



# Child witnesses and Registered Intermediaries




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# The research project - background

- Between 2013 and 2016, we ran an ESRC-UK funded project looking at autistic and non-autistic child witnesses of primary school age and the role of intermediaries
- The following slides summarise key research questions and main findings relevant to our non-autistic sample of children
- The work has now been published
- All papers are OPEN ACCESS - anyone can download and share them
- References included at the end of this talk (in bold)



# Key research questions

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- Can we improve the quality of evidence produced by primary school-age children using Registered Intermediary (RI) assistance?
- Does RI assistance help with investigative interviews, identification line-ups and/or cross-examinations?

# The research project - overview

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- Assessed children (6-11 years) with typical development across all the different stages of a 'mock' criminal investigation
- At each stage, we looked at whether Registered Intermediaries helped children to give better quality evidence
- Key stages:
  1. Witnessed event and initial statement
  2. Investigative interview
  3. Identifying 'perpetrators'
  4. Cross-examination

# Participants

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- 201 typically developing children (100 boys) attending mainstream primary schools in Greater London
- All had ability levels in the borderline to typical range (IQs of 70+)
- They did not have developmental conditions or a learning disability
- Age 6-11 years when recruited
- We controlled for differences in intellectual ability and age if needed; and also measured language, memory and attention skills



# Comments about the experimental 'mock witness' method ...

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- We attempted to replicate a real criminal investigation
- We used a standard live event, realistic delays before interviews (relevant at the time), trained interviewers, and experienced CJS professionals
- We could control exactly what the children witnessed, we knew the 'truth'
- Ethically, we could not ask children to do anything stressful or upsetting, the witnessed event was necessarily mild and 'one-off'



# Giving an initial statement

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- Children watched a live event (during school assembly) or a video (presented on a laptop) of two people giving a talk about what school was like a long time ago - including a minor crime involving a phone/keys
- The same day, children were given brief 'open-ended' questioning about what they saw (as per a response officer taking an initial statement). Free recall and a small number of open-ended questions
- Carried out by PhD students without specific interview training – but knowledge of child development



# Results - giving an initial statement

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- For the initial statement, none of the children had assistance from an intermediary
- Overall, 89% of the details recalled were accurate
- We also looked at the types of child characteristics (age, IQ, memory, attention, language ability) that were related to better recall of the event
- Age and memory performance (memory for stories and memory for faces) were related to better recall of the event
  - Older children and those with better general memory abilities remembered the most about the event

Henry et al. (2017). *Autism and Developmental Language Impairments*, 2, 1-17.  
<https://doi.org/10.1177/2396941517722139>





# Investigative interviews

- One week later, structured, best-practice investigative interviews were administered
  - In line with ABE = Achieving Best Evidence Guidance (2011)
- All interviewers undertook interview training (Metropolitan Police training)



*Could we improve the number of details recalled without increasing errors using Registered Intermediary assistance?*

*We semi-randomly allocated our 201 children into four different interview types...*

# Types of interviews

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## Control interview - **Best-practice (ABE) police interview**

- After introductions, rapport building and a 'truth and lies' exercise, this interview focused on free recall of the event and follow up open-ended questions
- (Plus two other variations on this interview not discussed today)





# Types of interviews

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## **Registered Intermediary (RI) interview**

- RIs conducted assessments of each child (language and communication based) before the interview and advised interviewers how best to elicit evidence
- RIs present for all interviews and aided the child in understanding and responding to questions
- We tried to make the procedure as similar to a real case as possible within the constraints of an experimental study





# Results - investigative interviews

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- In Registered Intermediary interviews, children remembered significantly more correct details than children in the Best-practice police interview
- On average, children recalled 19 more items of correct information
- There were no significant increases in errors for Registered Intermediary interviews

Henry et al. (2017). *Journal of Autism and Developmental Disorders*, 47(8), 2348-2362. <https://link.springer.com/article/10.1007/s10803-017-3142-0>



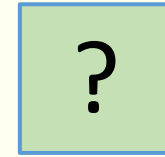
# Identification line-ups

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- Following investigative interviews, children were asked to identify the actors that appeared in the 'scene'
- 9-person video line-ups were used, akin to those used by Police forces in England and Wales (produced by the Metropolitan Police)
- Standard PACE Code D police method used in all interview conditions except the RI condition....
  - RIs adapted instructions and format to make it easier for children to understand what was required and to communicate their response (based on agreed formats from real cases)

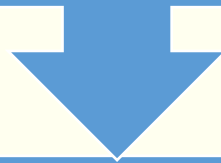


# Results - identification line-ups



1	2	3
4	5	6
7	8	9

Children in the RI assistance group showed more accurate line-up performance than children in the Best-practice group (who had no RI assistance)



This benefit was particularly evident when identifying the mock perpetrator in 'perpetrator present' line-ups

# Cross-examinations

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- Eight to 13 months (average = 11 months) later, an experienced barrister questioned 176 of our original sample about what they had seen
- We simulated the 'live television link' using Skype
- In the RI condition, the RIs (and research team) met with barristers to discuss the broad principles of questioning young witnesses
- Children were reassessed prior to cross-examinations, appropriate recommendations were given to the barristers, and amendments to questions were agreed
- The RI was present to assist with communication during cross-examination, as they would be in a real case



# Results – cross-examinations

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- Barristers challenged children on seven ‘false’ details taken from a ‘mock’ defence statement
- Most children agreed with at least one false detail when challenged (94%)
- RI assistance significantly improved children’s ability to resist barrister challenges about the false details

Henry et al. (2021). *Applied Cognitive Psychology*, 35(6), 1387-1404.  
<https://onlinelibrary.wiley.com/doi/10.1002/acp.3869>



In RI assisted  
cross-  
examinations  
there were some  
differences in the  
barristers'  
questions ...

Barristers used:

- More open questions ✓ (“Who set up the video camera?”)
- Fewer assertion questions ✓ (“Alex set up the video camera?”)
- Fewer tags ✓ (“Alex set up the video-camera, didn't he?”)
- Fewer credibility challenges ✓ (“Did you actually see him do it or are you guessing?”)
- Barristers repeated questions more often and praised children less ?
- Some evidence that barristers used questioning techniques more aligned with research-informed practice, but some areas of uncertainty

Henry et al. (2021). *Applied Cognitive Psychology*, 35(6), 1387-1404.  
<https://onlinelibrary.wiley.com/doi/10.1002/acp.3869>

# Summary of findings

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- For primary school-age children (6-11 years) with typical development, RI assistance was beneficial across all relevant stages of our mock criminal investigation
  - Investigative interviews - increased number of details recalled
  - Identification line-ups – improved accuracy
  - Cross-examinations – better resistance to barrister challenges on false information



# Implications for practice

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- Findings provide promising evidence that intermediary schemes can be beneficial for primary-school age children
- Intermediaries assist criminal justice professionals to ask questions that are more aligned with best practice (e.g., developmentally appropriate)?
- This helps children to give their best evidence
- All research has limitations – a ‘mock’ witness study with a mild crime event cannot mimic the stress and trauma of a real case

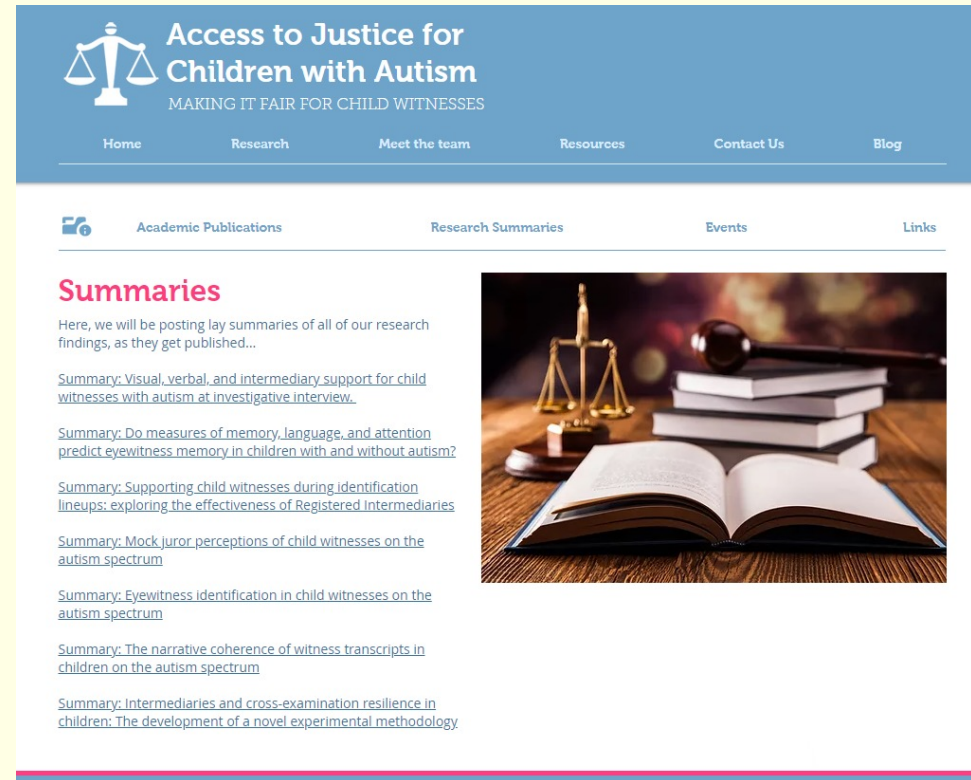


Further information

<https://www.childwitnesses.com>

For one-page summaries of all papers on this project:

<https://www.childwitnesses.com/summaries>





# Freely available research papers

Henry, L.A., Messer, D.J., Wilcock, R., Nash, G., Kirke-Smith, M., Hobson, Z. & Crane, L. (2017). Do measures of memory, language, and attention predict eyewitness memory in children with and without autism? *Autism and Developmental Language Impairments*, 2, 1-17. <https://doi.org/10.1177/2396941517722139>

Henry, L.A., Crane, L., Nash, G., Hobson, Z., Kirke-Smith, M. & Wilcock, R. (2017). Verbal, visual, and intermediary support for child witnesses with autism during investigative interviews. *Journal of Autism and Developmental Disorders*, 47(8), 2348-2362. <https://doi.org/10.1007/s10803-017-3142-0>

Wilcock, R., Crane, L., Nash, G., Hobson, Z., Kirke-Smith, M. & Henry, L.A. (2018). Supporting child witnesses during identification lineups: Exploring the effectiveness of Registered Intermediaries. *Applied Cognitive Psychology*, 32:3, 367-375. <https://doi.org/10.1002/acp.3412>

Wilcock, R., Crane, L., Hobson, Z., Nash, G., Kirke-Smith, M. & Henry, L.A. (2019). Eyewitness identification in child witnesses on the autism spectrum. *Research in Autism Spectrum Disorders*, 66, October 2019, 101407. <https://doi.org/10.1016/j.rasd.2019.05.007>

Crane, L., Wilcock, R., Maras, K., Chui, W., Marti-Sanchez, C. & Henry, L.A. (2020). Mock juror perceptions of child witnesses on the autism spectrum: The impact of providing diagnostic labels and information about autism. *Journal of Autism and Developmental Disorders*, 50, 1509-1519. <https://doi.org/10.1007/s10803-018-3700-0>

Henry, L.A., Crane, L., Fesser, E., Harvey, A., Palmer, L. and Wilcock, R. (2020). The narrative coherence of witness transcripts in children on the autism spectrum. *Research in Developmental Disabilities*, 96, p.103518 <https://doi.org/10.1016/j.ridd.2019.103518>

Henry, L.A., Crane, L., Nash, G., Millmore, A. & Wilcock, R. (2021). Intermediaries and cross-examination resilience in children: Exploring a novel experimental methodology. *Applied Cognitive Psychology*, 35(6), 1387-1404. <https://onlinelibrary.wiley.com/doi/10.1002/acp.3869>



# Areas for future research

## Discussion points

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# Future area for research?

Children with developmental conditions or additional vulnerabilities

- How frequently do RIs assist children with developmental conditions and additional vulnerabilities?
- What are the main challenges?
- What strategies, accommodations and visual aids do RIs use to assist these groups?
- Does RI assistance help some children to give 'any evidence at all'?

For example:

Autistic children (with and without learning disabilities)

- Do we need special adaptations for those with learning disabilities?

Children with developmental language disorder

# Approaches for future work

Should we use 'mock witness' approaches or real cases?

- Nature of research questions will vary depending on which approach is used
- Could both approaches be complementary?

- ***Mock witness studies*** allow us to present the same event/interview to participants – truth is known and interviews can be standard
- Ethically, limited to mild and usually short events
- Varying degrees of direct participation

- ***Real cases*** have rich, real-world data – detailed analyses can be done on transcripts
- Not possible to know the truth or 'control' the event or interview
- Access to transcripts can be difficult



# Other research topics?

- Are police officers now being trained to interview appropriately on their own more effectively?
- Do recommendations made by RIs for one case continue to impact other police interviews?
- Much research looks at witnesses, is there enough on suspects and defendants?

More ideas for further research?

How best to involve all stakeholders in developing and planning research?  
(co-design and participatory research)

# Discussion point

Ground Rules Hearings - in the Criminal Practice Directions, RIs should attend and input into GRHs

- Currently RIs not always invited, or the Hearing is arranged when the RI is not available, or the RI is ignored
- Are the courts becoming so attuned to what is required that it is not necessary for RIs to attend?
- Or is there another reason?



## Further details about the RI assessments in our study

# Initial RI Assessments

1. Rapport building using games, pictures, drawing (e.g., ask children to draw their family/people they live with) plus the next assessment activity
2. Give any/5 facts about something they have done  
Give any/5 more details  
One more thing  
Day, time, morning, afternoon, evening
3. Using photo card story to check if they can:  
Say it back  
Sequence correctly  
Understand what is happening and what is implied in story  
Understand first, last, after and before  
Respond to where, what, who, why, when, next  
Age, older, younger, boy, man, girl, woman, grown up  
Understand in, on, under, behind

4. Truth and lies story using cartoon – right and wrong
5. Show symbolic play
6. Recognise emotions using pictures
7. Draw teacher, other, description (e.g., hair colour, clothes?), cut out figure
8. Does he/she need picture communication system for timetable or for communication?  
Does he/she need visual aids? Does he/she need calming object and I want a break card?



# RI Interviews – recommendations

*Greet (Phase 1)* **Speech should be at a slow pace. Use natural gesture to support language.**

Greet participant and thank him/her for coming.

*Rapport (Phase 2)*

Ask interviewee some questions about themselves and offer information about myself ...when it is clear that they are fairly relaxed move to phase 3. A game or toy can be use to settle the child if necessary. **Keep this brief so that concentration is maintained**

**Use child's name to gain his or her attention**

### *Truth or lie exercise (Phase 3)*

**Use RI storylines first then**

*Explain the purpose of the interview (Phase 4)*

**“Last week you told Gilly about a little play you saw. It was about a school in Victorian times. We are going to talk about the play.”**

**There are some rules for our talk. I will show you some pictures.”**

**Rules.**

**Show cards or full page of the following.**

**Only say what really happened**

**It is OK to say you don't know**

**It is OK to say you can't remember (see attached)**

*Free recall (Phase 5 – Recall attempt 1)*

**(drawing materials / post-its / small world figures available on table)**

*Questioning (Phase 6 – Recall attempt 2)*

**“please tell me some more about..... / Talk to me a bit more about .....**

*Closure (Phase 7)*

“Do you want to say anything more?”

“Do you want to ask me anything?”

“Thank you ...you have done really well.

# General “Rules for talking”


It's very important to say what really happened







It's  to say:

1. You don't know 

2. You don't understand 

3. You can't remember or you forgot 

You can say if a person talking to you has got it wrong.  

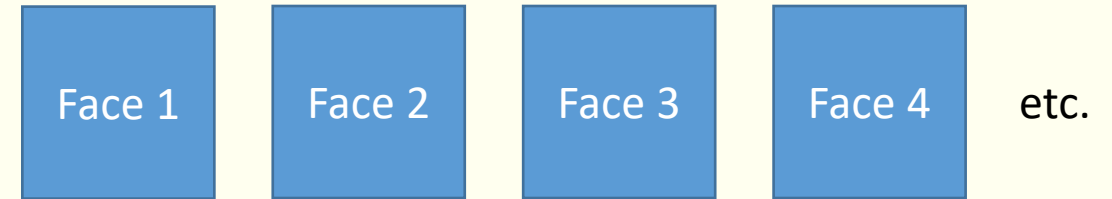
You can say if a person talking to you has got it right.  



# RI Identification line-ups - recommendations

## RI modifications :

- Simplifying instructions/response options (next slide)
- Slightly changing how the faces were presented
- Children view each of the 9 individual faces one by one (this is usual practice), THEN they view all 9 faces together in a grid (this is permissible but not usual practice)



Face 1	Face 2	Face 3
Face 4	Face 5	Face 6
Face 7	Face 8	Face 9

# RI adaptations to identification line-ups

- The registered intermediary Procedural Guidance Manual confirms RIs may assist witnesses taking part in identification procedures
- The nature of “assistance” not explicitly outlined, but the RI role is to allow vulnerable witnesses to give their best evidence
- RIs provided advice on how to adapt the identification line-up instructions and procedure, making five key recommendations
- Recommendations based on RI's understanding of typical communication skills of 6- to 11-year-olds and had been approved as within the guidelines of PACE Code D (2011) in two real cases (involving one of the RIs in this study) prior to the development of the research protocol

The “line-up administrator” would:

- (a) show children the nine video images sequentially once (opposed to twice, as per PACE Code D guidance)
- (b) show all nine images simultaneously in a static photo matrix (provision for this in PACE Code D, but not part of standard procedure)
- (c) provide response options including spoken, written, and visual aids, stating that if the child recognised one of the people, they could (1) tell the RI “I see the person,” (2) tell the RI, or write down, the number of the person (each image was assigned a unique number from 1 to 9), or (3) point to the face
- (d) tell children that if they did not see one of the people, they could (1) tell the RI “I can't see the person” or (2) point to a card with a red cross that was placed on the table
- (e) RIs checked the children's understanding of their line-up responses both verbally and pictorially [“thumbs up” picture; picture of a person looking unsure; or “thumbs down” picture]

“I want to show you some faces on my computer. Tell me if you can see one of the men who were in the play. ”

“I will show you one at a time. Then I will show you all the faces together. Look at all the faces. Was anyone of them in the play? Show me who it is.”

“You can say if he is not there.”

SHOW LINEUP ONCE AND THEN SHOW ALL NINE PHOTO AT THE SAME TIME THEN  
LET PARTICIPANT MAKE AN IDENTIFICATION (OR NO CHOICE) BY POINTING OR  
POINTING TO A CROSS IF THE PERSON IS NOT THERE

Thank you for that.

Are you sure that is right. Are you a little bit sure or very sure?



# RI recommendations - cross-examinations

**1. Practice over the live link prior to the child coming into the room.**

The child can be told the rules of the session using visual support.

**2. Preamble** should be short and simple.

**3.** Different strategies may be needed, for example, when asking questions to do with **time, when, how long**, or questions which require a **number**.

### 3. Questions

Should be delivered at a slow pace

Do not ask a new question too quickly

Give child time to process and answer each question

Use short sentences with one point at a time

Double questions and negatives should be avoided

Avoid long sentences with embedded clauses

Avoid statements with tags ('He dropped the chalk, *didn't he?*')

Avoid repetition – questions which have already been answered should not be repeated

Avoid complex vocabulary

The names which the child knows people by should be used

**4. Visual materials** should be used if they were used in the interview.

**5. A calming object** can be given to a child if necessary.



# Thank you for listening!

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