

INVESTIGATIVE INTERVIEWING, DISSOCIATIVE IDENTITY DISORDER AND THE ROLE OF THE REGISTERED INTERMEDIARY

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Special Measures Legislation in England and Wales

- Vulnerable witnesses are defined by s16 of the Youth Justice & Criminal Evidence Act 1999 as anyone:
 - *Under 18 years of age;*
 - *Or anyone who's quality of evidence may be affected by:*
 - *mental disorder, or*
 - *impairment of intelligence and social functioning, or*
 - *physical disability/disorder.*

- Available for both prosecution and defence witnesses.

- Court must decide that help with communication and / or understanding will improve the witness's quality of evidence – if so an application for Special Measures is made.

One Special Measure is the Registered Intermediary

- Speech and language therapists
- Psychologists
- Occupational therapists
- Mental Health Nurses
- SEN teachers
- Social workers

The Registered Intermediary role

- Interviewing officer or Officer in Case to fax a request to the National Crime Agency –Specialist Operations Centre with their requirements
- Registered Intermediary will conduct a communication assessment of victim / witness prior to investigative interview and;
- Advise interviewing officer about communication needs prior to ABE (Achieving Best Evidence) interview.
- Intermediary should assist with planning communication strategy for the interview and will intervene during the interview as necessary to facilitate communication.
- Will write a report with recommendations in time for the court case.

Part 1 Research data – Ten cases

Case number	Text in police referral	Professional background of intermediary allocated the case as listed by the Witness Intermediary Team
1	Multiple personality disorder; dissociative personalities disorder; schizophrenia; bipolar affective disorder	Occupational Therapy
24	Personality disorders; self-harm; risk of suicide; 7 personalities; hallucinations and voices	Speech & Language Therapy / Art Psychotherapy
30	Dissociative Identity Disorder	Occupational Therapy
34	Multiple Personality Disorder	Speech & Language Therapy
37	Dissasociation (sic) Identity Disorder	Speech & Language Therapy

Part 1 Research data – Ten cases

Case number	Text in police referral	Professional background of intermediary allocated the case as listed by the Witness Intermediary Team
91	7 personalities; hallucinations and voices	Speech & Language Therapy / Art Psychotherapy
115	Multi Personality Disorder	Speech & Language Therapy / Anger Management
166	Dissociative Identity Disorder	Unmatched
208	DID (Dissociative Identity Disorder)	Data not recorded
215	Dissociative Identity Disorder	Unmatched

Part 1 Research data – More cases?

Case number	Text in police referral	Professional background of intermediary allocated the case as listed by the Witness Intermediary Team
73	Personality disorder; disassociation disorder	Speech and Language Therapy / Anger Management
82	Dissociative Disorder	Speech and language Therapy / Art Psychotherapy
84	Dual Personality disorder	Speech and language Therapy / Anger Management
87	PTSD; personality disorder; disassociation disorder; loses focus and attention	Speech & Language Therapy / Anger Management

Part 1 Research data – More cases?

Case number	Text in police referral	Professional background of intermediary allocated the case as listed by the Witness Intermediary Team
106	Split personality disorder	Occupational Therapy
140	Borderline split personality disorder	Nursing
151	Split personality disorder	Unmatched
171	Split personality disorder	Speech and Language Therapy
178	Split personality disorder	Unmatched
204	Disassociative disorder	Referral cancelled

Part 2 Results from questionnaire

Advice given to interviewing officer

- *P1 Still in discussions; advice given around interviewing the whole person rather than trying to interview each alter*
- *P3 Depending on the case: Acknowledging X's presence; greeting that person and then asking if Y could return (the base personality) to continue answering questions. Allowing for breaks whenever the RI needed to re-establish integration and the base personality's presence / or to deal with the evident trauma or for the interviewing officer themselves to use agreed techniques to re-establish integration. Long discussions with senior officers and advisors in one case to try to establish a method of interviewing which would provide acceptable evidence. In each case the police had never heard of the disorder and needed much guidance to try to understand it.*

Results from questionnaire

Advice given to interviewing officer (con'd)

- *P4 Discussed extensively with the Witness Intermediary Team adviser. Decided that the witness could only give evidence when in ANP. When Alter was in control the evidence should be stopped.*
- *P7 Gave advice via the fronting personality in terms of how best to communicate verbally and non-verbally. Also, gave advice on how best to manage the alters should they present based on my assessments and medical notes / input from psychs etc. In one case, it was appropriate to thank the alter should they present and ask for X to come back to continue with questioning; this was quite effective. Other advice includes making sure they address the alter in the correct way, recognizing when / why the other alters may be presenting.*

Interventions made during police interview

- *P1 Not applicable as interview has not taken place yet*
- *P3 Very frequent interventions in one case where one of the 'child' alters became extremely traumatised and exhibited much disturbed child behaviour; another was extremely naughty-trying to tear things up / throwing / refusing to co-operate. It was almost impossible to re-integrate her and identify contact with her base personality to continue the interview.*
 - *A second witness was able to stay in her base personality throughout the interview but needed frequent breaks 'so the others could tell her what to say next'.*

Interventions made during police interview (continued)

- *P4 None necessary*
- *P7 Very similar in terms of intervening should there be a miscommunication as in other vulnerable witness cases. Flagging up when another alter is presenting when the officer didn't recognise it. Suggesting breaks to discuss communication issues with officer; assisting in managing the alter.*

Other findings

- One case had gone to trial but the complainant did not need to give evidence (The intermediary in this case had prepared a court report advising the lawyers and judge about communication)
- The four participants who completed the questionnaire had little experience with DID cases either prior to taking on the intermediary role, or as an intermediary.
- Mixed response as to whether a mental health worker might fulfil this role rather than a Registered Intermediary.

Role of the intermediary at court

- Write a written report to the court
- Attend a pre-trial court visit with the witness
- Attend the memory refreshing with witness (viewing of video-recorded evidence)
- Attend a Ground Rules Hearing (with Judge and lawyers) before the trial commences
- Attend the trial and intervene as necessary to facilitate communication
- Intermediary role is impartial: duty is to the court not to the instructing party.

Implications for practice

- The Witness Intermediary Team may consider amending the way that data is stored on its database so that personality disorders and Dissociative Identity Disorder are not conflated. This should assist in only matching DID cases with Registered Intermediaries who specialize in this vulnerability.
- The legal profession should provide guidance to the police as to what type of evidence is admissible at court. For example, can evidence be obtained during interview from the alters (Emotional Parts/Personalities) as well as from the host (Apparently Normal Part(s)/Personality). The academic literature on DID should be consulted before forming an opinion on this issue.
- The findings of this study may assist intermediaries, interviewing officers and lawyers in gaining a better understanding of the complexity of DID.
- There is a dearth of research about how dissociation is identified and managed in investigative interviews and at court. This needs to be examined to inform intermediary practice, police practice and courtroom questioning practice.
- Research is required to examine how dissociation and DID may impact in suspect interviews and in defendant testimony at court and to identify appropriate safeguards.

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