

THE USE OF NOTETAKING DURING FORENSIC INTERVIEWS

Forensic interviewing is a delicate, sophisticated, and difficult task requiring a number of simultaneous, cognitively demanding processes – actively listening and attending to the child; reviewing the child's responses to questions or prompts to process meaning; attending to specific language and details to utilize the child's words in constructing logical follow-up questions designed to maximize the quality, detail, and accuracy of a child's account; reviewing what the child is reporting compared to state statutes or federal requirements essential for charging purposes; following the interview structure or protocol utilized; as well as observing what information from the child requires further exploration.



The difficulties are exacerbated by the fact that the processes occur under severe, real-time pressure without opportunities to stop the interview periodically and review what information has been elicited.

A common question posed during a basic forensic interview training concerns notetaking during the interview. "Should I take notes?" "Are the notes discoverable?" "Does notetaking interfere with rapport development?" These questions are worthy of consideration and the answers are dependent on various and often competing factors.

What Are the Reasons for Notetaking

An interviewer should determine the reasons for notetaking during the forensic interview. Are the notes designed to hold specific concepts or words and assist with question development later in the interview? Is notetaking conducted because the interviewer has prior investigative experience where interviews were not recorded, and notetaking is driven by comfort and habit? Are the notes evidentiary due to the interview not being video recorded? Identifying and being able to articulate the purpose behind note taking can assist in determining if the practice is necessary.

Challenges with Notetaking

Past research has demonstrated the limitations of professionals' ability to take comprehensive verbatim notes. Under optimal conditions the typical rate of the spoken word is faster than the rate of the written word. Considering the demanding cognitive processes taking place simultaneously during the interview, as noted above, adding the challenge of comprehensive note taking places additional mental strain on the interviewer. In notes of forensic interviews, there is frequently poor delineation between the interviewer's questions and the child's responses, a lack of written observations of the child's affect and demeanor throughout the interview, as well as omission or commission errors.

Cauchi et al. (2010) reported an omission of 39% of abuse-related details in an analysis of professionals' contemporaneous notes of interviews of children regarding alleged child maltreatment. The authors also reported that notes of child abuse interviews, even taken under ideal conditions, could not be considered a complete and accurate record of a child's statement. According to Lamb et al. (2000), all interviews with children should be video recorded as a video recording will capture the full extent of the interview, rendering extensive notetaking obsolete.

Baker et al. (2021) reports the potential for notetaking to interfere with rapport development by disrupting the flow and pace of the interview. Unfortunately, research in this area is based on notetaking in clinical settings, not forensic interviews. An important consideration is that therapy sessions are generally not recorded, and the notes are not intended for evidentiary purposes. Another risk discussed is the fear that notes may be discoverable and utilized by defense counsel in attempts to discredit the interviewer's or child's testimony. NCAC encourages all interviewers to have discussions with prosecutors before notetaking in a forensic interview to determine what is acceptable in the jurisdiction in which interviews are conducted.

Notetaking as a Tool in the Forensic Interview

Notetaking can be utilized as another tool in an interviewer's collection. It can aid in adhering to the interview structure/protocol and increase the productivity of the interview by the utilization of a child's specific language in asking follow-up questions. A benefit postulated is notes can assist in referring to details mentioned by the child in an earlier section of the interview, thereby ensuring the child's own words are used in follow-up questions or prompts.

Baker et al. (2021) suggest that "how" the notes are organized on the page, or the visual style of the notes can impact the utility of notes later in the interview. Notes should be highly organized, readily available, and the interviewer should be able to quickly find relevant key words and phrases without disrupting the flow of the conversation. An outline of the interview structure utilized may assist with notetaking versus notes scattered across a page. If notes are disorganized or contain too much information, the cognitive burden of both recording and using notes will likely undermine any benefits.

What Does This Mean for the Forensic Interview?

- Be able to articulate the reasons for notetaking in the interview
- Notes should be used to assist in following the interview structure being utilized and as a tool for using the child's specific utterances in follow-up questions
- Notes should be easy to follow and assist, not interfere with the interview
- Check with prosecution to determine if notetaking is allowed and if interview notes are discoverable



References

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