

Journal of Police and Criminal Psychology

Forensic Interviewing of Vulnerable Interviewees in England and Wales: A Study Space Analysis --Manuscript Draft--

Manuscript Number:	JPCP-D-24-00084R1
Full Title:	Forensic Interviewing of Vulnerable Interviewees in England and Wales: A Study Space Analysis
Article Type:	Original Research
Keywords:	forensic interviews; vulnerability; question type; study space analysis
Corresponding Author:	Laura Farrugia, PhD Northumbria University - City Campus: Northumbria University Newcastle, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
Corresponding Author Secondary Information:	
Corresponding Author's Institution:	Northumbria University - City Campus: Northumbria University
Corresponding Author's Secondary Institution:	
First Author:	Laura Farrugia, PhD
First Author Secondary Information:	
Order of Authors:	Laura Farrugia, PhD
Order of Authors Secondary Information:	
Funding Information:	
Abstract:	<p>The aim of any forensic interview is to obtain accurate and reliable information using best practice questioning strategies. However, there has not been a systematic examination to determine whether best practice is suitable for all types of vulnerable interviewees. A study space analysis was conducted to determine if there are sufficient studies to support the consensus that open questions are best practice for vulnerable interviewees. A search of six databases was conducted. Overall, 76 studies were included in the final analysis with 28 independent variables and 14 dependent variables identified. These largely related to question typology and the impact upon interviewee recall with a child population. The study space analysis revealed gaps concerning vulnerable child and adult populations and interviewees with mental health conditions. The findings suggests that there is insufficient evidence to suggest that open questions are suitable for all vulnerable interviewees. This has implications for current legislative guidance and policy in England and Wales, and further afield internationally.</p>

Title: Forensic Interviewing of Vulnerable Interviewees in England and Wales: A Study Space Analysis

Dr Laura Farrugia^{a*}

^a Department of Psychology, Faculty of Health and Life Sciences, Northumbria University, Newcastle Upon Tyne, England, NE1 8ST

* Corresponding Author: Laura.Farrugia@northumbria.ac.uk

ORCID: 0000-0001-8981-9546

Declaration of Interest: none.

Funding: this research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

Conflicts of Interest: The author declares that they have no conflict of interest.

Data Availability: All materials and data for this analysis are available upon request from the author.

Abstract

1
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3 strategies. However, there has not been a systematic examination to determine whether best practice is suitable
4 for all types of vulnerable interviewees. A study space analysis was conducted to determine if there are
5 sufficient studies to support the consensus that open questions are best practice for vulnerable interviewees. A
6 search of six databases was conducted. Overall, 76 studies were included in the final analysis with 28
7 independent variables and 14 dependent variables identified. These largely related to question typology and the
8 impact upon interviewee recall with a child population. The study space analysis revealed gaps concerning
9 vulnerable [child and](#) adult populations and interviewees with mental health conditions. The findings suggests
10 that there is insufficient evidence to suggest that open questions are suitable for all vulnerable interviewees. This
11 has implications for current legislative guidance and policy in England and Wales, and further afield
12 internationally.

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Forensic Interviewing of Vulnerable Interviewees in England and Wales: A Study Space Analysis

Introduction

The forensic interviewing of any individual is a complex task, particularly when the interviewee is a vulnerable one (Farrugia & Gabbert, 2019). It was initially thought that vulnerable victims and eyewitnesses did not possess the capabilities to be able to effectively give evidence despite the importance of their evidence in the success of criminal investigations. Historically, the criminal justice system (CJS) was not considered adequate in providing assistance to vulnerable victims and eyewitnesses so that their best evidence could be achieved. It was not until 1998 that the UK Government's Home Office tasked a working group to examine the barriers faced by vulnerable and intimidated victims and eyewitnesses in being able to give their best evidence. Their report, 'Speaking Up for Justice' (Home Office, 1998) produced a number of recommendations to better support vulnerable and intimidated victims and eyewitnesses. For these recommendations to be enacted, they were legislated in the Youth Justice and Criminal Evidence Act (YJCEA; 1999) as 'Special Measures' and included the giving of evidence in court from behind a screen (section 23) or via video link (section 24), pre-recorded cross-examination (section 28), communication through a Registered Intermediary (section 29) and, evidence-in-chief to be provided via a pre-recorded forensic interview (section 27). Following this, a team of experts were commissioned to draft a new set of interviewing guidelines for vulnerable victims and eyewitnesses known as 'Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children' (Ministry of Justice, 2011, 2022).

The Achieving Best Evidence (ABE) framework provides extensive guidance on how best to interview vulnerable or intimidated victims and witnesses and focuses specifically on four main areas including: (i) planning and preparation, (ii) conducting the interview, (iii) witness support and preparation for court, and (iv) witnesses in court. The forensic interview with the vulnerable victim and eyewitness should focus on building rapport, obtaining a free recall, using appropriate questioning strategies, and closing the interview appropriately.

Around a similar time, the interviewing of vulnerable suspects was also being given some attention. Prior to the 1980s, police officers in England and Wales received very little to no training in interviewing. Thus, interviews were conducted based on many influential training manuals (such as the Reid Interrogation Technique; Inbau et al., 2013) that endorsed interrogative methods including the use of coercive and manipulative tactics in order to obtain a confession (Walkley, 1987). Such interviewing techniques have been attributed as one of the leading causes of false confessions and miscarriages of justice (Gudjonsson, 2018; Kassin, 2005). It was not until the convictions were quashed of three vulnerable individuals who had provided

1 false confessions to a murder that the contribution of this interrogatory interview process to false confessions
2 was identified (see Maxwell Confait case; Price & Caplan, 1977).

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4 What followed was a public inquiry (see Fisher, 1977) with the Royal Commission on Criminal
5 Procedure (RCCP, 1981) identifying that confessions were being prioritised by using oppressive questioning
6 methods rather than a search for the truth (Irving, 1980). As a result, new legislation was introduced; the Police
7 and Criminal Evidence Act (PACE, 1984) and its associated Codes of Practice provided police officers with a
8 legislative framework for the use of police powers, including the investigation and interviewing of suspects.
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10 However, following concerns over ineffective interviewing, the PEACE model (a mnemonic for each stage of
11 the model; Planning and preparation, Engage and explain, Account, clarify and challenge, Closure, and
12 Evaluation) was developed and rolled out to every police officer in England and Wales (Williamson, 2006).
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14 Like victims and eyewitnesses, the focus is now on obtaining accurate and reliable information by using
15 noncoercive interviewing techniques and appropriate questioning techniques (see Oxburgh et al., 2010 for a
16 review).
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26 More recently, an international set of standards for forensic interviews have been developed (Mendez,
27 2021). The ‘Principles on Effective Interviewing for Investigation and Information Gathering’ consists of six
28 core principles that promote rapport-based information-gathering processes. The first three principles focus
29 specifically on the practice of interviewing and vulnerable interviewees. However, despite the introduction of
30 legislative guidance for best practice, the interviewing of vulnerable victims, eyewitnesses and suspects remains
31 a complex task.
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40 **The Concept of Vulnerability in the Criminal Justice System**

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42 Vulnerability within the CJS is not a new phenomenon; in fact, since the process of
43 deinstitutionalisation, there is a disproportionate number of vulnerable individuals in the community that come
44 into contact with the justice system (Sirdifield & Brooker, 2012). Vulnerability can be hard to define – however,
45 vulnerable victims and witnesses in England and Wales are defined by Section 16 of the YJCEA (1999) as those
46 under the age of 18 years and adults who have a mental disorder (defined by the Mental Health Act, 2007, as
47 any disorder or disability of the mind) or a significant impairment of intelligence and social functioning.
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49 Furthermore, those who have a physical disability or disorder or are suffering fear or distress are identified as
50 vulnerable under this Act. Similarly, vulnerable suspects in England and Wales are defined in PACE (1984),
51 Code C (2018) also as those under 18 years of age and adults with a mental health condition or mental disorder
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1 who may have difficulties in understanding or communicating effectively during their time in custody. Further,
2 Note 1G indicates that a suspect does not have to have a diagnosed mental health condition or disorder but may
3 still be classed as vulnerable should they present with difficulties in understanding and communication.
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6 Aside from the legislative guidance in England and Wales, scholars working in this field have also
7 defined the concept of vulnerability. Gudjonsson (2006) defines vulnerability within a legal context as,
8 “psychological characteristics or mental state which renders an [individual] prone, in certain circumstances, to
9 providing information which is inaccurate, unreliable or misleading” (p.68). Furthermore, he identifies four
10 main type of vulnerability including mental disorder (any type of mental illness), abnormal mental state
11 (including intoxication or withdrawal from alcohol and/or drugs), intellectual functioning (such as the level of
12 IQ) and personality (including suggestibility, compliance, and acquiescence; see Gudjonsson, 2018 for a full
13 discussion of these concepts). Regardless of how vulnerability is defined, the vulnerability of an individual,
14 whether that be a victim, eyewitness or suspect can impact upon the investigation, particularly the forensic
15 interview.
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28 **The Impact of Vulnerability on the Forensic Interview**

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30 Vulnerability is a key concern across policing (Department of Health, 2014; Murray et al., 2018; Police
31 Scotland, 2017). This is of particular importance when one considers the impact of vulnerability in the forensic
32 interview. The aim of the forensic interview is to obtain as much accurate and reliable information as possible
33 (Gabbert et al., 2016; Oxburgh et al., 2010). A substantial amount of psychological research has reported that
34 open questions (also known as ‘TED’; ‘Tell’, ‘Explain’, ‘Describe; Oxburgh et al., 2010) produce longer, more
35 detailed, and more accurate information (Myklebust, 2009; Phillips et al., 2011; Snook et al., 2012) when
36 compared to inappropriate questions such as closed questions (those that typically elicit a ‘yes’ or ‘no’ response)
37 or leading questions (those that either imply the response or assumes facts that are likely to be disputed; College
38 of Policing, 2020).
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48 However, research is starting to indicate that those with vulnerabilities, such as mental health
49 conditions or disorders, or neurodevelopmental disorders may find these types of questions difficult, particularly
50 when used to elicit a free recall. Seeking a free recall draws on the episodic memory of an individual but those
51 with depression, anxiety, schizophrenia, intellectual disability, or an autism spectrum condition for example,
52 tend to exhibit impairments in these types of tasks (Airaksinen et al., 2005; Crane et al., 2012; Dongaonkar et al.
53 2019; Fajnerová et al. 2017; Maras & Bowler, 2010; Maras et al., 2012; Pauls et al., 2015). That is, some recent
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1 work has found that adults with these vulnerabilities report few correct details when asked open questions that
2 invite a free recall in comparison to those that do not have vulnerabilities (Bowles & Sharman, 2014; Farrugia &
3 Gabbert, 2019, 2020; Hershkowitz, 2018; Perlman et al., 1994; Ternes & Yuille, 2008). In addition, open
4 questions have been found to yield a higher rate than expected of ‘don’t know’ responses (Danby et al., 2015;
5 Farrugia & Gabbert, 2019, 2020; Melinder & Gilstrap, 2009), thus impacting upon the quality of information
6 obtained.
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11 Individuals with vulnerabilities can also demonstrate impairments in working memory; used to execute
12 cognitive tasks, such as responding to questions during a forensic interview, the capacity of working memory
13 can be reduced in those that have anxiety (Lindstrom & Bohlin, 2012). This is also seen in individuals that have
14 schizophrenia and can result in the processing of information being restricted, particularly if the task is
15 cognitively demanding (Kleider-Offutt et al., 2016; van Merriënboer & Sweller, 2010; Vytal et al., 2012, 2013).
16 In addition to the specific difficulties outlined, vulnerable individuals have been shown to generally have
17 increased levels of suggestibility, compliance, and acquiescence, and can be at risk of providing inaccurate or
18 misleading information (Gudjonsson, 2018).
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28 What this has started to lead to is a change in some interviewing practices. For example, the Cognitive
29 Interview (Fisher & Geiselman, 1992) has been revised to include the Sketch Reinstatement of Context (Sketch-
30 RC) to replace elements of the Cognitive Interview not suitable for those that have an autism spectrum condition
31 (Dando et al., 2011; Gentle et al., 2014; Mattison et al., 2015). Interviewees are instructed to draw a detailed
32 sketch or plan of the event they witnessed whilst being encouraged to describe their sketch; this has been found
33 to be particularly effective due to the support provided in the retrieval process. Furthermore, the Witness-Aimed
34 First Account (WAFA; Maras et al., 2020) was developed specifically for eyewitnesses that also have an autism
35 spectrum condition. This interview technique provides directive prompts by encouraging the witness to focus on
36 the ‘most important event that happened’ which is recorded on a post-it note. Each topic is revisited in turn
37 allowing the eyewitness to use their own search and retrieval techniques and thus reducing the impact of their
38 impairments; initial findings have so far provided positive results (Maras et al., 2020).
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50 Whilst there have been considerable strides made in changing the overall interviewing techniques for
51 victims, eyewitnesses, and suspects, with a strong scientific base for the use of open questions in facilitating free
52 recall in forensic interviews, there has not been a systematic examination to determine where the significant
53 gaps in knowledge remain and whether this question type is suitable for all types of interviewees (such as those
54 that are vulnerable). Furthermore, whilst it is undoubtedly positive that new interview techniques are taking into
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1 account the impact of vulnerabilities for specific groups, it appears largely based on vulnerable victims or
2 eyewitnesses, rather than vulnerable suspects. If interviewing techniques are going to continue to develop to
3 ensure best communication is achieved, there needs to be an understanding of where future work should focus.
4 The aim of the present analysis, therefore, is to determine whether there are sufficient studies using ecologically
5 valid methods to support the general consensus that open questions are best practice for all types of interviewee,
6 including those who are vulnerable, and to examine what type of research has been conducted with vulnerable
7 interviewees concerning question type methodology.
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16 **A Study Space Analysis**

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18 Traditional literature reviews tend to focus on what has been found rather than on what has been
19 studied and is particularly insensitive to variables that have been neglected or not studied together. The study
20 space analysis allows for the evaluation of the breadth and depth of research coverage on a particular topic,
21 whilst also identifying gaps in knowledge. It assists with the evaluation of the scientific adequacy of the
22 literature for development and implementation into public policy; rather than just the suggestion that more work
23 needs to be done (Malpass et al., 2008). By exploring the variables, methods and procedures present in the
24 exiting literature, matrices are created with the frequencies of each variable plotted against others.
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32 As such, scholars can be alerted to areas that have been over-worked and to areas that are under-researched and
33 thus require attention. This is particularly important given that any policy changes should be based on a well-
34 established and mature literature base before best practice recommendations are made. This type of analysis has
35 been frequently used for a number of key topics in investigative psychology; for example, the Cognitive
36 Interview (see Memon et al., 2010), ground rules in child interviews (Brubacher et al., 2015), and more recently,
37 multiple interviewing of child witnesses (Waterhouse et al., 2020).
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44 The current paper presents a study space analysis of forensic interviewing with vulnerable interviewees
45 given the emerging literature base that best practice questioning strategies may not be suitable for those that
46 have vulnerabilities. If the current knowledge in a field has been developed in the absence of studies that include
47 important variables then best practice policy would be inadequate (Malpass et al., 2008) resulting in vulnerable
48 interviewees being interviewed using methods not based on a scientifically sound and rigorous literature base.
49 For best practice policy to be rigorous, there must be a substantial number of high-quality research studies
50 conducted that report consistent findings.
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The analysis will include studies that have examined questioning strategies with a vulnerable interviewee population either in the field or in the laboratory. The study space analysis will examine the types of variables that have been used in the studies included, the representativeness of the population (children or vulnerable adults) and the location, as well as the ecological validity of the methodologies used (e.g., real life police interviews or experimental work). This will assist in policymaker understanding regarding whether open questions are best practice when interviewing vulnerable interviewees and expand knowledge relating to the type of research being conducted with vulnerable interviewees.

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Method

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2 A study space analysis (SSA) was conducted exploring the police interviewing of vulnerable
3 interviewees. The search criteria, data collection and sources, and procedure is outlined below.
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Data Collection

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10 Data for the SSA was obtained via online searches of six databases, namely PsychINFO,
11 PsycARTICLES, Pubmed, ProQuest, Science Direct and Google Scholar, between October 2022 and January
12 2023. The search terms used to explore forensic interviews were 'police interviews', 'interview style', 'question
13 types'. The search terms used for vulnerable interviewees were 'psychological vulnerability', 'mentally
14 disordered', 'autism spectrum' in combination with 'witnesses', 'suspects' and 'juveniles'. Reference lists of
15 relevant/key publications were also scrutinised for any additional studies. Overall, the initial search produced
16 over 20,000 published pieces of work. After irrelevant studies were sifted out (e.g., those that did not focus on
17 forensic interviewing), a total of 469 articles were left. These articles were subjected to inclusion criteria to filter
18 out studies that bore no relevance to the topic of interest in line with methodologies in previous SSA's (e.g., see
19 Memon et al., 2010 and Waterhouse et al., 2020).
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Inclusion Criteria

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34 Published studies from peer-reviewed journals were included if:
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- 36 1. They included either real-life forensic interviews or ecologically valid interviews in terms of there being some
37 free recall that was face-to-face, that attempted to replicate a forensic interview via the use of a to-be-
38 remembered event / experienced event, or a suspect scenario.
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- 40 2. They included experimental manipulation or analysis of questioning strategies as part of a forensic interview
41 conducted with either a victim, eyewitness or suspect recalling an event / their involvement.
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- 43 3. They compared interviewee responses to questioning strategies.
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- 45 4. A child or vulnerable adult sample was included based on the definitions included in current legislative
46 guidance (e.g., YJCEA, 1999; PACE, Code C 2018).
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- 48 5. They were published in English.
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57 Such criteria were chosen in order to try and capture as many relevant studies as possible that focused
58 on the forensic interviewing of vulnerable interviewees via experimental and field studies. The criteria reduced
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1 the total SSA sample from 469 articles to 74 articles; 67 duplicates were removed, and 328 articles were
2 removed owing to the fact that they did not fit the inclusion criteria, e.g., a review article rather than an
3 experimental manipulation, a vulnerable sample not included etc. The remaining 74 articles were available
4 electronically; two articles reported two studies, thus 76 studies were included in the final analyses.
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10 **Procedure and Coding**

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12 Initially, the independent and dependent variables for each study were identified and plotted in a
13 matrix; the independent variables were plotted down the left-hand side and the dependent variables were listed
14 along the top, thus creating an IV*D_V matrix for all populations (child and adult). Frequency counts for each
15 independent variable against its corresponding dependent variable were entered. Next, cross-sectional variables
16 were identified – this allowed for the development of two further separate matrices based on child and adult
17 populations, that explored how the research had been conducted in terms of a victim, eyewitness or suspect
18 interviewee, real-life interview analysis or experimental interviews and whether the interview related to a crime,
19 an experienced event or a to-be-remembered event, in addition to the independent and dependent variables
20 previously identified. Where studies included both a child and adult population for example, frequencies were
21 recorded in the relevant variables for both populations.
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32 Please note, all materials and data for this analysis are available upon request from the author.
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Results

Independent and Dependent Variables for Child and Adult Populations

A total of 28 independent variables were identified in the study space analysis (SSA) and related to a range of areas. For example, interview characteristics including number of interviews conducted, the type of and phase of interview and question type were identified, as were variables regarding participant characteristics such as age and gender, and crime characteristics including the frequency and type of crime, and the type of perpetrator. In addition, the SSA identified a total of 14 dependent variables. These related to frequencies of question types although the most commonly occurring dependent variables included the recall from the interviewee – e.g., total amount and type of recall, and accuracy levels. Most studies in the SSA included more than one independent and dependent variable.

Generally, the majority of categories included independent variables that were only examined once or twice against the dependent variables. For example, the impact of interviewee gender on the frequencies and types of questions asked during the interview (Anderson et al., 2014) or the impact of the type of crime and its frequency upon the amount of recall obtained (Leander, 2010). That said, there were several variables that were explored more frequently. The impact of the type of interview was commonly explored against the types of questions asked during the interview (Blasbalg et al., 2019; Hill & Davies, 2013; Otgaar et al., 2019) and the impact upon the amount of the interviewee's recall (Farrugia & Gabbert, 2020; Maras et al., 2012; Peterson et al., 2013; Wyman et al., 2021, 2022), the accuracy of the response (Bowles & Sharman, 2013; Brown et al., 2019; Farrugia & Gabbert, 2020; Maras & Bowler, 2010; Maras et al., 2020; Peterson et al., 2013) and the type of detail elicited (Bearman et al., 2019; Maras & Bowler, 2010; Milne et al., 2013; Peterson et al., 2013). This was also the case regarding the impact of an interview delay on the types of questions used (Almeida et al., 2019; Brown et al., 2012), the impact of the interviewee's age on the frequencies of the questions asked (Ahern et al., 2015; Baugerud et al., 2020; Gagnon & Cyr, 2017), the total amount of interviewee recall (Baugerud et al., 2014; Danby et al., 2017; Earhart et al., 2014; Ferra et al., 2022; Gagnon & Cyr, 2017; Stolzenberg et al., 2021), the accuracy (Baugerud et al., 2014; Behzadnia & Mehrani, 2020; Danby et al., 2017; Darwinkel et al., 2014; Ferra et al., 2022) and the level/type of detail provided (Danby et al., 2017; Feltis et al., 2010; Phillips et al., 2012; Stolzenberg et al., 2021), and the type of interviewee disability on the frequency of question (Aker & Johnson, 2020; Almeida et al., 2019; Farrugia & Gabbert, 2019; Geijssen et al., 2018; Norris et al., 2020) and the type of recall provided (Almeida et al., 2019; Collins & Henry, 2016; Farrugia & Gabbert, 2020; Norris &

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Maras, 2022). Perhaps the most commonly explored independent variable was the impact of the question type on dependent variables such as the total amount of recall obtained (Baugerud et al., 2014; Broaders & Goldin-Meadow, 2010; Danby et al., 2017; Kask, 2012; Kask et al., 2019; Szojka et al., 2020; Wolfman et al., 2016a, 2018; Yi & Lamb, 2018), the accuracy of the recall (Almeida et al., 2019; Baugerud et al., 2014; Bowles & Sharman, 2013; Danby et al., 2017; Farrugia & Gabbert, 2020; Kask et al., 2019; Murnikov & Kask, 2021; Yi & Lamb, 2018) and the level/type of detail provided in the recall (Danby et al., 2017; Farrugia & Gabbert, 2019, 2020; Lee, 2012; Murnikov & Kask, 2021; Wolfman et al., 2018; see Table 1).

Table 1 about here.

Population Representativeness

The majority of studies utilised a child population within their sample group (n = 66). When exploring the type of interviewee, most studies explored interviews conducted with a child victim (n = 39; Ahern et al., 2015; Baugerud et al., 2020; Gagnon & Cyr, 2017; Lyon et al., 2012; Stolzenberg et al., 2021; Wolfman et al., 2018) followed by a child eyewitness (n = 31; Almeida et al., 2019; Brown et al., 2012, 2013, 2017, 2019; Kask et al., 2019; Magnusson et al., 2020; Wyman et al., 2021) – please note, four studies included a victim and eyewitness sample so were included in both interviewee variables. No studies analysed as part of the SSA included a child suspect interviewee.

Being a child automatically categorises them as a vulnerable interviewee in the justice system [based on age](#). However, studies that also included child interviewees with other vulnerabilities ([such as a learning disability or an autism spectrum condition](#)) were also included in the SSA. Whilst the majority of child victim samples had no additional vulnerability than age (n = 35), a few (n = 4) included those with a learning disability (Cederborg et al., 2011), an autism spectrum condition (Aker & Johnson, 2020) and/or attention deficit hyperactivity disorder (Anderson et al., 2014). This was also the case for the child eyewitness samples; whilst the majority of studies included a child eyewitness sample with no vulnerability (n = 24; Behzadnia & Mehrani, 2018, 2020; Kask et al., 2019), seven studies included those with a learning disability (Brown et al., 2012, 2017, 2019), an autism spectrum condition (Almeida et al., 2019) and/or Down’s Syndrome (Collins & Henry, 2016).

A total of 14 studies analysed as part of the SSA used a vulnerable adult population (please note, four studies included an adult *and* child population so were included in both population variables). Overall, three studies included a vulnerable adult victim sample (Aker & Johnson, 2020), eight studies included a vulnerable

1 adult eyewitness sample (Bearman et al., 2019; Maras et al., 2020) and the remaining three studies included a
2 vulnerable adult suspect sample (Farrugia & Gabbert, 2019, 2020). When exploring the type of vulnerability the
3 adult interviewees had, the victim and eyewitness studies did not include samples with mental health difficulties,
4 but rather focused on those with a learning disability (Bowles & Sharman, 2013) and/or an autism spectrum
5 condition (Bearman et al., 2019; Maras & Bowler, 2010; Maras et al., 2012, 2020). For the studies that included
6 a vulnerable adult suspect sample, they tended to focus on those with mental health difficulties (n = 3; Farrugia
7 & Gabbert, 2019, 2020), although one such study also included a sample of suspects with a learning
8 disability/autism spectrum condition (Geijsen et al., 2018; see Figure 1).
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18 *Figure 1 about here.*
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22 **Location Representativeness**

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24 Studies included in the SSA were conducted in 17 different countries around the world. Those that
25 utilised a child population tended to be conducted in the United Kingdom (n = 14; Earhart et al., 2014; Hill &
26 Davies, 2013; Krahenbuhl et al., 2010; Phillips et al., 2012; Szojka et al., 2020) and focused on a victim and
27 eyewitness sample.
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32 Similarly, the studies that focused on a vulnerable adult sample were largely conducted in the UK (n =
33 8; Farrugia & Gabbert, 2019, 2020; Maras & Bowler, 2010; Maras et al., 2012, 2020; Norris et al., 2020; Norris
34 & Maras, 2022). When the type of vulnerable adult sample was broken down into victims, eyewitnesses, and
35 suspects, the majority in the UK focused on eyewitnesses (n = 6) and suspects (n = 2) only. Interestingly, no
36 vulnerable adult victim studies were conducted in the UK.
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44 **Ecological Validity**

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46 The methodologies used in the research included in the SSA were examined. Both similarities and
47 differences were found in studies that used child populations and those that used vulnerable adult populations.
48 For example, the majority of studies tended to analyse real-life police interviews regarding the alleged crime
49 with the child victim (n = 38; Feltis et al., 2010; Hindi et al., 2022; Lyon et al., 2012; Szojka et al., 2020;
50 Wolfman et al., 2016ab, 2018) and vulnerable adult victim (n = 3) populations (Aker & Johnson, 2020;
51 Cederborg et al., 2011). However, whilst both child and vulnerable adult eyewitness populations tended to focus
52 on using experimental methodologies, those conducted with children largely utilised an experimental
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1 experienced event (n = 20; Murnikov & Kask, 2021; Wyman et al., 2022; Yi & Lamb, 2018) rather than a to-be-
2 remembered event (n = 9; Magnusson et al., 2020; Milne et al., 2013), and those conducted with vulnerable
3 adults tended to use a to-be-remembered event (n = 7; Bowles & Sharman, 2013; Maras & Bowler, 2010; Maras
4 et al., 2012, 2020; Norris et al., 2020) rather than an experimental experienced event (n = 1; Bearman et al.,
5 2019). Studies including vulnerable adult suspects used a combination of real-life interview analysis (n = 3;
6 Farrugia & Gabbert, 2019; Geijssen et al., 2018) and experimental interviews (n = 1; Farrugia & Gabbert, 2020).
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Discussion

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2 Interviewing vulnerable individuals is a complex task and one that needs to consider the impact of an
3 individuals' vulnerabilities on their ability to effectively communicate in the interview. The aims of the study
4 space analysis (SSA) were to explore whether there were sufficient studies to support the general consensus that
5 open questions are best practice when conducting forensic interviews with all types of interviewees including
6 those that are vulnerable. In addition, the SSA sought to examine the type of research that had been conducted
7 concerning question type methodology with vulnerable interviewees.
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14 There was a range of independent variables identified in the SSA, with some variables explored more
15 frequently than others. The type of interview conducted such as a Standard Interview or Cognitive Interview
16 was commonly examined against the types of questions used in the interview and the impact upon the total word
17 count, the level of detail and the accuracy in the interviewee's response. However, the majority of independent
18 variables were only examined once or twice against the dependent variables, thus suggesting there is little
19 replication in the field. One important independent variable that has not been examined well is the impact of the
20 type and/or frequency of crime on the amount and type of recall elicited. This is important considering some
21 scholars advocating that certain types of offenders, e.g., sex offenders, should be interviewed in a specific way
22 (see Oxburgh & Ost, 2011).
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32 The SSA revealed that there are some key populations missing in the literature. The majority of the
33 research appears to focus on children interviewees overall when compared to adult interviewees. When this is
34 further broken down into victim, eyewitness and suspect interviewees, the majority of research tends to focus on
35 child victims and child eyewitnesses, with the focus on child suspects found to be lacking. [This is surprising](#)
36 [given the abundance of forensic interview protocols and guidelines that are currently in existence for](#)
37 [interviewing children](#). When examining research conducted with vulnerable adults, studies have focused on
38 victims, eyewitnesses, and suspects, albeit only a few research studies have focused on each interviewee.
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46 Furthermore, given the aim of the SSA in exploring best practice questioning methodologies with vulnerable
47 interviewees, examination of the types of vulnerabilities present in the literature was conducted. Being a child
48 automatically categorises them as vulnerable [due to their age](#) (e.g., YJCEA, 1999) – [indeed, the majority of the](#)
49 [research focused on child interviewees without any additional vulnerability](#). Very little research, however,
50 focused on additional vulnerabilities and of those that did so, the focus lie with learning disabilities or
51 neurodevelopmental disorders such as an autism spectrum condition. This was similar with vulnerable adult
52 interviewees; that is in a victim or eyewitness context, the focus was on learning disabilities or
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1 neurodevelopmental disorders, whereas in a suspect context, the literature tended to focus on those with mental
2 health difficulties.

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4 In the UK, there were approximately 85,939 adult offenders incarcerated as of June 2022, compared to
5 3,581 juvenile offenders (Sturge, 2022), with reports estimating that between 10%-90% of all offenders have
6 some sort of vulnerability depending on location (House of Commons, 2017). Despite there being more adult
7 offenders than children, the literature base focuses heavily on how to interview children. Furthermore, literature
8 has indicated that those with vulnerabilities such as learning disabilities, neurodevelopmental disorders and
9 mental health conditions all present with a unique cognitive profile with impairments found in areas of episodic
10 and working memory. These areas are particularly important when one considers that free recall and the use of
11 open questions relies heavily on these cognitive processes (Lindstrom & Bohlin, 2012; Maras et al., 2012).
12 However, the research exploring best practice interviewing and questioning in these areas is sparse despite the
13 increased levels of vulnerable individuals coming into contact with the CJS. *Each type of interviewee (victim,
14 eyewitness and suspect) will require a different method of interviewing especially if there are additional
15 vulnerabilities present.* Of the little research that has been conducted, it suggests that open questions are not
16 suitable for some vulnerable groups (e.g., Farrugia & Gabbert 2019, 2020; Maras et al., 2020).
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30 In terms of the location of the research covered in the SSA, the majority of research with child
31 interviewees was conducted in the United Kingdom (UK), followed closely by the United States of America
32 (USA). Of the little research conducted with vulnerable adult interviewees, this too was largely conducted in the
33 UK although focused only on eyewitnesses and suspect contexts; that is, no research included in the SSA
34 concerning vulnerable adult victims was conducted in the UK. The majority of the research concerning child
35 and vulnerable adult interviewees being conducted in the UK is not surprising; indeed, England and Wales
36 especially are seen as international experts in forensic interviewing with many other countries following their
37 interview models or developing their own based on best practice in England and Wales (Walsh et al., 2016).
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46 The ecological validity of the research included in the SSA was also examined. In studies conducted
47 with both child and vulnerable adult victims, methodologies tended to focus on the analysis of real-life police
48 interviews when exploring the impact of question typologies on interviewee recall. Experimental interviews
49 were conducted with both child and vulnerable adult eyewitness populations with vulnerable adult suspects
50 using a combination of real-life police interviews and experimental interviews. This is not overly surprising
51 given the limitations on accessing police interview data and the ethical concerns on handling such sensitive data.
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59 In the research that used the experimental methodologies, there were differences between the child and
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1 vulnerable adult populations. The methodology in research concerning child interviewees tended to include the
2 experimental experienced event rather than the to-be-remembered event. In comparison, the research concerning
3 vulnerable adult interviewees tended to focus on to-be-remembered events for eyewitnesses with one suspect
4 experiment focusing on an experimental experienced event. Given that there are issues with both types of
5 experimental methodologies, e.g., an increased risk of confounding variables in the experimental experienced
6 event and a lack of ecological validity in the to-be-remembered event, scholars have acknowledged that a
7 combination of both types of experimental methodologies may be necessary to fully develop understanding of
8 how vulnerable interviewees respond to best practice questioning (Waterhouse et al., 2020).
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11 The current study provides some insight on important topic areas where little or no research has been
12 conducted, as well as identifying research gaps concerning key vulnerable groups. That said, the current SSA is
13 not without limitations. The SSA did not include theses or dissertations and relied solely on online searches to
14 obtain relevant articles. However, over 20,000 published pieces of work were initially examined and included
15 the scrutiny of six databases. The SSA was also not able to examine the quality or validity of the findings of the
16 research included. This is an interesting point to make given that whilst best practice advocates for the use of
17 open questions (e.g., Myklebust, 2009; Phillips et al., 2011; Snook et al., 2012), there is an emerging branch of
18 research that suggests this is not the case for some vulnerable interviewees (e.g., Farrugia & Gabbert, 2019,
19 2020; Maras et al., 2020). However, the aims of this SSA were to determine the spread of research regarding the
20 use of open questions as best practice when conducting forensic interviews with vulnerable interviewees, rather
21 than assess the quality or validity of the findings. The findings from this SSA suggests that whilst open
22 questions may be best practice for the general population, there is insufficient research to suggest that this may
23 also be the case for specific groups of vulnerable interviewees. Furthermore, there is an overall lack of research
24 exploring the impact of question typology on vulnerable interviewees in terms of their recall amount and
25 accuracy in forensic interviews.
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28 **Implications for Practice and Conclusions**

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30 There has been a plethora of research examining interviewing techniques and question typologies with
31 the general consensus being that open questions are best practice to elicit the most detailed and most accurate
32 recall (Myklebust, 2009; Phillips et al., 2011; Snook et al., 2012). However, there has not been a systematic
33 examination to determine if this question type is suitable for those that are vulnerable and where the gaps in
34 knowledge may lie. This is of particular importance given that an emerging branch of research suggests that
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1 vulnerable individuals struggle with open questions when used to elicit a free recall (Bowles & Sharman, 2014;
2 Hershkowitz, 2018; Perlman et al., 1994; Ternes & Yuille, 2008), and that different groups of interviewees
3
4 require different methods of interviewing.

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6 This SSA has highlighted significant gaps in the research base; thus, it appears that current best
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8 practice in terms of questioning strategies has been developed based on an under-developed literature base that
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10 has not considered well the impact of questioning typologies on vulnerable interviewees recall. The research
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12 that has been conducted is patchy and has focused inconsistently on particular groups and neglected others (such
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14 as child suspects and adult victims and eyewitnesses with mental health conditions). Best practice interviewing
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16 and questioning strategies documented in legislative guidance and policy must be based upon a mature research
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18 base; currently vulnerable individuals are not being interviewed based on a scientifically sound and rigorous
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20 research base. As such, further work focusing on the following areas/populations should be urgently conducted
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22 in order to develop understanding in further considering if current best practice is suitable for all vulnerable
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24 interviewees:

- 25
- 26 • Child suspects;
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- 28 • Child victims and eyewitnesses with a range of mental health difficulties;
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- 30 • Vulnerable adult victims and eyewitnesses with a range of mental health difficulties, as well as learning
- 31 disabilities and other neurodevelopmental disorders;
- 32
- 33 • Vulnerable adult suspects overall.
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37 Whilst it must be acknowledged that conducting research with these groups may be difficult to
38
39 undertake, policy decisions on how best to interview vulnerable interviewees can be supported by a more robust
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41 and psychological informed research base, thus ensuring that interviewing techniques are going to continue to
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43 develop to ensure best communication can be achieved.

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22 **Tables and Figures**
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Table 1

25 *Independent and dependent variables matrix for overall populations.*
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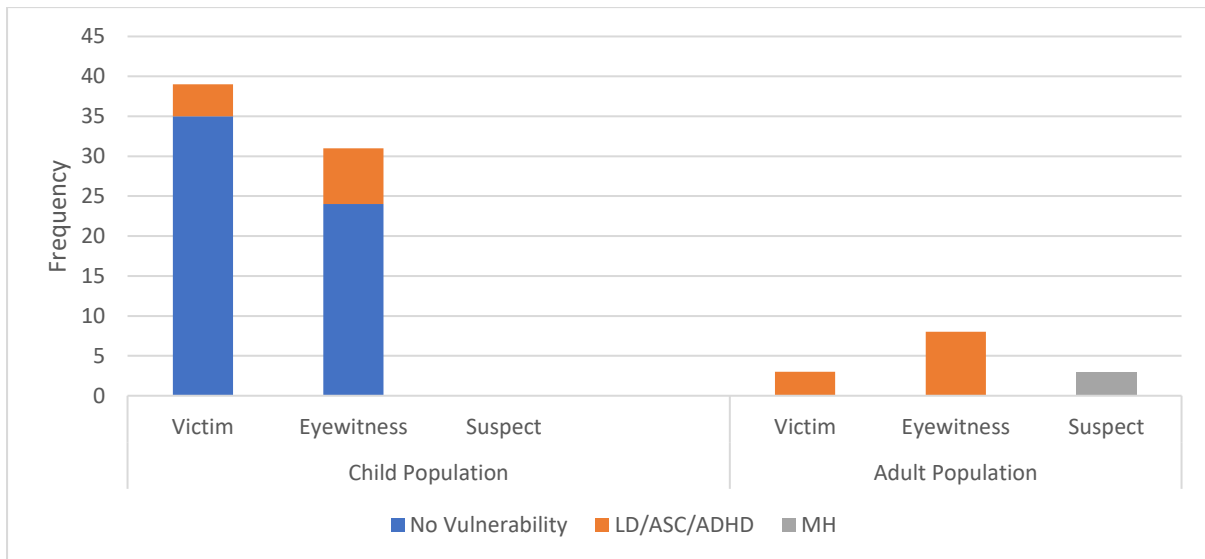
27															
28 Dependent Variables (DV)															
29 Interview	30 No. of	31 Types of	32 No. of	33 Allegation	34 Recall	35 Correct	36 Incorrect	37 Recall	38 Recall	39 Don't	40 Reluctance /	41 Confidence	42 Physio.	43 % Freq	
44 characteristic	45 questions	46 questions	47 Allegations	48 type	49 total	50 recall	51 recall	52 type	53 consistency	54 know /	55 avoidance /	56 scores	57 measure	58 	
59 remember															
60 Independent															
61 Variables (IV)															
62 Interview															
63 Characteristic															
64 Time period	0	2	0	0	0	1	0	0	0	0	0	0	0	0.3%	
65 Country	0	1	0	0	0	0	0	0	0	0	0	0	0	0.1%	
66 No. of	0	0	0	0	0	2	2	2	0	0	0	0	0	0.9%	
67 interviewers															
68 Interviewer	0	2	1	0	0	2	0	0	1	0	1	0	0	0.8%	
69 gender															
70 Interviewer	4	5	4	0	0	6	0	0	4	0	0	0	0	2.7%	
71 competency															
72 No. of	0	0	0	0	0	2	0	0	3	0	2	0	0	0.8%	
73 interviews															
74 Interview type	9	8	16	0	0	16	15	7	19	3	6	1	0	12.2%	
75 Interview length	0	0	0	0	0	0	0	0	1	0	0	0	0	0.1%	
76 Interview	2	2	1	0	0	1	0	0	1	0	0	0	0	0.8%	
77 location															
78 Use of	0	0	0	0	0	0	2	0	2	0	2	0	0	0.7%	
79 technology															
80 Stage / phase of	1	5	4	0	0	9	1	1	9	0	3	0	1	4.1%	
81 interview															
82 Interview delay	0	13	1	0	0	4	5	1	2	2	0	0	0	3.3%	
83 Event type	0	3	0	0	0	3	2	3	2	0	0	0	1	1.6%	
84 Event order	1	2	0	0	0	5	2	1	3	0	1	0	0	1.7%	
85 Interview tactics	0	0	0	0	0	0	0	0	0	0	2	0	0	0.2%	
86 Question type	18	33	16	1	1	57	28	14	51	4	20	3	0	30.3%	
87 Disclosure type	3	3	2	1	1	14	1	0	11	1	4	0	0	5.4%	
88 Presence of	0	0	0	0	0	1	0	0	0	0	0	0	0	0.2%	
89 ground rules															
90 Participant															
91 Group															
92 Age	8	10	6	1	1	25	14	5	17	4	6	1	0	11.9%	
93 Gender	0	1	1	0	0	16	4	2	3	2	2	0	0	3.8%	
94 Type of	11	19	6	0	0	6	9	10	19	0	2	0	1	9.9%	
95 Disability															

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Level of functioning	1	1	0	0	0	3	3	3	3	0	0	0	0	0	1.6%
Race / language	0	2	2	0	0	2	0	0	0	0	0	0	0	0	0.7%
Religion	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0.1%
Crime															
Characteristic															
Freq. of crime	2	2	3	0	0	2	0	0	5	0	0	2	0	0	1.9%
Type of crime	2	2	1	0	0	2	0	0	6	0	0	2	0	0	1.7%
Type of perpetrator	2	2	1	0	0	2	0	0	6	0	0	2	0	0	1.7%
Expected consequences	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0.5%
% Freq	7.5%	13.8%	7.5%	0.4%	0.4%	21.1%	10.3%	5.7%	19.8%	1.9%	3.9%	6.7%	0.6%	0.4%	100.0%

Figure 1

Population representativeness regarding victims, eyewitnesses and suspects and type of vulnerability.



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Dear Reviewers,

Thank you kindly for your helpful and insightful comments which have helped improve the overall quality of the manuscript. I have considered and addressed each of your comments below:

Reviewer 1:

The manuscript was well written and included relevant citations and references. The topic is important for understanding best practices when interviewing vulnerable victims and eyewitnesses. Some problems identified in the manuscript include the lack of justification for the research design, the use of "vulnerable" suspects in the analysis, the discrepancies of the vulnerable population besides age, clear identification of the gaps, and how this analysis contributes to the literature.

The justification for the research design is covered at the bottom of page 4 and especially so in the sub-section on page 5, 'A Study Space Analysis'. The paper overall focuses on the forensic interviewing of vulnerable interviewees – this is why vulnerable suspects are included. The discussion has been edited to strengthen the clear identification of the gaps in knowledge and how the study space analysis contributes to the literature.

Interviewing children is challenging. The problems that present differ from those of vulnerable "suspects," and the method of interviewing differs. Thus, an analysis that focused on children (as vulnerable interviewees) as well as those with developmental or other identified vulnerabilities would have been more justified.

Thank you for this comment; the purpose of this paper was to give an overview of all experimental work that has focused on interviewing vulnerable individuals (including children). The point re: the method of interviewing being different for different groups of interviewees has been added to the discussion.

Further, there is an abundance of research regarding forensic interview protocols and guidelines. Researchers have surmised that open-ended questions elicit more detailed information (see NICHD guidelines, the Ten Step Investigative Interview, the Cognitive Interview, etc.). There are trainings and protocol guidelines that also address interviewing children with intellectual or mental challenges.

I agree – there is an abundance of research regarding forensic interview protocols and guidelines re: interviewing children but there is little *experimental* work that focuses on child interviewees (without any additional vulnerability) and child suspects. It is important to raise these gaps in the literature given that the guidelines etc., should be developed from the psychological literature base. The point re: the abundance of forensic interview protocols and guidelines for interviewing children has been added to the discussion.

Additionally, there is research that examines the challenges and differences when interviewing vulnerable child populations. Therefore, it is recommended that the author(s) consider narrowing the focus of the study space analysis.

This research has been included as part of the study space analysis. The aim of this paper was to provide an overview of interviewing all vulnerable interviewees, rather than just one specific population.

The results section was difficult to follow, which makes the discussion challenging to comprehend. Although it is clear more research needs to be conducted regarding interviewing children with vulnerabilities, if the study participants are identified as vulnerable by the age distinction only, there is a breadth of research regarding best interview practices with children. Thus, focusing on particular intellectual and mental vulnerabilities would be helpful and contribute to existing literature.

The results section has been revisited and refined where possible. The point re: the breadth of research already conducted with children (vulnerable by age only) has been reiterated in the discussion, as has the need for research focusing on particular intellectual and mental vulnerabilities.

Lastly, it is recommended that the author(s) ensure originality of content.

Thank you, the entire content has been revisited and rephrased where it was felt necessary.

Reviewer 2:

Your topic can be of great use within the field and for those who research this area. You have illustrated the fact that there are unknowns within this area and that as you mentioned, instead of a request for more research needed, there is a need to know with more specificity. I believe there is a bit of blurred lines from your "Results" section and "discussion" section. When I came to the end of your results, I was left with many questions, but several were addressed in your discussion section. I think there needs to be a bit of refinement to these areas.

Thank you for your positive and helpful comments. The results section and discussion section have been refined where appropriate to make these sections clearer. Please note, the results section is purely to report the findings of what has (or has not) been conducted and the discussion explores the implications of these findings.