

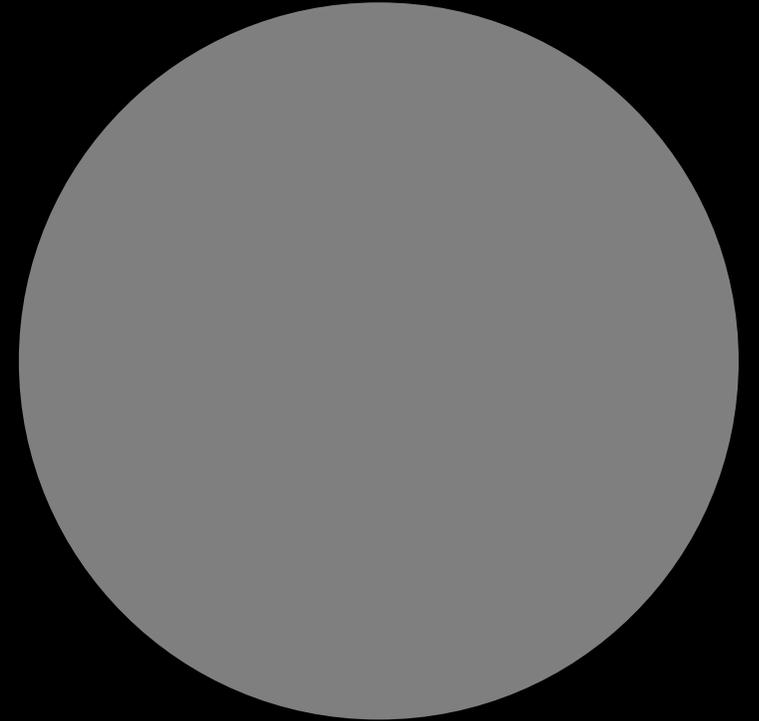
# Best-Practice Interviewing of Children in Sexual Abuse Cases

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# Learning Objectives

- By the end of the webinar participants will be able to:
- Describe the components of a best-practice forensic interview of a child,
- Name the potential impacts of interviewer bias on the integrity of the interview,
- Describe the characteristics of suggestive interview questions and techniques,
- Name questions to consider when examining forensic interviewers at trial.

# Little Rascals Daycare Case

During 1989 in Edenton, a 3- year-old boy told his mother that he was inappropriately touched at the daycare.

90 children were questioned by therapists and others. Many made allegations of abuse against almost 30 people. Seven were charged.

Recordings of the initial child interviews were lost.

Defense experts opined that child interviews were leading and suggestive. The therapists did not testify.

Children testified 3 years following the initial allegations after having memories were refreshed by therapists, prosecutors and parents.

(Source: PBS Frontline,1997)

# Preserving the Interview

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Forensic interviews of children should always be electronically preserved.

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Video preservation is preferable especially when props such as dolls or drawings are utilized.

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Interviewers who do not electronically preserve interviews often misrepresent information from the encounter and do not write down essential data (Lamb et al., 2000).

# Forensic Interview Research

- Open-ended questions and invitations improve the quality and quantity of information provided.
- Children provide more frequent initial disclosures with open-ended questions.
- Leading, suggestive and closed-ended questions increase the possibility that the child will provide erroneous information.
- Even interviewers trained in best- practice techniques often engage in questioning that can produce erroneous information.

(Lamb, et al., 2007)

# A Best-Practice Forensic Interview

- Forensic interviewers should use techniques based on scientific research and meet Daubert standards in US courts.
- There is a consensus that interviewers should introduce as little information as possible and elicit child statements through open-ended questioning.
- The NICHD interview protocol (Lamb et al., 2007) is consistent with the research on evidenced-based forensic interviewing of children.
- See : [www.nichdprotocol.com](http://www.nichdprotocol.com) for a list of research articles and a copy of the NICHD revised protocol.



# Preparing for the Interview

The interviewer should familiarize herself with:

- The allegations that have been made
- Developmental/mental health status of the alleged victim
- The timeframe and results of any previous interviews
- The circumstances of the initial disclosure of alleged abuse
- Who has talked to the child about the allegations
- Medical findings related to the alleged abuse
- Alternative explanations for the child's statements

# Prior to Asking About the Allegations

- Develop rapport with the child.
- Explain and practice the interview “ground rules:”
  - “Tell me if I say something that is wrong.”
  - “Tell me if I ask you a question that you don’t understand.”
  - Tell me if you don’t know the answer to a question.
- “Do you promise to tell the truth while we are talking?”
- Improve episodic memory and increase narrative ability by having the child fully describe a recent neutral event.

(Lyon,2010).

# Eliciting Information About the Allegations

- Elicit information about the last incident and move to other well-remembered events.
- Use of focused questions when information needs to be clarified.
- Responses to focused questions are followed up with invitations for more free-recall.
- Closure of the interview occurs by discussing a neutral event.

( Brown and Lamb, 2015; Lyon; 2010)

## Eliciting Information About the Allegations

- Information should be elicited by using open-ended questions that allow the child to provide descriptions. Introducing potentially suggestive information should be avoided (Johnson, et al., 2016; Lyon, 2010; Lamb, et al., 2007).
- “Tell me why you came to see me today.”
- “Tell me everything that you remember about that.”
- “What happened next?”
- “You mentioned that he touched you. Tell me more about that.”

# Interviewer Bias

- The interviewer seeks out information or assigns more weight to information that supports his belief of what happened.
- Interviewers that demonstrate confirmatory bias often fail to consider alternative hypotheses that could explain the child's statements.
- Biased interviewers often utilize potentially suggestive questions or statements that provide information about the interviewer's beliefs.
- E.g.- "I've talked to many children who have been sexually abused and I know it's hard to admit that it happened to you."

(See: Ceci, et al., 2016)

# What Do We Know About Child Suggestibility?

- “Suggestibility concerns the degree to which children’s encoding, storage, retrieval, and reporting of events can be influenced by a range of social and psychological factors” (Ceci and Bruck, 1993).
- Suggestive questions increase the likelihood of erroneous statements by the child (Ceci, et al. 2016).
- Age of the child is the most robust predictor of susceptibility to suggestive questioning (Ceci, et al., 2016).
- Susceptibility to suggestible questions is dependent on factors that include:
  - Age of the child,
  - Developmental and cognitive level,
  - The presence of mental health difficulties,
  - The child’s perception of the individual asking the questions.

## Suggestive Questioning In Child Interviews

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Suggestive questions provide information that the child has not mentioned previously in any interview or implies a desired response (Lamb, et al., 2007).

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One suggestive interview may lead a child to misremember information in future interviews (Ceci, et al., 2007).

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However, the use of suggestive techniques by an interviewer does not mean that the child's statements are necessarily inaccurate.

# Use of Closed- Ended Questions

- Closed-ended questions can be suggestive and increase the probability of inaccurate statements being provided by the child.
- May introduce new information about the allegation; lead to guessing; encourage the child to provide a response that they believe the interviewer wants to hear.
- Closed-ended questions may be necessary to clarify certain details, but should be followed by invitations for free-recall.

(Lyon, 2010)

# Problems with Closed-Ended Questions

## Yes/No questions

- Limits the child's response options.
- Some research suggests that younger children tend to exhibit a "Yes" bias.
- Some research suggests that children may provide a response that they believe the interviewer wants to hear.

## Forced -Choice Questions

- Limit the child's response options.
- Suggest to the child that one of the options is correct.
- Some research suggests that children have a last choice bias.

(Lyon, 2010; Johnson, et al., 2016)

# Potentially Suggestive Questions

- He touched your pee-pee, didn't he?"
- "Did he do anything to your butt?"
- "Were his clothes on or off when he touched you?"
- "Did he touch you more than five times?"
- "Your mom told me that your uncle touched you. What can you tell me about that?"

# Techniques That May Produce Erroneous Information from the Child

- Repeated interviews
- Interviewer non-verbal cues
- Selective reinforcement of the child's responses
- Providing the child with mis-information
- Sharing information from other sources with the child
- Peer pressure
- Promises to the child
- Repeated questions
- Use of the interviewer's position of authority

(See: Ceci, et al.,2016)

## Considering Alternative Hypotheses

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“The single most important precaution an interviewer can take is to test an alternative hypothesis in the course of conducting an interview with a child.” (Ceci, et al., 2016)

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There is disagreement in the literature as to whether the forensic interviewer should ask the child questions about alternative explanations.

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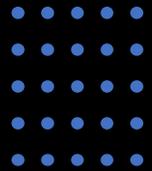
The forensic interview should be only one component of an investigation of sexual abuse. (APSAC, 2012).

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# Alternative Hypotheses

- The child is providing inaccurate information (e.g., embellishment of memories over time, fabrication).
- Others have influenced of the child's statements (e.g., parent, therapist, social worker, DA).
- The child is describing details that he observed from sexual media.
- A person other than the accused abused the child.

(See: State of Michigan Forensic Interviewing Protocol, 2015)



# Jurors' Perceptions of Child Interviews

- When they testify, interviewers often have inaccurate perceptions regarding their use of best-practice techniques.
- Jurors rate the child's testimony as credible when they judge the forensic interview to be of high quality.
- Jurors return more guilty verdicts when they judge the forensic interview to be of high quality.
- Jurors often find the interviewer's testimony about the child's statements credible without considering how she may have influenced the disclosure.

(Johnson & Shelley, 2014; Buck, et al., 2004)

# Examining the Forensic Interviewer

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What training has he had in forensic interviewing of children?

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Is she knowledgeable about the research regarding best-practice forensic interviews?

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Does he know what interview questions and techniques could lead to erroneous statements by the child?

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Can she define confirmatory bias and describe how it might affect the validity of a child's statement?

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# Examining the Forensic Interviewer

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Does he know what the research says about the use of closed-ended questions in child interviews?

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Is she knowledgeable about factors that could cause a child to mis-remember incidents of alleged sexual abuse?

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What does he know what the professional literature states about considering alternative explanations for the allegations?

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Does she know how questioning by others might cause a child to provide erroneous information?

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