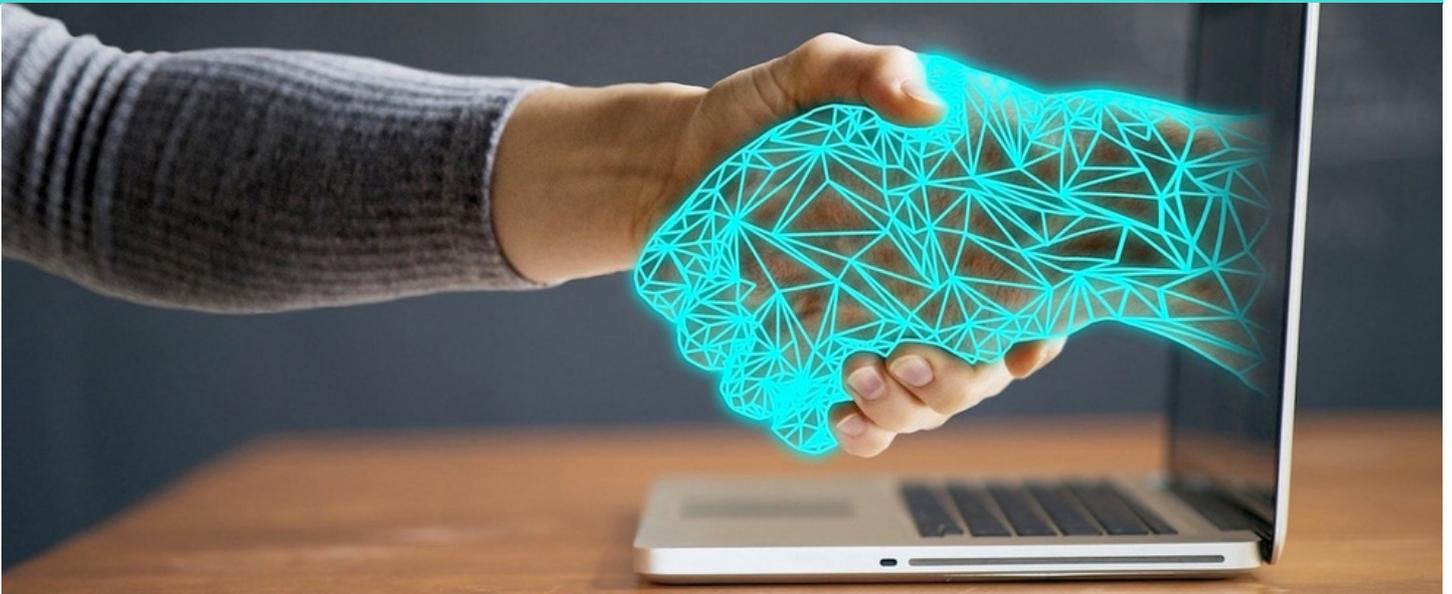


# UPDATE REPORT

*Remote interviewing and legal representation of those involved in the criminal justice system: Is it remotely possible?*



## Report Introduction

*By Professor Gavin Oxburgh, Project Lead*

Welcome to this 4th Headline Update Report (May 2022). The project team have continued with the different research work packages (WP) and we have now closed participation for part 1 of Work Package 1 - *Consultation with organisations and investigators*. We will shortly be recruiting for Part 2 which will involve *victims of crime* who were interviewed by the police during the pandemic. We are now analysing the results which we will publish in the next Policy Briefing Report (number 3). Work Package 2 has been completed - *Interviews with lawyers and legal representatives* - the results from which are available via our [project website](#) in Policy Briefing Reports 1 and 2. We are finalising Work Package 3 - *Experimental Research to establish the efficacy of remote versus face-to-face interviewing*. The results of this study will be reported in Policy Briefing Report number 4 in the coming months.

The short article in this Headline Update Report is from Dr Laura Farrugia, one of the project's co-investigators and a Registered Intermediary, who discuss the impact of remote interviewing on vulnerable adults. We hope you enjoy reading her insightful article and we will keep you posted on all new developments in the project, which comes to a conclusion on 31 August 2022.

### IN THIS ISSUE

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**ARTICLE: REMOTE INTERVIEWING WITH VULNERABLE ADULTS**

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**PROJECT PARTNERS**

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**PROJECT UPDATES**

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**OTHER DEVELOPMENTS**

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## The impact of remote interviewing on vulnerable adults

Dr Laura Farrugia, Co-investigator, Northumbria University ([laura.farrugia@northumbria.ac.uk](mailto:laura.farrugia@northumbria.ac.uk))

Following the process of deinstitutionalisation, a large number of vulnerable individuals are now treated and reside in the community; it is a disproportionate number of these individuals that come into contact with the Criminal Justice System (CJS; Sirdiefield & Brooker, 2012). Defining vulnerability in the CJS is difficult, although most scholars draw upon definitions present in legislation such as the Police and Criminal Evidence (PACE) Act (1984) and Achieving Best Evidence (ABE) in England and Wales. Such definitions draw upon the impact of an individual's mental health or learning disability on their ability to cope with the CJS process, and their ability to engage effectively with the interview process, without succumbing to any suggestions put to them. Additionally, legislation recognises that even in the absence of any mental health condition or learning disability, an individual may be vulnerable given the circumstances of the specific investigation. Research has consistently documented the impact that an individual's vulnerability may have on the criminal investigation (e.g., the relationship between suggestibility and false confessions) providing misleading and inaccurate information, and not effectively participating in the CJS. Thus, particular attention must be paid to vulnerability when considering remote interviewing.

The recent COVID-19 pandemic meant that many interviews were conducted remotely to reduce the associated risks and safeguard all involved. However, there is a dearth of research on its impact, particularly involving vulnerable interviewees. During a recent survey conducted with lawyers (see Policy Briefing Reports 1 and 2) that focused predominately on remote legal advice, they reported challenges regarding seeing/hearing their client and building relationships/rapport with them. Within a remote interviewing perspective, I would argue that interviewing officers may face the same challenges; that is, they may struggle to effectively communicate and build rapport with the interviewee. This is concerning given the importance of rapport on effective investigation outcomes (Gabbert et al., 2021). Furthermore, lawyers in that previous study indicated that remote advice had no impact on the likelihood of their clients confessing. However, research has indicated that individuals are more likely to confess to a crime and/or face inappropriate interviewing techniques and procedural irregularities should a lawyer not be actively engaged (Schoovaerts et al., 2021). Thus, merely being present remotely suggests the risks that vulnerable individuals may face when being remotely interviewed.

This research project is seeking to explore these important issues and gain an insight into an under-researched, yet critical area. It is important to consider the impact of remote interviewing on vulnerable individuals in terms of not only their ability to effectively engage with the CJS in order to provide accurate and reliable information, but also to have interviewers build sufficient rapport with them. Consideration needs to be given to whether remote interviewing allows for the effective safeguards that should be afforded to vulnerable individuals. This research project has already begun to answer some of the questions outlined above and we, as a project team, will keep you updated via social media and via our project website at [www.remoteinterviewing.co.uk](http://www.remoteinterviewing.co.uk)

Dr Laura Farrugia *PhD*  
Assistant Professor of Psychology  
Registered Intermediary  
Northumbria University, UK



# PROJECT PARTNERS



[www.npcc.police.uk](http://www.npcc.police.uk)



[www.appropriateadult.org.uk](http://www.appropriateadult.org.uk)



[www.college.police.uk](http://www.college.police.uk)



[www.northumbria.police.uk](http://www.northumbria.police.uk)



[www.met.police.uk](http://www.met.police.uk)



[www.politihogskolen.no](http://www.politihogskolen.no)



[www.gov.uk/government/organisations/ministry-of-justice](http://www.gov.uk/government/organisations/ministry-of-justice)



[www.south-wales.police.uk](http://www.south-wales.police.uk)



[www.icc-cpi.int](http://www.icc-cpi.int)

# PROJECT UPDATES

This study has focussed on the ways in which investigators and managers/leaders in different policing/law enforcement/investigatory bodies adapted to COVID-19 in terms of conducting interviews and communicating with their clients. Over 300 participants completed the online questionnaires through which we wanted to establish many different aspects including:

- a. *The ways in which remote interviews were conducted (e.g., using different digital means and if they were fit for purpose), and;*
- b. *The impact and feasibility of gaining additional support from other professionals (e.g., lawyers, Registered Intermediaries, Appropriate Adults and/or interpreters).*

The results are now being analysed and will be published in the next Policy Briefing Report.

Linked to this Work Package is the interviewing of victims and witnesses of crime who participated in remote interviews during the pandemic. This part is still ongoing.

## **PARTICIPATION IN WORK PACKAGE 1 (PART 1) - CONSULTATION WITH ORGANISATIONS AND INVESTIGATORS - NOW CLOSED.**



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## **COMPLETION OF WORK PACKAGE 2 - INTERVIEWS AND FOCUS GROUPS WITH LAWYERS AND LEGAL REPRESENTATIVES.**

As previously reported in the introduction to this report, Work Package 2 is now complete, with the results being reported in Policy Briefing Reports which are available on our [project website](#).

The manuscript combining both aspects (survey and follow-up focus groups/interviews) is now complete and will be submitted for publication in a prestigious international journal. This will allow for the findings to be disseminated to a wide range of audiences for researchers and practitioners. The findings will also contribute to the understanding and appropriateness of remote legal assistance and provide the basis for firm recommendations in practice regarding remote legal advice.

# OTHER DEVELOPMENTS

## WORK PACKAGE 3 - EXPERIMENTAL STUDY

This experimental study was designed to establish whether remote interviews/interactions with witnesses of crime are (in some way) as effective as those conducted face-to-face (with and without the wearing of face coverings). This Work Package is still ongoing, but will be completed very shortly. We have already conducted more than 100 interviews with participants at various locations across the UK.

The overall quality of interviews will be analysed for many different aspects as well as:

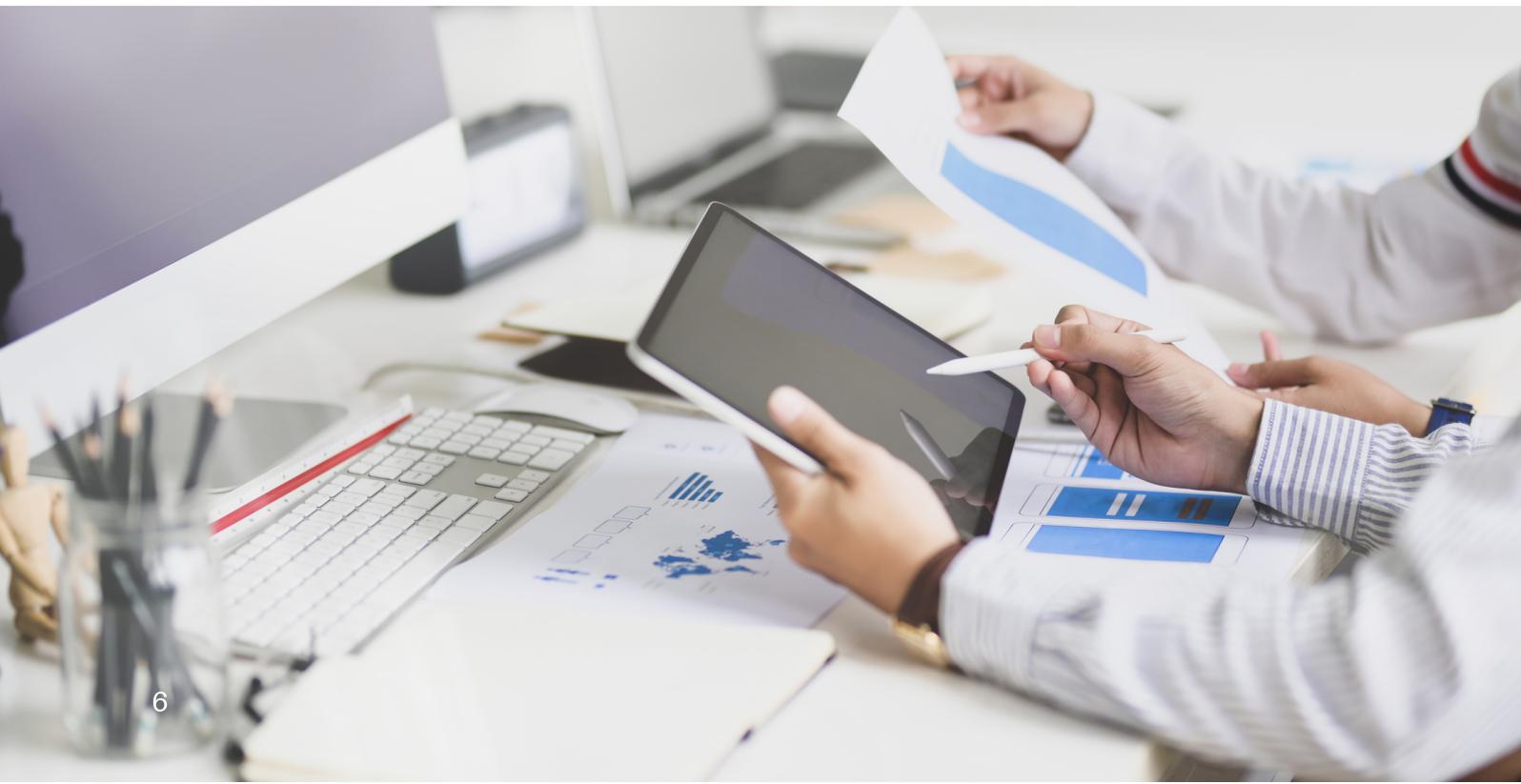
- Participants' anxiety levels before and after the interview, and;
- Participants' general experiences of being interviewed face-to-face or remotely.

The findings will help us understand what impact remote work and the wearing of face coverings has (if any) on aspects of witness interviewing.

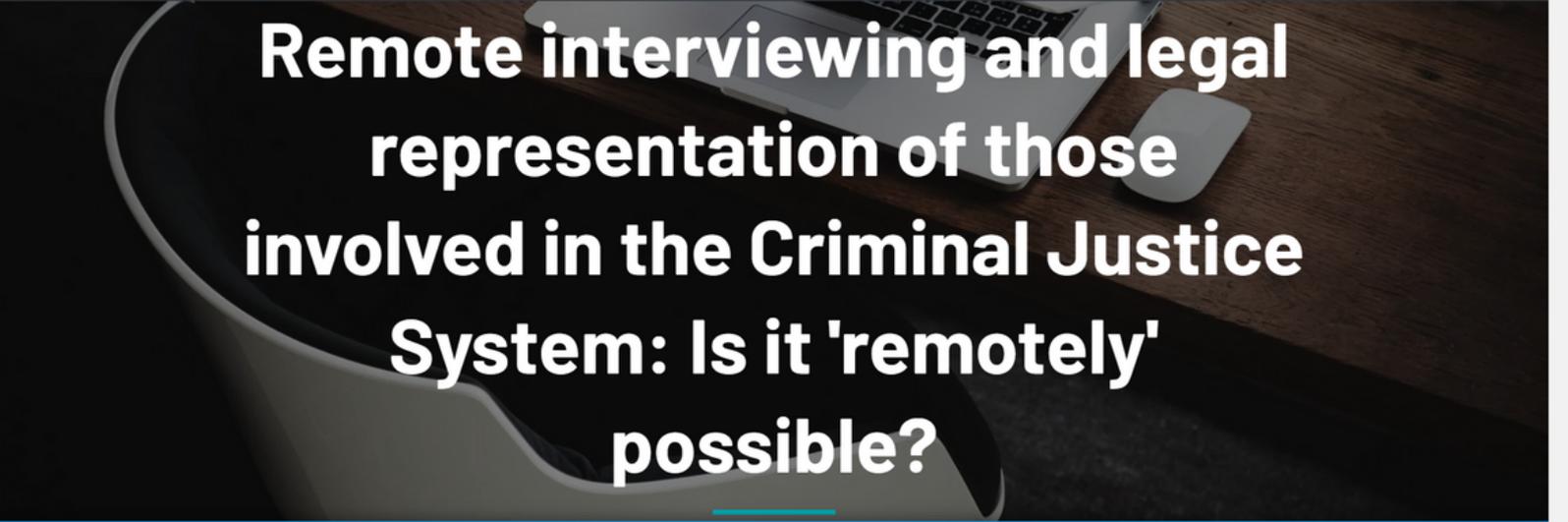
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## WORK PACKAGE 4 - DESIGN OF A BESPOKE APP

The project team are working with our partners 3DVSL and this Work Package is still ongoing and will be completed by the end of the project (31 Aug 22)



For more information on the research project, please [click here](#) to visit our website, which will be continually updated.



# Remote interviewing and legal representation of those involved in the Criminal Justice System: Is it 'remotely' possible?

For any questions or queries, please contact the project team via the project website [contact us](#) page

