5

The Nordic Model of Handling Children's Testimonies

Trond Myklebust

Introduction

Barnahus performs investigative interviewing of children. Implementation of Barnahus in the Nordic countries is based on legal scrutiny of the taking of statements from children and the strong Nordic tradition of protecting children from the burden of being involved in legal proceedings.

Internationally, there are two parallel legal systems obtaining children's testimonies. The first system is often referred to as "examination-in-chief" or the "adversarial package", and the second has been called the "Nordic model" (La Rooy et al. 2015; Scottish Courts and Tribunals Service 2016; Spencer and Lamb 2012). The aim of this chapter is to describe the development of the Nordic model for each of the Nordic countries.

T. Myklebust (⊠)

The Adversarial Package

An *inquisitorial system* is a legal system where the court or a part of the court is actively involved in investigating the facts of the case, as opposed to an *adversarial system* where the role of the court is primarily that of an impartial referee between the prosecution and the defence. The adversarial package is a combination of the following legal traditions: firstly, that witnesses tell their tale in open court, in the presence of the defendant; secondly, the full narrative must be told under these conditions, meaning that the witness must tell the story in open court and must do so without incorporating or referring back to statements they have previously made; thirdly, submit to an adversarial cross-examination by someone whose agenda is to persuade the court that their account is incomplete, or that they are lying or mistaken (Spencer 2012).

For children, particularly young ones, these conditions often used to make it impossible for them to deliver their evidence at all. Modifications to the first element, "open court", have been implemented in most courts using the adversarial package as their basic judicial system. Special measures might include (Ministry of Justice 2011; Scottish Court Service 2015; Spencer and Lamb 2012):

- Removal of wigs and gowns: judge and barristers are asked to remove wigs and gowns when a vulnerable person gives evidence.
- Screen placed between the victim testifying and the defendant (jury and judge must be able to see).
- A live TV link from another room either within the court building, in another court building or from a remote location.
- The child giving evidence in a private chamber.
- Video evidence used as evidence-in-chief; the recorded child interview is presented for the court.
- Video evidence cross-examination: cross-examination is recorded prior to the trial.
- Accused cannot cross-examine the victim: in cases involving vulnerable witnesses or victims, the accused cannot cross-examine them if acting as their own counsel.

- Use of "Registered Intermediaries".
- Restrictions on questions regarding previous sexual behaviour.

Brennan (1994) discusses the difficulties experienced by child witnesses being cross-examined in court. He found that 85% of the time, across all ages [6–15 years] and ability groups, the tested children failed to hear and understand some questions. Critically, the study found that responses such as "I don't know" and "I can't remember" may indicate a failure to comprehend the question, rather than a lack of knowledge or ability to recall events. Such a failure might easily occur in the unusual surroundings of the courtroom and when the language usage is entirely unfamiliar to the child (Saywitz and Nathanson 1993). The list of features common to courtroom language, including complex structures (e.g. embeddings, negative questions and tag questions), difficult vocabulary (legalese, jargon, archaic structures) or speaking for another (including repeating the child's words), is, however, also commonly found in investigative interviewing conducted outside the courtroom (La Rooy et al. 2016; Rock 2007; Spencer and Lamb 2012).

Zajac et al. (2003a) found that children were frequently cross-examined using an inappropriate questioning style. The questions of defence lawyers included complexity to a significant degree, which caused as much as 75% of the children to change elements of their testimonies. Zajac and Hayne (2003) found that the accuracy of 5- and 6-year-old witnesses severely declined as a result of being interviewed in a cross-examination style where the language was too complicated to be readily understood by the children. According to Brennan (1995), cross-examination strategies used in court deny children any possibility of coming forward with their own experiences, as children are faced with questions that are hard to decode (for further discussions, see, for example, Spencer and Lamb 2012; Oxburgh et al. 2016; Lamb et al. 2011).

The combination of the legal traditions in the adversarial package might reduce the quantity and quality of investigation of relevant information obtained in the forensic interviews. If interviewees are not able to give their best evidence, this may affect the quality of both the investigation and court testimonies. This is why most adversarial countries have introduced additional precautions for the testimonies of vulnerable

witnesses given in main hearings for the open court. An example of this could be England and Wales, where vulnerable witnesses are defined (in the Youth Justice and Criminal Evidence Act 1999) as all child witnesses (under 18 years), and any witness who has a mental health disorder has a significant impairment of intelligence and social functioning, or those with physical disability. England and Wales introduced Intermediaries in 2004 (Witness Intermediary Scheme) for both vulnerable child and adult victims with disabilities, and a national rollout was completed in 2008. According to Plotnikoff and Woolfson (2015), the role¹ of the Registered Intermediaries (RI) as highly trained communication specialists in England and Wales has been a great success. The RI have a variety of professional backgrounds (e.g. psychologists, speech and language therapists, teachers, social workers). Their role is to assist the victims and witnesses of crime at police interviews and in court. The role of the RI in England and Wales and the staff at the Nordic Barnahus include several similar tasks. They both meet with the vulnerable person and assess their communication. In the police interview, they provide brief recommendations for the interviewing officer about how to communicate.

The "Nordic Model"

General

Criminal trials are based on oral proceedings in all adversarial systems, and evidence must be heard in court. Judges are therefore not permitted to see police records before the trial opens. The indictment is the only document that the court receives prior to the main hearing of the case. The "Nordic model" is a more inquisitorial pre-trial process, where the video of the child's interview is accepted in court as the evidence-in-chief, thus negating the need for the child to attend court, provide evidence or be cross-examined. The interview from the pre-trial investigation is accepted as evidence, as long as the interview is video-recorded, and the accused suspect has been given the opportunity to

contradict the charges against them. In other words, the child's involvement in the judicial process almost always comes to an end after the pre-trial interview, even if the case is appealed (Oxburgh et al. 2016).

The development of a model focusing on the children's need started as early as 1913, in a motion put forward to the Norwegian Parliament by the Norwegian Women's National Council, to amend the law concerning investigative interviews of children who have fallen victim to sexual felonies. The Council's initiative brought about an amendment in the legislation, which came into effect in 1926 (Norske Kvinners Nasjonalråd 1957). To the author's knowledge, this made Norway the first country in Europe to statutorily outline how investigative interviews in child sexual abuse cases should be conducted.

In Iceland, the judge is still in charge and presents (monitors) the investigative interview of the children, while the police/prosecution are in charge in the other Nordic countries.

Unlike the adversarial model, the Nordic model demonstrates a fundamental shift towards the examination of the interviewee by a trained third party. During the police investigation, the parties' legal representatives (monitoring the interview) are indirectly questioning the interviewee through a specially trained interviewer. The video-recorded forensic interview will be the evidence-in-chief and potentially the only interview with the child (vulnerable witness) that will be required.

The Development of the Nordic Model

Despite a focus on children as vulnerable witnesses and children's rights since the early 1900s, the high-profile child abuse cases of the 1980s and 1990s [such as the McMartin preschool and Kelly Michaels case in the USA (State v. Buckey 1990; Garven et al. 1998; Myers 2009), and the Orkney inquiries in the United Kingdom (Clyde 1992)] did not gain the attention of psychological and legal professionals in the Nordic countries. They did pay attention, however, when the media and public were introduced to two well-documented Nordic cases where defendants were found not guilty due to inappropriate investigative

interviewing protocols (see, e.g. Riksadvokaten 1994; Hennum 1999; Grothe Nielsen 1995). These injustices were found to have resulted from several decades of poor interviewing techniques, children's suggestibility and false memories (and the danger of therapist "interventions").

The two Nordic cases took place in Roum in Denmark (1989–1993) and Bjugn in Norway (1992–1994). In the Roum case, seven persons were convicted of sexual abuse on the testimony of three teenagers, two of whom were mentally retarded. The abuse allegations arose out of hours of therapy with the same therapist. The legal case it started in autumn 1989 and proceeded for four and a half years (though the closing legal arguments were only finalised in July 1996). Seven persons were convicted and sentenced to prison for a total of 14 years and had to pay immense damages. Through the efforts of defence attorneys and two journalists, the defendants were granted a new trial and eventually freed several years later (Grothe Nielsen 1995).

The Bjugn case involved seven adults who were arrested in 1992 under suspicion of sexual abuse and the rape of children. The police conducted more than 550 interviews of 220 witnesses and conducted 61 judicial hearings of 40 children. Charges were dropped for six of the seven suspects. After a two-and-a-half-month-long trial, the last defendant was acquitted in 1994 (Hennum 1999; Myklebust and Bjørklund 2006).

Following a review of the Bjugn case by the General Director of Public Prosecution in Norway, the following recommendations were made (Riksadvokaten 1994):

- The investigative interviews of children should be conducted by specialised trained police officers, instead of psychologists or social workers.
- The police interviewers should be given additional advanced training.
- New regulations specifying how these interviews should be conducted were introduced.

The allegations in the Roum and Bjugn cases and the criticism of the interviewers' competence, style of questioning and the time from the alleged abuse to the interview taking place, were similar to those in other

highly publicised sexual abuse cases in earlier decades (Ceci and Bruck 1995). The subsequent development of interview protocols, guidelines and training was founded on research-based theories and proven structured communication models (Gamst and Langballe 2004; Korkman 2006; La Rooy et al. 2016; Melinder 2004; Myklebust 2012, 2009).

Interview Protocols and Guidelines

The scientific perspective of investigative interviewing backs to the German scientist William Stern (1903/1904). Stern was occupied with examining techniques that acquired the most valid information from children and introduced the distinction between *open* (bericht) and *closed* (verhör) questions. He demonstrated the superiority of *open* questions, showing that they gained more and a better quality of information compared to *closed* questions.

This benefit of using open questions is stated in nearly all interview guidelines used by the police internationally, highlighting the following three points (Oxburgh et al. 2010):

- 1. When children are encouraged to do most of the talking, this helps to transfer control from the interviewer to the child, which is more compatible with a witness-focused approach (Fisher and Geiselman 1992).
- 2. Elaborate responses during the rapport-building phase provide an opportunity for the interviewer to gauge the child's level of language competency, so that they can adjust the subsequent questioning style accordingly (Saywitz and Camparo 1998).
- 3. An open-ended rapport-building style sets up the expectation that the child will do most of the talking throughout the duration of the interview.

Central to the development of interview guidelines has been knowledge of how memory works, children's developmental capabilities and the conditions that improve a child's ability to discuss their abuse

experiences. Today, we understand better the strengths, weaknesses and features of children's memory, and this knowledge has shaped professional recommendations about interviewing children.²

The guidelines presented are all generic; they cannot cater for every possible set of circumstances that might arise. Each witness is unique, and the manner in which they are interviewed and subsequently prepared for their court appearance must be tailored to their particular needs and circumstances; however, the core recommendations made by professional bodies worldwide share a remarkable consensus. Small differences in recommended procedures usually arise out of regional idiosyncratic legal constraints, rather than disagreements between scientists about the basic nature of memory and children's developing abilities.

The structured interview protocols used in all Nordic countries are remarkably consistent with the NICHD protocol. For a presentation of this protocol, see Chap. 6 (Bagerud and Johnsson) and La Rooy et al. (2015).

Interview Training and Professionalisation

Police interviewing has undergone a transformation in terms of professionalisation, due to scientific experimentation and analysis. Fisher et al. (1987) observed that an interviewer's level of competence directly affected responses in interviews of adult interviewees. The authors recommended the formal, scientifically based training of police officers at the institutional level. They also suggested that training programmes would be most successful if they were divided into intensive short, practical sessions, rather than longer sessions, with extended feedback to the individual interviewers (Fisher and Geiselman 1992).

Lamb and his colleagues argued that long-time improvement in the quality of investigative interviews is observed only when the training is distributed over time (Lamb et al. 2002a, b). In their studies, the length of training varied between 3 and 5 days of initial training, with follow-up supervision and feedback (Stewart et al. 2011). Knowledge about how to conduct the "optimal" interview is not automatically translated into practice. Continuous supervision and feedback are

necessary and a prerequisite for efficient learning in general (Kahneman and Klein 2009), maintaining the quality and requested standard of the investigative interviews conducted.

Powell et al. (2005) outlined the elements of training that have been found to be the most successful. The core elements of success included the use of:

- Structured interview protocols;
- Multiple opportunities to practice over an extended period;
- Expert feedback and ongoing supervision; and
- The internal motivation of the interviewer to enhance their individual performance.

There has been much research showing that the complete transference of training into the workplace is rather elusive (e.g. Myklebust and Bjørklund 2006; Powell et al. 2005; Wright and Powell 2006). The more complex skills are particularly difficult to sustain over time (e.g. rapport, use of open questions) as opposed to more procedural interviewer behaviours, such as outlining persons present in the interview and giving legal rights (Griffiths et al. 2011).

The Nordic countries have all based their training of investigative interviewers of children around:

- Central national institution(s) providing the training.
- The nationally structured interview models being based upon empirically validated guidelines and/or communication models.
- The interview training being distributed over time with follow-up supervision and feedback to the interviewers.

Police training in the Nordic countries is vastly different to that of other European countries, where the police are provided with shorter basic training. Nordic countries train their police officers to become so-called generalists within their work as police officers. They are authorised for a multitude of responsibilities, from crime prevention via operational patrolling police duties to profound and scientifically based detective work (Birkeland 2007; Granhag 2010; Ministry of Justice and the

Police 2005). Focusing on the basic "generalist" training, the central police educational institutions in all the Nordic countries are heading (in the long term) towards a system of Police University Colleges. Norway was the first and founded the Norwegian Police University College (NPUC) in 1992, receiving their college charter in 2004. They comprise a three-year basic education which provides all police officers with a bachelor degree in policing before beginning patrol work or embarking on further specialised training and education.

Investigative Interviewers in the Nordic Model

The professionalisation of the investigative interviewers in each of the countries using the Nordic model will be described.

Norway

The investigative interviews of children, under 16 years, are only conducted by specially trained police officers. Assuming that specially trained police officers would elicit more information from children than officers without such training, substantial resources and effort have been invested in increasing the competence of the police officers conducting investigative interviews of children.

The training of child investigative interviewers is based on scientific and research-based techniques (Gamst and Langballe 2004; Norwegian Police University College 2012).³ Child interviewers in Norway have the formal academic competence and are thus the interviewers most skilled in theory. The interviewers have dedicated most of their professional careers to interviews with children and cases involving children as victims. From 1992, the education and training of the interviewers have focused around the same theoretical principles based on a structured interview approach.

The basic education for all police officers in Norway is the NPUC's three-year bachelor's degree as a foundation level. Officers might apply for formal specialisation within investigation ("advanced level") after

a minimum of a year's duty in the police service. Education at the advanced level starts with a 420 h (part-time) study in general investigation. The study is worth 15 (ECTS) credits in the university accreditation system. From this advanced level, one of the formal specialisations an investigator could apply for is "investigative interviewing".

The investigators specialising in investigative interviews of children and minors are provided with a (15 ECTS) part-time study,⁵ of approximately 420 h over a period of three-quarters of a year. The study is divided into face-to-face training at NPUC and self-study at the police district where the interviewer is employed.

After conducting at least fifty investigative interviews with children (under the age of 16 years), the interviewers are entitled to apply for further specialisation. This comprises (10 ECTS) 280 h of part-time study, focusing on vulnerable persons.⁶

In addition to the education, at foundation, advanced and specialist level, Barnahus and NPUC are involved in several joint projects handling children's testimonies and investigative procedures. One of these is the implementation and evaluation of the use of sequential interviews for the youngest (preschool) children under 6 years. Another upcoming area of concern is interviews with children (under the age of consent⁷) as suspects of offensive or intimidating behaviour against other children.

Iceland

Historically, all interviews outside of Reykjavík were conducted at the Barnahus, while the district court in Reykajvík had a specially designed interview suite, where the police conducted most of the interviews with children living in Reykjavík. Today, almost every interview with children is conducted in Barnahus, either by the police or by the Barnahus staff. The investigative interviews with children, under the age of 15, are conducted by both the psychologists at the Barnahus and specially trained police officers. It is most common that specially trained forensic interviewers working at the Barnahus conduct the investigative interviews.

The system regarding forensic interviews has changed over time. According to the Code of Criminal Procedure, a judge is responsible for the interview of a child up to the age of 15. Children from 15 to 18 years are in most cases interviewed by the police at the police station and not at the Barnahus. If the case is taken to court, the youth will attend a separate court hearing. In the vast majority of cases, the judge contacts the Barnahus right after the case has been referred to them by the police, and asks for a forensic interview by a specialist at the Barnahus. The forensic interview (actual court hearing) is booked as soon as possible. On some rare occasions, the judge asks the police to conduct the forensic interview in the Barnahus. In Iceland courts, the judge decides who will conduct the interview and it is their decision whether it is a specialist from the Barnahus or a police officer.

The structured investigative interview protocol used at the Barnahus is the NICHD protocol with some minor adjustments. In February 2016, there were three forensic interviewers at the Barnahus, two of which are clinical psychologists and one with background in criminology and pedagogy (educational studies). They have worked in the field since 2001 and 2006. In addition to their formal clinical backgrounds, they have conducted further specialisation in investigative interviews of children in the USA, with the American Professional Society on the Abuse of Children (APSAC) and the National Child Advocacy Centre (NCAC), accordingly. Two of the interviewers have also completed the advanced investigative interview training at the NCAC. The two investigative interviewers from Reykjavik Metropolitan Police undertook their specialist training with the Greater Manchester Police in England. They attended their 3-week course in "Achieving Best Evidence in Criminal Proceedings" (Ministry of Justice 2011). The Icelandic courts (in general) have agreed that those police officers who finish the ABE⁹ training in England and Wales are qualified to conduct investigative interviews of children in court.

In 2002, the Icelandic Barnahus was identified as a "best practice model" in a study of nine European states by the International Save the Children Alliance, generating international interest and inspiration (Guðbrandsson 2011).

Sweden

Video-recorded investigative interviews of all children under the age of 15 are conducted by the police. ¹⁰ The hearing is under control of the prosecutor. Also present in the monitoring room will be a police investigator, counsel for the complainer, substitute guardian for the child, defence lawyer, representatives from the child welfare services and/or an advisor from the Barnahus. There will also usually be a technician to operate the audio/video viewing and recording.

The training of interviewers is provided by the police college using a two-step approach.¹¹

The first step is focusing on investigative procedures and methods in cases involving children and youths as victims of criminal offences. The course is provided by the University of Uppsala and lasts ten weeks, with five being lectures and teamwork at the University and 5 weeks of individual self-studies and assignments, at home or locally in the police district where the student is working (Police Academy 2014; Uppsala University 2014).

The second step focuses on "investigative interview methods and techniques". The education is provided by Stockholm University over a period of five weeks on a monthly basis. In this period, the students receive lectures about interview models (PEACE model and the NICHD protocol), conduct several interviews in criminal proceedings and are supervised and receive feedback from the lecturers and course administrators (Police Academy 2015; Stockholm University 2015).

Altogether, this stepwise educational approach takes just under a year to fulfil. The present model was introduced in 2008, and 20–25 students/police officers have attended each year.

Denmark

After the introduction of Barnahus in Denmark in 2013, the main rule is that all investigative interviews of children should be conducted by the police at the Barnahus.¹² In allegations of sexual abuse, investigative interviews of children under the age of 15 years are to be video-recorded

(Department of Justice 2015). The Danish police have conducted formal training of investigative interviewers in child sexual abuse cases since 2001. Before this, the training was more locally adapted (Danish National Police 2000). In December 2015, 13 there were approximately 115 specially trained investigative interviewers within the Danish police, conducting around 1200 interviewers a year (Danish National Police 2016). The training of interviewers has, until 2016, been a two-week period (2 × 5 days) with lecturers within psychology, law and a structured communication model (equivalent to the PEACE model). It has been suggested that from 2016, this training is increased to 3 weeks (4 + 3 + 4 days), with at least 4 weeks between each week of face-to-face training, allowing more time to read the literature, visit Barnahus and fulfil assignments. Practical interview training, case studies and a reduced number of lectures will be prioritised at the face-to-face training (Danish National Police 2016).

Finland

In Finland, the investigative interview of a child is conducted by the police investigator or another person appointed by the police investigator to conduct the interview on their behalf.¹⁴ Based on the EU directive on vulnerable victims and witnesses, the Finnish government ruled that from 1 July 2015 not only children up to 15 years, but also (adult) victims of sexual crimes up to 17 years old, *may* be video-interviewed during the pre-investigation. If a victim in the 15- to 17-year-old age group wishes, the recorded interview may be used as evidence-in-chief in court.

Since 2009, the Finnish National Police Board has annually offered one-year education to police officers and forensic psychologists conducting investigative interviews with children up to 15 years of age. The training includes ten days of lectures in psychology, including memory and the core issues related to testimonial psychology, child development, prevalence and features of various types of child abuse, decision-making procedures, the testing of relevant hypotheses and the relevant law. The NICHD protocol is the structured interview protocol used

in Finland. The students are taught the literature behind, and within their supervision groups, they are given feedback on their practical use of the protocol in real investigative interviews of children. The supervisions are given in small groups $(6 \times 3 \text{ h})$, spread throughout the year of training. The supervisors are all forensic psychologists with experience within the field of investigative interviewing. The final exam is an in-depth plan for an investigative interview conducted by the student themselves, transcribing, analysing and evaluating the interview against the NICHD protocol and other theory on the course, once the interview has been conducted.

Finnish instructors have conducted follow-up studies on the students who graduated, revealing positive changes in their questioning style, attitudes and beliefs. It is clear their level of professionalism has increased since 2006 (Kaunisto 2013).¹⁶

Conclusion

Historically, the forensic interviews of children have taken place at all times. Opinions about the reliability and validity of children's statements have changed as a result of the research and developments in law, psychology and linguistics, as academic disciplines. We have learnt about children's cognitive strength and limitations, and children's motivations and emerging abilities to communicate their experiences. Many elements of our current approach to interviewing children are now considered "conventional wisdom". One could argue that the basic communication principles, models and stepwise approaches that we teach and train our interviewers and students today are basically the same principles as those used by the Roman rhetorician Quintilian (c. 35–c. 100 CE) when he lectured and trained his students. Future developments in forensic interviews with children will involve the implementation of communication knowledge into practice.

Since the Norwegian Women's National Council pioneered effective investigative interviews with children in 1913, the Nordic model has been a realistic alternative to the more traditional and conservative ways of presenting and evaluating evidence in court. As discussed in other

chapters in this book, there is enormous potential in Barnahus, as the point of contact for all professionals involved. Focusing on the forensic interview, Barnahus needs to be dynamic in its organisation and plan and prepare for several challenges. As an example, we cannot realistically expect investigators, members of the court and jurors, to be experts in communication assessments, cross-cultural linguistics and appropriate interventions with all groups of people. As such, Barnahus will play an important role in finding experts to assist in the forensic interview and investigative process.

Another international trend is the increase in the number of interviews being conducted through language and cultural interpreters due to global migration. This is another area where Barnahus, in the future, will have to supervise practitioners and the interview trainers. To be effective, such training has to be done by Barnahus in cooperation with the Nordic police colleges. The result could be a Nordic education programme in investigative interviews with children, provided for all the forensic interviewers in Nordic countries.

Protocols for forensic interviews of children tend to focus only on the interviews of those who are *victims* and/or *witnesses* of an alleged criminal offence. There are situations where the child (or another vulnerable person) is a suspect. Unfortunately, there is a dearth of literature regarding how best to interview such vulnerable suspects (Oxburgh et al. 2016). This is another area where Barnahus already is, and will be, challenged in the future.

To conclude, poorly conducted interviews have negative consequences. Misunderstandings and inaccuracies may lead to false convictions or family break-up. Alternatively, abusers may be left free to exploit other children. Justice can only be done when decision-makers are armed with reliable communication techniques. This chapter has focused on investigative interviews with children and how Barnahus is an important part of the Nordic model of investigative interviews with children. This chapter has also demonstrated some of the differences between investigation protocols and training, which have been embedded by local hierarchies. In order to continually improve, researchers and practitioners in all Nordic countries must work in closer partnership with each other through Barnahus. This will help to ensure all

Nordic countries continue the very proud tradition of supporting children through the justice system.

Notes

- 1. See: http://www.theadvocatesgateway.org.
- 2. See, for example, Achieving Best Evidence in Criminal Proceedings (Ministry of Justice 2011), Den Dialogiske Samtalemetoden [The Dialogic Communication Method] DCM (see Chapter 8: Sequential interviews with preschool children in Norwegian Barnahus, by Langballe and Davik, in the present book), National Institute of Child health and Human Development (NICHD) protocol (La Rooy et al. 2015; Sternberg et al. 2001), PEACE (National Crime Faculty 1998).
- 3. Inger Lise Brøste, The Norwegian Police University College. Personal communication 23rd June 2016.
- 4. Videreutdanning i etterforskning (Norwegian Police University College, 2015).
- 5. Videreutdanning i avhør av barn og ungdom (Norwegian Police University College, 2012).
- 6. Videreutdanning i avhør av sårbare personer (Norwegian Police University College 2014).
- 7. In Norway, the age of consent is 15 years (Norwegian Criminal Code §20).
- 8. Þorbjörg Sveinsdóttir at Barnahus, Reykjavik, and Einar Guðberg Jónsson, Lögreglan á Höfuðborgarsvæðinu [Reykjavik Metropolitan Police]. Personal communication and e-mail, 4th and 17th of February 2016; and Bragi Gudbrandsson, General Director, The Government Agency for Child Protection, Iceland. Personal communication 25th May 2016.
- 9. Achieving Best Evidence (ABE) in Criminal Proceedings (Ministry of Justice 2011).
- 10. Harriet Jakobsson Öhrn, Stockholm University. Previously in charge of the interview training at the Swedish Police Academy. Personal communication 23rd June 2016.
- 11. Britt Marie Therese Karlsson, The Swedish Police, Uddevalla. Personal communication and e-mails, 28 and 29 January 2016; Harriet Jakobsson Öhrn, see note 10 above.
- 12. Personal communication with Thomas Skou Roer, Special advisor and CIO, Danish National Police, 24th June 2016.

- 13. See note 12 above.
- 14. Professor Julia Korkman, Åbo University. Personal communication 1st February, 25th May and 23rd June 2016.
- 15. See note 14 above.
- 16. Personal communication with Jasmin Kaunisto, Oulun University Hospital, 23rd June 2016.

References

- Birkeland, Åsmund. 2007. Politigeneralisten, den moderne staten og politiets legitimitet. In *Polisiær virksomhet, PHS Forskning 2007:7*, eds. Helene Gundhus, Tor-Geir Myhrer, and Paul Larsson, 31–48. Oslo: Politihøgskolen.
- Brennan, Mark. 1994. The battle for credibility-themes in the cross examination of child victim witnesses. *International Journal for the Semiotics of Law* 7 (1): 51–73.
- Brennan, Mark. 1995. Cross examining children in Criminal Courts: child welfare under attack. In *Language and the Law*, ed. John Gibbons, 199–216. Harlow: Longman Group.
- Ceci, Stephen J., and Maggie Bruck (eds.). 1995. *Jeopardy in the Courtroom. A scientific analysis of children's testimony*. Washington: American Psychological Association.
- Clyde, James John. 1992. The report of the inquiry into the removal of children from orkney in February 1991. Edinburgh: HMSO.
- Danish National Police. 2000. Betænkning nr.1420: Gjennemførelse af straffesager om seksuelt misbrug af børn.
- Danish National Police. 2016. Utdannelsesrapport: Videoafhøreruddannelsen 2016. Videoafhøring af børn og af voksne med varig funksjonsnedsættelse. På diplomniveau.
- Department of Justice. 2015. Betænkning 1554: Betænkning om videoafhøring af børn og unge i strafesager. København: Justisministeriets Strafferetsplejeutvalg.
- Fisher, Ronald P., R. Edward Geiselman, and D.S. Raymond. 1987. Critical analysis of police interview techniques. *Journal of Police Science and Administration* 15 (3): 177–185.
- Fisher, Ronald P., and R. Edward Geiselman. 1992. Memory-enhancing techniques for investigative interviewing. The cognitive interview. Springfield, IL: Charles C. Thomas Publisher.

- Gamst, Kari Trøften, and Åse Langballe. 2004. Barn som vitner—En empirisk og teoretisk studie av kommunikasjon mellom avhører og barn i dommeravhør. Utvikling av en avhørsmetodisk tilnærming. Doctoral dissertation. University of Oslo: Department of Education.
- Garven, Sena, James. M. Wood, Roy S. Malpass, and John S. Shaw. 1998. More than Suggestion: The effect of Interviewing Techniques From the McMartin Preschool Case. *Journal of Applied Psychology* 83 (3): 347–359.
- Granhag, Pär Anders (ed.). 2010. Forensic Psychology in context. Nordic and international approaches. Cullompton: Willan Publishing.
- Griffiths, Andy, Rebecca Milne, and Julie Cherryman. 2011. A question of control? The formulation of suspect and witness interview question strategies by advanced interviewers. *International Journal of Police Science and Management* 13 (3): 1–13.
- Grothe Nielsen, Beth. 1995. Straffesystemet i børneperspektiv. København: Jurist- og økonomforbundets Forlag.
- Guðbrandsson, Bragi. 2011. Towards a child-friendly justice and support for child victims of sexual abuse. In *The Council of Europe Publication: Protecting children from sexual violence—A comprehensive approach*, 85–96. Strasbourg: Council of Europe.
- Hennum, Ragnhild. 1999. Bevis i saker om seksuelle overgrep mot barn. Doctoral dissertation. Department of Criminology and Sociology of Law, University of Oslo.
- Kahneman, Daniel, and Gary Klein. 2009. Conditions for Intuitive Expertise. American Psychologist 64 (6): 515–526.
- Kaunisto, Jasmin. 2013. Kun se teki sulle niin Lapsen seksuaalinen hyväksikäyttö, hyväksikäyttöä koskevien oikeuspsykologisten haastatteluiden taso, kouluttautumisen vaikutukset ja osallistujien arviot koulutuksesta. Master's thesis. Joensuu, Finland [Department of Psychology University of Eastern Finland]. Retrieved 23rd June, 2016. http://epublications.uef.fi/pub/urn_nbn_fi_uef-20130256/urn_nbn_fi_uef-20130256.pdf.
- Korkman, Julia. 2006. How (not) to interview children: Interviews with young children in sexual abuse investigations in Finland. Doctoral dissertation, Department of Psychology and Logopedics, Åbo Akademi University.
- La Rooy, David, Sonja P Brubacher, Anu Aromäki-Stratos, Mireille Cyr, Irit Hershkowitz, Julia Korkman, Trond Myklebust, Makiko Naka, Carlos E. Peixoto, Kim P Roberts, Heather Stewart, and Michael E Lamb. 2015. The NICHD protocol: A review of an internationally-used evidence-based tool

- for training child forensic interviewers. *Journal of Criminological Research*, *Policy and Practice* 1 (2): 76–89.
- La Rooy, David, Georgina Heydon, Julia Korkman, and Trond Myklebust. 2016. Interviewing Child Witnesses. In *Communication in Investigative and Legal Contexts. Integrated Approaches from Forensic Psychology, Linguistics and Law Enforcement* eds. E. Trond Myklebust Oxburgh, Tim Grant, and Rebecca Milne, 57–78. Chichester: Wiley.
- Lamb, Michael E., Kathleen J. Sternberg, Yael Orbach, Phillip W. Esplin, and Susanne Mitchell. 2002a. Is ongoing feedback necessary to maintain the quality of investigative interviews with allegedly abused children? *Applied Developmental Science* 6 (1): 35–41.
- Lamb, Michael E., Kathleen J. Sternberg, Yael Orbach, Irit Hershkowitz, Dvora Horowitz, and Phillip W. Esplin. 2002b. The effects of intensive training and ongoing supervision on the quality of Investigative interviews with alleged sex abuse victims. *Applied Developmental Science* 6 (3): 114–125.
- Lamb, Michael E., David J. La Rooy, Lindsay C. Malloy, and Carmit Katz. 2011. *Children's testimony: A handbook of psychological research and forensic practice*. Chichester: Wiley.
- Melinder, Annika Maria D. 2004. Perspectives on children as witness. Doctoral dissertation. Department of Psychology, University of Oslo.
- Ministry of Justice. 2011. Achieving best evidence in criminal proceedings. Guidance on interviewing victims and witnesses, and guidance on using special measures. London: Ministry of Justice.
- Ministry of Justice and the Police. 2005. Stortingsmelding nr. 42—Politiets rolle og oppgaver.[White Paper No 42. The role and duties of the Police]. Oslo: Statens Forvaltningstjeneste.
- Myers, John E.B. 2009. Introduction: Improved forensic interviewing: the legacy of the McMartin Preschool case. In *The evaluation of child sexual abuse alegations: a comprehensive guide to assessment and testimony*, eds. Kathryn Kuehnle, and Mary Connell, XIX–XXV. NJ: Wiley.
- Myklebust, Trond. 2009. Analysis of field investigative interviews of children conducted by specially trained police investigators. Doctoral dissertation. Department of Psychology, University of Oslo.
- Myklebust, Trond. 2012. The position in Norway. In *Children and Cross-examination: Time to Change the Rules?*, eds. John R. Spencer, and Michael E. Lamb, 147–170. Oxford: Hart Publishing.

- Myklebust, Trond, and Roald A. Bjørklund. 2006. The effect of long-term training on police officers' use of open and closed questions in field investigative interviews of children (FIIC). *Journal of Investigative Psychology and Offender Profiling* 3 (3): 165–181.
- National Crime Faculty. 1998. A practical guide to investigative interviewing. Bramshill: Training and Development Unit.
- Norske Kvinners Nasjonalråd. 1957. Norske Kvinners Nasjonalråd 1904–1954 [Norwegian Women's National Council 1904–1954]. Flisa: Flisa boktrykkeri.
- Norwegian Police University College. 2012. Studieplan. Videreutdanning i avhør av barn og ungdom. 15 studiepoeng. Oslo: Politihøgskolen.
- Norwegian Police University College. 2014. Studieplan. Videreutdanning i avhør av sårbare personer. 10 studiepoeng. Oslo: Politihøgskolen.
- Norwegian Police University College. 2015. Studieplan. Videreutdanning i etterforskning. 15 studiepoeng. Oslo: Politihøgskolen.
- Oxburgh, Gavin E., Trond Myklebust, and Tim Grant. 2010. The question of question types in police interviews: a review of the literature from a psychological and linguistic perspective. *The International Journal of Speech, Language and the Law* 17 (1): 45–66.
- Oxburgh, Gavin E., Trond Myklebust, Tim Grant, and Rebecca Milne. 2016. Communication in investigative and legal contexts. Integrated approaches from forensic psychology, linguistics and law enforcement. Chichester: Wiley.
- Plotnikoff, Joyce, and Richard Woolfson. 2015. *Intermediaries in the criminal justice system: improving communication for vulnerable witnesses and defendants*. Bristol: Policy Press.
- Police Academy. Sweden. 2014. Utreningsmetodik med inriktning på brott mot barn och ungdomar, steg 1, HT 2014. Studieoversikt. 22.9.2014.
- Police Academy. Sweden. 2015. Brott mot barn och ungdomar, Steg 2—Intervju- och förhörsmetodik, HT 2015. Datum 2015-08-10.
- Powell, Martine B., Ron P. Fisher, and Rebecca Wright. 2005. Investigative Interviewing. In *Psychology and law: an empirical perspective*, eds. Neil Brewer, and Kipling D. Williams, 11–42, NY: Guilford Publications.
- Riksadvokaten. 1994. Riksadvokatens gjennomgang av den såkalte Bjugnsaken. Oslo: Riksadvokaten.
- Rock, Frances. 2007. Communicating rights: the language of arrest and detention. Houndmills: Palgrave Macmillan.
- Saywitz, Karen, and Lorinda Camparo. 1998. Interviewing child witnesses: a developmental perspective. *Child Abuse and Neglect* 22 (8): 825–843.

- Saywitz, Karen, and Rebecca Nathanson. 1993. Children's testimony and their perceptions of stress in and out of the courtroom. *The International Journal of Child Abuse and Neglect* 17: 613–622.
- Scottish Court Service. 2015. Evidence and Procedure Review Report. White paper on the reform on investigative interviews of children. March 2015, 3–80.
- Scottish Courts and Tribunals Service. 2016. Evidence and procedure review—next steps. White paper on the reform on investigative interviews of children. 26 February 2016, 1–31.
- Spencer, John R. 2012. Introduction. In *Children and Cross-Examination*. *Time to change the rules*, eds. John R. Spencer, and Michael E. Lamb, 1–20. Oxford: Hart Publishing.
- Spencer, John R., and Michael E. Lamb. 2012. *Children and cross-examination. Time to change the rules*. Oxford: Hart Publishing.
- State v. Buckey, Superior Court, Los Angeles County, California, #A750900. (1990).
- Stern, William L. 1903/1904. Beiträge zür Psychologie der Aussage. Leipzig: Verlag von Johann Ambrosius Barth.
- Sternberg, Kathleen J., Michael E. Lamb, Yael Orbach, Phillip W. Esplin, and Susanne Mitchell. 2001. Use of a structured investigative protocol enhances young children's responses to free-recall prompts in the course of forensic interviews. *Journal of Applied Psychology* 85 (5): 997–1005.
- Stewart, Heather, Carmit Katz, and David J. La Rooy. 2011. Training forensic interviewers. In *Children's testimony: a handbook of psychological research and forensic practice*, eds. Michael E. Lamb, David J. La Rooy, Lindsay C. Malloy, and Carmit Katz, 199–216. Chichester: Wiley.
- Stockholms University. 2015. Kursbeskrivning. Brott mot barn och ungdomar. Steg 2—Intervju- och förhörsmetodik. 7.5 hp, grundläggande nivå, kvartsfart. Kurskod: UB104U. Høstterminen 205. 2015-05-15.
- Uppsala University. 2014. Kursplan, uttagen 2014-08-22. Utredningsmetodik med inriktning på brott mot barn och ungdomar, steg 1 (uppdragsutbildning).
- Wright, Rebecca, and Martine BPowell. 2006. Investigative interviewers' perceptions of their difficulty in adhering to open-ended questions with child witnesses. *International Journal of Police Science and Management* 8 (4): 316–325.

Zajac, Rachel, and Harlene Hayne. 2003. I don't think that's what really happened: The effect of cross-examination on the accuracy of children's reports. *Journal of Experimental Psychology: Applied* 9 (3): 187–195.

Zajac, Rachel, Julien Gross, and Harlene Hayne. 2003a. Asked and answered: questioning children in the courtroom. *Psychiatry, Psychology and Law* 10 (1): 199–209.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (http://creativecommons.org/licenses/by/4.0/), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

