

Conducting Developmentally Sensitive Forensic Interviews

National CAC/CYAC Training Program

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Suspected Child Abuse & Neglect Program

The Hospital for Sick Children

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A forensic interview

- A **developmentally sensitive** and **legally sound** method of gathering **factual** information regarding allegations of abuse or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing **research** and **practice-informed** techniques as part of a larger investigative process.

Child Forensic Interviewing: Best Practices

Chris Newlin, Linda Cordisco Steele, Andra Chamberlin, Jennifer Anderson, Julie Kenniston, Amy Russell, Heather Stewart, and Viola Vaughan-Eden

Developmentally Sensitive Forensic Interviews

- Forensic Interviewing of Children – Basic Principles (Dr. Brubacher)
- children under age 12 years
- areas of development
 - Memory
 - Suggestibility
 - Language
 - Conceptual knowledge – time
 - Social / Emotional
- interviewing preschoolers (ages 3 and 4 years)

Forensic interviewing – tricky business?

- <https://www.youtube.com/watch?v=NkfcuAQ2IaQ>

Can children be reliable witnesses?



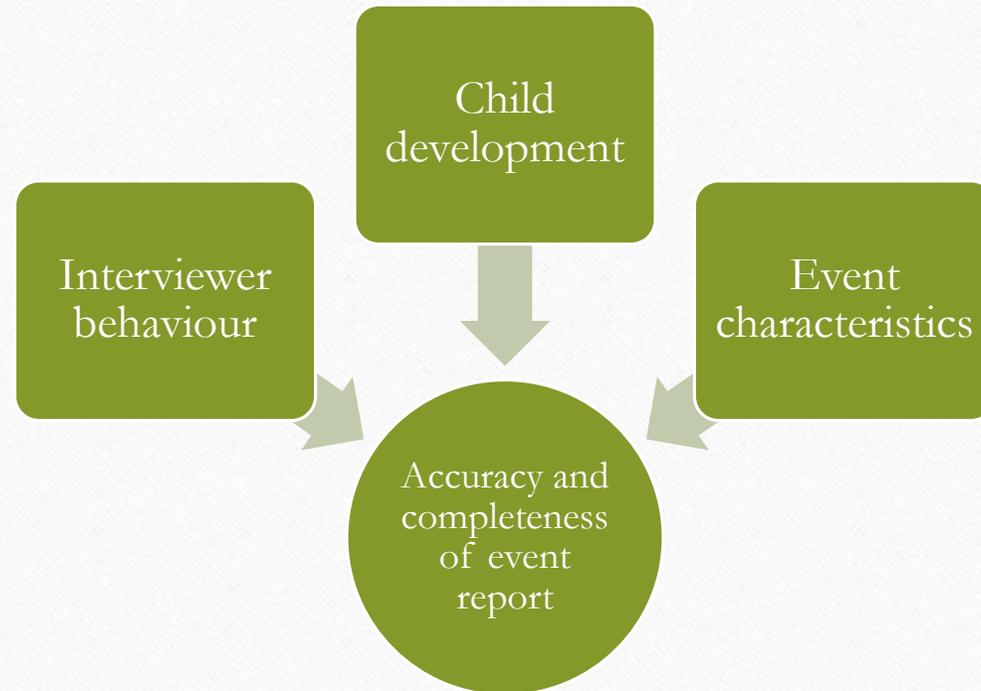
Today

- “With considerable advances made over the last few decades, researchers are rarely asking, ‘Are children reliable or unreliable in forensic contexts?’ Instead, the question has shifted to the more complex: **‘Under what circumstances are child witnesses more or less reliable?’”**

Malloy et al., 2013



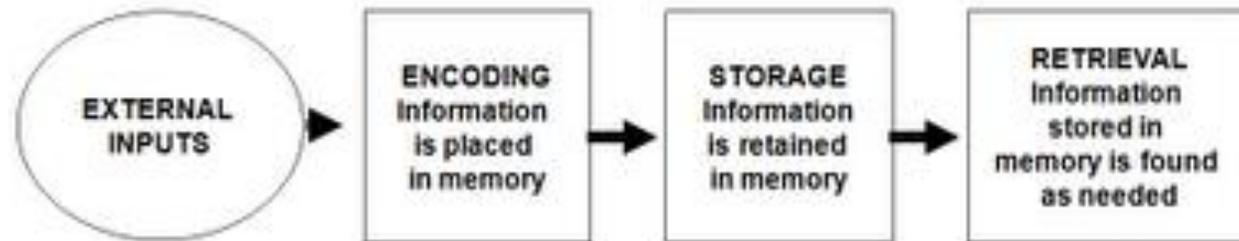
“Circumstances” for a forensic interview



Child development



Memory Process



Memory

- Children develop autobiographical memory in conjunction with their language development. (~2.5 - 3 years most children can develop memories of personal events and experiences)
- Infantile amnesia
- Memory capacity increases with age but younger children:
 - Encode less information
 - Recall less detailed memories
 - Forget memories at a faster rate than older children and adults



Memory

- 5 year olds watched and participated in a staged pirate show – feed the bird, paint the map, find the treasure.
- Children interviewed immediately remembered 15 / 60 (25%) pieces of information.
- Children interviewed 6 months later and remembered 8 / 60 (13%).
- No mathematical formula for rate of forgetting but general agreement that forgetting is most rapid following the event and decreases in rate over time.

La Rooy et al., 2005



Memory

Factors which may slow down forgetting include recall of an event that was

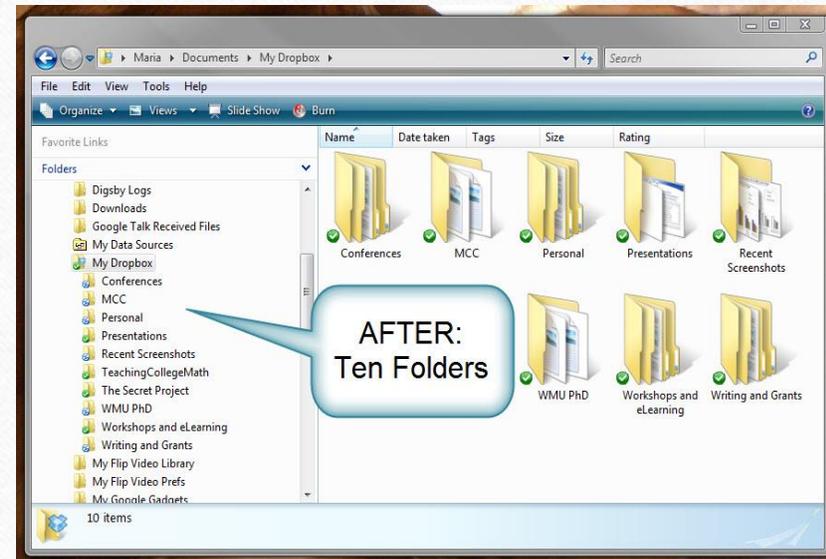
- important
- personally significant
- rehearsal or having opportunities to talk again about the event

Implications for practice

- Be realistic about the amount of information young children will be able to recall / retrieve about an event, particularly one that is remote in time.
- Forensic interviews to occur as quickly as possible

Memory retrieval

- A reconstructive process where retrieved memories can be altered. Unlike accessing stored document / file from computer where a file is retrieved as it was initially stored.
- NOT LIKE 



Practice implications

Interviewer behavior

- Open ended prompts
- Reduce social demands of interview for child – given permission to admit uncertainty or misunderstanding
- Unbiased, hypothesis testing approach

Memory retrieval

- Initial retell of information does not typically include all the information stored in memory
- Correct new details of events can be recalled days/weeks or even years later



Implications for practice

A second



?

Second interviews

Disadvantages

- more room for social pressure
- interviewer bias (importance of peer review)

Advantages

- more complete recall
- accommodation of brief attention spans
- accommodation for the need for additional rapport development due to motivational barriers.

Cases to consider for second interviews

- High risk concerns based on referring information with no initial disclosure or partial disclosure
- Preschool child
- Child with developmental disability
- Child with significant social / behavioural challenges
- Child with perceived or explicit noted reluctance
- Child with unsupportive caregiver
- Multiple types of maltreatment (poly victimization)

Multiple interviews – quality not quantity

- Stretch protocol over more than one session without repeating questions
- Interview as soon as possible after event and limit time in between multiple interviews

Suggestibility

- the extent to which individuals come to accept and subsequently incorporate post-event information into their memory recollections
- either the retelling of the memory is altered or the memory itself can be altered due to suggestibility.
- generally age is best predictor of suggestibility with children by age 10 years performing similarly to adults

Tristan – 4 years old

- <https://www.youtube.com/watch?v=iGe3nbFLkk>
- 0 – 4:00 minutes

Practice implications

- Follow a forensic interviewing protocol
- Exhaust open ended questioning methods
- Interview instructions encouraging child to acknowledge uncertainty or lack of understanding
- Ask child to promise to tell the truth
- Complete a developmentally sensitive interview
- Utilize a hypothesis testing approach

Memory

Episodic memory

Memory of autobiographical events (times, places, associated emotions, and other contextual who, what, when, where, why knowledge) that can be explicitly stated. It is the collection of past personal experiences that occurred at a particular time and place.

Script memory

A mental structure of preconceived ideas, a framework representing some aspect of the world, or a system of organizing and perceiving new information.

Separating incidents / events

- Let children exhaust retell of their script memory (what normally happens) and listen for **leads** or **labels** that indicate a specific event.
- After child has finished recalling their script memories, follow up using child's leads or labels to try and separate events and access episodic memory.



Separating incidents

- C - My big cousin always does bad things to my privates. He puts his finger up my bum all the time.
- I – Tell me all about your cousin always doing bad things to your privates and putting his finger up your bum.
- C – My big cousin would usually gets me to watch sexy movies and makes me kiss his pee except for the time when we were at the cottage. He would always take pictures when he hurt my privates and one time he almost got caught by my step mom.
- Labels are

Leads, labels



“Time at the
cottage”

A large green thought bubble with a black outline, containing the text “Time at the cottage”. Three smaller green circles of decreasing size trail from the bottom of the bubble.



“Time he almost got
caught by my
stepmom”

A large green thought bubble with a black outline, containing the text “Time he almost got caught by my stepmom”. Three smaller green circles of decreasing size trail from the bottom of the bubble.

Separating incidents

Obtain information about the individual alleged events

Tell me everything about the last time it happened from the beginning to the end.

Tell me everything about the first time it happened from the beginning to the end.

Tell me everything about another time. ie. time you said you were sick, from the beginning to the end.

Tell me everything about the time you remember the most from the beginning to the end.

Word of Caution

- A field study found that (trained) interviewers replaced children's labels 35% of the time
 - E.g., "the time in the shed" → "the last time"
 - Effects on accuracy unknown
- The more often interviewers replaced the children's *labels* for occurrences, the less likely children were to follow the interviewer's conversational shifts

Brubacher, Malloy, Lamb, & Roberts, 2011

Memory – source monitoring

- Children ages 3 or 4 years can often NOT determine the source of their memory or monitor where their memory comes from.
- Source monitoring – knowing how you know what you know
 - 4 year old tells teacher – it really hurts when you get stung by a bee?
 - Experienced - Was stung by a bee.
 - Was told - by parent (watch out for bees and leave them alone or you'll get stung...)
 - Witnessed sibling got stung and was crying, complaining it hurt.
 - Watched learning channel about bees.

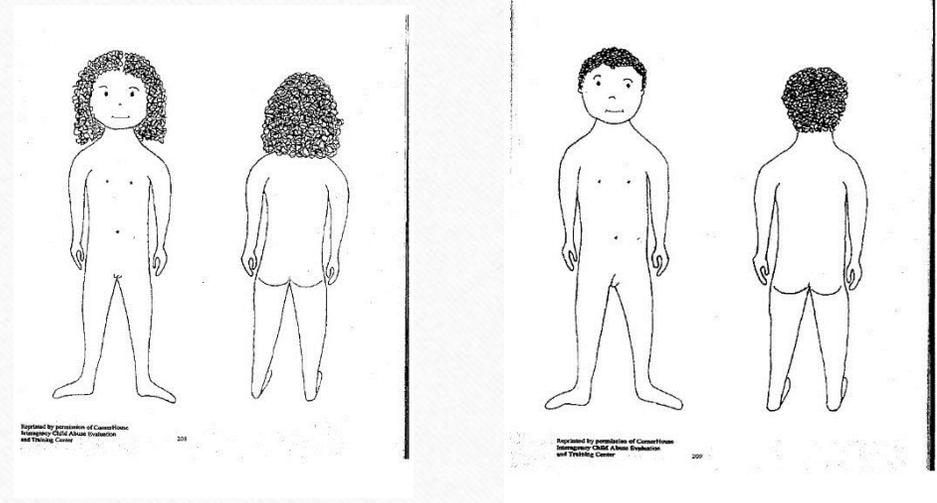


Practical implications

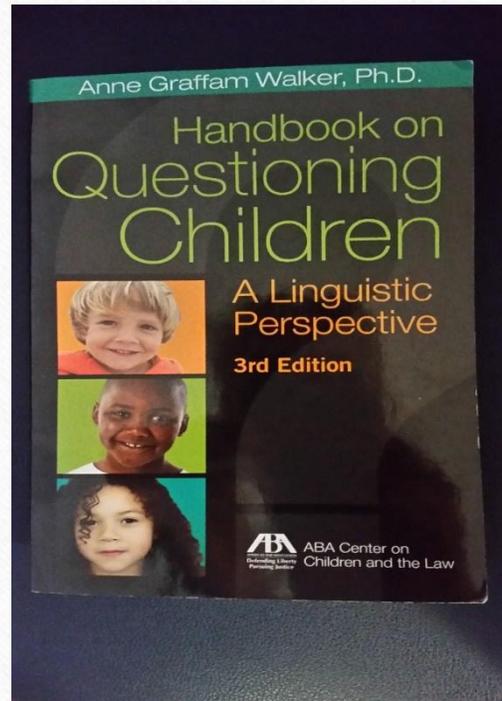
- How do they know.....
- What did they see / hear ? Tell me all about.....
- Who did they talk to about....? Tell me all about.....

Self - representation

- the ability to use objects (dolls), drawings in a symbolic way.
- A child can understand that a doll or diagram is a representation of them.
- This ability emerges 3.5 – 4 years of age



Language & Communication



Language & Communication

By the time children are 5 years old, they typically sound like adults but do not have the same language and cognitive skills as adults

AND

many children will not correct adults or ask for clarification

AND

sometimes children think they understand a question but do not (not good at monitoring the limits of their knowledge)

Language & Communication

Young children will sometimes use words they don't know the meaning of or share same meaning as adults (time, duration, space, age, kinship)

- Ahead, behind, before, after, yesterday, tomorrow, any, some
- When was yesterday – When I was little.
- “Private spot”

Language & Communication

Very literal and concrete use of language

- Interviewer: *Did you put your mouth on daddy's penis?*
- Child: *No*
- It wasn't the child who did the putting, it was the father.

Children don't use classifications/groupings like adults

- Interviewer: *What clothes were you wearing?*
- Child: *I wasn't wearing clothes.*
- Child was wearing pajamas

Language & Communication

Children don't use classifications/groupings like adults (cont.)

- Interviewer: *Tell me all about the time you went to Uncle Jim's house when your mom was not there?*
- Child: *I wasn't at Uncle Jim's house.*
- Uncle Jim lives in an apartment (house, apartment, trailer, condo, cottage)

Language & Communication

- Children tend to have a restricted definition of “touch”



Language & Communication



Language & Communication

Avoid multi part / idea sentences

- *“Do you recall talking to her on the Sunday after they discovered something had happened to Doug and asking her, ‘Do you know Mark?’ and then saying, ‘That is who did it.’ Do you remember telling her that?”*
- (Question asked of a 5 year old witness during a murder trial)

Avoid jargon and categories, use simple words

Use nouns vs. pronouns

Simplify words and sentence structures

- Is it not true that Katie did not make Sam cry?
- Is it true Katie made Sam cry?
- Did Katie make Sam cry?

University of Southern California Law

From the Selected Works of Thomas D. Lyon

January 4, 2017

57. Spatial Language, Question type, and Young Children's Ability to Describe Clothing: Legal and Developmental Implications

Stacia N. Stolzenberg, *Arizona State University*

Kelly McWilliams, *University of Southern California*

Thomas D. Lyon, *University of Southern California*

Language & Communication

- Children were asked:
 - Were the clothes on or off?
 - Were the clothes on, off or something else?
 - Where were the clothes?
- Findings:
 - “...when questioning young children, where questions appear superior in eliciting spatial descriptions of clothing than other types of questions”
 - Particularly important when children needed to describe “intermediate clothing placement.”

Implications for practice

Complete a practice interview / narrative event practice

- Using open ended questions, ask children to provide a detailed narrative about a **recent event** they experienced before the allegations are raised
- APSAC Guidelines (2012)
 - “Narrative event practice (or “training in episodic memory”) is a critical component of the forensic interview.”
 - Ask about an EVENT (episodic memory)
 - Suggested length 3 – 7 minutes

Why complete a practice interview?

1. interviewer shows interest in child contributing to rapport
2. kids learn the nature of the exchange and need for them to provide detailed, free narrative responses
3. reinforce that child knows information the interviewer does not.
4. **screen for communication / cognitive abilities (length of sentence, pronunciation, vocabulary, ability to attend. Is communication similar between practice interview and substantive section?) so interviewer can calibrate their language to match the child's and screen for motivational impediments.**
5. allows the interviewer practice at eliciting information from child and persisting with open ended questions.

Conceptual Knowledge - Time

At what age can normally developing kids accurately provide time frames for a past event such as the day of the week, month, day of month, season, time of day?



University of Southern California Law

From the Selected Works of Thomas D. Lyon

October, 2011

25. Maltreated children's ability to estimate temporal location and numerosity of placement changes and court visits.

Lindsay Wandrey, *University of California*

Thomas D. Lyon, *University of Southern California*

Jodi A. Quas, *University of California, Irvine*

William J. Friedman, *Oberlin College*

Time

167 maltreated 6 – 10 year olds removed from parents' care and interviewed at family court and asked:

- How old were you when you were first or last placed in foster care or attended court?
- What season and month was it when you were first or last placed in foster care or attended court?
- How many foster placements have you been in?
- How many court visits have you had?
- How old are you currently?
- When is your birthday?
- What is the current month?
- What is the current season?

Time

Results:

- 50 % of kids accurately identified their age for court visit/placement.
- Identifying season and month of first placement based on chance
- For last court visit – 11 % accurately reported month, 21 % accurately reported the season.
- 27% gave accurate number of placements.
- 14% gave accurate number of court visits

Practical implications

- For children under age 10 years:
 - DO NOT ask WHEN x happened
 - DO NOT ask HOW MANY TIMES x happened
 - DO NOT be deceived about a child's ability to use conventional time frames because they can accurately report their current age and birthday



Alternatives - time

- In school, not in school
- Grade in school
- Who was their teacher?
- Where were they living?
- Weather outside?
- What happened first, next, last
- Using one point in time – before / after (use with caution)

Enumerating (under age 10 years)

- One time or more than one time
- Last time, first time, time they remember the most.....

3 – 5 years

- typically understand who, what and where concepts, but will have difficulty with when, how many and why concepts

5 – 10 years

- still have difficulty with when and how many concepts but should be able to provide additional detail to narratives

Social / Emotional

- Young children
 - more limited attention span
 - reluctance less common as limited socialization that sexual abuse is shameful / embarrassing
 - increased vulnerability to suggestion
 - weaker memory traces combined with
 - societal norms that adults know better
 - children should listen and respect / defer to adults
 - Egocentric

Social / Emotional

- School aged children (5 – 12 years)
 - deference to adult authority figures
 - good students know the answers
 - shame / embarrassment / fear / guilt



Interviewing preschoolers



Preschoolers

- 299 children, 3-6 years old, disclosed sex/physical abuse
- Response at all, on track response, informative response.
- Findings:
 - On average, children asked 84 questions and replied to almost all.
 - 2/3 of prompts received on track responses
 - Half prompts elicited new information
 - Developmental trend – younger for off track, less information.

Hersbkowitz et. al, 2012

Preschoolers



- Which prompts most effective at eliciting new information from children?
 - 3 and 4 year olds – less likely to produce new information with open ended prompts. Too difficult to retrieve memory this way.
 - Recommendations: “...our results suggest that focused-recall wh- questions may constitute superior alternatives when questioning preschoolers, because they combine the benefits of focus and recall.”

Preschooler protocol

- Introduction:
 - My job is to talk with kids (boys and girls).
 - Your job is to sit in your chair and talk with me.
- Prescreen:
 - What - What food do you like to eat?
 - Where - Where are you when you eat dinner....do you sleep at night time?
 - Who - Who lives in your house / takes you to daycare?
 - Open ended prompt to elicit free narrative - 'Tell me all about.....(neutral event)
- Promise to tell the truth / don't guess – (limited efficacy with preschoolers)

Preschooler protocol

- Transition to substantive
 - How come you came to talk to me today?
 - What did....tell you about coming here today?
 - Most open ended question based on how allegation came forward
 - Explore relationships / family: Who lives in your house.....things you do with mom you like, don't like; things with stepdad you like/ don't like. Do you sleep over somewhere else?
 - Reference to a disclosure statement – talked with mom about something that was bothering you.
 - Reference to an event related to disclosure / discovery (ie. visit to MD)
 - Noticeable injury

Amaya – 3 years and 7 months



Interview

- <https://www.youtube.com/watch?v=ZlgAirxONLo>
- (4 year old – Aaron)

Aaron

- Premise of lie detector / truth fairy establishes that adults know the truth and child is being tested about their knowledge of the truth (forensic interviewers should have no preconceived idea of truth)
- Predominate use of focused (yes / no) questions
- Asked to time stamp an event (going to space). Young children cannot accurately time stamp past events using conventional time frames
- Leading question – where did you go in space – to the moon?
- Did not establish a common definition for “pets”

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