

# Analysis of field investigative interviews of children conducted by specially trained police investigators

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## **ABSTRACT**

The research of field investigative interviews of children (FIIC) are mainly studies of individual factors by the children and interviewers, largely driven by a concern for non-contamination of the children's memory of the alleged offence in the interaction between the child and the interviewer. During the course of the present research, 100 videotaped FIIC, conducted by special trained interviewers, have been analysed and include some of the most prominent variables that are considered vital in the literature related to FIIC. The main objective of the thesis was to identify how specially trained interviewers conduct FIIC and study the factors facilitating the length of the interviewee's responses. Four central areas of interest were studied.

Focusing on the structure of the interviews, the first study sought to examine the standard of FIIC set against a structured interview model developed in England & Wales. The English model attempts to accord with psychological principles that lead to effective interviewing and so, if appropriately followed, such interviews should enhance the elicitation of more accurate material. Set against these principles of best practice, the analysis of the Norwegian FIIC indicated that a number of inappropriate and ineffective strategies appeared to be used in the police interviews. For example, in the literature, there is an agreement that open questions, as opposed to closed questions, are more likely to elicit longer accounts. The second study assessed the effect of interview training on police officers' use of open and closed questions in FIIC. In all interviews the mean number were 20 open and 217 closed questions, corresponding to an open-closed question ratio (OCR) of 1:10. Contrary to our hypothesis, analyses of variance (ANOVA) showed no main effect of competence. In the distribution of questions throughout the interview there were a descending number of open questions while the distribution of closed questions showed an inverted U-distribution with most frequent use of closed questions in the middle part of the interviews.

Focusing on the children's responses, the third study reviewed and analysed some of the most prominent variables considered to facilitate the interviewees' responses in the literature of FIIC. Of all the variables, the categories of the interviewers' utterances had most impact on the children's responses with the open questions eliciting the longest answers. The variable to follow was the children's age, with the oldest children yielding longer responses than the younger children to the open questions. Contrary to our hypothesis, the interviewers'

competence, childrens' gender, nor time had the expected impact on the length of the childrens' responses.

Finally, we wanted to analyse if some of the often sited variables affecting FIIC also affects the outcome of the case as judged by the prosecutors or the courts. One hundred FIIC were divided into one of the three different legal outcome possibilities in child sexual abuse cases: (i) insufficient evidence to proceed (IEP); (ii) convictions; or (iii) acquittals by the court. The results indicate that the courts decisions are affected by the length of the children's responses in their testimonies. Amongst the female interviewees older than 10 years, there were no cases of acquittals and the convicted cases were overrepresented. The childrens' response to open questions was found to be the main difference between the three FIIC outcomes. The childrens' verbal competence effect clearly demonstrates the importance for interviewers, the prosecution services, and the courts to conduct content analysis of the interviews, and improve their procedures in evaluation of FIIC.

**Conclusion:** In the analysis of the most prominent variables in FIIC the conclusion of the present thesis could be summarised around three main findings. Firstly, the interviewer's use of open questions was demonstrated to be the benchmark in FIIC, eliciting the longest answers compared to any of the other variables. Secondly, interviewing skills are not static. Even if the interviewers do have the knowledge and the research-based recommendations are endorsed, they are not implemented in the interviewers' way of conducting FIIC in practice. Thirdly, there is a verbal competence effect in court. The results indicate that the courts decisions are affected by the length of the children's responses to the interviewer's open questions.

## LIST OF PAPERS

- Myklebust, T., & Alison, L. (2000). The current state of police interviews with children in Norway: How discrepant are they from models based on current issues in memory and communication? *Psychology, Crime & Law*, 6, 331-351.
- Myklebust, T., & Bjørklund, R. A. (2006). The effect of long-term training on police officers' use of open and closed questions in field investigative interviews of children (FIIC). *Journal of Investigative Psychology and Offender Profiling*, 3, 165-181.
- Myklebust, T., & Bjørklund, R. A. (in press). Factors affecting the length of responses in field investigative interviews of children (FIIC) in child sexual abuse cases. *Psychiatry, Psychology and Law*.
- Myklebust, T., & Bjørklund, R. A. (2009). The Child Verbal Competence Effect in Court: A Comparative Study of Field Investigative Interviews of Children (FIIC) in Child Sexual Abuse Cases. *Journal of Investigative Psychology and Offender Profiling*, 6 (2), 117-128.



*"...It is a capital mistake to theorise before one has data. Insensibly one begins to twist facts to suit theories, instead of theories to suit facts..." (p.119)"*

Doyle A.C. "A Scandal in Bohemia".

In (1989). *The original illustrated "Strand" Sherlock Holmes.*

## **INTRODUCTION**

The aim of any investigative interview is to elicit the most accurate and detailed account of the alleged offence in a manner that does not place undue stress on the interviewee.

In most child sexual abuse (CSA) cases field investigative interviews of children (FIIC) plays a crucial role in these investigations and are considered to be the evidence in chief, primarily because other evidence is typically unavailable. Historically, interest in the testimonies of children by legal professions and social scientists has reflected specific judicial events, changes in the organisation of the judicial system, and the social conditions of the area (Ceci & Bruck, 1993; 1995). From the early research by Stern (1903/04) and Varendonck (1911) a considerable amount of studies have been conducted. A large body of research has been conducted under experimental conditions (Ceci, Loftus, Leichtman, & Bruck, 1994; Faller, 1996; Finnila, Mahlberg, Santtila, Sandnabba, & Niemi, 2003; Goodman, Quas, Batterman-Faunce, Riddelsberger, & Kuhn, 1994; Landström, Granhag, & Hartwig, 2007; Melinder, Scullin, Gunnerød, & Nyborg, 2005) while other researchers raise questions favouring field studies as the most convenient research method (Cederborg, Orbach, Sternberg, & Lamb, 2000; Cherryman, 2000; Davies, Westcott, & Horan, 2000; Fisher, Geiselman, & Raymond, 1987; Garven, Wood, Malpass, & Shaw, 1998; Hershkowitz, Horowitz, & Lamb, 2005; Korkman, Santtila, Blomqvist, & Sandnabba, 2008; Lamb, et al., 1996; Powell, 2002; Sternberg, et al., 1996; Thoresen, Lønnum, Melinder, Stridbeck, & Magnussen, 2006). The studies have generated a remarkable consensus about children's capacities and deficiencies. Although children can clearly remember incidents they have experienced, a variety of factors in FIICs could influence the children's willingness and ability to express the information, the interviewers' ability to elicit-, and the quality of the information provided in the FIIC.

Research conducted on FIIC are mainly studies of individual factors by the children and interviewers, largely driven by a concern for non-contamination of the childrens' memory of the alleged offence in the interaction between the child and the interviewer. In CSA cases the implicit assertion in FIIC is to gain long, detailed and accurate responses from the interviewed children. These accounts, unhampered by the questions or any personal influence from the interviewer, are also called free narratives (Dale, Loftus, & Rathbun, 1978; Fisher, 1995; Hershkowitz, Horowitz, Lamb, Orbach, & Sternberg, 2004; Hershkowitz, Lamb, Sternberg, & Esplin, 1997; Lamb, et al., 1996; Lamb, Sternberg, & Esplin, 1994).

### **Interviewers' utterances**

From the literature, one of the most prominent variables related to FIIC are the utterances of the interviewer. Developed from laboratory research, there is an agreement that regardless of the age of the children, the cognitive capacity of the interviewee, or the length of the delay between events and the interview, open questions are more likely to elicit longer and accurate accounts (Dent, 1986, 1991; Dent & Stephenson, 1979; G. S. Goodman & Aman, 1990; G. S. Goodman, Bottoms, Schwartz-Kenney, & Rudy, 1991; Hutcheson, Baxter, Telfer, & Warden, 1995; Lamb & Fauchier, 2001; Oats & Shrimpton, 1991; Orbach & Lamb, 2001; Ornstein, Gordon, & Larus, 1992). In comparison, those children who answer closed questions tend to use single or fewer words, often with a limited number of response alternatives (Poole & Lamb, 1998; Richardson, Dohrenwend, & Klein, 1965). Although free narrative reports are longer and more detailed, they usually do not provide all the information the interviewer requires. To focus upon already known or previously revealed information from the offender, the interviewer tends to ask closed questions. Despite the agreement about the advantage of open questions, there still remain discrepancies over how to best describe types of questions and their respective characteristics. From a linguistic perspective the system of categorising questions could be done with a lexical perspective focusing on the *phrasing* of the question (e.g. *'selection'*, or *'yes/no'*) or with focus on the *function* of a question (e.g. *'invitation'*, *'leading'*, or *'suggestive'*). Oxburgh, Myklebust and Grant (submitted) found the divergent description in the literature to be mainly within the questions categorised by their function. To prevent this discrepancy the classification system developed by Richardson et al. (1965), focusing on the lexical phrasing of the questions, has been used in the present thesis.

### **Childrens` age and gender**

Several studies indicate that the children's age and gender also affect the responses in FIIC. According to Foster-Cohen (1990) and Harley (2008), linguistic development of children is multi-dimensional and non-uniform with different aspects of communicative ability progressing at different rates for different children. Furthermore, as children grow older the length, informativeness, and complexity of their recall memory increases (Fivush, 1997, 1998; Poole & Lamb, 1998; Saywitz & Camparo, 1998; Schneider & Pressley, 1997) with the vocabularies of young children often being more limited and less descriptive than those of older children and adults (Brown, 1973; Morison, Moir, & Kwansa, 2000; Walker, 1999). Young children in their normal day-to-day interaction with adults rely on degrees of scaffolding to provide narratives and it can be argued that at some stages of their development the youngest children may be unable to produce a narrative without appropriate scaffolding. The danger of adult scaffolding in interview situations is contamination of memory. Some studies also indicate a gender effect of the interviewed children. Hershkowitz, Horowitz and Lamb (2005; Lamb, Hershkowitz, Orbach, & Esplin, 2008) examined all CSA investigations conducted in Israel between 1998 and 2002 and reported the interviewed girls to provide more details than the boys.

### **Interviewers` level of competence**

Focusing on the importance of the use of open questions to elicit long narratives, the interviewers` level of competence was introduced as an important variable. Fisher, Geiselman and Raymond (1987) observed that the interviewers` level of competence affected the responses in interviews of adults. The authors recommended formal, scientifically based training of the police officers at the institutional level. Fisher and Geiselman (1992) denoted their interview method as the cognitive interview technique (CIT) and observed that interviewers trained in this model obtained longer responses in interviews of adults compared with interviewers without such training. They suggested that training programmes will progress most efficiently if interviews are divided into intensive short sessions, rather than one large session, keeping the presentation component at a short duration with the efficacy of the training programme profiting by extended feedback to the individual interviewers (Fisher & Geiselman, 1992; Fisher et al., 1987). Contrary, Lamb and his colleagues argues that long-time improvement in the quality of investigative interviews are observed only when the training is distributed over time with follow-up supervision and feedback to the interviewers in the period of the studies (Lamb, Sternberg,

Orbach, Esplin, & Mitchell, 2002; Lamb, Sternberg, Orbach, Hershkowitz, et al., 2002; Orbach, et al., 2000; Sternberg, Lamb, Davies, & Westcott, 2001).

### **Structure of the interview**

Prior to the 1990s, the investigative procedure was simply not geared towards childrens' cognitive and linguistic abilities or to their vulnerability regarding suggestibility (Memon, Vrij, & Bull, 1998). The fact that the investigative procedure might intimidate children and make them less likely to be able to recount their alleged experience was completely overlooked. The structure of the interviews (i.e. how the interviews should be planned and conducted), has been discussed by several authors, with some arguing that the interviewer should follow highly structured sequences (APSAC, 2002; Fisher & Geiselman, 1992; Hindman, 1987; Home Office, 1992; 2002; 2007; Orbach, et al., 2000; Queensland Family Services, 1992; Steller & Boychuk, 1992; The National Crime Faculty, 1998; Yuille, Hunter, Joffe, & Zaparnuik, 1993). In these structured, best-practice interview protocols, there are four recommendations that are common: (i) the elicitation of free-narrative accounts from the child witness; (ii) a good rapport between the child and the interviewer; (iii) the provision of clear groundrules; and (iv) an open-minded approach considering alternative hypothesis.

### **FIIC in Norway**

Between 1992 and 1994, the Bjugn case (Riksadvokaten, 1994) revealed a lack of sufficient knowledge among the interviewers on how best to conduct FIIC. The allegations in this case, and the criticism of the interviewers' competence and style of questioning, was similar to other highly publicised CSA cases in the past decades, such as the McMartin pre-school and Kelly Michaels case in the United States (State v. Buckley, 1990; Garven et al., 1998; State v. Michaels, 1988; State v. Michaels, 1993; State v. Michaels, 1994; Ceci & Bruck, 1995), the Orkney inquiries in the United Kingdom (Clyde, 1992) and the Roum case in Denmark (Nielsen, 2001). In Norway, the criticism of the Bjugn case led to a new regulation and guideline stating that FIIC should be conducted only by qualified interviewers with special training in interviewing children (Justisdepartementet, 1998). Based on an assumption that specialised training of police officers would elicit more information from the interviewed children compared to non-specific interview training, substantial resources and effort has been

made in Norway to increase the competence of police officers conducting FIIC. At the Norwegian Police University College (NPUC), the interview training is based on scientifically and research-based theory (PHS, 2002; 2003; Gamst & Langballe, 2004). The FIIC interviewers are the most qualified interviewers in Norway and have dedicated most of their professional careers to the area of investigative interviews of children.

## **THE PRESENT DISSERTATION STUDIES**

The present studies have analysed videotaped FIIC conducted by specially trained interviewers. For ethical, practical and methodological reasons, most of the research on child witnesses has been conducted in experimental laboratories. Accuracy is much more difficult to establish in the field than in a laboratory analogue context because investigative interviewers rarely know what really happened in the alleged case. Instead, among others, three different approaches and strategies have been used to compare the laboratory results with the field studies. The first has been by comparing the responses provided by a suspect who has confessed to the alleged offence, with the responses provided by children in the accompanying FIIC to see whether there is convergence. Second, there are some cases with a video or audio recording of the actual abuse, which allow researchers to contrast that with the child's accounts. Third, by looking at the individual cases and FIIC for contradiction in the child's account. When a child contradicts him- or herself, we know s-/he said something that is inaccurate because both accounts cannot be true. We do not know which is accurate and which is inaccurate, but the number of contradictions can be counted as a proxy measure of accuracy.

Laboratory settings might not provide the police officers with the same sense of urgency and motivation often experienced in the field (Fisher, 1995). Experimental interviewers are rarely given extensive background information of the event, whereas in real investigations ideas and hypotheses about the incident, or antecedent perceptions of the interviewee, may influence the way the interviews are conducted (Mortimer, 1994; Oxburgh, Williamson, & Ost, 2006). Furthermore, the interviewers' awareness of being monitored may affect their regular way of conducting the interview. In total, this favours field studies when analysing how investigative interviews are conducted and the ecological validity of previous studies using experimental conditions is, therefore, questioned (Geiselman, Fisher, Cohen, Holland, & Surtes, 1986),

together with the use of personnel without any formal investigative or interviewer training (Fisher, Geiselman, Raymond, Jurkevich, & Warhaftig, 1987).

The main objective of the present dissertation is to analyse FIIC conducted by specially trained police investigators and to identify the factors facilitating the interviewee's responses in CSA cases.

## **SUMMARY OF PAPERS**

### **Summary of paper 1**

Focusing on the structure in the interviews, this was the first study of investigative interviews in Norway and sought to examine the state of FIIC set against a structured interview model developed in England & Wales. The structured PEACE model (mnemonic for Preparation and planning, Engage and explain, Account, Closure, & Evaluate) are based on psychological principles that lead to effective interviewing and so, if appropriately followed, should enhance the elicitation of accurate material (Milne & Bull, 1999; Clarke & Milne, 2001). A sample of eleven interviews was divided into 5-minute sequences. Questions in each of the sequences were then classified according to Richardson, Dohrenwend and Klein's (1965) definition of open and closed questions. The amount of talking time of each conversant was also measured. Finally, other significant features were extracted for qualitative examinations. The analysis revealed significant discrepancies from the PEACE model with a variety of inappropriate techniques, known to promote ineffective interviews, being employed. The results conclude that the interviewers spent as much time talking as the interviewees. There was a significant majority of closed questions throughout the interviews. At the outset the interviewer asked many identification questions and then sought to confirm these through yes-no questions towards the end. There was hardly any variation in the interview patterns regardless of the children age groups. An obvious limitation of the results was the small sample size. However, there was nothing unusual or distinct about the interviews and a similar trend was found in the later studies.

### **Summary of paper 2**

#### **Aim of the study**

Focusing on the interviewers' questions, the purpose of the study was to assess the effect of long-term training on police officers' use of open and closed questions in investigative interviews of children. Fisher, et al., (1987) introduced the open-closed question ratio (OCR) in order to characterize the proportion of open questions in relation to the number of closed questions in an interview. They argued that a high portion of open questions, described as a high OCR, would enhance the quality of the information received in a police interview and introduced the interviewers level of competence as an important variable generating a higher OCR. The training of Norwegian interviewers emphasise the use of structure and sequences

in the interview analogues to the training of police officers in Europe and America (Walker & Hunt, 1998). Structured interviews might be characterized by police officers using open questions in the beginning of the interview followed by closed questions to follow up information already given by the interviewee as free narrative. Contrary, other authors studying child-adult communication argue that a dialogical model accounting for a more active child (i.e. one who introduces terms of references and the topics to be discussed during the interview), provides a more realistic description of the structure of an ordinary field interview. Dialogue based interviews do not display a similar structure, reflecting that the child and police officer mutually engage with each other during questions and answers (Clark & Brennan, 1991; Manning, 1988; Watzlawick, Bavelas, & Jackson, 1967). The studies of methods used in police interviews do not have common definitions of which part of the interviews should be included. All the questions in the complete interview might be essential for the interviewer's collection and validation of the information given by the interviewee. Consequently, the total lengths of the interviews were analysed.

### **Hypothesis**

By analysing 100 FIIC undertaken by the most qualified interviewers in Norway we expected that extensive training would generate more frequent use of open questions in FIIC, resulting in a higher OCR, compared to less trained police officers. Secondly, we hypothesis that the most trained police officers will use more open questions during the first phases of the interviews compared to the less trained police officers.

### **Method**

At the Norwegian Police University College, education in the investigative interviewing of children could be divided into two groups based upon the educational level. Police officers at *Level 2* have substantial more theoretical and practical training compared with officers at *Level 1*. Fifty police officers from each group participated in the study with a video recorded FIIC. The transcribed interviews were electronically digitised and the interviewers' questions were classified according to the content dictionary first developed by Richardson, Dohrenwend and Klein (1965). The numbers of open and closed questions were calculated in each interview. Differences between the groups (Level 1/ Level 2) and the kind of questions



(open/closed) were analysed in a mixed between – within subject ANOVA design. To study how the pattern of questioning changed over time, the videos were used to divide the interviews into three equally long tertiaries. The numbers of open and closed questions were calculated for each of the three tertiaries, generating six cell means for each interview. Gender distribution among officers and children were analysed by chi-square non-parametric test and the other differences between the two groups were analysed by student's t-tests.

## **Results**

This was the first study to assess the effect of long-term training on police officers in Norway. In all interviews, the mean numbers were 20 open and 217 closed questions, corresponding to an OCR of 1:10. Contrary to our prediction there was a non-significant difference in the use of open and closed questions between the two groups of interviewers. The most competent interviewers used 22 open questions and the less competent used 19 open questions and the difference was not statistically significant. ANOVA showed a significant effect of question but no main effect of competence. The number of open questions in the last tertiary was about half of the number as in the first tertiary. The distribution of closed questions showed an inverted U-distribution, with most frequent use of closed questions in the middle part of the interviews.

## **Summary of paper 3**

### **Aim of the study**

Empirical studies of FIIC indicate a strong correlation between the number of words in the childrens' responses and the information contained in the utterances (Lamb, et al., 1996; Sternberg, et al., 1996). In this study, 100 FIIC were analysed to reveal central variables facilitating the interviewees' responses in CSA cases. The literature indicates that several variables affect the children's responses in FIIC. However, the different studies only include a limited number of the above mentioned variables. The purpose of the study was to include all the variables. Focusing on the interviewer, the interviewed child and the context of the interview, the following variables were included; the childrens' age and gender, the interviewers' utterances, the interviewers level of competence, and duration of the interview.

## **Hypothesis**

We assumed that all these variables would affect the length of the children's responses. According to the literature we hypothesised that the competence of the interviewer and the category of the questions would have the most impact on the length of the responses, while the children's age and gender, and the portions of the interview would have less influence on the responses in FIIC.

## **Method**

The study included one hundred FIIC conducted by separate specially trained police interviewers. Each interviewer met the following characteristics: (i) the interviewed child had to be between 6 and 16 years of age (school-age); (ii) no deviation in the child's linguistic development or skills; (iii) information about the interviewers' gender, age, training level (low/high), and the number of practiced FIIC; (iv) information about the age and gender of the interviewed child; (v) the interview had to be fully video recorded; (vi) the interview should be completely transcribed; and (vii) the FIIC should be the only interview of the child in the case.

By median split method, the children were divided into one of two age groups; Young (6-10 yrs) and Old (11-16 yrs). The competence of the interviewers consists of two aspects, one is the theoretical competence and the other is the practical competence. The combination of low/high theory (T-/T+) and low/high practice (P-/P+) gave four competence groups. The transcripts of the interviews were analysed with each category of interviewers' utterances measured against each child witnesses' respective answer. Each of the interviewers' utterances was classified according to the categories by Richardson et al. (1965). The mean number of words in each of the six categories of interviewer utterances, and in the corresponding answer from the child, was calculated for each of the tertiary in all interviews and used as cell means for subsequent statistical analysis. The numbers of words in the children's answers were used as the dependent variable.

## **Results**

We observed the mean numbers of words in the children's answers dependent upon the six different categories of interviewer utterances. ANOVA revealed the responses in the oldest group of children to be significantly longer than in the youngest group, with post hoc showing a significant difference between the two age groups only to the open questions. A temporal effect was demonstrated for the six categories, affecting only the number of words in answers to open questions, where the number of words in the first tertiary was significantly longer than in the second and third tertiary. Analysis of the interviewers' level of competence revealed a difference in the number of words in the children's answers to the open questions, with children interviewed by interviewers with high theoretical and low practical competence producing significant longer answers than interviewers with high theoretical and high practical competence. Of all the variables, the categories of the interviewer utterances had most impact on the length of the children's responses. Derived from the children's responses to the open questions, the variable to follow was the children's age, with the oldest children yielding longer responses than the younger children. Contrary to our hypothesis, the competence of the interviewers did not have the expected impact on the length of the responses. Neither did the children's gender, nor time as a temporal effect in the FIIC.

## **Summary of paper 4**

### **Aim of the study**

A review of several studies indicate that factors related to the category of questions, the competence of the interviewer, and the age and gender of the interviewed child, all affect the FIIC. The purpose of this study was to analyse if the same factors also affect the outcome of the FIIC, either as evaluated by the prosecutor as insufficient evidence to proceed or by the court judged as acquittals or convictions.

### **Method**

The study included 100 FIIC conducted by separate police officers were included in the study. Each interviewer met the same individual characteristics as in paper 3. In addition the case should be completed either as 'IEP' or proceeded by the court. The outcome of the proceeding in the court should be known. Each of the interviewers' utterances was classified in

according to the categories first developed by Richardson et al. (1965). The mean number of words in the children's answers to the six categories of interviewer utterances was calculated in all interviews and used as cell means for subsequent statistical analysis. By median split half method the children were divided into the 'young' children group (below 11 yrs) and the 'old' children group (above 10 yrs). Including gender as an independent variable gave four groups of children. For the interviewers the combination of low/high theory and low/high practice gave four competence groups. The lengths of the FIIC were divided into short and long interviews.

## **Results**

We found that none of the old girls were represented in the acquitted outcome and that they were overrepresented in the convicted outcome. The fact that the court always judges the cases with old girls as convicted outcomes has never been observed before. ANOVA revealed a significant main effect of the three FIIC outcomes (IEP/acquitted/convicted). The number of words in the children's answers in the 'convicted' category was significantly higher than the two other FIIC outcomes. The number of words in the children's answers to open questions was significantly different from all the other categories with the convicted outcome being 1.7 and 1.5 times longer than the acquitted and IEP outcome, respectively. ANOVA did not show any effect of the interviewers' competence, neither any effect of the four groups of children on the open responses, nor for the length (long/short) of the interviews.

## GENERAL DISCUSSION

The FIIC is a unique conversational context due to the roles assumed by the participants, the style and content, the participants themselves and the motive for the conversation. In contrast to everyday conversations children in FIIC have to talk to unfamiliar adults about potentially sensitive topics in a very formal setting. Children's ability to be informative experts about their own experiences, like their reliability and suggestibility, is influenced by a number of variables, most significantly the ways in which the interviewers steer the conversation (Lamb & Brown, 2006).

As demonstrated in the present studies, the quality measurement in all FIIC is the form of questions used by the interviewer, with open questions eliciting the longest answers compared to any of the other variables. Study one demonstrated that the interviewers did not follow best practice guidelines or instructions, eliciting free narratives from the interviewed children. Instead a variety of inappropriate techniques, known to promote suggestibility and ineffective communication were employed. As demonstrated in the qualitative analysis, the interviews starts with the interviewer presenting seven or more information units such as; date and time for the interview, role of the police and the interviewer, the interview room and technical descriptions, people monitoring the interview, the importance of the child telling the truth, talking loud and clear etc. After this the interviewer follow up with a series of questions where the interviewer already know or should know the answers, such as; the child's address, members of the family, name of school, which class they attend and name of favourite teacher and subject. This is often followed by questions regarding the child's leisure activities. From the very start of the interviews there are very little opportunities given to the interviewed child's free narrative, indicating a lack of the interviewers awareness of the basic communicative principles in FIIC. An explanation for why the interviewers are giving this introduction, with an overwhelming amount of information, could be that section 12 of the Norwegian regulations (Justisdepartementet, 1998) contains more or less a checklist of *what* the interviewer should inform and admonish the child to do.

### *"Section 12 How to conduct the interview*

*Prior to the interview, the witness shall as a general rule receive information about who is going to attend the interview and where they will be located. As a general rule, the witness shall also be told that the interview will be videotaped or recorded on tape.*

*The person who conducts the interview must admonish the witness to tell the whole truth, cf. section 128 of the Criminal Proceedings Act. The admonition must be adapted to the age and mental development of the witness.*

*The interview must be adapted to the age and mental development of the witness, and to the circumstances in general...*” (Justisdepartementet, 1998, p.10) [my translation]

This in contrast to the guideline in England & Wales (Home Office, 2007) where the interviewer get research based support in *how* the interview should be conducted. The Norwegian regulation (section 12) states that the interview must be adapted to the age and mental development of the interviewed child. Despite the importance, there are no procedures for the interviewers or court in how to evaluate the interviewed child’s verbal competence, conceptual understanding and maturity. I question on what background the judges, in charge of the interviews, in most of their written reports from the monitored FIIC states “the child seemed developmentally mature to his/her age”.

In all the interviews the children were told the importance of telling the truth. In England & Wales this is done by presenting the child for a scenario, adapted to their age, about a boy or a girl at their own age that does something wrong while playing, and tries to get away with it by denying the fact when confronted by their parents. The interviewers ask open questions to get the children to analyse the situation and why the child in the story acted as he or she did. From the children's answers the interviewer’s introduces the importance of being honest and telling the truth in the present interview situation. In this way the interviewers get the children to reflect, explain, and give long statements at an early stage of the interview. Contrary, the Norwegian interviewers informed the children the importance of telling the truth. The majority of the interviewers asked a closed yes-no question, such as: “Do you know what it is to tell the truth”. When asked, all the children answered “yes” to this question. Additionally, most interviewers asked concrete closed questions about the truth, such as:

Interviewer: “If I said that your trouser is green, would that be a truth or a lie?”

Child: “A lie.”

Interviewer: “Yes, because your trouser is red?”

Child: “Yes.”

Interviewer: “Now, I know that you know the difference of truth and lie.”

Child: “Yes.”

Once again this emphasises the importance of having an interviewer who has a great range of questions at her or his disposal and is properly prepared to present the interviewee with varied

open questions. To achieve this, the interviewer has to collect information about the child outside the interview situation, so the interviewer becomes able to assess the child's perception of reality and the reliability of the information provided by the child. Our findings in the first three papers support Egan (2002), who argues that those who ask closed questions find themselves using more and more questions; in other words, one closed question begets another.

As demonstrated in study three the average length of children's responses increases as children grow older. This is the challenge with interviewing young children. Their responses is short, which means that the ball is falling back on the interviewer's court very fast, and the interviewer have to come up with another question very quickly. If the interviewer have not worked hard and prepared very well s/he will probably fall back on asking a closed instead of an open question. As demonstrated in the present studies the problem is not so much the children's inability to respond to open questions, but it is actually the interviewer's inability to come up with a good open question in response to a short answer from the child. And because it is short it is often not a particularly clear narrative, and the interviewer becomes unsure, led a little bit a drift and not confident in what to do. Uncertainty for an investigative interviewer is the one thing that almost guarantees him or her to ask closed questions (Egan, 2002; Shepherd, 2007). So reducing that uncertainty is perhaps one of the most important goals of the training and ongoing practice, in providing people with a set of alternatives that they can use in that situation.

In the literature the training of FIIC interviewers has been studied within two traditions. One tradition has been the short-term training (Fisher & Geiselman, 1992) and the other has been long-term training tradition (Lamb, Sternberg, Orbach, Esplin, et al., 2002; Lamb, Sternberg, Orbach, Hershkowitz, et al., 2002). We hypothesized that the extensive long-term training, including both several theoretical courses and a large number of FIIC, would improve the competence of the police officers interviewing skills. Further, subsequently increase the use of open questions and longer responses from the interviewed children for the most trained and experienced police officers. Contrary, we found no difference in the use of open questions between the interviewers at different competence levels. For the children's responses, the interviewers with high theoretical knowledge and low practical competence revealed nearly double the length as the interviewers with both high theoretical and practical knowledge. Several explanations to this unexpected result have been considered. It could be that

interviewers with low practical competence are more prepared in their interviews and have based their plan on their theoretical knowledge, while the interviewers with high level of practice are more distanced to their theoretical competence, leaning more on their practical experience from their previous interviews. Some authors have argued the importance of systematic supervision of interviewers in the field (Lamb, Sternberg, Orbach, Hershkowitz, et al., 2002), and that what happens at the local police station after the formal theoretical training is as important as the initial training itself. We have not included any evaluation of the training programmes in investigative interviewing at the Norwegian Police University College. However, both the law and the training programmes for police officers conducting FIIC focus on the use of scientifically based interviewing techniques and strongly emphasises the interviewers to achieve the child's free narrative by the use of open questions (Act of 22 May 1981 No. 25; Myklebust, 2005). The problem is this gap between knowledge and practice. Interviewers do not implement best practice even when they know them and think they are complying. Our results questions whether the training programmes could be improved. We advocate that supervision may generate a group atmosphere of co-operation between several police officers, which concentrates on performing optimal interviews. Several studies (e.g. Cannon-Bowers, Salas & Converse, 1993; Hardin & Higgins, 1996) have indicated that team-based cooperation generates better communication strategies compared to individual activity. At an organisational level, the question of effective and optimised learning and training has attracted substantial attention in general work and organisational psychology (Argyris & Schön, 1974, 1978; Deutsch, Coleman, & Marcus, 2006; Garvin, 2000). Procedures, routines and methods used successfully by other professional organisations (Ericsson, Charness, Feltovich, & Hoffman, 2006; McGregor, 1960) should in a higher degree be evaluated and implemented within the police. Such organisations, with systematic training and experience in evaluation of their assignments and employees, are in several sectors including aviation; with evaluations of training, authorisations and re-authorisations of pilots (RNoAF, 2004), and within the health service, oil sector and shipping. All with specific requirements in training and authorisations.

Project-management and use of teams are already used with success within some parts of the police organisation. It is the model used by the National Criminal Investigation Service (Kripos) both in cases run by them and in their assistance to the 27 local police districts in Norway. At the case level the "Lommemannsaken" (internationally presented and known as 'the Pocket-Man Case') (Skjønsfjell, 2008) could serve as an example. The name was



developed from the suspect's modus operandi (1975-2006). He cut holes in his trouser pocket and asked young boys to help him get something (keys, coins) out of his pocket. Instead, the unsuspecting boys would end up touching the offender's penis. While many of the boys managed to run away some of the boys were forced to perform oral sex and other sexual activities on him. Operating in different police districts all over Norway resulted in the evidence in most cases being found insufficient to proceed to court. It was first after several years some investigators saw the modus and link, resulting in a group of investigators being designated to run what became a national investigation, reopening cold cases back to 1975. According to the investigative team many of the FIIC in the case were of poor tactical quality and many of the children had to be re-interviewed. The information from the interviews conducted by a team of interviewers, dedicated to the case, was considered to be quantitatively- and qualitatively better, than most of the interviews conducted by the single interviewers in each of the involved police districts (Skjønsvoll, 2008). The positive effect of teams and project management is also known and used by the police in other fields, such as narcotics, economic crimes, and crime prevention. For most interviewers the preparation for FIIC is a lonely process. Much energy and preparation time is used in organise for all the monitoring participants being informed and meeting at the same time for the interview. The judge, prosecutor, defendant's lawyer, the child's lawyer, and (if necessary) the technician running the recording equipment, is the rest of the team in most FIIC. Their main focus and representation is around the interviewed child. To assist the interviewer s/he should have a dedicated monitoring co-interviewer focusing on the interviewer's performance. During the pause in the end of the interview, while the interviewer is consulting the judge and the rest of the legal representatives in the monitoring room (challenging the lines of inquiry or presented statements), the trained co-interviewer could assist the interviewer by coming up with alternative questions. In this way it will be easier for the interviewer to open up, and implement more open questions in the FIIC.

Taken together, the recommendation for the police service is that the guided interview training for police officers should be as similar as the real FIIC. It should be conducted by interviewers working in the investigative team, in the same environment and under the same conditions as their real investigative interviews. In the real FIIC the interviewers should be assisted by peer consultants, monitoring the FIIC together with the legal representatives.

The PEACE model are based on psychological principles that lead to effective interviewing and so, if appropriately followed, should enhance the elicitation of accurate material. PEACE is an acronym identifying the steps of the model which provide an interview structure; Planning and preparation, Engage and explain, Account, Closure, & Evaluation (for details see; Milne & Bull, 1999; Clarke & Milne, 2001). Following a structured interview model such as the PEACE model of interviewing, the officers have to realise the importance of the P (planning) and E (evaluation). In the evaluation processes of their conducted interviews, individual and ongoing group supervisions have to play a major role in the implementation of the interviewers' knowledge into their FIIC practice.

The results demonstrated that the children were verbally competent throughout the whole interview. Children in the oldest age group (11-16 yrs) gave longer answers than the younger children (6-10 yrs). The open questions generated the longest responses in both groups of children. For the interviewers, this means that the same questions will have the same effect on the length of the answers between the two age groups. This result is of operational importance to the interviewers in their planning and preparation of the FIIC. The verbal competence of the children is not only important for the interviewers, it is also having an effect on the process of the cases in court.

In study four, the findings indicate that the courts' decisions are affected by the length of the children's responses in their testimonies. Among girls older than 10 years, there were no cases of acquittals and an over-representation of convictions. In the categories of open questions, the responses were about twice as long in the convicted- compared to the acquitted outcome.

This finding, denoted *the children's verbal competence effect*, has never been reported before. It raises interesting questions regarding what characterises the content of the interviews leading to conviction compared to acquittals. Further, which interpretation and evaluation methods are used by the members of the courts in their decision-making processes when presented for the videotaped FIIC. For the investigators the result operationally demonstrates the importance of open questions and free narratives in FIIC, indicating; "the longer the answer, the higher the likelihood for a convicted outcome of the trial". The verbal competence effect clearly demonstrates the importance for interviewers, the prosecution services, and the courts to conduct content analysis of the interviews, and improve their procedures in evaluation of FIIC. It is my clear opinion that in the years to come, more focus on this is needed both by the academics and the practitioners in the field of investigative interviewing.

## **FUTURE PERSPECTIVES**

The reported results in this thesis opens up for at least two interesting approaches. In the work with the project a large database of FIIC has been developed. One approach could be to continue the content analysis of the FIIC with other variables than the ones in the present studies. Based on the findings in study four, analysis of obtained investigation relevant information would be of interest. Another direction could be an experimental approach to find more effective ways to conduct FIIC. More concrete, the experimental studies could be designed in the development of effective training methods for the interviewers. Such approach could be to compare different organisational models. This could be done as pre-post studies at the same police department or by comparing police departments that have implemented different models in their way of conducting FIIC.

## **CONCLUSIONS**

Whether or not an FIIC results in free narrative from the interviewed child says a great deal about the conversation, and in the cause of that it is the interviewer's responsibility to make sure that the communication with the interviewed child goes well. The interviewer is the one who ultimately determines whether the FIIC is going to be an effective information gathering exercise. In the analysis of the most prominent variables in FIIC the conclusion of the present thesis could be summarised around three main findings.

Firstly, the interviewers' use of open questions was demonstrated to be the quality measurement in FIIC, eliciting the longest answers compared to any of the other variables. The OCR in study two and three was 1:10. Obviously police officers who conduct FIIC need to use more open questions in their interviews. And the only way to do that is for the interviewers to plan, practice, evaluate and continue to evaluate their interview practices.

Secondly, interviewing skills are not static. Even if the interviewers do have the knowledge and the research-based recommendations are endorsed, they are not implemented in the interviewers' way of conducting FIIC in practice. The studies demonstrate that the interviewers, however skilful, get rusty and the interviewers with most practical competence are less effectively getting the shortest responses from the interviewed children. In the suggested improvement of the interviewers' FIIC, two models have been presented. The first,

at the individual interviewers' level, suggested improvement in the training programmes by including supervision of the interviewers with the interviews conducted similar to the real FIIC, at the local police stations. The second suggested model was at the organisational level. By organising teams of investigators working together with dedicated peer consulting co-interviewers, monitoring and focusing on the interviewer's performance, coming up with alternative questions during the FIIC.

Thirdly, there is a verbal competence effect in court. The results indicate that the courts decisions are affected by the length of the children's responses in their testimonies. The children's responses to open questions was found to be 1.9 and 2.3 times longer in the convicted cases compared to acquittals or cases with insufficient evidence to proceed to court. This emphasises the importance of open questions in the interviews, and for both the interviewers and members of court to implement content analysis of the interviews and improve their evaluation procedures of FIIC.

Contrary to the popular myth, children do respond when they are questioned. The key point I would like to emphasise is:

Whether or not children give a long response depends, not only on their limitation, but also on the interviewers' limitations and the interviewers' ability to, in a sense, take advantage of the children's strength and get them to function at the best of their abilities. Whereas, what I often saw in the analysis for this thesis were children functioning below their best effort. Interviewers, teaching institutions, academia and research environments, legislative authorities, and the court of law, are all responsible for improving the quality of procedures in connection with FIIC. The results in the present thesis show that there is a need for improvement.

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