

What happens when young witnesses are interviewed more than once?

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IN THE United Kingdom, the average suspected victim of sexual abuse is interviewed by the police four times (Plotnikoff & Woolfson, 2001). It is thus relatively common to reinterview witnesses, often to help investigators obtain new information that could help resolve the cases. In reinterviews, for example, earlier obtained leads can be followed up while information provided by other witnesses or suspects can be cross-checked. In addition, as we show below, second interviews often elicit information that witnesses failed to mention earlier. Although reinterviewing witnesses can thus be a useful way of obtaining new information, it is a practice that can ultimately prove problematic for investigators and prosecutors (Gilbert & Fisher, 2006) which may be why it is discouraged (Home Office, 2007; Scottish Executive, 2003) and viewed suspiciously by many police investigators.

In this paper, we describe a growing body of evidence suggesting that we should not automatically discount information provided when children are interviewed repeatedly in legal contexts. The findings we report emerge from experimental and field research on the effects of repeatedly interviewing children, and we address two central questions. First, how accurate is new information provided by witnesses when they are repeatedly interviewed – can the new information be trusted? Second, how consistent are the accounts provided in repeated interviews and is it reasonable to consider witnesses less competent when they recall events inconsistently across repeated interviews?

Legal professionals, including police officers and lawyers, are trained to be suspicious of inconsistencies between the information

provided in different interviews. New information reported in later interviews is thus viewed sceptically rather than at face value on the grounds that, because witnesses forget information and become more error prone over time, new information provided in later interviews is more likely to be incorrect than information provided initially. Sceptics may also argue that witnesses add new details to make themselves more convincing. If that really happened, a jury may wonder or be asked why investigators were not told the first time the witness was interviewed. For these reasons, it is legal lore that information provided by witnesses early in an investigation should be valued more highly than information reported during later stages of the investigation.

By contrast, psychological research suggests that inconsistent recall (the addition of new information) is an entirely normal feature of memory (for detailed reviews see Payne, 1984; Erdelyi, 1996). There is a rich literature documenting what happens when children and adults are asked to retrieve information from memory on multiple occasions, with instances of forgetting and remembering occurring simultaneously. When research participants are asked to memorise sets of pictures or words, repeated recall attempts frequently yield new (previously unrecalled) information, a phenomenon that psychologists call *reminiscence* (e.g. Erdelyi & Becker, 1974).

Often, later recall attempts also omit previously recalled information, with people apparently forgetting information they have previously recalled. For present purposes, it is especially important to note that the benefits of repeated recall – the retrieval of new

information – are not necessarily gained at the expense of accuracy, because the new information added in repeated tests is generally accurate.

From a theoretical point of view, reminiscence involves both memory-retrieval processes and memory-storage processes. Across repeated tests of memory, repeated testing can make memory retrieval cues increasingly effective (Howe & Brainerd, 1989; Howe et al., 1992). In addition, the process of retrieval may become faster, across repeated tests, thereby allowing more retrieval attempts which in turn increases the probability that new information will be accessed (Erdelyi, 1996; Erdelyi & Becker, 1974). New information may be retrieved in repeated memory tests because different retrieval cues elicit different pieces of information (Gilbert & Fisher, 2006; Brown, 1923). After longer delays however, forgetting and changes in memory over time may reduce the availability of new information (Howe et al., 1992). Furthermore, access to new memories after forgetting has occurred may necessarily involve the reconstruction of previously stored memories, so errors may arise.

Initial studies suggested that the new information added to children's reports across repeated interviews was 'highly inaccurate' and should not be trusted (e.g. Salmon & Pipe, 1997, 2000; Steward et al., 1996). However, those studies showing that the new information added in later accounts was highly (approximately 50 per cent correct) inaccurate measured the accuracy of recall across repeated interviews in conditions that were unlikely to promote accuracy. Indeed, the retrieval of new correct information was not the researchers' main concern and there were long delays between the repeated interviews. Over long delays, correct information is forgotten and details get distorted, which could easily explain the low levels of accuracy reported by these researchers. By contrast, the earlier studies in which adults were repeatedly interviewed involved comparatively short delays between interviews.

In addition to confirming the adverse effects on accuracy of long delays between interviews, La Rooy et al. (2005) also examined the effects of repeated interviews separated by short delays. Five- and six-year-old children visited a 'friendly pirate' at their school. For 15 minutes they helped the pirate make a map and find a treasure. The children were interviewed immediately afterwards and again 24 hours later. The total amount of information recalled actually increased over time by 13 per cent, clearly demonstrating the reminiscence of new information, and there were the same numbers of errors in the two interviews. Closer examination of the information recalled revealed that the second interviews netted 36 per cent new correct information and little erroneous information: on average, 92 per cent of the new information reported in the second interview was accurate.

The same paradigm was used in another study in which two interviews were conducted 24-hours apart, six months after the event. More than twice as much new correct information as opposed to new incorrect information was provided in the second interview, but the overall accuracy rate fell to 72 per cent. Together, the results of these studies makes clear that the accuracy of new information is good (over 72 per cent) when interviews are close together, and best (potentially 92 per cent) if they also take place very soon after the events in question, when memory for the event is likely to be fresh and the likelihood of making mistakes is low. Because the memory trace is intact, furthermore, a second interview after a short delay provides an additional opportunity to retrieve information, so increased numbers of correct details are recalled.

These findings do not, however, tell us about the relationship between consistency of recall and the accuracy of new details provided in repeated interviews. Is a consistent witness more likely to be accurate than one who is not consistent? Legal experts and investigators often assume this to be the case, but the association is unclear in children and

there is little or no relationship between the consistency of recall and the accuracy of new information in adults (Gilbert & Fisher, 2006).

Reanalysis of the children's responses in the experiments conducted by La Rooy et al. (2005, 2007) was thus revealing (further details of this analysis are available from David La Rooy). Contrary to popular assumption, there was no correlation between the accuracy of new information provided in the two interviews and the proportion of information that was provided in both interviews (i.e. consistent information) either immediately or six months after the event in question. These findings suggest that, at least under these conditions, witnesses should not be judged as either more or less credible simply because their recall was more or less consistent. However, there was a statistically significant relationship ($r = .64, p < .01$) between consistency of recall and the overall accuracy rate when there was a delay of six months between interviews, suggesting that consistency of recall could be used to estimate the veracity of information provided after long delays. Other studies also show that new information reported in repeated interviews is likely to be inaccurate when there are long delays between interviews (e.g. Salmon & Pipe, 1997, 2000; Steward et al., 1996). These findings may be of substantial practical value, because the length of delay between interviews is typically well known and so can be considered when judging the likely accuracy of the information.

Recently, Hershkowitz and Terner (2007) studied Israeli children who were interviewed twice by investigators using the NICHD Investigative Interview Protocol (Orbach et al., 2000) with a 30-minute break between interviews. Although children reported most details the first time they were questioned, 14 per cent of the details that were central to the allegations were only provided in the second interview, as were an additional 9 per cent of the details about the context in which the alleged events occurred. Approximately a third of the information was repeated ('consistent') in the two interviews, with two-

thirds of the information reported in the first interview absent in the second. These findings clearly show that inconsistency is common, and the findings reviewed earlier suggest that this new information could be perfectly accurate.

Cederborg et al. (2008) studied the effects of repeated interviews with 20 Swedish children who had a variety of intellectual disabilities (ranging from unspecified developmental delay, to attention deficit hyperactivity disorder and autism). All the children reported new information in the second interview; indeed, a startling 80 per cent of the information reported in the second interview was new on average, and it was as likely to involve completely new topics as elaborations. Because this was a field study, it was impossible to assess the accuracy of the information provided, but it was possible to compare the information provided in the second interview with what was said in the first interview to see if the new information was contradictory. Less than 1 per cent of the information in the second interview directly contradicted statements made in the first interview, indicating that being reinterviewed did not prompt the children to report details that reduced their credibility or made the cases harder to solve. It is not clear why the children reported so much new information in the second interviews: They may have felt more comfortable in the second interview than they did in the first, and so felt they could more easily describe embarrassing experiences or they may have thought further about the incident, thereby bringing to awareness new details that were subsequently reported. In addition, some new topics in the second interviews, however, are likely to have been prompted by new lines of enquiry by the investigators.

In sum, there is clear evidence that repeated interviewing is a useful way of obtaining additional information from witnesses or victims of crime, and that the delay between interviews has a powerful impact on the value and reliability of new information obtained in repeated interviews. Fortunately

for investigators, the delay between interviews is relatively easy to control and therefore repeated interviews should be planned to take place close together and as soon as possible after the events in question.

Although it is not possible in real-life to know whether witness's reports are accurate, the experimental research suggests that new information reported in repeated interviews is not necessarily untrustworthy and because of the way memory works, some inconsistency is to be expected. Our challenge is to better understand both the benefits and rules of repeated interviewing, thereby challenging unqualified skepticism about its value. From a practical perspective, repeated interviewing offers an efficient way of max-

imising the amount of information obtained from witnesses.

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