

CONCLUSION

46. The investigation and interviewing of children in alleged cases of sexual abuse is fraught with danger. If abuse has occurred inappropriate procedures can compromise a potential prosecution and an abuser may remain at large to offend again. If abuse has not occurred an innocent person may yet be convicted. Experience has taught those with expert skills in this area that developing a best practice protocol is vital if both of the above situations are to be avoided.
47. It is clear that a best practice protocol for investigating mass allegation cases and interviewing children in such cases would require additional elements to those appropriate for other situations where child sexual abuse is alleged.
48. These additional elements would include:
 - (a) The need for the supervisors of investigators and interviewers to ensure that their staff remain strictly objective and open-minded throughout the investigation. They should immediately remove staff if there is any suggestion of bias or closed-mindedness or personal involvement even if such could not be proved.
 - (b) Mass meetings should be avoided and every effort should be made to suppress hysteria and control anxiety.
 - (c) Parents should be clearly advised on an individual basis that they should not question their children and that if they have concerns, these should be conveyed to an appropriate person who can make a judgment as to whether the concerns warrant video-recorded interview.

²⁰⁴Garven, S., Wood, J.M., Malpass, R.S., and Shaw, J.S. III (1998) More Than Suggestion; The Effect of Interviewing Techniques From the McMartin Preschool Case, Journal of Applied Psychology 1998, Vol 83, No 3. 347-359.

- (d) Prosecutions should only be commenced where contamination can be excluded.
- (e) Prosecutions should not be commenced in the absence of credible corroborative evidence.
- (f) Interviewers and investigators should be fully trained in the specific characteristics and requirements of mass allegation cases.
- (g) Critical attention should be given to significant discrepancies in various versions of events given by a child.
- (h) Investigators should look at alternative reasons for the making of allegations.
- (i) Interviewers must strictly apply the best practice protocols for interviewing children and be even more vigilant in:
 - (i) exploring the question of source monitoring;
 - (ii) avoiding any suggestion of social influence themselves and explore in interview any suggestions from the child or parent of source monitoring;
 - (iii) using free recall questioning and avoiding the use of closed or leading questions;
 - (iv) the avoidance of free play within the interview;
 - (v) the avoidance of the use of props and other distractions;
 - (vi) the avoidance of cues;
 - (vii) the avoidance of repetition;
 - (viii) refusing to interview when there is evidence of contamination (and noting the same);
 - (ix) treating the interview as a confirmatory exercise;

49. The Best Practice Protocol for interviewing children should include inter alia the following :

- (1) There should generally only be one interview;

- (2) That the interviewer should not be acquainted with the specific detail of the allegation but the general outline;
- (3) Interviews should only be conducted by trained interviewers in designated settings;
- (4) The interviewer should avoid the forming of a personal bond with the child;
- (5) The monitor should be someone other than the investigating police officer;
- (6) that the interview should generally be no longer than one hour;
- (7) That free play should not be encouraged;
- (8) that free recall should be encouraged;
- (9) that open questions should be asked;
- (10) That leading or closed questions should be avoided except for clarification at the end of an interview;
- (11) that multiple choice questions should be avoided;
- (12) that there should be source monitoring;
- (13) Social influence should be avoided;
- (14) Language used should be related to the child's capabilities;
- (15) The interviewer should acquaint her/himself with the degree of sexual knowledge of the child;
- (16) Variations in accounts should be explored by appropriate questioning;
- (17) Children should be trained.

50. It is the contention of these submissions that so many contaminating factors known to compromise reliability have occurred in the investigation and interviewing of the children in the Peter Ellis case that it is now impossible to know whether the children have provided accurate accounts of what really happened to them, if anything, or not.