Training sexual crime investigators to get the

“Whole Story”

By

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Doctor of Philosophy

Deakin University

Date
August 2016
“Because police are the ‘gate-keepers’ to the criminal justice system, the way they respond to people who report sexual assault is vitally important.”

Victorian Law Reform Commission, 2004 – xxii
Deakin University Candidate declaration

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Abstract

In 2004, the Victorian Law Reform Commission (VLRC) published a report into the handling of sexual offence cases by the criminal justice system. The report made 32 recommendations for the improvement of police investigative and victim management practice. There was significant criticism of police culture and, in particular, the attitudes of detectives towards victims of sexual crime. Most notable of the recommendations was that Victoria Police should establish a specialism in sexual crime investigation, an area seen by the Commission as significantly lacking.

In 2007, Victoria Police began the rollout of a raft of reforms to address the criticisms of the VLRC’s 2004 report. These included the establishment of two specialist development positions, to focus on improvements to investigative methodology and police culture and practice. The task of these positions was to develop the existing training programme into one that incorporated a “Specialist sexual assault and child abuse investigator” component. The writer’s role, in one of those positions, was to improve members’ understanding of sexual offending, sexual offence dynamics and offender behaviour. The position was also tasked with improving detectives’ investigative interviews and interview planning with sexual offence suspects.

In preparation for the new training regimen, and the development of specialist sexual assault and child abuse investigation training, it became clear that previous investigative practice substantially underrepresented the behaviour of offenders, and allowed little opportunity for fact finders to understand the narratives that were presented to them by victims. The result of these shortfalls was the misrepresentation and limitation of victim narratives, with consequences in the elicitation of critical relationship evidence. The lack of relationship evidence undermined the
effectiveness of victim statements, suspect interviews and the development of ‘briefs of evidence’ for prosecution. The writer initiated the Whole Story technique in order to begin to address some of these shortfalls. The result was the development of new investigative methodology, terminology and processes, designed to improve investigators’ knowledge, attitudes and investigative skills.

The new technique comprises understanding of three main elements: grooming, unique signifiers, and points of confirmation. Grooming is the process whereby offenders manipulate victims into compliance. Unique Signifiers refer to the unique elements of each offending ‘relationship’, which should aid in the elicitation of complete, complex and detailed narratives from victims. Points of Confirmation were created to persuade investigators to move away from traditional notions of third party corroboration, often considered essential in securing convictions, into understand the unique and often private dynamics of sexual offending narratives, where external corroboration is rarely available.

The four studies undertaken in this thesis represent an analysis of Whole Story training and its effect on investigative practice; they concentrated on investigators’ knowledge, attitudes, and skills. In each of the studies, participants were recruited from the Victoria Police Sexual Offence and Child Abuse (SOCIT) “Specialist Sexual Assault and Child Abuse Investigator” course. The course is a four-week foundation course, qualifying participants to conduct SOCIT investigations and to interview children and other vulnerable witnesses.

All studies examined participants’ performance pre-training (i.e., on Day 1 of the course), post-training (on Day 19 of the 20-day course), and in the field (approximately 12 months post training). Study 1 investigated participants’ attitudes and beliefs about the methodology taught in training and the specialism of sexual
assault and child abuse investigation. It also examined their beliefs about the type of specialism required of investigators, and whether investigators with particular qualities may be more suited to this field of work than others. Results showed that participants maintained a strong belief in the Whole Story methodology, but were ambivalent about the courts’ ability to make judgments on cases that involved one person’s word against that of another. After training and field practice, participants developed an increasing belief in the specialism of sexual crime investigation. There was a similar rise in their understanding of the potential negative effects of the work. Perhaps most significantly, participants determined that sexual crime investigation required a core set of investigative skills, attitudes and attributes that are not typical, nor typically valued, in general policing. This skill set comprised empathy, good communication skills, patience, open-mindedness, and good investigative skills.

Study 2 investigated the effect of Whole Story training on participants’ interview plans for sexual offence suspects. Participants were presented with complainant narratives and had 40 minutes to create a plan. Plans were coded for the presence of critical themes (including relationship information), grooming elements, and unique signifiers. Before training, participants’ plans included few of these details. Training significantly increased their use of all types of details in their plans; these increases were still present at the 12-month follow-up.

Studies 3A and 3B focused on the skills component; they examined the effect of training participants in the Whole Story technique and interview skills. In the first study (Study 3A), participants’ use of Whole Story elements (relationship details, grooming elements, unique signifiers and points of comparison) was measured before training, along with their use of open and closed questions. Immediately after training, participants’ use of grooming elements, unique signifiers, and points of
comparison increased; their use of open questions also increased, and their use of closed questions decreased. Study 3B was conducted to replicate these findings, with slight modifications to the methodology. The results showed that, after training, participants’ use of relationship details and Grooming 1 elements increased after training. Their use of open questions increased and their use of closed questions decreased, which was consistent with the results of Study 3A. However, many of the benefits of training—for both Whole Story elements and question use—decreased after 12 months and participants’ performance returned to pre-training levels.

Study 4 examined the effect of Whole Story training on investigators’ attitudes towards victims, and the processes of the adversarial prosecution system. Participants were presented with one of two questionnaire sets, each containing 12 brief scenarios of sexual offending against both adults and children. Eight of the scenarios were ambiguous, in that they included elements of victim behaviour that are commonly perceived as ‘counter-intuitive’ and likely to present investigators with significant investigative and potential prosecutorial challenges. Participants were asked to rate the prospects of successful brief authorisation and successful court outcomes, as well as being asked to detail their rationale for decisions in order of importance. Finally, they were asked to rate the level of responsibility that they perceived victims to have in each of the scenarios. Results showed that Whole Story training significantly increased investigators’ confidence in both the process of brief authorisation and the prospect of findings of guilt. However, this confidence had diminished significantly after 12 months. Training also significantly decreased participants’ level of victim responsibility and ‘blame’. This figure was only slightly raised after 12 months of field practice, particularly in the ambiguous scenarios.
In conclusion, these studies suggest that Whole Story training has a significant impact on participants, particularly in the area of knowledge acquisition and attitudinal change, most of which is maintained in the field. Changes in participants’ interviewing skills found in the current research were less likely to be maintained in the field (without follow-up training). These results will be used to further refine the Whole Story training procedure. The first study, examining the values and beliefs that support specialist sexual assault and child abuse investigation, has possible implications for the recruitment and development of specialist investigators.
Chapter 1: The International Problem

Sexual offending against adults and children is a community issue of significant concern. The first part of the chapter will describe, from an Australian and international perspective, prevalence rates of sexual offences, as well as rates of reporting of sexual offences and false reporting. It will then outline the investigative process that follows the making of a complaint. Discussion of investigative issues in this chapter will focus on case attrition and conviction rates.

The second part of the chapter will describe lay people’s knowledge of offender behaviour, offence dynamics and victim behaviour, and the effects of such understandings on cases heard in adversarial systems of justice. It will also discuss the absence of specialist responses to sexual crime within police services. In each section, and throughout this thesis, the literature on adults is discussed before the literature on children.

1.1 The prevalence of sexual offending

Rates of sexual offending against adults are high: estimates suggest that 17% of Australian women (1,494,000) and 4% of Australian men (336,000) have experienced sexual assault since the age of 15 (Australian Bureau of Statistics Personal Safety Survey [ABS PSS], 2012). The term “rape” refers to forced penetration, without consent, of any orifice, by any object or body part. The term “sexual assault” refers to touch, without consent, of genitalia, breasts or buttocks. The ABS survey of 1996 found that, for women living in Australia, 1,064,900 had been sexually assaulted since age 15. Sixteen years later, the ABS survey of 2012 found similar rates, estimating that 17% of women (1,494,000) over 18 had experienced sexual assault since age 15. They also estimated that 4% of men (336,000) had experienced sexual assault since age 15 (ABS Personal Safety Survey,
It is important to note that, because research consistently shows that a significant majority of victims of sexual crime are female, “she” will be used as the pronoun when describing victim/survivors. The pronoun “he” will be used to describe offenders, reflecting the research suggesting that the significant majority of sexual offenders is male. These Australian figures are comparable with those from other developed countries around the world. For example, data from the UK indicate that, on average, 473,000 adult sexual offences occur per year; that is, 404,000 offences against women and 72,000 offences against men (Office for National Statistics, 2013).

For children, international studies have shown rates of abuse for boys and girls at anywhere between 0% and 62% (Bolen & Scannapieco, 1999; Pereda et al, 2008). In general, meta-analyses have consistently showed that the rate of sexual offending against girls is somewhere between 19% and 22%, and abuse of boys is between 7% and 8% (Gorey & Leslie, 1999; Pereda et al., 2009; Stoltenborgh et al., 2011). In New Zealand, research suggests that the rate of child sexual abuse for women was between 23.5% and 28.5% (Fanslow et al., 2007). Although the reported rates of sexual abuse for children has not varied over the last three decades, its high prevalence suggests that it is epidemic within our communities (ABS, 1996; ABS Personal Safety Survey, 2012; Fanslow et al., 2007; Gorey & Leslie, 1999).

Though it is difficult to estimate the exact prevalence of adult sexual assaults and child sexual abuse, the above figures indicate that sexual offending against women, men, and children is prevalent and represents an enormous social harm. It is also clear that records of sexual crime are likely to be an under-representation of the actual incidences (Abel, Mittelman & Becker 1985). Given the prevalence of sexual
crimes against adults and children, it is both surprising and disappointing that the rates of reporting of sexual offences to police are comparatively low.

1.2 Reporting of sexual offending

International figures suggest that only 7-15% of adult victims of sexual assault report this assault to police. For example, in the UK, The Stern Review (2010) into adult rape complaints found that only 11% of those who had been raped reported it to police (Povey et al., 2009). The UK National Statistics Bulletin (NSB) for 2013 put the figure at 15% (NSB, 2013). A similar figure was found in a study of rape and sexual assault case outcomes across Australia, Canada, England, Wales and Scotland; it showed that only 14% of victims reported the assault to police (Daly & Bouhours 2010). The lowest published figure for sexual offence reports was 7%, which was found by The New Zealand Crime Safety Survey (2009). Taken together, these figures suggest that reporting of rape is very low (Heenan & Murray, 2006; Lievore 2003).

A number of factors may influence whether victims of rape and sexual assault report the offence to police (Cook, 2011; Lievore, 2003; Patterson et al., 2009). For example, some victims did not report because they did not believe that their experience constituted rape (Cook, 2011); others did not think that reporting the assault would help them (Patterson et al., 2009). Lievore’s (2003) international literature review examining the non-reporting of sexual assault further suggested personal barriers, barriers concerning perceptions of police and investigations, issues of fear, and concerns about the court process influenced victims’ decisions to report.

Where there is a relationship between offender and victim, the decision to report can be more complicated (Feldhaus, 2000; Jones et al., 2009). In fact, most offenders abuse people they know, and with whom they have formed a
“relationship”. UK statistics showed that 90% of rape and sexual assault victims knew the offender (NSB, 2013). Victorian data suggest that women are 3 times more likely to be assaulted by someone they know than a stranger; that the most likely perpetrator of sexual violence (87.7%) was a boyfriend/ girlfriend or date, and that 41% of total rapes (2013/14) were family violence related (Family Violence Command, 2015). Such close relationships between the victim and the offender may influence the victim’s decision whether to report.

Although there are many other reasons for victims to choose not to report sexual offences, those most relevant to the current thesis included victims’ fear of not being believed by family, friends or others they may report to, fear of not being believed by police, fear of being treated hostilely by police or other parts of the justice system, lack of proof that the incident happened, feelings of shame, and self-care strategies that may be used against them. For example, “freeze” behaviour, which may be critiqued by defence as lack of appropriate and expected resistance, or holding hands with offender after the assault, which may be construed by police or defence lawyers to imply consent (Chapleau, Oswald & Russell, 2008; DuMont, Miller & Myhr, 2003; Edwards, Turchik, Dardis, Reynolds & Gidycz, 2011; Franiuk, Seefelt & Vandello, 2008; Gerber, 2009; Kettke & Simonis, 2011; Lonsway, 1994; Maier, 2008; Suarez & Gadalla, 2010; Suarez & Gallup, 1979).

The figures for the reporting of child sexual abuse represent a slightly more encouraging picture. In the financial year 1986-87 periods, Victoria police received 177 reports of sexual assault of children under 14 years old (Brereton & Cole 1987). In the 2014-15 period, Victoria Police received approximately 1,650 reports of child sexual abuse (Family Violence Command, 2015). Similarly, in New South Wales, between 1982 and 1992, the number of child sexual abuse prosecutions rose four-
fold (Eastwood, Kift & Grace, 2006). Despite this increase in reporting rates of child sexual abuse, the actual number of reports still only represents a very small percentage of children currently being abused. There is relatively little data on child reporting rates, but figures suggest that non-disclosure is common, and that children who do report often delay their disclosure (Goodman-Brown, Edelstein, Goodman, Jones & Gordon, 2003; Paine & Hansen, 2002). Delay in reporting may have significant consequences for victims when it comes to case outcomes (Bunting, 2014). Some researchers have found that a significant majority of victims do not report at all (Smith, Dogaru & Ellis, 2015). In 2006, Eastwood et al. placed the Australian figure for children reporting sexual abuse as “about 10%” (p.90).

Research examining why child victims do not report sexual abuse has revealed numerous reasons, including their beliefs about other’s tolerance of disclosure and their own perceptions of responsibility for the abuse (Goodman-Brown et al., 2003). Both of these reasons include steps taken by offenders to discourage children from reporting, as will be discussed in Chapter 4. These reasons may be exacerbated by the close (often familial) relationship between the child and the offender. In offending against children, almost all offending is perpetrated by those known to the children and their families, and will take place in their home or the offender’s home (ABS Public Safety Survey, 2012). Most of the offending will continue for significant periods of time; for example, one UK study found that the average length of abuse was 7 years (Smith et al., 2015). There are also inevitable limitations in children’s agency and autonomy, their ability to access services independently, as well as adherence to family values, and relationships, which hinder disclosure. In short, sexual offending occurs against adults and children; however, very few report these offences to police. A number of reasons contribute to whether adult and
children report the offences, including the complexity of the relationship between the victim and the offender.

1.3 False reporting

Alongside discussions of prevalence rates and reporting of sexual crime has been the debate about how many reports of sexual crime are false (Everson & Boat, 1989; Ferguson, 2014; Heenan & Murray, 2006; Kanin, 1994; Kelly, 2010; Lisak, 2010; Lisak, Gardinier, Nicksa & Cole, 2010; Lonsway, 2010; Spohn, White & Tellis, 2014; Trocmé & Bala, 2005; Wall & Tarczon, 2013). In fact, it probably has the longest history of any issue regarding sexual offending, given the famous Lord Chief Justice Hale quote of 1713, suggesting that rape was an easy accusation to make, a hard one to prove, and even harder to be defended (Eastwood et al., 2006).

This view of women and children as “easy accusers” has proved extremely difficult to shift. The Victorian Law Reform Commission (VLRC) concluded that Victoria Police had entrenched “cultures of disbelief” and that detective investigators believed the false report rate to be between 40% and 50%, or a “very high percentage” (VLRC, 2004, p.111). It is not only police officers who hold such views; for example, an Irish survey of 3120 members of the public showed that 40% of the sample endorsed the statement that accusations of rape are often false (McGee et al., 2011).

It is important to note here that the term “false report” is intended to describe the creation and/or maintenance of a deliberate falsehood. Calculating the real rate of false reports is difficult for a number of reasons, the main reason being that most jurisdictions use different terminology and reporting practices (Kelly, 2010; Wall & Tarczon, 2013). Although earlier research placed the figure of false reporting as high as 40% (Jordan, 2004; Kanin, 1994), more recent research has demonstrated that the
rate of false reporting in cases of adult rape and sexual assault is between 2% and 10% (Jehle, 2012; Kelly, 2010; Lisak, 2010; Lonsway, 2010; Spohn, 2014; Wall & Tarczon, 2013). In one Australian study, 812 rape cases that were investigated between 2000 and 2003 were examined (Heenan & Murray 2006). In these cases, 17 (2.1%) were determined to contained false reports, as the complainants had been charged with false reporting. When the researchers asked investigators to include cases that they were concerned contained false reports, a further 60 cases were added. If all of these cases were shown to contain false reports, then the rate of false reporting in this study was 9.5% ($n = 77$), which is lower than the rates of false reports endorsed by police and community members (McGee et al., 2011; VLRC, 2004).

The reporting of sexual abuse by children has also been hindered by beliefs about false reports, including children’s reports of abuse, adults’ reports of their children’s abuse, and abuse reported in the context of familial disputes over custody and divorce. Here too, in all three contexts, the evidence indicates that false reporting is relatively rare (Everson & Boat, 1989; Fergusson, Horwood & Woodward, 2000; McDonald, 1998; Thoennes & Tjaden, 1990; Trocmé & Bala, 2005). In Australia, rates of false reporting of child sexual abuse have been placed as low as 1.7% (Bordow, 1987). Low rates have also been found in other countries; for example, a national survey of Canadian child welfare services showed that the false reporting rate was only 4% of cases. (Trocme & Bala, 2005).

**1.4 Conviction Rates**

Despite attempts in recent years to reduce attrition and improve conviction rates, attrition in sexual assault and child abuse cases has remained high (Hohl & Stanko, 2015; Lovett & Kelly, 2009). In the UK, Home Office figures place the
attrition of adult sexual assault cases between 73% and 94%, and the conviction rate at 6% (Horvath & Brown, 2005). Similarly, Lea, Lanvers and Shaw (2003) found the UK rate of attrition in rape cases to be “extremely high, with just under 10% leading to some sort of conviction and only 5% leading to a conviction for rape” (p.595). In their examination of sexual assaults in five countries (Australia, Canada, England, Wales and Scotland), Daly and Bouhours (2010) found that, of the 14% of adult victims who reported their assault, only 6.5% of offenders were convicted of the original offence for which they were charged. Daly and Bouhours also found that over the last 35 years average conviction rates declined from 18% to 12.5%.

Conviction rates for victims of child sexual abuse are also low. In Australia, for example, chances are lower that an offender will be convicted for child sexual abuse than any other criminal offence (Eastwood et al., 2006). Of the 10% or so of children who report sexual abuse, only one or two cases out of ten will result in a conviction (Brereton & Cole, 1988; Bunting, 2008; Eastwood et al., 2006; Jehle, 2012).

It is important to note that securing a conviction is not the only important outcome of sexual offence investigations. For some victims, the reporting process can be therapeutic if they feel that they have been listened to (Stern, 2010). However, court outcomes can be very important to some victims, as they represent one marker of success in the reporting of these crimes, and court judgments are symbolic of community attitudes and beliefs, and therefore the community’s judgment of victims’ stories.

1.5 Attrition

Professionals working in the criminal justice system have defined attrition as cases that exit the system before a conviction can be secured (Christensen, Powell, &
Sharman, 2015). Although the majority of attrition occurs through victims simply not reporting the assault to police, attrition can also occur once an assault has been reported. This attrition can occur at any stage of the system, from the investigation through to the outcome in court. Below it is described how attrition can occur during the police investigation and when the brief of evidence is not authorised to proceed to prosecution.

1.5.1 Investigative practice

Police investigative process allows for cases to be “closed” in a variety of ways. “Case closure” refers to the point at which an investigation is concluded. Whilst it may be activated again at a later date, the case will not immediately proceed to the prosecution stage. The first point of attrition is in the early phase of an investigation, when victims first meet the investigators and tell their story. Most cases will end at this stage, with reports of “No Further Police Action”. This outcome includes complainants withdrawing their complaint as they do not want to proceed with the investigative process, investigators being unable to determine what offence occurred and by whom it was committed, investigators determining that the case is unable to proceed to prosecution because of a lack of evidence (usually corroborative), and no offence being detected. Although “No Offence Detected” means that an offence cannot be determined, it may also reflect investigators’ beliefs about the veracity of a complaint. There is considerable evidence that the majority of attrition occurs early in the investigative process, long before prosecutorial decisions are made (Fitzgerald, 2006; Hansen et al, 2014; Kelly, Lovett & Regan, 2005). In Victoria, for example, between 1994 and 2002, the rates of complaints withdrawn in sexual assault cases increased from 14% to 25% (The Ombudsman Victoria, 2006). It is difficult to determine why attrition through complaints withdrawn increased, as
few police reports contain information about why cases were dropped (Murphy et al., 2014). Victoria Police members are only required to ask victims to sign a form stating that they are withdrawing their complaint; no rationale needs to be provided by the investigator or the complainant for the withdrawal (SOCIT Practice note: recording of investigation disposition, p.2).

1.5.2 Brief authorisation

If an investigation is completed, the next critical phase comes when the case is prepared as a “brief of evidence” for the scrutiny of an authorising officer. These officers are senior members who are authorised to determine whether cases will proceed for prosecution. Their role is to assess all the evidence compiled during the course of the investigation (contained in the brief of evidence) and to determine if it meets the two tests for prosecution: that there is a reasonable prospect of a conviction being secured and that it is in the public interest to proceed with a prosecution (Victoria Police Brief Authorisation Course - Practice notes, p.37). Crucially, in Victoria, as in other jurisdictions, costs may be awarded against the authorising officers’ operating budgets should the case they have authorised result in acquittal.

Commentators have critiqued the basis on which investigators, brief authorisers, and prosecutors make decisions about which cases will and will not proceed to court (Brown, Hamilton & O’Neill, 2007). Decision-makers may hold the same myths and misconceptions about sexual offending as other police officers and community members (Taylor, 2004; Taylor & Gassner, 2010). Such myths and misconceptions may influence decision-making even when police officers and prosecutors do not subscribe to them (Koss, 2000). For example, police officers and prosecutors may think about whether other decision-makers—such as jury
members—believe these myths and misconceptions, and how these beliefs might influence jurors’ decision-making.

This process of imagining the attitudes and beliefs of each of the decision-makers, from the investigator through to the prosecutor in an adversarial trial process, is known as downstream orientation (Frohman, 1991; 1997). It is possible that the same type of downstream orientation might influence victims’ decisions about whether to report their assaults to police in the first place and whether to withdraw those reports after making them (Lonsway & Archambault, 2012).

Investigators’ ability to understand victims’ behavior is another important variable in the decision-making process. Without knowledge of sexual offence dynamics investigators may rely on a set of beliefs that run contrary to the narratives being presented to them. This dissonance may lead to doubts being raised as to the veracity of the complainant’s story. This may, in turn, lead to confirmation bias about the negative hypothesis and a premature closure of the investigation. The term “Confirmation Bias” refers to a process whereby investigators seek out information that confirms what they already believe, avoid information that may conflict with these beliefs, and seek to form conclusions at the earliest opportunity. It has been well documented by a range of researchers (Ask & Granhag, 2005; Hill, Memon & McGeorge, 2010; Jones & Sugden, 2001; Kassin, Goldstein, & Savitsky, 2003; Milne & Bull, 1999; Nickerson, 1998).

Even when police are certain of a victim’s story, they are likely to be pessimistic about the chances of success with a jury. As one New Zealand police officer noted,

Most common for me are cases where I am sure the victim has been raped but it would be impossible to get past reasonable doubt with a jury, e.g. a victim in a relationship with [the accused]…she is raped but not physically injured and acquiesces without significant protest and then spends the night in the rapist’s
bed. In a case like that if, I am asked by the victim about the chance of success at trial, I will be honest. In the absence of a confession [it is] very hard to get past consent (Mossman, MacGibbon, Kingi, & Jordan, 2009, p.96).

Indeed, the credibility of the victim and the amount of evidence present in a case are likely to have strong downstream effects on decision-makers (Alderden & Ullman, 2012; Frazier & Haney, 1996; O’Neal, Tellis & Spohn, 2015; Powell, Murfett & Thomson, 2010). In particular, prosecutors may focus on a victim’s credibility and how she might appear to the judge or jurors, rather than analysing the breadth of a brief of evidence (Spohn & Beichner, 2012). Research has supported such a focus: analysis of 47 intimate partner sexual assault cases showed that all the cases filed by the prosecutor “involved incidents where the victim was not engaging in any behaviour that could be interpreted as damaging her credibility” (O’Neal et al., 2015, p.1253).

The amount of evidence present in a case also impacts whether a case progresses through the system or results in attrition. For example, Kelly et al. (2005) found that the majority of cases were closed during the police investigation due to insufficient evidence. Police pro-formas identified judgments by police and prosecutors about cases having weak evidence and little prospect of conviction. Ideally, cases need to contain independent proof of non-consent, such as physical injuries, independent witnesses, or other physical or forensic evidence (Daly & Bouhours, 2010). Given the nature of adult sexual assaults and child sexual abuse, which typically do not involve eyewitnesses to the offences or physical evidence (Cossins, 2000), it is unlikely that such independent proof will be present.

1.6 Sexual offending myths and misconceptions

Despite the prevalence of sexual offending in our communities, myths and misconceptions about sexual offending are common (Cossins, 2013). They may
impact each phase of the investigative and prosecutorial process, from victim reporting to conviction rates. It may appear to investigators, prosecutors and jurors that victims’ behaviour is “counter-intuitive”, leading them to analyse their own perception of a victim’s behaviour, rather than the behaviour itself. People’s perceptions of the victim behaviour supports the notion that there is a particular way to behave after a sexual assault and that victims who do not behave in this way are reacting inappropriately or abnormally (Fanflik, 2007).

A large body of literature exists about the myths and misconceptions concerning adult rape and sexual assault, despite the rate of reporting being so low. Since the work of Brownmiller and Burt in the 1970s and early 1980s, considerable effort has been made to examine such misconceptions and to describe the realities of rape and sexual assault (Bellknap, 2010; Crawn & Theriot, 2009; Edwards et al., 2011; Ellison & Munro, 2009; Fanflik, 2007; Grubb & Turner, 2012; Lisak, 2010; Lonsway & Fitzgerald, 1994; Perilloux, Duntley & Buss, 2014; Schafran, 1998; Suarez & Gadalla, 2010; Van der Bruggen & Grubb, 2014). According to McGee et al. (2011), there are three main categories of rape myth: belief in false accusations, the “real rape” stereotype, and rape supportive attitudes (e.g., a person being raped could stop the rapist if they really wanted to; when a woman says “no” to sexual advances, she really means “yes”).

McGee et al.’s (2011) survey of over 3000 people in Ireland revealed that half of the rape-supportive beliefs were endorsed by at least 20% of the sample. Not only do such myths reflect a lack of understanding of the nature of sexual assault, they serve other functions, such as allowing people to protect themselves from the idea that they too could be victims one day (Franiuk, Seefelt & Frandello, 2008). There is
also evidence suggesting that these myths have an impact on the reporting of rape
and sexual assault to police (Du Mont, Miller & Myhr, 2003)

There are a number of myths and misconceptions that are directly relevant to
sexual assault investigators, prosecutors, and jurors. For example, six common myths
have been included as part of a judicial education programme (Schafran, 1998).
These suggest that (1) rape is a crime committed by men who are strangers to their
victims, (2) a woman who was truly being raped would offer utmost resistance, (3) a
“true victim” is one who sustains serious, visible injuries such as knife wounds,
broken bones, severe lacerations, heavy bruising or vaginal tears, (4) after the initial
shock, rape victims can readily put the assault behind them and move on with their
lives, (5) a woman who was truly raped would be very upset during trial, and (6)
most rape charges are false. Such myths were reinforced by the results of a study
investigating people’s expectations of victim behaviour (Klettke & Simonis, 2011).
The results showed that victims of sexual assault were judged more culpable if their
behaviour was seen as sexually provocative, they did not physically resist the attack,
they wore “provocative” clothing, and they failed to say “no” to the sexual advances
of the alleged offender.

Many of these myths have persisted despite years of research demonstrating
their lack of validity. For example, the notion that victims will physically resist their
attackers has been challenged as far back as 1979, when the phenomenon of “tonic
immobility” in animals was applied to the freezing reaction of rape victims; it was
concluded that freezing was a common and natural reaction to rape and sexual
assault (Suarez & Gallup, 1979). Despite such research, these myths still exist and
have the potential to limit or end a police investigation, or to produce “reasonable
doubt” in a judge or jury. It is also important to note that victims themselves can be
susceptible to rape myths, and this may have a significant impact on whether or not they report what happened to them (Egan & Wilson, 2011).

As with myths of adult sexual assault, there are many myths about child sexual abuse; for example, Cromer and Goldsmith (2010) found 119 separate child sexual abuse myths. Most relevant to decision-makers involved in child sexual abuse cases include the following myths, which were catalogued by England and Thompson as far back as 1988: (1) incest rarely occurs, but when it does it is usually found in poorly educated families of lower socio-economic status, (2) child molesters are sexually attracted to their victims, (3) most child molesters are strangers (unknown) to their victims, (4) child sexual abuse is a modern phenomenon, probably resulting from the sexual revolution, (5) the sexual abuse of a child is usually a single, violent incident, and (6) children frequently make up stories about engaging in sexual activities with adults.

Although each of these myths and misconceptions has been refuted (England & Thompson, 1988), they are still prevalent. Indeed, Cossins (2008) stated,

The key misconceptions held by jurors and laypeople that have been consistently reported in the research literature for the last 10-15 years include that: (a) children are easily manipulated into giving false reports of sexual abuse; (b) retraction and inconsistencies are evidence of lying; (c) abuse claims often prove to be false; and (d) child sexual abuse can be detected by medical examination (p.168).

In one study showing the presence of such myths, Cossins, Goodman-Delahunty and O’Brien (2009) surveyed 659 people in Australia. They found that fewer than half of the participants could provide accurate responses to two-thirds of the questions about misconceptions, such as “A victim of sexual abuse will avoid the abuser”, or “A physical examination by a doctor will almost always show whether or not a child has been sexually abused”. In another study, Blackwell (2008) questioned 120 jurors from 23 child sexual abuse trials in New Zealand between
2004 and 2006. She found that jurors held a range of misconceptions including: child sexual abuse is rare, child sexual abuse cannot take place in close proximity to others, a child will immediately report abuse to a trusted person, if a child is sexually abused he or she will always struggle and try to escape, penetrative child sexual abuse will always cause physical damage that will be detected by medical examination, children are more likely to lie deliberately and may have ulterior motives, and if a child retracts an allegation it means that he or she was untruthful in the first place.

Defence counsel may use such misconceptions to undermine children’s credibility and to influence jurors’ decision making (Blackwell, 2008; Cossins et al., 2009; Davies, Henderson & Seymour, 2009).

1.7 The Lack of specialism

Investigators are prone to the same myths and misconceptions about sexual offending as the wider population, including jurors. Thus, it has been argued that investigators of sexual assaults and child sexual abuse should have specialist training (Jordan, 2011; Lonsway, 2001; Rich, 2014). In particular, it has been argued that the complexity of the investigative processes and the particular needs of sexual crime victims require different a different approach to other crimes. Indeed, having specialist training for investigators of sexual assault and child sexual abuse was one of the many recommendations made by the VLRC (2004).

This recommendation to have specialist training was made in response to the police culture, which has been described as hyper-masculine, results-oriented, emotionally detached, loyal, insular, hierarchical, authoritarian and hostile to the scrutiny of outsiders (Rich, 2014). Furthermore, a recent survey by the Victorian Equal Opportunities and Human Rights Commission (2015) revealed a significant
culture of sexual harassment and abuse of women within Victoria Police. Such a
culture, in which women working in the police are subject to harassment and abuse,
may impact on victims’ decisions about whether to report assaults or abuse. It should
also be noted, however, that the Victorian Victim Support Agency’s (2014) annual
report indicated that, of the almost 600 victims who participated, victims of sexual
crime were amongst the most positive of the victim groups about their treatment by
police. The report noted that advances in a specialist response to such victims,
namely the SOCIT reforms, may be one of the reasons why this positive response
occurred (Victim Support Agency, 2014).

Most police services train detectives to a generic standard, assuming that they
may then investigate any crime. This has not been productive in sexual crime
investigation. However, it is clear that, whilst sexual crime investigation
requires a higher learning standard, simply training all detectives to that
standard would not be sufficient as not all investigators are suited to this
victim-oriented crime theme (Jordan, 2011). It must also be said that
increased specialism is not a guarantee of improved practice, as the London Metropolitan Police Sapphire teams project will attest, after notable failures
of investigator knowledge and attitude. These teams were established to
improve the Metropolitan Police response to sexual assault victims; however,
the Independent Police Complaints Commission upheld several complaints
against members of Sapphire teams, including, “…the way the women were
dealt with, the decision-making involved and the supervision of the officers
involved” (IPCC, Ipcc.gov.uk, posted March 2009). The most profound
criticism surrounded a rape investigation conducted by South London
Sapphire detectives in which, “The approach of failing to believe victims in
the first instance was wholly inappropriate.” (IPCC, Ipcc.gov.uk, posted
February 2013).

Despite some failings of knowledge, attitude and investigative process, it has
been strongly argued that specialism, if effectively conducted and maintained in this
complex and challenging area of sexual assault and abuse investigation, offers the
prospect of improved police practice.

1.8 Jurors and adversarial justice
Concerns have been raised about jurors’ ability to come to appropriate decisions in both adult sexual assault and child abuse cases. Many commentators have suggested that their knowledge base may not be up to the task (Ellison & Munro, 2008; Olsen & Fulero, 1997; VLRC, 2004). They may also be influenced by any misconceptions or myths that they hold (Freyd, 2008). Indeed, research suggests that jurors come to trials with their own beliefs about sex and sexual offending as well as expectations about how victims should behave (Spohn, Beichner & Davis-Frenzel, 2001; Taylor, 2007). Such beliefs and expectations can have a profound effect on their decision-making; these beliefs and expectations may be reinforced by defence counsel (Torrey, 1991) and they may hold firm in jurors’ minds irrespective of, or even despite, the evidence presented to them (Blackwell, 2008; Cossins, et al., 2009). As noted by Lonsway and Archambault (2012), “At least one judge suggested that jurors were simply unable to accept that the events they heard described in the witness testimony could actually take place, especially between people who know each other” (p.159).

To reduce the influence of jurors’ beliefs and expectations, researchers have examined the effectiveness of pre-trial education and the use of expert witnesses to address jurors’ knowledge of sexual offence dynamics (Blackwell, 2008; Freyd, 2008; VLRC, 2004). This research has demonstrated that non-case specific information, delivered pre-trial, produced a reduction in defence tactics that utilised myths and misconceptions.

For the relatively few cases that make it through to prosecution in the higher courts, the last hurdle remains the ability of jurors to navigate the complex narratives presented to them, the definitions of relevance that decide what evidence a jury may hear, and the tactics of the defence counsel in creating “reasonable doubt”. The task
remains, alongside juror specific education processes, to improve the quality of
evidence presented at trial, and made available to jurors, to allow them to understand
the stories that complainants present.

1.9 Chapter summary

Sexual offending against adults and children has been the subject of significant
research for 40 years. However, throughout this period of scrutiny, reporting rates
have been low, case attrition has been high, and conviction rates have been low.
False reporting of sexual crime, despite clear evidence to the contrary, remains an
issue that investigators and community members believe far exceeds its actual
presentation.

Over several decades, researchers, both in Australia and internationally, have
highlighted many of the problems associated with the reporting, investigation and
prosecution of sexual crime. These problems begin with a lack of community
understanding of sexual offending, and its effect on victims’ willingness to report. In
an adversarial system it also ends with community members’ misperception of sexual
crime, as they sit in judgment on juries. This lack of knowledge, and susceptibility to
misconception, has pervaded the practice of investigators and other fact finders. One
possible way in which to improve outcomes for victims is through an increase in
knowledge and understanding of sexual offences, which may be possible with the
development of specialist sexual assault and child abuse investigative teams.
Chapter 2: Establishing Sexual Offence and Child Abuse Investigation Teams

Problems with the investigation and prosecution of sexual crime, against both adults and children, have been longstanding and widespread across the world. Many reviews of both law, and police practice, have been undertaken. These have enquired into low rates of prosecution, high rates of investigative attrition, and the poor experience victims have had at the hands of the justice system (Arora, 2012; Payne, 2009; Smythe, 2005; Stern, 2011).

This chapter describes the Victorian Law Reform Commission (VLRC) 2004 report into the handling of sexual offences by the criminal justice services and, in particular, its critique of Victoria Police’s response to victims. Sexual Offence and Child Abuse Investigation Teams (SOCITs), which were established in reaction to the VLRC’s criticisms, are described along with the development of a sexual crime investigation specialism.

2.1 Before the VLRC (2004) report

Before the VLRC (2004) report, most sexual crime reports were made to Sexual Offence and Child Abuse Units (SOCAUs). Uniform police members, who were mostly women, staffed SOCAUs. They conducted Video Audio Taped Evidence (VATE) interviews with children and with adults who had cognitive impairments. They took audio-recorded statements from adults reporting sexual assaults or historical child sexual abuse. Interviews and statements were then submitted to detectives of the Criminal Investigation Units (CIU), who were mostly men. Victims complained that general communication between police investigators was poor (VLRC, 2004).
Although all SOCAU members were trained in interviewing children, there was little focus on understanding the specialism of sexual offending. CIU detectives had generic investigative training. Sexual offence investigations were conducted in the same way as all other crime was investigated.

2.2 The VLRC (2004) Report

In 2004, the VLRC published a report describing the criminal justice system’s response to sexual offending. The report covered all aspects of the investigative and prosecutorial process, including policing. The report was generally positive towards the (mostly female) SOCAU members who took the reports from victims, but was highly critical of the (mostly male) CIU detectives who investigated sexual offence cases. For example, the report stated that CIU investigators believed that “at least half” (p.111) of sexual offence complaints were false. Their regional counterparts thought it was “about 50%” (p.111). Overall, amongst investigators, there was “…general agreement that it was a very high percentage…” (p.111). These attitudes persisted despite clear instruction in the Code of Practice for investigators (1999) that investigators should, “never presume an allegation of rape is false until it is thoroughly investigated” (p.106).

These attitudes had endured despite considerable evidence from Australian jurisdictions that the rate was considerably lower. As the VLRC (2004) put it,

It would appear that either false reporting has increased dramatically in Victoria in the last 20 years, or police are today more willing to judge reports false. According to police statistics from 1986–7, only 7% of reported sexual assaults were judged to be false. A study released in 1991 by the Community Council Against Violence reported that 71 allegations of rape made to Victoria Police between 1987 and 1990 were categorised as ‘false’. Those cases represented only 4.8% of reported rapes during this period. South Australia reported an even lower figure of 1.4% for false reports (p.112).

The VLRC (2004) suggested that investigators lacked knowledge of offending and were susceptible to myths and misconceptions about sexual offending. These
misconceptions, it stated, were particularly prevalent about victim behaviour and would explain, in part, the high numbers of complaints being withdrawn by complainants.

SOCAU members were frequently critical of the detectives’ communication styles and attitudes. Many felt that detectives went into investigations with preconceptions, for example, that if the victim knew the offender it wasn’t likely to be a rape. Others ask as their first question to the SOCAU member who has dealt with the initial report: ‘is it [the claim] legitimate?’ or ‘is she attractive?’ ‘What was she wearing?’” (p.120)

Another thought that preconceptions about ‘real’ rape victims play a role: If the victim can articulate herself about the offence, then she’s not acting like she’s been raped. There’s still a bit of a preconception of how you should behave if you’ve been raped...Was she contributing to the offence...this old belief that she must have done something or been wearing something or said something for her to have been raped...(p.121-122)

These attitudes and beliefs have persisted, despite clear instruction in the Victoria Police Code of Practice (1999), which emphasises that people react differently to traumatic events. On the one hand, a victim may appear calm and composed while being interviewed about the incident. On the other hand, a victim may appear very distressed. Police should not infer from either victim’s behaviour that he or she is lying. These attitudes and misconceptions held by police officers also reflect community attitudes about sexual offending. As one Victoria Police member put it, “the general community still don’t think [sexual assault] happens, they would still be blaming the victim and they’re your jury” (VLRC, 2004, p.128).

Another point at which misconceptions might influence attrition is when investigators have completed their investigations and passed the case on for authorisation, which is when a file is examined to decide whether it should be referred to the Office of Public Prosecutions for prosecution. This process, undertaken by an authorising officer, with recommendations from the investigating officer, is also susceptible to the effect of misconceptions and lack of knowledge. The Commission noted that, as there were no formal criteria against which cases are
assessed, the process was open to variation, and that too much emphasis was placed on whether cases would be understood by an ill-informed jury (VLRC, 2004). One Victoria Police SOCAU member stated,

There seems to be lots of pre-empting about how things will pan out in court and not giving the victim the opportunity to stand there and say what’s gone on... I don’t know many ‘ideal’ victims that you have... The reality is that there are not many ‘ideal’ victims of sexual offences... They make those decisions [authorisation decisions] based on the fact that people might be a little bit slow or because they didn’t act a certain way. (VLRC, 2004, p.128)

The VLRC (2004) report made a number of recommendations to improve Victoria Police’s responses to victims of sexual assault and child sexual abuse. In particular, they made two important recommendations about future training of those investigating and authorising sexual offence matters:

The Commission recommends that Victoria Police review and overhaul the sexual assault training programs for general duties police, and for police in SOCAUs and CIUs (p.123).

The Commission recommends that Victoria Police review the brief authorisation process to make it more consistent, accountable and transparent than appears to be the case at present (p.129).

The VLRC’s (2004) report on police attitudes, beliefs and practices, and its subsequent recommendations, played a pivotal role in the establishment of the Sexual Offence and Child Abuse Investigation Teams (SOCITs), and the development of specialist sexual offence investigator training in Victoria.

2.3 The Sexual Offence and Child Abuse Investigation Team (SOCIT) Model

The SOCIT model began development in 2007 and rolled out across Victoria between 2009 and 2012. Although the VLRC recommended the addition of a detective to each existing SOCAU, it was decided to transition to a model where all police members involved in sexual offence and child abuse investigations qualified as detectives and completed specialist training in investigation and interviewing.
There are now 400-specialist sexual assault and child abuse investigators across 28 sites in Victoria. The purpose of the SOCIT reforms was to give victims a better experience of reporting, better-qualified investigators to whom they could tell their story, and better prospects of having their case authorised for prosecution. There were at least three critical decisions made about the development of the new model. First, the SOCIT processes would be victim-centric; whenever possible, victims would tell their story once, to the detective who would investigate their narrative. Second, specialism in the investigation of sexual assault and child abuse would be developed and all investigators were to be detectives. The third decision was that some SOCITs were set up alongside partner agencies in Multi-Disciplinary Centres. The key partner agencies were the Centres Against Sexual Assault and the Department of Health and Social Services Child Protection. There is also provision of forensic nursing at some sites.

The decision to create SOCITs, and the subsequent decision to train all investigators, whether from a SOCAU or CIU background, as detectives, was a significant advancement on previous practice. It elevated the status of sexual crime and child abuse investigation, establishing a percentage of investigative capacity commensurate with the level of reported sexual crime.

2.4 Specialism and Training

SOCIT members were required to participate in a new training program designed to address the knowledge, skills and attitudes required to become a specialist sexual assault investigator. Two non-police “Subject Matter Experts” were brought in (including the writer) to develop the new training methodology. Focus was given to several areas not previously contained in Victoria Police training; these included understanding sexual offending and offenders, understanding traumatic
memory and reporting, understanding “counter-intuitive” victim behaviour, and specialist interview planning and investigative interviewing of sexual offence suspects. The specialist training was designed to give investigators the necessary knowledge acquisition, attitudinal change and skills development to address the unique challenges of sexual crime investigation.

2.5 Chapter summary

This chapter described the VLRC (2004) report and its recommendations for the development of a new model of investigating sexual crime. It detailed investigators’ lack of appropriate knowledge, attitudes and skills, as well as the divide between policy and practice. The implications for victims, and the outcome of investigations, were discussed. It briefly outlined the new investigative model, with its specialist focus.
Chapter 3: The Core Challenges of Sexual Crime Investigation

This chapter will outline the challenges of the investigative process in sexual assault and child abuse cases, focusing on three key areas. The first area is the importance of sexual crime investigators’ knowledge about sexual crime, and their attitudes towards victims. In particular, this section emphasises the importance of sexual crime investigators’ understanding of offender behaviour and its effect on victim behaviour and reporting. The second area is the core investigative skill of interviewing. This section describes the effect of investigator knowledge and attitudes on victim interviews, notably their understanding of victims’ memories and the skills required to retrieve them. Particular attention is then given to the use of open and closed questions. The third key area covers advances in the field of suspect interviewing, and its focus in the investigative process.

3.1 Investigator knowledge and attitudes

Sexual assault and child abuse investigations, and the criminal justice system they sit within, reflect current community thinking and values. The courts represent a focal point for the clarification and advancement of such knowledge and values. Investigators are tasked to produce evidence that must persuade community representatives, jurors, of what is alleged to have taken place. First, however, investigators must understand the dynamics of sexual abusive relationships themselves. Most investigators come to SOCIT training without prior experience of investigating sexual crime. Most have no previous investigative training. They hold the same knowledge and attitudes about sexual offending as the rest of the population. Therefore, detectives wishing to specialise in the investigation of sexual assault and child abuse must first acquaint themselves with a comprehensive
understanding of sexual offence dynamics. They must note the fundamental processes of offenders, who are both the initiators and drivers of these “relationships”.

Investigators need to develop an acute understanding of victim behaviour, noting the effects of both the sexual and non-sexual elements of the relationship on victims. In particular, that understanding must place victim behaviour within the context of the abusive relationship. When met with victims’ seemingly counter-intuitive behaviours during sexual offences, investigators must be able to use their training to understand the dynamics of the alleged offence, including the relationship (however brief) formed between offender and victim that produced these behaviours, to develop appropriate interviewing and investigative approaches. These approaches must be able to elicit a comprehensive picture of all that has taken place, irrespective of its counter-intuitive aspects.

If investigators are not able to understand victims’ behaviour, it may lead investigators, without an appropriate context for understanding victim and offender behaviour, to make erroneous hypotheses about what has taken place (Milne & Bull, 1999). It has been well documented that such a hypothetical process can lead to confirmation bias, defensive avoidance and premature closure of investigations. These processes refer to thinking in which investigators seek out information that confirms what they already believe, avoid information that may conflict with these beliefs, and seek to form conclusions at the earliest opportunity (Ask & Granhag, 2005; Hill, Memon & McGeorge, 2010; Jones & Sugden, 2001; Kassin, Goldstein, & Savitsky, 2003; Milne & Bull, 1999; Nickerson, 1998).

There has also been a significant amount of research on the skills and qualities that make investigators effective, including personality styles, communication skills,
the ability to establish and utilise rapport, and cognitive abilities (Collins, Lincoln & Frank, 2002; Lafontaine & Cyr, 2016; O’Neill, 2011; O’Neill & Milne, 2014; Wachi, Watanabe, Yokota, Otsuka & Lamb, 2016; Westera, Kebbell, Milne & Green, 2013). There are few studies that concentrate on the skills and qualities required of sexual crime investigators. The first study described (Chapter 7) outlines an attempt to determine what similarities and differences there may be from the effective investigator skills and qualities already described in the literature. It also seeks to assess whether having a guiding methodology, such the Whole Story, assists investigators in adhering to the qualities and attributes they consider to be effective in this crime theme.

3.2 Investigative skills

3.2.1 Interviewing

Interviewing, of both complainants and suspects, is the central skill required of all investigators. In the past few decades the interviewing of complainants, both children and adults, and the interviewing of sexual offence suspects, has been the subject of much scrutiny (see Milne & Bull, 1999, for a review). This section will discuss a number of issues pertinent to the process of effective investigative interviewing. As not all interviewing elements are the main focus of this thesis, issues such as traumatic memory, coding and retrieval, and suggestibility will be discussed in brief.

Beginning in the UK, there has been a concerted effort to create a consistent approach to investigative interviews of suspects using the PEACE model (CPTU, 1992). There is also a strong focus on information gathering styles rather than more interrogative interviewing practice. A number of benefits are associated with better interview methodology and information gathering styles, including fuller accounts
and increased confessions (Walsh & Bull, 2010), increases in the likelihood of true confessions (Meissner et al., 2014), and the use of open questions and effective disclosure of evidence were found to correlate with suspects shifting from denial to confession (Soukara, Bull, Vrij, Turner & Cherryman, 2009). Collins, Lincoln and Frank (2002) found more correct information gathered as a result of effective rapport, a central aspect of information gathering styles.

As Holmberg and Christiansen (2002) suggest, sexual offence suspects require a rapport building and information gathering style, as they are quick to perceive hostility in their interviewer. The SOCIT/VARE course suspect interviewing components are based on an information gathering and rapport style, utilising open-ended questions. There are strong correlations between the teaching of question formats for both complainant and suspect interview. Whole Story, due to its focus on sexual crime investigation is designed to work in with information gathering styles, as the focus of the method is the extraction of maximum evidence from complainant and suspect narratives, as they are likely to be the sole evidence utilised by fact finders in the investigative and prosecutorial process.

More recent commentary has also stated that interview planning is critical in establishing the purpose, aims and objectives of a suspect interview, and that no interviews should be conducted without a plan (Ord, Shaw & Green, 2015). Interview planning methodology, structured around Whole Story methodology, is a core element of SOCIT/VARE training.

3.2.1.1 Complainants’ reports and investigator attitudes.

As described previously, the phenomenon of downstream orientation describes the mechanisms whereby investigators may limit their investigative scope, through imagining the attitudes, beliefs and concerns of fact finders downstream of them in
the investigative and prosecutorial process (Frohman, 1991, 1997; Lonsway & Archambault, 2012). The beliefs of investigators, and their understanding of such downstream beliefs, may focus too much on issues of corroboration and victim credibility. Confirmation bias, if connected to notions of investigative outcomes downstream, as well as misconceptions of offence dynamics, can provide a strong element of case attrition. Investigators need to keep an open mind about the narratives presented to them.

Not only can investigators hold misconceptions about victims’ behaviour during and after sexual offences, they can also hold them about victims’ behaviour during the reporting process as well. Adult victims react in a variety of ways when reporting abuse (Taylor & Norma, 2013; Walsh & Bruce, 2014). Their memory of events will rarely be linear, and will not necessarily include detail that investigators might desire to ease the investigative process (Blix & Brennen, 2012; Hardy, Young & Holmes, 2009; Hohl & Stanko, 2015; Peace, Porter & ten Brinke, 2008). Victims of persistent abuse may develop strategies to cope with the offending, which involve some form of disassociation from the acts themselves, potentially diminishing the prospects of memory retrieval. Most victims of ongoing abuse are unable to particularise all of the events that took place. Particularisation refers to the process of describing, in detail, individual events. The frequency of the events, as well as the potential similarity of the actions between them, diminishes victims’ memories of the details (Cromheeke, Herpoel & Mueller, 2014; Freyd, DePrince & Zurbriggen, 2001).

3.2.1.2 Complainants and memory.

Research suggests that the coding and retrieval of memory for emotional and traumatic events is both complex and little understood (LaBar & Cabeza, 2006). A
study of sexual assault victim reporting found that, despite the expectations of the criminal justice system, victims of sexual assault suffered fragmentation of their memories, and were likely to provide incoherent accounts to police (Hardy et al., 2009). The rate of fragmentation and incoherence increased with higher levels of trauma. These increases were associated with a decreased likelihood of proceeding to court.

Such findings reflect what is known from other areas of the literature on traumatic memory, such as the “weapon focus” effect (Fawcett et al., 2013; Pickel et al., 2008; Steblay, 1992). Weapon focus refers to the finding that, under conditions of stress and trauma, victims may focus only on the aspects of the situation with the highest priority (i.e., the weapon), which may reduce their memories for other aspects of the situation. It is applicable to victims of sexual assault and child sexual abuse, as it may lead them to focus on aspects of the abusive situation and acts that may not be immediately apparent to investigators when questioning them about their experiences.

As most offending takes place over extended periods of time, it is important to consider the impact of these time frames on victims’ memory. Smith et al. (2015) found that typical offending relationships last an average of 7 years, which may have a further detrimental effect on victims’ memory over and above the potential effects of stress and threat described above. It is well known that the longer the retention interval between an event and its recall, the poorer the recall of the event (Ebbinghaus, 1913). There is also substantial literature on memory type and memory for single and repeated events. Differences are noted between the meaning base of semantic memory and the more fragile episodic memory, as well as the tendency for episodic memory to become aggregated over time, leading to contamination between
similar events (Atsuko et al., 2012; Brubacher et al., 2012; Connolly et al., 2016; Hongkeun et al., 2015; Price et al., 2016; Sharman et al., 2011). These fragilities of episodic memory, compounded by the trauma of the offending, can become problematic when investigators ask victims to particularise different offences.

Although the research on memory suggests that victims may have difficulty recalling sexual offences with great clarity and detail, this reality may not match investigators’ expectations. For example, a detective colleague, herself a sexual crime investigator, was attacked when getting out of her car outside her house. When investigators arrived she gave a brief account of what had happened. When questioned by investigators as to “What arm did he put around your neck?” and “How many times did he hit you?” she was unable to recall. She was surprised at her inability to recall those elements of the attack, and she felt the investigators’ confidence in her story was eroded by such inability. Not only was her inability to do so counter-intuitive to those investigators’ expectations, the questions that they asked did not help her to remember (personal communication, sex crimes investigator, July 1st, 2008).

Investigators also have expectations about children’s memories. Approximately two-thirds of jurors and laypeople believe that children can remember events well enough to be witnesses in court and that they can distinguish between truth and lies (Quas, 2005). This, obviously, means that about a third do not, leaving immediate “reasonable doubt” about children’s testimonies in the minds of potential jurors. Evidence suggests that children as young as 3 years old have the ability to accurately remember events and to provide detailed information, particularly if there is little delay before the elicitation of memories; however, this ability increases with age (Wilson & Powell, 2001). While children might be able accurately to remember
events, research indicates that they are more suggestible than adults, particularly in accepting the incorrect suggestions of adults (for a review, see Ceci, Hritz, & Royer, 2016, or Wilson & Powell, 2001). Other researchers have found that children, even as young as 4 years old, can be quite resistant to suggestion and that it is difficult to make them report falsely (Cossins, 2008; Goodman et al., 1990).

There has also been much debate about the nature of questioning and its effect on children’s memories. Some researchers have found that effects on the accuracy and suggestibility of memories were less likely when children were describing events that were personally significant rather than ones they had observed (Cossins, 2008). Others reported that children are susceptible to misleading information provided by their parents even when appropriately interviewed by a trained interviewer (Ost, Foster, Costall, & Bull, 2005). This phenomenon suggested that children had greater confidence in their parents’ recall than their own recall, leading to belief in memories that were not accurate. Most researchers agree that interviewers have a considerable influence on the quality and accuracy of the information elicited from both children and adults. Indeed, it has been noted that problems are more likely to arise due to interviewer practice than the reliability of the children’s report per se (Wilson & Powell, 2001).

It is also important to note here that complainants with other vulnerabilities, such as cognitive impairments, may also provide challenges for interviewers in eliciting effective statements. (e.g., Milne & Bull, 2006)

3.2.1.3 Interview protocols and question types (Open vs. Closed). Because there is often no corroborative evidence of sexual offences (such as physical evidence), victims’ and suspects’ recollections of the events may be the only evidence available. Research has shown that the way in which victims and suspects
are interviewed affects the amount of detail that they recollect and the coherence and quality of their accounts (Brown & Lamb, 2015). Indeed, a narrative approach that allows interviewees to recount their stories at their own pace, with minimal interruption, increases the number of details that they report compared to when they are not interviewed in this way (Patterson, 2011; Powell, Fisher, & Wright, 2005). Powell et al. (2005) described four core elements of a good investigative interview protocol: good rapport between the interviewer and the interviewee, a clear description of the interviewer’s investigative needs, an open-ended questioning style, and a willingness to explore alternative hypotheses.

The use of “open” questions (that do not dictate the required response; e.g., “Tell me what happened”) rather than “specific” (or closed) questions (that dictate the required response; e.g., “Did [X] happen?”) has become a particular focus for investigative interviewing researchers (Oxburgh, Mykelbust & Grant, 2010). Traditional policing has used a closed question interviewing style. Specific questions involve directing interviewees towards defined answers; police officers may ask “yes/no” questions or “forced choice” questions (e.g., “Was the t-shirt he was wearing red or blue?”) to elicit them. The investigative focus is on the areas that investigators choose to develop the necessary evidence; they may rely on closed questions to elicit that evidence (Mykelbust & Bjorklund, 2006). Although specific questions may be used to clarify information already elicited by open questions, they can cause problems when they are not used appropriately.

Not only must investigators master this questioning skill set, which relies heavily on open questions, they must maintain it under circumstances where interviewees may be less than forthcoming (Powell, Fisher & Hughes-Scholes, 2008). Research has demonstrated that this skill set is difficult to master and that, in
most training regimes, there is degradation (or “skill-fade”) in interviewers’ use of these questions within six months (Clarke & Milne, 2001; Powell et al., 2005).

3.2.1.4 Complainant reports and suspect interviewing. It is critical that interviews of both complainant and suspect are about the collection of evidence, particularly in a field of investigation where traditional corroboration is unlikely to be present. This evidence may be used to influence the suspect, as one of the primary drivers of suspect confession is their perception of the weight of evidence against them (Deslauriers & St-Yves, 2006; Holmberg & Christianson, 2002). A focus on suspect interview protocols and techniques has been a relatively recent phenomenon, with police receiving little or no training in the complex and critical practice (Milne & Bull, 1999). As recently as 2010, Snook, Eastwood and Stinson found only one study, evaluating police interviewing practice across Canada.

Early research and practice guidelines for investigative interviews have tended to focus on two key areas: confession (e.g., Beauregard & Mieczkowski, 2009; Gudjonsson, 2006; Holmberg & Christianson, 2002; Kebbell, Hurren & Mazerolle, 2006; St-Yves, 2006), and interview processes, protocols and questioning skills (e.g., Hershkowitz, Horowitz, Lamb, Orbach & Sternberg, 2004; Read & Powell, 2011; Read, Powell, Kebbell & Milne, 2009; Schollum, 2005; Shepherd, 1988).

Challenges to poor interviewing practice have only come about relatively recently. Fahsing (2009) describes the advent of Norway’s Tactical Interview Model as recently as 2001. He suggested that police practice in the Nordic region prior to the introduction of this model, rather than being based on the best scientific research and practice, was a mixture of published and unpublished material, usually written for an internal police audience only. Fahsing argued that such practices would prove
problematic if revealed during court processes. This would have been typical of police practice at the time, including in Victoria.

3.2.1.5 Ethics, ‘Humanity’ and ‘Dominance’. Early debates about suspect interviewing centred on the principles and ethics of police practice. Two distinct models of practice appeared, those of ‘dominance’ and those of ‘humanity’. Despite its promotion of dubious tactics and processes, the dominance models, exemplified by the Reid technique, found favour in North America. (Fahsing, 2009). The Reid technique is based on the notion that guilt can be determined through observations of suspects’ body language, and the presence of anxiety. Strategies are employed to limit the likelihood that suspects will access legal advice, and to develop a ‘theme’ that will allow the suspect to blame others. They will then be offered alternative versions of the crime—both incriminating but with different degrees of acceptability—from which to choose (Sanow, 2011; Starr, 2016). Advocates claim a success rate (eliciting a confession) of between 85-90% (Sanow, 2011). There are numerous criticisms of dominance models, such as the Reid technique (see Oxburgh, Myklebust, Grant & Milne, 2016, for a review); most notably that such interviewing is likely to increase the rate of false confession (Snook et al., 2010).

The alternative model of interviewing espouses an ethical and humanity-based approach (Holmberg & Christianson, 2002; Kebbell et al., 2006; Shepherd, 1991; Williamson, 1993). This approach implies, as Holmberg and Christianson (2002) stated, “that participants are respectful and treat each other as equal human beings with the same rights of dignity, determination, and free will. It also emphasizes empathy, implying that participants are able to look at things from each other’s perspective” (p.32). For example, Ede and Shepherd (2000) suggested that police interviewers should allow suspects to pursue their own agenda in interviews, rather
than simply answer questions related to what police wish to know. Contrary to some police concerns, this process allows suspects to feel respected, enhancing the prospects that they will enter into dialogue with investigators.

Research has shown that humanity-based approaches, when compared with dominance-based approaches, were associated with increases in confession rates (Holmberg & Christianson, 2002; Kebbell et al., 2006; Williamson, 1993). This humanity-based approach was shown to be particularly effective with suspected sexual offenders (Holmberg & Christianson, 2002; Kebbell et al., 2006), especially when the suspected sexual offenders were young people (Hershkowitz et al., 2004). Gudjonsson (2006) also described sexual offence suspects as a group best interviewed in a humanity style due to the need to balance shame, which may inhibit confession, with guilt, which may enhance a suspect’s desire to talk about their crimes.

Several researchers have noted that the open-ended questioning style needed with child and adult complainants was also effective in suspect interviews, eliciting more, and more comprehensive, responses (Hershkowitz et al., 2004; Read et al., 2009). Others have noted that interviewing suspects in this field of investigation requires a specialist approach (Milne, Shaw & Bull, 2007; Schollum, 2005). In brief, it was noted that interviewing was not a generic process, and techniques for suspects should reflect the evidentiary needs of the interviewer along with the particular circumstances and needs of the suspect.

Read et al. (2009) set out a general structure for conducting interviews with sexual offence suspects; this structure included the following components: (a) establishing rapport, (b) introducing the topic of concern, (c) eliciting narrative detail, (d) clarification/specific questions and (e) closure. This structure closely
resembles the narrative strategies that interviewers utilise with complainants, based on principles of respect and the balance of suspect and police agendas.

3.3 Chapter summary

Investigating and interviewing sexual offence matters requires a highly complex skill set. It is utterly dependent on investigator training covering the aspects of knowledge acquisition, attitudinal alignment and skill development. The importance of this training is fundamental as police are the biggest gatekeepers in the system; it is up to them whether or not to investigate reported offences.

Victims of sexual crime, both adults and children, may present in a variety of ways. Their stories will be complex, often told in non-linear fashion, with attendant issues of memory retrieval. Some of the memories that investigators may expect to be recalled will not be. However, some may be the memory cues provided in an interview may assist victims’ recall. All these elements make interviewing the core skill set of a specialist sexual assault and child abuse investigator, and the teaching of good interview techniques is an essential component of any investigative training.

The progress of an investigation is dependent on an investigator’s ability to understand the narrative presented to them, use the interviewing skill set to help the complainant develop the story, understand the limitations of traumatic memory, and understand counter-intuitive victim behaviour through their knowledge of sexual offending.
Chapter 4: Understanding Sexual Offending: the Creation of Counter-Intuitive Behaviour

Chapter 4 briefly describes the current state of scientific knowledge about the nature of sexual offending. It will focus on three key areas. First, sexual offending is a crime of relationship and can be better understood if seen in this context. Second, grooming is the critical process in the development of these relationships. Here, the focus will be on the development of victims’ counter-intuitive behaviours as a result of the grooming process. Third, the “Implicit Theory” model will be used to explain sexual offenders’ behaviour.

4.1 Sexual offending is a relationship-based crime

Sexual offending is a crime of relationship. Despite public perceptions, the majority of sexual offending takes place in the home of the victim or the home of the offender, or in context familiar to both parties, between people who know each other (ABS, 2012; Family Violence Command, 2015). Even when offences occur outside of this context, most offenders attempt to form some kind of relationship with their intended victims. Extra-familial child molesters, for example, may spend weeks or even months gaining trust from intended victims and their families, before actively engaging in sexually abusive behaviours (Bennett & O’Donohue, 2014; Craven, Brown & Gilchrist, 2006; McAlindie, 2013; Pollock & McIver, 2015).

Victims of sexual crime are left with limited choices once confronted with the offender’s intentions. These may include fight, flight, immobility (freeze) or compliance. Despite most expectations, including those of the victim, and contrary to expectations of ‘real rape’ scenarios, compliance is the most common reaction (Estrich, 1987; Hohl & Stanko, 2015). This response is most common due to the nature of grooming processes and the relationship formed between the offender and
the victim. Where this relationship is not present, as in some assaults in public space, there is greater potential for fight and flight responses. Where there is a limited relationship between victim and offender, there may be a commensurate reduction in relationship evidence and Whole Story elements. Nonetheless, some elements may be present. It is important to note that these types of offences are more aligned to community expectations of sexual crime, and may require less focus on assisting juries to understand the behaviour of offender and victim.

4.2 Grooming and counter-intuitive behaviour

During abusive relationships, offenders manipulate themselves into a position of power and control before beginning to sexualise the relationship; this process is commonly known as grooming and may occur over a very brief period, or a much longer time, even over years (Craven, 2006). During this grooming process, the offender will have encouraged the victim to think a certain way about the nature of their relationship, and will have manipulated her into believing she is responsible, at least in part, for what is taking place. The offender will have impressed upon the victim, explicitly or implicitly, the possible consequences of disclosure and will, potentially, have crafted a plausible explanation for events should they come to the attention of other parties (Bennett & O’Donohue, 2014; McAlinden, 2013; Pollock & McIver, 2015).

It is these grooming processes that produce confusion and distortion about real roles and relationships that can produce counter-intuitive behaviours in victims. These behaviours include delays in reporting the abuse, maintenance of the relationship with the offender, and even the apparent initiation of sexual events. Without knowledge of sexual offending relationships, investigators can easily misunderstand the narrative that they are presented.
Victims’ reactions are based on the context and the relationship rather than the acts themselves. This context is defined by acts of grooming, both sexual and non-sexual, that facilitate the offending, and create seemingly counter-intuitive behaviour in victims. Many researchers have noted the phenomenon of grooming in describing offending against both children and adults (Bennett & O’Donohue, 2014; Craven et al., 2006; McAlinden, 2013; Pollock & McIver, 2015).

Summit (1983) first articulated the impact of this phenomenon on children. He argued that children, in trying to understand the abusive behaviours to which they were subject, would attempt to “accommodate” to the abusive world. Such accommodation ensured that they were more likely to comply with the offender’s demands and less likely to disclose the abuse. As they were in some form of relationship with the offender, and had little power or authority in their world, he argued that this accommodation made sense. As previously discussed however, this notion of victim behaviour is counter to the prevailing community narratives about children’s behaviour when subject to abuse.

Later researchers and practitioners have developed a better understanding of the phenomenon of grooming, and its effect on both children and adults. The effects of abuse, and the grooming process, are now well understood and described in the social science literature. These effects include the impact on victim memory and reporting, as well as the effect on victims’ future health and wellbeing. Whilst it is important to note that sexual abuse may be one of a range of factors in peoples’ lives, leading to problems in later life, one comprehensive Australian study concluded:

Research over the last thirty years has established a significant relationship between giving a history of being sexually abused in childhood and range of mental health and behavioural problems in adult life…Exposure to sexual abuse increased risks for the majority of outcomes including psychosis, affective, anxiety, substance abuse, and personality disorders. Rates of clinical disorders diagnosed in adulthood and childhood remained
significantly higher among child sexual abuse cases...also identified substantial risks among CSA victims for other low base rate events like fatal self-harm (Cutajar et al., 2010, p.813-814).

4.3 Implicit Theory model of offending behaviour

Research has not only examined the processes of manipulation employed by offenders, but also the underlying psychological mechanisms that may be driving such behaviour. Implicit theory describes the processes that offenders utilise to develop, justify, and maintain their sexually abusive behaviours (Ward & Keenan, 1999). It proposes that sexual offenders adhere to a certain set of theories or beliefs about the world. It suggests that people who hold some of these beliefs are more likely to subscribe to other beliefs in this set. Furthermore, it suggests that anyone who holds the full set of beliefs is more likely to put related behaviours into practice than someone who does not hold the full set of beliefs. For example, the belief set for Child Molesters is:

1. Dangerous world – the belief that the adult world is a dangerous place and that association with children is preferable.

This belief centres upon an individual’s belief that the adult world, and relationships in particular, are difficult to navigate. Offenders may be mistrustful of adults, finding interaction with them stressful, preferring ‘relationships’ with children, whom they find easier to control.

2. Entitlement – the belief that individuals should be allowed to engage in activities they choose, regardless of societal norms, values and laws.

This ‘theory’ concerns offenders’ view that behaviour such as sexual contact with children, proscribed for others, should be allowed for them. This ‘theory’ may be based on a range of beliefs, including their status, the
particular circumstances of their ‘relationship’ with a child, or the position an employer, family, or other circumstance has placed them in.

3. Uncontrollability – the abrogation of personal choice and accountability and the establishment of an external locus of control.

Typically, offenders will see themselves as unable to control any of the elements of their offending behavior. One offender in treatment, after giving a detailed description of the grooming behavior he undertook of both family and intended victim stated that, “Eventually, under the circumstances around me, I would offend” (SOCIT training resource, Understanding the dynamics of sexual offending (3) Power Point Presentation). Another, in a recent suspect interview about the abuse of a 3-year-old girl, described the beginning of his offending as a moment where “Something came over me” (SOCIT training resource, Suspect interviewing theory and practice (3) Power point). Each offender was describing this process of ‘Uncontrollability’

4. Children as sexual objects – the belief that children are capable of consenting to sexual activity with adults, regardless of societal norms and legal ages of ‘consent’.

Coupled with entitlement, offenders will employ distorted thinking to persuade themselves that societal laws and mores about sexual activity between adults and children do not apply to them, or to the ‘relationship’ they have formed with a particular child or children. There is a further belief amongst child molesters, that laws around the age of consent are incorrect,
and that even quite young children are capable of consenting to sexual behavior with adults.

5. **Nature of harm – the belief that, contrary to both evidence and popular opinion, sexual ‘relationships’ between adults and children is not inherently harmful to children.**

Perhaps most important of all, this ‘theory’, when held by child molesters, allows them to believe, via the use of distorted thinking and the re-interpretation of victim behaviour, that what they are doing is not harmful to the victim. There are a wide variety of beliefs in this category. A typical example, from an offender in treatment, might be one used by a man who persuaded himself that the child he was sexually abusing would not be harmed by the behaviour, because he was only 8 years old and would be too young to understand or remember it (SOCIT training resource, Understanding the dynamics of sexual offending (2) Power Point).

The teaching of this theory base, and the associated theory sets for female offenders and those who sexually offend against adults, should help people to see offenders as individuals who subscribe and adhere to a particular view of the world. It further allows people to understand what offenders are doing in the creation of abusive relationships, the connection between each individual’s theory base and the type of grooming that they employ, and the subsequent effects of grooming and offending processes on their victims. Without an understanding of offender behaviour, and victims’ narratives of the entire relationship, complainant behaviour and narratives may be difficult fully to comprehend.
In this thesis, it will be argued that all interactions between offenders and victims, particularly those that occur prior to offending, are vitally relevant to fact-finders. All interactions should be considered as part of an abusive relationship rather than an abusive event, or series of events. All interactions may be considered as potential evidence of what is alleged to have taken place.

4.4 Chapter summary

Sexual crime is one of relationships. These relationships are formed from offenders’ implicit theories of the world, and are employed both to satisfy those theories, as well as to gain compliance from the victim and diminish their likelihood of reporting. Understanding the theory and practice of abusive relationships allows investigators to comprehend the abusive relationship that took place, as well as to understand where to look for evidence of that relationship.
Chapter 5: The Rationale for, and Development of, Whole Story

This chapter will describe the development of the Whole Story technique, focusing on four key issues. First, the rationale for Whole Story technique will be discussed, with a focus on investigator training. Second, the role of narrative within the criminal justice system will be described, in particular the role of narrative in assisting jurors to understand offender and victim behaviour, and to challenge juror myths and misconceptions about sexual offending. Third, the genesis of the Whole Story technique will be discussed. Finally, the technique will be described, with reference to key language and terminology. There will be a focus on the intended outcome of the technique for investigative and interviewing methodology. Please note that parts of this chapter have been published in a concept paper, which has been reproduced in Appendix 1.

5.1 The rationale for Whole Story training

Previous chapters have outlined the national and international problems with the reporting and investigation of sexual crime, both against adults and children. Chapter 3 detailed a host of investigative and investigative interviewing challenges that have confounded the progress of sexual assault and child abuse investigation. Chapter 4 outlined the current framework of knowledge around sexual offence dynamics, sexual offender behaviour and victims’ seemingly counter-intuitive behaviour.

This chapter outlines a framework for understanding sexual crime and addressing investigative challenges, Whole Story, that provides investigators with an accurate knowledge base from which to work, victim-supportive attitudes, as well as empathic attitudes towards suspects. It is designed to aid investigators to move
beyond mere critique of victims and their credibility, and to see both the mechanisms of the offenders (grooming) and the effect of those processes on victims. It also provides an interview-planning framework, which can be incorporated into current best practice interviewing techniques to improve the collection and use of relevant evidence.

Interviewing is particularly important in any training, as the technical framework for questioning victims and suspects needs to be integrated with knowledge of offending and appropriate attitudes towards victims and suspects. Some commentators have asserted that technical competence, particularly interviewing, needs to be a part of a broader theoretical framework (Schollum, 2005). The elements that need to become part of that framework include a better understanding of sexual offender behaviour, an understanding of enhanced evidence-gathering and case building, and a clear re-examination of all aspects of investigation and prosecution (Gregory & Lees 1996; Kelly et al., 2005).

Most importantly, Lonsway and Archambault (2012) suggested that,

Investigators could be taught to provide information with the same level of detail regarding the suspect (as the victim) in a sexual assault case. This would include information about how the suspect targeted the victim on the basis of vulnerability characteristics, whether the suspect provided the victim with drugs and/or alcohol, and how the suspect used specific techniques to “groom” the victim. The need for such information may be particularly critical because the suspect is not required to testify at trial – and typically will not – whereas sexual assault trials virtually always involve detailed testimony by the victim. This provocative suggestion can be explored in future research (p. 162; their italics).

5.2 The importance of ‘stories’

(Th) e law always begins in story…it ends in story, too, with a decision by a court or jury, or an agreement between the parties, about what happened and what it means. (James Boyd White, 1985, p.168)
Courts play an integral part in explaining the narratives of crime and creating public opinion. Without access to a coherent and credible alternative story, jurors will rely on their own internal narrative, or that provided by the defence (Ellison & Munro, 2008; Olsen & Fulero, 1997; VLRC, 2004). The Whole Story technique was designed and developed to improve the nexus between knowledge of sexually abusive relationships, the breadth of investigative practice and the gathering of evidence, and the presentation of narratives in Court.

The need for Whole Story, and the proposed changes to investigative and interviewing practice, stemmed from the writer’s experience in the field of sexual offender treatment, with both adolescent and adult sexual offenders. The treatment environment offers offenders the opportunity to analyse and describe their behaviour. Much has been learned from offenders over the last thirty years about the nature of their behaviour, their construction of abusive relationships, their manipulation of potential protective factors, and the effect they have on victim behaviour and reporting (Bennett & O’Donohue, 2014; Craven et al., 2006; McAlinden, 2013; Pollock & McIver, 2015).

It became clear to the writer, once moving into the investigative and prosecutorial world that (a) investigators knew little of the reality of offending behaviour, (b) investigations lacked substantial contextual and relationship evidence, and (c) the limited information that was available to jurors was often constructed in such a way that it bore little resemblance to the relationships that were described by offenders in treatment and in the developing social science literature. Indeed, after a particularly depressing visit to watch a trial, the writer noted to a colleague that jurors were not presented with the whole story, after which the construction of this new investigative and interviewing methodology began in earnest.
Searches of the literature revealed that several commentators had noted the inability of court processes to adequately describe offending relationships, and how often narratives are distorted or incomplete (Rideout, 2008). Others have suggested that without the restoration of narrative elements, court outcomes are unlikely to be just (Feiner, 1997). Yet other researchers had noted the mechanisms by which juries understand stories, and others the need for such an approach in understanding sexual crime, most particularly the narratives of children (Bennett & Fedelman, 1981; Conley & Conley, 2009; Feiner, 1997; Gannon, 2009; Pennington & Hastie, 1993; Rideout, 2008; Schafran, 1998; Westcott & Kynan, 2004).

5.2.1 The task of the juror

One of the central cognitive processes in jury decision-making is story construction (Pennington & Hastie, 1991). In listening to the story, the judge and jury must be able to do three things: (1) identify the central action of the story (i.e., the alleged abusive activity), (2) construct inferences about the relationships between the different elements of the story that surround the central action (e.g., opportunity and motive to carry out the alleged abuse or to make a false allegation), and (3) test the internal consistency and descriptive adequacy/completeness of the relationships between these different story elements (i.e., make a plausibility or credibility judgment about the allegation as a whole) (Westcott & Kynan, 2004). Therefore, it is essential that jurors are able to construct a storyline at some point in the complainant’s interview, in order to assimilate disjointed information into a coherent story.

5.2.2 Stored social knowledge and narrative scripts

As stated in Chapter 4, there is considerable literature about the construction of offence dynamics and offending relationships. Earlier chapters examined the myths,
stereotypes and misconceptions about sexual offending that jurors, laypeople, and investigators are likely to adhere to (e.g., Dinos, Burrowes, Hammond & Cunliffe, 2015). There is clearly a gap between the literature and current community thinking; that is, between juror expectation and likely reality.

The literature on jury decision-making strongly resonates with the language of researchers commenting on community myth and misconceptions about sexual offending. For example, Rideout (2008) refers to juries’ expectations as “narrative scripts” (p.65), arguing that these scripts affect the persuasiveness of legal narratives. Despite such scripts influencing decision-makers, they can be countered by narratives that allow for a clear understanding of someone’s belief or action (Fisher, 1989). In other words, a well-constructed narrative can give jurors clear reasons for the reality of circumstance rather than those in their scripts. For such an understanding to take place, the well-constructed narratives must be coherent, consistent, and complete.

Whole Story narratives, developed by investigators and argued by prosecutors, must be persuasively coherent and complete, as they are unlikely to correspond to current community narrative scripts. They must contain explanations for the behaviour of complainants and accused persons, giving reasons why jurors should understand a changed social reality (Fisher, 1989; Rideout, 2008).

Some researchers suggest that both lay people and police investigators are most likely to change their opinions, or reevaluate their judgments, when advice is offered that contributes novel information, particularly when offered in a way that is unorthodox or incongruent (Alison et al., 2012). Whole Story, with its focus on relationship, and explanations for ‘counter-intuitive’ behaviour that run counter to
community myths and misconceptions of sexual offending, offers an opportunity for effective presentation of novel information.

5.3 Creating the Whole Story

Most victims know their abuser; thus, there is a relationship between both parties (Family Violence Command, 2015). Most acts take place in surroundings familiar to both parties. Many of the abusive acts that take place are only understandable when seen in this context. To aid this understanding by providing context, the Whole Story technique is a conceptual framework for investigating, interviewing and prosecuting sexual offences committed against adults and children.

Whole Story is a victim-centric framework that asserts that sexual offending is a crime of relationship, all offending begins in the mind of the offender, and that where abusive ‘relationships’ have developed, offenders are always the initiators, and victims always the reactors. Whole Story was created to improve criminal justice responses to sexual offences by enhancing professionals’ knowledge, skills and attitudes. It provides decision makers with a greater understanding of the dynamics of sexual offending, helping to explain offenders’ actions and counter rape myths, misconceptions, and counter-intuitive victim behaviour. Whole Story should assist all of those who are involved in the judicial system, including prosecutors, Magistrates, judges and jurors. Whilst acknowledging the importance of existing principles involved in sexual offence cases (e.g., the elements of the offence), Whole Story broadens this focus to include additional factors that will assist Police and Courts to determine the truth.

5.3.1 Investigative model

The traditional investigative model for sexual crime focused on the alleged acts for which a charge could be laid, and if a crime has been committed (Victoria Police
Code of Practice, 1999). The primary focus of any investigation was on gathering any evidence that could substantiate the commission of a particular act on a particular date, time and place, which is often difficult in sexual offence cases (Guadagno, Powell & Wright, 2006; Powell, Roberts & Guadagno, 2007). Statements from victims and interviews of suspects concentrated on these elements. A reasonable prospect of conviction was seen to rest on corroborative witnesses, forensic evidence of sexual contact in line with what was alleged and, wherever possible, signs of active resistance from the complainant. As has previously been noted, this set of investigative circumstances represents only a small minority of cases that are investigated (Family Violence Command Statistics, 2016).

Whole Story emerged from research into, and the experience of working therapeutically with, sexual offenders and victims of sex offences. The narratives elicited in these settings differed from the information typically gathered by detectives and subsequently heard in Court. The primary difference between the two types of narratives was the lack of context, including relationship dynamics, in which the alleged offence took place. This information was missing from the evidence elicited by investigators and subsequently presented at Court. Such evidence is critical to the fairness of decision making by finders of fact, whether they are investigators or officers of the Court, including jurors.

5.3.2 Whole Story and interviewing

Whole Story is not an interview framework. It provides a professional knowledge base to guide information gathering from victims, investigation of the elements of the alleged crime, the subsequent interview with the suspect, presentation of evidence at Court (including legal argument regarding relevance,
probative vs. prejudicial value, tendency, uncharged acts, etc.), and decision-making
by jurors.

The Whole Story technique was designed to improve investigators’
understanding of sexual crime and to investigate, thoroughly, the entirety of the
offending relationship. The intention is that victim narratives that can explain the
entire context in which the offences took place, including elements of the narrative
that may appear counter-intuitive, will first allow investigators more opportunities
for productive avenues of investigation and better prospects of brief authorisation. It
may then provide juries with sufficient information about the substance of the
offending relationship that convictions are more likely, even in cases where it
appears to be only one person’s word against that of another.

5.3.3 Language and terminology

Whole Story includes three main elements: grooming, unique signifiers and
points of comparison. Grooming refers to the process of manipulation and control,
driven by offenders, that enables the offending to take place (Craven, 2006). Whole
Story distinguishes between two types of grooming: non-sexual grooming (labelled
Grooming 1 in Whole Story training) and sexual grooming (labelled Grooming 2 in
Whole Story training). Grooming 1 refers to the process that offenders undertake to
place themselves in a position of power, control or authority over a potential victim.
With child victims, for example, whether intra-familial or extra-familial, this will
typically involve the establishment of a trusting relationship with both child and
other adults, in order to facilitate time alone with a child without arousing suspicion.
The elicitation of Grooming 1 behaviours, often overlooked by investigators in both
child and adult offence cases, helps to explain the context for victims’ behaviour, and
has the potential to counter the misconceptions commonly held by legal professionals
and jurors. Grooming 2 refers to the process whereby offenders introduce elements of sexual language and behavior into the ‘relationship’.

Unique Signifiers describe the interactions that are unique to each abusive relationship, some seen and heard by others, and some known only to victims and offenders. These unique signifiers include words, phrases, gestures and non-verbal signals, games etc. Unique signifiers enhance both the elicitation and presentation of the evidence upon which decisions are made.

Points of Confirmation refer to details across the victim, witness and suspect narratives, which allow decision makers more opportunities for comparison. For example, a suspect may deny that a gift was given to the alleged victim, or may minimise the significance of any gift. Evidence gathered in the victim narrative of the gift itself, the context in which it was given, and the significance of the gift-giving act, may allow fact finders broader and clearer contextual evidence with which to examine both narratives.

### 5.3.4 Interviewing, Relevance and Evidence

Interviewing, of both complainants and suspects, remains the core skill set required of investigators. The purpose of the interviews is to elicit evidence from victims, which can be put to suspects to elicit a response; fact finders also use the evidence as they come to make decisions “beyond reasonable doubt”. The Whole Story technique asserts that the narratives of complainants provide the best evidence, with all the attendant detail, to explain the offending dynamics and the relationship between complainants and suspect. Understanding this relationship should lead to better prospects of brief authorisation and conviction.

In order to understand this relationship, any interviewing process needs to achieve two aims. First, it must elicit more comprehensive narratives from victims
and offenders than standard interviewing procedures; these narratives need to start at
the beginning of the relationship between the victim and offender and continue up
until the final offence. Investigators must collect as many details about non-sexual
and sexual grooming as possible. Details of these behaviours might include, for
example, a particular toy that was given by the offender to the victim during the
establishment of the grooming relationship. Alternatively, it might be a particular
phrase that the offender uses to initiate a sexual encounter. Investigators’ questions
should be able to elicit these unique details about the offending relationship, which
may be useful to investigators who were previously unaware of this information.

The second aim of the interviewing process is to improve interviewing of
suspects. The details provided by the victim should be used to compare the victim’s
account of the relationship with the suspect’s account of the relationship. The link
between the victim narrative and the suspect interview is the creation of a
comprehensive suspect interview plan that provides investigators with a guide to the
content of the narrative that needs to be elicited and a question process to follow. The
improvement in suspect interviewing should be achieved through questioning the
suspect about the detailed narrative that the victim provided. One of the main
difficulties with interviewing suspects is getting them to talk. One possible solution
is to provide suspects with the details elicited from the victim and asking them to
give their own explanations about these details. For example, a suspect may be
prepared to give an explanation of a toy given to the complainant as a gift, whilst
denying its purpose. He may be prepared to explain a variety of interactions with the
complainant, whilst continuing to deny sexual contact, without realising that he may
be providing information about the context of the relationship. Jurors may utilise
this contextual information to make sense of the alleged offending relationship.
If suspects talk more, they are more likely to make errors in their narratives and to provide information that can be later confirmed or disconfirmed. Moreover, suspects who talk to the interviewer are likely to establish more rapport than suspects who do not talk, which in turn should encourage suspects to continue talking.

To achieve these aims—eliciting a comprehensive victim narrative and improving suspect interviewing—an interview incorporating the Whole Story technique should consist of both process and content-driven questions. Open questions, such as “Tell me what happened” are used to elicit narratives. As previously noted, these questions have been demonstrated to be the most effective at eliciting details (Oxburgh et al., 2010). In conjunction with the open questions, offending knowledge is used to direct the content of the questions and the elements of the relationships that are being asked about.

The two narratives, provided by the victim and suspect, should afford juries the best opportunity to understand the nature of the alleged abusive relationship and come to a finding that clearly reflects that relationship. Therefore, eliciting the details of the abusive relationship through interview techniques is crucial for the jury’s decision making (Blackwell, 2007). Indeed, a study of Australian prosecutors revealed that they believed that courts need to hear about relationship evidence in order to understand seemingly counter-intuitive victim behaviour (Darwinkel, Powell & Tidmarsh, 2014). Not only does eliciting such evidence in police interviews help to explain victim behaviour in court, prosecutors also believed that it should improve the decision-making of professionals at all stages of the criminal justice system. Prosecutors advocated five benefits from the elicitation of relationship evidence, including: (1) the capacity to obtain more accurate and comprehensive material from victims, (2) the ability to put evidence in their own words rather than that of the
prosecutor, (3) the greater likelihood of admission as evidence in court because of victims’ greater ability to link relationship details to the offending, (4) better explanations for counter-intuitive behaviour, and (5) better elicitation of additional evidence to support the victim’s account (Darwinkel et al., 2014).

The overall intention of Whole Story has been, through knowledge of sexual offending and interview skills derived through training, to develop improved investigative practice that allows victims to give a comprehensive narrative. This narrative should then become the focus of thorough investigation and evidence collection and improved suspect interviewing, which may lead to an increase in the number of cases proceeding to prosecution and better outcomes in court.

5.4 Chapter summary

The idea that stories are integral to the justice system is not new. Whole Story was designed to use knowledge of sexual offending, and the stories of sexual offending relationships. The aim of Whole Story, with its new language and techniques, is to improve the investigation of sexual crime, and increase the elicitation of relationship evidence. This, in turn, it is hoped, may improve fact finders’ ability to understand the narratives placed before them, and overcome their previous misconceptions about sexual offending.
Chapter 6: Training

This chapter will address four key areas of specialist sexual assault and child abuse investigator training, focusing on the developments of the Victoria Police Specialist Sexual Offence and Child Abuse Investigator course. It will first outline the need for change in sexual investigation training, including analysis of previous attempts to change knowledge, attitudes and skills through training. Second, it will outline the previous Victoria Police training model, detailing the additions and changes to the previous model. Third, it will outline the major phases of the training course, detailing the sessions incorporated in each phase, and the intended learning outcomes. Finally, it will outline other courses now run by Victoria Police, which have been developed or re-developed in light of the Whole Story technique and training process.

6.1 The Development and Maintenance of Knowledge, Attitudes and Skills.

The imperatives for change in police practice, outlined by the VLRC (2004), predominantly centred on members’ poor attitudes and lack of specialist knowledge. Many researchers have pointed to the need for police to engage in more, and more specialised, training in the area of sexual assault and child abuse investigation. Most consider knowledge of myth and misconception to be key (Eyssel & Bohner, 2010; Lea, Lanvers & Shaw, 2003; Mennicke, Anderson, Oehme & Kennedy, 2014; Payne, 2009; Tasca, Rodriguez, Spohn & 2012; Taylor & Gassner, 2010).

A number of researchers have examined the effects of training on the attitudes and beliefs of participants (Fox & Cook, 2011; Rich & Seffrin, 2016; Sanghara & Wilson, 2006; Sleath & Bull, 2012). Results have shown that when participants are members of the public (mostly students and young people), their attitudes and beliefs change in a positive way. For example, Fox and Cook (2011) found that students
who completed a course on victimology were less likely to assign blame to victims of crime than students who had not completed the course. Other studies have shown that education reduces people’s reliance on myths; for example, Collings, Lindblom, Madu and Park’s (2009) cross-cultural study showed fewer myths around child sexual abuse in countries where there was more education on this subject.

When it comes to police, the effects of training are typically less positive than those for the general public. In one study, Lonsway (2001) found that training in understanding the behaviour of sexual crime victims had no impact on police officers’ adherence to rape myths. In another study, Sleath and Bull (2012) found that specialist training in understanding rape myths and victim behaviour did not alter police officers’ victim blaming attitudes. When training effects do occur, they generally do not last: Rich and Seffrin (2016), in reviewing training outcomes from a range of studies, found that when training effects did occur, they did not last long.

There are a number of reasons why training effects may not occur or may not last. Lonsway (2012) suggested that the lack of a compulsory element to training may be partly responsible. That is, when investigators who elected to take part in training return to a broader system that has not undergone such training, the trained investigators may revert back to their pre-training state. This explanation is supported by Rich and Seffrin (2016), who suggested that training effects are unlikely to last without reinforcement and peer support.

The skills component of the course had long been established as a standalone, or ‘block’ training. There is significant research to suggest that a broader methodology is required to both develop and maintain critical skills (see Hoffman et al., 2014, for review). Study 3B was designed to address whether the SOCIT/VARE course was susceptible to the same fade effects.
6.2 The reform process in Victoria post-VLRC

Prior to the SOCIT reforms, foundation training for Victoria Police members working in sexual assault and child abuse cases consisted predominantly of the investigative aspects related to interviewing children. The course qualified members to conduct Video Audio Recorded Evidence interviews. In terms of investigative process, there was no specialist training in the phases of investigation post reporting and gathering complainant statements. Since the SOCIT reforms were enacted, the component of “Specialist Sexual Assault Investigation” qualifies members to work in the crime theme. It includes components designed to address the necessary knowledge, skills and attitudes required to productively investigate these crimes.

6.3 SOCIT/VARE Course content

The acquisition of knowledge and the development of attitudinal change are intrinsically linked. The course was designed to provide sessions that were ostensibly about knowledge acquisition, but each session contained discussion components to challenge participants’ beliefs and attitudes. During the course, participants were periodically asked to reflect on their previous practice and assess, on the basis of what was presented to them, what they may now do instead. The structure and timing of the course, as it appears in the course syllabus, is shown in Appendix 2, from courses run both before and after the introduction of SOCIT and Whole Story.

6.3.1 Phase One: Understanding sexual crime

The first phase outlines the key themes of the course as a whole: understanding sexual offending, sexual offenders and the dynamics of sexual offending. Participants are introduced to the Whole Story as a framework for understanding offending relationships. Next, they are shown two films – one depicting a child sexual abuse case and one depicting an adult sexual assault case. These films were
made for the training course and were based on cases that had been reported to police. After watching the films, participants complete questionnaires that ask about the behaviour of the offender and victim, as well as the likely outcome in any investigation or prosecution (see Appendix 3A and 3B for a copy of the questionnaires and some sample answers, respectively). These questions are designed to elicit participants’ attitudes and beliefs. Next, they watch extended Whole Story versions of both films, which more fully describe the nature of the relationship between the victim and the offender. These films generate discussion about participants’ understanding of the dynamics of sexual offending, their beliefs about victim and offender behaviour, as well as their beliefs in the prospects of successful prosecution in such cases.

Participants are then taught about sexual offenders and offence dynamics, including the Implicit Theory (described in Chapter 4) to help them understand offenders’ beliefs. Current and past cases are discussed to elicit participants’ attitudes and beliefs towards victims and offenders, in investigations in which they had participated. The aim is to help participants reflect on previous experience through the lens of the course learning. Finally, participants are taught about victim behaviour, why it may seem counter-intuitive, as well as the relatively low likelihood of false reporting.

6.3.2 Phase Two: Understanding victim behaviour, reporting and memory

The second phase further develops participants’ understanding of victims and counter-intuitive behaviour. It also provides theoretical explanations about children’s’ and adults’ memory, including traumatic memory. Participants undertake a range of exercises, which include examining de-identified victim statements to identify grooming behaviour (see Appendices 4A and 4B for examples), watching
film narratives of case examples, examining the research literature, and practical examinations of their own memories.

6.3.3 Phase Three: Interviewing complainants

One of the most important skills for investigators is the ability to interview victims, witnesses and suspects. The teaching of interviewing skills is a key component of the SOCIT/VARE course, with significant time spent on theory and, most particularly, practical exercises. These skills are taught in Phase Three. The processes described draw from the Cognitive Interviewing model, devised by Geiselman and Fisher (1992). Participants are taught about the theory of interviewing adults, children and complainants with a cognitive impairment. The four primary techniques taught for interviewing adults are; “Tell me everything” questions, mental re-instatement of context, reverse order recall, and changed perspective recall. The training in interviewing children teaches participants to formulate a variety of open questions, as well as how to sequence those questions to elicit episodic memory with the greatest detail. Emphasis is given on using the least, and least intrusive, types of questions. The training sequence includes the open narrative framework, isolation of episodic memory, open invitation to elicit free recall, the use of additional questions to elicit supplementary detail, and the use of specific questions, when required, to elicit detail required for investigative or prosecutorial processes. These processes were originally designed by Martine Powell (see Powell, 2008; Powell, Fisher & Hughes-Scholes, 2008; Powell, Fisher & Wright, 2005).

Participants conduct a range of interviews to practice the skill sets, including interviewing each other about childhood events and conducting interviews with role-players playing the part of children. Participants also interview Grade 1 school children about an event that had taken place at their school. The event was a magic
show presented by a representative of the SOCIT/VARE training. Finally, participants are taught the theory behind interviewing people with disabilities and people with cognitive impairments; they also practice these interview techniques by conducting three interviews, each of 10 minutes duration, with different role players. In this instance, the role players were adults who had a range of disabilities.

6.3.4 Phase Four: Specialist Sexual Assault and Child Abuse – Investigative processes and standard operating procedures, legislation, and key partnerships

Sexual Assault investigations are covered by a variety of practice codes, standard operating procedures and investigative and legal requirements. Phase Four covers these requirements. It also addresses key stakeholders and partnerships, including victims of crime, Centres Against Sexual Assault (CASA) and Child Protection issues.

Sessions in this theme include a presentation from senior counsellors from two of the Victorian CASAs. The session covers both the philosophy and practice of CASAs, as well as the Code of Practice for Victoria Police investigators pertaining to CASA. The CASA presentation is immediately followed by a presentation from a victim of historical child sexual abuse. The focus of the presentation is on the behaviour of the offender, his decision-making throughout the abuse, the delay in reporting and the ongoing personal and familial effects of the abuse.

A day of the course is given over to the critical association between child protection practitioners from the Department of Health and Human Services (DHHS) and SOCIT investigators. The day includes examination and discussion of DHHS and SOCIT roles and the Code of Practice between the two organisations.
Participants discuss and analyse case examples. There is a particular emphasis on the investigation of offending against young people in out-of-home care.

Throughout the course there are a range of presentations from other areas of Victoria Police in related fields. Investigators specialising in online offending, sexual harassment and stalking deliver these presentations. There are also presentations from those specialising in investigative processes, such as surveillance techniques and ‘pretext’ conversations. ‘Pretext’ conversations refers to a process whereby complainants may contact suspects and hold a conversation about what is alleged to have taken place between them. This conversation is recorded, and may be used as evidence in any subsequent trial.

6.3.5 Phase Five: Suspect Interviewing and Interview planning skills

In Phase Five, investigators are taught about suspect interviewing. Sessions in this theme concern both the theory and practice of suspect interviewing. The SOCIT/VARE course also introduces participants to the Whole Story interview planning methodology and offers participants multiple opportunities to practice using the method. This phase begins with discussion on both the theory and practice of suspect interview planning. Participants then examine a range of de-identified victim narratives and practice developing suspect interview plans from those narratives. The focus then moves to suspect interview theory and the core components of rapport building and question style and content. All suspect interviews conclude with assessor feedback sessions. Critical feedback is given in both written and verbal form. Key theoretical and linguistic elements are subjects of final examination.

6.3.6 Phase Six: Investigation, VARE, suspect interview planning and suspect interviewing – Rolling practical exercises.
In Phase Six, participants practice the core investigative and interviewing process, in sequence, through mock complainant and suspect role plays. Participants conduct a mock suspect interviewing process, beginning with a mock VARE, conducted over a 30-minute period with a trained role player. Participants then complete a suspect interview plan, based on the same scenario, before conducting a 30-minute mock suspect interview with a trained role player. Feedback on both processes is given in verbal form immediately after the role-play, as well as in written form. There is also general feedback and class discussion on completion of the module.

6.3.7 Final examination and interviewing feedback

Participants are required to complete a written examination, covering all phases of the course learning. The pass rate is 75%. Course participants who do not achieve this rating are not able to conduct interviews with children, and are required to repeat some or all of the course modules.

6.4 Related courses now utilising Whole Story methodology

Four courses include Whole Story methodology; these include the Pre-Brief Qualification Course, the Brief Quality Assurance Course, the Police Prosecutor Level 2 course, and the Police Prosecutor Level 3 course. The Pre-Brief Qualification Course is a shortened version of the SOCIT/VARE course, incorporating all the specialist sexual assault and child abuse investigator elements. However, it does not include the practical interviewing components. This course takes two weeks to complete, and qualifies investigators to participate in the Brief Quality Assurance Course.

Completing the Brief Quality Assurance Course qualifies participants to authorise sexual offence briefs of evidence for prosecution. It was developed to
encourage greater consistency of brief authorisation in sexual assault and sexual child abuse matters. The course, run by Police Prosecutions, incorporates a number of Whole story sessions and takes three days to complete.

The two-week Police Prosecutor Level 2 course contains one day of the Whole Story technique and understanding sexual offending. It is intended to assist prosecutors who may wish to go on to the specialist Level 3 course. The Police Prosecutor Level 3 course qualifies police prosecutors to run sexual offence trials, as well as trials on other specialised subject matter. Three days of the two-week duration is taken up with Whole Story and critical prosecutorial issues in sexual offence matters, such as relevance, probative vs. prejudicial argument and tendency and coincidence evidence. The course includes several practical components, including a moot court on a typical sexual offence matter.

6.5 Chapter summary

Whilst many police forces have attempted training to improve the responses to victims, and the investigation of sexual crime, there are relatively few studies demonstrating that training’s effectiveness. What studies there have been have shown few, if any, positive outcomes. This chapter has outlined the need for a change to training processes and a focus on specialisation. It has described the pre-SOCIT training and the content of the new course, as well as Whole Story changes to related courses for brief authorisers and prosecutors.

6.6 The Current Thesis

After developing the Whole Story technique, there was a need to evaluate its effectiveness in changing participants’ knowledge, attitudes and skills—the three tenets of the technique. Therefore, the overall aim of the current thesis was to examine the effect of Whole Story training, as taught in the Victoria Police
SOCIT/VARE course, on the knowledge, attitudes and skills of investigators. Four studies were conducted, each of which examined different aspects of the impact of the training. In all studies (apart from Study 3A), participants were tested on Day 1 of the SOCIT/VARE course (i.e., before Whole Story training) and on the last day of the course (i.e., after Whole Story training). To determine the persistence of any training effects, participants were also tested 9-12 months after the conclusion of training; that is, after they had spent 9-12 months back in the field.

Study 1 examined participants’ perceptions about specialist training for sexual offence investigations. The creation of a new specialism in sexual crime investigation was a major focus of the VLRC (2004) report. The creation of SOCITs and the reform of investigation and interviewing training, represent both a major transition and a major investment by Victoria Police. It was therefore essential to investigate participants’ views on the developing specialism, as well as the effects of the training itself.

They were asked about their perceptions of the elements that individuals considering the role should be aware of, the key qualities needed in specialist sexual assault investigators, and their perceptions of the current specialist training course. Results were analysed thematically to determine whether participants’ knowledge and attitudes about the specialist nature of the role of a sexual offence investigator changed after training and at follow-up.

Study 2 examined participants’ knowledge of Whole Story through their ability to plan a suspect interview. It is at this phase of an investigation where investigators are required to utilise the relevant evidence, garnered from victim interviews or statements, in order to construct a plan for putting those relevant elements to the suspect. Therefore, it is the first point at which investigators’ understanding of
Whole Story, with its focus on relationship elements, grooming and points of confirmation, might be visible in their investigative practice. Participants were provided with de-identified complainant narratives and had 40 minutes to create a suspect interview plan. Plans were coded for Whole Story elements and the changes in participants’ plans were examined after training and at follow-up.

Studies 3A and 3B examined participants’ knowledge and skills through their ability to adhere to a narrative-interviewing framework. As Whole Story is not an interview protocol, its effectiveness is dependent—at least in part—on investigators’ ability to elicit Whole Story details through effective interviewing. In this study, both the type of questions that investigators used (i.e., open-ended or closed) along with the content of those questions (i.e., whether they included Whole Story details) was examined. Participants conducted interviews with role-players who played the part of suspects. Interviews were transcribed and coded for question type and content. Changes due to Whole Story training were examined.

Mock suspect interviews were chosen for this study, rather than complainant or witness interviews, because of the connection to Study 2 and the suspect interview planning process. Concentrating on suspect interviews offered an opportunity to examine similarities and differences in investigators’ abilities to conduct these two differing skills.

Study 4 examined participants’ attitudes towards victims of sexual crime. It focused on participants’ attributions of responsibility for offending, as well as their confidence in the judicial system to authorise and prosecute cases. Participants were given scenarios containing sexual offences against adults and children. For each, they rated the level of responsibility that they would attribute to the victim; they also rated the likelihood of brief authorisation and a finding of guilt in court. Changes in
participants’ attitudes and beliefs were examined after Whole Story training and at follow-up.

Taken together, the results from these four studies show the effectiveness of Whole Story training on participants’ knowledge, attitudes, and skills. Furthermore, they demonstrate the immediate impact of this training, as well as the persistence of training effects over time.
Chapter 7: Investigator Qualities and Field Adherence to Training Principles

7.1 Aims and hypothesis

The aim of this study was to examine participants’ perceptions about specialist training for sexual offence investigations. More specifically, they were asked about the necessity of specialist training as well as their perceptions about the role and the personal qualities thought to be required. Participants’ perceptions of interviewing were examined; these questions focused on interviewing child and adult victims of sexual assault and suspects. They were also asked their perceptions of the most important evidence to elicit during interviews with victims and the most important aspects for victims to focus on during their statements or VAREs. It was predicted that training participants in the Whole Story should change their perceptions to be more consistent with the information that they learned during this training.

Several researchers have been enquired into the skills and abilities required of the modern police investigator, as well as the abilities of police forces to recruit, train and develop such qualities in their investigators (e.g., O’Neill & Milne, 2014; Westera, Kebbel, Milne & Green, 2013). This study aimed to understand what similarities or differences there may between studies examining other crime types, and those investigators who work in the field of sexual crime and child sexual abuse.

It is particularly important to look at the attributes of investigators in this crime theme, as many commentators have noted the poor service and experience victims have received from investigators (Payne, 2009; Stern, 2011; VLRC, 2004). Others have suggested that the ‘success’ of police responses should be graded by criteria related to victims’ experience of police as much as conviction rates (Lonsway, 2012).
Determining which qualities and attributes might be most suitable for investigators in this crime theme would help determine what may improve the experience of victims.

7.2 Method

7.2.1 Participants

Forty-one participants (15 women, 26 men) completed the questionnaires at three time points (before training, after training, and follow-up). Their mean age was 37.2 years (SD = 6.2 years). Participants were ranked between Detective Senior Constable and Detective Senior sergeant. Seventy-nine participants completed the questionnaires pre and post training. Thirty-eight participants did not complete the final questionnaire for a variety of reasons, including re-assignment, leave, high workload, or a disinclination to take part in further research. Prior to attending the SOCIT/VARE course, 28 participants had no previous experience of working in sexual crime investigation. Ten participants had been at SOCITs for between one week and 6 months, on temporary duties, before attending the course. Only three participants had previous experience of sexual crime investigation.

7.2.2 Materials and Procedure

Participants completed questionnaires on Day 1 (before training) and Day 20 (after training) of the SOCIT/VARE course. They completed a further questionnaire at 9–12 months post training (follow-up). The themes for questions were determined by the need to address and evaluate whether the investment in a ‘specialist’ response was supported and valued, and considered effective, by those within it. This was particularly important around questions concerning training and adherence to the principles espoused in the training programmes. It was further considered important that, because the feedback from the VLRC (2004) report suggested that the culture of policing be addressed, questions be included around the attitudes, beliefs and abilities
of investigators. Several commentators (e.g., Lonsway, 2012) have also suggested that policing should consider broader definitions of success in its investigation of sexual crime, particularly the experience of victims. The questions on investigator qualities were devised to determine, from investigators’ perspective, which qualities may be most needed when investigating this crime theme.

In the first questionnaire only, participants provided demographic information, including their age, gender, rank, years of policing experience and previous policing duties. They indicated the number of statements that they had taken from victims of sexual crimes (< 10, 10-30, 31-60, or 60+), the number of suspect interviews that they had led (0-10, 11-20, 21-30, or 30+), and the number of sexual offence suspect interviews that they had led (0-10, 11-20, 21-30, or 30+). Participants then listed the five things that most influenced their decision to seek or take on their current role. Finally, participants listed up to five of the most important things that they wished to gain from SOCIT/VARE training.

In all three questionnaires, participants’ perceptions about five different topics were assessed. First, participants’ perceptions of the factors that should be considered before taking on the role of a specialist sexual offence investigator were examined. They listed the five factors about the role that they would tell a colleague who was considering working in SOCIT or sex crimes.

Second, participants’ perceptions about specialist training were investigated through their ratings of two statements on Likert scales from 0 (strongly disagree) to 10 (strongly agree). These statements were comprised of the following: (1) In my opinion, a 4 week specialist course is necessary to become a sexual assault and child abuse investigator, (2) I have enough of an understanding of sexual offending to effectively investigate sexual crime cases. There were also two lists offered of course
components, with participants asked to consider which elements were the most important, and which were the least important.

Third, participants’ perceptions of the qualities needed in a specialist investigator were elicited by asking them to provide up to five key qualities that they thought were needed in a specialist sexual assault investigator. Fourth, participants’ perceptions of interviewing were examined; they also rated eight statements on Likert scales from 0 (strongly disagree) to 10 (strongly agree). These statements were comprised of the following: (1) Interviewing sexual assault victims requires specialist knowledge, (2) Interviewing children is a highly complex task, (3) Sexual assault suspects rarely make admissions, (4) Interviewing sexual assault suspects in no different from interviewing other types of suspects, (5) Interviewing children comes naturally to me, (6) He said, she said cases hardly ever have enough evidence to go to court, (7) The main purpose of interviewing sexual assault suspects is to gain admissions, and (8) Evidence about the victim and suspect relationship is important in compiling a sexual assault brief.

Fifth, participants’ perceptions of the most important details to elicit from victims was examined through asking them to list the most important details to elicit from a victim of sexual assault or child abuse. Participants were able to list as many details as they wished to. They also indicated the three most important aspects for the victim to focus on during a statement or VARE; they were able to choose from the following options: their relationship with the suspect, whether penetration occurred, what the victim was wearing, when the offence occurred, the victim’s level of resistance during the offence, where the offence occurred, what the victim said or did before the offence, what the victim said or did during the offence, what the victim said or did after the offence, what the suspect said or did before the offence, what the
suspect said or did during the offence, and what the suspect said or did after the offence.

7.2.3 Coding

Participants’ qualitative answers were coded using Thematic Analysis. Thematic analysis involves searching across a data set to find repeated patterns of meaning (Braun & Clarke, 2006). In this study, an inductive approach was taken so that the themes were strongly linked to the data themselves, rather than to theory (Patton, 2002). Based on participants’ answers for each question, categories were developed. Two coders determined, from participants’ responses, what categories were present and how they would be classified, and then coded each response jointly. Any disagreements were resolved through discussion. No inter-rater reliability was calculated as the two raters completed the rating task together.

Participants’ responses to the question, “List the five things that most influenced your decision to seek/take on your current role” were coded as having social or communication skills, having investigative skills, working with victims, part of a career path, finding the role interesting or challenging, being passionate about crime, seeking justice, having suitable personal attributes, wanting a specialist role, or the impact of the work on investigators’ health and wellbeing. Participants’ responses to the question “What five things, about the role, would you tell a colleague who was considering working in SOCIT/sex crimes?” were coded similarly.

Participants’ descriptions of the key qualities needed in a specialist sexual assault investigator were coded as empathy, patience, open mind, drive, communication, investigative skills, resilience, honesty, teamwork, and other. Participants’ responses to the question about the most important details to elicit from
a victim of sexual abuse included the five W’s (who, what, where, why, when and how), details about offence/particularisation, corroboration, background/history (e.g., age, offender details), relationship, grooming, unique signifiers, Whole Story, points of confirmation, victim welfare/process, and other.

7.3 Results

7.3.1 Demographics

Participants’ previous duties mainly involved non-sex crimes (67.4% of participants); 20.9% were currently in SOCIT and a further 9.3% had been involved in sex crimes previously. Most participants had taken more than 60 statements (37.2%), 9.3% had taken between 31-60 statements, 25.6% had taken between 10-30 statements, and 27.9% had taken fewer than 10 statements. Participants had taken part in more than 60 interviews (76.7%), followed by 31-60 interviews (11.6%), followed by <10 interviews (9.3%) and 10-30 interviews (2.3%). Finally, most participants had conducted fewer than 10 sexual offence suspect interviews (46.5%), followed by 10-30 interviews (27.9%), then 31-60 interviews (16.3%) and more than 60 interviews (9.3%).

Participants listed many things that most influenced their decisions to seek or take on their current roles. Ranging from the most frequently given reason to the least frequent, these included: the role was interesting or challenging (24.4%), it was part of their career/job (23.9%), they were able to use investigative skills (15.6%), they liked working with victims (8.8%), they found the role rewarding (8.3%), they sought justice (6.8%), they had specialist knowledge (2.9%), or they had the social or communication skills (2.0%). A few participants gave other reasons (7.3%).

7.3.2 Factors that should be considered about the role
Overall, participants mentioned 190 factors about the role that they would tell a colleague considering the role before training, 203 factors after training, and 192 factors at follow-up. The five most frequently listed factors at each time are displayed in Table 7.1 along with the percentage of participants that listed each one. The results suggest that having an interest in the area of sexual assault was an important quality as well as being passionate about crime. After training and at follow-up, participants thought it was important to tell colleagues about the specialist nature of working in the area of sexual assault and that they would need to be aware of the (potentially negative) impact of the work.

Table 7.1. Five most frequently listed factors that investigators would tell colleagues about SOCIT work

<table>
<thead>
<tr>
<th>Position</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Interesting/challenging</td>
<td>Interesting/challenging</td>
<td>Specialist</td>
</tr>
<tr>
<td></td>
<td>(25.8%)</td>
<td>(20.7%)</td>
<td>(16.7%)</td>
</tr>
<tr>
<td>2</td>
<td>Working with victims</td>
<td>Specialist</td>
<td>Impact of work</td>
</tr>
<tr>
<td></td>
<td>(13.2%)</td>
<td>(19.2%)</td>
<td>(14.6%)</td>
</tr>
<tr>
<td>3</td>
<td>Crime / passion</td>
<td>Crime / passion</td>
<td>Personal attributes</td>
</tr>
<tr>
<td></td>
<td>(12.6%)</td>
<td>(11.3%)</td>
<td>(13.0%)</td>
</tr>
<tr>
<td>4</td>
<td>Impact of work</td>
<td>Personal attributes</td>
<td>Interesting / challenging</td>
</tr>
<tr>
<td></td>
<td>(12.6%)</td>
<td>(9.9%)</td>
<td>(12.5%)</td>
</tr>
<tr>
<td>5</td>
<td>Career / job</td>
<td>Investigative skills</td>
<td>Crime / passion</td>
</tr>
<tr>
<td></td>
<td>(7.9%)</td>
<td>(8.4%)</td>
<td>(12.0%)</td>
</tr>
</tbody>
</table>

Note. The percentage of participants listing each quality is shown in parentheses.

7.3.3 Perceptions of specialist training

Table 7.2 shows participants’ mean agreement ratings for the two statements about specialist training. Before training, participants quite strongly agreed that
specialist training was necessary; they neither agreed nor disagreed about whether they had enough of an understanding to effectively investigate cases.

To examine the effects of Whole Story training on participants’ ratings, one-way (training: before, after, follow-up) repeated measures ANOVAs were conducted. Training affected their agreement ratings about a specialist course being necessary, $F(1, 48) = 32.01, p < .001, \eta^2_p = .445$. Bonferroni-corrected posthoc tests revealed that participants less strongly agreed about specialism after training, $p < .001$. However, their agreement ratings increased from after training to follow-up, $p < .001$. Overall, participants more strongly agreed about the importance of specialist training at follow-up than they had before training, $p = .028$.

Table 7.2. Mean agreement ratings before training, after training, and at follow-up

<table>
<thead>
<tr>
<th>Agreement ratings</th>
<th>N</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>In my opinion, a 4-week specialist course is necessary to become a sexual assault investigat</td>
<td>41</td>
<td>8.34 (1.67)</td>
<td>4.59 (4.28)</td>
<td>9.02 (0.96)</td>
</tr>
<tr>
<td>I have enough of an understanding of sexual offending to effectively investigate sexual crime cases</td>
<td>40</td>
<td>4.65 (2.39)</td>
<td>7.30 (4.10)</td>
<td>8.37 (1.30)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations are in parentheses. N = number of participants who rated each statement.

Participants’ ratings about understanding sexual offending were around the midpoint of the scale before training. Training also affected participants’ agreement ratings about having enough of an understanding, $F(1, 53) = 17.38, p < .001, \eta^2_p = .314$. Bonferroni-corrected posthoc tests revealed that participants agreed more strongly after training, $p = .005$. These ratings did not decrease at follow-up, $p = .401$. 
Overall, participants more strongly agreed at follow-up than they had before training, \( p < .001 \).

Participants indicated the three most and three least important topics that the specialist course should focus on. Table 7.3 shows the three most frequently indicated most and least important topics before training, after training, and at follow-up.

*Table 7.3. Top three most and least important topics to be covered in specialist training courses*

<table>
<thead>
<tr>
<th>Position</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Most important</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Understanding victim behaviour (20.2%)</td>
<td>Gaining suspect admissions (18.2%)</td>
<td>Understanding victim behaviour (20.3%)</td>
</tr>
<tr>
<td>2</td>
<td>Understanding offenders (16.1%)</td>
<td>Interviewing skills / Detecting victim lies / Knowledge about CASA (12.7%)</td>
<td>Interviewing skills (15.3%)</td>
</tr>
<tr>
<td>3</td>
<td>Knowledge about sexual offending (13.7%)</td>
<td>Interviewing suspects (10.9%)</td>
<td>Knowledge about sexual offending / Understanding offenders (11.0%)</td>
</tr>
</tbody>
</table>

| Least important |
|-----------------|-----------------|-----------------|-----------|
| 1                | Knowledge about CASA (13.5%) | Detecting suspect lies / Gaining suspect admissions (19.6%) | Detecting suspect lies (19.6%) |
| 2                | Detecting suspect lies / Detecting victim lies (11.5%) | Knowledge about CASA (18.8%) | Gaining suspect admissions (15.7%) |
| 3                | Gaining suspect admissions (10.4%) | Detecting victim lies (13.9%) | Detecting victim lies (14.7%) |

*Note.* The percentage of participants listing each quality is shown in parentheses. 
*Two qualities were listed with equal frequency; Three qualities were listed with equal frequency. CASA = Centres Against Sexual Assault.*
Participants indicated that understanding victim behaviour was the most important topic for courses to focus on before training and at follow-up. After training, they also added interviewing skills as an important topic. Participants indicated that detecting victim and suspect lies were two of the least important topics to cover in courses both before and after training.

7.3.4 Qualities needed in a specialist sexual assault investigator

Participants listed up to five qualities that they thought were needed in a specialist sexual assault investigator. They gave a total of 195 qualities before training, 201 after training, and 182 at follow-up. The top five most frequently listed details at each time are displayed in Table 7.4 along with the percentage of participants that listed each detail. The results suggest that the top five qualities were consistent over time; their positions within the top five merely changed slightly each time except for empathy, which remained the most frequently listed key quality.

Table 7.4. Five most frequently listed qualities needed in specialist sexual assault investigators

<table>
<thead>
<tr>
<th>Position</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Empathy</td>
<td>Empathy</td>
<td>Empathy</td>
</tr>
<tr>
<td></td>
<td>(26.2%)</td>
<td>(22.9%)</td>
<td>(20.3%)</td>
</tr>
<tr>
<td>2</td>
<td>Investigative skills</td>
<td>Communication skills</td>
<td>Communication skills</td>
</tr>
<tr>
<td></td>
<td>(20.0%)</td>
<td>(13.9%)</td>
<td>(18.7%)</td>
</tr>
<tr>
<td>3</td>
<td>Communication skills</td>
<td>Patience / Drive</td>
<td>Open mind</td>
</tr>
<tr>
<td></td>
<td>(14.9%)</td>
<td>(13.4%)</td>
<td>(13.7%)</td>
</tr>
<tr>
<td>4</td>
<td>Patience</td>
<td>Open mind</td>
<td>Drive</td>
</tr>
<tr>
<td></td>
<td>(11.8%)</td>
<td>(12.9%)</td>
<td>(13.2%)</td>
</tr>
<tr>
<td>5</td>
<td>Open mind / Drive</td>
<td>Investigative skills</td>
<td>Investigative skills / Patience</td>
</tr>
<tr>
<td></td>
<td>(8.7%)</td>
<td>(11.4%)</td>
<td>(12.6%)</td>
</tr>
</tbody>
</table>

Note. The percentage of participants listing each quality is shown in parentheses. 
*Two qualities were listed with equal frequency.
7.3.5 Perceptions of interviewing

How much participants agreed with statements about interviewing were examined next, along with the impact of training on their agreement. Means, standard deviations, and the number of participants who rated each statement are shown in Table 7.5.

Table 7.5. Mean agreement ratings before training, after training, and at follow-up

<table>
<thead>
<tr>
<th>Statement</th>
<th>N</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interviewing sexual assault victims requires specialist knowledge</td>
<td>41</td>
<td>8.59 (1.66)</td>
<td>9.20 (0.93)</td>
<td>9.02 (0.96)</td>
</tr>
<tr>
<td>Interviewing children is a highly complex task</td>
<td>43</td>
<td>8.98 (1.32)</td>
<td>8.49 (1.58)</td>
<td>8.16 (2.16)</td>
</tr>
<tr>
<td>Sexual assault suspects rarely make admissions</td>
<td>41</td>
<td>5.10 (2.35)</td>
<td>5.41 (2.03)</td>
<td>4.93 (2.25)</td>
</tr>
<tr>
<td>Interviewing sexual assault suspects is no different from interviewing other types of suspects</td>
<td>41</td>
<td>3.73 (2.53)</td>
<td>2.27 (2.04)</td>
<td>2.63 (1.96)</td>
</tr>
<tr>
<td>Interviewing children comes naturally to me</td>
<td>43</td>
<td>4.74 (1.50)</td>
<td>5.86 (1.68)</td>
<td>5.40 (2.18)</td>
</tr>
<tr>
<td>He said, she said cases hardly ever have enough evidence to go to Court</td>
<td>41</td>
<td>5.10 (1.92)</td>
<td>4.37 (2.06)</td>
<td>4.98 (2.17)</td>
</tr>
<tr>
<td>The main purpose of interviewing sexual assault suspects is to gain admissions</td>
<td>41</td>
<td>4.20 (2.21)</td>
<td>1.98 (1.60)</td>
<td>2.44 (1.60)</td>
</tr>
<tr>
<td>Evidence about the victim and suspect relationship is important in compiling a sexual assault brief</td>
<td>41</td>
<td>7.78 (1.98)</td>
<td>9.29 (0.87)</td>
<td>8.80 (1.10)</td>
</tr>
</tbody>
</table>

Note. Standard deviations are in parentheses. N = number of participants who rated each statement.
For each statement, a one-way (training: before, after, follow-up) repeated measures ANOVA was conducted. Participants strongly agreed that interviewing sexual assault victims requires specialist knowledge. Training affected their agreement ratings, \(F(2, 70)^1 = 3.67, p = .036, \eta_p^2 = .084\). Bonferroni-corrected posthoc tests showed that participants more strongly agreed after training (marginally significant, \(p = .063\)). No other comparisons were significant, \(ps > .273\).

Participants agreed that interviewing children is a highly complex task. Training affected their agreement ratings, \(F(2, 84) = 3.80, p = .026, \eta_p^2 = .083\). Bonferroni-corrected posthoc tests showed that participants agreed less strongly at follow-up (compared to before training), \(p = .035\). No other comparisons were significant, \(ps > .209\).

Participants were neutral in their agreement that sexual assault suspects rarely make admissions; training did not affect their agreement ratings, \(F(2, 80) = 0.70, p = .499\).

Participants disagreed that interviewing sexual assault victims was no different from interviewing other types of suspects. Training affected their agreement ratings, \(F(2, 80) = 5.44, p = .006, \eta_p^2 = .120\). Bonferroni-corrected posthoc tests showed that participants more strongly disagreed after training, \(p = .011\). No other comparisons were significant, \(ps > .106\). Participants’ ratings about interviewing children coming naturally were around the mid-point of the scale. Training affected their agreement ratings, \(F(2, 84) = 7.27, p = .001, \eta_p^2 = .147\). Bonferroni-corrected posthoc tests showed that participants more strongly disagreed after training, \(p = .001\). No other comparisons were significant, \(ps > .153\).

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1 In cases in which the repeated measures ANOVA showed that Mauchly’s test of sphericity was significant, the appropriate correction was applied. When epsilon was greater than or equal to 0.75, a Huynh-Feldt correction was applied; when it was less than 0.75, a Greenhouse-Geisser correction was applied (Girden, 1992).
Participants’ ratings for the statement “He said, she said cases hardly ever have enough evidence to go to Court” were also around the mid-point of the scale. Training did not affect these ratings, $F(2, 80) = 1.93, p = .152$. Participants disagreed that the main purpose of interviewing sexual assault suspects was to gain admissions. Training affected their agreement ratings, $F(2, 70) = 20.99, p < .001, \eta_p^2 = .344$. Bonferroni-corrected posthoc tests showed that participants more strongly disagreed after training, $p < .001$. At follow-up, they still more strongly disagreed with this statement than they had before training, $p < .001$.

Finally, participants agreed that evidence about the victim and suspect relationship is important in compiling a sexual assault brief. Training affected their agreement ratings, $F(2, 61) = 14.82, p < .001, \eta_p^2 = .270$. Bonferroni-corrected posthoc tests showed that participants more strongly agreed after training, $p < .001$. However, their agreement ratings decreased significantly at follow-up, $p = .032$. Overall, their agreement ratings at follow-up were still higher than they had been before training, $p = .010$.

### 7.3.6 Most important details to elicit from victims

Participants listed up to five details that they considered the most important to elicit from victims of sexual assault or child abuse. They gave a total of 144 details before training, 126 after training, and 133 at follow-up. The top five most frequently listed details at each time are displayed in Table 7.6 along with the percentage of participants that listed each detail.

The results suggest that immediately after training, participants considered it most important to elicit Whole Story details, including information about the relationship and grooming. However, at follow-up, they considered it more important to elicit specific details about the offence, which was similar to their
response before training. However, participants still considered it important to elicit Whole Story details at follow-up.

Table 7.6. Top five details to elicit from victims before and after training

<table>
<thead>
<tr>
<th>Position</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5Ws and H (31.3%)</td>
<td>Whole Story (23.0%)</td>
<td>Offence details (27.1%)</td>
</tr>
<tr>
<td>2</td>
<td>Offence details (22.9%)</td>
<td>Grooming (17.5%)</td>
<td>Whole Story (17.3%)</td>
</tr>
<tr>
<td>3</td>
<td>Victim welfare (19.4%)</td>
<td>Offence details (16.7%)</td>
<td>5Ws and H (12.0%)</td>
</tr>
<tr>
<td>4</td>
<td>Corroboration (8.3%)</td>
<td>Relationship details (15.1%)</td>
<td>Relationship details (9.0%)</td>
</tr>
<tr>
<td>5</td>
<td>Background / history (7.6%)</td>
<td>Unique signifiers (7.9%)</td>
<td>Grooming (9.0%)</td>
</tr>
</tbody>
</table>

Note. The percentage of participants listing each quality is shown in parentheses. 5Ws and H = who, what, when, where, why and how.

Participants indicated the three most important topics that victims should focus on in their statement or VARE. Table 7.7 shows the five most frequently indicated topics before and after training, and at follow-up.

Table 7.7. Top five most important topics for victims to focus on during the statement or VARE

<table>
<thead>
<tr>
<th>Position</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Relationship (18.0%)</td>
<td>Relationship (31.0%)</td>
<td>Relationship (26.4%)</td>
</tr>
<tr>
<td>2</td>
<td>When / Suspect during (16.4%)</td>
<td>Suspect before (18.3%)</td>
<td>Suspect before (21.5%)</td>
</tr>
<tr>
<td>3</td>
<td>Penetration (11.7%)</td>
<td>Suspect during (12.7%)</td>
<td>Suspect during (16.5%)</td>
</tr>
<tr>
<td>4</td>
<td>Suspect before (10.9%)</td>
<td>Penetration / Victim before (7.1%)a</td>
<td>When (9.1%)</td>
</tr>
<tr>
<td>5</td>
<td>Location (8.6%)</td>
<td>When (6.3%)</td>
<td>Suspect after (6.6%)</td>
</tr>
</tbody>
</table>
Note. The percentage of participants listing each quality is shown in parentheses. Two qualities were listed with equal frequency. Relationship = the victim’s relationship with the suspect; When = when the offence occurred; Suspect during = What the suspect said/did during the offence; Penetration = whether penetration occurred; Suspect before = What the suspect said/did before the offence; Location = Where the offence occurred; Victim before = What the victim said/did before the offence; Suspect after = What the suspect said/did after the offence.

7.4 Discussion

Participants’ perceptions of specialist training for sexual offence investigators, the factors that should be considered when taking on the role, and the evidence that should be elicited from victims revealed some interesting findings, both before and after training in the Whole Story technique. When asked what they would tell colleagues considering a SOCIT role, the specialist nature was most frequently listed after training and at follow-up. This finding suggests that participants perceived the specialism to be a very important feature and that working in this crime theme requires knowledge, attitudes, skills and methodology that separate it from other investigative processes and crime themes. Given Victoria Police’s investment in 400 specialist investigator positions state-wide, and the creation of specialist position descriptions for those investigators, this is an important finding.

At follow-up, participants listed the impact of work as the second most important factor to consider. Having been ranked at fourth before training—which might have reflected participants’ relative inexperience in the crime theme—it was much higher at follow-up. This finding is consistent with past research showing that working in the area of sexual offences can have a significant impact on investigators (Burns, Morley, Bradshaw & Domene, 2008; Follette, Polusny & Millbeck, 1994; Morrison, Quadara & Boyd, 2007; Perez, Jones, Englert & Rich, 2010; Powell, Cassematis, Benson, Smallbone, & Wortley, 2013; Wright, Powell & Ridge, 2006).
For example, Wright et al. (2006) found that heavy caseloads and collaboration with other professional groups, factors frequently associated with child abuse investigation, produced significant stressors. It is important to note however, that this negative impact of the work may be mitigated through a range of supervisory and management practices, such as regular supervision with an experienced trauma-therapy supervisor and regular professional development and training (Bradford, 2008). Furthermore, not all investigators in this field necessarily experience negative effects from working with this subject matter (Powell & Tomyn, 2011).

Another finding of interest is that participants listed personal attributes as third most important at follow-up, above the interesting and challenging nature of the work, which was listed as the most important aspect before training. This finding suggests that participants perceived that individuals with particular personal attributes were better suited to work in the area of sexual offences. Indeed, participants’ perceptions of the qualities needed in specialist sexual assault investigators revealed that the same attributes were listed at each time point (empathy, communication skills, open-mindedness, drive, investigative skills, and patience). However, the order of importance of these attributes changed over time, apart from empathy, which was consistently listed as the most important attribute. Communication skills rose from third most important before training, to second most important both after training and at follow-up. Participants’ high ratings of these two attributes—empathy and communication—suggest that they understood the importance of the crime theme’s victim management focus. Indeed, their ratings of investigate skills—although still rated in the top five—moved from second most important before training to fifth most important after training and at follow-up. This change in ratings does not diminish the need for strong investigative skills, which are
critically important in this complex crime theme, but rather emphasises the importance of a broader skill set, including empathy and communication.

The final attribute to note is open-mindedness, which moved to third most important at follow-up. This increase in importance most likely reflects investigators’ understanding of the complexity of the crime theme, with its so-called counter-intuitive elements, particularly in victim behaviour and presentation. Given the importance of victim credibility issues, both to investigators and prosecutors, this is an encouraging sign that may, subsequently, begin to influence both attrition and prosecution rates. Taken together, these results indicate that participants perceived that specialist sexual offence investigators should have certain personality attributes. Future research should examine whether these personality attributes are actually rated to investigators’ performance. For example, victims should be asked about their experience during the investigation.

Participants’ perceptions about specialist training changed after their training. Before training, they agreed that a 4-week course was necessary; however, they neither agreed nor disagreed after training. The standard deviation after training suggested that participants had varied responses to this question – some agreed that a four-week course was necessary while others disagreed. At follow-up, however, participants strongly agreed that specialist training was necessary, which suggests that their experiences in the field helped them to re-evaluate the importance of what they had learned during the course. This explanation is supported by their ratings of the statement about whether they had enough of an understanding of sexual offending to effectively investigative these crimes. Before training, they neither agreed nor disagreed with this statement. After training, they agreed with this statement, which reflects their perceived usefulness of the training. At follow-up,
participants even more strongly agreed with this statement, which suggests that they were able to successfully use the information that they had learned during the course in the field to effectively investigate sexual offences.

Participants’ perceptions of interviewing and the most important evidence to elicit from victims changed after training. After training, participants more strongly agreed that interviewing sexual assault victims requires specialist knowledge that interviewing children comes naturally, and that evidence about the relationship between the suspect and the victim is important in compiling a brief. After training, they less strongly agreed that interviewing children is a highly complex task. They more strongly disagreed that interviewing sexual assault suspects is no different from interviewing other types of suspects and that the main purpose of interviewing suspects is to gain admissions. Some of these changes were still present at follow-up; in particular, participants’ agreement that evidence about the relationship between the suspect and the victim is important in compiling a brief, and their disagreement that interviewing sexual assault suspects is no different from interviewing other types of suspects. These results are consistent with the changes that were expected as a result of Whole Story training.

Participant’s ratings were consistent with their perception that specialism was important in sexual assault investigators. Furthermore, after specialist training, participants perceived that it was important to include relationship evidence when compiling a brief. With regards to interviewing children, participants’ ratings suggest that specialist knowledge is important. The training that they received reduced their perceptions of the complexity of this task, which indicates that they were more confident about interviewing children. It is possible that ratings about the
“naturalness” of child interviewing decreased as participants saw it as more of a learned skill after their training.

Interestingly, participants’ ratings of two statements did not change after training: sexual assault suspects rarely make admissions and He said, she said cases hardly ever have enough evidence to go to Court. Although participants more strongly disagreed that the main purpose of interviewing suspects is to gain admissions after training, they neither agreed nor disagreed that sexual assault suspects rarely make admissions. It is possible that, as suspect interviews are a relatively small aspect of the investigative process, participants had not conducted a sufficient number of suspect interviews, within the 9-12 month timeframe, to affect their attitudes and beliefs. Participants’ ratings also did not change for the statement about “he said, she said” cases, which suggests that they lacked confidence that their training would have any influence on the progression of cases through the criminal justice system.

Training affected participants’ perceptions of the most important evidence that should be elicited from victims during the statement or VARE. Before training, participants listed the 5Ws and establishing offence details as the two most important types of evidence. After training, these changed to Whole Story and grooming details. At follow-up, participants’ two most important types of evidence were offence details and Whole Story. The ranking of offence detail as the most important at follow-up is not incompatible with Whole Story training, particularly as participants—in a field setting—should be more likely to focus more on the particularisation required to denote a charge, and on the authorisation of briefs, than they might in a training environment. One other type of evidence to note is corroboration, which was listed as important before training, but not after training or
at follow-up. This suggests that participants’ focus on corroboration, which may have occurred as a result of previous training, was no longer as important after Whole Story training.

Participants’ perceptions of the most important topics for victims to focus on during the statement or VARE also showed some changes after training. However, participants listed relationship evidence most frequently at all three time points. It appears slightly unusual that they listed this evidence as important before commencing Whole Story training given that no participants had been trained in this area previously. However, this finding may reflect the beliefs of SOCIT members, which were passed on prior to training, as most participants spent some weeks in SOCITs prior to attending training.

Participants’ increased focus on suspects’ behaviour before offending is also of note, as the Whole Story training focused heavily on participants’ understanding of both sexual and non-sexual grooming (grooming 1 and 2). It rose to second in importance both after training and remained there at follow-up. In fact, at follow-up, investigative focus on suspect behaviour before, during and after offending represents 44.6% of participants’ answers. When coupled with the figures for relationship evidence, the figure rises to 71%. This represents a significant change to a much more suspect behaviour-focused line of enquiry. It is also of note, at this point, that focuses on offence location and acts of penetration drop from the most important types of detail. In the change from previous practice, only when acts occurred remains important as an element of particularisation. Taken together, these changes represent the effects of training on participants’ attitudes towards victims and suspects.
Adding to previous research examining the effectiveness of investigators (e.g., O’Neill & Milne, 2014; Westera et al., 2013), this study explored the investigators’ perceptions of the attributes, attitudes and qualities that may mark out productive and effective investigators of sexual crime. Further studies should explore the similarities and differences required of investigators across various crime themes. In the field of sexual assault and child sexual abuse this should be linked to a broader understanding of ‘success’ in these kinds of investigations, in particular the relationship between investigator and complainant (Lonsway, 2012). This study, as with previous research, has potential implications for the recruitment, training and development of police investigators.

7.4.1 Limitations

There are some limitations to the current study. First, as participants were working fulltime in many locations across Victoria, it was difficult to complete the follow-up for every participant at the same time. Therefore, the follow-ups were conducted within 9-12 months after course completion. It is possible that the length of time that participants were back in the field after training affected their responses on some of the variables. Future research might determine whether this is found; if so, it would be consistent with research showing that training effects diminish over time and participants often return to baseline levels (Sleath & Bull, 2012). The second main limitation is that participants’ reasons for prioritising certain themes and elements could not be explored in-depth in the current study. Future research might use focus groups to determine exactly why participants responded in the way that they did. Finally, although this was an exploratory study, the study was limited as the researcher who evaluated participants’ views about a reform and training programme had an integral role in designing that programme. It is important that larger and more
independent studies are conducted in the future. These should, preferably, take place across different police forces, better to determine what skills and qualities are most required by investigators, and most effective in this important area of work. It is also important to note that participants’ rating of the impact of the work suggests further study of sexual crime and child abuse investigators should include the potential harm done by working in this filed, as well as measures to prevent such harm and maintain investigators’ wellbeing.

7.4.2 Conclusion

The results of the current study have implications for police forces investigating sexual crime. First, they suggest that, consistent with the VLRC (2004) recommendations, participants perceive the specialism of investigating sexual offences as important. This “buy in” may encourage participants to complete the training and use it in the field as much as possible. Second, the results suggest that participants are aware of the factors inherent in the role of specialist sexual assault investigators and the personal attributes that may be useful in the role.

Importantly, participants emphasised the potential negative impact of the work and, indeed, research suggests that this work can lead to increased risks of secondary trauma and ‘burnout’ (Burns et al., 2008; Follette et al., 1994; Morrison et al., 2007; Perez et al., 2010; Powell et al., 2013; Wright et al., 2006). However, there is also evidence that investigators in this field have positive levels of life satisfaction (Powell & Tomyn, 2013). Whilst these may seem paradoxical, it is apparent in the wider wellbeing literature that the impact of the work does not necessarily come from the nature of the narratives or images themselves, but from more typical stressors such as heavy workloads, poor role definition and managerial/interpersonal issues (Bradford, 2008; Burke, 1994; Collins & Gibbs, 2003; Duxbury, Higgins &
Third, the findings of this study indicate that Whole Story training has a range of effects on participants’ perceptions of investigative and interviewing processes in this crime theme. In particular, they appeared more aware of the specialist nature of interviewing victims and suspects in sexual offence cases; they also changed their perceptions of the evidence that they thought was most important to elicit. Although this increased awareness is an important first step towards changing sexual offence investigators’ attitudes, knowledge, and beliefs, it is essential to see whether it translates further. Therefore, in Study 2, participants’ ability to create suspect interview plans focusing on relationship and grooming evidence was examined.
Chapter 8: Interview Planning - Using Relationship Detail to Plan for Suspect Interviews

Suspect interview planning has been studied for a variety of reasons. Some researchers have commented on the need for a more ethical approach to suspect interviewing (Fahsing, 2009; Gudjonsson, 2003, 2006). Others have commented that interviewers’ questioning strategies are integral to successful approaches (Griffiths & Milne, 2010; Griffiths, Milne & Cherryman, 2011). Yet others have focused on maximising suspect confessions (Gudjonsson, 2006; Kebbell et al., 2006; St-Yves & Deslauriers-Varin, 2006). More recent commentary has been more emphatic about the need for planning in all suspect interviews (Ord, Shaw & Green, 2015). However, to date, there are no published processes or templates for suspect interviewing specifically related to the interviewing of sexual offence suspects.

The SOCIT/VARE training is primarily concerned with participants’ ability to maximise the evidential value of the suspect interview (Shepherd, 2009), including elements before and after the alleged offences (Ord et al., 2015), utilising the Whole Story methodology. In order to do this, participants need to be able to understand offender behaviour, elicit Whole Story elements from complainant narratives, and use those elements to create effective question themes. Interview planning has not, traditionally, been a significant part of investigative interviewing training in Victoria Police. Prior to the methodology introduced by the writer, there was no template for interview planning available to investigators.

The SOCIT/Whole Story interview plan contains a number of elements pertinent to the overall investigator training that were not the immediate subject of these studies, notably the sections on pre-interview strategies and understanding the characteristics and personality of the suspect. Furthermore, other elements of suspect
interviewing practice are part of generic investigator training and are not included in
the SOCIT specific template.

8.1 Aims and Hypotheses

The aim of Study 2 was to determine whether participants could use the Whole
Story suspect interview planning template to develop a suspect interview plan that
incorporated relationship details, grooming details, and unique signifiers. In
particular, the study was designed to test investigators’ ability to (1) examine sexual
offence complainant narratives and determine the dynamics of the alleged offending
relationship, (2) use the Whole Story framework to elicit grooming behaviours,
unique relationship elements, key relationships themes and events, and other relevant
contextual elements, and (3) develop an interview plan that would enable
investigators to put all these themes and relationship details to the suspect.

It was hypothesised that, immediately after training in the Whole Story
technique, participants’ interview plans should contain more relationship details,
grooming details, and unique signifiers. It was also hypothesised that, 9-12 months
after training, participants’ interview plans should contain fewer of these details than
they had immediately post training, due to training fade. However, it was predicted
that these follow-up plans would contain more Whole Story details than they had
before training.

8.2 Method

8.2.1 Participants

Eighty participants took part in the study, thirty five of whom were prepared to
participate in the follow-up field study. They were recruited from four consecutive
SOCIT four-week foundation courses in 2013 and 2014. Participants were a mixture
of inexperienced and experienced investigators, who were mostly new to the crime
theme and who were all previously untrained in the crime theme. They had a variety of experience post training, depending on the number of cases they were allotted and the proportion of those cases in which a suspect was interviewed.

8.2.2 Materials and Procedure

Participants underwent training in the interview planning process; this included (1) theory sessions about the process and purpose of interview planning, (2) theory and practice sessions on rapport building and pre-interview strategies, (3) sessions analysing complainant narratives to elicit Whole Story details, and (4) completing interviewing planning templates with both generic suspect planning processes and Whole Story elements.

Participants were taken through the interview planning methodology in three distinct phases. In the first, they used a de-identified complainant narrative to elicit elements relevant to relationship evidence. This session was not time limited. In the second and third phases, suspect interview planning was demonstrated in potential real-time situations, using other de-identified narratives in shortened timeframes (40 minutes and 10 minutes). Participants were also given the opportunity to practice suspect interview planning in two mock suspect role-plays, totaling five different sessions on practicing this important skill, four of which included the prioritising of new Whole Story content. All sessions amounted to approximately one and a half full days of training.

Participants created their first interview plan on Day 1 of the SOCIT course (before training). They were given a blank pro forma and allocated 40 minutes to complete their plans. Participants created their second interview plan on Day 19 of the SOCIT course (after training); they used the SOCIT Whole Story interview plan template (see Appendix 5 for a copy of the template). Again, they were given 40
minutes to complete their plans. Participants were contacted approximately 9-12 months after the SOCIT course to create their third interview plans (follow-up). They used the SOCIT Whole Story interview plan template and had 40 minutes to complete their plan. To create each interview plan, participants were given one of five de-identified complainant narratives, each containing a number of Whole Story elements.

8.2.3 Data coding

For each of the five complainant narratives, three SOCIT course instructors developed interview plans. Each of the course instructors had a comprehensive understanding of the cases and complainant narratives, and were course role players for both complainant and suspect interview elements. Each also had a strong understanding of the Whole Story methodology and the requirements of eliciting Whole Story elements from complainant narratives. From the three plans developed by the course instructors, a master plan was developed that contained the details that had been included in at least two of the three plans. The master plan included Grooming 1 elements (power/control/authority), Grooming 2 elements (sexualised relationship), unique signifiers, and critical themes that should be explored in suspect interviews. These themes included all of the elements that illustrated the nature of the relationship that took place between suspect and complainant and the acts alleged to have occurred within that relationship.

Each participant’s interview plan was compared to the master plan. Each element that participants included that was also on the master plan was scored and grouped according to grooming elements, unique signifiers, and theme elements.
8.3 Results

The number of grooming elements, unique signifiers, and theme elements that participants included in their interview plans before training, after training, and at follow-up were summed. Figure 8.1 shows the total number of elements that participants included at each time point.

![Graph showing the number of grooming elements, unique signifiers, and theme elements in participants’ interview plans before training, after training, and at follow-up. Error bars are standard errors.](image)

Figure 8.1. Number of grooming elements, unique signifiers, and theme elements in participants’ interview plans before training, after training, and at follow-up. Error bars are standard errors.

To examine the effects of training on interview planning, a 3 (time: before training, after training, follow-up) x 3 (element: grooming, unique signifiers, theme) repeated measures ANOVA was conducted. There was a significant main effect

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2 Four participants’ before training interview plans were misplaced before they could be coded. Some participants did not complete all sections of the interview plans. As a result, the ANOVAs were conducted using 28 participants’ data for grooming and unique signifiers, and 26 participants’ data for theme elements.

3 Degrees of freedom were corrected as the assumption of sphericity was violated.
for time, $F(2, 36) = 39.18, p < .001, \eta^2_p = .620$, and a significant main effect for element, $F(2, 48) = 19.62, p < .001, \eta^2_p = .450$. The interaction was not significant, $F(4, 96) = 1.75, p = .146$.

To follow-up these main effects, separate repeated measures ANOVAs were conducted on each of the three elements. For grooming, there was a significant main effect of training, $F(2, 54) = 13.13, p < .001, \eta^2_p = .327$. Bonferroni-corrected follow-up posthoc tests revealed that participants included more grooming elements in their interview plans after training, $p < .001$. This number did not change significantly from after training to follow-up, $p = 1.00$. Overall, participants included more grooming elements at follow-up than they had before training, $p = .001$.

For unique signifiers, there was a significant main effect of training, $F(2, 54) = 80.23, p < .001, \eta^2_p = .748$. Bonferroni-corrected follow-up posthoc tests revealed that participants included more unique signifiers in their interview plans after training, $p < .001$. This number did not change significantly from after training to follow-up, $p = 1.00$. Overall, participants included more unique signifiers at follow-up than they had before training, $p < .001$.

For theme elements, there was a significant main effect of training, $F(2, 39) = 21.42, p < .001, \eta^2_p = .461$. Bonferroni-corrected follow-up posthoc tests revealed that participants included more theme elements in their interview plans after training, $p < .001$. This number did not change significantly from after training to follow-up, $p = 1.00$. Overall, participants included more theme elements at follow-up than they had before training, $p < .001$. 
8.4 Discussion

Although researchers have noted that interview planning can affect both the quality and the outcome of an interview (Soukara & Bull, 2002), there is a paucity of research literature on the subject. The writer has found no other interview planning methodology, such as the Whole Story interview planning template, specific to improving the interviewing of sexual offence suspects. Given the increased likelihood of convictions being obtained from suspect confessions (Kebbell et al., 2006), it is an area that should attract greater study.

Study 2 showed that Whole Story training had an immediate effect on participants’ inclusion of grooming, unique signifiers, and theme elements in their suspect interview plans. Furthermore, the effect of this training was still present at follow-up, which occurred 9-12 months after the training when participants were back in the field. These results suggest that Whole Story methodology represents a framework that investigators can use to understand complainant narratives of sexual offence relationships, and can use to extract elements that can be put to suspects in interview. This finding is at odds with the findings of Study 3, where interview training showed a “skill fade” (Clarke & Milne, 2001; Powell et al., 2005; Powell, Guadagno & Benson, 2016). It is possible that the structured nature of the interview-planning template, with its Whole Story prompts, has an effect of reducing skills fade. It is also possible that the constant practice of statement taking and interviewing complainants that investigators undertake, means that they are better at identifying what the elements of a productive Whole Story interview should be, rather than relatively rare occurrence of practicing the interview questioning skill-set itself. It is also possible that the interview planning process should be considered predominantly a knowledge-based exercise, rather than one of skill. Despite the core
skill practice, of turning evidentiary elements into a coherent interview plan, its main focus is on the elicitation of Whole Story, evidentiary details, from a complainant narrative. This focus revolves around knowledge of grooming and other Whole Story elements, rather than the practicing of a skill-set per se.

8.4.1 Limitations

There were two main limitations to the current study. First, the complainant narratives provided to participants were de-identified narratives of real cases. However, they had to be heavily abbreviated in order to fit in to the timeframes available. The effect of this reduction in information available to participants was to minimise potential themes, particularly regarding grooming strategies and other relevant suspect behaviour that may have been available. It is possible that if participants had more time to create their plans, they would have included even more Whole Story details.

Second, it is clear that the provision of a guiding template may have been a confounding factor in the changes to investigators’ practice. However, the template provided general guidance of themes to be considered. Investigators were still required, using knowledge gained from training, to elicit the Whole Story elements within those themes.

8.4.2 Conclusion

In conclusion, these results suggest that training participants in the Whole Story methodology and, in particular, how to use interview planning templates, improved participants’ interview planning. In particular, it improved their extraction of relationship evidence from victim narratives, as well as their ability to use this evidence in suspect interview plans. Future research might examine situations in which investigators complete their own style of interview plan in the field, to
determine whether these also contain Whole Story elements. Overall, the results of Study 2 indicate that participants were able to complete suspect interview plans using Whole Story elements that they extracted from victim narratives. The aim of Study 3 was to determine whether participants could translate their interview plans into suspect interviews that contained Whole Story elements.
Chapter 9: Studies 3A and 3B: Training in Whole Story Content and Narrative Interviewing

9.1 Aim and hypotheses

The aim of Study 3A was to determine whether the Victoria Police “Specialist Sexual Assault and Child Abuse Investigation” training was effective in teaching both the narrative interviewing technique and the use of relationship detail in suspect interviews. Relationship detail refers to the elements of the offending relationship that are described in the Whole Story methodology: grooming, both sexual and non-sexual, unique signifiers, and points of confirmation.

The narrative interviewing process concentrates on question type and emphasises the use of open-ended questions, which have been shown to elicit more detailed and more accurate narratives (Guadagno & Powell, 2008; Powell et al., 2016; Powell, Hughes-Scholes & Sharman, 2012). Open-ended questions can be divided into open breadth questions and open depth questions. Breadth questions are open questions that are broad in nature and do not require the disclosure of particular information (e.g., “Then what happened?”). Depth questions are open questions that use interviewees’ previous answers to encourage further elaboration (e.g., “Earlier you mentioned [detail]. Tell me more about that”). The use of these questions is critical to eliciting relevant evidence and minimising interviewer interference in the victim’s account.

Closed or specific questions, which dictate the information required, can be divided into three types. Cued recall questions lead interviewees to the interviewers’ frame of reference and limit the scope of any potential answer (e.g., “What kind of shirt was she wearing?”). Yes/No questions allow for only those responses as an answer (e.g., “Did you take her to the park?”). Forced choice questions allow only
the choices presented by the interviewer as potential answers to the question (e.g., “Did you take her to the pool or the park?”). Not all question types were considered (for example, no leading questions were included), as the main purpose of the study was on the effect of question type (interview process) on the inclusion of Whole Story elements (interview content) rather than an exhaustive examination of question type usage.

Participants were trained in the Whole Story methodology as well as the narrative interviewing technique. Training took place over a four-week period, with multiple theoretical, practical and ‘mock’ interviewing sessions. Whole Story methodology was taught as a separate session, as well as being incorporated into multiple sessions dealing with investigative interviewing practice. Narrative interviewing was taught primarily with regard to children and cognitively impaired complainants. Participants were then taught, in both theoretical and practical sessions, the same methodology for interviewing suspects. Similarities and differences were covered in classroom discussion and ‘mock’ suspect interviews. An outline of the course syllabus is provided in Appendix 2(b).

It was hypothesised that, immediately after training, participants should ask more questions about relationship elements, grooming elements, and unique signifiers than they had before training. It was also hypothesised that, immediately after training, participants would use more open breadth questions, more open depth questions, and fewer specific questions than they had before training.

9.2 Method

9.2.1 Participants

Eighty participants took part in the study. They were enrolled in the SOCIT four-week foundation course. Participants were a mixture of experienced and
inexperienced investigators, ranking between Detective Senior Constable and Detective Senior Sergeant. Most participants had not worked in the crime theme of sexual assault and child abuse before.

### 9.2.2 Materials and Procedure

During the SOCIT training, participants were split into two groups before conducting three mock interviews. The *immediate training* group received interview training, including the Whole Story training, before the first mock interview. The *delayed training* group received the interview training, but not the Whole Story training, before the second mock interview. This group received Whole Story training after the second mock interview (see Figure 9.1). Therefore, the delayed training group acted as a control for the immediate training in the first and second interviews.

<table>
<thead>
<tr>
<th>Immediate training group (N = 39)</th>
<th>Mock interview 1</th>
<th>Interview training</th>
<th>Whole Story training</th>
<th>Mock interview 2</th>
<th>Mock interview 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delayed training group (N = 36)</td>
<td>Mock interview 1</td>
<td>Interview training</td>
<td></td>
<td>Mock interview 2</td>
<td>Whole Story training</td>
</tr>
</tbody>
</table>

Figure 9.1. Schematic of the study design.

Mock suspect interviews were conducted on Day 1, Day 13, and Day 19 of the course. In each mock interview, participants interviewed a trained role-player for approximately 20 minutes. These role-players were trained investigators who had previously completed the SOCIT course or were trained role players from the Centre for Investigative Interviewing. All role-players had played multiple child, adult victim and offender characters during the course.
The trained role-players were provided with one of five counterbalanced victim narratives. (An example narrative and interviewer instructions are available in Appendix 7). Each narrative contained equal numbers of Whole Story details. A different narrative was given for each mock interview. Role-players adhered to a number of rules through the interviews. They were not allowed to say “No comment”, nor were they allowed to make admissions. If participants asked closed questions (e.g., “Did you play with X in the park that day?”), role-players responded with a relevant, but closed, answer (e.g., “Yes” or “No”). If participants asked open questions (e.g., “Tell me about playing with X in the park that day”), role-players responded with a relevant, descriptive answer (e.g., “Well, we went after her nap and we played on the swings…”). Open breadth and depth questions were responded to with relevant, additional breadth and depth detail. If participants asked poor, inappropriate, leading, or “Do you remember?” questions, role-players were instructed to stone wall them with answers such as “I don’t know”.

Each interview took approximately 20 minutes and was audio-recorded. They were professionally transcribed. Participants’ questions were coded as Open Breadth (if they requested the interviewee to describe additional details or activities; e.g., “What happened next?”), Open Depth (if they requested the interviewee to elaborate on a pre-disclosed aspect of the event; e.g., “Tell me more about [pre-disclosed aspect]”), or Specific Questions (which included Forced Choice, Yes/No, and Cued Recall). Participants’ use of Whole Story elements was also coded if they mentioned relationship details, grooming 1 detail, grooming 2 details, points of comparison, or unique signifiers. The writer coded each interview; a second trained coder coded a further 20% of interviews. Inter-rater agreement (percentage agreement) was good, at 77.6% (77.3% for question type; 77.5% for Whole Story elements).
9.3 Results

Five participants did not complete all three interviews as they were, for a variety of personal reasons, unable to complete the course, so the analyses presented below were conducted on 75 participants. The results are presented in two sections. First, the effect of Whole Story training on interview performance (participants’ use of Relationship, Grooming 1, Grooming 2, Unique Signifiers, and Points of Comparison) was examined. Second, the effect of question training on interview performance (participants’ use of Open Depth, Open Breadth, Minimal Encouragers, Specific Cued Recall, Specific Yes/No, and Specific Forced Choice questions) was examined.

9.3.1 Whole Story Training

Proportions were used to examine the effect of training on participants’ use of Whole Story elements and question types because they asked different numbers of questions overall. During Interview 1, participants asked an average of 172 questions ($SD = 58$, $range = 39-341$). There was no significant difference in the number of questions asked by participants in immediate or delayed training groups, $F(1, 73) = 2.71, p = .104$. The total number of questions that each participant asked was used to calculate their use of Whole Story elements. For example, if a participant asked 200 questions during the interview, and 4 of those questions were referred to Grooming 1 elements, the participant’s proportion of Grooming 1 elements was 0.02. During Interview 1, before Whole Story training, participants’ questions contained the highest proportion of Points of Comparison, followed by Grooming 1, Relationship details, Grooming 2, and Unique Signifiers. The left-hand column of Table 9.1 shows the mean proportion of question containing each type of Whole Story element asked during Interview 1.
Table 9.1. Proportion of questions containing each type of Whole Story element

<table>
<thead>
<tr>
<th>Whole Story element</th>
<th>Interview 1</th>
<th>Interview 2</th>
<th>Interview 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship</td>
<td>.05 (.07)</td>
<td>.05 (.06)</td>
<td>.05 (.06)</td>
</tr>
<tr>
<td>Grooming 1</td>
<td>.06 (.04)</td>
<td>.06 (.05)</td>
<td>.08 (.05)</td>
</tr>
<tr>
<td>Grooming 2</td>
<td>.03 (.03)</td>
<td>.01 (.02)</td>
<td>.02 (.03)</td>
</tr>
<tr>
<td>Unique Signifiers</td>
<td>.005 (.009)</td>
<td>.006 (.013)</td>
<td>.011 (.021)</td>
</tr>
<tr>
<td>Points of Comparison</td>
<td>.24 (.09)</td>
<td>.26 (.07)</td>
<td>.21 (.07)</td>
</tr>
</tbody>
</table>

Note. Standard deviations are in parentheses.

To analyse the impact of the Whole Story training, 3 (interview) x 2 (group) repeated measures ANOVAs were conducted for each whole story element. For Relationship details, there was no significant main effect for interview, $F(2, 140) = 0.06, p = .935$; in other words, there was no change in participants’ proportion of questions that included relationship details across the three interviews. However, there was a main effect for group, $F(1, 73) = 12.32, p = .001, \eta^2_p = .144$. Overall, the immediate training group asked a higher proportion of questions about relationship details ($M = .07, SD = .07$) than the delayed training group ($M = .03, SD = .02$). There was no significant interaction, $F(2, 140) = 1.27, p = .284$.

For Grooming 1 (power), there was a significant main effect for interview, $F(2, 146) = 7.52, p = .001, \eta^2_p = .093$. Bonferroni-corrected posthoc tests revealed that there was no significant increase in participants’ use of Grooming 1 details between Interview 1 and Interview 2, $p = 1.00$, but there was a significant increase from Interview 2 to Interview 3, $p < .005$. There was no significant main effect for group, $F(1, 73) < 0.01, p = .996$. However, there was a significant interview x group interaction, $F(2, 146) = 3.06, p = .050, \eta^2_p = .040$. Follow-up t-tests were conducted
comparing the immediate and delayed training groups’ proportion of Grooming 1 questions in each Interview. In Interview 1, there was no significant difference between the two groups, $t(73) = 0.63, p = .534$. In Interview 2, there was a marginally significant difference: the immediate training group asked a higher proportion of Grooming 1 questions than the delayed training group, $t(73) = 1.80, p = .076$. In Interview 3, there was no difference between the two groups, $t(73) = 1.12, p = .268$.

For Grooming 2 (sex), there was a significant main effect for interview, $F(2, 135) = 7.01, p = .002, \eta^2_p = .088$. Bonferroni-corrected posthoc tests revealed that there was a significant decrease in Grooming 2 questions between Interview 1 and Interview 2, $p = .005$. There was no change in Grooming 2 questions asked between Interview 2 to Interview 3, $p = 1.00$. There was no significant main effect for group overall, $F(1, 73) = 1.01, p = .319$, and no significant interaction, $F(2, 135) = 0.95, p = .383$.

For Unique Signifiers, there was a significant main effect for interview, $F(2, 132) = 3.26, p = .047, \eta^2_p = .043$. Bonferroni-corrected posthoc tests revealed that there was no change in the proportion of questions asked between Interview 1 and Interview 2, $p = 1.00$. Participants asked more questions about Unique Signifiers from Interview 2 to Interview 3; however, this increase was not significant, $p = .162$. There was no significant main effect for group overall, $F(1, 73) = 2.32, p = .132$, and no significant interaction, $F(2, 132) = 1.65, p = .198$.

Finally, for the Points of Comparison, there was a significant main effect for interview, $F(2, 146) = 11.22, p < .001, \eta^2_p = .133$. Bonferroni-corrected posthoc tests revealed that there was no significant change in the proportion of questions asked between Interview 1 and Interview 2, $p = .233$. There was a significant decrease
from Interview 2 to Interview 3, \( p < .001 \). There was no significant interaction, \( F(2, 146) = 2.16, \ p = .119 \), but there was a significant main effect for group, \( F(1, 73) = 12.11, \ p = .001, \ \eta^2_p = .142 \). Overall, the delayed training group asked a higher proportion of questions about Points of Comparison (\( M = .26, SD = .06 \)) than the immediate training group (\( M = .21, SD = .04 \)).

### 9.3.2 Question training

The total number of questions that each participant asked was used to calculate their proportion of open depth, open breadth, and specific questions. For example, if a participant asked 180 questions during the interview, and 10 of those questions were open depth questions, the participant’s proportion of open depth questions was 0.06. During Interview 1, before interview training, the majority of questions that participants asked were Specific Yes/No questions, followed by Specific Cued Recall questions, then Minimal Encouragers, Open Depth questions, Open Breadth questions, and Specific Forced Choice questions. The left-hand column of Table 9.2 shows the mean proportion of each question asked during Interview 1.

<table>
<thead>
<tr>
<th>Question type</th>
<th>Interview 1</th>
<th>Interview 2</th>
<th>Interview 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Breadth</td>
<td>.02 (.04)</td>
<td>.07 (.06)</td>
<td>.07 (.05)</td>
</tr>
<tr>
<td>Open Depth</td>
<td>.04 (.04)</td>
<td>.08 (.06)</td>
<td>.08 (.07)</td>
</tr>
<tr>
<td>Specific Cued Recall</td>
<td>.16 (.07)</td>
<td>.13 (.07)</td>
<td>.11 (.06)</td>
</tr>
<tr>
<td>Specific Yes/No</td>
<td>.25 (.11)</td>
<td>.16 (.08)</td>
<td>.13 (.06)</td>
</tr>
<tr>
<td>Specific Forced Choice</td>
<td>.01 (.01)</td>
<td>.01 (.01)</td>
<td>.00 (.00)</td>
</tr>
</tbody>
</table>

*Note.* Figures in parentheses are standard deviations. The proportions in the table do not add to 1 because participants made statements or asked other questions (e.g., minimal encouragers) that were not coded.
To determine whether interview training increased participants’ use of open questions and minimal encouragers, and reduced their use of specific questions, separate one-way 2 (Interview: 1, 2, 3) ANOVAs were conducted. Participants’ use of each question type in Interview 2 and Interview 3 are displayed in Table 9.2.

For Open Breadth questions, there was a significant main effect for interview, $F(2, 148) = 24.11, p < .001, \eta^2_p = .246$. Bonferroni-corrected posthoc tests revealed that participants asked significantly more Open Breadth questions after training; in other words, their proportion increased from Interview 1 to Interview 2, $p < .001$. There was no change in their use from Interview 2 to Interview 3, $p = 1.00$. At Interview 3, participants were still asking more Open Breadth questions than they had at Interview 1, $p < .001$.

For the Open Depth questions, there was a significant main effect for interview, $F(2, 137)^4 = 15.54, p < .001, \eta^2_p = .174$. Bonferroni-corrected posthoc tests revealed a significant increase in the use of Open Depth questions from Interview 1 to Interview 2, $p < .001$, but no change from Interview 2 to Interview 3, $p = 1.00$. At Interview 3, participants were still asking more Open Depth questions than they had at Interview 1, $p < .001$.

For the Specific Cued Recall questions, there was a significant main effect for interview, $F(2, 148) = 14.97 p < .001, \eta^2_p = .168$. Bonferroni-corrected posthoc tests revealed a significant decrease in the use of Specific Cued Recall questions from Interview 1 to Interview 2, $p = .014$. There was a further decrease in their use from Interview 2 to Interview 3, $p = .032$.

\[^4\text{When Mauchly’s Test of Sphericity indicated that sphericity was violated, the appropriate correction (Huynh-Feldt or Greenhouse-Geisser) was applied to the degrees of freedom.}\]
For the Specific Yes/No questions, there was a significant main effect for interview, $F(2, 122) = 50.82 \ p < .001, \ \eta^2_p = .407$. Bonferroni-corrected posthoc tests revealed a significant decrease in the use of Specific Yes/No questions from Interview 1 to Interview 2, $p < .001, \ \eta^2_p = .366$, and a further decrease in their use from Interview 2 to Interview 3, $p = .002$.

For the Specific Forced Choice questions, there was a significant main effect for interview, $F(2, 130) = 9.61 \ p < .001, \ \eta^2_p = .115$. Bonferroni-corrected posthoc tests did not reveal a significant decrease in the use of Specific Forced Choice questions from Interview 1 to Interview 2, $p = .161$; nor was there a significant decrease from Interview 2 to Interview 3, $p = .117$. However, participants used fewer Specific Forced Choice questions during Interview 3 than they had during Interview 1, $p < .001$.

Taken together, these results suggest that the question training had a significant positive effect on participants’ interviewing. More specifically, after training, they asked more open breadth and depth questions and asked fewer specific yes/no and forced choice questions. For all of these question types, the effects of training lasted beyond the immediate effects and continued into Interview 3.

9.4 Discussion

The results of this study demonstrated that training participants in the Whole Story technique encouraged them to incorporate questions about Whole Story elements into their interviews. In particular, participants asked a higher proportion of questions about grooming, unique signifiers, and points of comparison by the third interview compared to their baseline performance. In particular, investigators asked about grooming elements. Unique signifiers were less frequently used. This finding was replicated in Study 3B, and it may be that the short time frame of the mock
interviews had a particular effect on this element, as investigators appear to use these at particular times during interviews, and the 20-minute timeframe is significantly shorter than typical field interviews (see further commentary on pages 133 and 134). However, information about all of these elements should help investigators to understand more about the nature of the relationship between the victim and the offender.

The results also showed that narrative interview training significantly improved the quality of interviewers’ questions. It increased the number of open questions that they asked and decreased the number of specific questions that they asked. This finding is consistent with a number of other studies and reinforces the need for training in best-practice interview questioning (Guadagno & Powell, 2008; Patterson, 2011; Powell et al., 2005; Powell et al., 2012).

The results of this study also have two main implications. First, they suggest that the content and purpose of questions is controlled by the interviewer, which may make a difference to interviewees’ responses. Second, Whole Story-related questions, particularly when coupled with a narrative interview style, may be more likely to elicit information from suspects about the relationships they had with victims.

9.4.1 Limitations

There are, of course, limitations with only assessing the immediate effects of training. ‘Skills fade’ (Clarke & Milne, 2001; Powell et al., 2005; Powell, Guadagno et al., 2016) significantly impacts post training, particularly on skills teaching. For example, Powell et al. (2016) found that many studies of interviewing practice had found a degradation of interviewing practice, particularly when practice and feedback were withdrawn. Therefore, Study 3B was conducted in which participants’
use of Whole Story elements and narrative interviewing skills was assessed 9-12 months after they completed the training.

9.5 Study 3B

The main aim of Study 3B was to extend the results of Study 3A through collecting follow-up data from participants 9-12 months post training, to determine the impact of any training fade. Other changes to the methodology of Study 3B were also made. Mock interview lengths were also increased from 20 minutes to 30 minutes, to give participants a longer to demonstrate their question use. Participants were not split into immediate and delayed training groups in Study 3B, all participants received Whole Story training at the same time.

The predictions about the immediate effects of training were the same as the predictions made in Study 3A. More specifically, it was predicted that participants should ask more questions about relationship elements, grooming elements, and unique signifiers than they had before training. It was also hypothesised that participants should use more open breadth questions, more open depth questions, and fewer specific questions than they had before training. It was also predicted that at follow-up, participants’ use of Whole Story elements and narrative interviewing techniques should show training fade and should have returned towards baseline levels.

9.6 Method

9.6.1 Participants

Thirty-four participants completed the three mock suspect interviews. They were enrolled in the SOCIT four-week foundation course. Participants were a mixture of experienced and inexperienced investigators, ranking between Senior
Constable and Senior Sergeant. Some were already qualified as detectives, and some were not.

9.6.2 Materials and Procedure

Mock suspect interviews were conducted on Day 1 and Day 19 of the course. They were repeated in the field approximately 9-12 months post training. Course role-plays were conducted at the Victoria Police Academy ‘mock’ interview rooms. Field role-plays were conducted in the suspect interview room of the SOCIT member’s police station.

In each mock interview, participants interviewed a trained role-player for 30 minutes. These role-players were trained investigators who had previously completed the SOCIT course or were trained role players from the Centre for Investigative Interviewing. All role-players had played multiple child, adult victim and offender characters during the course.

During the course role-players were provided with one of five counterbalanced victim narratives. Each narrative contained approximately equal numbers of Whole Story details. A different narrative was given for each mock interview. A smaller selection of narratives was used for field follow up.

Role-players adhered to a number of rules through the interviews. They were not allowed to say “No comment”, nor were they allowed to make admissions. If participants asked closed questions (e.g., “Did you play with X in the park that day?”), role-players responded with a relevant, but closed, answer (e.g., “Yes” or “No”). If participants asked open questions (e.g., “Tell me about playing with X in the park that day”), role-players responded with a relevant, descriptive answer (e.g., “Well, we went after her nap and we played on the swings…”). Open breadth and depth questions were responded to with relevant, additional breadth and depth detail.
If participants asked poor, inappropriate, leading, or “Do you remember?” questions, role-players were instructed to stonewall them with answers such as “I don’t know”.

The materials and procedure used in Study 3B were very similar to the materials and procedure used in Study 3A, with the following exceptions. First, all interviews conducted were of 30 minutes duration, in order to facilitate participants’ questioning time. Second, all participants received Whole Story training at the same time; no immediate or delayed training groups were employed. Third, whilst the mock suspect interviews were derived from five victim narratives for the before and after training interviews, only three victim narratives were used for the follow-up interviews. This was due to only male role players being available to conduct follow up interviews, as two of the narratives were for female suspects. Finally, Points of Comparison were not examined in this study. It was considered that the concept was difficult to rate, due to its broad scope, and that may have confused investigators with the similarity to the ‘Points of Proof’ teaching they had encountered in their generic detective training. It was determined to focus on the concept of relevant themes explored in Study 2, as a more effective way of assessing investigators’ ability to understand Whole Story elements of victim narratives.

9.7 Results

The results are presented in two sections. First, the effect of Whole Story training on interview performance (participants’ use of Relationship, Grooming 1, Grooming 2, and Unique Signifiers) was examined. Second, the effect of question training on interview performance (participants’ use of Open Depth, Open Breadth, Specific Cued Recall, Specific Yes/No, and Specific Force Choice questions) was examined.
9.7.1 Whole Story training

To examine the effect of Whole Story training on participants’ use of whole story elements, the proportion of questions that they asked about Relationship, Grooming 1, Grooming 2, and Unique Signifiers was calculated. These proportions are shown in Table 9.3, displayed by interview.

Table 9.3. Proportion of questions containing each type of Whole Story element

<table>
<thead>
<tr>
<th>Whole Story element</th>
<th>Interview 1</th>
<th>Interview 2</th>
<th>Interview 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship</td>
<td>.41 (.13)</td>
<td>.61 (.39)</td>
<td>.63 (.17)</td>
</tr>
<tr>
<td>Grooming 1</td>
<td>.23 (.13)</td>
<td>.38 (.27)</td>
<td>.29 (.14)</td>
</tr>
<tr>
<td>Grooming 2</td>
<td>.08 (.08)</td>
<td>.11 (.10)</td>
<td>.10 (.12)</td>
</tr>
<tr>
<td>Unique Signifiers</td>
<td>.004 (.015)</td>
<td>.011 (.016)</td>
<td>.012 (.028)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations are in parentheses.

Four one-way (Interview: 1, 2, 3) repeated measures ANOVAs were conducted. For relationship details, there was a significant main effect of interview, $F(1, 42) = 9.39, p = .002, \eta_p^2 = .222$. Bonferroni-corrected posthoc tests revealed that participants’ proportion of relationship details increased from Interview 1 to Interview 2, $p = .008$; it did not change from Interview 2 to Interview 3, $p = 1.00$.

Overall, participants asked about significantly more relationship details during Interview 3 than during Interview 1, $p < .001$.

For Grooming 1 details, there was a significant main effect of interview, $F(2, 56) = 5.64, p = .009, \eta_p^2 = .146$. Bonferroni-corrected posthoc tests revealed that participants’ proportion of Grooming 1 details increased from Interview 1 to Interview 2, $p = .019$; it did not change significantly from Interview 2 to Interview 3,
there was no significant difference in the proportion of Grooming 1 details that participants asked about during Interview 3 compared to Interview 1, \( p = .235 \).

For Grooming 2 details, there was no significant main effect of interview, \( F(2, 66) = 0.82, p = .444 \). Similarly, for unique signifiers, there was also no significant main effect of interview, \( F(2, 66) = 1.46, p = .240 \).

### 9.7.2 Question training

Participants’ proportions of each question type used were calculated; they are displayed in Table 9.4 according to Interview. To examine the effects of training on participants’ use of each question type, one-way (Interview: 1, 2, 3) repeated measures ANOVAs were conducted using the proportion of questions as the dependent variables.

<table>
<thead>
<tr>
<th>Question type</th>
<th>Interview 1</th>
<th>Interview 2</th>
<th>Interview 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Breadth</td>
<td>.07 (.06)</td>
<td>.14 (.11)</td>
<td>.10 (.09)</td>
</tr>
<tr>
<td>Open Depth</td>
<td>.11 (.10)</td>
<td>.27 (.14)</td>
<td>.20 (.13)</td>
</tr>
<tr>
<td>Specific Cued Recall</td>
<td>.39 (.13)</td>
<td>.30 (.10)</td>
<td>.39 (.13)</td>
</tr>
<tr>
<td>Specific Yes/No</td>
<td>.42 (.16)</td>
<td>.28 (.12)</td>
<td>.32 (.14)</td>
</tr>
<tr>
<td>Specific Forced Choice</td>
<td>.02 (.02)</td>
<td>.01 (.02)</td>
<td>.01 (.02)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations are in parentheses.

For Open Breadth questions, there was a significant main effect of interview, \( F(2, 66) = 8.09, p = .001, \eta_p^2 = .197 \). Bonferroni-corrected posthoc tests revealed that participants’ proportion of Open Breadth questions increased from Interview 1 to Interview 2, \( p = .005 \), but decreased from Interview 2 to Interview 3, \( p = .049 \). There
was no significant difference in the proportion of Open Breadth questions that participants used during Interview 3 compared to Interview 1, \( p = .222 \).

For Open Depth questions, there was a significant main effect of interview, \( F(2, 66) = 22.18, p < .001, \eta^2_p = .402 \). Bonferroni-corrected posthoc tests revealed that participants’ proportion of open depth questions increased from Interview 1 to Interview 2, \( p < .001 \), but decreased from Interview 2 to Interview 3, \( p = .022 \). Overall, however, the proportion of Open Depth questions that participants used was higher during Interview 3 than Interview 1, \( p = .001 \).

For Specific Cued Recall questions, there was a significant main effect of interview, \( F(2, 66) = 8.58, p < .001, \eta^2_p = .206 \). Bonferroni-corrected posthoc tests revealed that participants’ proportion of Specific Cued Recall questions decreased from Interview 1 to Interview 2, \( p = .005 \), but increased from Interview 2 to Interview 3, \( p = .001 \). There was no significant difference in the proportion of Open Breadth questions that participants used during Interview 3 compared to Interview 1, \( p = 1.00 \).

For Specific Yes/No questions, there was a significant main effect of interview, \( F(2, 56) = 11.97, p < .001, \eta^2_p = .266 \). Bonferroni-corrected posthoc tests revealed that participants’ proportion of Specific Yes/No questions decreased from Interview 1 to Interview 2, \( p = .001 \); their use did not change significantly between Interview 2 and Interview 3, \( p = .241 \). Overall, participants used a lower proportion of Specific Yes/No questions during Interview 3 than they had during Interview 1, \( p = .010 \).

For Specific Forced Choice questions, there was no significant main effect of interview, \( F(2, 66) = 2.49, p = .090 \).
9.8 Discussion

This study examined whether training participants in Whole Story elements increased their use of Relationship details, Grooming 1 elements, Grooming 2 elements, and Unique Signifiers. It also examined whether training participants in the use of question types increased their use of Open Depth and Open Breadth questions and decreased their use of Specific Cued Recall, Specific Yes/No, and Specific Forced Choice questions.

For Whole Story elements, training had an immediate positive impact on participants’ use of Relationship details and Grooming 1 elements. The results showed that, for question type, training had an immediate positive impact: participants increased the proportion of Open Depth and Open Breadth questions that they asked and decreased the proportion of Specific Cued Recall and Specific Yes/No questions that they asked.

Although training participants about Whole Story elements and narrative interviewing question type had an immediate positive impact, the benefits of this training did not always last, in line with numerous studies predicting such training fade (Clarke & Milne, 2001; Powell et al., 2005; Powell et al., 2016). As these studies have demonstrated, long-term skills maintenance requires that training is followed up with a programme of practice and supervision that adheres to the principles and practices of the training regimen. ‘Block’ training, with no structured follow-up of supervised practice, is likely to lead to a skills fade, as was the case here.

At follow-up, which took place approximately 12 months after training, only the proportion of Relationship details that participants asked maintained the same level as post-test. The proportion of Open Depth questions that participants asked
decreased after Interview 2, but was still higher than it had been at Interview 1, which suggests that some training effect remained. For all other question types (Open Breadth, Specific Cued Recall, Specific Yes/No) and Grooming 1 elements, their usage during Interview 3 was not significantly different from their usage during Interview 1. In other words, participants’ use of these questions had returned to their pre-training levels. It is possible that, for Forced Choice questions, because the proportion of questions was very low (even at Interview 1; .02), there was a floor effect and the proportion could not be reduced further.

The results of this study revealed three main findings. First, the results showed that best practice interview training significantly improves the quality of interviewers’ questioning. It increases the number of open questions that they ask and decreases the number of specific questions that they ask. This finding is consistent with a number of other studies and reinforces the need for training in best-practice interview techniques (see Powell et al., 2016, for a review). However, in a one-off training program format, with little follow-up, high workloads and sporadic supervision, the skill sets degraded significantly over 12 months.

The second main finding is that training participants in the Whole Story technique encouraged them to incorporate questions about Whole Story elements into their interviews. In particular, participants continued to ask relationship questions in the follow up interviews at a comparable rate to the end of training, despite a return to a question style more reminiscent of pre-training levels. This is a significant finding, suggesting that the Whole Story investigative process, and key learning about sexual offenders and victims’ behaviour, are robust enough to remain in place after training, despite the lapsing of the interview skill set.
The results of Studies 3A and 3B suggest that participants were able to incorporate Whole Story elements into their interview practice. This finding is also supported by the results of Study 2, which showed that they could incorporate these elements into their interview plans. However, it is clear that the skill fade for narrative interviewing was significant. Future training will need to align better with methodology that supports follow up quality assurance and supervision practices, both online and face to face, in order to maximise the benefits of foundation training processes.

**9.8.1 Limitations**

There were a number of limitations to the current study, many of which were unavoidable due to the nature of collecting data from police officers in full-time positions. For example, all follow up interviews were conducted in member’s stations. As police members in SOCITs are extremely busy, and have 9 weeks’ leave per year, coordination of exact follow up timings was difficult. This was exacerbated by the size of Victoria (about the same as the UK), meaning that travel was also a factor in the follow up interviews. It is unclear whether this made any difference to the nature of information derived from these interviews.

Another limitation was that participants had a variety of experience post-training. Some had been able to complete a number of investigations in the follow up period, others only a few. Supervision of interview practice from senior members was also highly variable. The sample size was too small to determine which, if any, of these factors had a significant effect.

The third potential limitation was the length of the mock interviews, which were too short to allow for a thorough understanding of when and how Whole Story elements would be most effectively used in practice. The writer is aware, from
regular involvement in field interviews, that the practice is different in training from fieldwork as (1) real suspect interviews are typically much longer than mock interviews, (2) investigators use Whole Story, especially Grooming 1 information, in particular phases of interviews rather than throughout, and (3) Unique Signifiers are used only at critical phases of interview, most of which would come in the later stages.

9.8.2 Conclusion

There are a number of practical implications that can be drawn from the results of the current study. Study 3B showed that training participants in the Whole Story technique improved their use of Relationship and Grooming 1 details. Moreover, the improvement in Relationship details appeared to last for 9-12 months. Given the importance of the use of relationship evidence at all stages of the criminal justice system (Darwinkel & Powell, 2013), both investigative and prosecutorial, it is vital that improved training be developed, to allow better maintenance of the question skills which are required to maximise the elicitation of Whole Story relationship evidence.

Taken together, the results of Studies 2, 3A, and 3B showed that, after training, participants were able to identify Whole Story elements from victim narratives, write suspect interview plans to elicit details about these elements, and conduct interviews with mock suspects in which they asked about Whole Story details. Therefore, the training influenced their knowledge about the types of details to elicit and their skills to be able to elicit this information. In the last study, Study 4, it was examined whether participants’ attitudes also changed as a result of training.
Chapter 10: Investigator Attitudes

10.1 Aims and hypotheses

The aim of Study 4 was to determine whether the Whole Story training affected participants’ beliefs and attitudes towards victims of sexual crime. It also examined their beliefs about the capacity of police and prosecutors to authorise and achieve convictions in this crime theme. To examine their beliefs and attitudes, participants were presented with scenarios based on real cases that contained adult or child complainants. The scenarios differed regarding a number of variables, including the relationship between the suspect and complainant, the context of offending, and the presence of alcohol or other drugs. They also differed regarding the strength of evidence that supported the victim’s allegations. Three cases presented strong (i.e., corroborative) evidence, three cases presented weak evidence (e.g., evidence that contradicted the victim’s account), and six cases presented ambiguous evidence. “Ambiguous” evidence included elements that may be considered “counter-intuitive” victim behaviour, such as delayed reporting of the offence. These elements of common misconceptions were included to elicit participants’ attitudes towards victims, as well as the prospects for successful brief authorisation and prosecution. For each scenario, participants rated their confidence that the case would be authorised for prosecution, the likelihood that a finding of guilt would be returned, and the level of responsibility that they attributed to the victim. They also listed up to five factors that they considered when making their ratings about case authorisation.

This study builds on the work of Darwinkel, Powell and Tidmarsh (2013), which examined the effects of the Whole Story training on investigators’ attitudes towards victims, brief authorisation and prosecutorial outcomes. More specifically,
Darwinkel et al. examined training effects immediately after the training session, with no further follow-up. They found that intensive training shifted investigators’ negative attitudes towards both victims and the potential outcomes of their investigations in a positive direction. Darwinkel et al. concluded that these shifts were connected to training focused on understanding sexual offence dynamics and offenders’ grooming behaviours. The study also determined that further research needed to be undertaken, to determine whether the positive results were a product only of the intensive training environment, or whether they could be sustained over time and field practice.

The current study was conducted to determine whether these training effects lasted 9-12 months post-training. The same methodology was used as in Darwinkel et al. (2013), with the addition of a follow-up questionnaire. Briefly, participants completed questionnaires before being training in the Whole Story technique, immediately after training, and 9-12 months later at follow-up. It was predicted that after training, participants’ confidence about authorisation should increase, their ratings of a finding of guilt should increase, and their ratings of victim responsibility should decrease. These changes should be more obvious for the scenarios in which ambiguous evidence was presented, rather than for the scenarios containing strong or weak evidence. The factors that participants considered about case authorisations were expected to show more Whole Story elements after training.

10.2 Method

10.2.1 Participants

Forty-eight participants (18 women and 30 men) took part in the study. As with previous studies, the police participants were a mixture of experienced and inexperienced investigators. They were of ranked between Detective Senior
Constable and Detective Senior Sergeant. Most participants in this study had not worked in the crime theme of sexual assault and child abuse before.

10.2.2 Materials and Procedure

Participants completed questionnaires to assess their attitudes and beliefs on Day 1 and Day 19 of the course. They completed a third questionnaire between 9 and 12 months post training. Questionnaires contained 12 scenarios of sexual offending, against both adults and children, based on real cases. There were two different versions of the questionnaire, each contained different scenarios. Scenarios differed in the strength of evidence that supported the victim’s allegations. Three cases presented strong (i.e., corroborative) evidence, three cases presented weak evidence (e.g., evidence that contradicted the victim’s account), and six cases presented ambiguous evidence.

An example of one of the ambiguous scenarios is provided below (see Appendix 6 for the full questionnaire):

A 17 year-old woman claims to have been raped twice by a peer age male in her friendship circle. Prior to the first rape, she had told friends that she “really liked him”. The first event took place at a party where several of her friends were present. She didn’t tell anyone. Two days later, after the suspect ‘texted’ her, she met him again, alone, at the beach. She claims the second rape took place at the beach. She then told her mother about the rapes. When interviewed, the suspect says the sex was consensual.

For each scenario, participants rated their confidence that a brief would be authorised, from 0 (not at all) to 10 (extremely). They listed up to five factors in order of importance to show how they came to their decision about brief authorisation. Participants rated the likelihood of a finding of guilt in the case, from 0 (not at all) to 10 (extremely). They also rated how much responsibility should be attributed to the victim/complainant in the scenario, from 0 (none) to 10 (all).
The SOCIT/VARE training is delivered to groups of twenty investigators at a time, each assigned to one of four syndicates. Questionnaires were assigned to each syndicate on Day 1, two receiving one questionnaire, and three the other. Each syndicate then completed the other questionnaire on Day 19 of the course. To ensure as random a sample of follow-up questionnaires as possible, investigators were assigned one or other questionnaire based on their syndicate number being either odd or even.

10.2.3 Coding

Participants’ qualitative responses in which they listed five factors in order of importance were coded in two ways (see Darwinkel et al., 2013, for more details). First, they were coded for the nature of the factor; these included evidential factors (e.g., presence of corroborative evidence), victim-related factors (e.g., victim’s behaviour), suspect-related factors (e.g., whether the suspect’s identity was known), offence-related factors (e.g., issues of consent), and other factors. Second, each factor was coded as either a positive or negative comment. For example, a positive comment about corroborative evidence might indicate that the victim had injuries consistent with her version of events; a negative comment about corroborative evidence might indicate that there were no independent witnesses. Two coders rated all of the responses; inter-rater reliability was 87.6%

10.3 Results

The results are presented in two sections. First, the effects of training and evidence strength on participants’ confidence that the cases would be authorised, ratings of victim responsibility, and confidence in a finding of guilt were analysed. Second, the factors that participants listed as contributing to their case authorisation decisions were analysed.
10.3.1 Effects of training and evidence strength

Table 10.1 shows participants’ mean confidence that cases would be authorised, ratings of victim responsibility, and confidence in a guilty verdict, according to whether they contained strong, ambiguous or weak evidence.

<table>
<thead>
<tr>
<th></th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case authorisation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strong</td>
<td>8.27 (1.21)</td>
<td>8.94 (1.00)</td>
<td>8.53 (0.98)</td>
</tr>
<tr>
<td>Ambiguous</td>
<td>4.16 (1.50)</td>
<td>5.19 (1.30)</td>
<td>4.60 (1.10)</td>
</tr>
<tr>
<td>Weak</td>
<td>2.19 (1.13)</td>
<td>3.03 (1.39)</td>
<td>2.28 (1.19)</td>
</tr>
<tr>
<td><strong>Victim responsibility</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strong</td>
<td>0.72 (1.31)</td>
<td>0.32 (0.79)</td>
<td>0.61 (1.29)</td>
</tr>
<tr>
<td>Ambiguous</td>
<td>3.11 (2.11)</td>
<td>1.12 (1.34)</td>
<td>1.59 (1.62)</td>
</tr>
<tr>
<td>Weak</td>
<td>3.59 (2.31)</td>
<td>2.12 (1.98)</td>
<td>2.70 (1.96)</td>
</tr>
<tr>
<td><strong>Confidence in a guilty verdict</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strong</td>
<td>6.86 (1.35)</td>
<td>7.93 (1.27)</td>
<td>7.45 (1.02)</td>
</tr>
<tr>
<td>Ambiguous</td>
<td>3.35 (1.16)</td>
<td>4.11 (1.25)</td>
<td>3.71 (1.22)</td>
</tr>
<tr>
<td>Weak</td>
<td>1.68 (0.88)</td>
<td>3.03 (1.47)</td>
<td>1.87 (1.21)</td>
</tr>
</tbody>
</table>

*Note.* Standard deviations are in parentheses.

10.3.1.1 Case authorisation confidence. To examine the effect of training and evidence strength on participants’ case authorisation confidence, a 3 (training: before, after, follow-up) x 3 (evidence: strong, ambiguous, weak) repeated measures ANOVA was conducted. There were significant main effects for both training, $F(2, 70) = 12.37, p < .001$, $\eta_p^2 = .261$, and evidence, $F(2, 70) = 785.76, p < .001$, $\eta_p^2 = .957$. The interaction was not significant, $F(4, 140) = 0.93, p = .447$. For training, Bonferroni-corrected posthoc tests revealed that participants’ confidence increased.
from before to after training, $p = .001$. However, their confidence decreased from after training to follow-up, $p = .006$, so that there was no difference between their before training confidence and follow-up confidence, $p = .156$. For evidence, posthoc tests revealed that participants were more confident for cases involving strong evidence than ambiguous or weak evidence, both $ps < .001$. They were also more confident about cases involving ambiguous evidence than weak evidence, $p < .001$.

10.3.1.2 Victim responsibility ratings. To examine the effect of training and evidence strength on participants’ victim responsibility ratings, a 3 (training) x 3 (evidence) repeated measures ANOVA was conducted. There were significant main effects for both training, $F(2, 84) = 17.13, p < .001, \eta^2_p = .290$, and evidence, $F(2, 84) = 91.66, p < .001, \eta^2_p = .686$. For training, Bonferroni-corrected posthoc tests revealed that participants’ responsibility ratings decreased from before to after training, $p = .001$. Although their ratings increased from after training to follow-up, $p = .046$, they were still significantly lower at follow-up than they had been before training, $p = .003$. For evidence, posthoc tests revealed that participants’ responsibility ratings were lower for cases involving strong evidence than ambiguous or weak evidence, both $ps < .001$. They were also lower for cases involving ambiguous evidence than weak evidence, $p < .001$.

These results were qualified by a significant interaction between training and evidence, $F(4, 168) = 6.33, p < .001, \eta^2_p = .131$. Three follow-up univariate ANOVAs were conducted to examine the effect of training for each level of evidence separately. For strong evidence, there was a main effect of training, $F(2, 96) = 4.53, p = .013, \eta^2_p = .086$. Bonferroni-corrected posthoc tests revealed that participants’ ratings of victim responsibility decreased from before to after training, $p = .020$. These ratings increased slightly from after training to follow-up (although not
significantly so, \( p = .757 \), making them no different from before training ratings at follow-up, \( p = .223 \).

For ambiguous evidence, there was a main effect of training, \( F(2, 94) = 19.57, p < .001, \eta_p^2 = .294 \). Posthoc tests revealed that participants’ ratings of victim responsibility decreased from before to after training, \( p < .001 \). These ratings increased from after training to follow-up (a marginally significant change, \( p < .062 \)); however, they were still significantly lower than before training ratings at follow-up, \( p < .001 \).

For weak evidence, there was a main effect of training, \( F(2, 90) = 9.58, p < .001, \eta_p^2 = .176 \). Posthoc tests revealed that participants’ ratings of victim responsibility decreased from before to after training, \( p = .001 \). These ratings did not change from after training to follow-up, \( p = .120 \). They were marginally lower at follow-up than they had been before training, \( p = .056 \).

10.3.1.3 Confidence in a guilty verdict. To examine the effect of training and evidence strength on participants’ confidence that a verdict of guilt would be returned, a 3 (training) x 3 (evidence) repeated measures ANOVA was conducted. There were significant main effects for both training, \( F(2, 78) = 24.43, p < .001, \eta_p^2 = .385 \), and evidence, \( F(2, 78) = 535.42, p < .001, \eta_p^2 = .932 \). The interaction was not significant, \( F(4, 156) = 2.25, p = .066 \). For training, Bonferroni-corrected posthoc tests revealed that participants’ confidence in a guilty verdict increased from before to after training, \( p < .001 \). However, their confidence decreased from after training to follow-up, \( p = .001 \). Overall, their follow-up confidence was higher than their before training confidence, \( p = .030 \). For evidence, posthoc tests revealed that participants were more confident in a guilty verdict for cases involving strong evidence than
ambiguous or weak evidence, both $ps < .001$. They were also more confident for cases involving ambiguous evidence than weak evidence, $p < .001$.

10.3.2 Factors that contributed to case authorisation decisions

Table 10.2 shows the factors that participants listed as contributing to their case authorisation decisions, displayed according to whether the comments were positive or negative.

<table>
<thead>
<tr>
<th>Factors</th>
<th>Comment</th>
<th>Before training</th>
<th>After training</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corroborative evidence</td>
<td>All</td>
<td>11.21 (3.59)</td>
<td>9.83 (3.20)</td>
<td>10.06 (4.10)</td>
</tr>
<tr>
<td></td>
<td>Positive</td>
<td>6.73 (1.95)</td>
<td>6.73 (1.94)</td>
<td>6.44 (2.98)</td>
</tr>
<tr>
<td></td>
<td>Negative</td>
<td>4.48 (2.72)</td>
<td>3.10 (2.47)</td>
<td>3.62 (2.92)</td>
</tr>
<tr>
<td>Victim behaviour</td>
<td>All</td>
<td>6.08 (2.85)</td>
<td>4.10 (2.56)</td>
<td>4.27 (2.82)</td>
</tr>
<tr>
<td></td>
<td>Positive</td>
<td>2.19 (1.73)</td>
<td>1.67 (1.40)</td>
<td>1.69 (1.48)</td>
</tr>
<tr>
<td></td>
<td>Negative</td>
<td>3.88 (2.36)</td>
<td>2.42 (1.86)</td>
<td>2.58 (2.27)</td>
</tr>
<tr>
<td>Nature of relationship, including grooming</td>
<td>All</td>
<td>0.25 (0.44)</td>
<td>2.52 (3.70)</td>
<td>1.27 (2.65)</td>
</tr>
<tr>
<td></td>
<td>Positive</td>
<td>0.25 (0.44)</td>
<td>2.21 (3.52)</td>
<td>1.17 (2.63)</td>
</tr>
<tr>
<td></td>
<td>Negative</td>
<td>0.00 (0.00)</td>
<td>0.31 (0.83)</td>
<td>0.10 (0.41)</td>
</tr>
</tbody>
</table>

Note. Standard deviations are in parentheses.

To examine the effect of training on the information that officers considered in their decision-making, two univariate ANOVAs were conducted for each factor (one for positive comments and one for negative comments). For corroborative evidence, there was no significant main effect of training on the number of positive comments, $F(2, 102) = 0.36, p = .702$. However, there was a significant effect of training on negative comments, $F(2, 102) = 4.71, p = .011, \eta^2_p = .085$. Bonferroni-corrected
posthoc tests revealed that participants’ negative comments decreased from before to after training, $p = .008$. Their comments increased slightly from after training to follow-up (although not significantly so, $p = .777$), but resulted in no significant difference in the number of negative comments before training and at follow-up, $p = .224$.

For victim behaviour, there was no significant main effect of training on the number of positive comments, $F(2, 102) = 2.42$, $p = .094$. There was a significant effect of training on negative comments, $F(2, 102) = 9.31$, $p < .001$, $\eta^2_p = .154$. Bonferroni-corrected posthoc tests revealed that participants’ negative comments decreased from before training to after training, $p < .001$. There was no change in the number of negative comments that they made after training and at follow-up, $p = 1.000$. Overall, there was a significant decrease in the number of negative comments made before training and at follow-up, $p = .007$.

For comments about the nature of the relationship, there was a significant main effect of training on the number of positive comments, $F(2, 102) = 10.66$, $p < .001$, $\eta^2_p = .173$. Bonferroni-corrected posthoc tests revealed that participants’ positive comments increased from before training to after training, $p = .001$. Their comments decreased slightly from after training to follow-up, $p = .050$. Overall, there was a significant increase in the number of positive comments made before training and at follow-up, $p = .036$. There was also a significant effect of training on negative comments, $F(2, 102) = 4.37$, $p = .015$, $\eta^2_p = .079$. Posthoc tests revealed that participants’ negative comments increased from before training to after training, $p = .030$. They decreased slightly between after training and follow-up (although not significantly so, $p = .351$), and resulted in no significant difference in the number of negative comments made before training and at follow-up, $p = .288$. 
10.4 Discussion

The results of this study showed that, as predicted, training increased participants’ confidence that cases would be authorised and decreased the amount of responsibility that they placed on the victim. These results are consistent with those of Darwinkel et al. (2013) who found that investigators’ attitudes altered significantly, both in their attitudes towards victims, as well as their beliefs in successful brief authorisation. The current study, similar to Darwinkel et al. (2013), also showed that training increased participants’ confidence that a guilty verdict would be returned.

The current study extended the findings of Darwinkel et al. (2013) by examining what happened to participants’ ratings over time. At follow-up, only one of the three ratings variables had returned to pre-training levels. Participants’ confidence in case authorisations decreased following training to return to baseline levels. In contrast, participants’ ratings of victim responsibility decreased after training, and remained lower than pre-training levels at follow-up. Importantly, this pattern occurred for cases involving both ambiguous evidence and weak evidence. Participants’ confidence in a guilty verdict also did not return to baseline; it increased after training and remained higher than pre-training levels at follow-up.

An examination of the information that participants considered when they made their decisions about case authorisation showed that training influenced their decision-making. More specifically, participants’ negative comments about corroborative evidence decreased after training; however, the number of these comments returned to baseline levels at follow-up.

Participants’ negative comments about victim behaviour also decreased after training, and remained lower than pre-training levels at follow-up. Similarly,
participants’ positive comments about the nature of the offending ‘relationship’ increased after training and remained higher than pre-training levels at follow-up. These last two findings are particularly important, as the SOCIT specialist sexual assault and child abuse investigator training was developed, in large part, because of the VLRC (2004) report which outlined poor attitudes to victims and “cultures of disbelief”. The maintenance of the change in field practice may be due to a number of factors. The training was compulsory for all SOCIT investigators, at every rank. This is consistent with Lonsway’s (2012) comment on the failure of elective training and the need for training to be made compulsory to have a lasting effect. Researchers such as Rich and Seffrin (2016) also suggested that reinforcement of training at all levels, rather than just the investigators themselves, is an important element of longer term change.

It is also important to note that the other element of training maintained over time was participants understanding of the offending ‘relationship’. It may be that this understanding comes from the focus on relationships in the Whole Story training process and that, coupled with the compulsory multi-level training process, this delivers a longer lasting effect on investigators’ attitudes towards victims. It is important that further study is undertaken to determine if this is so, as well as to determine how long this effect may last.

Finally, there will need to be a focus on improvements to both the brief authorisation process and court outcomes, as a lack of improvement to this critical outcome measure may have a detrimental effect on investigators’ confidence in the Whole Story methodology.

10.4.1 Limitations
The study had at least two limitations. First, the results of victim responsibility ratings, whilst encouraging, represent a limited sample of cases with which investigators may be confronted. Further research could be undertaken to detail a broader selection of cases, with increasingly in depth analysis of investigator decision-making. Second, the reduction of participants’ confidence of brief authorisations at follow-up is concerning and should be the focus of future research. It is important to determine why participants became less confident after 9-12 months back in the field, and which elements of the brief authorisation and court processes most contributed to this change in confidence.

10.4.2 Conclusion

Overall, the results showed that Whole Story training had an immediate and positive effect on participants’ attitudes and beliefs. Indeed, they became more confident in case authorisations and guilty verdicts, and less likely to attribute responsibility to victims. The factors that participants listed indicated that, after training, they had a better understanding of the dynamics of sexual offending. Although participants’ attribution of responsibility remained lower 9-12 months after training, their confidence in case authorisations decreased. This decrease suggests a division between participants’ belief in the Whole Story methodology, and their belief in its applicability in the courtroom. Despite the positive and encouraging attitudinal improvement towards victims, ongoing research is needed, with both investigators and victims, to determine what field factors most influence investigator attitudes, what victims most need form investigative practice, and what may be implemented to maintain positive advances.
Chapter 11: Overall Conclusions and Implications for Future Research

11.1 Introduction and Rationale for the studies.

This thesis has presented exploratory studies examining the effectiveness of a new investigative methodology for sexual crime. The decision to develop Whole Story, and the design of the studies, grew from a wide body of literature from the areas of criminology and psychology, as well as from field practice.

Sexual crime investigation has long been subject to significant criticism (e.g., VLCR, 2004). Investigative outcomes have been poor and victims have frequently reported negative experiences of both the investigative process and their experience of investigators themselves. In particular, investigators appeared to have victim-blaming attitudes, and to adhere to community misconceptions of sexual offending, highlighted in their belief in high levels of false reporting. These matters came to a head in Victoria on publication of the Victorian Law Reform Commission’s Report (VLRC, 2004) into the justice system’s handling of sexual offences, but the issues it raised were described by many other academics and practitioners. There is also agreement with the VLRC in other quarters on the need for specialised investigative practice and differing ways of measuring success (Lonsway & Archambault, 2012).

During the same period in which sexual crime investigation was repeatedly criticised for its adherence to community misperceptions, a body of literature was developing detailing the dynamics of sexual crime and the behaviour of offenders. Pioneering studies outlined the breadth of offending behaviour and the methods employed to manipulate victims (Abel et al., 1985; Finkelhor, 1994), while others described the effect on victims and their behaviour (Summit, 1983). Theories of
offender psychology and behaviour were developed (Ward & Keenan, 2006). The developing knowledge base had significant implications for the investigation of sexual crime, for investigators’ perceptions and treatment of complainants, as well as the way in which suspects were interviewed.

Whilst the investigation of sexual crime may have remained static, police interviewing practices has improved dramatically in the last twenty years. Significant changes have been made to complainant and suspect interviewing practice, with reforms such as the PEACE model (CPTU, 1992), the Cognitive Interview (Fisher & Gieselman, 1992) and the Conversation Management model (Shepherd, 1993) (see Milne and Bull, 1999, for review). The interviewing of children has also received significant attention, with advances in theory and practice, notably narrative interviewing (e.g., Powell, 2008; Powell, Fisher & Wright, 2005). These advances have significant implications for sexual crime investigation, as children represent a substantial proportion of victims.

Training of investigators has followed the progress on interview practice, but not in the area of sexual crime investigation. Relatively little specialist sexual crime training has been reviewed, and what there has been has not been positive. Most training, occurring in isolation from a broader reform agenda, showed little or no effect on investigators’ knowledge, attitudes or practice (Lonsway, 2012; Sleath and Bull, 2012).

In more recent times, attention has turned to discovery of the characteristics that mark out successful investigators, particularly in volume crime and other general investigative practice (O’Neill & Milne, 2014; Westera et al., 2013). Debate has centred on the key qualities and attributes required for successful investigative outcomes, but there are also implications for investigators working in high victim
impact crime, such as sexual offending. There is also a developing body of literature on the effects of sexual crime investigations on the investigators themselves, and the need to find and develop those investigators best suited to, and best protected from, the rigours of the work (Burns et al., 2008; Follette et al., 1994; Morrison et al., 2007; Perez, et al., 2010; Powell et al., 2013; Wright et al., 2006).

The Whole Story methodology attempted to improve all areas of investigative and interviewing practice, building on the pioneering work across the research and practice domains previously described. The studies in the current thesis were designed to examine key areas of investigators’ knowledge, attitudes and skills, testing whether adherence to Whole Story facilitated any improvements. The first study also looked at investigators’ beliefs about the qualities and attributes required for successful victim management and investigative practice. Field follow-ups were utilised in all studies, to determine whether training effects could be sustained over time.

These studies built on prior research by drawing together various fields of criticism and research to help improve this particular field of investigative practice. Whilst there is a body of literature across many key policing practices, no overarching methodology has previously been developed to assist investigators’ attitudes and misconceptions in understanding the crime theme, and the behaviour of offenders and victims, as well as developing offence specific investigative and interviewing processes. These exploratory studies aimed to understand if Whole Story methodology, drawing together all these connected bodies of work, can lead to improvements across the areas of knowledge acquisition, attitudinal change and skills development.
Obviously, these are exploratory studies of a new methodology, and much more research needs to be undertaken to ascertain if these changes can be replicated, can be further sustained in field practice, and can have an effect of investigative and prosecutorial outcomes. It is particularly important that future studies are conducted with control groups where possible, and that research is undertaken without the demand characteristic potential described in the limitations to these studies, where the researcher was also one of the training team.

Overall, the studies show tentative support for the conclusion that Whole Story has a beneficial effect on investigators’ investigative and victim management practices, particularly knowledge of sexual offence dynamics and understanding of victim behaviour. The changes to attitudes towards victims, sustained in field practice, are particularly significant.

11.2 Summary of results

Each of the studies presented in this thesis examined different aspects of the Whole Story training on participants’ attitudes and beliefs, knowledge and skills. Study 1 demonstrated, along with Study 4, that the SOCIT/VARE Whole Story training had a sustained impact on investigators’ attitudes and beliefs about victims, offenders, and the investigation of sexual crime. Both studies also showed that, after 9-12 months back in the field, participants’ beliefs about authorisation and prosecution outcomes were more negative, despite a continued belief in the Whole Story methodology. This finding demonstrates that, along with the need for continued improvements to the training programme, significant work is needed to address the effect of downstream orientation, and to improve the linkages between investigative, prosecutorial and court practice. Only then may there be improvements
to authorisation and prosecution outcomes, which should be reflected in participants’ beliefs.

Study 1 also showed that there was considerable agreement amongst investigators that this area of investigation is a specialism; that certain qualities, such as empathy and patience, are required of those who investigate these crimes; that communication skills are highly valued, and that the work takes a toll on those who do it, both in terms of workload and subject matter. Future research should ascertain whether these qualities are actually related to investigators’ interview performance and also to victim satisfaction with the justice process. Should additional research demonstrate these attributes to be effective, it should then be determined how to recruit, induct, train, develop, and maintain the continued health and wellbeing, of those sexual crime investigators who possess these qualities.

Study 2 showed that investigators had a sustained understanding of Whole Story methodology, and were able to implement it in their suspect interview planning both at the end of training and at the 9-12 month follow up. They were increasingly able to identify offender grooming processes, both non-sexual (grooming 1) and sexual (grooming 2), as well as unique signifiers. Their understanding of appropriate interview themes also improved significantly. This suggests that the Whole Story interview-planning template has potential to assist both appropriate planning of aims and objectives and elicit information from before, during and after alleged offences (Ord et al., 2015). Their ability to maintain a focus on these relationship elements also has the potential to improve the prospects of successful prosecution (Darwinkel et al., 2013). Kebbell et al. (2006) described prosecutors’ beliefs in the value of relationship evidence, highlighting the need for investigator training to focus on this area of practice. Whole Story focuses on investigators’ ability to elicit contextual,
relationship evidence, and utilise it effectively throughout the investigative process. This, it is argued, may improve future brief authorisation and prosecutorial outcomes. It is therefore encouraging that offending knowledge, derived from training, can be applied in field practice in this important area of investigations.

Studies 3A and 3B demonstrated that training participants to elicit relationship evidence during suspect interviews affected the types of details that they asked about. Participants’ questions focused more on relationship details and grooming elements after training than they had before training. This focus was maintained after 9-12 months in the field. The types of questions that participants asked (i.e., open or specific) also changed after training. In general, their use of open questions increased and their use of specific questions decreased, which is consistent with best-practice interviewing. However, after 9-12 months in the field, there was some evidence of training fade: participants’ use of open breadth questions and specific cued recall questions returned to pre-training levels. Not all question types showed this fade: participants’ use of open depth and specific yes/no questions were significantly better than they had been before training. This training fade is consistent with past research (e.g., Powell, Wright & Clark 2010) and suggests that block training may not be sufficient for participants to learn sustained skills about certain question types. Future research could examine whether other training methods, such as spaced training, or refresher training at set intervals might reduce skill fade.

The difference between the current SOCIT/VARE course and best practice models is in the relative lack of formal ongoing supervision and practice in the SOCIT training process. This lack represents the most likely cause of the training fade seen in Study 3. Currently, there is no set operating procedure for supervision and feedback by senior investigators, nor any prescribed involvement from the
SOCIT/VARE course trainers. It is clear therefore, that any future training methodology should include greater emphasis on regular, compulsory, practice and supervision. This will necessitate more flexible training options, development of improved supervision practices, and an increased use of online training processes.

The results of Study 4 demonstrated that, while the effects of Whole Story training on the types of details that participants ask about is maintained in the field (as shown in Study 3B), there are a number of challenges to the long-term sustenance of such change. The significant reduction in participants’ attitudes about the brief authorisation process, and the prospects of guilty verdicts, represent a risk to that change. Investigators may lose confidence in a methodology they see as having little prospect of success with juries, with attendant risks to case attrition and victim satisfaction.

The results of Studies 1 and 4 showed that investigators believed in the Whole Story methodology, but were less positive about being able to successfully prosecute cases that involved one person’s word against that of another. These kinds of cases represent the majority of SOCIT work, as most complainants describe offences that happened away from any third party observation. This dissonance represents a significant risk to the SOCIT investigators’ ability to increase the percentage of successful prosecution. If Whole Story is to be truly successful, and investigators’ belief in the methodology to be sustained in the longer term, then it must begin to impact both internal police processes, such as the authorisation of briefs of evidence, as well as improving prosecution and conviction rates. These areas must be the subjects of future studies.

11.3 Future directions
The results from the studies in this thesis have highlighted a number of changes to investigator recruitment and training that should be considered in the future. These directions include:

- Considerations of definitions of success and victim satisfaction, improvements to training in complainant and suspect interviews, and continued development of suspect interview planning.
- The process of brief authorisation will also require scrutiny, with its pivotal gate-keeping role in the prosecutorial process.
- The level of community myths and misconceptions around sexual offending remains a concern, impacting as it does on jurors and facilitating, in part, the process of downstream orientation. Future study should examine processes to limit the impact of myth and misconception on the deliberations of investigators and other fact finders.
- Finally, the Whole Story methodology requires further scrutiny to determine its utility and efficacy in the development of specialist sexual assault and child abuse investigators.

Each of these points is discussed in more detail below.

11.3.1 Definitions of success and victim satisfaction

It is clear that traditional police models of success do not allow for a great deal of investigator or victim satisfaction in the area of sexual offending; rather, traditional models focus on the quantitative outcomes of the investigative and prosecutorial processes, particularly the rates of successful prosecutions. The crime theme is also counter-cultural to most policing, as it requires an increase in reporting, with attendant reporting of an increased crime rate, as a measure of success. Police
need to generate new definitions of successful practice in this crime theme (see also Lonsway, 2012). The results of Study 1 showed that a significant proportion of investigators were motivated to work in the area of sexual offending in order to help this particular victim group. Measures of success should prioritise victim satisfaction with the investigative process, reflecting back to investigators the quality of their process, regardless of the ultimate conclusion of the investigation.

Definitions of success should include analysis of improvements to key investigative milestones and attrition points, such as reporting, the rate of complaint withdrawal and brief authorisation. Research should also analyse the completeness of narratives elicited from victims and their inclusion of Whole Story elements, as well as improvements to case outcomes. Most of all, they need to reflect the needs of victims, in analysing the processes that may increase reporting, encourage complete descriptions of abusive relationships and the compilation of relevant evidence.

**11.3.2 Investigative interviewing and Interview planning**

As of July 2016, an audit of the SOCIT/VARE training is currently underway, conducted by the Quality and Standards Unit of Victoria Police, People Development Command. The audit will address the findings of the studies included in this thesis and the recommendations they suggest for training, including the issues of training fade, block training, reliance on face-to-face training for teaching skills, and the need for ongoing supervision of the practiced skills.

Future research should be developed to determine what happens to participants’ knowledge and skills in the field after training. Such research could involve a “Think Aloud” methodology; in which participants might be video recorded interviewing suspects, for example. They could be shown their videos and asked to comment at certain points about why they decided to ask particular
questions. This procedure should allow researchers to analyse the choices that interviewers make, in terms of both the question type that they use (e.g., open or specific) and whether they ask about Whole Story details. The results of studies employing this methodology may allow for a further refinement of the training programmes; that is, through the provision of more effective frameworks for the interview process, including question type, and interview content choice, including Whole Story elements.

11.3.3 Brief authorisation

One of the central reasons for investigator confidence in investigation outcomes diminishing in the field is the phenomenon of ‘downstream orientation’ (Frohman, 1991; 1997; Lonsway & Archambault, 2012). The basis for this phenomenon exists at the beginning of the process, with community beliefs, as well as the end, with those same community members sitting on juries. These same misconceptions affect fact finders at every stage of the investigative and prosecutorial process (Blackwell, 2008; Cossins, 2013; Cromer & Goldsmith, 2010; Fanflik, 2007; Schafran, 1998).

It is possible that the Whole Story methodology might be useful to help reduce this downstream orientation. For example, by training both investigators and prosecutors to understand the breadth of contextual evidence available to them in Whole Story statements, improvements may be made to the presentation of victim narratives and offender behaviour, potentially countering the effect of defence emphasis of so-called ‘counter-intuitive’ victim behaviour.

11.3.4 Community attitudes and beliefs, and the criminal justice system

It is clear from the breadth of literature about myths and misconceptions of sexual offending that there is a considerable gap between scientific research and
court practice. Many researchers have pointed this out (e.g., Blackwell, 2007). Future research and enquiry should continue to address how best to align scientific knowledge and court practice. This is particularly important with respect to understanding offender behaviour and its effect on victim behaviour and reporting. The extra-legal issue of victim credibility, with its effect on case outcome, should also be addressed in relation to the social science evidence. These effects are usually categorised as ‘counter-intuitive’ behaviour rather than being seen as typical responses to the actions of offenders, mostly within abusive relationships (Cossins, 2013; Fanflik, 2007).

The writer has already begun, in conjunction with the Australian Institute of Family Studies, a project documenting the evidence for elements of investigators’ understanding of sexual crime that are myth or misconception. The project is ultimately tasked with creating a resource for investigators and prosecutors that can provide more accurate information about sexual offending, particularly the behaviour of offenders and victims. It is hoped that this may lead to improvements to investigative and prosecutorial practice, and the countering of defence practice in criminal trials.

11.3.5 Victim feedback project

The writer has also instigated a process, including police, sexual assault counsellors and independent academics, to develop ongoing victim feedback processes. It is intended that these processes will maintain a consistent feedback process, from both adult and child complainants, that may help inform and develop future police practice in this crime theme.
11.4 Whole Story: A final note

It is clear that Whole Story, while useful in interviewing processes, had most impact on investigators’ knowledge and attitudes. Future studies need to determine how Whole Story may best be used within a narrative interviewing framework. These studies should also focus on developing and maintaining the impact that Whole Story can have on individual investigators’ specialist investigative practice, particularly the elicitation of relationship evidence. Further study should also address the particular skills and qualities required of specialist investigators, and the impact on the practice and culture of policing.

The studies undertaken, and the ongoing development of Whole Story, have demonstrated some areas of improvement in the area of sexual assault and child abuse investigation. There are encouraging signs that, with appropriate specialist training, police may be able to develop and maintain investigators with appropriate knowledge and attitudes, leading to an improved service for victims. It appears that Whole Story, with its focus on understanding the dynamics of offending and the nature of abusive relationships, has a sustained effect on investigators’ understanding of offenders, as well as victims’ reactions and behaviour. This is particularly important, as this has not previously been demonstrated in specialist training programmes for investigators (Lonsway, 2001; Rich & Seffrin, 2016; Sleath & Bull, 2012).

There are indications that, despite the shortfalls evident in these studies, investigative interview training, particularly interview planning, can benefit from an association with Whole Story methodology. It is clear also, that investigators believe this field of investigation to be a specialism, and one that requires an investigator
with particular qualities and attitudes. Some of these findings, obviously, require further enquiry.

The initial signs are positive. After the Whole Story methodology was introduced, along with a number of other reforms, victim satisfaction with the criminal justice process has increased. As stated in the Victim Support Agency’s Annual Report (2015),

Victims of sexual assault and rape and those who were in an intimate or family relationship with the offender reported more contact through the criminal justice system and recorded higher levels of satisfaction in a number of areas. This suggests that victims perhaps considered more vulnerable by officers in the justice system received a better service…and may also reflect the impact of specialist responses, such as the Sexual Offences and Child Abuse Investigation Teams (SOCITs) of Victoria Police (p.5).
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Appendix 1: Concept paper


The prevalence of sexual offences is high in most jurisdictions; however justice outcomes for these crimes are typically low. Recent analysis of 75 studies across five developed countries, including Australia, Canada, England and Wales, Scotland and the United States, has revealed that on average only 14% of sexual assaults are reported to police. Of these reports, only 30% are referred for prosecution and only 15% result in conviction (Daly & Bouhours, 2010). The rate of attrition in sexual assault and sexual child abuse cases is higher than nearly all other crimes committed against the person (Home Office, 2010; Victorian Law Reform Commission [VLRC], 2004).

Poor justice outcomes for sexual assault are due in large part to limitations in the quality, detail and coherence of victims’ and suspects’ statements (Kelly, Lovett, & Regan, 2005; Lievore, 2004; Powell & Wright, 2009; Read & Powell, 2011). In sexual assault cases the expectations or demands placed on witnesses and interviewers are high compared to other crime types, such as physical assaults and burglary (Powell, Garry, & Brewer, 2009). Corroborative (e.g., physical) evidence is not usually available in sexual assault cases, thus victim and suspect recollections are the main evidence used by decision-makers (Kelly, et al., 2005; Powell, Fisher, & Wright, 2005). The traumatic nature of these crimes, the social stigma attached, and the specificity of detail required by law to successfully prosecute these offences, makes testifying about sexual assault exceptionally difficult (Cossins, 2009; Lievore, 2004; VLRC, 2004). This is so even when there is motivation to report the offence and a reasonably good recollection of events. Although research on the impact of offence type on testimony is still in its infancy, it is well established that the best outcome is achieved when the interviewer uses a questioning style that allows interviewees (victims and alleged perpetrators) to tell their stories at their own pace, with minimal interruption. Such an interviewing approach, hereby referred to as the narrative approach, has been shown to maximise the accuracy and detail of statements, minimise interviewee stress and minimise misunderstandings in the interview (Myklebust & Bjorklund, 2010; Patterson, 2011; Powell et al., 2005). A narrative approach is achieved through non-directive, non-leading open-ended questions; these are questions that encourage elaborate detail without presuming or suggesting information and without dictating what information needs to be recalled (Powell & Snow, 2007).

Better focus on the narrative approach in interviewer training programs over the past decade has led to corresponding improvements in prosecution and reporting rates, particularly for highly vulnerable interviewee groups such as children. For example,
Pipe, Orbach, Lamb, Abbott and Stewart (2008) conducted a study funded by the US Department of Justice showing that charges of child abuse are more likely to be filed for cases where the interviewer adhered to a narrative-based interview protocol compared to the more typical ‘specific question and short answer’ approach. The benefits of the narrative framework for witness reporting has been aided by the adoption of more user-friendly reporting procedures which provide a more positive reporting environment (e.g. specialist teams of investigators and multi-disciplinary service centres separate from police stations, Powell & Wright, in press). The adoption of a narrative framework, however, does not ensure successful prosecution. Complaints about the quality of narrative interviews are widespread among prosecutors when reflecting on the relevance, admissibility and usefulness of the evidence obtained. Concerns of prosecutors include statements being ‘disjointed’, ‘vague’, ‘rambling’ and too overly focused on minutiae (Guadagno, Powell, & Wright, 2006; Powell & Wright, 2009; Westera, Kebbell, & Milne, 2012). The overriding message is that the detail obtained in these statements needs to be clearer and more coherent, more meaningful and accessible to juries and investigators, and it needs to be conducted in a manner that is consistent with the rules of evidence (Powell & Wright, 2009; Powell & Wright, in press; Westera, et al., 2012).

Concerns about the limitations of witness statements from a prosecution perspective are prevalent in all jurisdictions but particularly where the investigative interview is electronically recorded and played in the trial as the witnesses’ evidence in chief (Davis, Hoyano, Keenan, Maitland, & Morgan, 1999; Powell & Wright, 2009). Problems arise from the dual function of electronically recorded interviews as both investigative and evidential tools because the purposes of investigative and evidential interviewing are very distinct. An investigative interview ideally occurs before any person has spoken in detail with the witness about the offence. Its function is to establish whether a particular criminal offence has been committed, to get a clear idea of what occurred (i.e., the nature of the witness’s allegations, the circumstances of the offence, and the identity of the alleged perpetrator) and to maximise the accuracy, scope and clarity of the information obtained in order to generate potentially useful leads (details) that could be followed to gather corroborative evidence (Fisher & Geiselman, 1992; Poole & Lamb, 1998; Wilson & Powell, 2001). Direct examination of witnesses, in contrast, ideally occurs after the interviewer has developed a theory of the case and understands the necessary elements that are required to establish the prosecution case. The main purpose is to yield a coherent, cogent, and chronological narrative, which complies with the rules of evidence, covers the criminal elements of each alleged offence and provides particulars (Davis et al., 1999; Guadagno et al., 2006; Hoyano & Keenan, 2007; S v. R, 1989). At the prosecution stage, issues of perceived credibility of the witness are of paramount importance. The challenge for trainers and experts in sexual assault investigation is to work out ways to improve interviews from the perspective of trial prosecutors without compromising the investigative process.
In this paper we present a relatively simple way of improving the usefulness of interviews from both an investigative and evidential perspective. Specifically, we recommend that interviews better incorporate the dynamics of sexual offending, which occurs within a ‘relationship’ driven and manipulated by offenders. The phrase “dynamics of sexual offending” refers to any and all elements of the relationship between the victim and perpetrator leading to the first (and any subsequent) offence, including the context in which the offence/s take place. Current interview practices focus on eliciting the core evidential details related to the events, which are needed to make an arrest (see Read, Powell, Kebbell & Milne, 2009 for review). Core evidential details include the type and frequency of the offences, the alleged offender’s identity, the existence of physical evidence and potential witnesses, and the time and location of separate offences. We hereby refer to an investigation/interview framework that incorporates both the dynamics of the offending relationship as well as the core evidential details, as ‘Whole Story’.

The structure of this paper is as follows. First, we provide a description and rationale of the Whole Story approach and background information related to its development. Second, we outline the core premises underpinning Whole Story interviewing compared to traditional interviewing. Thirdly, we outline the elements that make up the Whole Story interview approach, including the rationale by which investigator adherence to this framework could potentially improve justice outcomes (i.e. a fairer trial for all parties). Although the ultimate goal should be about improving veridical (i.e., accurate) outcomes in sexual child abuse and rape trials, the base-rates for sexual assault are so high, and conviction rates so low, that any improvement to legal process is likely to be associated with improved numbers of convictions.

**Rationale for the development of the ‘Whole Story’ framework**

The ‘Whole Story’ framework for the investigation of rape, sexual assault, and sexual child abuse was developed by the Specialist Development Unit of the Sexual Offence and Child abuse Investigation Team (SOCIT) Project, Victoria Police (Australia). The Specialist Development Unit is a multi-disciplinary team within the SOCIT Project set up by Victoria Police executive to improve victim management and case outcomes across the entire state of Victoria. The role of the Specialist Development Unit members is to oversee the creation of state-wide SOCITs and the training of specialist sexual assault investigators.

The assumption underlying the introduction of the ‘Whole Story’ framework in investigation and interview training is that if investigators and legal professionals better understand the circumstances in which alleged incidents of sexual assault have taken place, and they allow the complexities of the victim-offender ‘relationship’ to be represented in the evidence, this will improve victims’ access to and involvement in the criminal justice system as well as the legitimacy of the professional decisions that are made. Reviews of sexual assault investigation and prosecution processes
(e.g., Victorian Law Reform Commission, 2004; State-wide Steering Committee to Reduce Sexual Assault, 2006) have revealed significant problems in police attitudes towards victims (i.e., mistrust of victims’ truthfulness and the overrating of false reporting) and poor subsequent investigation practice. Misunderstanding about sexual assault, mistrust of victims’ truthfulness and ‘victim-blaming’ attitudinal biases have been widespread within and across jurisdictions, affecting decisions by investigators, legal professionals and juries (Brown, Hamilton, & O’Neill, 2007; Devine, Clayton, Dunford, Seying, & Pryce, 2001; Finkel, 1995; Goodman-Delahunty & Graham, 2011; McLean & Goodman-Delahunty, 2008; Olsen-Fulero & Fulero, 1997; Page, 2008, 2010; Pennington & Hastie, 1986; Taylor, 2007; Ullman, 2010).

Our point is that mistrust of victims’ truthfulness stems from misunderstandings about the complex circumstances surrounding reported rapes and pre-conceived notions about the character of victims and the circumstances in which offences took place. Investigators and jurors expect that in cases of sexual assault there should be discernible signs of physical injury arising from the victim’s attempt to fight off the offender. They also expect immediate victim reporting and signs of stress or trauma in the witness when recounting the offence to police or in court. The reality is that most sexual offenders have a prior relationship with the victim and do not use violence or behave in an overtly predatory manner (Salter, 1988). The power that sex offenders have over their victims is usually much more subtle; victims are more likely to freeze or cooperate than fight off a sex offender (Gerber, Corman, & Suresh, 2009).

Specifically, the ‘Whole Story’ approach supplements existing interview approaches by prioritising a thorough representation of the victim-offender relationship in the evidence, which, in turn, assists in clarifying victim behaviour, such as compliance with the offender or delayed reporting. Having a full understanding of the context surrounding the offence is critical for reducing confirmation bias⁵, which has been shown to undermine police investigations (Ask & Granhag, 2007). It is also critical for assisting case authorisations which have been criticised for being too narrowly focused on the existence of corroborating evidence and suspect confession (Powell, Murfett, & Thomson, 2010). A ‘Whole Story’ interview, as opposed to a solely ‘event’ (i.e., offence) focused interview, not only minimises the potential to distort and misrepresent the nature of the alleged ‘relationship’ during any trial, it also assists in establishing the essence of the criminality (i.e. the role of the offender and the victim within the entire sequence of events leading up to the offence). Sexual abuse is a dynamic process driven by acts, emotions and intentions that are unique to

⁵ Confirmation bias refers to the “seeking or interpreting of evidence in ways that are partial to existing beliefs, expectations or a hypothesis in hand” (Nickerson 1998, p175).
this offence type and the particular victim-offender relationship. To date interview protocols such as the Cognitive Interview (Fisher & Geiselman, 1992) and the National Institute of Child Health and Human Development Protocol (Lamb, Orbach, Hershkowitz, Esplin, & Horowitz, 2007) specify the types of questions and interviewer-interviewee relationship most conducite to honest disclosure of offences. Interview protocols, however, tend not to specify the type of information details that should be elicited because the research underpinning them has been conducted by cognitive and social psychologists who are directed toward testing formal theories of memory and communication, as opposed to evidential detail needed for successful prosecution.

Core premises underpinning the Whole Story approach

Two core premises underpin the ‘Whole Story’ framework. The first premise is that sexual offending is a crime of ‘relationship’ that starts in the mind of the offender and develops over time. During the course of the ‘relationship’, offenders attempt, through a process of manipulation, to make victims behave in a desirable or compliant manner. The second premise is that because the ‘relationship’ is the context leading to and linking the ‘events’ of offending, understanding this ‘relationship’ is integral to interpreting victim behaviour. To view the offences in isolation of the wider ‘relationship’ (i.e., to concentrate on the offending ‘event’ or ‘events’ rather than developing an understanding of the wider relationship context) would potentially heighten misunderstandings about the victims’ behaviour and the reason why they may have appeared, on face value, to be complicit rather than resistant during the sexual acts.

To give an example, consider the case of a fourteen year old girl who dresses herself in lingerie and, two nights a week, without verbal direction and when her mother is absent, goes to her father’s bedroom to have sex. When the abuse was discovered the father maintained that she had been curious about sex and he had agreed to teach her because she had wanted him to do so. Sexual behaviour was not denied and a charge of incest was brought against the father, who received a short jail term. The victim had been made by the father to feel responsible for the offending, and the investigation process and trial outcome reinforced her feelings of blame and guilt because it had focused on her compliant behaviour and the appearance of cooperation in ‘initiating’ the sexual acts. The reality is that the victim-offender relationship had involved a decade of manipulation on the part of the father (e.g. special privileges, and the rationalisation of abusive acts which progressed in intensity from the non-sexual, to ‘mutual’ masturbation, digital penetration and then full penetration). The father had bought the lingerie and, without direction as to what to do with it, left it with the daughter so that she was forced to hide it or have ‘their secret’ discovered. Indications to wear the lingerie were given through the use of key words and actions known only to the two of them. Such a history of manipulation on the part of the father paints a very different perception of his criminality than one
where he was seduced by an adolescent girl who was curious about sex. If the full story underpinning the victim-offender relationship had been known at the time of the trial, the father would likely have received a longer, and more appropriate, sentence and the therapeutic outcome for the victim would have been more positive.

Another case example to illustrate the traditional versus Whole Story approach involves a nurse in her late twenties who was digitally raped while receiving a remedial massage by a therapist. The nurse regularly used massage services as part of dealing with the stresses of her work. However, this was the first time she had visited this particular therapist. The nurse did not report the rape to police until several weeks after it occurred, although she had reported it to her sister immediately. At the time of the rape she had been naked and uncovered on the massage table. When interviewed, the massage therapist claimed that the sexual contact had been consensual and that the woman seemed happy when she paid for the service and left his premises. The case did not proceed to prosecution because the victim withdrew her complaint. The investigators believed that the delay in reporting, the nurse’s acknowledgement of accepting a massage while fully naked, and her payment for the service would make successful prosecution unlikely.

While, on face value, the nurse’s willingness to undress and to pay for the service seems counter-intuitive to her allegation of rape, her behaviour needs to be understood within the context of the manipulative behaviour on the part of the therapist leading up to the offence. There were several subtle differences between the massage procedures that the nurse was accustomed to and the process followed by the new therapist. These differences were each significant enough to have raised concern, but small enough to allow her to dismiss each concern as it unfolded. For example, the therapist asked her to undress for the massage without leaving the room and without providing a screen. When he turned his back to her she dismissed her concern. He turned to speak with her as she was undressing, but when she realized it was to confirm a medical question about allergies and that his eyes rested on her only temporarily, she again quashed her concern. Other moments of concern during the massage process included the therapist’s lapse in replacing the covering towels, and the discussion of damage to underwear from massage oil, which had precipitated the offender’s request for her to remove them. Each concern was quashed without reference to the others, which ended with her isolated, uncovered and naked on the massage table. After the assault, in a state of shock, she determined that the safest way to remove herself from his presence was to pay and leave.

In the case of the massage ‘event’, a ‘Whole Story’ investigation would have most likely led the investigators to discover that the therapist’s actions represented a carefully crafted process to entrap the woman, attempting to delude both her and him that it was a consensual experience. Further investigation of the massage therapist’s other clients would have revealed that his techniques were not isolated to this woman. Whether or not the outcome was successful, the case would have been more
likely to proceed to prosecution, and the victim would have been left in no doubt as to her lack of responsibility in this assault.

**Elements that make up a Whole Story interview approach**

To assist in gathering details of the Whole Story, investigators need to understand and elicit three key elements regarding the offending relationship. These elements include the following: (a) ‘Grooming’ which refers to how the relationship evolved, (b) ‘Unique Signifiers’ which refers to individual aspects specific to each offending ‘relationship’, and (c) ‘Points of Confirmation’ which refers to aspects of the suspects’, witnesses’ and victims’ narratives that are the same, allowing a combined story to be developed. These elements are at the core of the framework. They facilitate investigators’ understanding of the alleged offending ‘relationship’ and its development.

Further, they provide a framework to guide interviews and the gathering of relationship details. Within each category, the most useful details are those that place the alleged perpetrator in a position of power, control or authority over the victim or that indicate a sexualised element to the relationship. These elements may often be hidden in the everyday processes of families and relationships, such as rules and consequences, bed and bath times. It is necessary for investigators to seek these details because they are not always reported spontaneously. Victims (especially children and adults with a cognitive impairment) may be unaware of the offender’s process of manipulation and the real intent behind a range of behaviours, language, habits and events. Further, even if the victim was aware of the process of manipulation, they may not understand the importance of including this information in their accounts.

Each of these elements is now described in turn, including their function and potential importance within the overall investigation process.

**Grooming**

Grooming is the process by which a person prepares a victim for, and strengthens, a pattern of sexual abuse. The purpose of this process is to gain access, compliance, secrecy and to allow perpetrators to legitimise their actions in their own, and their victims’ minds (Craven, Brown, & Gilchrist, 2006). In a ‘Whole Story’ framework the grooming process is divided into two consecutive stages. In the first stage (whereby the perpetrator establishes power, control and authority) the perpetrator grooms the victim and the surrounding environment, such as the whereabouts of other caregivers, so that victims are manipulated into a situation where they feel controlled and isolated (Craven et al., 2006; Marshall, 1996; Salter, 1988). Once this is achieved, perpetrators move to the second stage of grooming by sexualising the relationship. The sexualized acts usually begin with non-threatening touches (e.g., hugging, tickling or games) and escalate in nature to sexual behaviours. This
progression from non-threatening to sexual acts is designed to test the victim’s reactions and develop a relationship in which the victim will comply. Sometimes the escalation from non-threatening to sexual behaviours is rapid, but it more commonly evolves over time using psychological manipulation where victims are made to perceive themselves as active participants in the process (Salter, 1988; Ward, Polaschek, & Beech, 2006; Wyre & Swift, 1990).

In the case (described above) of the girl who visited her father’s bedroom dressed in lingerie, the grooming processes included the provision of special privileges (e.g., allowing the girl to stay up late after her older brother had gone to bed), the progression from legitimate touch such as cuddling, to sexual touching over time, and the fathers’ labelling of the offences as ‘sex education’. Through the grooming process, over time, the girl was taught to feel responsible for the sexual behaviour, leading to her hiding the lingerie and complying with the sexual activity, without the need for physical force or verbal persuasion. Environmental grooming on the part of the offender involved manipulating the schedule of the wife and other children to enable regular time alone with his daughter, and facilitating public perception that he was a normal loving, non-abusive and supportive father.

Eliciting details about grooming behaviour is not only important for investigative and prosecution purposes, it also enhances victims’ perceptions of investigators, which plays an important part in reducing attrition and the withdrawal of complaints. The overriding theme to arise when victims of sexual assault are interviewed about their experiences of the police investigation process is the importance of being treated with dignity and respect (Powell & Cauchi, 2011). Dignity and respect is achieved by hearing their story, accepting their story and not judging it (Eastwood & Patton, 2002). This process is more important to victims than the outcome of the case and whether it proceeded to trial (Powell & Cauchi, 2011).

Another advantage of including grooming details in the interviews with victims and suspects is that it helps to educate members of the courtroom about the nature of offending, thereby enhancing the appropriateness of legal and jury decision making. Better presentation of the details of the offending relationship gives juries and legal professionals a better understanding of victim behaviour because compliance (although common) is counter-intuitive to most lay people and legal professionals (Eyssel & Bohner, 2011; Feldman-Summers & Palmer, 1980). The final benefit of including grooming details in police records of interviews is that the information would be useful for police when convicted offenders, whether on community-based orders or released from prison, are placed on a sex offender registration scheme. Such legislation has now been introduced in most English speaking countries (Vess, Day, Powell, & Graffam, in press). A frequent complaint of police, whose role is to manage these offenders, is the lack of information available to them about the psychological history of the offending (Powell, Day, Benson, Vess, & Graffam, 2012). Such historical information is essential for assessing risk of reoffending.
**Unique Signifiers**

Despite the existence of general similarities among offenders, individual cases of sexual abuse are characterised by a unique combination of words or behaviours, and patterns of coercion or manipulation used by the offender to shape victim behaviour. It is within these unique elements of the offending relationship, referred to as ‘Unique Signifiers’ that the building blocks of effective investigation and interviewing lie. In the example of the 14 year old girl above, several Unique Signifiers would have been identified in a ‘Whole Story’ investigation. Behavioural cues (e.g. coughing repeatedly and banging on his wardrobe doors) were used by the father to indicate when he required her in his bedroom. A particular word (i.e., ‘nightie’) was used to denote the wearing of the lingerie rather than the usual pyjamas. Each of these actions or phrases was a unique element of this offending relationship, with unique meaning to both the victim and perpetrator.

The function of eliciting ‘Unique Signifiers’ within the victim interview process is twofold. First, these details potentially highlight to decision makers the essence of alleged criminality by demonstrating how the victim was manipulated within the offending process. Second, the introduction of ‘Unique Signifiers’ makes offenders aware of the thoroughness of the investigation and the specificity of the disclosure (weight of the evidence) against them, which may in turn elicit responses that shed light on the true nature of the victim-offender involvement. For example, the introduction of ‘Unique Signifiers’ may create the impetus for offenders to confess or tell their side of the story or invent false explanations which are later revealed to be at odds with other evidence. For innocent suspects, responses to interviewer questions about ‘Unique Signifiers’ may clear them of suspicion by providing the opportunity to clarify misunderstandings about the meaning or implications of terms raised in the victim interview. By operating with a humanity style and providing the opportunity for conversation about non-offence related details, the model has utility with a range of suspects irrespective of their degree of initial cooperation.

**Points of Confirmation**

Details that are consistent between the suspect, witness and victim accounts are referred to as ‘Points of Confirmation’. In traditional investigations, corroboration has typically focused on external witnesses, physical and medical evidence. In cases where there are hardly ever witnesses, and even fewer still that understand the unique relationship secretly being enacted before them, such ‘evidence’ is the exception rather than the norm. A narrative basis for understanding events is proposed through the Whole Story approach, allowing all elements of the ‘relationship’ to be explored. Potential ‘Points of Confirmation’ help form the structure of each interview process. Interviewers can elicit an entire, coherent and chronological account of the alleged ‘relationship’, which may then be tested and explored in suspect interviews. Whilst ‘Points of Confirmation’ may not prove that any particular offence occurred, they may support the existence of a relationship and allow a combined story to be
developed. It is intended that such a thorough exploration of all potential ‘Points of Confirmation’ in the alleged offending ‘relationship’ may also form a significant safeguard for suspects against victim false reporting.

In the case of the girl who visited her father’s bedroom, ‘Points of Confirmation’ would have included the family culture and rules (which could be confirmed amongst all members of the family), the differing ‘cultures’ when the mother was or was not present, the differing bedtime routines when the father was ‘in charge’ (which could be confirmed by siblings), the dates of alleged offending (which could be confirmed against the mothers’ nightshift schedule), and the unusually close bond between the father and daughter characterised by ‘tickling games’, and his protectiveness and intense focus on her becoming a woman.

In the case of the nurse assaulted by the massage therapist, the ‘Points of Confirmation’ may come from her accounts of previous massage processes, and from the accounts of other clients of her alleged attacker.

**Summary**

The Whole Story framework is a new approach to conducting investigative interviews about sexual assault. It is designed to accompany and extend existing narrative approaches by dictating the nature and type of evidential detail required to increase prosecution rates involving sexual abuse of both adults and children. Specifically the model focuses on understanding the dynamics of sexual assault and on establishing and representing the victim-offender relationship in the evidence, through the use of grooming, ‘Unique Signifiers’, and ‘Points of Confirmation’. Increased focus on the ‘relationship’ is expected to have wide ranging benefits throughout the legal system, include the following: improving victim management; reducing attrition rates, increasing admissions and guilty pleas from suspects; addressing juror bias; improved decision making by investigators, jurors and legal practitioners; and more appropriate sentencing and registry management decisions. The current paper was purely descriptive in nature. The aim was to articulate this new process and the rationale underpinning its development. The next step will involve a clearer articulation of how it is implemented and empirical evaluation of the effect of the framework on professional decision making, case outcome and victim, interviewer and suspect behaviour.
AUTHORSHIP STATEMENT

1. Details of publication and executive author

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<td>'Whole Story': a new framework for conducting investigative interviews about sexual assault.</td>
<td><em>Investigative Interviewing: Research and Practice, 4</em>(2), 33-45.</td>
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<tr>
<th>Name of executive author</th>
<th>School/Institute/Division if based at Deakin; Organisation and address if non-Deakin</th>
<th>Email or phone</th>
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<tr>
<td>Patrick Tidmarsh</td>
<td>SOCIT, Victoria Police, Victoria Police Centre, 637 Flinders Street</td>
<td><a href="mailto:patrick.tidmarsh@police.vic.gov.au">patrick.tidmarsh@police.vic.gov.au</a></td>
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2. Inclusion of publication in a thesis

| Is it intended to include this publication in a higher degree by research (HDR) thesis? | Yes | If Yes, please complete Section 3 if No, go straight to Section 4. |

3. HDR thesis author's declaration

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<th>Name of HDR thesis author if different from above. (If the same, write &quot;as above&quot;)</th>
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<td>Patrick Tidmarsh</td>
<td>Psychology</td>
<td>Teaching Investigators to get the Whole Story.</td>
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If there are multiple authors, give a full description of HDR thesis author's contribution to the publication (for example, how much did you contribute to the conception of the project, the design of methodology or experimental protocol, data collection, analysis, drafting the manuscript, revising it critically for important intellectual content, etc.).

I created the Whole Story framework, including the constructs, terminology and processes. The writing of the paper was completed in collaboration with Professor Martine Powell and Dr Eli Darwinkel.

*Signature Redacted by Library*

4. Description of all author contributions

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<th>Name and affiliation of author</th>
<th>Contribution(s) (for example, conception of the project, design of methodology or experimental protocol, data collection, analysis, drafting the manuscript, revising it critically for important intellectual content, etc.)</th>
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<tr>
<td>Professor Martine Powell.</td>
<td>The concept paper was constructed, drafted and written in conjunction with Martine.</td>
</tr>
<tr>
<td>Dr Eli Darwinkel</td>
<td>Elli provided additional research on the paper, as well as some writing on drafts.</td>
</tr>
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</table>
5. Author Declarations
I agree to be named as one of the authors of this work, and confirm:
i. that I have met the authorship criteria set out in the Deakin University Research Conduct Policy,
ii. that there are no other authors according to these criteria,
iii. that the description in Section 4 of my contribution(s) to this publication is accurate,
iv. that the data on which these findings are based are stored as set out in Section 7 below.

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<td>Elli Darwinkel</td>
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6. Other contributor declarations
I agree to be named as a non-author contributor to this work.

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* if an author or contributor is unavailable or otherwise unable to sign the statement of authorship, the Head of Academic Unit may sign on their behalf, noting the reason for their unavailability, provided there is no evidence to suggest that the person would object to being named as author.

7. Data storage

The original data for this project are stored in the following locations. (The locations must be within an appropriate institutional setting. If the executive author is a Deakin staff member and data are stored outside Deakin University, permission for this must be given by the Head of Academic Unit within which the executive author is based.)

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# Appendix 2A: Course syllabus before SOCITs and Whole Story

SOCIT/VARE Course Syllabus – 2008 (pre SOCIT and Whole Story)

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<td>Investigating Sexual Offences and Child Abuse Course 01/2008</td>
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<td>14th April to 2nd May 2008</td>
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<td>0800-0855</td>
<td>Course Opening</td>
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<td>0855-0935</td>
<td>Sexual Assault Nature and Impact</td>
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<td>0940-1020</td>
<td>Gay &amp; Lesbian Liaison Office</td>
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<td>1035-1115</td>
<td>Code Of Practice (Sexual Assault)</td>
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<td>1120-1200</td>
<td>Victorian Institute of Forensic Medicine</td>
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<td>1200-1245</td>
<td>Investigating Sexual Offences</td>
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<td>1300-1340</td>
<td>Cultural Diversity and Barriers to Reporting Sexual Assault</td>
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<td>Drug and Alcohol Facilitated Sexual Assault</td>
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<td>Initial Action and Avenues of Inquiry</td>
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## WEEK 3

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Course Examination | Course Close and Debrief
# Appendix 2B: Course Syllabus after SOCITs and Whole Story

SOCIT/VARE Course Syllabus – 2014

## SOCIT/VARE Course 01/14

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<td>Tuesday 04.02.14</td>
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Appendix 3A: Questionnaire about filmed scenarios

Example questionnaire from Course resources: non-Whole Story and Whole Story film scenarios

Intra-familial child sexual abuse scenario.

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**Questionnaire on Anna & Bob – (1st Version)**

1. What questions will the jury, in this case, have about Anna’s behaviour?

1. 

2. 

3. 

4. 

5. 
2. What questions will the jury, in this case, have about Bob and his behaviour?

1. 

2. 

3. 

4. 

5. 

3. What elements of the case will the defence wish to focus on?

1. 

2. 

3. 


4. What elements of the case will the prosecution wish to focus on?

1. 

2. 

3. 

4. 

5.
5. How much responsibility may jurors attribute to Bob for the ongoing sexual ‘relationship’?

<table>
<thead>
<tr>
<th>Not at all responsible</th>
<th>Neutral</th>
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<td>0 1 2 3 4 5 6 7 8 9 10</td>
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6. How much responsibility may jurors attribute to Anna for the ongoing sexual ‘relationship’?

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7. How confident are you this brief of evidence would be successfully authorised?

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8. In this case, what things would most help the jury come to a fair decision?

1. 

2. 

3. 

4. 

5.
Appendix 3B: Sample answers to questionnaire

Sample answers to the questionnaire from Course resources: non-Whole Story and Whole Story film scenarios

Questionnaire on Anna & Bob (Answers)

1. What questions will the jury, in this case, have about Anna’s behaviour?

<table>
<thead>
<tr>
<th>The most common questions we get asked in training/at conferences etc. are:</th>
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<tbody>
<tr>
<td>Why would she go down to his room?</td>
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<td>How long has this been going on?</td>
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<td>When did it start?</td>
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<td>Why didn’t she tell her mum?</td>
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<td>Surely mum would have known?</td>
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<td>What did the brother know?</td>
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<td>Who bought the lingerie?</td>
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<td>Why did she put the lingerie on without being told to?</td>
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Jurors now understand that sexual abuse is more common than once thought, and lots of people have heard of ‘grooming’ (without necessarily understanding what it entails), but there are a number of misconceptions jurors may hold that defence may lead, and which may diminish the chances of a successful prosecution. These may include:

- Sexual abuse never happens in close proximity to other people.
- Sexually abused children will immediately report to a trusted adult.
- There will be physical ‘evidence’ of sexually abusive behaviour.
- Children who continue a close relationship with the perpetrator cannot have been abused.
- Children often lie about sexual abuse.
- Children can be ‘coached’ to make accusations.
2. What questions will the jury have, in this case, about Bob and his behaviour?

**These are the most common questions we get asked about Bob:**

Why would he do it?

When did it start?

Was his marriage a troubled one? How was his sex life with his wife?

Was he sexually abused himself?

Has he abused any other children?

Why didn’t he hide the lingerie?

How did he get her to ‘initiate’ the sexual behaviour?

It’s different in every case, but there are some similarities across all offending. There is always a period of grooming to gain power and control over children (e.g., this is normal - don’t tell – this will kill mum if she finds out – she’ll be angry with US etc.) and then to sexualize the ‘relationship’. Offenders will take significant risks (like giving the lingerie to the child to hide) because they gain a number of advantages from doing so – the child feels responsible (they don’t want mum to find out either), and the offender gets to feel the illusion that the child is initiating the sexual act. Then he can believe that she ‘wants’ it and that he isn’t doing any harm.

Some offenders only abuse within their own families and only against children of one gender, but it is important to understand that there may be offending outside the family and/or against both boys and girls.

Some offenders are victims of sexual abuse – most are not. Some child molesters are violent and abusive in their relationships, but most are not. It is not unusual for child molesters to maintain sexual relationships with adult partners.

3. What elements of the case will the defence wish to focus on?

1. That Anna is ‘knowing’ and ‘worldly’ enough to wear lingerie (the subtext of which is that she has initiated or encouraged the sexual relationship).

   Answer – it’s very easy to ‘teach’ children to appear ‘worldly’, particularly over time, and from an adult in an authority role – Grooming 1 and 2

2. That, at no time, does Bob direct Anna to behave in such a way.

   Answer – offenders often spend a significant time manipulating victims to respond to non-verbal direction. It is an important tool in their armoury of cognitive distortions – it helps
them feel that the sexual behaviour is wanted and that they are not doing any ‘harm’

3. That it is inconceivable that Anna’s mother would not be aware and/or that Anna had not told her what was happening

Answer – It is common for non-offending parents to be unaware of the abuse. Offenders spend a lot of time and effort warning victims of the consequences of disclosure

4. That it is inconceivable that the offending took place at the time and in the manner in which it is alleged because that brother was present nearby and would surely have known. No offender, they will suggest, would behave in such a manner.

Answer – it’s extremely common for offending to occur in this manner. Over 85% of offending will happen in the home of the offender and/or the victim. Whilst offenders may go to great lengths to isolate victims, they will typically also offend when others are close by. It is a very effective way to test whether victims will disclose and, if they do not take the opportunity to disclose, to confirm their powerlessness.

4. What elements of the case will the prosecution wish to focus on?

1. The development of the ‘relationship’ over time, including the different types of grooming and manipulation used to confuse and isolate Anna.

What grooming took place and when? How Anna was ‘trained’ to respond to non-verbal cues. How he got her to ‘initiate’ sexual acts.

What sexual behaviour took place over her childhood – each particularised incident where possible - when the abuse began and how it developed to this stage of penetrative offending.

2. They will want to demonstrate to a jury how understandable and ‘typical’ it was that Anna went along with the behaviour and did not report it to her mother. They will focus on the steps taken by Bob (including the unique signifiers) to diminish the likelihood of his daughter’s disclosure.

3. The deliberateness of Bob’s behaviour. The differences in parenting behaviour, the grooming over time, the isolation. The purchase of the lingerie will also be significant.

They will wish to show how well Bob hid his behaviour from his wife and son, how well he kept the ‘secret’, and how aware he was of the illegality of his behaviour.

4. The different rhythms and details of family life when the mother is present and when she is not (including points of confirmation between Anna and her brother about bedtimes/discipline etc., as well as the particularised incidents)
5. How much responsibility may jurors attribute to Bob for the ongoing sexual ‘relationship’?

Bob took great steps to fool himself that Anna wanted the behaviour and was ‘enjoying’ it. The steps he took, through teaching non-verbal cues and setting Anna up as the initiator, may fool some jurors as to the extent of his culpability. If they believe the offences took place, they may see him as a man who acted on impulse rather than a very calculated and deliberate offender.

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6. How much responsibility may jurors attribute to Anna for the ongoing sexual ‘relationship’?

In these cases jurors may be easily confused by the ‘initiation’ of the sexual behaviour, Anna’s apparent cooperation with the sexual act/s, the suggestion that she ‘enjoyed’ it, and the ‘failure’ to tell her mother.

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7. How confident are you this brief of evidence would be successfully authorised?

We would hope that all cases such as this, when the brief of evidence includes all relevant information, will be heard by a court.

Not at all confident Neutral Extremely confident

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8. In this case, what things would most help the jury come to a fair decision?

1. Anna’s behaviour reflects on Bob more than it does her. The ‘initiation’ of the sexual acts is profound evidence of a child manipulated over a lengthy period of time by an authority figure.

‘Groomed’ people do not ‘initiate’ anything – they simply do what they have been taught to do. Her knowledge of her father’s wants and needs denotes a lengthy process of grooming and manipulation.

2. Bob’s manipulation of his daughter, particularly the teaching of non-verbal cues, will have left Anna with a debilitating sense of guilt and responsibility.

Victims who feel responsible for the behaviour are extremely unlikely to report the abuse, particularly to the non-offending parent.

3. The length of time the behaviour has been going on is likely to have been since Anna was as young as 5 or 6 (and in some cases even younger).

Children abused over this length of time accommodate to the world of abuse they are living in and are unlikely to report or refuse to cooperate until their late teens, if they do so at all.

N.B Child Sexual Abuse Accommodation Syndrome, first written about in the early eighties, gives a clear outline of this process.

4. The care taken to isolate the mother and brother – and the length of time spent ‘grooming’ his daughter, highlight how deliberate Bob’s behaviour is.

Everything Bob does is driven by the desire to satisfy his wants – and persuade himself that he is not doing anything harmful or ‘wrong’.
Appendix 4A: De-identified transcript for grooming exercise

Participants are asked to highlight the behaviour that should be investigated as potential grooming, from the beginning pages of this de-identified victim statement.

Statement: Susan Smith

1. My full name is Susan Smith and I am 22 years old.

2. When I was around the age of two or three years old my mum and dad split up. My dad moved out of the house and we all lived with my mum. I don’t think it was very long after my mum and dad broke up that she met Peter Jones. I think that it might have been two years later. We all lived with just my mum for those two years. My older sister and brother, and my younger sister, would all go to my Dad’s at least once a week and every other weekend.

3. My mum and Peter ended up getting married and we all lived together. My sisters and brother and I would visit our dad once a fortnight from 9 a.m. to 5 p.m. on a Sunday only.

4. We moved to a house, which had a pool, but I don’t know where this was. This was the first house that I remember my mum and Peter were together.

5. While we were living in the house in ……. I remember that Peter was an alcoholic. I remember that he was always drinking. Peter is an electrician by trade and I remember that when he would come home from work he would always drink. Peter would usually drink beer. Peter used to send us to bed around 6.30 or 7 p.m. at night. I remember that I would often wake up at night because I heard my mum and Peter fighting. He was very abusive to my mum. I have seen Peter hit my mum during their relationship. I remember that my mum also started drinking because of Peter. I don’t remember what they would be fighting about but it was always when they had been drinking they would fight.
6. As far as I can remember Peter has always been verbally aggressive to me and to my brother and sisters. I remember that back then I would call him ‘dad’ as he was in my life since I was only little. Peter told us all we had to call him ‘dad’. I remember then that I didn’t have a problem with him and I loved him as a dad. Even though he was abusive to my mum I was too young to understand what was happening then and so that’s why I loved him as a dad.

7. I do remember that even though there were bad times then we also did have some good times together as a family. I remember Christmas’s and having B.B.Q’s and stuff. I remember that I was close to my brother and sister’s back then because we were younger and we really didn’t have friends then. I remember Peter decked out the garage of the house and turned it in to a games room for us to play in.

8. While we were living at …….. I remember the first time Peter started to show me his penis. I remember that we always used to have to ask if we wanted a drink or something from the cupboard. I remember one night I got up out of bed and walked out to the kitchen. We had a six seater table in the kitchen and Peter’s chair was always at the end. When I got to the kitchen Peter was sitting in his chair. I don’t know what he was doing at the table when I walked in. I remember asking Peter for a drink and then he said “Come here.” Peter then said “Have a look at this.” I walked over to Peter, who was still sitting in his chair at the kitchen table. Peter always sat at the head of the table. He always had his chair turned to the side, so that the table was on his right hand side. His right arm would usually be resting on the table side.

9. When I walked up to Peter he was sitting in the chair on the side of the table and I was facing him. He always wore these little work shorts. He was wearing these shorts and he had pulled his penis out over the top of them. Peter had his penis in his hand and he was playing with it. When I say playing I mean that he was stroking his penis with his hand. He had an erection as he did this. Peter said to me “Have you ever seen one.” I had never seen a male’s penis before but knew what it was. I don’t think I said much to him.
10. When I saw what Peter was doing I felt afraid and wondered what he was doing and why he was showing me. He then asked me to touch it. Peter then grabbed my hand but I don’t remember which one and put it on his penis. I then touched Peter’s penis with my hand. Peter then moved my hand up and down on his penis. I didn’t know what he was doing when he did this to me.

11. Peter then just stopped for no reason and then he said to me that I could go and get a drink. I then went and got a drink and then went and gave Peter a kiss good night and went to bed. We always would have to give my mum and dad a kiss on their lips good night every night.

12. I think that on this night my mum was out. I don’t remember where in the house my sisters and brother were. I do remember that they were home.

13. This was not the only time that Peter made me touch his penis in the kitchen. I remember that I would have to touch his penis on a regular basis. It usually happened in the kitchen. The times when I had to touch his penis in the kitchen no one else was in there with us. I remember that he would sexually abuse me twice a week, if not more.

14. There were other times in the kitchen, as I got older, that Peter would be sitting in his chair with his little shorts on and he would say to me “Susie”. I would look over at him and I could see that he had his legs a part and no underpants on under his shorts. I could see the tip of his penis poking out of the leg of his shorts. I remember when he would do this to me he would just move his eyes and face up and down a bit to get my attention and make me look down at his shorts. He would do this even if there were people around in the kitchen.
Appendix 4B: Suggested answers for grooming exercise

Highlighted suggested answers to Appendix 4A: Grooming exercise from beginning of de-identified statement.

1. My full name is Susan Smith and I am 22 years old.

2. When I was around the age of two or three years old my mum and dad split up. My dad moved out of the house and we all lived with my mum. I don’t think it was very long after my mum and dad broke up that she met Peter Jones. I think that it might have been two years later. We all lived with just my mum for those two years. My older sister and brother, and my younger sister, would all go to my Dad’s at least once a week and every other weekend.

3. My mum and Peter ended up getting married and we all lived together. My sisters and brother and I would visit our dad once a fortnight from 9 a.m. to 5 p.m. on a Sunday only.

4. We moved to a house, which had a pool, but I don’t know where this was. This was the first house that I remember my mum and Peter were together.

5. While we were living in the house in ……. I remember that Peter was an alcoholic. I remember that he was always drinking. Peter is an electrician by trade and I remember that when he would come home from work he would always drink. Peter would usually drink beer. Peter used to send us to bed around 6.30 or 7 p.m. at night. I remember that I would often wake up at night because I heard my mum and Peter fighting. He was very abusive to my mum. I have seen Peter hit my mum during their relationship. I remember that my mum also started drinking because of Peter. I don’t remember what they would be fighting about but it was always when they had been drinking they would fight.
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12. I think that on this night my mum was out. I don’t remember where in the house my sisters and brother were. I do remember that they were home.

13. This was not the only time that Peter made me touch his penis in the kitchen. I remember that I would have to touch his penis on a regular basis. It usually happened in the kitchen. The times when I had to touch his penis in the kitchen no one else was in there with us. I remember that he would sexually abuse me twice a week, if not more.

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Appendix 5: Whole Story suspect interview plan template

SOCIT INTERVIEW PLAN 2015

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THIS PLAN CAN BE DEVELOPED BY THE INVESTIGATOR AND/OR AN INTERVIEW ADVISOR.

This document is a guide only, for use in interview planning. It does not purport to be evidence in this matter. The opinions and comments contained within the document are those of the author. Nothing contained in this document abrogates members of Victoria Police from their duties and responsibilities in relation to legislation, policy or procedures regarding the conduct of interviews.
UNDERSTANDING THE STORY

This section should include ‘WHOLE STORY’ elements – ‘GROOMING’ - both POWER/CONTROL/AUTHORITY (Grooming 1) and SEXUALIZATION (Grooming 2), ‘UNIQUE SIGNIFIERS’, and possible POINTS OF CONFIRMATION.

SUMMARY OF THE STORY (Brief)

‘GROOMING’

‘UNIQUE SIGNIFIERS’

POINTS OF CONFIRMATION
UNDERSTANDING THE SUSPECT

This section should focus on suspect personality (extrovert or introvert) – and any information from the victim statement that indicates how he may justify or ‘explain’ his behaviour.

ARREST AND PRE-INTERVIEW STRATEGIES

This section should explore all investigative and pre-interview strategies – pretext calls, interviewer choice, and communication style.
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<th>INTERVIEW THEMES AND QUESTIONS</th>
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<td>THIS SECTION SHOULD DETAIL THEMES/AVENUES OF ENQUIRY TO EXPLORE IN INTERVIEW. THIS MAY INCLUDE QUESTIONS OR SETS OF QUESTIONS.</td>
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## FINAL PLAN

### THEMES AND QUESTION LIST

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Appendix 6: Investigator Confidence Questionnaire

Please read the 12 scenarios.

Each scenario has four subsequent questions. Please answer ALL of them.

**Q1.** The higher the score, the more confident you are of the brief being authorised.

**Q1a.** Please show how you came to your decisions re the authorisation of the brief of evidence. List the factors in order of importance.

**Q2.** The higher the score, the more confident you are of a finding of guilt in this case.

**Q3.** Please choose a score that reflects the level of responsibility the victim should take for the events that allegedly took place.

A high score would indicate a high level of responsibility and a low score would indicate the opposite.

There is no right or wrong answer. Please write what you THINK.
Scenario 1: A 16 year old girl reports repeated oral rapes by her mum’s new boyfriend. You find film of one event on his mobile phone. He is heard to say in a rough voice, “keep going”, and you see his hand grasping the back of her head. She says “he does it every time he gets drunk, he forces me and I hate it”. The suspect denies any sexual contact.

Question 1: How confident are you that this brief will be authorised?

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Question 1a: Please show how you came to your decision, re. the authorisation of the brief, listing the factors in order of importance

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Question 2: How likely is it that there will be a finding of guilt in this case?

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Question 3: How much responsibility should be attributed to the victim/complainant in this scenario?

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Scenario 2: A mother brings her 12 year old daughter into your station to make a report of sexual abuse by the child’s father. She refuses to let her daughter be spoken to without being present. During questioning the child repeatedly looks to her mother. Her answers also appear rehearsed. The mother and father have been separated for a year. The suspect denies any offending. After interviewing him, you conduct a second VARE, during which significant changes from the first VARE appear, which changes she is unable to explain. You have been made aware by both parties that their relationship has been acrimonious and full of conflict since the separation.

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Scenario 3: A 28 year old woman presents with historical allegations of sexual abuse by her father. She particularises several incidents including rapes. She states that her mother was aware of the abuse but did nothing to stop it. Her mother is now deceased. The victim’s psychiatrist states that her mental health issues are now well controlled with medication, despite previous inpatient admissions. DHS records reveal a notification from 15 years ago detailing similar allegations. This file was closed with the filed marked NOD.

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Scenario 4: A 35 year old woman reports being raped by her ex-boyfriend. She presents with bruises and vaginal tearing. A medical confirmed the presence of the suspect’s DNA on the victim. She reports significant harassment and threats since their relationship ended, several of which were reported to police. The suspect was arrested, but made no comment in the interview.

Question 1: How confident are you that this brief will be authorised?

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Scenario 5: An intellectually disabled 16 year old male reports that a 20 year old male, a fellow attendee at his sheltered work shop, has been dragging him in to the male toilets to play the ‘lollipop game’. The victim explains that the ‘lollipop game’ is where the offender puts his penis into the victim’s mouth. During a VARE the victim can vaguely particularise one event, but says “it happens all the time”. The suspect says he can’t remember. The staff members report that the pair spend a lot of time together.

Question 1: How confident are you that this brief will be authorised?

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Scenario 6: A 50 year old woman reports a long term childhood history of sexual abuse from a neighbour. He is now 75 years old. The last offence occurred more than 35 years ago. She is unable to particularise any event, but reports that it used to happen “all the time”. The suspect and his wife used to socialise and holiday with the victim and her family for many years. There is no recent complaint evidence. The suspect is interviewed by invitation and vehemently denies any sexual contact.

Question 1: How confident are you that this brief will be authorised?

Not at all

Extremely

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Not at all

Extremely

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Question 3: How much responsibility should be attributed to the victim/complainant in this scenario?

None

All

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Scenario 7: A 28 year old woman has been in a consenting, casual, sexual relationship with a 40 year old married man. She reports that on the last occasion he became rough during sex. She told him to stop, but he continued. She has minor bruising to her thighs and some scratches on her neck. He says it was all consensual and that “she is just crying rape because I went back to my wife”.

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Scenario 8: A 17 year old women claims to have been raped twice by a peer age male in her friendship circle. Prior to the first rape, she had told friends that she “really liked him”. The first event took place at a party where several of her friends were present. She didn’t tell anyone. Two days later, after the suspect ‘texted’ her, she met him again, alone, at the beach. She claims the second rape took place at the beach. She then told her mother about the rapes. When interviewed, the suspect says the sex was consensual.

Question 1: How confident are you that this brief will be authorised?

Not at all  Extremely

| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Question 1a: Please show how you came to your decision, re. the authorisation of the brief, listing the factors in order of importance

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Question 2: How likely is it that there will be a finding of guilt in this case?

Not at all  Extremely

| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Question 3: How much responsibility should be attributed to the victim/complainant in this scenario?

None  All

| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
Scenario 9: A 40 year old mother walks into her 13 year old daughter’s bedroom and sees 17 year old son having intercourse with the girl. The girl makes a VARE statement and discloses that he’s been making her do it for the past 2 years. The son has been removed from the house and the mother and victim both want him charged. He made full admissions.

Question 1: How confident are you that this brief will be authorised?

Not at all  Extremely

| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Question 1a: Please show how you came to your decision, re. the authorisation of the brief, listing the factors in order of importance

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Question 2: How likely is it that there will be a finding of guilt in this case?

Not at all  Extremely

| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Question 3: How much responsibility should be attributed to the victim/complainant in this scenario?

None  All

| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
Scenario 10: A 19 year old young woman went to a club where she got drunk and then invited a male home. She says she can’t remember the rest of the night but believes she was raped. She states that she woke up with her top on but no underwear. She reports vaginal pain. She doesn’t report to police for a week. The suspect is subsequently identified and interviewed. He says that he walked her home, but never went in. At a second interview she also admits taking ecstasy as well as alcohol.

Question 1: How confident are you that this brief will be authorised?

Not at all          Extremely

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Question 1a: Please show how you came to your decision, re. the authorisation of the brief, listing the factors in order of importance

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Question 2: How likely is it that there will be a finding of guilt in this case?

Not at all          Extremely

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Question 3: How much responsibility should be attributed to the victim/complainant in this scenario?

None          All

0 1 2 3 4 5 6 7 8 9 10
Scenario 11: A 16 year old girl reports repeated oral rape by her mum’s new boyfriend. You find footage of one event on his mobile phone. She appears drunk, robotic and disinterested. She says “it happens all the time, whenever mum goes out”. “He gives me vodka cruisers and I get really pissed”. “After the first time he told me he’d tell mum if I didn’t keep doing it”. The suspect says it was consensual.

**Question 1:** How confident are you that this brief will be authorised?

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**Question 1a:** Please show how you came to your decision, re. the authorisation of the brief, listing the factors in order of importance

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**Question 2:** How likely is it that there will be a finding of guilt in this case?

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**Question 3:** How much responsibility should be attributed to the victim/complainant in this scenario?

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Scenario 12: A 21 year old female reports being raped (digitally penetrated) by a new work colleague (male) who was giving her a lift in his car to the railway station. The suspect admits to giving her a lift but denies the rape. You have good evidence of recent complaint. A LEAP check reveals that the complainant has made 2 previous reports of rape in the past 4 years, neither of which has resulted in a conviction.

Question 1: How confident are you that this brief will be authorised?

Not at all 0 1 2 3 4 5 6 7 8 9 10 Extremely

Question 1a: Please show how you came to your decision, re. the authorisation of the brief, listing the factors in order of importance

1. 
2. 
3. 
4. 
5. 

Question 2: How likely is it that there will be a finding of guilt in this case?

Not at all 0 1 2 3 4 5 6 7 8 9 10 Extremely 

Question 3: How much responsibility should be attributed to the victim/complainant in this scenario?

None 0 1 2 3 4 5 6 7 8 9 10 All
Appendix 7: Example Scenario from Mock Suspect Interviewing Exercises

STATEMENT

Name:

STATES:  (SUSPECT No 1 - ‘Bob’)
1. My name is Mary. I live with my mum, Tina. I am 15 years old. I have never met my Dad, I don’t know where he lives. I don’t have any brothers or sisters.

2. Sometime near my 13th birthday, when I was nearly at the end of Grade 6 at the local Primary School, I remember Mum telling me that there were new neighbours across the road. They had moved in to number 21. When I stand in my driveway and look onto the street, their house is diagonally to the left of ours. I didn’t meet the new neighbours until January, a couple of months after Mum told me about them.

3. A few days before I started Year 7 at High School, Bob, who had moved into number 21 came over and introduced himself to Mum who was in the garden. I was inside at the time. Bob had moved down from Queensland with his Mum and his 2 brothers. I can’t remember their names. Bob was about 40 years old. I think he had something wrong with his right leg, he could not walk on it properly.

4. The day after Mum met Bob in the garden, he came over for coffee. I was a bit shy and did not speak to him. Two days after this, I started at my new school. I started Year 7 at my new college in Dandenong. I’m not sure of the exact date I started but it was the end of January, around the week of the 28th. Could even be the 30th or 31st.

5. The day I started High School, Bob came over while we were eating dinner. After dinner, Bob stayed in the kitchen with Mum, I went to the computer room and started homework. At the time there were only Mum and I living in the house. I was wearing my new school dress and jumper. Bob was wearing blue jeans and a black t-shirt. I asked Mum if she could help me with my homework but she said she couldn’t because she was busy doing dishes. She asked me to see if Bob would help me. Bob was there and overheard this, he offered to help me without me having to ask him.

6. Bob came to the computer room. As you walk in the house it is the fifth room on the right. Our house is a 3 bedroom house. One of the bedrooms is used as a computer room. When you enter through the front door of my house, the first room
on the right is Mum’s room. It has a walk in robe and its own ensuite. The next room on the right is my bathroom. The next room on the right is the toilet. Next to this is the laundry. After the laundry is the computer room then my bedroom. The first room on the left after walking in is the lounge dining room. This leads into the family room and the kitchen.

7. At the time Bob came down to the computer room I was doing maths homework. Bob helped me do my maths homework for a while. I went out to get a drink of water and came back and continued doing my homework. While I was sitting there, Bob started rubbing himself. He was rubbing his pants where his penis is. He was rubbing his penis with his whole hand, and rubbing himself up and down. When Bob was rubbing himself, he was sitting on the arm of the little teddy couch which was on the floor to my right. He kept looking at me and smiling at me. I saw what he was doing and ignored it by doing my homework. I didn’t think anything of it at the time. I kept doing my homework and he kept rubbing himself on the top of his pants and then he looked at me and smiled again. I didn’t look at him but I could see him out of the corner of my eye. He was sitting to my right.

8. Bob then got his left hand and he put his left hand on top of my right leg. He put it on my upper thigh underneath my dress. I was a bit unsure of what he was doing. I didn’t feel comfortable about it at all. I looked at him from the corner of my eye and thought, ‘what are you doing?’ He slowly moved his hand up further till it got to my vagina. He put his hand through the top of my undies and started rubbing the top of my vagina with his fingers. He didn’t say anything. I was a bit scared of what he was doing and what he was going to do next. He touched me only for a few seconds.

9. Bob moved his left hand further down and pushed his finger into my vagina. It hurt a bit and I pushed his hand away straight away and said “don’t”. It felt strange coming from someone that old. I was thinking, ‘why is he doing this to me?’ and ‘if Mum came in, what would she say?’ He said, ‘did that feel good?’ I did not answer him but looked at him with a straight face.

10. I pushed my chair out so I could get away from the computer. I went and got a drink and went to the toilet and came back. Mum was in the kitchen doing the dishes. I wanted to tell Mum but was scared of what he might do. I continued on with my homework and asked Bob certain things about my homework like how to do them. He helped me with that. He stood up, went to the kitchen and got a drink of water then he came back and stood behind me. He started massaging my shoulders with both hands. He did this for a minute or so. I was concentrating on my homework because it was getting late and I had to get up early in the morning for
school the next day. While he was massaging my shoulders he took his left hand off my shoulder and he put his left hand on my left boob over my top. I pushed his hand away again and he went back to rubbing my shoulders. Mum yelled out, “I’m going to bed now, don’t be up too late because you have to get up early for school tomorrow.”

11. I got up so I could get my pyjamas from my drawer in my bedroom. I went to the toilet and got changed. I went back into the computer room and said, “I’m really tired now and would like to go to bed, can you please go?” He just stood there and it was pretty obvious that he didn’t want to leave. I went to my bedroom and put my school clothes onto my chair for the next morning. I went back into the computer room and he still hadn’t gone. I said, “Please go, I really want to go to bed.” He stood up and gave me a kiss on the cheek and a hug. He said, “Good night sweety.” I said, “Good night.” I opened the front door and he left. By this time, it would have been around 10.30pm and Mum was asleep.

12. Over the next few months, Bob used to pick me up after school and take me places. Mum was always working in the afternoons and Bob would pick me up either from home or school and take me to dancing or sometimes to the shops or Maccas. Other times he’d just come over and sit at my place until Mum was on her way home from work.

13. In year 7 I only wagged school once. It was either the end of term 2 or the start of term 3 because it was still winter and it was cold. Bob used to send messages to my phone every day saying things like, “I love you”, “You’re so beautiful” and all that kind of stuff.

14. This day I wagged, Bob rang. I was out the front of the Dandenong Library. The library was closed, it was in the morning before 9.00am. I told Bob I was at the library. He said that he’ll come and pick me up and take me to Macca’s to get something to eat. Bob picked me up in his gold car and took me to Macca’s. He got me something to eat. He took me to some place. I wouldn’t have a clue where it was but it was some place. It was like a park with a dirt gravel driveway. It was the only time that he took me to this place. It had trees on the right and a little building in front. It was a small single storey building. There were a few other cars there but I couldn’t tell if anybody was in them or not. Bob took off his seatbelt and then he took off my seatbelt. He got his left hand and touched me on the outside of my boobs. He turned so he was facing me and put his other hand on my other boob. I yelled at him and told him to stop. He took his hands off me and said, “I love you.” I didn’t say anything to him, I just stared out the window. After a few minutes, he drove into Dandenong and we went shopping.

15. Sometimes in year 7 Mum had to work nights. Mum normally worked weekdays 10.00am to 7.00pm. One of these nights, Bob came over and we watched movies in the computer room. He was on one beanbag and I was on the other. After a little while he came over to my beanbag. He started touching himself on the
top of his jeans. He unzipped his jeans and pulled out his penis. He was rubbing his penis again. He grabbed my hand and put it on his penis, but I pulled my hand away as soon as I felt it touch him. I got up and went to the toilet and then I went back to the computer room. Bob had pulled his pants up. We continued watching movies and I fell asleep. He was asleep about a centimetre away from me. Mum told me the next day that she came home and yelled at him for falling asleep so close to me and kicked him out.

16. During Year 7, Bob used to meet me at the shops some nights. I remember one time when he met me to the Dandenong Plaza. He called me up at 3.30pm and said, “meet me at the shopping centre” and that he had something for me. I went to the plaza. Bob came in his gold car. He bought me a bunch of flowers and a ring. He gave me the ring and said, “I love you so much I want to marry you.” I gave him a dirty look. After 10 minutes I said I have to go now. I left and walked home. I left the roses in his car. I wrecked the ring and threw it in a rubbish bin at the shopping centre. The ring was gold, had a love heart in the middle with a pink stone on the top left side of the heart. I got home and Bob came over. Mum was working. I opened the door and Bob followed me in. He bought me over a stamp book. I was in to collecting stamps. He told me I might like to look through it. By this stage we had moved to the lounge dining area. I was wearing my school dress, school jumper and blue knee-high socks. He lifted my chin up and gave me a kiss on my mouth. I pulled away from him. About 15 minutes later, he took his stamp book and went home.

17. Bob’s Mum must have known what was going on because she stopped him from coming over. Bob’s Mum told my Mum that in Queensland, Bob was going out with a schoolgirl and that they moved down here after that.

18. All through Year 7, Bob used to come over 3 to 5 times a week. He used to come over mainly when Mum was working. Mum used to work late and not get home until 7.00pm. I’d get home around 3.30pm and Bob would be over 15 to 20 minutes later. On each visit, Bob would do something to me. He would give me a hug, kiss me, and try and touch me on my chest and all over my body. I never let him do it and just pushed him away all the time.

19. After Bob got stopped from coming over I felt good because he was no longer around and I could have a normal life. He called a couple of times but I just hung up on him. I did not want to talk to him.

20. I never told anyone about what happened until I told my boyfriend a few weeks ago. I never told anyone before because I didn’t know who to tell. What happened really affected me. I noticed the changes myself. I started arguing with Mum a fair bit to the point where we were arguing every day. I started getting violent to Mum. I’d always start arguments.
21. Before all this happened, I was really confident around people. I’d talk to my friends all the time. I was a good girl and got on well with Mum. I was always happy, like really happy. I was eating well. I felt that Bob has wrecked my whole teenage life, my whole teenage life has been shit like really fucked. If I could go back I would change it all. I feel Bob picked on my family. I believe he picked us because he saw a single Mum with a teenage daughter.

............................
(Mary)
Statement taken and signature witnessed by me
at on at

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

............................
(Mary)

Acknowledgment made and signature witnessed by me
at on at
STATEMENT

Name:

STATES: (SUSPECT No 1 - ‘Bob’)

1. My name is Tina and I am the natural mother of Mary.

2. I remember when Mary was at the end of her 6th year in Primary School and just at the beginning of Year 7, I met Bob from across the road. I first met Bob when I had come home after work one day and found a note in my letterbox with words along the lines of ‘my dog would like his frisbee back’. There was a mobile number on the note.

3. I’m not sure if I rang the mobile number or he came to my door, but I met the person who left that note in my letterbox either that day or the day after. That person was Bob. This was in January and was a few days before Mary started at High School.

4. Bob came over and introduced himself. I gave him the frisbee back and talked to him for a while at my front door. He told me at some point that he had recently moved down from Queensland. I remember he said something about getting a payout from an injury to his leg. He seemed an easy going guy, friendly, and when he suggested that we get together for a coffee, I thought it was a good idea. He came over for coffee the next day. Bob always made himself visible in the reserve next to my house, playing with his dog, so that if I was outside I would talk to him.

5. It wasn’t that long after I met Bob that he made an advance towards me to change the relationship. I explained to him that I wasn’t interested in that way, I just wanted to be friends with him. I felt he was a bit taken aback by that, but that was the way I wanted it. He had been coming to my house a couple of times a week prior to making a move on me, so I understand where he was coming from, but I didn’t want a sexual relationship with him.

6. Bob still came over to my house on a very regular basis. I don’t remember at what point Bob and Mary met but I believe it would have been the day after he came over to get his frisbee. I felt after I knocked him back, he shifted his attention from me and took an interest or more of an interest in Mary.

7. I remember I worked Monday, Wednesday, Thursday and Friday between 11am and 7pm, but I also worked a lot of extra hours at this point of time so I was finishing
a lot later. Mary did ballet lessons, I’m not sure what day of the week it was, but it was one of the days that I worked. Sometimes I would nick out of work and drop her off, which I didn’t like but had to do, or sometimes she would get a taxi because I couldn’t get away from work. After I met Bob, he started to help with little things like taking Mary to ballet lessons, picking her up from school and helping her with her homework. I never had any help raising Mary, I did it on my own and sometimes it was tough as I worked. When Bob offered to help, I thought it was great.

8. I don’t remember at what point, but I noticed a change in Bob’s and my relationship. To explain this, I remember at one point I was preparing dinner. Bob and Mary were in the computer room and they were doing something with a coin or stamp collection. I said something to him like, ‘come and talk to me’, trying to get him to associate with me as he was supposed to be my friend and most adults gravitate to adults. I didn’t want him to feel obliged to sit with Mary so I kept asking him to come out and talk to me. He refused and said he was fine or something similar. I just felt it was strange that he was starting to spend so much time with my daughter and less and less time with me.

9. I remember little things about Bob, like he used to stand in his lounge room looking out the front window. From my house I could clearly see him. In addition to this, I remember coming home from work one time and Mary had changed her bedroom from the back room, to a room on the side of the house. I asked her how or who had helped her and she said that she had done it on her own. From her side window, where her bed was you could see across to Bob’s house.

10. I also wrote notes about message that I found on Mary’s phone. When I would take her phone to her room I started to check it for messages. I was getting suspicious of their relationship. These messages say things like, ‘I love you baby, you’re my girlfriend’ and they’re usually signed off by ‘Bobby’. I have given these notes to the Police.

11. About 6 or 8 months after he started coming over, I told Bob that he was not to come over and see my daughter. I also told him that he was not to come to Mary’s birthday party and he went white with anger. I told him that it would be in his best interests if he stayed away from Mary as I was having problems with her. He didn’t come to Mary’s birthday but he gave her a card with money in it. I was having a lot
of behavioural problems with Mary who constantly told me that she hated me, wouldn’t listen to me, I look back now and believe he poisoned her mind against me.

12. The last time I allowed Bob into my house, I remember coming home late from work one night. Bob and Mary were in the computer room lying on a bean bag, covered by a throw rug. They were facing each other cuddled up asleep. I walked into the room and not only did I not like what I saw, but I reckon I could smell semen. Having been a service provider for approximately 8 years I know that smell. I immediately kicked him and yelled at him to get the fuck out of my house. I knew that he had sex with my daughter. I was furious. When I kicked him and started yelling he woke up saying what’s going on. I told him he knew what was going on and repeated for him to get out of my house. He left. I never let him back into my house again.

13. I went to visit his mother, who he lived with. I told her there was something going on and she told me she was glad I had come over because she was also concerned about the amount of time that Bob had been spending with Mary.

14. I also remember that Bob gave Mary a ring at one stage. I don’t remember whether I saw it on her hand or she told me about it, but it was a silver stone with a birthstone. I have kept the notes of the messages from Mary’s phone and I have given them to the Police.

........................................

(Tina )

Statement taken and signature witnessed by me at on at

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

........................................

(Tina )

Acknowledgment made and signature witnessed by me at on at
SOCIT TRAINING COURSE 2015

‘SUSPECT’ INTERVIEW INSTRUCTIONS

- Earlier this morning you attended at your suspect’s address. There were no other persons present at the address.
- There was no search warrant executed and no property was seized.
- You formally arrested the suspect in relation to the offences alleged in the statement and gave the appropriate caution and rights.
- You conveyed the suspect back to the Police Station and conducted the ‘preamble’ to a DEC Interview, which was immediately suspended pending some inquiries.
- The suspect is currently seated in the Interview Room. You are about to return to the Interview Room and resume the interview.
- Upon recommencement, you need to use the following opening:

  ‘this is a recommencement of a recorded interview conducted at the Mulgrave Police Station on (date)’
  ‘(suspect’s name............) do you agree that the time is now......???
  ‘do you understand that the caution and rights still apply??’
Appendix 8: Questionnaire for Study 1 – Investigator Qualities.

SOCIT/VARE TRAINING

PRE COURSE QUESTIONNAIRE

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<td>How many statements have you taken from victims of sexual crimes (all types)? (please circle)</td>
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<th>How many suspect interviews have you led? (please circle)</th>
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<th>How many sexual offence suspect interviews have you led? (please circle)</th>
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List the 5 things that most influenced your decision to seek / take on your current role

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What 5 things, about the role, would you tell a colleague who was considering working in SOCIT / Sex Crimes?

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<th>What would you like to achieve in your current role?</th>
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<th>What are the most important details to elicit from a victim of sexual assault or child abuse?</th>
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<th>What are the key qualities needed in a specialist sexual assault investigator?</th>
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Interviewing sexual assault victims requires specialist knowledge

Interviewing children is a highly complex task.

Sexual assault suspects rarely make admissions

Interviewing sexual assault suspects is no different from interviewing other types of suspects.

Interviewing children comes naturally to me.
He said, she said cases hardly ever have enough evidence to go to Court.

The main purpose of interviewing sexual assault suspects is to gain admissions.

Evidence about the victim and suspect relationship is important in compiling a sexual assault brief.
During a statement / VARE, it is important to get victim to focus mainly on:
…………………………………………..
(circle the three most important in the list below)

Their relationship with the suspect
Whether penetration occurred
What the victim was wearing
When the offence occurred
The victim’s level of resistance during the offence
Where the offence occurred
What the victim said / did before the offence
What the victim said / did during the offence
What the victim said / did after the offence
What the suspect said / did before the offence
What the suspect said / did during the offence
What the suspect said / did after the offence

Specialist training
In my opinion, a 4 week specialist course is necessary to become a sexual assault and child abuse investigator.

I have enough of an understanding of sexual offending to effectively investigate sexual crime cases.
I have significant experience in talking to sexual assault victims.

My previous training has prepared me to deal with victims of traumatic experiences.
The SOCIT / VARE course should focus **MOST ON** (please **circle** 3 from the list below) and should focus **LEAST ON** (please **place a line through** 3 from the list below.)

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<th>Knowledge about sexual offending</th>
<th>Legislation</th>
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<tr>
<td>Gaining suspect admission/s</td>
<td>Knowledge about Child Protection</td>
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<td>Knowledge about trauma</td>
<td>Knowledge about C.A.S.A.</td>
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<td>Understanding victim behaviour</td>
<td>Interviewing child victims of abuse</td>
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<td>Understanding offenders</td>
<td>Interviewing persons with a cognitive impairment</td>
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<td>Detecting victim lies</td>
<td>Interviewing Sexual Offence suspects</td>
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<td>Interviewing skills</td>
<td>Interviewing adult victims of sexual assault</td>
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<td>Suspect interview planning</td>
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<td>Child abuse myths and misconceptions</td>
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<td>misconceptions</td>
<td>Detecting suspect lies</td>
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<td>Understanding child development</td>
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List the most important things you wish to gain from the SOCIT/VARE training

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Appendix 9: Participant Consent Form for Study

2/Custodian of the Data.

Victoria Police Badge logo

CONSENT FORM

SOCIT SPECIALIST SEXUAL ASSAULT INVESTIGATOR TRAINING EVALUATION

I give my consent to participate in the SOCIT Specialist Sexual Assault Investigator Training Evaluation, including any future related research.

I understand this project, and associated further research, is designed to evaluate interviewer training and feedback processes and/or related research.

I understand my views, in whatever format they are expressed, will not identify me individually, and will only be used in a de-identified and collated format.

Signed

Print Name

Rank and Reg No.

Date;   _______  /  _______  /  _______

________________________

________________________

________________________
CONSENT FORM

Principal Researcher: Patrick Tidmarsh

Project Title: Review of SOCIT/VARE course participants and interview role players: Pre, during and post course

I agree to take part in the research project specified above. I have had the project explained to me, and I have read the Plain Language Statement, which I keep for my records. I understand that agreeing to take part means that I am willing to:

I agree to be interviewed by the researcher □ Yes □ No
I agree to allow the interview to be audio recorded □ Yes □ No
I agree to allow the interview to be video recorded □ Yes □ No

I understand that my participation is voluntary, that I can choose not to participate in part or all of the project, and that I can withdraw at any stage of the project without being penalised or disadvantaged in any way. □ Yes □ No

I understand that any data that the researcher extracts from the interview for use in reports or published findings will not, under any circumstances, contain names or identifying characteristics. □ Yes □ No

I understand that any information I provide is confidential, and that no information that could lead to the identification of any individual will be disclosed in any reports on the
I understand that data from the interview/video recording will be kept in a secure storage place accessible to the research team. I also understand that the data will be destroyed after a 5 year period unless I consent to it being used in future research.

I understand that I may contact the researcher Patrick Tidmarsh on 0439636733 with regard to any concerns I may have about my participation in this research. Should you have any queries concerning how this research is conducted please contact the Secretariat of the Victoria Police Human Research Ethics Committee on (Tel: 9247 6756).

Yes ☐  No ☐

Participant's name:

Signature:

Signature of witness:

Date:
To Whom It May Concern,

The SOCIT Project of Victoria Police conducts regular training programs for police members becoming specialist sexual assault investigators. As a part of the SOCIT training program data is collected across a range of course tasks and subjects.

Course participants routinely complete a series of practical ‘mock’ interviews. Each of these ‘mock’ interviews is transcribed and analysed for participant progress feedback. Participants also complete a series of questionnaires on course subject matter, which results are fed back to participants. Finally, participants complete an evaluation of the course itself. The data collected is for participant guidance only, and is not used to rate, rank, pass or fail participants.

Prior to the commencement of the course participants are asked to sign consent forms to allow all collected data to be used in any future research. Signature is voluntary and the conditions specify that participants will not be identified in any future research.

The data is collected by the course coordinator and is securely stored at the SOCIT office.

Access has been granted to Patrick Tidmarsh to use the de-identified data. This access has been granted in order to evaluate the effect of the training on participants. It is intended that this evaluation may draw out themes in the practical, questionnaire and participant evaluation processes that may provide guidance for ongoing program development.

Supt. Rod Jouning
Manager, SOCIT Project

Sgt. Tony Breen
Course Coordinator/
Data Custodian