional support and a sense of control over the interview process. Study 3 (Chapter 8) tested the utility of narrative practice—a preparatory interview component used to build rapport and improve the amount and quality of information provided by children—with adults ($n = 127$) across two delay intervals. That study demonstrated that narrative practice neither bolsters or hinders adults' memory performance, but considerably enhances their experience of the interview process by managing negative emotions, improving their understanding of the interview process, building their relationship with the interviewer, and empowering them to take control of the interview. Lastly, Study 4 (Chapter 9) explored adults' ($n = 91$) perceptions and non-verbal behaviours across the CI and SIM frameworks. That study found that an interview based on a CI framework was associated with perceived effortfulness of the interview, but not perceptions of comfort, engagement, or non-verbal indicators of comfort and discomfort. Notably, although the CI framework obtained a greater amount of

information (correct, central, incorrect, and repeated), follow-up analyses that accounted for interview length showed that these gains were due to increased interview time.

Although the findings of these studies speak positively to elements of the SIM being used with adult complainants of sexual assault, they should be considered in light of the limitations associated with experimental research. That is, studies two through to four were conducted under controlled experimental conditions. Although every effort was made to mirror the conditions under which investigators typically interview adult complainants of sexual assault (i.e., heightened anxiety, social discomfort), a trade-off inevitably exists between greater experimental control and ecological validity. However, these limitations should be weighed against the objectives of the current thesis which include experimentally establishing whether (and how) elements from the SIM can be embedded in a new interview framework for adult complainants. In other words, controlled experiments were critical to determining the scientific evidence underpinning the new interview framework. A necessary next step is to use the experimental findings here as a steppingstone to test the adapted framework in the field and examine its effect on downstream measures of interest.

The findings of this thesis hold important applied value for stakeholder groups with a vested interest in improving how adult complainants of sexual assault are interviewed. The overriding takeaway message is that a tailored interview framework can be used with adults reporting highly sensitive and traumatic events such as a sexual assault. Data presented in this thesis show that such a framework can reduce the length of an interview, the perceived (cognitive and emotional) effort required during an interview, and increase feelings of comfort, trust, and emotional support. These outcomes can be achieved without compromising the overall quality of information by adults relative to a generalist interview framework, namely the CI. The following section unpacks the implications of the findings and charts suggestions for future research.

Implication of Findings and Recommendations for Future Research

The main conclusion arising from the current thesis is that it is possible to interview adults in a way that seemingly strikes a balance between the investigative and evidential requirements of sexual assault investigations and the emotional needs of complainants. As has been mentioned earlier, sexual assault investigations are arguably one of the most difficult investigation types that police conduct. The absence of evidence and independent witnesses necessitates that investigators rely on complainants' accounts to establish whether an offence occurred. When complainants do not feel supported, they may not feel empowered to provide the best possible evidence they can, and this may weaken their chance of a successful prosecution. Alternatively, some complainants may decide to withdraw their complaint altogether, leaving investigators with little option but to discontinue the investigation. For example, Patterson (2011) found that when investigators adopted a more forceful questioning approach (conceptualised in part as investigators requesting complainants to re-tell various aspects of their stories repeatedly; see Zajac et al., 2019 for discussion on how this relates to the CI framework), complainants felt less comfortable and thus shared less information (i.e., less complete account of their assault). Patterson suggested that this, in turn, decreased the likelihood that a complainant's case would be prosecuted. On the other hand, when complainants were interviewed in a gentle manner, they felt more comfortable and likely to share information. Interviewing in this manner increased the likelihood that a complainant's case would be prosecuted. When theorising what features should constitute a gentler interviewing approach, Patterson (2011) stated:

“First, the detective builds rapport with the victim prior to conducting the interview, which increases the victim's feelings of comfort before providing an account of the rape. Second, the detective begins the interview by asking the victim to give a full account of the rape with the detective encouraging the victim to disclose. After the victim describes the entire rape, the detective asks follow-up questions in a gentle manner at a conversational pace” (Patterson, 2011, p. 1366).

Calls to change how adult sexual assault cases are handled by police existed prior to Patterson's (2011) study (see Chapter 3 for overview in the Australian context). These calls have intensified in recent years with large social justice movements such as *#MeToo* and *#WhyIDidntReport*. This thesis lends strong support to Patterson's theorisation and demonstrates that a simplified and streamlined interview framework replete with witness centred questioning can indeed improve the quality of adults' accounts and their experience of the interview process. This noteworthy finding has implications across the board for those with a vested interest in how police interviews are conducted (i.e., complainants, investigators, and prosecutors). Each of these implications are discussed in turn.

Firstly, adults experienced the streamlined and tailored interview framework positively and viewed elements of it as necessary and integral during interviews of sexual assault complainants (e.g., ground rules and narrative practice). With respect to the latter, participants across those studies often cited the emotional and cognitive benefits that such elements could confer for complainants. Insensitive and unsympathetic investigators, and the cognitive toll of reporting a distressing assault, routinely appear as reasons why complainants have negative experiences during police interviews. Thus, a more streamlined and tailored interview framework may reduce the taxing nature of interviews. Moreover, some complainants' decisions to report their assaults are driven by a need to feel validated by police that their assault was harmful and unjust (Brooks-Hay, 2020). Having a framework that better facilitates tending to the emotional needs of complainants may improve complainants' satisfaction with the police response, even if an offender is not prosecuted.

Secondly, a streamlined and tailored interview framework may prove more user-friendly and evidentially focused for investigators. This is a particularly important implication given that field research has suggested that some investigators find elements of the CI framework complex and difficult to use (Clifford & George, 1996; Dando et al., 2008;

Memon et al., 1994) and that others see some of the elements as unhelpful (Dando et al., 2008; Kebbell et al., 1999; Wheatcroft et al., 2014). More recent research suggests that a lack of guidance on balancing evidential goals whilst minimising the amount of distress experienced by an already vulnerable complainant is a major challenge for investigators during sexual assault interviews (Westera et al., 2023). Key to addressing this challenge, Westera et al. (2023) argue, is the need to pare down on mnemonic instructions and instead focus on how investigators could use open-ended questions skilfully to elicit evidentially relevant detail. Data in this thesis not only lend support to this conclusion, but also provide a starting framework that could achieve such a goal.

Finally, a tailored interview framework could reduce frustrations expressed by prosecutors regarding the poor strength of evidence elicited from adult sexual assault complainants. Part of this frustration relates to the by-products (e.g., long and rambling accounts elicited from complainants) when CI-led interviews are used in sexual assault investigations (Criminal Justice Inspection Project, 2010; Stern, 2010; Westera et al., 2013). Greater guidance on eliciting evidentially relevant (rather than global detail) for investigators would likely have knock-on effects for the strength of sexual assault cases including an increase in the number successfully prosecuted. Improvements in the quality of complainants' accounts is particularly important. This is because of the absence of physical corroborating evidence and independent witnesses that plague sexual assault investigations.

These implications give rise to three recommendations for future research. First, with respect to the preparatory interview phase (i.e., rapport building), it would be useful to know how narrative practice can be adapted for use with adults. Like narrative practice delivered to children, Study 3 asked adults to select a pleasant or fun event to discuss with the interviewer prior to the substantive phase. However, some adults in that study noted that transitioning from a pleasant or fun topic to one concerning a traumatic event could be a dramatic shift. It

may be fruitful to examine whether other topics that pose a less jarring transition into the topic of concern (e.g., specific hobby or more general chit chat) may be more appropriate. The aim of this research would be to determine whether slight amendments to the new streamlined and tailored interview framework confer even greater socio-emotional benefits for adults. Second, it would be worthwhile to know how legal practitioners (e.g., prosecutors and judges) perceive an interview conducted using a CI and one that is conducted using a SIM. This line of research could be used to further refine elements of the new interview framework to enhance its evidential utility. This may be particularly important in circumstances that involve the need to particularise repeated occasions of sexual assault. A final related suggestion for future research concerns whether and how defence lawyers would use evidence elicited during an interview conducted using a CI versus one completed using a SIM framework. This suggested line of research could advance our understanding about whether (and which) strategies defence lawyers use when presented with a complainants' account that contains more overall details (true and erroneous) compared with one that contains fewer (but relevant) details.

In sum, this thesis has important implications for stakeholders with a vested interest in how adults are interviewed by police on sexual assault matters. The findings also open a variety of new questions and research directions to explore how a streamlined and tailored interview framework can improve the quality of adults' accounts and their experiences of the interview process. However, the implications of the thesis extend beyond the applied value of the newly adapted interview framework that was discussed in the preceding section. In the remainder of this Discussion section, I outline how the findings of the thesis advance the adult interviewing literature. In the process, I situate the discussion within the broader body of interviewing literature and end with concluding remarks.

Beyond the Accurate and Inaccurate Bind: The Need for a Tailored Approach in How Adult Sexual Complainants are Interviewed

Improving how adult complainants of sexual assault are interviewed will require researchers to think *beyond* traditional metrics of interview success (i.e., accurate relative to inaccurate detail elicited), which may be used to illustrate the utility of a particular interview framework. The need for this shift in how we think about interviews with sexual assault complainants is aptly summarised by Westera and Powell (2016) who state:

“Another way to maximise the utility of the [interview] methods, is to ensure the methods meet the challenges interviewers commonly face in practice. First, witnesses have different characteristics and capabilities. Interviewing a witness who is a high school graduate with no mental health problems may require a different approach to interviewing a witness who is an alcoholic and suffering from depression. Secondly, interviews are conducted as one of many means of gaining information for an investigation. The type of crime influences what information is important to that investigation and therefore the interview purpose. An interviewer may require a different approach with a witness to a non-fatal car crash to a victim of repeated assaults by an intimate partner.” (Westera & Powell, 2016, p.8)

Westera and Powell (2016) highlighted how the purpose of an interview may differ between investigation types and the way an interview is conducted may be influenced by the state and characteristics of the interviewee. Thus, while frameworks that yield a greater volume of accurate (relative to inaccurate) information may be well suited to some investigation types (e.g., robbery) and category of witnesses (e.g., non-vulnerable adults who are able and willing to engage in complex retrieval processes), they may raise challenges in other investigation types and with different witness populations. How then might researchers move towards better tailoring the interview process for adult complainants of sexual assault, while maintaining overarching principles of best practice?

First, it is crucial to recognise that the goals and testing conditions of frameworks such as the CI differ considerably to the circumstances and criminal context of sexual assault cases. The broader literature on sexual assault suggests that (1) many complainants suffer trauma due to the assault and many are vulnerable for other reasons (e.g., mental health

issues and the cognitive impact of victimisation; Brown & Finkelhor, 1986; Kilpatrick et al., 1981); (2) complainants report offences that have been committed over hours, days, or on repeated occasions (Westera et al., 2013); and (3) certain details that are vital to proving an offence may be upsetting or embarrassing for complainants to discuss (e.g., precise nature of sex acts; Westera et al., 2023).

Second, it is important to acknowledge that addressing these unique issues will likely require much greater inter-disciplinary research than has been conducted thus far. For example, understanding how to enhance the quality of information provided by complainants whilst emotionally supporting highly traumatised complainants (who, as the broader sexual assault literature indicates, may be suffering from trauma such as PTSD) may be better achieved by experimental psychologists working closely *with* clinical psychologists with expertise in complex trauma (see Castelfranc-Allen & Hope, 2018 for an example). This was clearly evident in the responses of adults across Studies 2 and 3, who repeatedly indicated that the trauma likely experienced by complainants may require strategies similar to those used by clinical psychologists when working with traumatised clients. These participants' views are also increasingly being echoed by scholars researching police interviewing in the aftermath of high trauma events (see Risan et al., 2020). I suggest that the further tailoring of the newly adapted interview framework will necessitate academics and clinicians collaborating on refining (or developing) elements of interview of the framework that can better manage markers of trauma. Other strategies should include greater *multidisciplinary* stakeholder engagement, cross-pollination between the adult and child witness literature, and use of multi-method research designs that draw on the conditions associated with sexual assault cases. Each of these strategies were key features in this thesis and are discussed in turn.

Multidisciplinary Stakeholder Engagement

Like criticism about the child interviewing literature (see Benson, 2015), much of the research on the interviewing of adults has predominately been conducted by academics working in isolation from practitioners. Although active efforts are being made to address this issue (see for example, Westera et al., 2013; Westera et al., 2023), one limitation of these efforts has been the focus on one single stakeholder group (e.g., police) at a given time to examine challenges associated with interviewing adult sexual assault complainants. Whilst there are benefits to this approach (e.g., understanding specific operational challenges), the obvious downside is that challenges are only ever viewed from one vantage point. Bringing multidisciplinary stakeholders together allows for the opportunity to identify how amendments to the way adults are interviewed could impact other stakeholders (e.g., how amendments that better meet the needs of police inadvertently impact complainants or prosecutors). Such a process also allows for the opportunity to collaboratively reconcile conflicting needs through discussion alongside academic experts.

A key feature of the current thesis was the adoption of this multidisciplinary model of stakeholder engagement in the initial stages to identify whether (and how) elements of the Standard Interviewing Method (SIM) could be adapted for adult complainants of sexual assault. For example, Study 1 brought detectives, expert academics, a prosecutor, and victim advocates together to elicit their perceptions of the CI and SIM frameworks. In addition to examining the challenges facing each stakeholder group with respect to how the adult sexual assault complainants are interviewed, the focus group provided insight into how broader legislative changes are impacting the way investigators conduct interviews. For example, investigators in the focus group indicated that prior to the interview they would warn complainants about the legal consequences of providing a false declaration to police. This practice was adopted in response to a transition from written statements towards video

recorded interviews. Part of the former process involved complainants signing a statutory declaration indicating that the information provided was true and correct and acknowledging the ramifications of providing a false declaration to police. However, during the focus group other stakeholders raised concerns that this practice would convey disbelief and have negative consequences should the case move to trial. This point of contention spurred discussion about the usefulness of the ‘promise to tell the truth’ instruction in child interview frameworks like the SIM and led stakeholders to suggest that adults simply be told about the importance of telling the truth (e.g., “it’s important you tell me the truth today”). This exchange highlights the value of bringing multiple-stakeholder groups together.

Multidisciplinary engagement also facilitates pooling various types of expertise. This variety of expertise can shape what elements should remain a fixture of an interview framework and which could be optional. For example, the stakeholders in Study 1 unanimously agreed that building rapport and trust with adult complainants of sexual assault before the interview was crucial. They indicated that while a discrete rapport building element like a narrative practice may be helpful for some adults, it may not be necessary for others. Some stakeholders suggested that complainants may prefer to arrive at their interview and want—or expect—to commence their interview right away. Moreover, the crown prosecutor in the focus group indicated that even if a complainant’s video recorded interview could be used as their evidence-in-chief, the narrative practice element would not form part of their evidence (i.e., would be cut out) and so has little evidential value. Some of the comments made by stakeholders were supported by the findings of Study 3 (Chapter 8) which examined the usefulness of narrative practice with adults. Participants in that study noted that some complainants would prefer to commence their interview immediately and encouraging those adults to complete narrative practice when their assault is on the forefront of their mind would disempower them.

Merging the Adult and Child Witness Interviewing Literature

A unique feature of this thesis is its merging of the adult and child witness interviewing literatures. As I noted elsewhere, evidence-based interview frameworks share a number of similarities (Fisher & Geiselman, 2010; Powell & Brubacher, 2020). These similarities reflect the culmination of decades of scientific research in areas of memory and communication which has led to a consensus among interviewing scholars about general best practice. Despite the many similarities, several differences between adult and child interview frameworks are apparent. Among other things (e.g., truth/lie tests), child interview frameworks include a greater number of elements designed to enhance comfort, build rapport with the interviewer, and prepare children for the demands of the substantive component of the interview (e.g., a set of ground rules and narrative practice). The inclusion of these discrete elements (in some form or other) in most evidence-based child interviewing frameworks reflects the understanding that children are a vulnerable population⁶. Thus, these types of discrete elements are often included in interview frameworks to account for children's vulnerability in the interviewing context, and to assist them in providing the best possible evidence they can, to facilitate criminal justice decision-making.

Fewer comparable elements that enhance comfort and prepare witnesses for the interview are included in adult frameworks such as the CI. This is arguably driven by an assumption that adults, on the whole, are not regarded as vulnerable. Underlying this assumption is the idea that adult complainants of sexual assault are emotionally and cognitively mature and thus do not require additional supports (Deck et al., 2022). However, like children, adults are likely to experience difficulties giving evidence (i.e., their account) during a sexual assault investigation (and later at trial) and are similarly at risk of

⁶ Other discrete elements that are evident in some child interview frames such as Truth/Lie competency tests are rooted in the historical view of children as unreliable witnesses in a court of law.

misunderstanding and miscommunicating (Deck et al., 2022). Additionally, there are many adults who would be considered vulnerable on the basis of cognitive ability, mental health, nature of victimisation (e.g., domestic and family violence), and trauma suffered (Dworkin et al., 2017). Recognising these similarities, international jurisdictions have altered how adult complainants provide evidence (see Deck et al., 2022).

Although Australian jurisdictions require adult complainants of sexual assault to give evidence according to standard procedures, there has been a positive shift in the handling of sexual assault cases over the years by the justice system (see Chapter 3, for review). For example, criminal justice agents such as the police, lawyers, and judicial officers have received greater training on sexual offences in a bid to improve sensitivity (Victorian Law Reform Commission, 2021). While these are important advances, comparatively less attention has been paid to how adult sexual assault complainants' accounts can be elicited in a way that considers their emotional and cognitive vulnerabilities whilst still meeting evidential objectives. Although the CI has provided a strong foundation based on decades of research, this unique challenge arising with sexual assault interviews are not considered in the CI because it was developed as a general interview framework which could be used across multiple investigation types. In building on this strong foundation and attempting to address the challenges facing adult sexual assault interviews, I sought to break down the silo between adult and child interviewing literatures. This was done to determine whether and how elements from child interview frameworks could be incorporated into adult frameworks. The goal behind this task was to mirror the success of child interviewing researchers, who have found ways to strike a better balance between supporting a complainant and providing guidance on meeting evidential requirements (Benson & Powell, 2015; Burrows et al., 2016).

Overall, the findings show there is promise in merging adult and child witness interviewing literatures. For instance, stakeholders in Study 1 spoke positively about the SIM

framework's potential to enhance the evidential utility of interviews with adults and suggested it provided a fruitful starting point to address more complex issues surrounding investigations of sexual assault (e.g., providing guidance on interviewing about repeated incidents). Similarly, participants across Studies 2 and 3 indicated that elements used with children would not be viewed as patronising by adult complainants.

Use of Mixed Method Designs, Immersive Event Stimuli, and Delays

Another feature of this thesis was its multi-method approach to understanding how interviews with adult complainants can be improved. Much like other studies in the adult and child interviewing literatures, I relied on quantitative data to examine how elements of the SIM (Study 2 and 3) impacted adults memory performance, in addition to comparing memory performance for interviews using complete SIM and CI frameworks (Study 4). These research designs provide valuable insight into how discrete elements or more complete interviews influence memory performance. However, these designs can limit our ability to tease apart nuance relating to adults' experiences of these elements or interviews, and the reasons shaping those experiences.

Qualitative data is critical in exploring whether and how changes to current interviewing practice with adults may be received. More importantly, mixed method designs can improve decision-making on how to embed elements used with child, with adults. For example, the quantitative data for Study 3 found no memory benefits or impairments of narrative practice with adults. However, the qualitative responses showed that (a) adults perceived the element useful for addressing the socio-emotional needs of complainants in the field and (b) although the socio-emotional benefits may be important for some adults, others may prefer to commence their interview immediately. Thus, on the whole, data suggest that narrative practice (in some format) should be embedded in the newly adapted interview framework as an optional element for use with adults.

Finally, this thesis also uniquely contributes to the interviewing literature through the use of an innovative and immersive target event to test rapport building elements with adults (Study 3). Much of the adult witness interviewing literature (especially research focusing on the CI) relies on a single recent (video or staged) event where the mock witness is a bystander to an emotionally neutral event (Memon et al., 2010; *cf.* Nahouli et al., 2021). However, there have been calls by scholars to explore other conditions common to investigations beyond theft and robbery. This is because many witnesses are not just bystanders to an offence. Rather, they can be actively involved parties in the event (e.g., victims of an assault). As has been noted throughout this thesis, this has obvious implications for sexual assault investigations where factors beyond memory (e.g., relationship dynamic) come into sharp focus (Westera and Powell, 2016). Some adult eyewitness research has examined questions that advance our understanding about how to address issues that characterise some kinds of sexual assault investigations (e.g., memory for repeated events; Ashkenazi & Fisher, 2022; Willén et al., 2015 and repeated victimisation more specifically; Dilevski et al., 2021). However, few studies have drawn on emotionally charged events or participants who present with the psychological and emotional challenges that many sexual assault complainants may experience. Moreover, these issues may also have an effect on whether a particular type of rapport building exercise is successful (e.g., narrative practice). Closely related to the issue of conditions in the field differing from those in laboratory settings is the fact that few studies in the adult witness literature examine the effect of delays. Crimes may not be reported immediately by victims. In the case of sexual assault, a complainant may not report for days, months or even years after the event. And yet, only a handful of studies have incorporated lengthy delays into their research designs (Memon et al., 2010).

The current thesis took some steps to address these methodological gaps in the adult witness interviewing literature. For example, in Study 2, I used a video depicting an implied

sexual assault at a massage parlour. That stimulus event was based on a real case reported to police in an Australian jurisdiction and was used to simulate the added social pressures (i.e., embarrassment) faced by witnesses who may be interviewed about a sexual offence. Study 3 built on this event paradigm and used an immersive online event of an acquaintance rape. The immersive event is novel in that it maximises adults' participation by allowing them to make decisions from the perspective of a victim. Although augmented and virtual reality are increasingly being used to study aspects of interviewing procedures (e.g., room spaciousness and interview performance, Hoogesteyn et al., 2019) and training investigators of child abuse (e.g., Salehi et al., 2022), few studies have applied these technologies in the context of adult sexual assault complainants. The immersive event used in Study 3 is a long way from the virtual reality-based event being adopted in studies such as Hoogesteyn et al. (2019) and Salehi et al. (2022). However, the immersive event I used in Study 3 represents an important step forward in ethically simulating the type of conditions sexual assault complainants may experience before making a report to police and creating the emotional state they present with before being interviewed. As noted by Memon et al.'s (2010) review, emotionally-charged target events are notably absent from the adult witness interviewing literature.

Concluding Remarks

The investigative interview is the evidential bedrock in cases of adult sexual assault. Yet, the police have been criticised for undermining the strength of evidence in these cases and re-victimising complainants. Growing research suggests that these criticisms may partly be due to the Cognitive Interview (CI) – one of the major frameworks used by police to interview adults including those alleging sexual assault – not aligning *entirely* with the unique criminal characteristics surrounding sexual assault cases. Thus, there is an urgent need to improve how adult complainants of sexual assault are interviewed. The current thesis has taken important steps towards this goal by adapting the SIM framework for this population.

Through this adaptation process, I have demonstrated that interview elements used with child witnesses can be adapted for use with adults to enhance the evidential quality of their accounts and their experience of the interview process. This adaptation process involved three features (a) engaging with multidisciplinary stakeholders, (b) merging adult and child interviewing literatures, and (c) adopting mixed method designs that used stimulus events which recreate conditions and emotional states experienced by complainants in the real world. Importantly, these three features of the adaption process gave rise to important avenues for future research, including practitioners' perspectives on interviews conducted using the new framework, have been raised to further improve the tailored nature of the framework. Nonetheless, the findings lay important foundations on the road towards improving complainants' odds at a fair outcome in an environment that is empowering and emotionally supportive. To that end, the newly adapted framework illustrates that a streamlined and tailored interview framework replete with witness-centred open-ended questions may be most appropriate in the specific context of sexual assault investigations.

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