

Non-leading approach to questioning

Phrasing questions as neutrally as possible.

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Non-leading approach to questioning – guideline

Officers and staff should gather information in an objective way and remain neutral if giving feedback, both verbal and non-verbal, to the witness on the information they are providing.

Evidence summary

Twenty studies tested the effects of misleading questions. On balance, findings indicated that misleading questions can cause witnesses to report information they had not witnessed, but had been led to believe was true because of question phrasing. There was some evidence to suggest misleading questions can reduce overall accuracy of recall and that this effect occurs when witnesses are misled, verbally or non-verbally.

Additionally, five lab experiments found that implying witnesses had provided information contrary to other witnesses led to them changing their account when questioned again later, often leading to less accurate accounts.

Empirical evidence

Moderate

Practitioner evidence

Not available

Leading and non-leading questions

It is important to phrase questions as neutrally as possible. Leading questions are phrased in a way that prompts or suggests a particular answer and have been shown to reduce the accuracy of witnesses' accounts.

Examples of non-leading and leading questions

Non-leading	Leading
What time did you notice the phone was missing?	Did you notice the phone was missing before you got home?
OK, and how did he hit him?	OK, did he hit him with a pint glass?
What was the person wearing?	Was the person wearing a baseball cap?

It is also important to avoid giving feedback to witnesses that may lead them to doubt their memory. This includes informing witnesses what other witnesses may have reported (for example, telling a witness that what they report is different to what others have reported). This may lead witnesses to misremember when giving their account and/or change their account if interviewed at a later date. The person asking the questions may also inadvertently lead a witness through verbal or visual cues, or feedback, including sounds or gestures. Officers and staff should use active listening skills and natural mannerisms to encourage the witness to talk, but should take care not to confirm or agree with what the witness is saying.

Hints and tips from existing guidance

Active listening, to let the witness know you have heard them, can be done by repeating back to the witness what they have just communicated, taking care not to inadvertently approve or disapprove of the information just given.

Examples of good non-verbal feedback:

- Stay silent during pauses or make simple sounds (not words) to encourage the witness to continue.
- Avoid giving feedback the witness could interpret as approval or disapproval of what they are saying. For example, saying 'Right' might appear to indicate approval, or 'Really?' might suggest doubt. Instead, you could thank the witness for their efforts in general, before or after (not during) questioning.
- Try not to express surprise at information the witness has given as this could be taken as a sign that the information is incorrect.

Tags

Evidence-based policing