Professionals' views on how to conduct investigative interviews with adults with limited expressive language

Madeleine Bearman^a , Becky Earhart^a , Lydia Timms^b and Martine Powell^a

^a*Centre for Investigative Interviewing, Griffith Criminology Institute, Griffith University, Brisbane, QLD, Australia;* ^b*School of Occupational Therapy, Social Work and Speech Pathology, Faculty of Health Science, Curtin University, Perth, WA, Australia*

Adults with communication impairment are vulnerable to abuse and are over-represented as victims in the criminal justice system. Investigative interviewers rely largely on verbal accounts to establish whether a criminal offence occurred, and therefore the way these accounts are elicited is paramount. To date, little research has evaluated whether current interviewing protocols are appropriate for eliciting accurate and detailed information from adults with communication impairment. The present study explored this issue through qualitative interviews with professionals from various disciplines. Specifically, professionals ($N = 22$) who had extensive experience in interviewing, disability advocacy, and cognitive and communication impairment reflected on current recommended practice and how it could potentially improve. The results indicated widespread support for the current (open questioning) approach, although the professionals perceived that additional verbal and visual scaffolding could potentially enhance the amount of detail obtained without compromising accuracy. Suggestions for interview protocol modifications and future research are discussed.

Key words: cognitive impairment; communication impairment; disability; expressive language; investigative interviewing; minimally verbal; questioning.

Adults with communication and cognitive impairment are over-represented as victims of crimes such as sexual and physical abuse (Australian Human Rights Commission, 2014; Crime and Justice Statistics, 2013). The investigative interview – an integral stage of the criminal justice process – mainly relies on witnesses' verbal communication skills. Thus, the skill of the interviewers in maximizing the ability of these witnesses (through appropriate questioning) is paramount (Benson & Powell, 2015). This article focuses on interviewing strategy with a particular group of communication-impaired witnesses whose verbal

responses are absent or restricted (referred to as witnesses with limited expressive language). Such witnesses rarely provide evidence at trials due to the lack of evidential detail in their accounts. However, little research has focused on how adult witnesses with limited expressive language respond to various questions and how their evidence could potentially be improved. The extent to which current interviewing protocols are appropriate for use with witnesses with communication impairment is poorly understood. The present study explored this issue by eliciting the perceptions of professionals who have

Correspondence: Martine Powell, Centre for Investigative Interviewing, Griffith Criminology Institute, Griffith University, 176 Messines Ridge Road, Mount Gravatt, QLD, 4122, Australia. Email: martine.powell@griffith.edu.au

considerable practical and academic expertise in the communication of interviewees with expressive language difficulties.

Overview of current recommended interviewing practices

Adaptations to legal practice, known as special measures or reforms, have been implemented throughout Australia (and many countries) to increase support for people with communication impairment providing evidence prior to, or at, trial. One such reform is the introduction of pre-trial visual and audio recording of witness evidence (see e.g. Evidence Act, 2008, Victoria). Statements about sexual and other indictable offences¹ are recorded soon after an initial report of abuse is made (while memory is still ‘fresh’), and the preserved statement is then tendered as all or part of the witness’s evidence-in-chief at the later trial (The Statutes Amendment (Vulnerable Witnesses) Act, 2015, South Australia; The Criminal Procedure Amendment (Vulnerable Persons) Act, 2007, New South Wales). The benefits of electronic recording in overcoming communication limitations are that it: preserves the witness’s statement and nonverbal behaviour at an early stage in the legal process; reduces the number of interviews (i.e. the statement can be accessed by different professionals involved in the investigation, thus reducing the potential for errors and inconsistencies); increases the rate of guilty pleas (i.e. the videotape constitutes evidence that can be shown to the suspect); and helps professionals to prepare for trial by assessing the witness’s strengths and weaknesses (Corns, 2001).

Another example of a special measure introduced in cases involving witnesses with communication impairment is the use of intermediaries. Skilled communication specialists (usually speech pathologists) provide scrutiny and advice about the interview process in such cases (Statutes Amendment (Vulnerable Witnesses) Act, 2015, South Australia; The Criminal Procedure Amendment (Vulnerable

Persons) Act, 2007, New South Wales). The aim of intermediary schemes is to ensure that interviewers are informed of each *individual* interviewee’s communication style and how barriers to communication can potentially be addressed (Hepner, Woodward, & Stewart, 2015).

Considerable development has also taken place in the human memory area, to determine how to reduce error and maximize detail during the investigative interview process. Research with vulnerable witness groups (predominantly children) has led to academic consensus around how witnesses with more limited communication and memory abilities should be interviewed (Lamb, Orbach, Hershkowitz, Esplin, & Horowitz, 2007; Powell, Fisher, & Wright, 2005; Powell & Snow, 2007). Recommendations (hereby referred to as ‘best practice’ interview guidelines) include: keeping interviews as short as possible, using simple ground rule instructions (e.g. instructing interviewees to make it known if they do not understand the interviewer or know how to answer a question), open-ended rapport building (where interviewees are encouraged to recall an innocuous event in their own words), avoidance of leading questions and use of questions that encourage narrative responding (Lamb, Hershkowitz, Orbach, & Esplin, 2008; Sternberg, Lamb, Esplin, Orbach, & Hershkowitz, 2002). Recommended questions for eliciting narrative detail include those that ‘cast the net wide’, encourage elaborate detail, and do not dictate what specific detail is required (Agnew & Powell, 2004; Powell et al., 2005). Examples of such questions include, ‘Tell me everything that happened and start from the beginning’, ‘What happened next?’ and ‘What happened when [detail mentioned by interviewee]?’.

Within most jurisdictions, a single (narrative-based) protocol that includes the recommendations described above is advised for all vulnerable witnesses. This includes children and adults with communication impairment. Research on interviewing witnesses with

expressive language difficulty is still in its infancy, however, and there is contention around the degree to which current vulnerable witness protocols are applicable to adults with limited expressive language. With children, verbal skills typically develop rapidly such that they usually respond well to broad non-leading open-ended questions as young as four years of age. For adults with limited communication abilities, language can be inhibited by an array of complex conditions including neuro-development disorders (e.g. autism; attention-deficit/hyperactivity disorder, ADHD; cerebral palsy; foetal alcohol spectrum disorder), traumatic brain injury and anatomical or voice difficulties (Speech Pathology Australia, 2013). Such conditions heighten suggestibility and confusion of source (e.g. temporal) details (Gudjonsson & Henry, 2003), indicating that the use of non-leading, open-ended questions is important. However, there is little fine-tuned guidance regarding the way open-ended questions should be delivered. Most of the work on interviewing adults with communication impairment has merely concluded that it is important to use simple, non-leading and open questions where possible.

The present study

The interview recommendations in the literature to date have been very broad, with guidelines merely emphasizing the importance of avoiding closed and leading questions and of tailoring the interview where possible to the interviewees' communication style. The problem is that there is little practical instruction regarding what this 'tailoring' actually means in practice. How, precisely, must the questions change? Recommendations for best practice interviewing require more than the provision of such broad statements, as this implies that interviewers can do the tailoring themselves. Specific guidelines are essential to assist interviewers in questioning those with communication impairment to promote consistent use of

strategies for such interviews. Prior research has demonstrated that, to be effective, interviewer training guidelines need to be quite prescriptive in their approach, providing key phrases, common question stems and sequences of questions to use at various stages throughout the interview (Powell, 2008). Interviewers also need to be given clear examples of practice illustrating how various principles can be applied through actual interview transcripts and films.

The current research sought to consult professionals regarding their opinions about using current best practice recommendations with people with communication difficulties. Incorporating the perspectives of qualified professionals who have a foundational understanding of the investigative interviewing process, as well as experience with people with communication impairment, is an essential step in developing more specific guidelines for use with this population. This study extends prior research by interviewing a purposeful sample of psychology, investigative interview, and communication professionals to elicit their perspectives about the suitability of current best practice guidelines with people who have major limitations in expressive language. Notably, all of the experts in this study were carefully screened to ensure that they had both a good understanding of the legal constraints around questioning (e.g. the need to avoid leading and suggestive questions) and a wealth of background experience engaging with people who have limited expressive language. The present study is the first to elicit the opinions of various professionals regarding how interviews with adults who have limited expressive language should be conducted or improved. The unique contribution of this study is that experts were asked to comment about specific interviews where open-ended questions had been used with individuals who had limited expressive language. Two such interviews were reviewed by the participants prior to engaging in the interview with the researcher. This methodology enabled a clear framework

for the experts to talk about the *nature* of their concerns and provide specific suggestions for how questions could be modified. It also assisted them in providing exemplars of problems without compromising confidentiality requirements. Using footage of interviews with people who have communication impairment was deemed important as it provided a common point of reference.

Method

Participants

The participants comprised 22 professionals (82% were female). Participants were recruited via word of mouth and were informed that participation was voluntary. All had extensive experience (>10 years) and/or were nationally respected for their expertise in eliciting information from people who have communication impairment within a forensic context. Their professional affiliations and experience are summarized in Table 1. Recruitment continued until no new themes were emerging from the interviews (Sim & Wright, 2000). All the professionals who were approached to participate agreed except for two, who declined due to time constraints.

Materials and procedure

Ethics approval was granted by the University Human Research Ethics Committee. All interviews were conducted one-on-one via Skype,

by telephone, or face-to-face. Interviews ranged in duration from 12 to 37 min ($M = 20.83$, $SD = 7.09$). A PhD candidate conducted 20 of the interviews, and a trained research assistant conducted the remaining two interviews.

A semi-structured interview approach was employed. At the start of each interview, experts were asked to summarize their current role and professional expertise relevant to investigative interviewing of people with limited expressive language. Experts were then asked to provide a broad overview of the approach they would use for eliciting verbal evidence from these people within a forensic context. Next, experts were shown a 2-min film depicting a simple storyline about an accidental mishap in which a woman dropped a bucket of water on a man's head, and the resolution of the situation. Experts then watched clips from interviews with two adults with limited expressive language who were recalling that film in response to open-ended questions (e.g. Tell me what happened; What happened then?; Tell me more about the part where. . .) and specific questions (i.e. Who, What, When, Where and How questions). The interviewer was trained in best practice interview techniques and was instructed to use a variety of question types with participants during each interview. The interviews ranged from 5.37 to 7.01 min and contained approximately 60% open-ended questions.

The film was chosen as an interview topic for this study because it is short, contains a

Table 1. The participants' various areas of professional expertise and experience.

	Speech pathologists ($n = 5$)	Psychologists ($n = 7$)	Academics ($n = 5$)	Disability advocates ($n = 3$)	Police ($n = 2$)
Interviews vulnerable people	0	2	3	0	2
Trains investigative interviewers	2	0	4	1	0
Works with people with ID ^a	2	5	2	2	0
Works with people with CI ^b	4	6	3	2	0
Supports people with CI ^b in the justice system	4	3	1	2	2
Personal life experience with CI ^b	0	2	0	1	0

Note: ^aIntellectual disability. ^bCommunication impairment.

range of details and story elements, and a similar cartoon version (Kossatz, 1972) has been used in prior research on narrative language ability (Snow & Powell, 2007). The communication limitations of the adults in the interview footage were extensive (i.e. they used sentences of around two to five words). A segment of one of the interviews is provided as an illustration in [Appendix A](#). Experts were asked to reflect on the interviewer's questioning in each of the two interviews and to make suggestions regarding how the interview process could potentially be improved to elicit more detail, without compromising accuracy.

Data management and coding

All participant interviews were audio-recorded, transcribed verbatim, and de-identified. Initially, each transcript was subjected to open coding, which involved a line-by-line analysis of the transcripts (i.e. reduction) and identification of concepts within statements, which could be described in terms of their possible meaning. Similar points or concepts were thus grouped together (Dey, 1993). The transcripts were then re-examined for statements that supported a particular concept. Identified concepts, categories and sub-categories were then grouped according to core themes. Core themes were identified to reduce the large volume of data into meaningful and parsimonious units of analysis (see Miles & Huberman, 1984). Each interview was discussed with the principal supervisor and coded into themes. The themes and opinions of the participants were then organized into tables and reviewed by the first author and another researcher who was not otherwise involved. Some quotations have been edited for grammar and readability. Only the profession of the individual providing a quote has been identified to protect the confidentiality of participants.

Results

All of the experts spoke passionately about the topic of interviewing people with major

communication impairment, and of the need to improve the evidence-gathering process with specific reference to expressive language limitations. The ability to generate suggestions for improvement to the interview process, however, was clearly difficult for them. Experts reported that interviews containing leading, closed or poorly phrased questions (which are not uncommon in the interviews they see) should be avoided. While this recommendation highlighted their considerable experience and expertise (demonstrating a coherent understanding of the challenges faced by both the interviewee and interviewer), they reported that there were few constructive suggestions they could offer over and above the current guidance which states the need to use simple, non-leading, open-ended questions. Those guidelines, they acknowledged, represented the current state of the evidence base on this issue. Some experts actually seemed a little surprised by the fact they had little to say.

I really thought that I would watch that video and have some suggestions but the impact of the interview situation makes things really hard. (Speech pathologist)

Best practice principles (use of open-ended questions) apply. It's just that they are harder to apply when a person has communication impairment. (Speech pathologist)

It's tough. It's really tough. I don't have a lot to say. I don't feel very helpful. (Academic)

[At first] I thought it would be good to use visuals. But then I thought – how on earth can you use visuals in this task? Given my job, I feel I should be able to provide more comment! I can't. (Speech pathologist)

Most of the participants' comments related to speculating about what minor alterations could be made to the non-leading open-ended interview process, to assist the respondents' capacity to respond to these questions. The participants' primary concern was the overall

heightened suggestibility of people with cognitive and communication impairments, coupled with the need to maximize accurate detail in forensic interviews. The more the interviewer relies on specific cues or props, the greater the risk of contaminating the person's story, and rendering the interview inadmissible in court.

Best practice principles (i.e. an open-ended interview style), however, are exceptionally difficult to apply in situations where people do not respond to them in a predictable pragmatic way. The collective view was that, rather than move to a specific questioning approach, it is the responsibility of the interviewer and the scientific community to work on continual improvement of the existing framework. It is clear that this is an area where research is in its infancy. Until scientific investigation brings a new way forward, interviewers are doing the best they can with the recommendations that are currently in place.

Keeping the framework open is important. But it is very difficult to do. The tendency with people with a communication disability is to ask yes–no questions. I've seen really horrendous examples where interviewers have gone in with assumptions and drilled down on their assumptions, negatively affecting the trial outcome. If you reduce the interview process to yes–no questions, you're likely to be leading. (Speech pathologist)

A good analogy [about the need to persist with open-ended questions] is when someone has dyslexia. Are you going to not teach the person to read just because they find it difficult to do so? The reality [with open-ended questions] is that this is the only thing that works so you have to find a way to make it work. (Academic)

We need to appreciate that what we get in response to open-ended questions might be all we can get. The further you push the more you risk contaminating the evidence. (Academic)

Specifically, the participants' suggestions for how to improve the effectiveness of open-

ended questions fell into three categories: slowing the interview process down; finding a way to integrate visual aids without suggestion; and refining open-ended verbal prompts. Each of these categories is discussed in turn.

Slowing the process down

The relatively longer time it takes to interview individuals with limited expressive language ability was a prominent theme throughout all of the participant interviews. It was raised at the start of most interviews conducted for this study, and most participants returned to this theme throughout the interviews. Answering open-ended questions is a slow, effortful processing task for everyone, but even more so for people with added communication challenges. If the questions do not follow too quickly from interviewee responses, the interviewee might spontaneously report more information without interviewer intervention. Interviewers should use long pauses, accompanied by a positive (constructive and confident) attitude, gentle persistence, and commitment to the interviewee's success at their own pace.

One simple suggestion is just to be prepared [as an interviewer] for, and accepting of, the fact that this interview is going to take a really long time. A problem that distinguishes inexperienced interviewers is the fact that irritation and frustration with the process can show on their face. Even when you think you are hiding your frustration, it can really get in the way. You need to go into the interview ready for it to be slow and tricky; to go in having a fairly good-natured attitude toward the little slip-ups and trying to be laid back about them. There are always times when you just can't work it out and that can be really frustrating for the interviewee as well as for you of course. But a positive approach and the ability to come at things a different way can be enormously beneficial. (Psychologist)

Pauses were perceived as particularly important after 'I don't know' responses, as this response may reflect the interviewee's

difficulty in communicating an answer rather than their lack of information.

A 'don't know' response doesn't always mean 'don't know'. Sometimes it means 'I need a bit more time to think about it'. We are socialized to feel uncomfortable with silence, but sitting with silence after a 'don't know' and using minimal encouragers like nodding and smiling can often lead to a little bit more information. (Speech pathologist)

The need for interviewers to exercise patience was particularly emphasized in situations when the interviewee uses non-verbal methods of communication. Interrupting an individual was perceived as extremely discourteous, as was multi-tasking during the interview. Not only were these behaviours viewed as detrimental to the establishment of trust and rapport, but they also disrupted the quality of the evidence itself by distracting the interviewees and breaking their flow of thought.

Some participants suggested that pauses needed to be of at least 5 to 7 s to give the interviewee time to respond. The use of non-verbal encouragers such as head nodding and eye contact was perceived as important for showing that the interviewer was still engaged. It was deemed important for interviewers not to underestimate what interviewees with expressive communication impairment could achieve with the right support and encouragement. Good preparation was essential for understanding how the communication process could be facilitated, and to prepare any additional supports. A fine balance was required between taking sufficient time to develop rapport and to explain the ground rules and topic of the interview, while also not putting excessive load on the interviewee's limited cognitive resources.

At first, when the interviewer asked questions about the video, the interviewee was shaking his head. But I don't think he meant 'don't know'. I think it may have been more of an acknowledgement that he wasn't ready to engage. Once he and the

interviewer spoke to each other more freely, he seemed happier engaging and responding to her questions. It's about learning that not everybody is going to receive your questions just because you are asking them. (Police officer)

When you are interviewing people with complex communication needs you will probably have only one shot to get a good statement, so you need to go in with all of your ducks in a row. If you go in there without knowing how to build rapport with them, you are already off on the wrong foot. (Police officer)

Integrating non-verbal aids

Comments about visual aids were limited to the speech pathologists, possibly because of their greater experience using these during their clinical practice (i.e. they referred to prior examples of how they had been used). Participants offered two suggestions for the integration of non-verbal aids. First, participants suggested the use of drawing during interviews, which may help interviewees show what happened and keep them focused on the task. Second, participants suggested the use of pictures or visual aids where the interviewer would show symbol cards alongside the questions asked during the interview to facilitate discussion and remind participants of the questions asked. Suggestions focused on the potential of these aids to assist the interviewee in structuring the narrative. Several ways they could do this were proposed. First, the use of visual aids could lower the cognitive load and interviewees' reliance on short-term memory by reminding interviewees of the topic that needed to be recalled or reminding them of the interviewer question or rules of engagement. Second, allowing people to draw during interviews was reported to have the potential to facilitate discussion (i.e. if the drawing becomes a focus point of conversation), and it could potentially help the interviewee focus on topics such as the scene, the place and the people.

Sometimes the drawn medium becomes the data – the information response that we seek. But sometimes the activity of drawing the story can help the interviewee actually organise their thoughts, freeing up the fluidity of the dialogue, allowing the person to talk more freely. (Speech pathologist)

A number of speech pathologists also suggested that commercially produced visual support could supplement the interviewers' questions by providing key words as alternative forms of expression. Several practical examples were provided of the way cues and props have been used in past clinical practice while also considering the heightened vulnerability of people with limited expressive language to suggestion.

I would have introduced some visuals alongside the questions asked. There is some [visual communication tool], which is a resource that basically involves pictures or symbols to facilitate a discussion about something. (Speech pathologist)

Finally, several of the speech pathologists emphasized the importance of watching for, and acknowledging, where appropriate, non-verbal gestures that could be supplementing the dialogue. These gestures were reported to serve two purposes: first, gestures (of themselves) may directly represent words, and second they may provide feedback that can assist the provision of scaffolding to build dialogue around.

To elicit the best information, we need to understand the concept of listening holistically – beyond just the auditory domain. We also need to listen with our eyes by watching the person's body language, which may be facilitating the story they are telling. Maybe the person is looking agitated. That provides an opportunity to give them feedback – 'You look really worried – are you worried? What is that about?' (Psychologist)

The interviewee appeared to be using a little bit of key word sign. I'm wondering

(if that is the case) whether the interviewer should have modelled that back. Using the same language. (Speech pathologist)

Importantly, cues and props were usually mentioned with the caveat that further work is needed around their use in the investigative interviewing context. Most participants were mindful that it was difficult to bring them into the interview setting whilst still allowing the interviewee to be in full control of the dialogue. Further, there is little research to guide their use in the investigative interview context, where the accuracy of detail is paramount. Avoiding error was perceived to depend on introducing aids that were not suggestive of what specific details needed to be recalled, and not assuming that the person remembers details of the event in question. The danger of introducing techniques before they have been trialled in the laboratory setting meant that their introduction might do more harm than good; for example, visual aids may inflate errors or inconsistencies, which form the basis of defence lawyers' line of questioning during cross-examination at the trial.

Refining open-ended verbal prompts

The overriding theme in relation to the use of verbal prompts was the need to explore ways of maintaining a simple, non-leading, open-ended style of questioning but with some sort of verbal scaffolding or template to assist the interviewee in structuring the narrative account. As with the use of cues and props, there was considerable concern among the participants about the issue of suggestibility, and the paucity of research upon which to guide recommendations about questioning interviewees with limited expressive language in the forensic interview context. Many of the participants were highly familiar with the concept of verbal scaffolding as used in the literature on young children's narratives, but also acknowledged that verbal scaffolding needed to remain non-leading to allow its use during evidence-

in-chief in a criminal trial. Verbal scaffolding suggestions included the use of more cued-recall prompts (i.e. 'Wh-' questions, such as who, where, when), the use of action-based prompts (e.g. 'What did you do?'), and the use of pre-disclosed details when asking open-ended questions. Broad open-ended questions that cast the net wide (e.g. 'Tell me everything that happened from the beginning to the end') were not considered appropriate with this particular interviewee group.

With this population, the challenge is to provide sufficient scaffolding without influencing the story detail per se. I think that is where the professional skill lies, and there is a need for further development of expertise in this area. I suggest a minimalist approach to scaffolding but acknowledge that you can't just sit there in the traditional sense and expect the person to tell the story on their own, with little prompting. (Psychologist)

The problem, from a forensic perspective I suppose, is how much can a person be prompted without compromising the interview? If the interviewee can't structure an account, they can't give you the information that they know. You can help them to structure it, but if you do that too much, the lawyers will say you have led them. It's a very fine line. (Psychologist)

There were two ways in which the participants speculated that verbal scaffolding could be achieved without compromising the integrity of the forensic interview process. First, some participants suggested the use of frequent reminders and verbal signposts within the questions. These include explicit references to who and what is being discussed (as opposed to using indexical pronouns such as him, that or there), and reminders of where the interviewee is in the story (e.g. You just said. . . . What happened next?). While repetitive explicit verbal cues may sound odd in usual conversation, they were reported to help compensate for the heavy demands on working memory with people who have very slow rates of speech output. The key is to use the

interviewee's own words (as opposed to the interviewer's), which may require careful note-taking within the interview. Using the interviewee's own words also helps build rapport and a sense of procedural justice by showing the interviewee that (s)he is being heard and understood.

I just want to say to the interviewer [in the video], 'Give him back what he has just said to you'. It might be useful for letting him know what has been understood and it also helps [the interviewee] build the narrative. (Disability advocate)

Second, the participants suggested that it may be helpful to shape questions around relatively small chunks of information. Some participants suggested that questions starting with 'who', 'what', 'where' and 'when' may be needed in the early interview stages, particularly in setting up the story elements.

One could focus initially on setting the elements of the story, upon which to launch the narrative. Where are we, and who was there before we ask them to tell us what happened. One could also narrow down initially and once the elements of the story have been established, this provides a framework to start developing a fuller narrative around the acts. (Police officer)

If you have to ask WH questions or yes/no questions to verify things, it is best to do so in the same way as you would with young children. So with young children we usually say that the 'what' questions (like 'what colour', 'what did the man look like'), children with limited vocabulary can answer those at a younger age better than they can answer 'why', 'how', and 'when'. That's likely to be true for these adults as well. Very young children also seem to benefit from a mix of open and WH prompts, because they are more constrained. I don't think that they need a series of yes/no questions or option-posing questions to get through an interview. (Academic)

Other participants, however, were concerned that using specific questions early in

the interview might heighten error rates. These participants recommended that it was better to base specific questions introduced early in the interview around acts or actions (e.g. 'What did the man do?'), or to use open-ended questions that focused on a specific time point in the interview (e.g. 'You said it rained – what happened when it rained?').

Discussion

The experts interviewed for this study all highlighted the value of using appropriately paced, non-leading, open-ended questions, as currently recommended in best practice interview guidelines. However, they also perceived that the current guidelines (alone) were not sufficient for maximizing the potential abilities of interviewees with communication impairment. In particular, broad open-ended questions that 'cast the net wide' (e.g. 'Tell me everything that happened', 'Tell me all about the part where . . .') were deemed inappropriate without additional interviewer support to structure the account. Despite these barriers, all participants agreed that a narrative must continue to be pursued during all forensic interviews. Collectively, the participants provided three suggestions for improving open-ended interview practices for adults with limited expressive language: slowing down the interview process; the inclusion of visual scaffolding; and the inclusion of verbal scaffolding. Each of these elements is now discussed in turn, with reference to the prior literature.

Slowing down the interview process

The extra time it takes to interview individuals with limited expressive language ability was a prominent theme throughout all of the participant interviews. This fact is consistent with prior research, which demonstrates that longer interviews and a slower pace may be necessary for witnesses with disabilities (Hershkowitz, 2018). The slow pace during interviews with individuals with a disability can be expected for two reasons. First, interviewers should

acknowledge that not all questions will elicit responses from individuals with disabilities, and interviews may therefore take more time (Hershkowitz, 2018). Second, individuals with a disability may adapt more slowly to the format of questions asked during the interview, due to their inexperience in answering open-ended questions (Agnew, Powell, & Snow, 2006; Home Office, 2011). Because of these reasons, more time may be needed during the rapport phase and during the actual interview with this population (Home Office, 2011).

Visual scaffolding

Some participants discussed the use of visual aids in a forensic setting, as they have been used to structure conversations where visual cues reduce reliance on verbal language skills (Boardman, Crichton, & Butterworth, 2016). Commercially produced visual supports, for example, are increasingly being applied in a forensic setting, but researchers acknowledge their limitations for use in an investigative interview (Henry, Ridley, Perry, & Crane, 2011). For example, using pictures limits the available vocabulary that the interviewee can use (Brewster, 2004). Therapy to improve the narrative skills of adults with communication impairment has employed picture scaffolding (e.g. a sequencing framework) to provide temporal and causal information about a story that the interviewee is being asked to recount (Whitworth et al., 2015). The research from the clinical setting thus far has demonstrated the potential usefulness of these techniques for application in investigative interviews to structure narrative responses.

The use of visual scaffolding should be implemented in a way that does not negatively affect the accuracy of the interviewee's narrative account. The participants who recommended scaffolding interviewees' narratives with the use of visual aids also acknowledged the difficulty of introducing them in a non-leading manner. Other non-verbal tools (e.g. drawing, anatomical dolls, diagrams) have been implemented in experimental

research with children and interviewees with cognitive impairment (Poole & Dickinson, 2011). However, evidence suggests that their purpose is to elicit specific details rather than structure a narrative response, and they are often leading (Wolfman, Brown, & Jose, 2018). Further, visual aids are known to increase reports of both true and false information (Poole & Bruck, 2012). Thus, these types of visual aids may not be effective for expanding the interviewee's narrative without reducing accuracy.

The only visual scaffolding aid currently trialled in a forensic context to expand interviewees' narratives is the narrative elaboration procedure (Dorado & Saywitz, 2001; Saywitz & Snyder, 1996). The narrative elaboration procedure utilizes visual cues for organizing narratives into four or five categories to aid organization and retrieval of information about a past event (Saywitz & Snyder, 1996). The categories include: participants, actions, settings, conversations and consequences (although the 'consequence' category was removed in later studies). This procedure has been used in experimental research with young children and children with learning disabilities (Camparo, Wagner, & Saywitz, 2001; Nathanson, Crank, Saywitz, & Ruegg, 2007). Results showed that children who received the narrative elaboration interview gave significantly more information (without compromising accuracy) than children in control conditions (i.e. compared to a completely verbal interview using best practice interview techniques; Dorado & Saywitz, 2001; Nathanson et al., 2007).

The suggestions by participants in the current study are similar to the narrative elaboration procedure in that pictures (e.g. for people, places and actions) could be used to signpost information provided by the interviewee and thus reduce their reliance on working memory. There is currently no literature documenting the use of the narrative elaboration visual cues with adults with communication impairment. Further research is required

to trial the open-ended use of visual aids in a context specifically relevant to investigative interviewing of adults with limited expressive language.

Verbal scaffolding

Constructive suggestions from the participants focused on how verbal strategies could be implemented to expand narrative recall of past event details for interviewees with limited expressive language. Participants suggested a variety of strategies: providing additional cues based on pre-disclosed details or time-segmenting aspects of the event; simplifying open-ended questions; and asking more specific questions (i.e. 'Wh-' questions). Each of these suggestions is addressed in other spheres of the communication impairment literature (e.g. in clinical practice) but would require additional evidence for their applicability in a forensic setting.

There are several reasons why verbal scaffolding would assist people with communication impairment to expand their narratives. First, by introducing additional cues (e.g. 'You said . . . what happened next?') interviewers might compensate for the added working memory demands due to the increased length of time required to produce verbal material amongst this population. Lloyd, Gatherer, and Kalsy (2006) explored a similar proposition when adapting qualitative research interviews for people with limited expressive language. The researchers conducted a metasynthesis of 293 qualitative studies within the area of chronic illness. They concluded that by including concrete cues (action details and/or the individual's own words) in the questions asked, interviewees were more likely to respond informatively. Similarly, this format of question (i.e. the inclusion of the interviewee's own words when asking open-ended questions) is recommended in many forensic interview protocols for interviewing vulnerable witnesses (Home Office, 2011; Lamb, Brown, Hershkowitz, Orbach, & Esplin, 2018).

Second, in light of the difficulties posed by the broad nature of open-ended questioning with this population, simplifying the vocabulary and length of open-ended questions is considered beneficial. For example, choosing vocabulary to trigger script knowledge (e.g. setting and action detail) may encourage attention to specific elements that conform more closely to a typical adult narrative (Nicholas & Brookshire, 1995). A study conducted by Lamb et al. (2003) generated similar results. The researchers examined 130 forensic interviews with children aged 4–8 years. They discovered that the inclusion of action-based prompts elicited more details than any other type of prompt during the interviews.

Third, discourse intervention for adults with aphasia (communication impairment following stroke or head injury) has been successfully implemented using more specific questions (e.g. cued-recall questions) to guide the narrative, without leading the interviewee about the content details required (Falconer & Antonucci, 2012). Specific questions are also considered a successful approach during the free-narrative phase of interviews with preschool children (whose expressive language is still developing). For example, Hershkowitz, Orbach, Lamb, Katz, and Horowitz (2012) examined field interviews with 299 preschoolers aged 3 to 4 years and found that the children responded more informatively to specific questions (e.g. ‘Wh-’ questions) than to open-ended prompts. It may be that open-ended prompts are too broad for populations who have limited expressive language, whereas specific prompts provide more scaffolding for them to formulate responses.

The research on these verbal strategies, albeit used with different populations or in different interviewing contexts, generally supports the current participants’ suggestions. These strategies provide a foundation on which to build a programme of research exploring simplified questioning protocols that verbally scaffold the responses of adults with limited expressive language for use in the forensic interviewing context.

Limitations

This study was designed to explore the broad perceptions of a range of relevant professionals. Recruitment was ceased when no new themes were emerging from analysis of the interview transcripts. Nevertheless, two minor methodological adjustments may have further strengthened this study. First, much of each of the semi-structured interviews was dedicated to participants’ comments on the best practice interviews with adults with limited expressive language: a highly focused task. Although results demonstrated that all participants were able to generalize their comments, a wider variety of case examples or further opportunity to comment on past experiences may have elicited additional relevant information. Second, a previous study similarly designed to seek professionals’ perceptions of interviewing techniques for use with Aboriginal children (Hamilton, Powell, & Brubacher, 2017) provided interview transcripts prior to the interview to allow the professionals time to contemplate and plan responses. This addition may have alleviated some of the difficulty participants experienced in generating responses during the interview. Future research in this area could adapt the methodology used in the present study to potentially obtain more detailed responses from professionals when further investigating their views on interviewing people with communication impairment.

Conclusion

All participants supported the use of current best practice interview protocols, with continued implementation of methods proven for success in a variety of vulnerable populations (e.g. open-ended questions, providing ground rules, allowing time for responses, and simplifying vocabulary are recommended for young interviewees and interviewees with cognitive impairment). However, in addition to affirming current practice recommendations, participants also acknowledged the specific linguistic barriers when interviewing adults with limited expressive language. The

communication accessibility of forensic interviews might be improved if verbal scaffolding techniques or visual tools were integrated into interviews to alleviate cognitive and working memory pressures involved in formulating a narrative when extended discourse is already difficult. In addition, investigative interviewers should also acknowledge and facilitate the extra time that is needed when conducting interviews with individuals who have limited expressive language.

Author note

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Ethical standards

Declaration of conflicts of interest

Madeleine Bearman has declared no conflicts of interest

Becky Earhart has declared no conflicts of interest

Lydia Timms has declared no conflicts of interest

Martine Powell has declared no conflicts of interest

Ethical approval

All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed consent

Informed consent was obtained from all individual participants in the study.

Note

1. Indictable offence involves assault on, or injury or a threat of injury to a person (*Crimes Act 1958 (Vic)*, s.37B(1)). For ease of presentation, the term 'abuse' is used throughout this report to refer to sexual and other indictable offences, including physical abuse and neglect.

ORCID

Madeleine Bearman <http://orcid.org/0000-0002-6944-3411>

Becky Earhart <http://orcid.org/0000-0003-1222-7256>

Lydia Timms <http://orcid.org/0000-0001-8597-328X>

Martine Powell <http://orcid.org/0000-0001-5092-1308>

References

- Agnew, S.E., & Powell, M.B. (2004). The effect of intellectual disability on children's recall of an event across different question types. *Law and Human Behavior*, 28(3), 273–294. doi:10.1023/B:LAHU.0000029139.38127.61
- Agnew, S.E., Powell, M.B., & Snow, P.C. (2006). An examination of the questioning styles of police officers and caregivers when interviewing children with intellectual disabilities. *Legal and Criminological Psychology*, 11(1), 35–53. doi:10.1348/135532505X68494
- Australian Human Rights Commission. (2014). Equal before the law: towards disability justice strategies. Retrieved from https://www.human-rights.gov.au/sites/default/files/document/publication/2014_Equal_Before_the_Law.pdf
- Benson, M.S., & Powell, M.B. (2015). Australian prosecutors' perceptions of the utility of child investigative interview protocols. *International Journal of Police Science & Management*, 17(4), 216–229. doi:10.1177/1461355715616958
- Boardman, L., Crichton, C., & Butterworth, S. (2016). When you can't talk about it: Using Talking Mats to enable an offender with communication difficulties to express his thoughts and beliefs. *Probation Journal*, 63(1), 72–79. doi:10.1177/0264550515620689
- Brewster, S.J. (2004). Putting words into their mouths? Interviewing people with learning disabilities and little/no speech.

- British Journal of Learning Disabilities*, 32(4), 166–169. doi:10.1111/j.1468-3156.2004.00319.x
- Camparo, L.B., Wagner, J.T., & Saywitz, K.J. (2001). Interviewing children about real and fictitious events: Revisiting the narrative elaboration procedure. *Law and Human Behavior*, 25(1), 63–80. doi:10.1023/A:1005691926064
- Corns, C. (2001). Videotaped evidence of child complainants in criminal proceedings: A comparison of alternative models. *Criminal Law Journal*, 25, 75–89.
- Crime and Justice Statistics. (2013). Relationship between crime victimisation and disability due to a mental health condition (Report No. 4524.0). Retrieved from <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4524.0Chapter60October+013>
- Criminal Procedure Amendment (Vulnerable Persons) Act. (2007). New South Wales. Retrieved from <https://www.legislation.nsw.gov.au/#!/view/act/2007/6/schl>
- Dey, I. (1993). *Qualitative data analysis: A user-friendly guide for social scientists*. London: New York: Routledge.
- Dorado, J.S., & Saywitz, K.J. (2001). Interviewing pre-schoolers from low- and middle-SES communities: A test of the narrative elaboration recall improvement technique. *Journal of Clinical Child & Adolescent Psychology*, 30, 568–580. doi:10.1207/S15374424JCCP3004_12
- Evidence Act. (2008). Victoria. Retrieved from [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/29D0A298DD86D40DCA2574C50026F9C8/\\$FILE/08-](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/29D0A298DD86D40DCA2574C50026F9C8/$FILE/08-)
- Falconer, C., & Antonucci, S.M. (2012). Use of semantic feature analysis in group discourse treatment for aphasia: Extension and expansion. *Aphasiology*, 26(1), 64–82. doi:10.1080/02687038.2011.602390
- Gudjonsson, G.H., & Henry, L. (2003). Child and adult witnesses with intellectual disability: The importance of suggestibility. *Legal and Criminological Psychology*, 8(2), 241–252. doi:10.1348/13553250322363013
- Hamilton, G., Powell, M.B., & Brubacher, S.P. (2017). Professionals' perceptions regarding the suitability of investigative interview protocols with Aboriginal children. *Australian Psychologist*, 52(3), 174–183. doi:10.1111/ap.12196
- Henry, L., Ridley, A., Perry, J., & Crane, L. (2011). Perceived credibility and eyewitness testimony of children with intellectual disabilities. *Journal of Intellectual Disability Research : Jidr*, 55(4), 385–391. doi:10.1111/j.1365-2788.2011.01383.x
- Hepner, I., Woodward, M.N., & Stewart, J. (2015). Giving the vulnerable a voice in the criminal justice system: The use of intermediaries with individuals with intellectual disability. *Psychiatry, Psychology and Law*, 22(3), 453–464. doi:10.1080/13218719.2014.960032
- Hershkowitz, H. (2018). NICHD-Protocol investigations of individuals with intellectual disability: A descriptive analysis. *Psychology, Public Police, and Law*, 24(3), 393–403. doi:10.1037/law0000170
- Hershkowitz, I., Orbach, Y., Lamb, M.E., Katz, C., & Horowitz, D. (2012). The development of communicative and narrative skills among preschoolers: Lessons from forensic interviews about child abuse. *Child Development*, 83(2), 611–622. doi:10.1111/j.1467-8624.2011.01704.x
- Home Office. (2011). *Achieving best evidence in criminal proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures*. London: Home Office.
- Kossatz, H. (1972). *So ein Dackell 22 Bildergeschichtinn für den Sprachunterricht*. Tomus-Verlag.
- Lamb, M.E., Brown, D.A., Hershkowitz, I., Orbach, I., & Esplin, P.W. (2018). *Tell me what happened: Questioning children about abuse* (2nd ed.). Hoboken, NY: Wiley-Blackwell.
- Lamb, M.E., Hershkowitz, I., Orbach, Y., & Esplin, P.W. (2008). *Tell me what happened: Structured investigative interviews of young victims and witnesses*. Chichester: Wiley.
- Lamb, M.E., Orbach, Y., Hershkowitz, I., Esplin, P.W., & Horowitz, D. (2007). A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol. *Child Abuse & Neglect*, 31(11–12), 1201–1231. doi:10.1016/j.chiabu.2007.03.021
- Lamb, M.E., Sternberg, K.L., Orbach, Y., Esplin, P.W., Stewart, H., & Mitchell, S. (2003). Age differences in young children's responses to open-ended invitations in the course of forensic interviews. *Journal of Consulting and Clinical Psychology*, 71(5), 926–934. doi:10.1037/0022-006X.71.5.926
- Lloyd, V., Gatherer, A., & Kalsy, S. (2006). Conducting qualitative interview research with

- people with expressive language difficulties. *Qualitative Health Research*, 16(10), 1386–1404. doi:10.1177/1049732306293846
- Miles, M.B., & Huberman, A.M. (1984). *Qualitative data analysis: A sourcebook of new methods*. Beverly Hills: Sage Publications.
- Nathanson, R., Crank, J.N., Saywitz, K.J., & Ruegg, E. (2007). Enhancing the oral narratives of children with learning disabilities. *Reading & Writing Quarterly*, 23(4), 315–331. doi:10.1080/10573560701501610
- Nicholas, L.E., & Brookshire, R.H. (1995). Presence, completeness, and accuracy of main concepts in the connected speech of non-brain-damaged adults and adults with aphasia. *Journal of Speech, Language, and Hearing Research*, 38(1), 145–156. doi:10.1044/jshr.3801.145
- Poole, D.A., & Bruck, M. (2012). Divining testimony? The impact of interviewing props on children's reports of touching. *Developmental Review: Dr*, 32(3), 165–180. doi:10.1016/j.dr.2012.06.007
- Poole, D.A., & Dickinson, J.J. (2011). Evidence supporting restrictions on uses of body outlines in forensic interviews. *Child Abuse & Neglect*, 35(9), 659–669. doi:10.1016/j.chiabu.2011.05.004
- Powell, M.B. (2008). Designing effective training programs for investigative interviewers of children. *Current Issues in Criminal Justice*, 20(2), 189–208. doi:10.1090/10345329.2008.12035804
- Powell, M.B., & Snow, P.C. (2007). Guide to questioning children during the free-narrative phase of an investigative interview. *Australian Psychologist*, 42(1), 57–65. doi:10.1080/00050060600976032
- Powell, M.B., Fisher, R.P., & Wright, R. (2005). Investigative interviewing. In N. Brewer & K. D. Williams (Eds.), *Psychology and law: An empirical perspective* (pp. 11–42). New York, NY: Guilford Press.
- Saywitz, K.J., & Snyder, L. (1996). Narrative elaboration: Test of a new procedure for interviewing children. *Journal of Consulting and Clinical Psychology*, 64(6), 1347–1357. doi:10.1037/0022-006X.64.6.1347Sim
- Sim, J., & Wright, C. (2000). *Research in health care: concepts, designs and methods*. Cheltenham, UK: Stanley Thornes (Publishers) Ltd.
- Snow, P.C., & Powell, M.B. (2007). Oral language competence, social skills and high-risk males: What are juvenile offenders trying to tell us? *Children & Society*, 22(1), 16–28. doi:10.1111/j.1099-0860.2006.00076.x
- Speech Pathology Australia. (2013). Communication impairment in Australia: Fact sheet. Retrieved from https://www.speechpathologyaustralia.org.au/SPAweb/Resources_for_the_Public/Fact_Sheets/
- Statutes Amendment (Vulnerable Witnesses) Act. (2015). South Australia. Retrieved from [https://www.legislation.sa.gov.au/LZ/V/A/2015/STATUTES%20AMENDMENT%20\(VULNERABLE%20WITNESSES\)%20ACT%202015_16/2015.16.UN.PDF](https://www.legislation.sa.gov.au/LZ/V/A/2015/STATUTES%20AMENDMENT%20(VULNERABLE%20WITNESSES)%20ACT%202015_16/2015.16.UN.PDF)
- Sternberg, K.J., Lamb, M., Esplin, P., Orbach, Y., & Herszkowitz, I. (2002). Using a structured protocol to improve the quality of investigative interviews. In M. Eisen, J. Quas, & G. Goodman (Eds.), *Memory and suggestibility in the forensic interview* (pp. 409–436). Mahwah, NJ: Lawrence Erlbaum Associates.
- Whitworth, A., Leitão, S., Cartwright, J., Webster, J., Hankey, G.J., Zach, J., ... Wolz, V. (2015). NARNIA: A new twist to an old tale. a pilot RCT to evaluate a multi-level approach to improving discourse in aphasia. *Aphasiology*, 29(11), 1345–1382. doi:10.1080/02687038.2015.1081143
- Wolfman, M., Brown, D., & Jose, P. (2018). The use of visual aids in forensic interviews with children. *Journal of Applied Research in Memory and Cognition*, 7(4), 587–596. doi:10.1016/j.jarmac.2018.06.004

Appendix A

Excerpt from an interview with an adult with limited expressive communication

(I = Interviewer, R = respondent)

I: Do you remember sitting in the other room and watching the TV?

R: Yeah

I: Well I'd like to know what happened on the TV show because I haven't seen it. Tell me everything that happened.

R: Don't know.

I: Try and remember what you saw?

R: Saw the girl.

I: Uh huh.

R: Poured the water on the man.

I: What happened then?

R: The girl got into trouble.

I: What did the man do?

R: Can't remember.

I: What did the man do after he got wet?

R: Went inside.

I: Uh huh.

R: Went inside the house.

I: What happened then?

R: I can't remember.

I: Tell me more about the part where the man got wet.

R: Can't remember.

I: Just take a minute. Think really hard about what you saw and tell me everything you can remember.

R: I saw the man got wet . . . the lady got cross.

I: She got cross.

R: . . . at the man.

I: And what happened then?

R: Nothing happened. Man went inside.