Memory and Suggestibility in the Forensic Interview

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Using a Structured Interview Protocol to Improve the Quality of Investigative Interviews

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As other chapters of this book have highlighted, there remains considerable controversy concerning the extent to which children and adults are susceptible to suggestion in laboratory and forensic contexts. This controversy notwithstanding, most researchers agree that the manner in which children are questioned can profoundly affect the quality and extent of children’s reports (Brainerd & Ornstein, 1991; Foley & Johnson, 1985; Lamb, Sternberg, Esplin, Hershkowitz, & Orbach, 1999; Poole & Lamb, 1998; Saywitz, 1987). In this chapter, we discuss interview methods that enhance children’s ability to report experienced events accurately by relying primarily on questions that access their memory using free-recall prompts. Although children, like adults, can be affected by suggestive interviewing techniques, we demonstrate how the use of structured interview protocols can maximize the quality of information obtained from children and avoid inadvertent suggestion and thus its possible effects. We cannot change the characteristics and abilities of the children being interviewed, but we can dramatically affect the quality of children’s reports by altering interviewers’ styles and strategies. In this chapter, we describe the pragmatic and conceptual factors that led us to develop structured in-
Interview protocols and then illustrate how such protocols enhance the quality of information obtained from children in investigative interviews. We begin with a brief overview of expert recommendations regarding investigative interview practices, and then discuss attempts to improve the quality of investigative interviews by providing intensive training. Finally, we discuss a series of studies designed to assess the utility of increasingly detailed and complete interview guidelines.

THE PROBLEM

Since the mid-1980s, professional and public awareness of child sexual abuse has increased dramatically. This increased awareness has fostered numerous controversies concerning the best means of obtaining information from children about their experiences. In spite of improved medical technologies and other sophisticated forensic techniques, child victims' accounts of their experiences are of paramount importance to investigators because most perpetrators deny accusations of abuse and sex crimes are rarely witnessed by others. The crucial importance of information obtained from children poses unique challenges for police officers, social workers, and the family and criminal court systems, all of whom are accustomed to relying on children so heavily. The forensic interview is also a unique psychological context for the child witness. Children are accustomed to being treated as meaningful informants about important events, and everyday conversations with parents and teachers are characterized by different communicative rules than investigative interviews. In many conversations with adults, for example, children are expected to provide brief and superficial responses to questions like "How was school today?" or "Do you have much homework?". On other occasions, adults "test" children by asking questions to which the adults already know the answers. In contrast, investigative interviewers have no first-hand knowledge of the alleged events under discussion. Interviewers must therefore communicate to children the importance of providing complete, detailed, and accurate accounts of their experiences.

HOW SHOULD CHILDREN BE INTERVIEWED?

A review of the literature suggests substantial consensus among researchers regarding the most desirable investigative interview techniques (American Professional Society on the Abuse of Children [APSAC] Guidelines, 1990/1997; Bull, 1992, 1995; Fisher & Geiselman, 1992; Jones, 1992; Lamb, Sternberg, & Esplin, 1998; Lamb, Sternberg, Orbach, Hershkowitz, & Esplin, 1999; Memorandum of Good Practice, 1992; Poole & Lamb, 1998; Raskin & Esplin, 1991; Raskin & Yuille, 1989; Warren & McGough, 1996; Yuille, Hunter, Joffe, & Zaparniuk, 1993). There is universal agreement concerning the need to develop rapport with children before questioning them about the alleged criminal incidents, and it is further recommended that interviewers allow children to practice narrative elaboration techniques and have an opportunity to correct interviewers in the introductory phase of the interview (Geiselman, Saywitz, & Bornstein, 1993; Warren & McGough, 1996). Most professionals also agree that investigative interviews should be conducted using a "funnel" approach, with interviewers beginning with open-ended questions (e.g., "Tell me what happened."). using focused but not suggestive questions as little and as late in the interviews as possible. It is further accepted that responses to many focused questions (such as "Did he or she touch you?") should be followed by open-ended probes designed to elicit free-narrative accounts (e.g., "Tell me everything about that."). These recommendations are supported by findings obtained in laboratory and field studies of memory development suggesting that open-ended questions are preferable because they access recall memory processes, whereas focused questions tend to engage recognition memory processes that are more prone to error and narrow the retrieval of information considerably. When recall memory is probed using open-ended prompts, respondents attempt to provide as much relevant information as they "remember," whereas focused questions often require children to select options or confirm or reject information provided by the interviewer and exert pressure to respond, whether or not the respondent is sure of the response. In laboratory contexts, errors of commission (reporting details that did not happen) are much more likely to occur when recognition memory is probed using focused questions, whereas errors of omission (failing to report details that happened) are more likely when recall memory is probed using open-ended questions (Dent, 1982, 1986; Dent & Stephenson, 1979; Oates & Shrimpton, 1991).

Are Best Practice Guidelines Followed in Actual Investigative Interviews?

Unfortunately, actual forensic interviews are not always conducted in compliance with these expert professional guidelines, as we learned when we began closely analyzing investigative interviews. For the purposes of our research, we distinguished among four central types of interviewer utterances or prompts. Invitations were defined as open-ended or free recall prompts (e.g., "Tell me about that."). Direct prompts focused the child's attention on details that he or she has already mentioned (e.g., when the child says, "I fell off my bike," the interviewer might say,
"Where did you fall?"), whereas option-posing questions or prompts focused the child’s attention on details that he or she had not mentioned (e.g., "Did you fall off your bike?"). Suggestive questions assumed information that had not been provided by the child or implied that certain responses were expected (such as "What did he or she say?" when the child has not mentioned that he or she spoke.). What we call suggestive prompts are most similar to the prompts defined as “leading” in forensic contexts. To minimize confusion, the utterances we formerly labeled “leading” are referred to as option-posing utterances in this chapter because the majority of them involved the presentation of options from which the child had to select. When the word “leading” appears here, it has its conventional meaning. The label “focused” is used here to refer collectively to direct, option-posing, and suggestive prompts or questions. The terms “prompts” and “utterances” are used interchangeably in this chapter.

Despite warnings concerning the risks of asking leading and suggestive questions, analyses of investigative interviews conducted at sites in the United States, United Kingdom, Sweden, and Israel all revealed that over half of the information is typically elicited from children using focused questions (e.g., Aldridge & Cameron, 1999; Cederborg, Orbach, Sternberg, & Lamb, 2000; Craig, Scheibe, Kircher, Raskin, & Dodd, 1999; Davies, Westcott, & Horan, 2000; Davies & Wilson, 1997; Lamb, Hershkowitz, Sternberg, Boat, & Everson, 1996; Lamb et al., 1996; Lamb, Sternberg, & Esplin, 2000; Sternberg et al., 1996; Walker & Hunt, 1998). The overreliance on focused questions is evident regardless of the children’s age, the nature of the offense, the professional background of the interviewers, or the utilization of props and toys like anatomical dolls. A detailed analysis of 42 interviews conducted by child protection workers, for example, revealed that interviewers “failed to allow the children to provide spontaneous narratives at their own pace without interruptions and specific questioning. Further, they frequently introduced new, potentially leading information during the interviews and failed to clarify the sources of new information introduced by themselves or the children” (Warren, Woodall, Hunt, & Perry, 1996, pp. 243). Davies and Wilson (1997) described similar problems with interviews conducted in the United Kingdom following implementation of the Memorandum of Good Practice (1992). In 28% of the cases reviewed, interviewers did not attempt to elicit free-narrative responses from children, and in an additional 43% of the cases, interviewers allowed less than 2 minutes to obtain information from free recall. The interviewers also asked many yes-no questions that can lead children to confirm the interviewers’ hypotheses.

Evidence of widespread failures to implement recommended interview practices have prompted the development of numerous training programs designed to improve the quality of investigative interviews. Unfortunately, however, attempts to evaluate these training programs raise many doubts about their effectiveness. In her evaluation of a 3-day training program for police officers and social workers in the United Kingdom, for example, Aldridge (1992; Aldridge & Cameron, 1999) reported that training had little effect on interviewing skills. A group of experienced police officers and social workers attended lectures and seminars and were also given opportunities to practice using the new information they had learned. Following the training program, however, interviewers did not do an adequate job of rapport building and continued to ask many leading and suggestive questions, leading Aldridge (1992, p. 237) to conclude: “In order that the strategies improve and become dependably useful there must be a number of experiences of interviewing with different children in different types of situations. Such learning experience is not possible in a three-day course.”

Likewise, Warren and her colleagues (1999) evaluated the impact on questioning techniques of the intensive What Kids Can Tell Us Institute at Cornell University. The comprehensive 10-day seminar covered a variety of related topics, including: research methods, language development, introduction to memory, cognitive and social development, and legal issues related to interviewing. In addition, the seminar fostered in depth discussions and provided opportunities to practice the skills being recommended. Although interviewers improved their understanding of the principles of good investigative interviews, they were unable to apply these principles in actual interviews, and thus their interview styles changed remarkably little. Although interviewers used fewer props and did a better job of reviewing the “ground rules” after the training than before, for example, most of the information was still obtained from children using focused questions with only one quarter of the information obtained using more general questions.

Unfortunately, our training sessions in Israel and the United States were similarly ineffective. Experienced investigators participated in intensive training seminars (approximately 40 hours in length) that began with discussions of memory processes, children’s linguistic and memory capacities, factors influencing suggestibility, and step-wise interview principles. We reviewed videotaped interviews that illustrated the appropriate and inappropriate use of both open-ended and focused questions. In an attempt to personalize the learning experience, we also reviewed interviews conducted by the participants themselves, highlighting positive techniques as well as areas needing improvement. Participants were encouraged to ask questions and a considerable amount of time was devoted to discussions. In addition, we described the conceptual basis of Statement Validity Analysis (SVA) and Criterion-Based Content Analysis (CBCA) on the assumption that familiarity with these techniques might

In spite of our consistent emphasis on the importance of obtaining information using free-recall memory prompts, and numerous demonstrations of the superiority of open-ended questions, posttraining evaluations suggested that interviewers continued to rely primarily on focused questions to elicit information from children. An evaluation of interviews completed after our training in Israel ($n = 22$ interviews) revealed that only 2% of the interviewers' utterances were invitations, whereas 34% were option-posing and suggestive utterances (Lamb et al., 1996). Five percent of the information was elicited using invitations, whereas 33% was elicited using option-posing and suggestive questions. A training session in the United States was similarly ineffective (Sternberg et al., 1996). Analyses of the types of questions asked by interviewers ($n = 45$ interviews) revealed that invitations accounted for 5% of the interviewers' utterances whereas option-posing and suggestive questions comprised 49% of their utterances. Children provided 18% of the details in response to invitations and 39% in response to option-posing and suggestive questions.

These findings suggested that interviewers continued to obtain a great deal of information using option-posing and even suggestive questions after intensive training. Although the interviewers internalized the concepts and recommendations presented in the training sessions, their interviews were often disorganized and they failed to obtain narrative accounts from the children. These findings underscored how difficult it is for interviewers to implement interviewing guidelines during actual interviews and prompted us to conduct our first study using a detailed interview protocol or script.

"SCRIPTING" THE INTRODUCTORY PHASE OF THE INTERVIEW

In our first experiment, we focused on improving the organization and quality of the introductory phase of the interview (Sternberg et al., 1997). The study, 14 Israeli youth investigators conducted a total of 51 investigative interviews of alleged victims ranging from 4.5 to 12.9 years of age. Each investigator used both of the investigative "scripts" we created. The partially scripted introductory protocols, designed to guide interviewers through the introduction and "truth and lie ceremony," both began with hypothetical questions concerning the color of the interviewer's shoes and whether he or she was sitting or standing. Thereafter, the procedures diverged as the interviewers attempted to build rapport using either focused questions or open-ended prompts. Although the questioning style differed, children in both conditions were asked about the same topic (home, school, and a recent holiday), and both scripts required approximately 7 minutes to complete. On completion of the scripted section, all children were asked the same open-ended question to initiate the substantive phase of the interview: "Now that we know each other a little bit better, I want to talk to you about the reason we are here today. I understand that something may have happened to you. I want you to tell me about it from the very beginning to the very end, as best you can remember." We hoped to determine how practicing a response style in the presubstantive phase of the interview affected the amount and quality of information provided by children in its substantive phase.

In the open-ended condition, the rapport building phase of the interview was designed to "train" the child to respond to the types of questions he or she should be asked in the substantive phase of the interview. Not only were children allowed to rehearse "narrative elaboration techniques," but they were also given opportunities to practice retrieving information from autobiographical memory, and providing additional information about aspects of events they had already mentioned. In the "direct" condition, a series of focused questions was used to develop rapport with the children. Children were denied the opportunity to practice responding to open-ended questions. In both conditions, children were given multiple opportunities to correct mistakes made by the investigators.

Prior to this study, the interviewers elicited narrative allegations that averaged 25.1 words and 7.1 details, whereas children in both conditions provided much longer and richer responses. Children in the open condition provided 2.8 times as many words ($M = 250$) and details ($M = 91$) in response to the first substantive question as did children who were interviewed using direct questions ($Ms = 103$ words, 38 details). Seventy-five percent of the children in both conditions mentioned the core details of the incident in their responses to the first substantive question and a further 20% in both conditions mentioned core details more vaguely. These results suggested that when children are given an opportunity to respond to open-ended questions. In both conditions, children were given multiple opportunities to correct mistakes made by the investigators.

Children in the open-ended condition continued to provide more details in response to invitations than children in the direct condition. Although the open-ended training influenced the response style of the children, it had little effect on the interviewers' style of questioning. As soon as they had asked the first substantive question (which was the last scripted utterance), the interviewers reverted to their usual more focused style of questioning. In other words, even when children provided lengthy responses to the first open-ended substantive question, interviewers did not continue to ask open-ended questions but rather shifted to more focused questions.
The results of this experiment thus suggested that adherence to a structured interview protocol improved the organization of the interview and ensured that interviewers introduced the substantive topic (abuse) in a nonsuggestive fashion. In addition, because the structured protocol prescribed how the investigators introduced themselves, encouraged children to tell the truth and to correct the investigators’ mistakes, and built rapport, these issues were always addressed whenever the interviewers followed the detailed guidelines. Because the results were so promising, we decided to conduct a study in which we expanded the “script” beyond the first substantive question.

THE PARTIALLY SCRIPTED INVESTIGATIVE PROTOCOL

Our next study was designed to determine if structuring a portion of the substantive phase of the interview would further improve the organization and quality of information obtained (see Sternberg, Lamb, Esplin, & Baradaran, 1999, for complete details). Our review of earlier interviews by the investigators who participated in the second study revealed that these interviewers, like those included in the other studies, had difficulty following general interview guidelines. The introductory phases of their interviews were disorganized and interviewers seldom introduced themselves or the purposes of the interview comprehensively. The children’s understanding of truthfulness and the consequences of deception were probed using inappropriately complex language and the children’s responses were often uninterpretable. The quality of rapport building varied greatly, and many interviewers began the substantive phase of the interview prematurely, without a clear transition from their discussion of nonsubstantive issues. Most of the information obtained from the children was elicited using option-posing and suggestive questions. Questions about the frequency of abuse were developmentally inappropriate (e.g., “How many times did it happen?”) and often elicited absurd responses (e.g., “a million”), which led to counterproductive interactions between the child and the interviewer (“Oh, it couldn’t have happened a million times! Remember, you need to tell me the truth.”). Such responses from children raised questions about their credibility and created unnecessary tension in the interview.

Through the introductory phases, the guidelines we introduced in this study were similar to those used in the previous study. Interviewers then proceeded to ask a series of four nonleading questions to introduce the substantive issue under investigation. These four questions followed a general request for information, “Tell me the reason you came to talk with me today,” to increasingly focused options if the child failed to understand the interviewers’ intent. If a disclosure occurred, interviewers were instructed to say: “Tell me all about that” or “Then what happened.” If an narrative allegation was elicited, the interviewers were instructed to ask “Did that happen one time, or more than one time?” Beyond that, interviewers were free to probe for further information as necessary although all were encouraged to use open-ended prompts whenever possible.

In this study, investigative interviews with alleged victims of child sexual abuse (n = 15) were collected from seven experienced police officers prior to the implementation of the protocol. The preprotocol interviews were comparable to the protocol interviews with respect to the victims age, relationships with the perpetrators, and offense severity. Children ranged in age from 4 to 11 years of age (M = 7.13, SD = 2.39) and reported a wide range of sexual offenses—including anal or genital penetration, fondling under or over the clothes, and sexual exposure. On completion of a week-long interview training session, these seven investigators were asked to alternate using either the Direct or Open-ended rapport-building protocols when conducting investigative interviews. Twenty-nine interviews (15 Direct Protocol, 14 Open Protocol) were included in the protocol-phase of the study.

Use of the structured protocol markedly improved the interviewers’ questioning style. Compared to preprotocol interviews, in which interviewers asked an average of 4 invitations in the substantive phase of the interview, an average of 6 and 8 invitations were asked in the substantive phase of the protocol interviews for the direct and open protocols, respectively. The increased use of open-ended questions was accompanied by a decrease in the use of option-posing questions (preprotocol M = 17, postprotocol, direct M = 16, open M = 16). In addition, children in the protocol interviews provided more information from free-recall memory (direct M = 23%, open M = 36%) than children who were interviewed before investigators began using the protocol (M = 9%). Children in the open-ended condition provided more details (M = 23.5) in response to the first substantive question than children in the direct condition (M = 8.71) and children in the baseline condition (M = 1.07).

Again, these findings suggested that the use of detailed interview guidelines improved the quality of interviewers’ questions and the quality of information obtained from children. Unfortunately, the protocols used in this study left extensive leeway for interviewers to continue asking other kinds of questions. Because interviewers frequently asked option-posing and suggestive questions, interviewers did not take advantage of the children’s ability to recall their experiences. We therefore went one step further and developed a fully structured protocol to see whether its implementation might further improve the quality of investigative interviews in the field.
THE FULLY STRUCTURED INTERVIEW PROTOCOL

As before, the goal of the fully structured protocol was to operationalize interview guidelines based on research findings and to maximize interviewers' adherence to these guidelines. Like its predecessors, the protocol was designed to facilitate the retrieval of rich and accurate information about alleged incidents of abuse experienced by children. In the fully structured interview, we sought to maximize the amount of information obtained using free-recall prompts by exhausting open-ended questioning techniques and using option-posing questions only at the end of the interview in order to minimize the risks of contamination. The data obtained in this study are still being analyzed, but we illustrate the protocol in this section using excerpts from transcribed interviews of 4- to 12-year-old children. The quoted excerpts come from a variety of interviews to minimize the possibility that the interviewers, children, or alleged perpetrators might be recognized, but no efforts have been made to “clean up” the actual dialogue. As a result, many of the quoted utterances are not those that we recommended.

The protocol begins with the interviewer introducing him/herself to the child. This is followed by a “truth and lie ceremony” designed to establish that the child understands what it means to be truthful and to motivate the child to be truthful in the interview.

Interviewer: My name’s X and it’s my job to talk to kids about things that have happened to them, okay? And one of the things that we’re going to talk about here first is what’s true and what’s not true. Okay? And it’s very, very important that we only talk about what is true, okay? When you and I are talking here in this room, okay? Just so I know that you know, I’m going to ask you a couple questions about what’s true and what’s not.

Child: Okay.

Interviewer: If I said that my shoes were green, is that true or not true?

Child: Not true.

Interviewer: Very good. If I said that you were standing, instead of sitting?

Child: Not true.

Interviewer: Very good. I can see you understand that all, huh? Good.

Following the “truth and lie ceremony,” the ground rules for the interview are explained and practiced. The research described earlier in this chapter suggested that interviewers have a difficult time implementing good interview techniques even when they understand them, so we thought it was important to practice these strategies in the presubstantive phase of the interview.

Interviewer: If you don’t understand or if you don’t know the answer, just say, “I don’t know,” or “I don’t understand.” So if I were to ask you what’s my dog’s name. What would you say?

Child: I don’t know.

Interviewer: That’s exactly right. You don’t know, do you, because you’ve never met my dog. So you should know that it’s okay for you not to know the answer or to correct me if I say something that’s wrong. Okay? So if I said that you were a 2-year-old boy, what would you say?

Child: Girl.

Interviewer: Girl, that’s right, because you are a 4-year-old girl, huh? So you should know that you can correct me if I make a mistake or say something that’s wrong. So if I said that you were standing up, what would you say?

Child: I’m sitting down.

Interviewer: That’s exactly right because you are, you’re sitting down.

After establishing that the child is allowed to correct the interviewer, the interviewer poses an open-ended question to familiarize him/herself with the child, and allow the child to provide a narrative response.

Interviewer: Well, tell me all about things you like to do at home.

Child: Pick on my sisters and brothers.

To encourage the child to provide detailed information, the interviewer asks the child to elaborate her response.

Interviewer: You do? Tell me about that.

Child: Well, they get in my stuff and I get really mad so I just pick on them.

The interviewer then asks the child to talk about school.

Interviewer: Now you told me about home, tell me all about school.

Child: I like to study Math.
Interviewer: Tell me all about that.
Child: I like to use a calculator to solve word problems and to be the first to get the answer.
Interviewer: It sounds like you really like math. Now, tell me all about what you don't like about school.
Child: Spelling.
Interviewer: Uh-huh.
Child: I hate spelling.
Interviewer: Tell me about that.
Child: Because every like week, we get like really hard words and if I miss like five, it's an F or a B.
Interviewer: Uh-huh.
Child: And I just don't like, like it because my teacher, because I'm with him. It's dumb.

After gently prompting for elaborated accounts of positive and negative events at school, the protocol guides the interviewer to help the child practice narrative elaboration skills. To practice the retrieval of information from episodic memory, the child is asked to describe in detail a recent holiday and again to elaborate upon that description.

Interviewer: Tell me about Christmas day.
Child: Christmas day?
Interviewer: Uh-huh.
Child: I woke up because I heard the coffee going on, because my mom, she, every morning on Christmas day, she has to have a cookie.
Interviewer: Uh-huh.
Child: And cup of coffee, and then we opened presents. And then I got dressed. And then I went to my grandma's, opened more presents then went to my other grandma's, opened more presents, had lunch, and then we went home. The kids took a nap. I watched, I stayed up and watched us, movies with my mom and dad and my second older sister. And then, we went to the store to get dinner. And that's it.

After obtaining a brief narrative account like this, the interviewer is encouraged to use a time segmentation technique to elicit more information about the event ("Tell me everything that happened from the time you went to your first grandma's to the time you went to your second grandma's on Christmas day.

Child: Um ... I can't remember.
Interviewer: You can't? I want you to try really hard.
Child: Okay. Oh yeah, we went to my first grandma's and then we had to wait for some cousins to get there and then us, waited for my aunt to get there, then everyone sat around the Christmas tree and we, my grandma passed out the presents, and we opened them. And I tried on my new clothes my grandma got me. And then we was eating the snacks and then we left and went to my other grandma's and then we opened, we had to wait for my other cousins and aunts to get there. We sat around the TV until they got there and watched Little Rascals. Then they got there and then we opened presents.

Interviewer: Hmm. Then what happened?
Child: Then we went home and the kids took and nap and then us, we, when they woke up, us we went to X to get pizza.

Because it is essential that children provide as much information as possible from episodic memory in the course of investigative interviews, children are given a second opportunity to practice describing a nonabuse-related event.

Interviewer: All right. Well, tell me what you have been doing today from the time you got up this morning until you ate lunch.
Child: Okay. This morning?
Interviewer: Uh-huh.
Child: I took my socks from my sister and then I got dressed, got my baby sister dressed, brushed my hair, gave my mom a kiss and hug, and then went off to school, ate breakfast and then after breakfast me and the new kid, her name's X.
Interviewer: Uh-huh.
Child: We went on the swings and we held hands and then, until the bell rang we done that. And then I went to reading and then, we had a spelling test and library. And then I left to go to science. And then, us we went to uh, lunch.

This interviewer again used the time segmentation technique to encourage the child to elaborate upon the account.

Interviewer: Hrmn, very good. Tell me everything you did from lunchtime until you got here today. I don't want you to leave anything out.

Child: Okay. I was at recess, after lunch and then the bell just rang and I, some of my friends, well ex-friends, they told me the office wanted me. And I go, whatever. And then, I walked in and then I heard X, “Come to the office please.” So I went to the office, and my teacher, us, she told my mom that I've been wandering the halls because my brother got beat up.

Interviewer: Uh-huh.
Child: He has a black eye. And I was trying to tell his teacher and Mr. X, the principal. And, my teacher thought I was wandering the halls and she made me stand against the wall. And then my mom came and got me, and she left again to go back in the school and tell them something. And then we left and we kept stopping at the stop light and then I asked my mom for a piece of gum and she said, “Just a minute,” and then we stopped a couple more times at the stop lights and I asked her again, and she said, “You can you wait until we get there,” and I said, “Yes,” and then we got there, out here, and then, I met you and then I got to color and then draw.

When interviews follow the fully structured protocol, the introductory section of the interview requires approximately ten minutes to complete. By the time this phase is complete, the interviewer has used partially scripted prompts to introduce him or herself, reviewed the ground rules of the interview, allowed the child to practice reporting two events from episodic memory, and made him or her familiar with time segmentation techniques for eliciting elaborated responses. The child has been given an opportunity to describe an unpleasant event (although this is not illustrated here) and the interviewer has had an opportunity to familiarize him or herself with the child’s linguistic style and developmental capacities and develop a sense of how willing the child is to cooperate. A transition is then made into the substantive portion of the interview.

Because of uncertainties about children’s developmental level, their motivation to disclose abuse, and their understanding of why they are being interviewed, the investigator must be ready with multiple nonleading options to facilitate communication. The series of questions in the structured protocol begins with an open-ended prompt, includes a variety of techniques to shift attention to the alleged events, and proceeds to more focused and, ultimately, somewhat leading questions to use when the child “fails to disclose” in response to the more open-ended probes. The substantive section of the interview begins as follows:

Now that I know you a little better, I want to talk about why you are here today. Tell me why you came to talk to me. (General open-ended question designed for the child who understands why he or she is being interviewed and is ready and willing to disclose.)

If the child does not make an allegation of abuse, the interviewer says:

It is important for me to understand why you came to talk to me. (Similar to the previous question but emphasizes the importance of understanding as a way of motivating the child.)

If no allegation is made, the interviewer asks the following questions in the order they are presented here, until the child refers to the alleged abuse:

I heard that you saw a policeman (social worker, doctor, etc.) last week (yesterday). Tell me what you talked about. (Cues children, when relevant, about recent conversations they have had with professionals. Designed to motivate reluctant witnesses by signaling that the interviewer knows that s/he has talked about the alleged incident(s) before and/or to cue the child in a nonsuggestive fashion if s/he is not sure why s/he is being interviewed.)

As I told you, my job is to talk to kids about things that might have happened to them. It’s very important that I understand why you are here. Tell me why you think your mom (your dad, etc.) brought you here today. (Designed to cue children for whom parental concern is a salient feature, whether or not the children share their parents’ concerns.)

Is your mom (dad, etc.) worried that something may have happened to you? (Wait for a response; if it is affirmative say:) Tell me what they are worried
I heard that someone has been bothering you. Tell me everything about the bothering. (Designed to cue children who are concerned about something. The word “bother” appeared to be the least suggestive cue to focus the attention of a child who was not aware of the interviewer’s purpose.)

I heard that someone may have done something to you that wasn’t right. Tell me everything about that, everything you can remember. (Designed to cue children who believe or have been told that a moral transgression has occurred.)

Note that, although these questions adopt a variety of techniques to establish a shared frame of reference, none involve mentioning the alleged actions, the alleged perpetrator, the alleged location, and so on. The investigator’s goal is to elicit such information from the child, even if he or she “knows” or has a hypothesis about the alleged incidents. By asking the questions as formulated in the protocol, the interviewer avoids inadvertently interjecting assumptions or biases about what might have happened.

The following example is excerpted from an interview with a 9-year-old child. It illustrates how the interviewer makes a transition to the substantive phase of the interview:

Interviewer: Okay. So tell me about why your parents brought you up here today.

Child: Because of the things that CA did to me.

The child’s response suggests he is “on the same track” as the interviewer. Any disclosure, even a general disclosure like this would be followed (as it was in this interview) by the following open-ended probe:

Interviewer: Tell me everything about that, everything you can remember.

This prompt is designed to elicit a detailed account of the event using a free-recall prompt.

Child: He did things that were wrong and against the law.

This child is being cooperative but not providing specific information. The interviewer must therefore communicate the extent and richness of detail needed by encouraging the child to provide a narrative account of the reported event.

Interviewer: Tell me all about the things that were wrong and against the law.

Child: Well he started showing me stuff from books. And then he told me to come into my mom and dad’s room with him and look at pictures on the Internet and, first I didn’t want to but then he would kind of, made me. So he said I’ll tell something about you if you like don’t come or something, something like that.

The interviewer follows up with additional open-ended prompts (e.g., “And then what happened”) until he or she has a general understanding of what happened.

Interviewer: And then what happened?

Child: And then my mom and dad got home so we went to bed.

Although most children recognize the purpose of the interview and disclose abuse in response to one of the nonleading questions we have formulated, some children do not. In such cases, interviewers may need to employ a more focused prompt to establish the topic of the interview. We were initially reluctant to “recommend” such prompts, but our earlier research on interviews conducted at multiple sites in the United States, United Kingdom, and Israel suggested that, when children failed to make allegations, interviewers almost always asked leading and suggestive questions. We decided, therefore, that it was valuable to formulate minimally leading or suggestive questions to give interviewers the “security” they needed should the open-ended questions “fail.”

I heard that something may have happened to you at (location or time of alleged incident). (This prompt is designed for the child who either doesn’t know why he or she is being interviewed or is unwilling to disclose. Focusing on the location could cue the child and perhaps reinstate the context of the alleged event. For the reluctant witness, the interviewer’s “knowledge about the event” may serve as a catalyst for a disclosure.)

If the child makes a disclosure in response to this prompt, the interviewer offers an open-ended prompt for a narrative elaboration of the event, thereby minimizing the potential for inadvertent contamination of the child’s account.

Tell me everything about that, everything you can remember.
If the first leading prompt fails, the interviewer may choose to ask an even more specific question that involves providing a brief (partial) description of the alleged event without mentioning the identity of the perpetrator.

I heard that someone may have (brief summary of allegation without mention of perpetrator).

Any disclosure made by the child in response to this question would be followed by an open-ended probe:

Tell me everything about that, everything you can remember.

The use of leading or suggestive questions to initiate the substantive discussion may contaminate the child's response or even foster a false allegation. As a result we urge interviewers to examine carefully the risks associated with leading questions against the importance of obtaining information from possible victims at this stage of the investigation, given the amount of forensic information already available and the extent of their concerns about protection. Even risky questions are sometimes necessary, but interviewers should also consider terminating the interviews and resuming on another occasion.

When leading or suggestive prompts elicit allegations, the interviewer proceeds to obtain further information as we have suggested, using nonleading open-ended prompts as extensively as possible. Following a focused question with an open-ended question in this way is referred to by our research team as "pairing." Although we encourage interviewers to remain open to the possibility that the child did not experience abuse and therefore has nothing to disclose, interviewers are often concerned that children who fail to disclose will be pressured to disclose by other professionals in subsequent interviews. If they deem it necessary to use leading or suggestive question, the protocol provides them with less damaging options than are typically generated and instructs them to follow up with open-ended prompts.

To maximize the amount of information obtained, it is crucial to obtain information about specific events, particularly if multiple incidents have taken place and the child's initial account is drawn from a more skeletal script memory. Because children's initial accounts are often somewhat generic and do not make clear whether the children were abused on one or more occasions, the protocol instructs interviewers to address this issue early in the substantive phase of the interview. Although interviewers need to probe children for additional information about the first event mentioned, it is important for interviewers to determine whether one or more incidents were experienced before proceeding.

Interviewer: Did that happen one time or more than one time?
Child: It happened bunches of times, well different things happened. It happened every Tuesday which is about a period of a week, 'cause my mom and dad were gone all night. It didn't happen every Tuesday 'cause sometimes he was gone. It happened most of the time.

This child's response indicates that there were multiple events and that they differed from one another. Although most children are capable of providing detailed information about distinct events, interviewers often fail to convey they are interested in specific descriptions of each (or, at least, many) events. The structured protocol guides interviewers to communicate clearly the need for accounts of specific events, directing the child to describe the most accessible events in greatest detail. At this stage, therefore, the interviewer should focus the child's attention on the most recent event:

Interviewer: Okay. Tell me about the last time something happened.
Child: The very, very last time?

The last event experienced by the child is most likely to be remembered well because it involves the shortest time delay (Flin, Boon, Knox, & Bull, 1992; Lamb et al., 1998). Furthermore, for younger children in particular, the most recent event is least likely to be contaminated by postevent influences (Poole & White, 1993).

Interviewer: The very, very last time.
Child: He tried to get in my bottom and he did once but nothing happened.

Interviewer: Okay. Tell me about the time that he tried to stick you in your bottom.
Child: He just asked me to move up and down so his penis would go in and out.

Once it is clear that the child is focused on a specific event, the interviewer probes the child for more information about that event using open-ended prompts, including the time segmentation procedures that were practiced in the rapport-building phase of the interview.
Interviewer: Tell me all about how that time got started.

Child: We were in the bathroom because he thought no one would see him there 'cause it was in the bathroom.

Interviewer: Okay. So you’re in the bathroom and tell me about what happens after you guys get in the bathroom. What’s the very first thing that happens?

Child: Nothing. We just, he just sticks it up my bottom and then he did that like two times and that was all.

Interviewer: Where were your clothes?

Child: I still had my shirt on and he took off my pants.

After the interviewer has obtained as much forensically valuable information as possible about the last event, he or she then turns attention to another event using the same series of prompts illustrated here. On occasion, children provide some details about the diverse incidents in their initial response (e.g., “Well, it happened in the bathroom, when we were camping, and while I was watching a scary movie with him.”). In such cases, the interviewer can use these details, rather than temporal cues (“first time,” “last time”) to reference specific incidents, asking for example, about “the time in the bathroom,” or “the time when you were camping.”

Interviewer: Okay, you told me about the time you looked at pictures on the internet, the time in the bathroom. Tell me about another time.

Child: Well, he’d just tell me to do some gross stuff to him.

Interviewer: (Pause) It’s really important for me to understand exactly what happened.

Child: Well, he would like tell me to get Vaseline and rub it on his private and then we’d go into there and watch pictures. . . And that was really all we did for the first few times.

Interviewer: So he would have you rub that Vaseline on his private?

Child: Right here.

Interviewer: Okay. So you’re motioning to kind of your front region. So, tell me about, you said that he asked you to get Vaseline and then rub it on his private. Tell me about how that would happen.

Child: I would get some out of the thing and just rub it on it.

Interviewer: What would you rub it on it with?

Child: Just my hands.

Interviewer: Okay, you told me about the time you looked at pictures on the internet, the time in the bathroom. Tell me about another time.

Child: Where were your clothes?

Child: I still had my shirt on and he took off my pants.

After obtaining as much information as possible using open-ended questions and prompts, interviewers may need to ask leading questions to address forensically important issues not mentioned by the child. The potential risk of contamination posed by an option-posing question can be minimized if it is “paired” with an open-ended prompt.

Interviewer: Were your clothes on or off?

Child: Off.

Interviewer: Tell me everything about how they got off.

After obtaining as much information as the children seem able to provide, the script suggests that interviewers ask children if there is additional information they would like to provide and subsequently move to the final phase of the interview, discussing neutral events before closing.

Interviewer: Okay. Um, so what are you guys gonna do later on today? You don’t have school.

Child: I’m practicing, do jobs and go play.


Child: I practice the piano.

Interviewer: Ah, you’re a pianist. So do you take lessons or are you just teaching yourself?

Child: I practice the piano.

Interviewer: Uh, huh (affirmative).

Child: Well we’re out of lessons for the summer.

Interviewer: Uh, huh (affirmative).

Child: So, and then, we usually have to practice a half an hour and 45 minutes cause the older ones have to practice 45 minutes because my mom (unclear) the piano. And now J. starting to be playing 45 minutes and so they split it like not in half but, you know.

Interviewer: Uh, huh (affirmative).
The structured protocol is designed to improve the quality of information obtained in investigative interviews in several ways. By providing a clear road map of the structure of the interview, first of all, the protocol should yield more organized interviews. Interviewers who follow the protocol will not suddenly realize that they have forgotten to motivate the child to tell the truth, and when confronted by reluctant or confused children, interviewers can follow carefully considered routes instead of trying to formulate nonleading questions on the spot. The structure imposed by the protocol frees up the interviewer to focus on unique aspects and special challenges of the interviews. Second, practice following the order and wording of the questions should help interviewers operationalize general principles, such as the need to obtain narrative accounts from free-recall memory before using focused prompts. Third, by introducing open-ended questions and prompts for detail in the introductory phase of the interview, the protocol trains children to be informative and should thus maximize the quality of information obtained from children about their alleged experiences of abuse. In actual forensic interviews, of course, it is seldom possible to determine the accuracy of children’s statements. The protocol is designed to maximize the amount of information elicited using recall-memory prompts, because information elicited in this way is more likely to be accurate (see Lamb et al., 1999, for a review). In addition, the structured interview minimizes opportunities for contamination of the children’s accounts. In the next section, we use illustrative data from two ongoing research projects to show how the structured protocol helped to bridge the gap between theory and practice.

EVALUATING THE STRUCTURED PROTOCOL IN ACTUAL FORENSIC INVESTIGATIONS

The first fully structured protocol was implemented by the Israeli Youth Investigative Service in a study designed to examine how visiting the scene of the alleged sexual abuse would stimulate the recall of information from children (see Hershkowitz et al., 1998, for an analysis of some of the data obtained in this study). Fifty-one 4- to 13-year-old children (M = 9.5 years) who had reported being victims of sexual abuse, including anal and oral penetration (n = 7), fondling under (n = 18) or over (n = 11) their clothes, and sexual exposure (n = 15), were interviewed using a structured protocol (similar to the protocol described in the previous section) in an investigator’s office and then at the scene of the alleged abuse. Only cases involving extrafamilial perpetrators of abuse that allegedly occurred outside the home were included in the study.

To evaluate the extent to which the structured protocol improved the quality of interviews conducted by investigators, we compared 55 interviews conducted using the protocol with 50 similar forensic interviews conducted by the same investigators before the protocol was implemented. Interviewers in the protocol condition were also provided with individual and group supervision every 2 weeks. In the individual sessions, supervisors familiar with the protocol provided detailed feedback on transcripts of interviews conducted by the investigators. In group sessions, transcribed interviews were used to illustrate and foster discussion about more general topics (e.g., motivating reluctant witnesses; developmental differences in response patterns).

Analyses revealed drastic improvements in the organization of the interview, the quality of questions asked by interviewers, and the quality of information provided by children (see also Orbach et al., 2000). Fifty-three of the fifty-five 4- to 13-year-old children interviewed using the structured protocol made a disclosure in response to the first transitional utterance (“Do you know why you came here today?”). 1 disclosed in response to the next prompt (“I understand you told X that something may have happened to you”), and 1 disclosed in response to a suggestive prompt. Ten of the children not only disclosed but spontaneously provided a narrative account of their experiences in response to the first substantive prompt, 46 children provided a narrative account either then or in response to the first invitation, “Tell me everything about that from the beginning to the
and fewer option-posing and suggestive questions than in the comparison condition. In the baseline interviews, only 10% of the interviewers' questions were invitations, whereas in the protocol interviews 35% of the interviewers' questions were invitations. The total amount of information elicited from free-recall memory also increased dramatically; whereas only 16% of the information (M = 32 details) was elicited using free recall in the preprotocol interviews, 49% of the information (M = 94 details) was obtained using free recall in the protocol interviews. Use of the protocol also reduced the use of directive (baseline M = 44%, protocol M = 35%), option-posing (baseline M = 35%; protocol M = 23%), and suggestive (baseline M = 11%; protocol M = 7%) prompts. In the baseline interviews, 41% of the information was obtained using option-posing and suggestive questions compared with 24% in the protocol interviews. Interestingly and importantly, this pattern of results was similar regardless of the children's age. Although younger children provided shorter and less detailed responses than older children, analyses of interviews with 4- to 6-year-old children revealed that the interviewers relied heavily on invitations (34% of their questions) and succeeded in eliciting a substantial amount of information (49%) using free-recall prompts. These findings are encouraging in light of the difficulties interviewers encounter when interviewing young children.

Together, the results of these two studies suggest that use of a structured interview protocol, in conjunction with detailed feedback and intensive training sessions, enhanced the quality of the interviews conducted in these research sites. The structured protocol provided investigative interviewers with an effective tool for interviewing children ranging from 4 to 14 years of age about a wide range of alleged sexual offenses by a variety of different perpetrators. In our experience, with both partially and extensively structured interview protocols, we have found that the more structured the protocol, the higher the quality of the interviews.

Some researchers and practitioners have expressed the concern that structured protocols might interfere with the interviewers' individual styles. A review of the excerpts we have included here illustrates that the structured protocol leaves room for interviewer spontaneity and does not lead to a monotonous recitation of scripted questions. On the contrary, our data suggest that, when interviewers follow a protocol that structures the interview and standardizes the wording of some major prompts, they can pay more attention to what the children are saying.

CONCLUSION

Several recent high profile cases have illustrated that inappropriate questioning techniques by investigative interviewers interfere with the investigation and resolution of child abuse cases. Because sex crimes are rarely witnessed by others and often leave no clear physical evidence, children's accounts of their experiences are central to the investigative process, and the responsibility for obtaining an accurate and complete account rests with investigative interviewers who are often overburdened and undertrained. Although there is widespread consensus about how children should be interviewed, a review of the interviews conducted in several countries suggests that interviewers have difficulty adhering to the recommended guidelines. Although many appear to understand proper interview techniques, they have difficulty translating these concepts into practice. Even after intensive training, interviewers continue to
rely primarily on focused questions (including many option-posing and suggestive questions) instead of exhausting more open-ended questioning strategies first. This reliance on inadequate questioning techniques compromises the quality of investigative interviews, impedes the fact-finding process, and makes it difficult to protect victimized children and innocent adults.

In this chapter, we have illustrated how the use of a structured protocol can facilitate the interviewer’s task and improve the quality of information obtained. Using data from several studies, we have shown how use of a structured protocol, in conjunction with individual and group feedback, helps interviewers implement interview guidelines and conduct more organized and less risky interviews.

Although the structured interview protocol described in this chapter is a promising tool for improving the quality of interviews, we view it as an evolving product and plan to incorporate and empirically evaluate new research findings as they emerge. Much remains to be learned about the specific components of the protocol, and the extent to which it addresses the needs of young children, reluctant witnesses, and children who have disabilities or other handicaps.

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REFERENCES


