A Preliminary Typology of Forensic Interview Errors with Adults Alleging Sexual Abuse

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ABSTRACT

Forensic interviews (FI) with adults who allege sexual assault provide essential information for subsequent legal decisions that impact the interviewee and the alleged perpetrator. FIs also play an essential role in identifying offenders and providing justice for survivors. However, FIs can vary in quality. While criticisms regarding FIs exist, the literature lacks a comprehensive model of interview errors. We present 32 FI errors and the rationale for characterizing each of these as errors.

This preliminary typology can assist researchers in assessing the impact of errors, in finding ways to avoid these errors, as well as making improvements in this enumeration of interview errors.

Key Words: Forensic interviews, sexual assault, rape, suggestibility, rape myths, errors, content validity

Introduction

According to the Centers for Disease Control and Prevention's (CDC) 2016/2017 report of 12-month prevalence rates, approximately 9,497,000 adult women and 5,439,000 adult men experience 'contact sexual violence' which includes rape, sexual coercion, and/or unwanted sexual contact (Basile et al., 2022). Although most of these assaults are never reported, when an adult reports being sexually assaulted, an investigative entity, such as a police department, often conducts a FI to understand the allegation. A forensic interview is the process by which investigators, frequently law enforcement agents, gather information from a witness, victim, or suspect (Collins et al., 2002). Research has found that anywhere from 60-99% of those reporting sexual assault participate in a "comprehensive victim interview" (Spohn & Tellis, 2012; Strom et al., 2019).

These FIs with adults alleging sexual misconduct vary in quality (Hunley & O'Donohue, 2023), and poor quality FIs can lead to unjust and harmful outcomes for the interviewee and others. For example, Hohl et al. (2023) found that approximately 75% of 2,000 sexual assault survivors surveyed reported that their mental health has worsened as a direct result of what the police did, or failed to do, in their case, and more than 50% respondents reported a negative impact on their physical health because of their experience with police. Murphy-Oikonen et al. (2022) found that although many sexual assault victims went to the police fully intending to see the legal process through from charges to conviction, their negative experience with the police and the communication they received resulted in their deciding to "give up."

Forensic interviews are often conducted using recommendations gleaned from various trainings; however, a forensic interview protocol generally consists of structured or semi-structured format that incorporate putative best practices into a format that an interviewer can follow (Lamb et al., 2007). This means that the specific content, format, and guidelines need to be faithfully adhered to for a specific FI to be considered to conform to the specific FI protocol. Interview errors can occur when an FI protocol is not correctly followed, when the protocol is itself flawed, or when the FI is so unstructured that it can allow problematic practices like victim-blaming questions, leading, or other types of suggestive questions in FIs (Hunley & O'Donohue, 2023; Sharman & Powell, 2012).

FIs have significant legal implications. For example, if all essential elements of the crime are not queried, then the FI can result in inconclusive legal information, which can interfere with arriving at just outcomes. Furthermore, sexual assault interviewers ought to both strive to gather key information while simultaneously attempting to understand and follow the interviewee's preferences (e.g., gender preference of the interviewer; et al., 2009). The complexity of this twofold task is illustrated by the Obama administration's Dear Colleague letter, which suggested that in Title IX interviews, the interviewer should tell the interviewee that their allegations are believed. This can be in any survivor's interest. However, if the allegation is false, this is not in the interest of the falsely accused individual nor, perhaps, eventually, in the interest of the interviewee,

or the institution (US Department of Education, n.d.).

Developing a comprehensive typology of FI errors has several important implications. First, it creates a standardized format for evaluating the quality of adult FIs regarding sexual assault. Second, recognizing an error is the first step to avoid committing that error, and improving the quality of FIs will decrease the adverse effects of these errors. These adverse effects can include incorrect legal outcomes, interviewee dropout, and harmful psychological impact on the interviewee or the accused. Finally, this typology can be used in FI protocol development and validation.

METHOD

Literature Review's Search Strategy

Searches on electronic research platforms such as Google Scholar and PsychInfo were conducted, resulting in a number of relevant articles discovered. Keywords that would capture a large range of literature were identified and then used to systematically search for all articles relevant to the present review. Additional keywords identified from the current authors' clinical and research experience were also used. Articles were also identified from the reference pages of previously discovered articles. Although no formal literature sorting process was used, a combination of database searches, reference page reviews, and informed judgment guided the identification and inclusion of the interview errors included in this review. For example, search terms such as "sexual assault," "forensic interview," "mistakes," and "errors" were used. Additionally, mistakes that are commonly seen in a wide variety of interviewing contexts, such as "poor rapport building," were also used as keywords.

However, this was not a mechanistic process; admittedly, considerable judgment was used to cull this literature. The quality of this process is primarily based on two factors: a) the ability of any identified error to resist criticism that it is not, in fact, an error, and b) the ability of the list to withstand criticism that some particular errors have been overlooked.

Eligibility and Inclusion Criteria

Inclusion criteria were used to exclude studies that were inconsistent with the focus of this review. The preliminary typology of errors listed in the present study was identified and included based on the following: 1) articles that identified errors in adult FIs such as questioning based on rape myths (Hammond et al., 2011; Kim & Santiago, 2020); 2) a review of existing FI protocols (Hunley & O'Donohue, 2023); and 3) articles that critiqued and analyzed errors in child FI regarding sexual abuse as this field has received more scholarly attention, and it is plausible that some of these can generalize to FIs with adults (Fanetti et al., 2006; O'Donohue & Fanetti, 2015). No date range was included in the inclusion and exclusion criteria, as we sought to comprehensively identify articles that described possible FI errors. Articles used in the review of interview mistakes ranged from 1974-2023. A total of 83 sources were examined. Most articles utilized are from the United States, with some from Australia as well as the United Kingdom.

While some errors, like endorsing rape myths, may have been more common in the past, and subsequent efforts have been made to address them, it is critical to understand all potential errors so as to recognize and avoid these in the future. Additionally, while the

focus is on mistakes made in Fis with adults alleging sexual assault, articles were included that illustrate problems with a wide range of participants that would plausibly generalize to sexual assault complainant interviews.

Search Results

Based on the articles reviewed, 32 interview errors were identified. Articles were then categorized based on thematic similarities of errors. These 32 interview errors were further divided into four general classes of error: a) failure of interview preparation, b) rapport problems and victim and trauma-centered interviewing, c) biased questioning, and d) uncritical interviewing and problematic decision-making. See the appendix for the total number of articles, books, and professional sources utilized for each error.

Literature Review

What follows is a typology of FI mistakes that fall into three categories of evidence (see the appendix for a complete list of these errors): **Category 1**: errors that are associated with known or obvious practical problems that are inevitable or at least frequently encountered, such as not knowing the interviewee's prior statements (e.g., to first responders), so that inconsistencies that arise in the FI from prior statements can be comprehensively identified and queried. **Category 2**: hypothesized plausible errors in the literature but these have not undergone direct empirical testing for their effects on the quality or quantity of information derived in a FI. For example, some researchers have argued that victim blaming in the FI and questioning based on rape myths (i.e., incorrect beliefs about sexual assault; Burt, 1980; Laney & Loftus, 2016; Hunley & O'Donohue, 2023; Rich & Seffrin, 2012) such as "Did you fight back?" should be

5

avoided in the FI (International Association of Chiefs of Police, 2017). Adverse effects of accepting rape myths have been observed in FIs. For instance, Rich and Seffrin (2012) found that believing rape myths was a significant negative correlate of interviewing skill, i.e., officers of higher rank with many years of police experience were better interviewers of rape victims, reportedly accepted fewer rape myths than less experienced officers. However, design limitations do not permit the inference that such beliefs cause poorer quality information or problematic reactions of the interviewee in the FI. **Category 3**: problems that have been demonstrated empirically in relevant basic research on a wide range of participants, but without direct studies of the problem in FIs with adults alleging sexual assault. For example, Sharman and Powell (2012) demonstrated that leading questions can cause adults' memories to be altered. Thus, it is reasonable to posit that suggestibility can also occur with adults during FIs, as there are no plausible reasons to suggest that Sharman and Powell's (2012) results would not generalize to the FI context.

MAJOR TYPES OF FI MISTAKES

Lack of Proper Interview Preparation

1. Failure to review previous interviews and other available information (*Category 1*). Although reviewing available evidence prior to the FI can potentially pose disadvantages (such as creating confirmation bias), it allows the interviewer preliminary information about key areas to further query (Korkman et al., 2023; UK Ministry of Justice, 2022). Lack of pre-interview information can make it difficult for interviewers to properly plan a FI

and to detect potential discrepancies in victim statements that may need clarification (Korkman et al., 2023; Poole, 2016).

2. **Failure to videotape the interview (*Category* 1).** Research indicates that police reports written immediately after the victim/witness interview contain only two-thirds of the *relevant* reported information (Koehnken et al., 1994). Rudolfsson (2024) found in a small sample of Swedish assault victims that participants described that when their FI was not video or audio recorded, the hand-written summaries frequently contained factual errors, such as the wrong date, or there were distortions in their narratives, and the police failed to record important information. Several task forces have enumerated the advantages and disadvantages of videotaping forensic interviews (e.g., AAPL, 1999). From an investigative standpoint, videotaping a FI is the best way to retain information because it eliminates note-taking errors by allowing the interviewer to bypass any encoding issues that may occur due to the FI's complex, simultaneous cognitive demands (Milne & Bull, 2008). From a victim/witness standpoint, videotaped interviews can be briefer as simultaneous handwritten note taking can increase the length of the interview (Milne & Bull, 2008). From a prosecutorial standpoint, presenting videotaped evidence in a court of law accurately records the interviewee's prior statement (Milne & Bull, 2008). Failure to videotape may also lead to multiple interviews to obtain information that has already been elicited. However, videotaping FIs is not without detractors (e.g., see Westera, et al, 2017) as there have been concerns regarding whether interviewees may not prefer it, and some prosecutors have had concerns whether it memorializes information that can be confusing to jurors. Thus, it is possible that extended videotaped interviews might be confusing to jurors or contain irrelevant information. Moreover, if the FI is to be person-centered, the FI should ask about interviewee preferences and attempt to adhere to these as much as is feasible.

3. **Failure to assess interviewee readiness and if the interviewee has any immediate urgent medical or psychological needs (*Category* 2).** According to the Center for Victim Research, proper screens and other assessments should be used to determine whether the interviewee requires any immediate assistance, such as crisis or medical intervention (Screening & Assessment, n.d.). Wilson and Terence (2004) emphasized the importance of assessing the victim's immediate level of psychological stability, pain, intoxication, and ability to cope with the stress of the interview before beginning the FI. These factors could interfere with information quality during the FI, and more importantly, addressing these may have priority over conducting the FI. Thus, the interviewer should not assume the interviewee is ready to be interviewed but should make appropriate inquiries to determine if this is the case. In some departments, this may be handled by a victim advocate, who can serve an important role (Rich & Seffrin, 2013; Wegrzyn et al., 2023). However, not all departments have access to the victim advocate, and it would be a mistake to fail to assess the interviewee's readiness.

4. **Failure to assess and accommodate the interviewee's special needs, such as language, gender preferences, and sensory and cognitive disabilities (*Category* 2).**

Understanding the interviewee's language and gender preferences is essential, as these can affect the interviewee's performance. Even when an interviewee is fluent in English, code-switching (i.e., switching languages or dialects in conversation) may occur, leading to the interviewee using words from their native language that better fit their situation (Fontes & Tishelman, 2016). Assessing for language preference can help determine if an interpreter is needed. Also, Jamel et al. (2008) found that some survivors of sexual assault preferred being interviewed by female police officers (perhaps due to the perception that such officers would be more sensitive than male officers). Special needs and disabilities can also influence the details gained from a FI. Adults with special cognitive needs tend to need more explanation and support to (i) understand the overall purpose and process of the FI; (ii) understand questions put to them; (iii) deliberate about such questions; (iv) attempt to retrieve relevant information from their memory; and (v) articulate answers in a manner that suits them (Milne & Bull, 2008).

5. Failure to ensure that only essential individuals are present in the FI (e.g., interviewer, translator, interviewee's lawyer, victim advocate) (*Category* 2). The FI should include only participants with a proper role during the interview to increase the likelihood of the interviewee feeling comfortable and minimize the possible confounding influence of introducing unknown interpersonal effects. Most FI recommendations prescribe that a single person conduct the interview (O'Donohue & Fanetti, 2015; Smith & Milne, 2011). However, the interviewee may have a right to have their attorney present, and at times, other individuals, such as translators, may be necessary. Further, many departments utilize

a victim advocate, and if used appropriately, the victim advocate can provide support and assist in the complainant's connection with resources (Rich & Seffrin, 2013; Wegrzyn et al., 2023). A clear and compelling rationale for each participant should be provided.

6. Failure to ensure that the interviewee understands their role in the FI and the purpose of the FI (*Category* 2). To adopt best practices suggested for forensic interviews with children (APSAC Taskforce, 2023), interviewers often explain their role and the purpose of the FI to the interviewee. Most adult interviewees will have never experienced a FI before and, therefore, may need clarification about what a FI is, why it is necessary, how it might be used, and what is expected of them (Fernandes et al., 2024; Lamb et al., 1998; Myklebust et al., 2023). Therefore, it can be helpful to inform the interviewee about these aspects and what will likely occur subsequently. The interviewer should also answer any interviewee questions about the FI process and its aftermath.

7. Failure to inquire whether anyone threatened, bribed, or instructed the interviewee to give particular answers (*Category* 3). Although no research has occurred on adult FIs, research on child sexual abuse has shown that perpetrators commonly threaten their victims not to disclose the abuse (Faller, 1988). However, research has found fears of retaliation as a barrier to adults reporting sexual assault (Sable et al., 2006). Perpetrators of adults can also use threats and bribes before, during, or after the assault to inhibit the interviewee's reporting. The interviewer should question whether this has occurred at the beginning of the FI and take steps to counteract these (e.g., by describing steps that will be taken to

ensure the interviewee's safety) to ensure the interviewee's report is not affected by these.

8. Failure to include instructions regarding the importance of telling the truth and that "I do not know" is an acceptable answer (*Category* 3). Cooperative witnesses are often inclined to provide answers that may be a mixture of correct and incorrect or consciously fabricated information (Loftus, 1996), irrespective of suggestibility (Collins et al., 2002; Mazzoni et al., 2001). Thus, emphasizing the importance of truth-telling at the beginning of the FI is important. This must be done in a tactful way so that the implication is not that the interviewer was expecting them to lie (e.g., see Ali et al., 2019) but as a gentle reminder that this is a situation where the exact truth is critical. Furthermore, interviewees may believe that they must provide a definitive answer to all the interviewer's questions. However, guessing can lead to incorrect information that can interfere with the fact-finding process.

Waterman and colleagues (2001) explored whether question format affected interviewee responses, i.e., when interviewees would indicate they did not know an answer and when they would speculate. Participants were told two short stories, after which they were asked questions about the stories; half were answerable, while the other half were not. Half of these questions were closed-ended questions (required a yes/no response), and half were wh-questions (elicited particular details). Results indicated that the question format affected how participants answered the unanswerable questions. When asked the unanswerable wh-questions, the majority of adults correctly indicated that they did not know the answer. However, a little over one-fifth of adults provided a response to the

closed, unanswerable questions, leading the authors to conclude that appropriate wh-questions or open-ended questions should be used in FI as much as possible and close-ended questions should only be used cautiously. Findings from recent research support the notion that incorporating ground rules (i.e., acceptability of answers like "I don't know" or "I don't understand") in forensic interviews with adults improves response quality (Ali et al., 2020).

9. Failure to avoid distractions during the FI (*Category* 2). Distractions refer to interfering events during the FI (e.g., phone calls or background noise; Zickerick et al., 2020) and can negatively affect information processing, leading to impaired performance (Craik, 2014; Zickerick et al., 2020).

Rapport problems, victim and trauma-centered interviewing

10. Failure to establish and maintain rapport throughout the FI (*Category* 3). Rapport can be defined as a "harmonious, empathetic, or sympathetic relation or connection to another self" (Newberry & Stubbs, 1990, p. 14). Rapport building for as little as 5 minutes prior to the interview can positively affect recall of interviews (Collins et al., 2002). Chenier et al. (2020) importantly observed that even though officers thought they were engaging in rapport-building, they did not regularly use such practices during their interviews—of 35 responses, 48.6% reported that they often used while 34.3% reported that they always used rapport building for its effectiveness (mean=4.17; SD=0.70). However, the actual use of rapport building was much lower when interviews were observed (mean=0.60; SD = 1.09). Rapport building is important as it allows interviewees to be more willing to share

information about sensitive topics such as the alleged crime. Active listening, validation, appropriate body language, empathy, respect, and support are essential to gain the victim's trust and confidence in the criminal justice process (Imiera, 2018). Baker-Eck et al. (2021) found that consistent use of *continuous empathy* (by using phrases such as 'OK,' 'Yes,' 'Continue,' 'Uh huh,' etc.), *indirect empathy* (summarizing to the interviewee what they just said), *current situational empathy* (demonstrating an understanding of the interviewee's current situation), *retrospective situational empathy* (showing compassion for the interviewee at the time of the crime), and *empathic reassurance* (using empathic responses when the interviewee provides an opportunity) throughout the interview can yield more relevant information from the interviewee. In a study simulating forensic interviews, Kieckhaefer et al. (2014) used a sample of undergraduates and scripted interviews to test the impact of rapport on misinformation. They found that rapport-building is also effective in eliciting accurate information from interviewees despite the intrusion of misinformation; their findings revealed that participants who had experienced high rapport-building (i.e., eliciting personal, non-crime-related information from the witness) provided more accurate information in a subsequent witness interview compared to participants who experienced low rapport-building (i.e., eliciting demographic information without using any verbal rapport-building techniques; Kieckhaefer et al., 2014).

Moreover, Hohl et al. (2023) found that among respondents who have withdrawn from the police investigation of their sexual assault, when asked what, if anything, would have made them continue, the most frequent

response was 'more kindness and understanding from officers' (49%). Finally, Holmberg (2004) found that in a sample of Swedish rape or aggravated assault victims found that police interview behavior fell into two broad categories: dominance or humanity. Holmberg reported that interviews characterized by dominance and corresponding reactions of anxiety by the interviewee were related to omitted information in the FI.

11. Failure to understand and appropriately address barriers the interviewee is experiencing to reporting/proceeding (*Category 3*). The interviewer can discourage interviewees from reporting by repeatedly emphasizing personal costs to them should they pursue prosecution, including repeated trips to court and possibly humiliating cross-examination (Campbell, 2008; Campbell & Raja, 2005). O'Donohue (2021) piloted a screen to assess barriers to reporting sexual assault that contains items covering a) concern about how officials will treat the victim during the reporting process; b) wanting to keep the matter private; c) worries that there is insufficient evidence; d) fear of the perpetrator; e) feeling depressed and hopeless; f) not wanting to testify; g) pressure from family and friends not to pursue charges; h) feeling that they will not be believed because they are a member of a minority group, and i) feeling embarrassed or ashamed, among others.

12. Failure to conduct the FI in a person-centered manner (*Category 3*). While 'person-centered' is not well-defined in previous literature, it means that the interviewee's preferences, safety, and well-being should be central to the FI (Campell et al., 2018). At the beginning of the FI, the interviewer should emphasize that the

interviewee controls whether they want to continue in the legal process and that this wish will be honored if the interviewee decides not to continue with the legal process. Additionally, explicit steps should be taken to understand the current limitations to the interviewee's general well-being caused by the sexual assault. The assault may have resulted in several losses, and they could also be experiencing a period of heightened suicidality (Bergen et al., 2003; Newins et al., 2021).

The forensic interviewer should assess the extent to which the interviewee's basic needs are met (medical, housing, food, financial) and that they feel safe both during and after the FI as there can be concerns about retaliation from the perpetrators or their associates. Sexual assault victims can experience acute medical problems such as physical injuries, STDs, and pregnancy. Greeson & Campbell (2011) observed that 40-80% of rape survivors who sought traditional emergency services did not receive essential medical treatment like medication to prevent STDs and treatment of wounds. Therefore, FIs should provide interviewees with a resource and safety plan (*First Response to Victims of Crime - Basic Guidelines on Approaching Victims of Crime, n.d.*). Again, if a victim advocate is available, they may be able to assist with some of these processes. However, it is an error to fail to conduct the interview in a person-centered manner.

13. **Failure to conduct the FI in a trauma-informed manner (*Category* 2).** Many sexual assault victims are traumatized by their assault (Birkeland et al., 2021; Gajadhar & Bull, 2023), and trauma reactions can interfere with the FI. Traumatized individuals are often hypervigilant, anxious, feeling unsafe, avoidant of discussing their trauma, and are easily fatigued due to anxiety and sleep difficulties. Interviewers may incorrectly perceive these behaviors as indicators of uncooperativeness, intoxication, or lying (Lonsway et al., 2009; Rich & Seffrin, 2012). Though the term has not been well-defined in existing literature, a general definition of trauma-informed interviewing refers to: (i) educating the interviewer on how trauma arising from sexual assault can affect them (Rich, 2019; Wilson et al., 2013); (ii) normalizing trauma reactions; (iii) refraining from blaming the victim or being impatient with the victim for these reactions; (iv) being patient with interviewee's reluctance to talk about their trauma because avoidance is a central component of a trauma reaction; (v) because fear is also a central component, helping develop an effective safety plan for the interviewee; (vi) emphasizing the importance of self-care for addressing other trauma reactions like sleep problems nightmares, low energy; (vii) taking appropriate breaks if needed; and (viii) providing referrals for psychological help for trauma as required (Campbell & Raja, 1999; Greeson & Campbell, 2011). Further, the interview room in which the forensic interview is conducted is also pertinent. For instance, these rooms should be made comfortable to allow victims to feel safe (Rudolfsson, 2022); this could include amenities such as comfortable chairs, access to refreshments during long interviews (Rudolfsson, 2022). Further, the interview room should be free of items such as guns or handcuffs, as their presence could be threatening and, therefore, not trauma-informed (Rich, 2019).

14. **Failure to conduct the FI in a culturally appropriate manner, including LGBTQ+ considerations (*Category* 2).** There may be

cultural factors (e.g., increased levels of shame, guilt, and concerns about immigration status) that require an appropriate response in the FI (Benuto & Garrick, 2016). Interviewers should consider discrimination experienced by some minority groups, which may influence interviewee behavior (UK Ministry of Justice, 2022). Additionally, interviewers should become aware of cultural considerations that may be relevant, such as the way a particular culture views authority figures, which might impact the interview (UK Ministry of Justice, 2022). Concerning transgender individuals, recommendations have been prescribed to treat them with respect, give them a choice of the gender of the interview team, not assume their gender, and be led by the interviewee in respecting the type of language (e.g., being called female vs. transgender female) they prefer (UK Ministry of Justice, 2022). Ultimately, interviewers should embrace cultural humility by acknowledging an incomplete understanding of how culture may influence the FI (Fontes & Plummer, 2010).

15. **Failure to take appropriate breaks (*Category* 3).** FIs can be stressful and physically and emotionally draining for the interviewee. The interviewee might also suffer from sleep problems, not eating properly, withdrawal from illegal substances, and physical and psychological pain (Sigurdardottir & Halldorsdottir, 2021). All these can degrade information quality. In interviews with rape victims, providing breaks when interviewees became emotionally distressed allowed them to feel safe, comfortable, and protected by the interviewing police officers (Patterson, 2011).

Biased Questioning

16. **Failure to conduct the FI in a forensically equitable manner (*Category* 2).** By "forensically equitable," we mean that the questions cover potentially incriminating matters and potentially exculpatory hypotheses. Interviews that explore only one type of these are biased. Wrongful convictions of sexual assault occur disproportionately to minority group members; Gross and colleagues (2022) found that while black men represented only 14% of the U.S. population, they represented 59% of sexual assault exonerations (Gross et al., 2022). The central incriminating hypothesis is that the identified perpetrator or perpetrators committed the crimes. The major exculpatory hypotheses suggest that something other than this might have occurred to produce the allegation, and that the allegation is false. Engle and O'Donohue (2012) identified several pathways to false allegations of sexual assault. However, it is also essential to note that the presence of a pathway to a false allegation does *not* indicate that the specific allegation is false but rather indicates that there is a plausible mechanism in play that could lead to a false allegation and thus these needs to be evaluated more thoroughly. It is also important to note that although the exact rate of false allegations is difficult to estimate, Ferguson and Malouff (2016) conducted a metanalysis and found the rate of false allegations to be approximately 5%; Lisak et al. (2010) analyzed sexual assaults reported in a major Northeastern university over a 10-year period and found that the rate of false reporting was 5.9%; In a study of sexual assault cases reported to the Los Angeles Police Department in 2008, Spohn et al. (2014) found the rate of false reports to be was 4.5%; Lonsway et al. (2009) conducted a

multi-site study in 8 US communities and found that false allegations rates were at 7%—and thus most allegations of sexual assault are true. Therefore, it is important that the FI while being forensically equitable not contribute further to a bias against actual victims.

17. Failure to elicit a free narrative using open-ended questions and prompts (*Category* 3). It is essential to elicit a free narrative in which the interviewee can recount the event in his or her own words with little to no prompting that might bias the account (Powell & Snow, 2007). Loftus (1996) suggested that FIs should begin with open-ended questions that elicit free recall by providing a detailed narrative, followed by specific closed-ended questioning to ensure maximum accuracy and completeness. Open-ended questions (e.g., "What do you remember happened next?") are broad and can be answered with a narrative that can provide uninfluenced detail. In contrast, closed-ended questions are narrow and can be answered with a single word or require a single choice from multiple-choice options (e.g., "Was it during the day or the night?"). An open-ended prompt is also nonspecific, "Can you recall seeing anything else?" Closed-ended questions and prompts can also be leading. Research suggests that responses to open-ended questions are more likely to be accurate compared to responses to more focused questions, especially those that are option-posing and/or suggestive (Lamb & Fauchier, 2001; Hershkowitz et al., 2004). It may be necessary to provide an example of a detailed free narrative to help the interviewee understand the optimal level of detail.

18. There were leading questions (*Category* 3). Leading questions are questions in which the interviewer provides information before the interviewee. If the interviewer begins the FI by asking, "Can you tell me more about how your boss raped you?" this would be a leading question because the interviewee has yet to provide this information. Leading questions can be suggestive and can cause changes in memory and reports (Loftus, 1979). Sharman and Powell (2012) also tested this 'misinformation effect' and compared adult witnesses' suggestibility across various types of leading questions. They asked their participants a series of *closed* (required a 'yes' or 'no' response), *closed specific* (required a 'yes' or 'no' response and encouraged thinking about the misleading information), *closed presumptive* (required a 'yes' or 'no' response and encouraged compliance with interviewer's presumed knowledge), and *open presumptive* (presumed knowledge and encouraged thinking about the misleading information) questions; half the questions contained misleading information (Sharman & Powell, 2012). Compared to *closed* and *closed presumptive* questions, *closed specific* and *open presumptive* questions were found to decrease the accuracy of participants' memories during the subsequent recall, demonstrating that the way questions were asked affected witnesses' memories (Sharman & Powell, 2012).

19. The interviewer asked questions based on rape myths (*Category* 2). Rape myths can be defined as "prejudicial, stereotyped and false beliefs about rape, rape victims and rapists" (Burt, 1980, p. 217) that "(1) deny the true prevalence of rape; (2) minimize the harm of rape; and (3) blame victims for the rape" and create "a climate hostile to rape victims" (Burt, 1980; George et al., 2022, p. 91). Questions based on rape myths can result in a wide variety of negative emotions in the victim, ranging from anger, self-blame,

embarrassment, defensiveness, and indifference, and reduce the likelihood that a victim will report sexual assault or continue to fully participate in the FI and have been critiqued in the sexual assault and sexual assault forensic interviewing literature (Hlavka, 2017; Hunley & O'Donohue, 2023; Hammond et al., 2011; Kim & Santiago, 2020; Rich & Seffrin, 2012; Laney & Loftus, 2016; International Association of Chiefs of Police, 2017; Rich & Seffrin, 2021).

20. There were repetitive questions that could function as biasing (*Category* 2). Repetitive questions can be viewed as a form of suggestive questioning (Howie et al., 2012; Scullin & Ceci, 2001). They could be construed as an innocuous request to hear the interviewee's answer again or, alternatively, an indirect request for the interviewee to reconsider and revise their initial answer (Howie et al., 2012). Repetitive questions can function to disconfirm the interviewee's prior answer, as repeating the same question can be interpreted to mean that there was something wrong or inadequate with the interviewee's prior answer.

21. Failure to assess if the interviewee's answers possibly were biased by some previous source, such as prior suggestive interactions with other individuals (*Category* 1). Suggestive and potentially contaminating interactions can occur before the FI (Saywitz & Camparo, 2009). Asking about all prior conversations about the allegations is listed as best practice for FIs with children precisely because of the potential of these contacts to bias the child's memory due to suggestive elements in these interactions (Powell & Lancaster, 2003). As previously mentioned, research has also shown that adults are suggestible (Loftus & Palmer, 1974; Otgaar et al., 2018; Sharman &

13

Powell, 2012). Thus, the interviewer should ask about any prior conversations the interviewee has had about the assault and what they remember about each conversation. The interviewer can then assess the degree of possible influence these conversations may have by noting how leading or suggestive these interactions were and factor this information into their analysis but proceed to gather information in the typical manner.

22. The interviewer displayed confirmation bias in their questioning (*Category* 2). Confirmation bias can be defined as selectively seeking, focusing on, and attaching greater weight to evidence that supports rather than is inconsistent with one's beliefs (O'Donohue & Cirlugea, 2021). Related to confirmation bias is premature closure, where individuals reach conclusions based on too little information. Premature closure may produce confirmation bias by effectively halting the search for additional data that would be inconsistent with these premature conclusions (O'Donohue & Cirlugea, 2021).

23. The interviewer potentially introduced bias by disclosing what other individuals (e.g., other victims or witnesses) stated (*Category* 3). Conformity press occurs when a person's response becomes more in line with a statement they have been told has already been made (Garven et al., 2000). The interviewer stating, "The other victim said he had a beard; what did you see?" would be an example of this error. In child FIs, telling a child what another child has already stated has been shown to influence their answers (Garven et al., 2000).

24. The interviewer selectively responded either in a disconfirming way or a reinforcing way to kinds of answers (*Category* 3). If the interviewer tells the interviewee that their answer is wrong (e.g., "That's not what you said before" or "That can't be true due to x"), then this is an interview error (Baxter et al., 2013). Negative feedback for particular responses may cause the interviewee to feel pressured to give responses consistent with the demands of the interviewer; the interviewee may become inclined to change their answer to reduce the psychological distance between themselves and the interviewer (Baxter et al., 2013; McGroarty & Baxter, 2007). Murphy-Oikonen et al. (2022) found that in a sample of women whose reports were eventually classified as "unfounded, " many could recall stood out questions that were condescending, blaming, or judgmental. Research has found that in FIs with children, reinforcing particular types of responses (e.g., responses that assert abuse) can lead to the disclosure of false information (Billings et al., 2007; Garven et al., 2000), which may also affect adult FIs and should, therefore, be avoided.

25. The interviewer interrupted the interviewee (*Category* 2). A consequence of interrupting the interviewee's narrative is that the content of the interruption may influence what is being recalled and, therefore, may lead to responses influenced by suggestion (Collins et al., 2002; Sharman & Powell, 2012). Additionally, interrupting the interviewee risks damaging rapport. The interviewer should address relevant or necessary details only after the interviewee has completed their answer.

Uncritical Interviewing and Decision-Making

26. The interviewer asked irrelevant questions (*Category* 3). Irrelevant questions would make the FI less efficient and thus make poor use of the interviewee's time and energy. Each interview question should have a clear function. Westera et al. (2017) analyzed themes of prosecutors' perceptions of sexual assault FIs. The central theme that emerged was that the interviewing officers often pursued unnecessary detail, which decreased the coherence of the interviewee's narrative (Westera et al., 2017). The prosecutors reported that this pursuit of irrelevant detail could tire the interviewee.

27. Failure to resolve logical inconsistencies in the interviewee's statement and clarify any unusual details or implausibilities (*Category* 2). A core detail is a central component of an allegation, such as who the perpetrator was, what the assault consisted of, how many times the acts occurred, where the assault took place, when it took place, and who was present. Interviewees may report logically inconsistent statements about such core details (e.g., "It happened three times." and "It happened one time."). By definition, logically inconsistent statements cannot both be true. Inconsistencies can also occur between interviews (e.g., from the account told to a first responder). That said, it is worth noting that some lack of consistency has been found in statements made by truth-tellers which deviates from the popular belief that inconsistency indicates deception (Doyle, 2020; Vredeveldt et al., 2014). Thus, inconsistencies should not be taken to entail that the entire allegation is false, but that more work needs to be done in FI as well as the investigation to attempt to understand and resolve these inconsistencies.

Inconsistencies have been found in false allegations that were later recanted by the

accuser (Kelly et al., 2005). Lonsway and Archambault (2006) emphasized that when inconsistencies arise, they should be gently pointed out to the interviewee and given a chance to clarify their account. For example, "At one time, it appears you said this happened three times, but in another, I thought you said it happened one time–can you help me understand this better?" While inconsistencies may be the result of memory difficulties after a stressful and traumatic event (Hohl & Conway, 2017), it is still an error to fail to attempt to resolve them in the interview process.

28. Failure to obtain a reasonable chronology of events (*Category* 2). The interviewer should strive to understand the order of events in the sexual assault, specifically the sequencing of the major events that occurred before, during, and after each assaultive episode. Memory research indicates that most trauma survivors can provide a clear chronology of relevant events (McNally, 2005). Eventually, jurors may also need to understand the crime, and a narrative that includes a chronology is more understandable (Westera et al., 2017). In Westera et al. (2017) themed analysis described above, prosecutors stated that a lack of a chronology concerned them as this did not provide the jury with a clear narrative. They also found that when there was a lack of chronology, the complainant became confused in their testimony, which diminished their credibility to jurors (Westera et al., 2017).

29. Failure to inquire about witnesses or the existence of relevant evidence (*Category* 1). The interviewer should ask questions to understand the existence of relevant evidence, such as witnesses, photos, wounds, texts, admissions, and the continued

presence of DNA. In child sexual abuse cases, research has shown that corroborating evidence is available in about 32% of cases (Olafson, 2012). This corroborating evidence included medical evidence, witnesses, photographs, and confessions. Herman (2010) found that cases of child sexual abuse that contained corroborative evidence significantly helped distinguish true from false reports.

30. Failure to elicit clear information about consent/lack of consent and other key elements of the crime (*Category* 2). A key element of most sexual crimes is the lack of consent for the acts experienced (e.g., in sexual harassment, the behavior must be "unwelcomed"). Lack of physical or verbal resistance does not indicate consent (De León et al., 2014). Consent refers to affirmative consent, which must be ongoing throughout the sexual activity and, importantly, can be revoked at any time (De León et al., 2014; Johnson & Hoover, 2015). The interviewer should ask questions such as, "Regarding your consent or nonconsent, can you tell me how this was expressed?" Muehlenhard et al. (2016) have observed that gender norms and situational expectations affect consent. While men report using non-verbal cues to give and receive consent, women rely primarily on verbal cues (Camp et al., 2018). Moreover, most state laws in the US indicate that if an individual is intoxicated, they cannot give consent due to their inability to make rational decisions.

31. Failure to summarize key aspects of the interviewee's statement to ensure accuracy and appropriately conclude the interview (*Category* 2). It is helpful for the interviewer to summarize their understanding of the interviewee's statement to allow the interviewee to correct any

misunderstandings. Lamb and colleagues (2012) found that interviewers' verbatim notes often contained misunderstandings or misrepresentations of what the interviewee said. For instance, key utterances were either completely ignored or noted incompletely, and the types of prompts used to obtain information were often omitted, leading to interviewer contamination and likely affecting the interviewee's credibility (Lamb et al., 2012). At the end of the FI, the interviewer should summarize the core details of what the interviewee has stated and allow for any clarifications the interviewee wants to make (*Investigative Interviewing/ College of Policing (UK)*, 2013).

In addition, the interviewer should end the interview by asking the interviewee if there is anything else they want to talk about, and taking steps to: (i) ensure that the interviewee will be safe and has basic needs met when they leave the interview, (ii) make appropriate referrals and aiding the interviewee to meet with any healthcare professionals, either for evidence gathering or to address a healthcare need, (iii) praise the interviewee for their efforts and cooperation, (iv) provide them with information concerning what next steps will be, along with a timeline, (v) provide contact information if they want to amend their statement in any way; and (vi) understand their preferences regarding further investigation and possible prosecution.

32. Failure to reach valid conclusions from the interview (*Category* 1). This error is based on [first author's] professional experience working with victims of sexual assault and attorneys involved in cases involving such victims. Importantly, it is also based on the view that forensic investigations into sexual assault allegations will often result

in multiple kinds of information (medical, witness, perpetrator statement, and multiple descriptive claims produced in the FI), that can have multiple specifics, and these must be integrated into conclusions, such as there is sufficient to move forward with prosecution for crimes a, b, or c; or there is insufficient information at the present time to move forward to a successful prosecution; or this is considered to be a false allegation. There has been strikingly little information on how to validly combine interview information (which itself may not be unidirectional) with other kinds of information, including key missing information, to validly make this critical categorization.

This critical issue can be thought of as having three sub-questions: 1) what reasonable conclusions can be drawn from the information gained from the FI? (F.I. Solutions, 2009); what reasonable conclusions can be drawn from the information gained from the FI?; 2) how can this information derived from the FI be combined with other sources of additional evidence, such as witness statements, DNA evidence, alibis, character evidence and so on, to draw valid conclusions about what did or did not occur?; and 3) what is an honest appraisal of any weaknesses in these conclusions such as evidential gaps or inconsistencies. Both of the prior questions should be answered with logical arguments that summarize the evidence's strengths and weaknesses concerning the conclusion.

CONCLUSION

The number and the range of possible errors when conducting a FI with adults alleging sexual assault show that FIs are complex. Part of the complexity is also due to the

heterogeneity of the sexual crimes that can occur and the variability in the individuals involved. Part of the complexity is also because not all allegations of sexual assault are true (Engle & O'Donohue, 2012), and part of the task of the FI is to help draw accurate conclusions about truth and falsity. The complexity of these interviews is also due to the variability of laws across jurisdictions. Finally, much scientific information is missing regarding the magnitude of the effects of certain choices in both the FI process and the FI outcomes (such as error rates). However, it is an important step forward if the field can recognize all the possible errors in these FIs and take steps to avoid them. It is likely that to minimize these errors, effective training must occur before anyone conducts a FI with adults alleging abuse (Eldridge et al., 2022; Rich & Seffrin, 2012). In all likelihood, continued monitoring or supervision is also needed to drift from training over time. In addition, some interviewees will present more challenges than others and support for interviewers is needed to help them meet them.

It is essential to understand the significance of errors in a FI. When no interview errors occur, this does not mean that the adult's report is accurate (or inaccurate). Rather, the FI can be considered to be free of pathways that can produce informational errors. When interview errors are identified, the FI cannot be considered free from potential bias emanating from the FI. The FI is then considered *confounded*, i.e., open to multiple interpretations. Each error adds another confound, i.e., another potential interpretation. For example, if the interviewer made an error by failing to question about threats influencing the interviewee. In that case, the interviewee's statements are subject to two interpretations: 1) this interviewer's error did not bias the interviewee's responses as the interviewee might not be influenced by the threat even if threats were present, or 2) the interviewee's responses were influenced not by what occurred but were distorted by the possible presence of a threat. It is also relevant to note that although some of the identified errors have been addressed in previous literature, they may continue to occur in the field. For instance, Chenier et al. (2022) showed that even though officers think they are effective in building rapport, this key component is often missing from their FIs. This disconnect between research and practice is also relevant to consider when effectively training forensic interviewers.

This typology of interview errors was developed as a preliminary model and should undergo a critical empirical and conceptual process where any omissions or commissions can be identified and rectified. However, a reasonable case for including each error type throughout the paper was attempted. When the typology is settled, a key next step will be to develop a training program to reliably and validly detect the presence or absence of each error. This protocol can then be used to make more precise statements about the quality of a particular FI.

Future development of FI in sexual assault cases should be based on four major foundations: 1) *science*, and in particular scientific information regarding what causes either biasing effects on the interviewee (e.g., from less informative responses to inaccurate answers to harmful psychological effects, to the interviewee's decisions not to participate further) as well as the interviewer's contribution to erroneous forensic conclusions; 2) *a commitment to benevolence and justice*, in particular, a commitment to

attempt to bring justice for all those involved in the FI, and a humane commitment that a FI is a place where the interviewee's basic needs from medical, psychological, and practical (e.g., housing) are understood and addressed and when they are respected and treated equitably no matter their demographic status. The interviewee ought not to be viewed solely as someone from whom information is extracted; 3) *legal*—the FI needs to be responsive to all the relevant legal details of each jurisdiction and to respect the rights of all parties involved; and finally, 4) *quality improvement processes* in which ways to improve FIs on several dimensions are sought a formal continuous quality improvement system (Deming, 1952).

It is unrealistic to expect any iteration of an interview protocol or training system to be entirely satisfactory and without error, especially now given that so much relevant information is missing. The complexity of the FI, as indicated by the number of possible errors in the typology described here, will no doubt result in flaws and less-than-optimal results in many FIs. The general mistake would be ignoring these errors and ossifying FI protocols and training systems. Instead, continually gathering data capturing essential dimensions of quality (e.g., participant satisfaction, interviewee dropout rates, just legal outcomes, efficiency, ease of learning and faithfully implementing, weaknesses noted in its use in trial) is essential to improve these interviews continually.

REFERENCES

Ali, M. M., Brubacher, S. P., Earhart, B., Powell, M. B., & Westera, N. J. (2020). The utility of ground rule instructions with younger and older adult witnesses. *Applied Cognitive Psychology*, 34(3), 664-677.

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

American Psychiatric Association. (2022). Personality disorders. *In Diagnostic and Statistical Manual of Mental Disorders* (5th ed., text rev.)

APSAC Taskforce. (2023). Forensic interviewing of children. The American Professional Society on the Abuse of Children (APSAC).

Baker-Eck, B., Bull, R., & Walsh, D. (2021). Investigative empathy: Five types of cognitive empathy in a field study of investigative interviews with suspects of sexual offences. *Investigative Interviewing: Research and Practice*.

Basile, K. C., Smith, S. G., Kresnow, M., Khatiwada, S., & Leemis, R. W. (2022). *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Sexual Violence*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Baxter, J., Charles, K., Martin, M., & McGroarty, A. (2013). The relative influence of leading questions and negative feedback on response change on the Gudjonsson Suggestibility Scale (2): Implications for forensic interviewing. *Psychology, Crime & Law*, 19(3), 277–285.

Benuto, L. T., & Garrick, J. (2016). Cultural considerations in forensic interviewing of children. *Forensic Interviews Regarding Child Sexual Abuse: A Guide to Evidence-Based Practice*, 351-364.

Bergen, H. A., Martin, G., Richardson, A. S., Allison, S., & Roeger, L. (2003). Sexual abuse and suicidal behavior: A model constructed from a large community sample of adolescents. *Journal of the American Academy of Child & Adolescent Psychiatry*, 42(11), 1301-1309.

Billings, F. J., Taylor, T., Burns, J., Corey, D. L., Garven, S., & Wood, J. M. (2007). Can reinforcement induce children to falsely incriminate themselves? *Law and Human Behavior*, pp. 31, 125–139.

Birkeland, M.S., Skar, A. M. S., & Jensen, T. K. (2021). Do different traumatic events invoke different kinds of post-traumatic stress symptoms? *European Journal of Psychotraumatology*, 12(sup1). https://doi.org/10.1080/20008198.2020.1866399

Burt, M. R. (1980). Cultural myths and supports for rape. *Journal of Personality and Social Psychology, pp. 38*, 217-23

Camp, S. J., Sherlock-Smith, A. C., & Davies, E. L. (2018). Awareness and support: Students' views about the prevention of sexual assault on UK campuses. *Health Education (Bradford, West Yorkshire, England)*, 118(5), 431–446. https://doi.org/10.1108/HE-02-2018-0007

Campbell, R. (2008). The psychological impact of rape victims' experiences with the legal, medical, and mental health systems. *American Psychologist*, 63(8), 702–717. doi:10.1037/0003-066X.63.8.702.

Campbell, R., & Raja, S. (1999). The secondary victimization of rape victims: Insights from mental health professionals who treat survivors of violence. *Violence and Victims*, 14, 261–275.

Campbell, R., & Raja, S. (2005). The sexual assault and secondary victimization of female veterans: Help-seeking experiences with military and civilian social systems. *Psychology of Women Quarterly*, 29, 97–106.

Chenier, K., Milne, R., Shawyer, A., & Snook, B. (2020). Police victim and witness interviewing in a northern Canadian territory: Measuring perceptions and practice. *Journal of Police and Criminal Psychology*, 1-13.

Collins, R., Lincoln, R., & Frank, M. G. (2002). The effect of rapport in forensic interviewing. *Psychiatry, Psychology and Law*, 9(1), 69-78.

Craik, F. (2014). Effects of distraction on memory and cognition: a commentary. *Frontiers in Psychology*, 5, 841–841. https://doi.org/10.3389/fpsyg.2014.00841

De León, S., Jackson, S., Lowenthal, A., Ammiano, A., Beall, S., Cannella, S., & Wlk, S. (2014). Senate Bill 967—Student safety: Sexual assault. *California Legislative Information.*

Deming, W. E. (1952). Elementary principles of the statistical control of quality: a series of lectures. *(No Title)*.

Doyle, A. C. (2020). *Fool me once, fool me twice: The relationship between statement consistency and veracity across repeated recalls* (Doctoral dissertation, University of Portsmouth).

Eldridge, H., Stimac, J., & Vanderkolk, J. (2022). The benefits of errors during training. *Forensic Science International: Synergy*, 4, 100207.

Engle, J., & O'Donohue, W. (2012). Pathways to false allegations of sexual assault. *Journal of Forensic Psychology Practice*, 12(2), 97–123.

Faller, K. C. (1988). The spectrum of sexual abuse in daycare: An exploratory study. *Journal of Family Violence*, 3, 283-298.

Fanetti, M. N., O'Donohue, W. T., & Bradley, A. R. (2006). A method for evaluating child forensic interviews. *American Journal of Forensic Psychology*, 24 (3), 5–27.

Ferguson, C. E., & Malouff, J. M. (2016). Assessing police classifications of sexual assault reports: A meta-analysis of false reporting rates. *Archives of Sexual Behavior*, 45(5), 1185-1193.

Fernandes, D., Gomes, J. P., Albuquerque, P. B., & Matos, M. (2024). Forensic interview techniques in child sexual abuse cases: A scoping review. *Trauma, Violence, & Abuse*, 25(2), 1382-1396.

F.I. Solutions. (2009). PEACE a different approach to investigative interviewing. New York: Forensic Interview Solutions.

First Response to Victims of Crime - Basic Guidelines on Approaching Victims of Crime. (n.d.). https://www.ncjrs.gov/ovc_archives/reports/firstrep/bgavoc.html

Fontes, L. A., & Plummer, C. (2010). Cultural issues in disclosures of child sexual abuse. *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders*, 19(5), 491–518. https://doi.org/10.1080/10538712.2010.512520

Fontes, L. A., & Tishelman, A. C. (2016). Language competence in forensic interviews for suspected child sexual abuse. *Child Abuse & Neglect*, 58, 51–62. https://doi.org/10.1016/j.chiabu.2016.06.014

Gajadhar, S., & Bull, R. (2024). The non-stranger rapist-oriented interview for complainants: Eliciting high-quality accounts. *The Police Journal*, 97(3), 435-457.

Garven, S., Wood, J. M., & Malpass, R. S. (2000). Allegations of wrongdoing: The effects of reinforcement on children's mundane and fantastic claims. *Journal of Applied Psychology*, 85(1), 38-49.

George, S. S., Verhagan, M., & Spohn, C. (2022). Detectives' descriptions of their responses to sexual assault cases and victims: Assessing the overlap between rape myths and focal concerns. *Police Quarterly*, 25(1), 90-117.

Greeson, & Campbell, R. (2011). Rape survivors' agency within the legal and medical systems. *Psychology of Women Quarterly*, 35(4), 582–595.

Gross, S. R., Possley, M., Otterbourg, K., Stephens, K., Paredes, J. W., & O'Brien B. (2022). *Race and wrongful convictions in the United States.* National Registry of Exonerations. https://www.law.umich.edu/special/exoneration/Documents/Race%20Report%20Preview.pdf

Hammond, E. M., Berry, M. A., & Rodriguez, D. N. (2011). The influence of rape myth acceptance, sexual attitudes, and belief in a just world on attributions of responsibility in a date rape scenario. *Legal and Criminological Psychology*, 16(2), 242–252. https://doi.org/10.1348/135532510X499887

Herman, S. (2010). The role of corroborative evidence in child sexual abuse evaluations. *Journal of Investigative Psychology and Offender Profiling*, 7(3), 189-212.

Hershkowitz, I., Horowitz, D., Lamb, M. E., Orbach, Y., & Sternberg, K. J. (2004). Interviewing youthful suspects in alleged sex crimes: a descriptive analysis. *Child Abuse & Neglect*, 28(4), 423–438. https://doi.org/10.1016/j.chiabu.2003.09.021

Hlavka, H. (2017). Speaking of stigma and the Silence of Shame: Young men and sexual victimization. *Men and Masculinities*, 20(4), 482–505.

Hohl, K., & Conway, M. A. (2017). Memory as evidence: How normal features of victim memory lead to the attrition of rape complaints. *Criminology & Criminal Justice*, 17(3), 248-265.

Hohl, K., Reid, A. K., Molisso, S., & Pullerits, M. (2023). Rape and sexual assault survivors' experience of the police in England and Wales. Survey Report I: January–June 2023.

Holmberg, U. (2004). Crime victims' experiences of police interviews and their inclination to provide or omit information. *International Journal of Police Science & Management*, 6(3), 155-170.

Howie, P., Nash, L., Kurukulasuriya, N., & Bowman, A. (2012). Children's event reports: Factors affecting responses to repeated questions in vignette scenarios and event recall interviews. *British Journal of Developmental Psychology*, 30(4), 550–568.

Hunley, B. T. & O'Donohue, W. (2023). The psychometric adequacy of adult forensic interview protocols for sexual assault: A literature review. *Journal of Police and Criminal Psychology*, 38(1), 38–54. https://doi.org/10.1007/s11896-022-09558-y

Imiera, P. P. (2018). Therapeutic jurisprudence and restorative justice: healing crime victims, restoring the offenders. *De Jure*, 51(1), 82-101.

International Association of Chiefs of Police. (2017). Successful trauma informed victim interviewing. Office on Violence Against Women, U.S. Department of Justice.

Investigative interviewing | College of Policing (UK). (2013, October 23). College of Policing. https://www.college.police.uk/app/investigation/investigative-interviewing/investigative-interviewing.

Jamel, J., Bull, R., & Sheridan, L. (2008). An investigation of the specialist police service provided to male rape survivors. *International Journal of Police Science & Management*, 10(4), 486–508. https://doi.org/10.1350/ijps.2008.10.4.101

Johnson, A. M., & Hoover, S. M. (2015). The potential of sexual consent interventions on college campuses: A literature review on the barriers to establishing affirmative sexual consent. *Pure Insights*, 4(1), 5.

Kelly, L., Lovett, J., & Regan, L. (2005). A gap or a chasm. *Attrition in reported rape cases*, 293.

Kim, B., & Santiago, H. (2020). Rape myth acceptance among prospective criminal justice professionals. *Women & Criminal Justice*, 30(6), 462–479.

Kieckhaefer, J. M., Vallano, J. P., & Schreiber Compo, N. (2013). Examining the positive effects of rapport building: When and why does rapport building benefit adult eyewitness memory? *Memory*, 22(8), 1010–1023. https://doi.org/10.1080/09658211.2013.864313

Koehnken, G., Thurer, C. & Zoberbier, D. (1994). The cognitive interview: Are the interviewers' memories enhanced too? *Applied Cognitive Psychology*, 8, 13–24.

Korkman, J., Otgaar, H., Geven, L. M., Bull, R., Cyr, M., Hershkowitz, I., ... & Volbert, R. (2024). White paper on forensic child interviewing: research-based recommendations by the European Association of Psychology and Law. *Psychology, Crime & Law*, 1-44.

Lamb, M. E., & Fauchier, A. (2001). The effects of question type on self-contradiction by children in the course of forensic interviews. *Applied Cognitive Development*, 15, 483–491.

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), 1201–1231. https://doi.org/10.1016/j.chiabu.2007.03.021

Lamb, M., Orbach, Y., Sternberg, K., Hershkowitz, I., & Horowitz, D. (2012). Accuracy of investigators' verbatim notes of their forensic interviews with alleged child abuse victims. *Law and Human Behavior*, 24(6), 699–708. https://doi.org/10.1023/A:1005556404636

Lamb, M. E., Sternberg, K. J., & Esplin, P. W. (1998). Conducting investigative interviews of alleged sexual abuse victims. *Child Abuse & Neglect*, 22(8), 813-823.

Laney, C., & Loftus, E. F. (2016). History of forensic interviewing. *Forensic interviews Regarding Child Sexual Abuse: A Guide To Evidence-Based Practice*, 1-17.

Lisak, D., Gardinier, L., Nicksa, S. C., & Cote, A. M. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. *Violence Against Women*, 16(12), 1318-1334.

Loftus, E.F. (1979). Reactions to blatantly contradictory information. *Memory and Cognition*, 7, 368374.

Loftus, E.F. (1996). *Eyewitness testimony.* Cambridge MA: Harvard University Press.

Loftus, E. F., & Palmer, J. C. (1974). Reconstruction of auto-mobile destruction: An example of the interaction between language and memory. *Journal of Verbal Learning and Verbal behavior*, 13, 585-589.

Lonsway, K. A., & Archambault, J. (2006). Dynamics of Sexual Assault: What does sexual assault really look like? *Retrieved from olti.evawintl. org.*

Lonsway, K. A., Archambault, J., & Lisak, D. (2009). False reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault. *The Voice*, 3(1), 1–11.

Mazzoni, G.A.L., Loftus, E.F., & Kirsch, I. (2001). Changing beliefs about implausible autobiographical events: A little plausibility goes a long way. *Journal of Experimental Psychology*, 7(1), 51–59.

McGregor, M. J., Mont, J. D., White, D., & Coombes, M. E. (2009). Examination for sexual assault: Evaluating the literature for indicators of women-centered care. *Health Care for Women International*, 30(1-2), 22–40. https://doi.org/10.1080/0739933080252351 9

McGroarty, A., & Baxter, J. S. (2007). Interrogative pressure in simulated forensic interviews: The effects of negative feedback. *The British Journal of Psychology*, 98, 455465.

McNally, R. J. (2005). Debunking Myths about Trauma and Memory. *Canadian Journal of Psychiatry*, 50(13), 817–822. https://doi.org/10.1177/07067437050500130 2

Milne, R. & Bull, R. (2008). Interviewing victims of crime, including children and people with intellectual disabilities. *10.1002/9780470713389.ch1.*

Muehlenhard, C. L., Humphreys, T. P., Jozkowski, K. N., & Peterson, Z. D. (2016). The complexities of sexual consent among college students: A conceptual and empirical review. *The Journal of Sex Research*, 53(4-5), 457-487.

Murphy-Oikonen, J., McQueen, K., Miller, A., Chambers, L., & Hiebert, A. (2022). Unfounded sexual assault: Women's experiences of not being believed by the police. *Journal Of Interpersonal Violence*, 37(11-12), NP8916-NP8940.

Murphy-Oikonen, J., Chambers, L., Miller, A., & McQueen, K. (2022). Sexual assault case attrition: The voices of survivors. *SAGE Open*, 12(4), 21582440221144612.

Myklebust, T., La Rooy, D. J., & Peixtoto, C. E. (2023). The National Institute of Child Health and Human Development Protocol. *Interviewing And Interrogation: A Review Of Research And Practice Since World War II*, 367-387.

Newberry, J. J., & Stubbs, C. A. (1990). Advanced interviewing techniques. Bureau of Alcohol, Tobacco, and Firearms National Academy: Glynco, Georgia.

Newins, A. R., Glenn, J. J., Wilson, L. C., Wilson, S. M., Kimbrel, N. A., Beckham, J. C., & Calhoun, P. S. (2021). Psychological outcomes following sexual assault: Differences by sexual assault setting. *Psychological Services*, 18(4), 504–511.

O'Donohue, W. (2021). A forensic interview protocol for adult sexual assault: Content validity and consumer acceptability. *International Journal of Psychology and Psychological Therapy*, 21, 2, 133-147.

O'Donohue, W., & Cirlugea, O. (2021). Controlling for confirmation bias in child sexual abuse interviews. *The journal of the American Academy of Psychiatry and the Law*, 49(3), 371-380.

O'Donohue, & Fanetti, M. (2015). Planning the forensic interview. In *Forensic Interviews*

Regarding Child Sexual Abuse. Springer International Publishing AG.

Olafson, E. (2012). A call for field-relevant research about child forensic interviewing for child protection. *Journal of Child Sexual Abuse*, 21(1), 109–129.

Otgaar, H., Howe, M. L., Merckelbach, H., & Muris, P. (2018). Who is the better eyewitness? Sometimes adults but at other times children. *Current Directions in Psychological Science*, 27(5), 378–385. https://doi.org/10.1177/0963721418770998

Patterson, D. (2011). The impact of detectives' manner of questioning on rape victims' disclosure. *Violence Against Women*, 17(11), 1349–1373.

Poole, D. A. (2016). *Interviewing children: The science of conversation in forensic contexts*. American Psychological Association.

Powell, M. B., & Lancaster, S. (2003). Guidelines for interviewing children during child custody evaluations. *Australian Psychologist*, 38(1), 46–54.

Powell, & Snow, P. C. (2007). Guide to questioning children during the free-narrative phase of an investigative interview. *Australian Psychologist*, 42(1), 57–65.

Rich, K. (2019). Trauma-Informed Police Responses to Rape Victims. *Journal of Aggression, Maltreatment & Trauma*, 28(4), 463–480.

Rich, K., & Seffrin, P. (2012). Police interviews of sexual assault reporters: Do attitudes matter?. *Violence and Victims*, 27(2), 263-279.

Rich, K., & Seffrin, P. (2013). Police Officers' Collaboration With Rape Victim Advocates: Barriers and Facilitators. *Violence and Victims*, 28(4), 681–696. https://doi.org/10.1891/0886-6708.VV-D-12-00044

Rich, K., Seffrin, P. M., & McNichols, E. (2021). College students' responses to their sexually assaulted friends: Impact of rape myth acceptance, prior victimization, and social relationships. *Archives of Sexual Behavior*, 50(1), 263–275. https://doi.org/10.1007/s10508-020-01842-4

Rudolfsson, L. (2022). "At least I tried": Swedish police officers' experiences of meeting with women who were raped. *Journal of Police and Criminal Psychology*, 37(2), 365-376.

Rudolfsson, L. (2024). "I Want to Be Heard": Rape Victims' Encounters With Swedish Police. *Violence Against Women*, 30(12-13), 3163-3186.

Sable, D., F., Mauzy, D. L., & Gallagher, S. K. (2006). Barriers to reporting sexual assault for women and men: perspectives of college students. *Journal of American College Health*, 55(3), 157–162. https://doi.org/10.3200/JACH.55.3.157-162

Saywitz, K. J., & Camparo, L. B. (2009). Contemporary child forensic interviewing: Evolving consensus and innovation over 25 years.

Screening & Assessment. (n.d.). *Center for Victim Research*. Retrieved May 8, 2023 from Screening & Assessment - Center for Victim Research

Scullin, M. H., & Ceci, S. J. (2001). A suggestibility scale for children. Personality and *Individual Differences*, 20, 843–856.

Sharman, S., & Powell, M. B. (2012). A comparison of adult witnesses' suggestibility across various types of leading questions. *Applied Cognitive Psychology*, 26(1), 48–53.

Sigurdardottir, S., & Halldorsdottir, S. (2021). Persistent suffering: The serious consequences of sexual violence against

women and girls, their search for inner healing and the significance of the #MeToo movement. *International Journal of Environmental Research and Public Health*, 18(4), 1849. https://doi.org/10.3390/ijerph18041849

Smith, K., & Milne, R. (2011). Planning the interview. In *Children's Testimony* (pp. 87–107). John Wiley & Sons, Ltd. https://doi.org/10.1002/`9781119998495.ch5

Spohn, C., & Tellis, K. (2012). Police Decision Making in Sexual Assault Cases: An Analysis of Crime Reported to the Los Angeles Police Department and the Los Angeles County Sheriff's Department, 2008. *ICPSR Data Holdings.*

Spohn, C., White, C., & Tellis, K. (2014). Unfounding sexual assault: Examining the decision to unfound and identifying false reports. *Law & Society Review*, 48(1), 161-192.

Strom K. J., Markey, J., Satinsky, J., Durall, A., Date, C. M., Scott, T. (2019) Sexual assault assessment report: Mobile Police Department (AL).

UK Ministry of Justice (2022). Achieving best evidence in criminal proceedings. National Chiefs of Police Council.

US Department of Education (ED). (n.d.). *Dear Colleague Letter from Assistant Secretary for Civil Rights Russlynn Ali.*

Vredeveldt, A., van Koppen, P. J., & Granhag, P. A. (2014). The inconsistent suspect: A systematic review of different types of consistency in truth tellers and liars. *Investigative Interviewing*, 183-207.

Waterman, A. H., Blades, M., & Spencer, C. (2001). Interviewing children and adults: The effect of question format on the tendency to speculate. *Applied Cognitive Psychology: The Official Journal of the Society for Applied*

Research in Memory and Cognition, 15(5), 521-531.

Wegrzyn, A., Tull, P., Greeson, M. R., Pierre-Louis, C., Patton, E., & Shaw, J. (2023). Rape crisis victim advocacy: A systematic review. *Trauma, Violence, & Abuse*, 24(3), 1966-1985.

Westera, N., Powell, M., & Milne, B. (2017) Lost in the detail: prosecutors' perceptions of the utility of video recorded police interviews as rape complainant evidence. *Australian & New Zealand Journal of Criminology*, 50(2):252–268. https://dooi.org/10.1177/0004865815620705

Wilson, C., Pence, D. M., & Conradi, L. (2013). Trauma-informed care. In *Encyclopedia of Social Work.*

Wilson, J., & Terence, K. (2004). *Assessing psychological trauma and PTSD* (2nd ed.). Guilford Press.

Zickerick, Thönes, S., Kobald, S. O., Wascher, E., Schneider, D., & Küper, K. (2020). Differential effects of interruptions and distractions on working memory processes in an ERP study. *Frontiers in Human Neuroscience*, 14, 84–84.

APPENDIX

Category 1: errors that are due to practical considerations, such as not knowing the interviewee's prior statements, so that inconsistencies can be understood and queried.

Category 2: hypothesized plausible errors in the literature but these have not undergone direct empirical testing for their causal effects on information derived in a FI.

Category 3: problems that have been demonstrated empirically in related research on a wide range of participants, but without direct studies of the problem in FIs with adults alleging sexual assault.

Lack of Proper Interview Preparation

1. Failure to review previous interviews and other available information (Category 1): 3 sources.

2. Failure to videotape the interview (Category 1): 3 sources.

3. Failure to assess interviewee readiness and if the interviewee has any immediate urgent medical or psychological needs (Category 2): 2 sources.

4. Failure to assess and accommodate the interviewee's special needs, such as language, gender preferences, and sensory and cognitive disabilities (Category 2): 3 sources.

5. Failure to ensure that only essential people are present in the FI (e.g., interviewer, translator, interviewee's lawyer) (Category 2): 2 sources.

6. Failure to ensure that the interviewee understands their role in the FI and the purpose of the FI (Category 2): 1 source.

7. Failure to inquire whether anyone threatened, bribed, or instructed the interviewee to give particular answers (Category 3): 2 sources.

8. Failure to include instructions regarding the importance of telling the truth and that "I do not know" is an acceptable answer (Category 3): 5 sources.

9. Failure to avoid distractions during the FI (Category 2): 2 sources.

Rapport problems and victim and trauma-centered interviewing

10. Failure to establish and maintain rapport throughout the FI (Category 3): 6 sources.

11. Failure to understand and appropriately deal with barriers the interviewee is experiencing to reporting/proceeding (Category 3): 3 sources.

12. Failure to conduct the FI in a person-centered manner (Category 3): 5 sources.

13. Failure to conduct the FI in a trauma-informed manner (Category 2): 8 sources.

14. Failure to conduct the FI in a culturally appropriate manner, including LGBTQ+ considerations (Category 2): 3 sources.

15. Failure to take appropriate breaks (Category 3): 2 sources.

Biased Questioning

16. Failure to conduct the FI in a forensically equitable manner (Category 2): 1 sources.

17. Failure to elicit a free narrative using open-ended questions and prompts (Category 3): 4 sources.

18. There were leading questions (Category 3): 3 sources.

19. The interviewer asked questions based on rape myths (Category 2): 10 sources.

20. There were repetitive questions that could be biasing (Category 2): 2 sources.

21. Failure to assess if the interviewee's answers possibly were biased by some previous source, such as prior suggestive interactions with other individuals (Category 1): 4 sources.

22. The interviewer displayed confirmation bias in their questioning (Category 2): 1 source.

23. The interviewer potentially introduced bias by disclosing what other individuals (e.g., other victims or witnesses) stated (Category 3): 1 source.

24. The interviewer selectively responded either in a disconfirming way or a reinforcing way to particular kinds of answers (Category 3): 4 sources.

25. The interviewer interrupted the interviewee (Category 2): 2 sources.

Uncritical Interviewing and Decision Making

26. The interviewer asked irrelevant questions (Category 3): 1 source.

27. Failure to resolve logical inconsistencies in the interviewee's statement and clarify any unusual details or implausibilities (Category 2): 2 sources.

28. Failure to obtain a reasonable chronology of events (Category 2): 2 sources.

29. Failure to inquire about witnesses or the existence of relevant evidence (Category 1)2 sources.

30. Failure to elicit clear information about consent/lack of consent and other key elements of the crime (Category 2): 4 sources.

31. Failure to summarize key aspects of the interviewee's statement to ensure accuracy and appropriately conclude the interview (Category 2): 2 sources.

32. Failure to reach valid conclusions from the interview (Category 1) Professional experience.