
The National Institute of Child Health and Human Development Protocol

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17.1. Introductory Comment

The National Institute of Child Health and Human Development (‘NICHD’) Protocol was developed in the mid-1990s to address perceived shortcomings in the quality of interviews that were being conducted.¹ It was developed by United States (‘US’) government scientists at the National Institutes of Health with collaboration and input from a wide range of professionals including forensic interview trainers, lawyers, defence expert witnesses, police, social workers and alike. The main objective of the NICHD Protocol was to target the area of forensic interviewer training and develop a training tool that would assist in improving the skills of forensic interviewers and the quality of interviews they conducted. In this chapter, we discuss the development of the NICHD Protocol and its subsequent revisions, the uniqueness of the underpinning research, the influence it has had on forensic interviewing practice worldwide and the challenges that have been faced along the road to becoming one of the most influential interview protocols developed to date. The authors are child forensic interview experts and have been closely involved in the development, implementation and training of the NICHD Protocol.

17.1.1. Basic Lessons from Suggestibility Research

The 1980s heralded an explosion of research aimed at understanding the factors involved in children’s suggestibility in legal contexts.² Much of this research

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¹ Kathleen J. Sternberg *et al.*, “Effects of Introductory Style on Children’s Abilities to Describe Experiences of Sexual Abuse”, in *Child Abuse & Neglect*, 1997, vol. 21, no. 11, pp. 1133–1146; Yael Orbach *et al.*, “Assessing the Value of Structured Protocols for Forensic Interviews of Alleged Abuse Victims”, in *Child Abuse & Neglect*, 2000, vol. 24, no. 6, pp. 733–752.

² Stephen J. Ceci and Maggie Bruck, “Suggestibility of the Child Witness: A Historical Review and Synthesis”, in *Psychological Bulletin*, 1993, vol. 113, no. 3, pp. 403–439; Thomas D.

was stimulated in the wake of many high-profile cases in which children made fantastic allegations of abuse that many commentators doubted could have ever happened.³ Research on suggestibility made it clear that interviewer bias in forensic investigations of child abuse, particularly around the questioning of children, would, with a high probability, lead to the production of inaccurate information about what did or did not happen. The take-home message from suggestibility research at the time the NICHD Protocol was initially developed was that children could easily fall foul of suggestive influence and that suggestive questioning in investigations should be avoided at all costs. This stimulated experts in the field to look for ways in which the forensic interviewing of children could be improved.

17.1.2. Basic Lessons from Memory Research

Developmental psychologists and memory researchers had also begun to learn much about the ways that reliable information *can* be extracted from children about their experiences if children were questioned in an open and unbiased manner.⁴ These basic insights slowly began to shape recommendations about how forensic interviews with children should be conducted and how forensic interviewers should be trained. Early forensic interview guidelines, for example the Memorandum of Good Practice⁵ and the StepWise model,⁶ were clearly influenced by the work of the early memory researchers.⁷ However, even with

Lyon, “The New Wave in Children’s Suggestibility Research: A Critique”, in *Cornell Law Review*, 1999, vol. 84, no. 4, pp. 1004–1087.

³ Nadja Schreiber *et al.*, “Suggestive Interviewing in the McMartin Preschool and Kelly Michaels Daycare Abuse Cases: A Case Study”, in *Social Influence*, 2006, vol. 1, no. 1, pp. 16–47.

⁴ Gail S. Goodman and Jennifer M. Schaaf, “Over a Decade of Research on Children’s Eyewitness Testimony: What Have We Learned? Where Do We Go from Here?”, in *Applied Cognitive Psychology*, 1997, vol. 11, no. 7, pp. 5–20; Margaret-Ellen Pipe and J. Clare Wilson, “Cues and Secrets: Influences on Children’s Event Reports”, in *Developmental Psychology*, 1994, vol. 30, no. 4, pp. 515–525.

⁵ United Kingdom (‘UK’) Home Office, *Memorandum of Good Practice on Video Recorded Interviews With Child Witnesses for Criminal Proceedings*, His Majesty’s Stationery Office (‘HMSO’), 1992; Kathleen J. Sternberg, Michael E. Lamb, Graham M. Davies and Helen L. Westcott, “The Memorandum of Good Practice: Theory Versus Application”, in *Child Abuse & Neglect*, 2001, vol. 25, no. 5, pp. 669–681.

⁶ John C. Yuille, Robin Hunter, Risha Joffe and Judy Zaparniuk, “Interviewing Children in Sexual Abuse Cases”, in Gail S. Goodman and Bette L. Bottoms (eds.), *Child Victims, Child Witness: Understanding and Improving Testimony*, Guilford Press, New York, 1993, pp. 669–681.

⁷ Debra A. Poole and Michael E. Lamb, *Investigative Interviews of Children: A Guide for Helping Professionals*, American Psychological Association, Washington, D.C., 1998.

such clear recommendations coming to the forefront of professional thinking,⁸ the quality of forensic interviewing still contained many shortcomings including the persistence of biased interviewing, lack of open questioning and the use of ‘techniques’ that that were known to reduce the reliability of testimony.⁹ It was perplexing that the quality of forensic interviewing was so low given the clarity of research findings and professional recommendations.

17.2. What Is the NICHD Protocol?

The NICHD Protocol was developed to maximize the conditions in which children would be most likely to accurately describe their experiences of abuse in legal contexts. The NICHD Protocol has at its core developmentally appropriate expectations about children’s capabilities and seeks to help interviewers avoid suggestive practices while at the same time capitalizing on cognitive strengths.

17.2.1. The Basic Structure of the NICHD Protocol

The NICHD Protocol is structured and characterized by the following phases of the investigative interview.

17.2.1.1. Introduction and Ground Rules

In this phase, interviewers inform children that they should tell the truth and that they will be required to describe events in detail because the interviewer was not present and therefore does not know what happened. This initial phase is designed to remove potential pressure that could manifest itself as suggestive influence later in the interview. The number and type of ground rules used can differ across jurisdictions due to legal requirements. One of the core aspects of the NICHD Protocol is that it is flexible enough to permit variation in these procedures. Typical ground rules that interviewers should communicate include: (i) that it is important to tell the truth; (ii) asking the child to promise to tell the truth; (iii) a demonstration of ‘truth and lies’; (iv) ‘if you do not understand me, say so’; (v) ‘it is OK to say ‘I don’t know’’; (vi) ‘correct me if I make a mistake’; (vii) ‘tell me everything’; (viii) ‘tell me if you cannot remember’; (ix) ‘do not guess’; and (x) ‘sometimes we will ask questions again to clarify what you mean’.

⁸ Michael E. Lamb, “The Investigation of Child Sexual Abuse: An Interdisciplinary Consensus Statement”, in *Child Abuse & Neglect*, 1994, vol. 18, no. 12, pp. 1021–1028.

⁹ Sternberg, Lamb, Davies and Westcott, 2001, see *supra* note 5; Jan Aldridge and Sandra Cameron, “Interviewing Child Witnesses: Questioning Techniques and the Role of Training”, in *Applied Developmental Science*, 1999, vol. 3, no. 2, pp. 136–147; Amye Warren *et al.*, “Assessing the Effectiveness of a Training Program for Interviewing Child Witnesses”, in *Applied Developmental Science*, 1999, vol. 3 no. 2, pp. 128–135.

17.2.1.2. Rapport Building and Practice Interview

In this phase, the interviewer uses open prompts to get acquainted with the child and to familiarize the child with the questioning style that will be used later in the interview to discuss alleged abuse. The interviewer begins by inviting the child to provide some ‘neutral topics’ about things that they have done recently. Typically, an interviewer might ask a child ‘What are some things that you like to do?’. Once the child has provided some topics the interviewer can follow up with open prompts such as ‘Tell me more about that’ to convey that they are interested in ‘getting to know’ the child. Sometimes the interviewer will have some pre-prepared topics that they can use if the child is not able to provide suitable topics to talk about (for example, a recent celebration such as Matariki or Thanksgiving) which are also followed up with open prompts.

The rapport building phase feeds directly into what we know as the ‘practice interview’. The interviewer continues to encourage the child to retrieve memories about neutral topics. The continued use of open prompts by the interviewer helps the child ‘practice’ their memory retrieval skills which further helps the child become familiar with the communication style that will continue throughout the interview. During this phase, the interviewer can get a feel for the child’s language and developmental abilities, how reluctant or worried they are and their overall level of comfort and can adapt their style accordingly.

17.2.1.3. Transition to Substantive Phase

The interviewer uses a series of prompts to assist the child in transitioning to the topic of concern. These prompts are ranked on a continuum using a funnel approach, with interviewers beginning with open prompts such as ‘Now that I know you a little better, it is time to talk about why you came to see me today’. Children who have previously made an outcry will often know that this is the time to discuss the alleged abuse. Should the child not be forthcoming, the interviewer may need to resort to more direct prompting, with the specificity of the prompting required varying case-by-case.

17.2.1.3.1. Investigating the Incident(s)

If the child does make a clear disclosure, the interviewer follows up with open prompts to allow the child to tell them more about what happened (for example, ‘Tell me what happened’). If the interviewer suspects that there may be multiple instances of abuse to investigate, they may need to separate the incidents by asking ‘*Did X happen one time, or more than one time?*’. If there are multiple incidents, the interviewer explores details for as many specific incidents as the child can remember. The incidents that are likely to be best remembered are ‘the first time’ and ‘the last time’. The interviewer can also enquire about ‘another time’ but it should be remembered that in cases of multiple incidents children

can find it difficult to provide detailed information about each time that they were abused.

17.2.1.4. Focused Questions

Once the child has provided their account in response to open prompts, the interviewer must address forensically relevant information that the child has not spontaneously provided using focused questions. Sometimes additional information obtained using focused questions can also be followed up using open prompts, what has been called the ‘pairing principle’.

17.2.1.5. Break

During the break, the interviewer leaves the room and confers with colleagues about ideas for follow-up questions. This provides a chance to make sure important details are not missed. A skilled colleague observing the interview may have spotted aspects of a child’s account that need to be clarified to get a clearer picture about what happened or to satisfy legal requirements. Typical follow up questions can include, ‘When you said he touched you, was that above the clothes or below the clothes?’, or ‘When you said he touched you, was that before or after your birthday?’. If new information is introduced the interviewer may again follow up with additional open prompts.

Interviewers may take as many breaks as the child, or they, need. If the child is reluctant, the interviewer can use the break to discuss potential barriers to communication, how they might be addressed or whether to abort the interview altogether.

17.2.1.5.1. Disclosure Information

The interviewer explores the circumstances of the initial disclosure made by the child. Who did the child initially tell? Who else knows what happened?

17.2.1.5.2. Closure

The interviewer thanks the child for talking and leaves the door open for future interviews if necessary (for example ‘Anything else you want to tell’, ‘Do you have any questions to ask me? If you remember anything else, ask a grown-up to give me a call’). It is good practice to then end the interview on a neutral topic not related to the abuse or allegations that have been made.

17.3. The Development of Approaches to Interview Protocols Past and Present: Differences and Common Ground

17.3.1. Quintilian

The historical roots of our approach to forensic interviewing goes back to around 95 AD when Quintilian wrote at length about ‘interviewing’ in the famous *Institutio Oratoria*, a 12-volume textbook on the theory and practice of rhetoric

and training of the ‘orator’, or what we today call the ‘interviewer’.¹⁰ The basic principles are remarkably like the approach we take today. Quintilian wrote that interviews should have the following aspects:

- Have a purpose and a plan for the interview;
- to engage with the interviewee;
- be aware of the formal and informal setting of where and when the communication (interview) is taking place;
- getting the interviewee to provide the information and to clarify and challenge the information presented;
- summarize what has been presented and close the communication; and
- examine and reflect upon how well the interview went and what could have been done differently.

17.3.2. Stern

More than a hundred years ago, Stern¹¹ argued that the quality of a witness statement was dependent upon how the interviewer phrased their questions. Stern made the distinction between two kinds of interviewing styles termed ‘Bericht’ and ‘Verhör’. The Bericht style of questioning was characterized as one that allowed a witness to provide their account in a manner that was unhampered by leading and suggestive questions, and interviewer expectation and bias. We now often refer to these types of accounts as ‘free narratives’ that are elicited by the interviewer using open prompts. By contrast, the Verhör style of questioning was characterized as one that included ‘closed’ and ‘suggestive’ questions. These core principles in communication are now found in nearly all textbooks on the theory and practice of interviewing, especially those in legal contexts.

17.3.3. Modern Interview Guidelines and Protocols

The communication principles theorized by Quintilian and Stern are like those we see in most interview structures today. For example, the interviewing protocols listed below (in alphabetical order) all have a similarly phased approach to interviewing, beginning with rapport-building, opportunities to obtain accounts of events of interest and ending with closure:

- Achieving Best Evidence in Criminal Proceedings;¹²

¹⁰ *The Institutio Oratoria of Quintilian*, Harvard University Press, William Heinemann, 1920–1922 (translation).

¹¹ L. William Stern, *Beiträge zur Psychologie der Aussage*, Verlag von Johann Ambrosius Barth, Leipzig, 1903/1904.

¹² UK Ministry of Justice, *Achieving Best Evidence in Criminal Proceedings Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures*, 2011; see also Chapter 18 of this book.

- Advanced Interview Mapping for Child Forensic Interviewers;¹³
- APSAC Practice Guidelines on “Investigative Interviewing in Cases of Alleged Child Abuse”;¹⁴
- ChildFirst® Forensic Interview Protocol;¹⁵
- Cognitive Interview;¹⁶
- CornerHouse Forensic Interview Protocol;¹⁷
- Dialogical Communication Method (DCM);¹⁸
- Interviewing children and recording evidence (Queensland Family Services);¹⁹
- KREATIV principles and programme;²⁰
- Learning to listen;²¹

¹³ Mark D. Everson, Scott Snider and Scott M. Rodriguez, “Taking AIM: Advanced interview Mapping for Child Forensic Interviewers”, in *American Professional Society on the Abuse of Children (‘APSAC’) Advisor*, 2020, vol. 31, no. 2.

¹⁴ APSAC Taskforce, “Forensic Interviewing in Cases of Suspected Child Abuse”, APSAC, 2012.

¹⁵ Rita Farrel and Victor Vieth, “ChildFirst® Forensic Interview Training Program”, in *APSAC Advisor*, 2020, vol. 32, no. 2, pp. 56–62.

¹⁶ Ronald P. Fisher and R. Edward Geiselman, *Memory-Enhancing Techniques for Investigative Interviewing: The Cognitive Interview*, Charles C Thomas Publisher, Springfield, 1992; see also Chapter 16 of this book.

¹⁷ Jennifer Anderson, “The CornerHouse Forensic Interview Protocol: An Evolution in Practice for Almost 25 Years”, in *APSAC Advisor*, 2013, vol. 25, no. 4, pp. 2–7; CornerHouse, “The CornerHouse Protocol”, 2018.

¹⁸ Kari Trøften Gamst and Åse Langballe, “Barn som vitner. En empirisk og teoretisk studie av kommunikasjon mellom avhører og barn i dommeravhør. Utvikling av en avhørsmetodisk tilnærming”, Ph.D. thesis, Institutt for spesialpedagogikk, University of Oslo, 2004; Norwegian Ministry of Justice and Public Security, *Avhør av særlige sårbare personer i straffesaker. Rapport fra arbeidsgruppen som gjennomgang av regelverket om dommeravhør og observasjon av barn og psykisk utviklingshemmede*, 2012; Trond Myklebust, “The Nordic Model of Handling Children’s Testimonies”, in Susanna Johansson, Kari Stefansen, Elisiv Bakketeig and Anna Kaldal (eds.), *Collaborating Against Child Abuse*, Palgrave Macmillan, Cham, 2017.

¹⁹ Queensland Family Services, “Interviewing Children and Recording Evidence: Education, Health and Police Services”, 1992.

²⁰ Ole Thomas Bjercknes and Ivar A. Fahsing, *Etterforskning – Prinsipper, metoder og praksis*, Fagbokforlaget, Bergen, 2018; Andy Griffiths and Asbjørn Rachlew, “From Interrogation to Investigative Interviewing”, in Andy Griffiths and Rebecca Milne (eds.), *The Psychology of Criminal Investigation: From Theory to Practice*, Routledge, London, 2018; see also Chapter 12 of this book.

²¹ Patti Toth, “APSAC’s Approach to Child Forensic Interviews: Learning to Listen”, in *APSAC Advisor*, 2019, vol. 32, no. 2, pp. 9–18.

- Memorandum of Good Practice;²²
- NICHD Protocol;²³
- PEACE model;²⁴
- RADAR Child Interview Models;²⁵
- Step by Step: Sixteen Steps Toward Legally Sound Sexual Abuse Investigations;²⁶ and
- StepWise Protocol.²⁷

17.3.4. Differences Between Approaches

Some of these approaches were largely influenced by academic researchers, whereas other approaches were more heavily influenced by practitioners working for government, non-governmental or private organizations. Depending on the context in which these approaches were developed, some have received copyright protection of intellectual property, whereas other protocols have been made freely available to any person or agency that wants to use them.

There are also notable differences in the content and focus. For some approaches, the focus has been on the values and principles that underpin them. For example, the KREATIV approach²⁸ adopted in Norway, emphasizes: (K) Communication, (R) Rule of law, (E) Ethics and Empathy, (A) Active consciousness, (T) Trust through openness and (I) Information (V) Verified through science.²⁹ For others, the content is more focused on the actual structure of the interview approach. For example, the PEACE model³⁰ originally adopted in England and Wales uses a mnemonic for emphasize the structure of the

²² UK Home Office, *Memorandum of Good Practice on Video Recorded Interviews With Child Witnesses for Criminal Proceedings*, HMSO, London, 1992; see also Chapter 18 of this book.

²³ Michael E. Lamb, Irit Hershkowitz, Yael Orbach and Philip W. Esplin, *Tell Me What Happened: Structured Investigative Interviews of Child Victims and Witnesses*, Wiley-Blackwell, Hoboken, 2008; David J. La Rooy *et al.*, “The NICHD Protocol: A Review of an Internationally-Used Evidence-Based Tool for Training Child Forensic Interviewers”, in *Journal of Criminological Research, Policy and Practice*, 2015, vol. 1, no. 2, pp. 76–89.

²⁴ See Chapter 12 of this book.

²⁵ Mark D. Everson, Scott Snider, Scott M. Rodriguez and Christopher T. Ragsdale, “Why RADAR? Why Now? An Overview of RADAR Child Interview Models”, in *APSAC Advisor*, 2020, vol. 31, no. 2, pp. 36–47.

²⁶ Jan Hindman, *Step by Step: Sixteen Steps Toward Legally Sound Sexual Abuse Investigations*, AlexAndria Associates, Ontario, 1987.

²⁷ Yuille, Hunter, Joffe and Zaparniuk, 1993, see *supra* note 6.

²⁸ Bjerknes and Fahsing, 2018, see *supra* note 20.

²⁹ For further details, see Chapter 12 of this book.

³⁰ *Ibid.*

interviewing approach – (P) Planning and preparation; (E) Engage and explain, (A) Account, (C) Closure and (E) Evaluation.

Another difference between these different approaches is length of training required for an interviewer to be considered competent.³¹ Some training programmes involve only a few hours while other training programmes can last for several days or weeks.

An important question over recent decades for researchers and practitioners alike has been – how effective are the different approaches to interviewing? Some commentators have taken the stance that it is important to validate interviewing approaches and systematically evaluate their effectiveness by examining real-life forensic interviews conducted with children.³² Without developing a ‘perfect’ way to measure the effectiveness of a forensic interview, many researchers decided that a good place to start is by examining the post-training questioning styles used by interviewers conducting real-life forensic interviews.

A less ecologically valid, yet equally important, approach to assessing the effectiveness of various interview approaches has been to conduct analogue experimental research.³³ Much of the research literature that supports current approaches to forensic interviewing relies on memory and suggestibility research conducted on non-abused children who assent to participate in the research.

Some of the modern approaches to forensic interviewing listed above do not rely heavily on scientific research and are guided by the professional experience of the developers.

17.4. Research Underpinning the NICHD Protocol

17.4.1. Early Field Research

What makes the NICHD Protocol so unique is that, unlike many other interview approaches that have been developed, the NICHD Protocol was, and continues to be, the subject of rigorous ecologically-valid scientific evaluation. Beginning in 1997, Sternberg and collaborators, using an Israeli sample of real-life forensic interviews, evaluated the relative effectiveness of two rapport-building techniques for eliciting information from children. Israeli youth investigators who participated in the research were also trained using two different structured

³¹ Heather Stewart, Carmit Katz and David J. La Rooy, “Training Forensic Interviewers”, in Michael E. Lamb, David J. La Rooy, Lindsay C. Malloy and Carmit Katz (eds.), *Children’s Testimony: A Handbook of Psychological Research and Forensic Practice*, 2nd ed., Wiley-Blackwell, Chichester, 2011, pp. 199–216.

³² Michael E. Lamb, “Difficulties Translating Research on Forensic Interview Practices to Practitioners: Finding Water, Leading Horses, but Can We Get Them to Drink?”, in *American Psychologist*, 2016, vol. 71, no. 8, pp. 710–718.

³³ Deirdre A. Brown *et al.*, “The NICHD Investigative Interview Protocol: An Analogue Study”, in *Journal of Experimental Psychology: Applied*, 2013, vol. 19, no. 4, pp. 367–382.

interview protocols. One was primarily based around using direct prompts, while the other was based around using open prompts. In that process, consistent with the findings of experimental research,³⁴ researchers demonstrated that using open prompts, particularly when combined with narrative elaboration training, increased the total amount of information provided by children alleging abuse. It also appeared that the information elicited was more useful from an investigative perspective. That said, the research also showed that interviewers did not persist using open prompts for long, and often ceased using them soon after the substantive phase of the interview had begun.

17.4.2. Testing of a Structured Protocol

Subsequent research focused on ways that would help interviewers use open prompts more effectively. Sternberg and collaborators³⁵ focused primarily on the use of a *structured* interview protocol (later to become known as the NICHD Protocol) to improve the overall quality of forensic interviews. Using a US sample of experienced police officers, the quality of post-training structured interviews was compared with the quality of pre-training interviews. Specifically, the training involved police officers undertaking a 40-hour training programme. In addition to being provided with information about children's testimony, memory development and suggestibility, they also received training in the use of a highly structured interview protocol. During their training, they received detailed feedback from their trainers following role-play interviews, reflected on their own interviewing techniques and participated in group discussion sessions. Role-play interviews were also recorded, re-watched and reviewed. This study showed that interviewers trained to use a structured protocol, particularly the one based around facilitating the use of open prompts, were able to obtain greater amounts of uncontaminated information from the children they interviewed.

17.4.3. Field Research Using the NICHD Protocol

In 2000, Orbach and colleagues³⁶ conducted the first 'official' field trial of the NICHD Protocol. Real-life interviews using the NICHD Protocol were

³⁴ Helen R. Dent, "An Experimental Study of the Effectiveness of Different Techniques of Questioning Mentally-Handicapped Child Witnesses", in *British Journal of Clinical Psychology*, 1986, vol. 25, no. 1, pp. 13–17; Hellen R. Dent and Geoffrey M. Stephenson, "An Experimental Study of the Effectiveness of Different Techniques of Questioning Child Witnesses", in *British Journal of Social and Clinical Psychology*, 1979, vol. 18, no. 1, pp. 41–51.

³⁵ Kathleen J. Sternberg, Michael E. Lamb, Phillip W. Esplin and Laila P. Baradaran, "Using a Scripted Protocol in Investigative Interviews: A Pilot Study", in *Applied Developmental Science*, 1999, vol. 3, no. 2, pp. 70–76.

³⁶ Yael Orbach *et al.*, "Assessing the Value of Structured Protocols for Forensic Interviews of Alleged Abuse Victims", in *Child Abuse & Neglect*, 2000, vol. 24, no. 6, pp. 733–752.

compared to a sample of non-protocol forensic interviews. This study demonstrated that the NICHD Protocol facilitated an interview style based on open prompts and better stimulated children's ability to provide uncontaminated free narrative; the research also showed the suggestive questioning by interviewers was reduced; and that this change was achieved in the first interviews after training. The same research design was later replicated in three more countries: (i) the US in 2001; (ii) the UK in 2006; and (iii) Canada in 2006, and provided consistent findings that were subsequently published.³⁷

Using this quasi-experimental methodology, subsequent research was also able to explore other aspects of forensic interviewing, for example, credibility assessment, effects of interview delay and the dynamics of the disclosure process.³⁸

17.5. Further Development of the NICHD Protocol

17.5.1. Reluctant Children

Subsequent research has also facilitated a revision of the NICHD Protocol now termed the 'NICHD-R'. In a study of the interviews with children in cases that had been independently corroborated, Hershkowitz *et al.*³⁹ observed that interviewers tended to respond to reluctant children counter-productively by (i) putting pressure on reluctant children rather giving them support; (ii) shifting the discussion to sensitive issues before the children seemed comfortable; and (iii) using intrusive rather than open questions when exploring the possibility that abuse might have occurred. A related study revealed that reluctant disclosers (those who disclosed in response to focused recognition memory prompts, rather than to open prompts) reported fewer abuse-related details than non-reluctant

³⁷ Kathleen J. Sternberg *et al.*, "Use of a Structured Investigative Protocol Enhances Young Children's Responses to Free Recall Prompts in the Course of Forensic Interviews", in *Journal of Applied Psychology*, 2001, vol. 86, no. 5, pp. 997–1005; Michael E. Lamb *et al.*, "Use of a Structured Investigative Protocol Enhances the Quality of Investigative Interviews With Alleged Victims of Child Sexual Abuse in Britain", in *Applied Cognitive Psychology*, 2009, vol. 23, no. 4, pp. 449–467; Mireille Cyr and Michael E. Lamb, "Assessing the Effectiveness of the NICHD Investigative Interview Protocol when Interviewing French-Speaking Alleged Victims of Child Sexual Abuse in Quebec", in *Child Abuse & Neglect*, 2009, vol. 33, no. 5, pp. 257–268.

³⁸ La Rooy, 2015, see *supra* note 23.

³⁹ Irit Hershkowitz *et al.*, "Dynamics of Forensic Interviews With Suspected Abuse Victims Who Do Not Disclose Abuse", in *Child Abuse & Neglect*, 2006, vol. 30, no. 7, pp. 753–769.

children.⁴⁰ Accordingly, Hershkowitz *et al.*⁴¹ recommended that interviewers should refrain from raising abuse-related issues until children appear comfortable and co-operative, and that they should invest greater effort in establishing rapport to support reluctant children. The NICHD Protocol in its original form clearly helped children report information about experienced events, but it did not specifically address important and complicated motivational obstacles that make some children unwilling or unable to talk about suspected abuse.

17.5.2. The Revised NICHD Protocol

The NICHD-R was designed to (i) assist interviewers in building better rapport with the children at the outset, and (ii) provide children with more emotional support throughout the investigative interview.⁴² Specifically, the NICHD-R includes a friendlier version of the pre-substantive phase and provides guidance for interviewers to use non-suggestive, supportive comments, especially in response to reluctant behaviour. In a comparison to the original Protocol, research has shown that the revised Protocol was associated with increased support and decreased reluctance to talk.⁴³

The specific modifications made to the NICHD-R were designed to enhance the children's emotional comfort, trust and co-operation. The rapport-building phase of the interview preceded, rather than followed, the explanation of the ground rules and expectations. Furthermore, interviewer training shifted focus to place greater emphasis on the use of non-suggestive, supportive comments, which included:

- expressions of interest in the child's experiences ('I really want to know you better');
- using the child's name while echoing their feelings ('You say you were (sad, angry or the feeling mentioned)');
- acknowledging the child's feelings ('I see' or 'I understand what you are saying') and exploring them ('Tell me more about (the feeling)');

⁴⁰ Yael Orbach, Hana Shiloach and Michael E. Lamb, "Reluctant Disclosers of Child Sexual Abuse", in Margaret-Ellen Pipe, Michael E. Lamb, Yael Orbach and Ann-Christin Cederborg (eds.), *Child Sexual Abuse: Disclosure, Delay, and Denial*, Erlbaum, Mahwah, 2007, pp. 115–134.

⁴¹ Hershkowitz *et al.*, 2006, see *supra* note 39.

⁴² Irit Hershkowitz, Michael E. Lamb and Carmit Katz, "Allegation Rates in Forensic Child Abuse Investigations: Comparing the Revised and Standard NICHD Protocols", in *Psychology, Public Policy, and Law*, 2014, vol. 20, no. 3, pp. 336–344.

⁴³ Elizabeth C. Ahern *et al.*, "Support and Reluctance in the Pre-Substantive Phase of Alleged Child Abuse Victim Investigative Interviews: Revised Versus Standard NICHD Protocols", in *Behavioral Sciences & the Law*, 2014, vol. 32, no. 6, pp. 762–774; Hershkowitz, Lamb and Katz, 2014, see *supra* note 42.

- positively reinforcing the child’s efforts (‘Thank you for letting me listen’ or ‘You are really helping me understand’) but not what they said; and
- expressing empathy about the interview experience (‘I know (it is a long interview, there are many questions or other difficulties the child expressed)’).

17.6. Training in Israel and the Research-Led Approach

17.6.1. The Opportunity in Israel

The implementation of the NICHD Protocol and training model requires a well-organized and supporting institutional context. In many ways, the early research on the NICHD Protocol conducted in Israel was greatly facilitated by the political, legal and organizational context in Israel in the mid-1990s. Since 1955, Israeli law had specified that children under 14 years of age who were victims or witnesses of crimes should be interviewed by trained forensic interviewers.⁴⁴ Therefore, a nationwide network of youth investigators had already been established and overseen by the Ministry of Social Affairs.⁴⁵

In the early 1990s, Professor Michael Lamb contacted the Israeli Minister of Social Affairs to explore the possibility of implementing the Protocol in Israel. Since then, Israeli child forensic interviewers started to be trained to use the NICHD Protocol, which, in 1998, became mandatory nationwide.⁴⁶

17.6.2. The Research-Practice Connection

The connection between the NICHD research team and Israeli forensic interviewing practitioners became not just a role model in interview training but also an excellent example of an action-research methodology. This approach seeks transformative change through the simultaneous process of taking action and doing research that is linked together by critical scientific reflection. The method was based on a continual loop between planning, implementation, description and evaluation of forensic interviews, aimed to improve and support interviewer practice, and providing an expectation that there will be ongoing scientific evaluation and inquiry. In Israel, every forensic interview conducted using the NICHD Protocol is, and has been, recorded so the possibility of conducting research is greatly facilitated with a database of tens of thousands of interviews available.

⁴⁴ Carmit Katz, “Investigative Interviews With Alleged Victims and Witnesses in Israel: Consequences of the 1955 Law for Practice”, in David Walsh, Gavin E. Oxburgh, Allison D. Redlich and Trond Myklebust (eds.), *International Developments and Practices in Investigative Interviewing and Interrogation*, Routledge, 2016.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

17.7. Training With the NICHD Protocol

17.7.1. Challenges

Despite the clarity of the research findings and training methods discussed above, professional forensic interview trainers employing the NICHD Protocol have encountered some common difficulties and challenges in training environments. Of course, there are challenges faced by anyone delivering training regarding child forensic interviewing, most notably around the content and subject matter of the training itself, but some issues have arisen that are particular to training using the NICHD Protocol. These challenges center around the perception that the NICHD Protocol is a ‘script’, and that, because every child is different, a ‘one-size-fits-all’ approach is not appropriate.

17.7.2. The NICHD Protocol Is Not a ‘Script’ to Be Read to Children

The most common difficulty to overcome is the perception that the NICHD Protocol is a ‘script’ that should be simply read to children in a forensic interview. Because the NICHD Protocol contains very specific guidance about what interviewers should say in a forensic interview, some argue that it will lead to a lack of spontaneity on the part of the interviewer, and lead to the interview itself seeming robotic and detached.

Ideas like this, when expressed in an interview training session, should be dealt with as they arise. They should be taken seriously by interview trainers as they bring to the forefront a major misunderstanding about the role that the NICHD Protocol plays in improving the quality of forensic interviews. The NICHD Protocol functions primarily as a training tool designed to provide the necessary interviewing skills to professionals, who may have never interviewed a child about abuse before, within a few days. As a training tool the NICHD Protocol allows interviewers to familiarize themselves with the language, questioning style and phases of the forensic interview. Trying to remember what to say in all the different phases of the interview is difficult so interviewers benefit from having very clear guidance. It is important to remember that the language of the NICHD Protocol was decided through consultation with psychologists, legal experts and experienced forensic interviewers so that it is developmentally appropriate and meets legal standards in the jurisdictions that it is used. With training and feedback, interviewers manage to quickly learn the ‘basics’ before, over time, settling on a more personal and relaxed approach while still following the structure of the NICHD Protocol. In practice, no two interviews are ever the same and interviewers will still need to make many decisions about the direction their interviews lead and take a flexible, rather than a rigid, approach. Using the NICHD Protocol provides a standardized starting position for training and provides, as research shows, better outcomes in the long term.

17.7.3. The NICHD Protocol Is Not Designed as a ‘One-Size-Fits All’ Approach

Another criticism has been that the NICHD Protocol is not appropriate for all children, with trainees often pointing out that ‘every child is different’ and that a standard approach is not appropriate in every case. This is a very valid concern, but it does not mean that the NICHD Protocol should not be used in training contexts as a valuable training tool. The NICHD Protocol was primarily developed and tested in research studies on children who have made a clear initial disclosure and/or when abuse is strongly suspected to have occurred. In these situations, children are often ‘ready to talk’ and the NICHD Protocol provides the techniques for forensic interviewers to obtain detailed accounts about what happened. So, in practice, the NICHD Protocol is appropriate to use in most cases.

That said, experienced interviewers will still recognize cases where modifications to the approach may be warranted, for example, when children are very young, have intellectual disabilities, suffered repeated abuse or are traumatized. Changes to the NICHD Protocol have been made to support children in cases with particularly difficult dynamics and are reflected in the NICHD-R discussed in Section 17.5.2.

Thus, the NICHD Protocol should be considered a training tool that can be used for interviewers to quickly learn the basic approach, and over time they will be able to use it more flexibly in a larger variety of cases.

17.8. Perceived Credibility of the NICHD Protocol in Legal Contexts

17.8.1. Legal Outcomes Are Improved

Although the NICHD Protocol improves the quality of forensic interviews, a related question has centered around whether it improves legal outcomes in cases of child abuse when it is used. In a study of more than 1,000 interviews, Pipe and collaborators⁴⁷ demonstrated that charges were more likely to be filed by the police when the NICHD Protocol had been used by investigators. In addition, in cases where the NICHD Protocol had been used by investigators, a greater number of guilty pleas were obtained. It was also notable that in the minority of the cases studied by Pipe and collaborators⁴⁸ that proceeded all the way to trial, there were higher rates of conviction, presumably because the accounts provided by the children interviewed using the NICHD Protocol appeared more compelling and accurate. Further, forensic interviews conducted

⁴⁷ Margaret-Ellen Pipe *et al.*, “Do Case Outcomes Change when Investigative Interviewing Practices Change?”, in *Psychology, Public Policy, and Law*, 2013, vol. 19, no. 2, p. 179.

⁴⁸ *Ibid.*

using the NICHD Protocol yielded more investigative leads (that is, information that suggests new directions in which to seek corroborative evidence) that facilitated the verification of allegations. In fact, NICHD Protocol interviews produced leads that were clearer and more easily verifiable compared to the leads produced in non-NICHD Protocol interviews.

17.8.1.1. Credibility Is Improved

Additional research⁴⁹ found that interviews conducted using the NICHD Protocol facilitated credibility assessment by eliciting statements that were richer in the Criteria-Based Content Analysis scale, hypothesized to differentiate between plausible and implausible event reports.⁵⁰ Hershkowitz and Lamb also showed that the NICHD Protocol impacted on credibility assessment and observed that the use of the NICHD-R increased the chances that interviews would be deemed to be more credible.⁵¹ We may therefore surmise that structured forensic interviews help to frame children's narratives so they appear more credible.

17.9. Overcoming Language Barriers

17.9.1. Translated Versions of the NICHD Protocol

Over the course of the last few decades, as the popularity of the NICHD Protocol grew, so too did the need for the Protocol to be translated into languages other than English and Hebrew. Developing translated versions of the NICHD Protocol has been undertaken largely on an *ad hoc* basis. Professionals around the world, sensing the need for the NICHD Protocol to be available to non-English speaking jurisdictions, took it on themselves to prepare new translated versions. Sometimes proposals for translated versions were supported by the developers of the original NICHD Protocol, whilst other times translated versions appeared, by necessity, out of the blue!

When the developers were contacted about proposals to translate the NICHD Protocol, a question often asked has been how 'close' the translation should be to its original form in English? The advice from those involved in developing the NICHD Protocol was that the literal translations would probably not work and that translations of the NICHD Protocol should focus on

⁴⁹ Irit Hershkowitz, Sara Fisher, Michael E. Lamb and Dvora Horowitz, "Improving Credibility Assessment in Child Sexual Abuse Allegations: The Role of the NICHD Investigative Interview Protocol", in *Child Abuse & Neglect*, 2007, vol. 31, no. 2, pp. 99–110.

⁵⁰ Michael E. Lamb *et al.*, "Assessing the Credibility of Children's Allegations of Sexual Abuse: A Survey of Recent Research", in *Learning and Individual Differences*, 1997, vol. 9, no. 2, pp. 175–194.

⁵¹ Irit Hershkowitz and Michael E. Lamb, "Allegation Rates and Credibility Assessment in Forensic Interviews of Alleged Child Abuse Victims: Comparing the Revised and Standard NICHD Protocols", in *Psychology, Public Policy, and Law*, 2020, vol. 26, no. 2, pp. 176–184.

preserving the ‘spirit’ of the original version and be faithful to the structured approach to interviewing. Of course, this meant that the NICHD Protocol needed to be translated by professionals who were also knowledgeable about the underpinning logic and psychology of the NICHD Protocol. We have the most confidence in translations that have been ‘back translated’ into English for inspection to make sure that the spirit of the NICHD Protocol is preserved.

To date, there are versions of the NICHD Protocol translated into Bahasa, Bulgarian, Chinese, Dutch, English, Finnish, French, Georgian, German, Greek, Hebrew, Italian, Japanese, Portuguese, Romanian, Russian, Slovene, Spanish and Swedish. The advantage of having these translated versions is that the reach of the NICHD Protocol research has been greatly extended, and it has also paved the way for the possibility of more research in a larger variety of countries and cultures. These translated versions can be found on the NICHD Protocol web site. There is still a need for even more translations of the NICHD Protocol.

17.9.2. Interpreter-Mediated Interviews

One additional advantage of having ready access to translated versions of the NICHD Protocol was that it became apparent that it would be helpful in interpreter mediated interviews, where a child may be most fluent in a different language from the jurisdictions where they live. The role of an interpreter in any forensic setting is challenging, but even more so when interviewing children and developmental issues come to the fore. Interpreters are very familiar with the linguistic ‘rules’ when interpreting but may be less aware of the underlying psychology that underpins the NICHD Protocol, in particular, the ways in which question types from a psychology standpoint invoke different memory processes. Being able to provide interpreters with a translated version of the NICHD Protocol may indeed help them more closely adhere to the very sensitive and critical nature of the questioning, although this should be the subject of future evaluation.

17.10. The Use of Additional Techniques

17.10.1. Body Diagrams

Alternative techniques are often used when it is suspected that a child’s account might be incomplete and that they require additional ways to be able to communicate abuse experiences. The use of ‘body diagrams’, for example, emerged due to the difficulty of preschool-age children to verbally identify and communicate body touches. The body diagrams could, in this way, potentially facilitate body touch clarification during a forensic interview, as well as help to characterize the type of body touch experienced by the child. This technique could also be useful in cases where children show emotional constraints that make it difficult to verbalize the type and location of the body touch experienced. Although

widely used in various forensic interview approaches (for example ‘RATAC’),⁵² the use of body diagrams in forensic interviews is still controversial. Pipe and Salmon, in a review,⁵³ indicated that the usefulness of body diagrams depends on how they are used, when they are used and who uses them. So, despite apparent advantages, there are clearly risks.

17.10.2. Field Research With Body Diagrams

Studies⁵⁴ with the NICHD Protocol have pointed to improvements in the quality and quantity of information when body diagrams are used. Aldridge and collaborators⁵⁵ found that body diagrams generated a greater amount of information regarding body touches, helping to clarify their location. This effect was particularly salient in school-age children. These findings were also supported by Teoh and collaborators,⁵⁶ who found that the use of body diagrams, after exhaustive inquiry through open questions, lead to the verbalization of new touches, as well as the clarification of the body touches already described. However, the authors of this study cautioned that because they studied real-life forensic interviews, it was not possible to verify whether the additional information provided was accurate.

Empirical studies⁵⁷ have also pointed to the existence of risks in the use of these methodologies because gains in the amount of information obtained is a combination of both correct and incorrect information. Therefore, the use of body diagrams in forensic practice may be problematic, as there is a risk of eliciting false information and errors. Research on body diagrams has also shown

⁵² Jennifer Anderson *et al.*, “The Cornerhouse Forensic Interview Protocol: RATAC®”, in *Thomas M. Cooley Journal of Practical and Clinical Law*, 2010, vol. 12, no. 2, pp. 193–332.

⁵³ Margaret-Ellen Pipe and Karmen Salmon, “Dolls, Drawing, Body Diagrams, and Other Props: Role of Props in Investigative Interviews”, in Kathryn Kuehnle and Mary Connell (eds.), *The Evaluation of Child Sexual Abuse Allegations: A Comprehensive Guide to Assessment and Testimony*, Wiley, Hoboken, 2009, pp. 365–395.

⁵⁴ Jan Aldridge *et al.*, “Using a Human Figure Drawing to Elicit Information from Alleged Victims of Child Abuse”, in *Journal of Consulting and Clinical Psychology*, 2004, vol. 72, no. 2, pp. 304–316; Deirdre A. Brown *et al.*, “Supportive or Suggestive: Do Human Figure Drawings Help 5- to 7-Year-Old Children to Report Touch?”, in *Journal of Consulting and Clinical Psychology*, 2007, vol. 75, no. 1, pp. 33–42; Teoh Yee-San *et al.*, “Do Human Figure Diagrams Help Alleged Victims of Sexual Abuse Provide Elaborate and Clear Accounts of Physical Contact With Alleged Perpetrators?”, in *Applied Cognitive Psychology*, 2010, vol. 24, no. 2, pp. 287–300.

⁵⁵ Aldridge *et al.*, 2004, see *supra* note 54.

⁵⁶ Teoh *et al.*, 2010, see *supra* note 54.

⁵⁷ Aldridge *et al.*, 2004, see *supra* note 54; Brown *et al.*, 2007, see *supra* note 54; Teoh *et al.*, 2010, see *supra* note 54.

that little additional information is gained when they are used with preschool-age children.⁵⁸

Due to the risks pointed out with the use of body diagrams, the developers of the NICHD Protocol have consistently recommended that they should only be used as a last resort and only after obtaining the child's full account about the alleged incidents through open questions. Therefore, the diagrams would be best used to clarify information already provided by the child and never to trigger disclosure.

17.11. Research Challenges

17.11.1. Negative Research Findings

When researchers want to test the efficacy of the NICHD Protocol, there is often a phase in research projects that involves collecting some 'baseline data' to determine the quality of forensic interviews prior to the introduction of the NICHD Protocol. Scientifically speaking, having some access to baseline data allows researchers to determine the amount of improvement in the quality of forensic interviews after the NICHD Protocol has been introduced into training programmes.

From the perspective of researchers, studies like these are viewed as being very important because they 'prove' that there are problems with existing training methods for forensic interviewers and offer a solution to be able to improve the quality of forensic interviews. With such clear data, researchers have sometimes been perplexed as to why the NICHD Protocol was not more quickly adopted by forensic interviewers, and sometimes researchers even sensed reluctance to change existing methods.⁵⁹ On the surface, it appeared that there sometimes existed a lack of desire to change existing training methods and improve the quality of forensic interviews.

17.11.2. Research Relationships

When organizations agree to allow researchers to scrutinize the quality of work of their forensic interviewers, they are often not expecting the outcome of the research to show that they have such low standards of quality. Once research findings are published, the repercussions within organizations can be extensive and there can be ensuing 'blame games' that result in ill feelings and questions asked as to why the research was allowed to be undertaken in the first place. Sometimes organizations regret their involvement and become reluctant to continue to co-operate in further research studies.

⁵⁸ Teoh *et al.*, 2010, see *supra* note 54.

⁵⁹ Lamb, 2016, see *supra* note 32.

Sensitivities around nature and the way research is conducted and the relationship between researchers and organizations needs to be managed carefully, and, over time, researchers have become better at building trust and putting measures in place to mitigate any ill feelings that research findings might understandably cause. It is important for researchers to be very up-front about the sorts of results that their research might uncover – this includes negative findings regarding the quality of forensic interviews. This might mitigate the ‘shock’ when research is finally published and give individual organizations time to start thinking about possible solutions at a much earlier stage. It is also important to provide organizations with early insights into what the research is uncovering well in advance of the formal publication of research results. Of course, all research in these forensic contexts will adhere to ethical standards and findings are published anonymously. However, some organizations, interviewers and trainers may nonetheless take the research results personally – researchers should be mindful of this when contributing to training and organizational change.

17.12. Future Directions and Conclusions

Since the initial development of the NICHD Protocol, there have been continuing developments in the approach taken to training forensic interviewers. Early training was often provided by academics knowledgeable about the relevant research, communication-principles, developmental psychology and other relevant topics. Practitioners sometimes found it hard to take training provided by academics seriously when they realized that the academics delivering the training did not actually conduct forensic interviews themselves, or even investigate crimes! Over time, there has been a gradual, and welcomed, shift towards involving greater numbers of professionals (for example, police and youth investigators) in the delivery of forensic interviewer training. This has improved the perceived credibility of training programmes and will continue to do so in the future.

Moreover, while much interviewer training still focuses on developing the individual skills of interviewers, we have also seen organizations themselves taking greater responsibility for training at an individual, group, leadership and organizational level. This allows a more team-based approach.⁶⁰ This change has been paralleled by a more international focus, for example, the European Union Agency for Law Enforcement Training works together with universities, police

⁶⁰ Mohan P. Pokharel and Choi Sang Ok, “Exploring the Relationships Between the Learning Organization and Organizational Performance”, in *Management Research Review*, 2015, vol. 38, no. 2, pp. 126–148 (pp. 122 ff.); David Weisburd and Peter Neyroud, “Police Science: Toward a New Paradigm”, in *New Perspectives in Policing*, Harvard Kennedy School, National Institute of Justice, 2011.

university colleges and many other different organizations to further develop training. The Israeli experience implementing the NICHD Protocol is also another example of how academics and practitioners can positively work together. Co-operation like this has been achieved despite significant national, legal and cultural differences.

The international Covid-19 pandemic has also caused professionals to put greater focus on conducting remote interviews using digital platforms and recordings. It is likely that advances in artificial intelligence will also have a major impact on how interviewers are trained and how interviews are conducted in the future.⁶¹ How this will impact on forensic interviewing, and the future development of the NICHD Protocol, remains to be studied.

The future will also see forensic interview training continue to be expanded to include greater numbers of professionals involved in other aspects of child abuse investigation, for example, lawyers, judges, intermediaries, forensic psychologists and alike. We have already seen extensive training in these professions in England and Wales,⁶² Chile, Georgia, Scotland and Taiwan. The need for ongoing training, evaluation and research of all aspects of forensic interviewing, including the NICHD Protocol, will remain an important endeavour.

We hope that this chapter has contributed to the understanding of the development of the NICHD Protocol and some of the challenges that have been faced in both research and training. The future involves continuing to bring practitioners and academics together to improve the quality of forensic interviewing as times change. This must involve the continued development of interview education programmes, robust interviews protocols such as the NICHD and be accompanied by scientific research.

⁶¹ Francesco Pompèdda, Zhang Yikang, Haginoya Shumpei and Pekka Santtila, “A Mega-Analysis of the Effects of Feedback on the Quality of Simulated Child Sexual Abuse Interviews With Avatars”, in *Journal of Police and Criminal Psychology*, 2022, vol. 37, no. 3, pp. 485–498; Francesco Pompèdda, Angelo Zappalà and Pekka Santtila, “Simulations of Child Sexual Abuse Interviews Using Avatars Paired With Feedback Improves Interview Quality”, in *Psychology, Crime & Law*, 2015, vol. 21, no. 1, pp. 28–52; Pegah Salehi *et al.*, “Synthesizing a Talking Child Avatar to Train Interviewers Working With Maltreated Children”, in *Big Data and Cognitive Computing*, 2022, vol. 6, no. 2, pp. 1–22.

⁶² Joyce Plotnikoff and Richard Woolfson, *Intermediaries in the Criminal Justice System: Improving Communication for Vulnerable Witnesses and Defendants*, Bristol University Press, 2015.