



Child Forensic Interviewing: Do's and Don'ts

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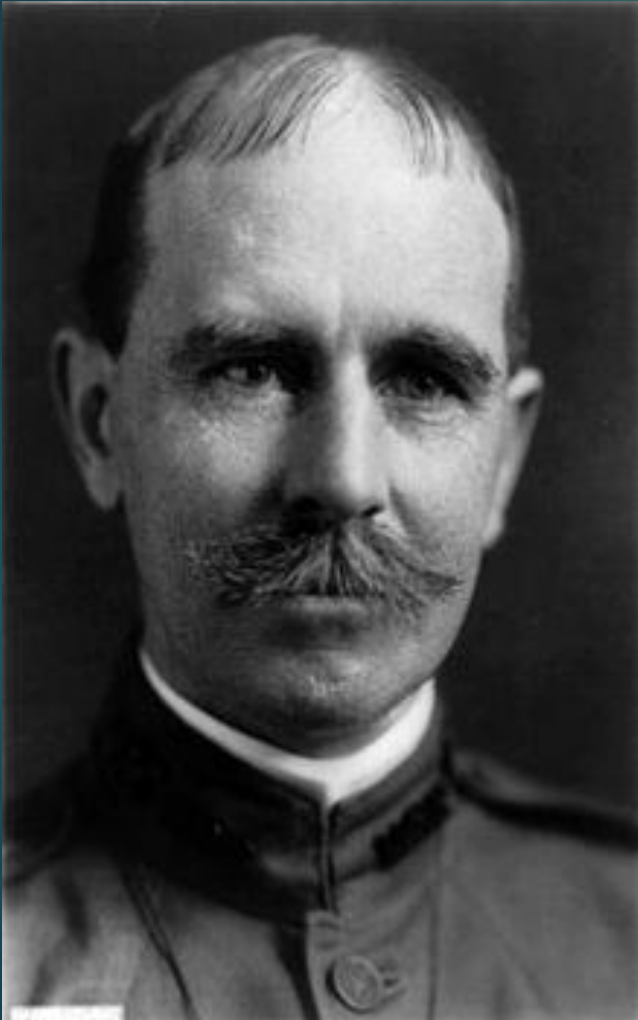
In the Past...

- ▶ Until 1975, very little was written about child witnesses—what little was written was uniformly negative, children could not remember their past accurately (Myers et al 1999)
- ▶ Very little in the literatures on Psychology, Psychiatry, Law, Medicine, and Sociology

WHY WERE CHILDREN MISTRUSTED?

- ▶ Attitudinal barriers
- ▶ Recent Complaint Doctrine
- ▶ Mandatory Warning

Attitudinal Barrier



- ▶ “Modern psychiatrists have amply studied the behaviour of errant young girls and women coming before the courts in all sorts of cases. Their psychic complexes are multifarious, distorted partly by inherent defects, partly by diseased derangements or abnormal instincts, partly by bad social environment, partly by temporary physiological or emotional conditions. One form taken by these complexes is that of contriving false charges of sexual offenses by men.” (Wigmore, 1940, cited in Bala, 1990, p. 15).

Recent Complaint Doctrine (13th century)

- ▶ When therefore a virgin has been so deflowered and overpowered, against the peace of the lord the king, forthwith and while the act is fresh she ought to repair with hue and cry to the neighboring vills and there display to honest men the injury done to her, the blood and her dress stained with blood, and the tearing of her dress; and so she ought to go to the provost of the hundred and to the serjeant of the lord the king and to the coroners and to the viscount and make her appeal at the first county court. (cited from R. v. D.D. at


para 60)

Modern assertion of the Recent Complaint Doctrine (Kribs v. The Queen, 1981, SCC)

- ▶ The principle is one of necessity. It is founded on factual presumptions which, in the normal course of events, naturally attach to the subsequent conduct of the prosecutrix shortly after the occurrence of the alleged acts of violence. One of these presumptions is that she is expected to complain upon the first reasonable opportunity, and the other, consequential thereto, is that if she fails to do so, her silence may naturally be taken as a virtual self-contradiction of her story.

Mandatory Warning (Bala, 1999)

- ▶ If a child was unsworn and there was no corroborative evidence, the judge was required to warn the triers-of-fact of the dangers of convicting on the child's evidence alone.
- ▶ Many children, especially young children, testified as unsworn witnesses
- ▶ In the majority of CSA cases, there is no corroborative evidence
- ▶ So, the only evidence was the subject of a judicial warning!!!



“Until the early 1980s it was virtually impossible to prosecute to conviction CSA complaints” (van Tongeren Harvey & Dauns, 2001)

We have come a long way in a short time!

- ▶ 1983 Recent Complaint Doctrine was repealed
- ▶ **1984 Badgley Report**
- ▶ 1988 Mandatory Warnings were repealed

Badgley Report (Vol. 1, 1984)

- ▶ “Sexual offences are committed so frequently and against so many persons that there is an evident and urgent need to afford victims greater protection than that now being provided” (p. 193)
- ▶ “Canadian children cannot fully enjoy the protection the law seeks to afford them unless they are allowed to speak effectively on their own behalf at legal proceedings arising from allegations of sexual abuse” (p. 67)

Then what?

- ▶ A blank slate!!
- ▶ 1980s and 1990s interviewers used their intuition and anecdotal experiences to interview children
 - ▶ Children need a lot of help to remember and report
 - ▶ Children are ashamed and afraid to report—this must be overcome
 - ▶ Props will help children to remember and report
- ▶ 1980s to mid 1990s the way some children were interviewed was suggestive, aggressive, and coercive, leading to devastating consequences for the children and accused persons
- ▶ CHILDREN CAN BE GOOD WITNESSES IF WE HAVE GOOD INTERVIEWERS

How NOT to Interview Children

Kelly Michaels



- ▶ In 1988 Ms. Michaels was a day care worker who was convicted of 115 counts of child abuse and sentenced to 47 years in prison
- ▶ The evidence against her came from children who were 3- to 4-years old when in her care
- ▶ After repeated and aggressive interviewing, **some** of the children reported that Ms Michaels, for example,
 - ▶ Played the piano naked
 - ▶ Raped them with knives, spoons, and lego blocks
 - ▶ Licked peanut butter from their genitals
 - ▶ Made them drink her urine

Biased Interviewer

- ▶ An interviewer with a preconceived hypothesis of what occurred
- ▶ Pursue that hypothesis, sometimes to the exclusion of all other possibilities
 - ▶ Suggestions
 - ▶ Stereotype induction
 - ▶ Question repetition
 - ▶ Co-witness information
 - ▶ Contingent feedback

Suggestions (Bruck & Ceci, 1995, p. 280)

Q: When Kelly kissed you, did she ever put her tongue in your mouth?

A: No

Q: Did she ever make you put her tongue in her [sic] mouth?

A: No

Q: Did you ever have to kiss her vagina?

A: No

Q: Which of the kids had to kiss her vagina?

A: What's this?

Q: No that's my toy, my radio box.

Q: Which kids had to kiss her vagina?

A: Me

Stereotype Induction (Bruck & Ceci, 1995, p. 284)

“Kelly was saying a lot of scary things to everybody because she knew that if she was going to get caught that she was going to get into a lot of trouble. Kelly got caught and she is in a lot of trouble, and thanks to kids like you and all your friends who told us the truth of the whole story.”

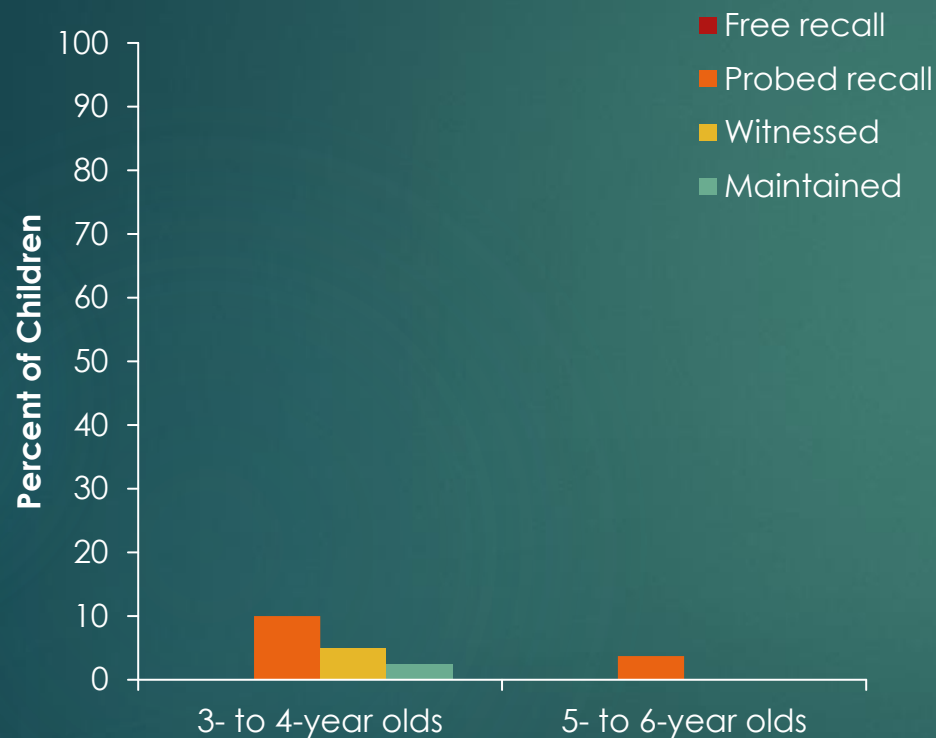
Sam Stone Study (Leichtman & Ceci, 1995)

- ▶ 3- to 4-year and 5- to 6-year olds
- ▶ Sam Stone visited their day care
 - ▶ Walked around
 - ▶ Commented on a book
 - ▶ Waved good-bye
 - ▶ Left
- ▶ 1 of 4 conditions
 - ▶ Stereotype—once per week for 4 weeks BEFORE the visit, children were told that Sam is bumbling and clumsy
 - ▶ Suggestions—once per week for 4 weeks AFTER the visit, children were told that Sam soiled a teddy bear and ripped a book during his visit
 - ▶ Suggestion + Stereotype—both
 - ▶ Control—neither

Sam Stone Study: Interview

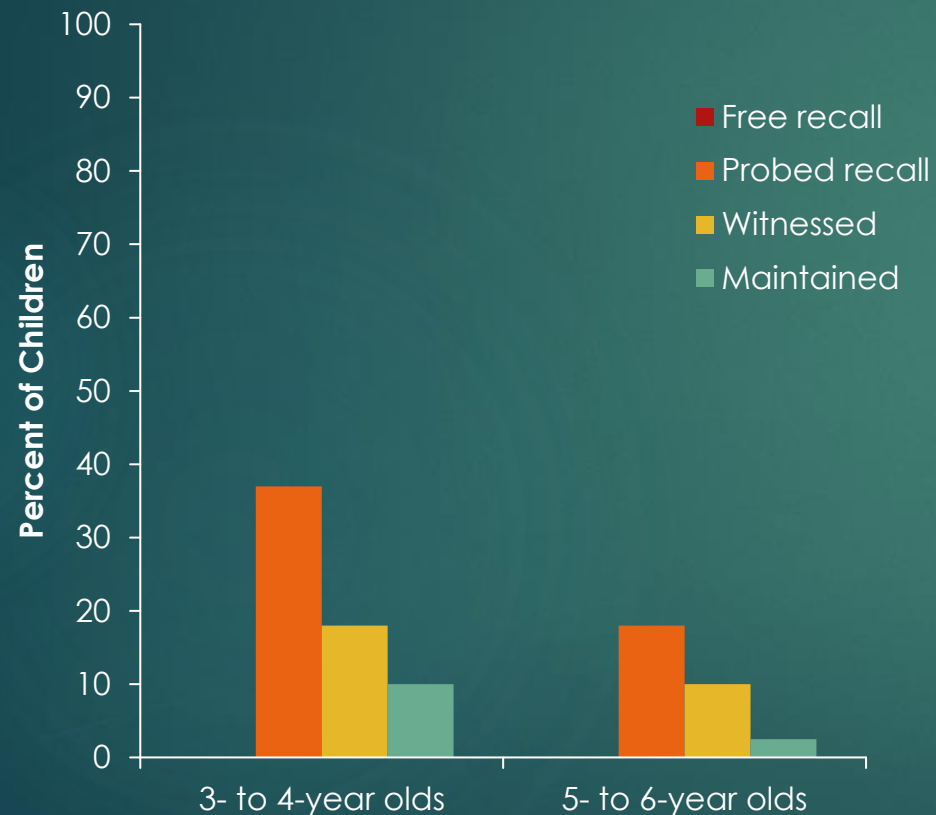
- ▶ 10 weeks after Sam's visit
- ▶ What happened when Sam visited your daycare? (free recall)
- ▶ Did he soil a teddy bear or rip a book? (probed recall)
- ▶ If a child reported that Sam committed either or both misdeeds
 - ▶ Did you see Sam do it? (gentle challenge)
- ▶ If yes to the gentle challenge
 - ▶ You didn't really see it, did you? (maintained)

Sam Stone Study: Control Condition



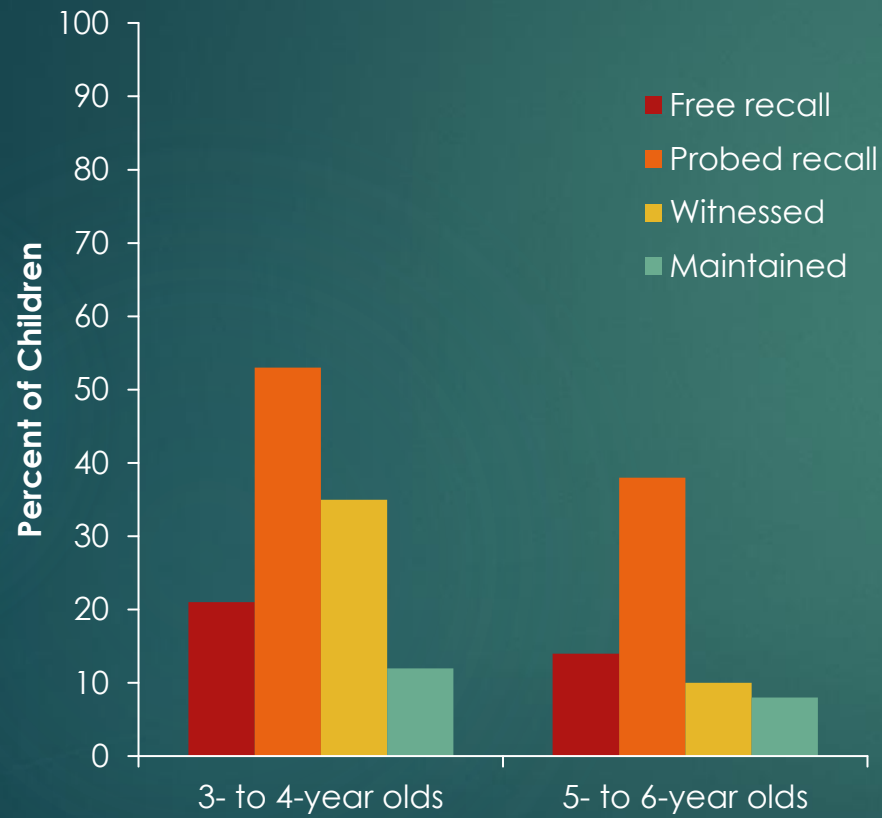
- ▶ None of the children reported a misdeed in response to the first open-ended invitation
- ▶ A few older children reported a misdeed in probed recall, but retracted when challenged
- ▶ Only 2.5% of younger children maintained the false information after being challenged twice

Sam Stone Study: Stereotype Condition



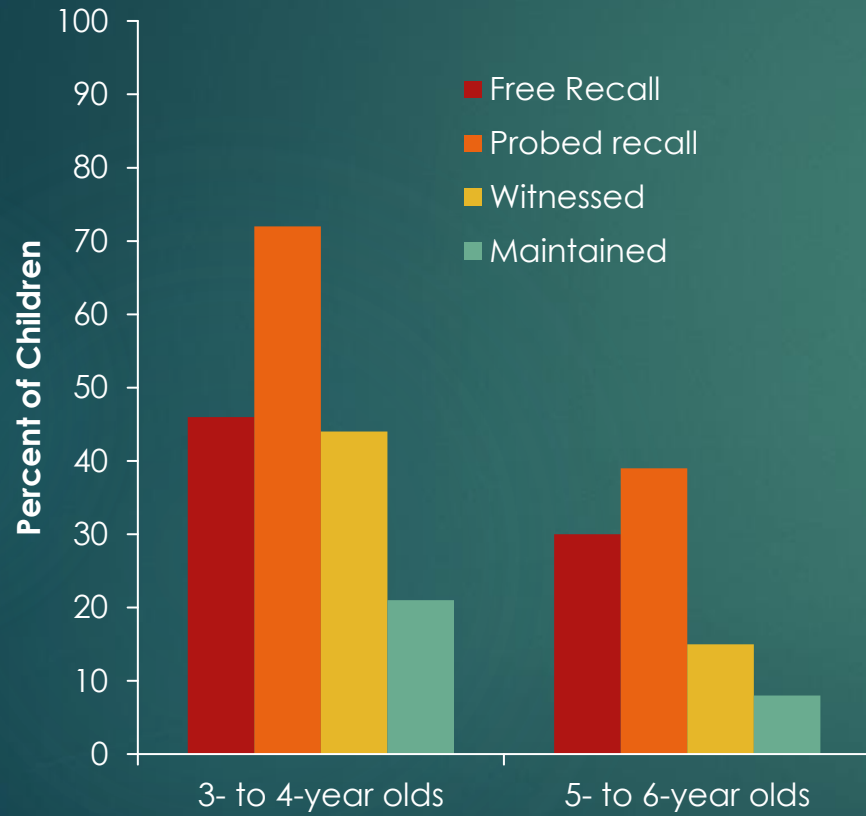
- ▶ None of the children reported a misdeed in response to the open-ended question (it had not been suggested)
- ▶ 37% of younger children and 18% of older children reported the misdeed in probed recall
- ▶ 10% of the younger children and 2.5% of the older children maintained the misinformation when challenged twice

Sam Stone Study: Suggestion Condition



- ▶ 21% of the younger children and 14% of the older children reported a misdeed in response to an open-ended question
- ▶ 53% of the younger children and 38% of the older children reported the misdeed in probed recall
- ▶ 12% of the younger children and 8% of the older children maintained the misinformation when challenged twice

Stereotype and Suggestion Condition



- ▶ 46% of the younger children and 30% of the older children reported a misdeed in response to an open-ended question
- ▶ 72% of the younger children and 39% of the older children reported the misdeed in probed recall
- ▶ 21% of the younger children and 8% of the older children maintained the misinformation when challenged twice

Question Repetition (Bruck & Ceci, 1995, p. 276)

I: Do you think that Kelly was not good when she was hurting you all?

A: Wasn't hurting me. I like her

Q: I can't hear you, you got to look at me when you talk to me. Now when Kelly was bothering kids in the music room

A: I got socks off

Q: Did she make anybody else take their clothes off in the music room?

A: No

Q: Yes?

A: No

Co-witness Information (Bruck & Ceci, 1995, p. 284)

Anyway, I'm wondering if you can tell me some things of how Kelly was touching some of your friends in the way that you didn't like too much. And all the other friends I talked to told me everything that happened. 29C told me. 32C told me. 14C told me And now it's your turn to tell me. You don't want to be left out, do you?

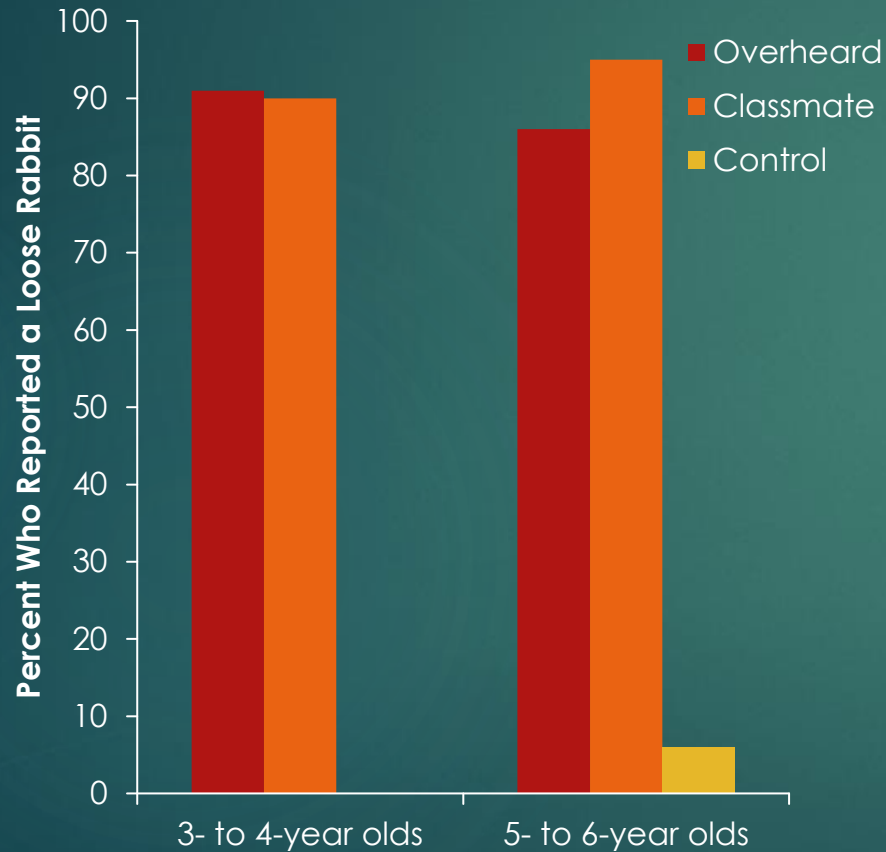
Principe et al. (2012)

- ▶ 3- to 4-year and 5- to 6-year olds watched Mumfrey the Magician perform magic tricks in their classroom—after several attempts, Mumfrey failed to pull the rabbit from his hat—he ended the show with explanation for the failed rabbit trick
- ▶ 3 conditions
 - ▶ Overheard—some children overheard a conversation between their teacher and an unknown adult that the rabbit got loose in the classroom
 - ▶ Classmate—some children did not overhear the conversation, but were classmates of the children who did overhear
 - ▶ Control—a different school children saw the same magic show but no mention of a rabbit getting loose

Principe et al. (2012)

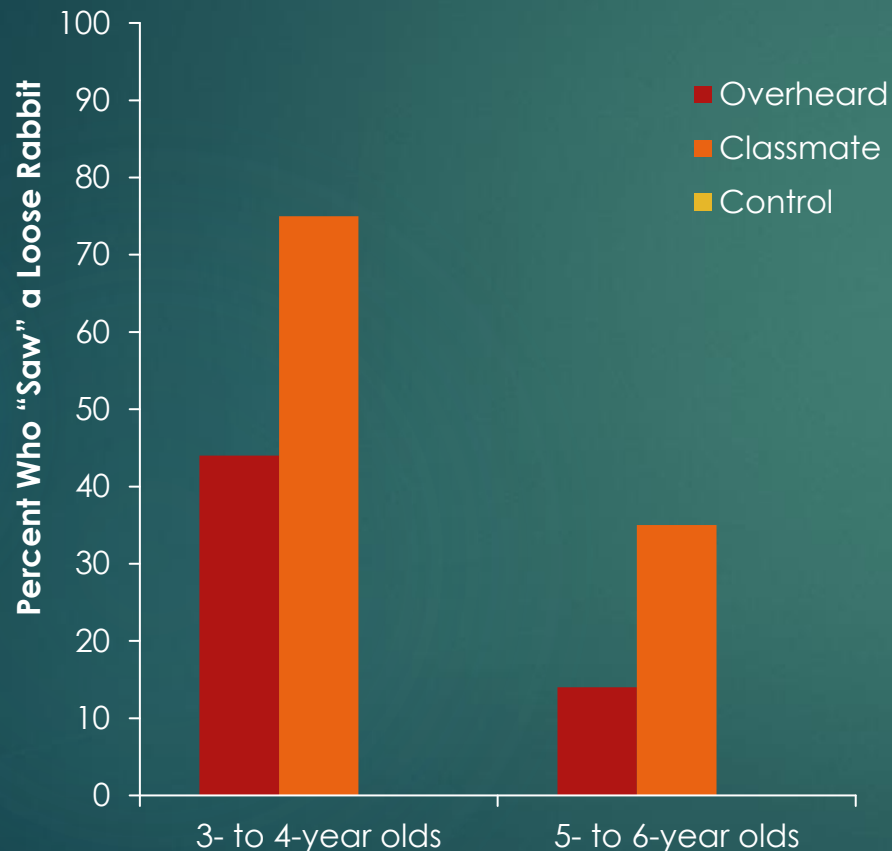
- ▶ Interview 1 week later and 4 weeks later
 - ▶ Tell me only what you remember seeing
 - ▶ (If the child did not mention rabbit) Did anything happen to Mumfrey`s rabbit?
 - ▶ (If the child mentioned the rabbit) Did you see the rabbit or only hear about it?

Principe et al. (2012)



- ▶ None of the younger children in the control condition reported a rabbit loose in the classroom
- ▶ About 90% of the younger children who either overheard a conversation or talked to classmates reported a rabbit was loose
- ▶ 6% of older children in the control condition reported a rabbit was loose
- ▶ 86% of the older children in the overheard condition and 95% of older children in the classmate condition reported the rabbit got loose in the classroom

Principe et al. (2012)



- ▶ None of the children in the control condition reported “seeing” a loose rabbit
- ▶ 44% of the younger children who overheard a conversation and 75% of younger children who talked to classmates reported “seeing” a loose rabbit
- ▶ 14% of the older children in the overheard condition and 35% of older children in the classmate condition reported “seeing” the loose rabbit

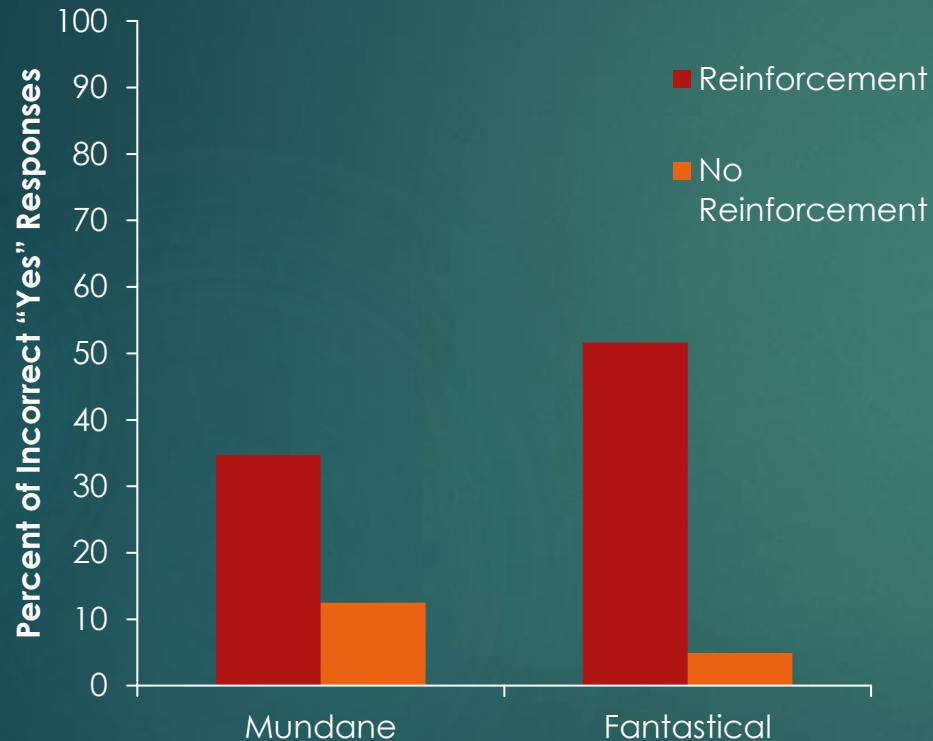
Contingent Feedback (Bruck & Ceci, 1995, p. 282)

- ▶ I: Your mommy tells me that you guys are interested in busting this case wide open with us, is that right? That's why I need your help, especially you older kids ... because you can talk better than the younger kids

Garven, Wood, & Malpass, 2000

- ▶ Paco visited 5- to 7-year olds at school: read a book, gave treats, and left
- ▶ 1 week later, children were suggestively interviewed about mundane and fantastical details
 - ▶ with contingent positive and negative feedback or
 - ▶ suggestions with no feedback (control)
- ▶ Mundane: tore a book, stole a pen, broke a toy, tickled the child, told a secret, threw a crayon, said a bad word, and kissed the child's nose
- ▶ Fantastical: took the children on a helicopter ride, to a farm, the children saw animals on the farm, and Paco took the children on a horse ride

Garven et al. (2000)



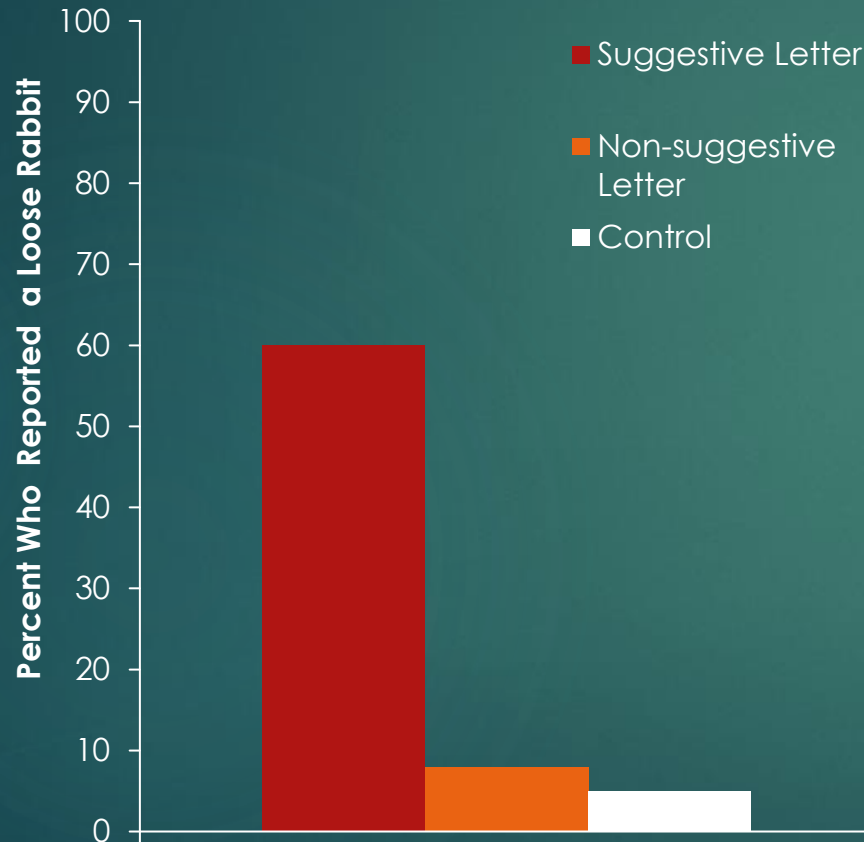
- ▶ Children were far more likely to acquiesce to suggestions if there was reinforcement than if there was not reinforcement
- ▶ Contrary to expectation, they were more likely to acquiesce to fantastical details than mundane details, but only with reinforcement (but always asked about mundane details first)

Informal Interviews

Principe et al. (2013)

- ▶ Mumfrey magic show with 3- to 5-year olds with a failed rabbit trick
- ▶ 1 week later, some parents received a letter asking them to talk to their child about the magic show and stating that the rabbit trick failed
 - ▶ No explanation for the failed magic trick
 - ▶ The rabbit *may* have gotten loose
- ▶ Other parents did not receive a letter (control condition)
- ▶ Later that day, all children were interviewed about the magic show
 - ▶ Tell me only what you remember seeing
 - ▶ (If did not mention rabbit) Did anything happen to Mumfrey's rabbit?
 - ▶ (If "no") Did Mumfrey's rabbit get loose in school?

Principe et al. (2013)



- ▶ 60% of the children in the suggestive letter condition reported that the rabbit got loose
- ▶ Less than 10% of children in the non-suggestive letter condition and the no-letter condition reported that the rabbit got loose in the classroom

A Good Interview

Children Talking to Adults

- ▶ The adult knows the answer
- ▶ The adult will help the child to answer correctly
- ▶ The adult will correct the child if the child makes a mistake
- ▶ The adult will only ask questions that can be answered
- ▶ The adult will scaffold the conversation

- ▶ Children do not correct adults!

Elements of a Good Child Interview

- ▶ Setting
- ▶ Rapport/Support
- ▶ Ground Rules
- ▶ Practice Interview
- ▶ Transition
- ▶ Substantive interview
- ▶ Close

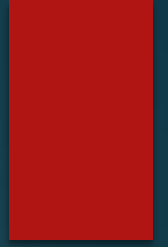
Setting

- ▶ Neutral
- ▶ Child-friendly
- ▶ Not distracting
- ▶ Video-recording equipment
 - ▶ Verbatim record
 - ▶ Memory for verbatim conversations fades quickly—perhaps in minutes
 - ▶ Note-taking is distracting

Rapport/Support?

- ▶ In analogue (lab) studies
 - ▶ warm vocal tones, supportive eye contact, frequent non-contingent smiling, and a relaxed body posture
 - ▶ Desired effect on accuracy, commission errors, suggestibility
- ▶ In field studies
 - ▶ showing interest in the child, praising the child's efforts, acknowledging and responding to signs of discomfort and reluctance, acknowledging and exploring the child's emotions, expressing empathy for the child's interview experience (not the reported event), and emphasizing the interviewer's trustworthiness
 - ▶ Desired effect on informativeness, cooperation, coherence, and use of emotional terms

Ground Rules



The Rules

- ▶ Interviewer naiveté
- ▶ Don't know
- ▶ Don't understand
- ▶ Correct the interviewer
- ▶ **Tell the truth—intentional lies**

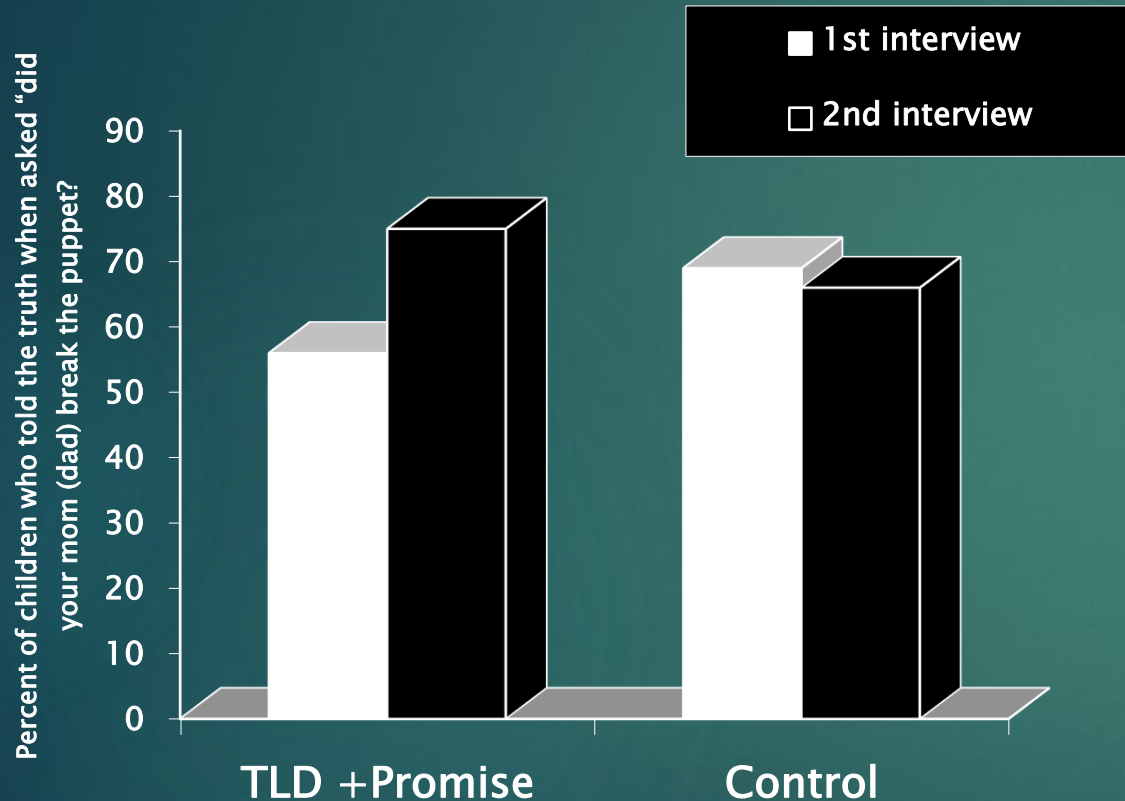
But, Requires a Child to

- ▶ listen to and understand the rule,
- ▶ practice in one context (if there is a practice session),
- ▶ keep the rule in mind during the interview, and
- ▶ use it, when appropriate, in a different context.

Talwar, Lee, Bala, & Lindsay, 2004 (Exp. 2)

- ▶ 64 parent-child dyads of 3- to 11-year old children played alone in a room when the parent accidentally broke a puppet
- ▶ Parents asked their child not to tell and the child agreed
- ▶ Experimenter returned and, with the parent absent, asked the child about the puppet
- ▶ A second Experimenter asked again about the puppet
 - ▶ For half of the children, first conducted a truth-lie discussion (TLD) and elicited a promise to tell the truth
 - ▶ For half of the children, simply asked about the puppet again—the Control condition

Talwar et al., 2004 (Exp. 2)



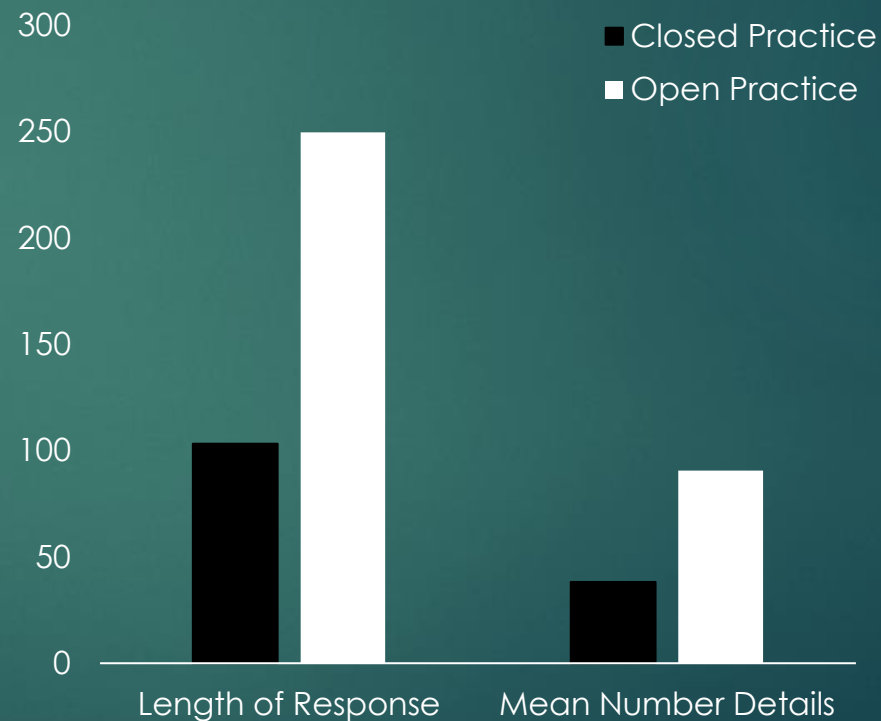
- ▶ Among children in the TLD + promise condition, 19% more children told the truth when asked a second time (after the TLD and promise)
- ▶ Among control children, 3% fewer children told the truth when asked a second time (no TLD or promise)
- ▶ The TLD + promise promoted truth-telling behavior

Purpose of a Practice Interview

- ▶ Children's responses to open-ended questions are more accurate and are perceived to be more accurate than their responses to closed questions
- ▶ Children don't have a lot of experience providing independent responses to open-ended questions from adults
- ▶ So, how do we help children to provide independent and rich responses to open-ended prompts
 - ▶ train children by engaging them in a practice interview
 - ▶ the practice interview should follow the format of the substantive interview
- ▶ The practice interview should be about a neutral event and should not be too long—especially with younger children

Sternberg & Lamb (1997)

- ▶ Studied the practice interview in actual forensic interviews
- ▶ Practice was either primarily open-ended or primarily closed-ended questions—after practice, the interviews were the same
- ▶ Children who practiced with open-ended questions provided more substantive information in response to the **first** open-ended question than children who practiced with closed-ended questions



Transition

- ▶ Move from the practice interview to the substantive interview
- ▶ As open-ended and non suggestive as possible
 - ▶ What brought you here today?
- ▶ May need to be more direct if the child is reluctant
 - ▶ Balance the urgency of having an interview now with the dangers of contaminating the child's report or the perceived credibility of the report
 - ▶ The more urgent the need is, the more direct the interviewer may need to be with a reluctant child

Substantive

- ▶ A hierarchy of question formats (from the NICHD protocol)
 - ▶ free recall
 - ▶ cued invitations
 - ▶ directive prompts
 - ▶ option posing prompts
 - ▶ suggestive prompts

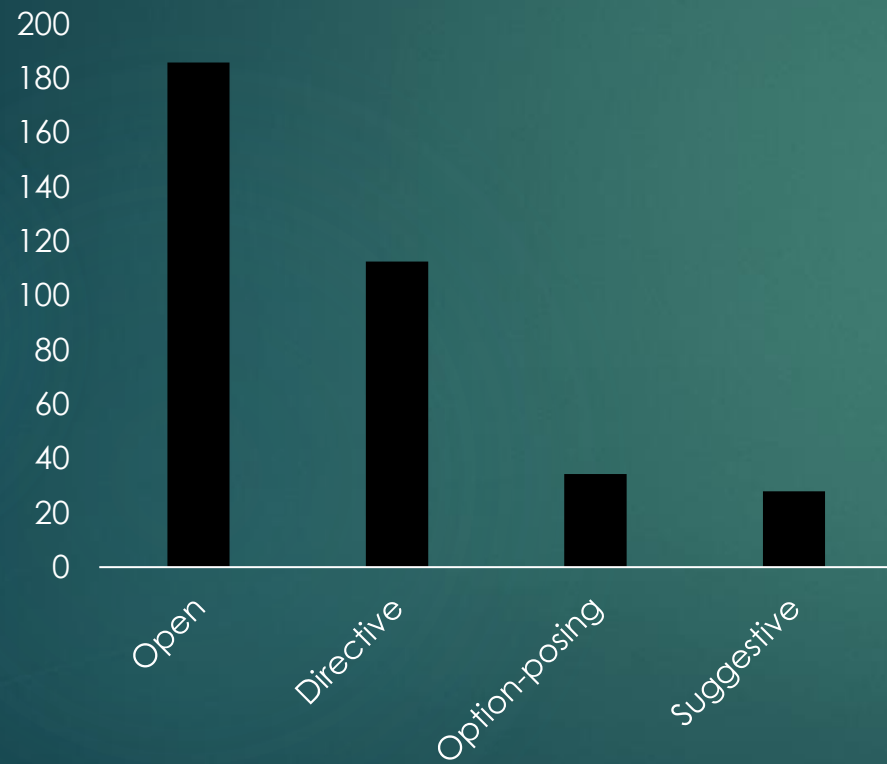
Free Recall

- ▶ More details are elicited from free recall than other formats
- ▶ The information is most likely to be accurate, even from young children
- ▶ The information is more likely to be perceived to be accurate
 - ▶ If a “true” report is not perceived to be credible...
- ▶ Lamb et al (2007)
 - ▶ Reports from 43 children whose abusers confessed
 - ▶ Details reported by both the child and the perpetrator were confirmed

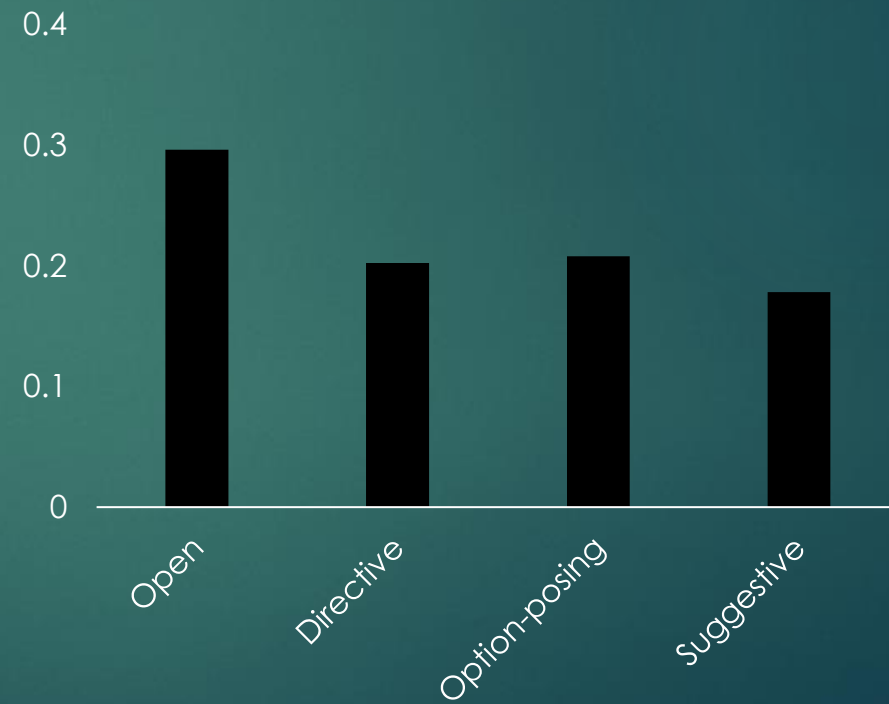
Lamb et al. (2007)



Number of Details



Proportion of Details Confirmed



You Need More Information

- ▶ Often, reports from open-ended prompts alone are incomplete
- ▶ The report of the child is often all that is available to decide if
 - ▶ The child is in need of protection
 - ▶ A criminal charge should be laid
 - ▶ If the evidence will support a conviction
- ▶ The Interviewer may need to ask direct questions to elicit important information
- ▶ Return to the hierarchy of questions

Follow-up Questions

- ▶ Cued invitations: “You mentioned xx, tell me more about that”
- ▶ Directive prompts: Wh-questions to follow-up on what the child has already said (e.g., “What did he say to you?” If the child mentioned he said something)
- ▶ Option posing prompts: Critical information not disclosed by the child (e.g., “was his hand over or under your cloths?”)
- ▶ Suggestive prompts: only in extraordinary circumstances

Suggestive Prompts

- ▶ These questions suggest a response—the suggestion may be correct or incorrect, the interviewer does not know
- ▶ Only if critical information is missing and the interviewer feels it must be elicited during the interview (e.g., strong suspicion that the child is in need of protection)
- ▶ Keep in mind that the information suggested in the questions may be incorrect. These question may
 - ▶ Compromise the accuracy of the report
 - ▶ Compromise the accuracy of future reports
 - ▶ Compromise the perceived credibility of the report

Closing

- ▶ End the interview with a brief discussion about a neutral topic such as

Such as....

- ▶ “Tell me what you will do after this webinar?”