

Interviewing Children About Allegations of Sexual Abuse

By Daniel H. Swerdlow-Freed, Ph.D., P.C. at www.expertpages.com

The prevalence of child sexual abuse is a disputed topic marked by disagreement of whether national statistics accurately reflect its incidence rates. Some experts argue that studies underestimate the true extent because all cases are not reported to authorities, while others argue that studies overestimate the incidence rates because they include unproven claims. There are at least four difficulties preventing resolution of the prevalence controversy: First, child sexual abuse does not always produce incontrovertible physical evidence. Second, behavioral symptoms associated with sexual abuse also occur for other unrelated reasons. Third, interviews of children do not always yield indisputable results. Fourth, disclosure may be followed by recantation making it difficult to ascertain which assertion is credible.

Identifying sexual abuse is further complicated by many factors. These include the child's age, maturity and understanding of the events in question, the child's understanding of anatomy and familiarity with sexual behavior, whether the abuse occurred once or multiple times, and whether the abuse was experienced as stressful.

Research has shown that children are capable of providing accurate accounts of their experiences provided that questions are simply stated and worded using language they understand. The interviewer must be aware that children make idiosyncratic interpretations of terms that are well known to adults. For example, one study found that children do not necessarily classify clothes the same way as adults. Thus, a child wearing pajamas at the time he was sexually abused might answer "No" when asked if he was wearing clothes. However, the same child may answer "Yes," when asked if his pajamas were taken off.

Research shows that the accuracy of children's reports can be adversely affected by questions that are poorly phrased or suggestive. This literature indicates that children can be confused by questions that contain single or double negatives, complicated vocabulary, or that utilize multiple parts or embedded propositions. Because children do not necessarily realize when they misunderstand a question, they may not ask for clarification and the misunderstanding can go undetected.

Forensic interviews of children, whether they occur in criminal or civil litigation, should include two essential features. First, a forensic interview should be geared toward the developmental age of the child and its content should be developed from information furnished by the child. Interviewers must avoid suggesting events that have not been mentioned by the child or suggesting that a specific person was responsible for any alleged behavior.

Second, the interview should test alternative hypotheses that explain the allegation and differentiate plausible from implausible explanations. A well conducted interview should clarify whether sexual abuse actually occurred or whether the alleged behavior can be accounted for by another explanation. Ideally, if it is determined that abuse took place the interview will reveal the perpetrator's identity. Violating either of these guidelines may contaminate the child's account, making it difficult to determine what exactly occurred.

A forensic interview should begin by explaining its purpose to the child and ensuring that the child is ready to proceed. It is good practice to establish ground rules such as that the child knows the difference between the truth and a lie and intends to tell the truth, and that the child will alert the interviewer if the interviewer says something the child does not understand.

The substantive portion of the interview should be conducted without suggestive comments or questions. Statements such as, "*Tell me about when your father touched your privates,*" or "*Let's talk about when your mom touched your butt*" are highly suggestive and are likely to contaminate the child's response. It is preferable, for example, to ask if the child knows the reason for the interview or to discuss the problems that have been going on in the family.

It is important to initially permit the child to give a narrative of the event in question and to withhold questions or comments. Free narratives can be initiated by statements such as "*Tell me everything that happened, from the beginning to the end,*" or "*Tell me everything that happened when you and Bob were home.*" Follow-up questions should be open-ended (i.e., "*Tell me what happened next.*") because children respond to these with longer and more detailed answers, and some children will answer focused questions (i.e., "*Did Bob touch your butt?*") even if they do not remember what actually transpired.

A proper inquiry builds on the free narrative by soliciting elaboration of what the child has already volunteered. Open-ended questions seek elaboration of a specific aspect of an account (e.g., "*You said Bob got into the bed with you. Tell me everything that happened when Bob got into bed with you.*"), or clarify information that is contradictory (e.g., "*First you said you were in the kitchen with Bob, but then you said you and Bob were downstairs. I'm confused about where you and Bob were. Can you tell me about that again?*")

Specific but non-leading questions seek clarification of information the child has already volunteered. For example, an interviewer might ask, "*Do you remember what you were doing just before Bob got into bed with you?*"

Closed questions include those that can be answered 'Yes' or 'No,' or provide for only a few answers. Multiple choice questions should be avoided whenever possible because some children choose only one of the options, and responses to these inquires are less accurate than to open-ended questions. If multiple choice questions are used it is preferable not to include the correct answer to avoid being suggestive. Thus, if an event happened in the basement, the interviewer could ask, "*Did that happen in the kitchen, your bedroom or somewhere else?*"

Interviewing children about allegations of sexual abuse takes specialized skill and knowledge. Questions must be carefully worded to ensure responses provide accurate, reliable information.

Children use language differently from adults and interpret concepts in extremely concrete terms. Thus, if you ask a child what a sentence "*says,*" the child may answer, "*Nothing, paper can't talk.*" Young children, especially preschoolers, tend to answer questions even if they have no knowledge of the subject. Furthermore, children tend to answer "Yes" when uncertain because this answer implies cooperation and may be perceived as the desired answer, especially if it is part of a tag question (e.g., "*He touched you, didn't he?*").

A "tag question" is a declarative statement followed by a short question that seeks confirmation of the statement's truth. This form of question can be very suggestive, especially for young children, because children are taught not to disagree or argue with adults and the "tag" seeks confirmation of the statement's accuracy.

When questioning children, certain practices will enhance the accuracy of their responses and reduce the likelihood that the child is misunderstood or considered unreliable. It is important to use simple, ordinary, common words, phrased in short sentences containing a subject, verb and object.

Young children have limited or no experience with the legal system and, consequently, they do not understand the technical terms used in legal settings, such as testify, oath, deny, pursuant, notwithstanding, et cetera. When complex, unfamiliar words are used along with complicated phrases (e.g., "*Isn't it true that you did not report that he touched you until three weeks after the last time you saw him?*" or "*Do you swear to tell the truth, the whole truth and nothing but the truth?*") young children may become confused. Confusion in this circumstance is likely to create the appearance that a child's report of an experienced event is invalid or unreliable when, in fact, the problem may stem from how the question was phrased.

Young children do not possess good understanding of language and, in particular, they do not consistently understand pronouns, even though they may use them correctly in their own speech. Children understand questions better when proper names are used instead of pronouns. Thus, it is better to ask, "*What did Bob do?*" rather than "*What did he do?*", or "*Who was at Sue's house?*" instead of "*Who was there?*"

Children are very literal in their use and interpretation of words, especially in comparison to adults, and often do not understand the relationship between a general concept (furniture) and one that is more specific (bed). Thus, a child may deny being on the furniture when an event happened, only later to report that he was sitting on the bed when he was touched. Or, a child may say 'No' when asked if he was "*touched*" at a particular time, but may subsequently report being "*tickled*," "*poked*" or "*pinched*".

Children use and understand the word "*touch*" much differently than adults. "*Touch*" is a "*higher order*" word that adults realize includes other forms of contact such as kissing, hugging, slapping, kicking, et cetera, but children do not share this understanding. Thus, a child may report that an adult did not "*touch*" him but later report that the same adult "*poked*" him in the butt or "*hit*" him on the arm.

Children also use adult-like words but may not understand their meaning. This is particularly true for concepts dealing with age, time, space, and kinship. For example, young children tend to equate age with size, so a person that is "*tall*" is also "*old*." To a four-year-old, all adults and most children are "*old*," and not taking the child's perspective into account when evaluating this kind of information can cast doubt on his/her credibility.

Children learn some things by rote well before they understand the underlying concept. Thus, knowing how to count to 20 does not mean a child understands that ten is larger than six, or that a child can accurately estimate how many times an event occurred. A child may respond to an inquiry ("*How many times did Joe touch you?*") with an answer ("*One hundred times.*"), intending to satisfy the adult questioner without regard for accuracy. Young children tend to indiscriminately use large numbers to indicate that an event occurred many times because they do not understand the relationship between the number given and the actual frequency of the event.

Similarly, the ability to recite a list (days of the week, months of the year) does not mean a child understands that Sunday is the first day of each week, that June comes after May or that Thanksgiving follows Christmas. The concept of days, weeks, months, and years develops after the ability to recite these lists, and it can be misleading to assume that a child understands a particular concept simply because he possesses its vocabulary. Stated in different terms, there is no reason to assume that a preschooler is competent at spelling simply because she can recite the alphabet.

Children at different ages may or may not understand the concept underlying specific words. For example, children under six have difficulty with spacial concepts like *"ahead of"* and *"behind"* (*"Was he ahead of you or behind you?"*), while children younger than five do not grasp the absolutes of *"never," "always," "any,"* or *"ever."* Questions such as, *"Have you ever told a lie?" "Did anyone say anything to you?"* or *"Did he always do it that way?"* require a child to make a thorough search of all relevant experiences, and are so vague they promote inconsistent answers. It is generally preferable to phrase the question more specifically, such as *"Did someone tell you to keep a secret,"* or *"Did something happen at Tommy's house?"*

Obtaining accurate reports from children about their experiences require understanding of how they use language and conceptualize ideas, since cognitive and verbal skills develop as they grow. The use of unfamiliar words or complicated questions can easily create the impression that a child's report is unreliable or lacks credibility, and these consequences may result from an interviewer's use of developmentally inappropriate words or phrase. There is considerable research that demonstrates young children are able to provide valid, consistent and accurate reports of events they experienced, provided that questions are asked in a developmentally appropriate and non-leading fashion.

Toward a Better Way to Interview Child Victims of Sexual Abuse

Sara Harris, National Institute of Justice (nij.gov). NIJ Journal No. 267, Winter 2010, NCJ 233282

A study tests interview protocols in the hope of getting better case outcomes.

Child protection authorities substantiated 68,000 cases of child sexual abuse in 2008, according to the Department of Health and Human Services.^[1] In many child sexual abuse cases, there is no witness other than the child and no corroborating evidence — the entire case can hang on a child's recollection of the alleged abuse. One way to help avoid false accusations and ensure justice in these cases is to strengthen law enforcement's ability to elicit accurate information from children. As the authors of the study discussed in this article note, "The quality of forensic interviewing practices is of utmost importance if child victims are to be protected, at the same time as the rights of the innocent suspects are to be upheld."^[2]

We have gained considerable knowledge in the last two decades about child development, memory and cognition, and researchers have developed several techniques for improving the way child victims of sexual abuse are interviewed. One technique that showed promise in a laboratory has now been tested in the field in Utah's criminal justice system. The interview protocol was developed by the *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD). The NICHD began developing its interview protocol in the 1990s. According to Margaret-Ellen Pipe, a member of the team that has developed and tested the protocol, "In the '80s people started recognizing children could provide reliable evidence. There had been real skepticism prior to that whether you would believe children."

In an NIJ-funded study, a team of researchers led by Pipe investigated how the NICHD protocol might affect prosecution outcomes. Their findings make it clear that the training and NICHD protocol elicit more information from possible victims. The findings cannot, of course, determine whether the information is more accurate — that is, the findings cannot definitively confirm details of what happened. But it is clear that after the protocol was introduced, prosecutors accepted more cases; and more cases that went to trial resulted in conviction than before the protocol was introduced.

The NICHD Protocol

The techniques employed by the NICHD protocol were designed to integrate advances in scientific understanding about memory and children's linguistic and cognitive development.

Over the years, various aspects of the NICHD protocol have been evaluated in the field. In fact, the authors note, the techniques developed under the auspices of the NICHD constitute the only protocol for forensic interviews with children to have been evaluated systematically. "The NICHD protocol has been researched in the field; that's what sets it apart," Pipe said.

Training in forensic interviewing techniques often increases interviewer knowledge without resulting in any meaningful change in how interviewers conduct the interviews.^[3] NICHD training is effective in getting interviewers to use the new information learned. Studies testing the protocol have examined how best to train people in its use and, in particular, how to ensure that interviewers reliably acquire and actively use the new skills. Training can raise awareness, Pipe et al. note in their report, but it is important to guarantee that new techniques are adopted as a matter of practice. The NICHD training model promotes this by providing guidance and feedback for interviewers even after training has concluded.

The NICHD interview protocol includes three phases:

- Introductory
- Rapport-building
- Substantive or free recall

At the beginning of the conversation, the child and the interviewer discuss expectations and set ground rules: this is the introductory phase. Interviewers then ask children to talk about events unrelated to the suspected abuse; the idea is to encourage the child to be comfortable leading the conversation by developing this rapport. In this phase, the "child learns the conversational rules, because they are different from many conversations in which children take part," Pipe explained. Later, interviewers encourage children to recall the target incident and talk about it in a narrative stream, as opposed to answering directed questions about it, one after another. Evidence indicates open-ended prompts draw out more accurate information than ones that simply elicit a child's recognition. The techniques discourage suggestive leads or questions with yes/no or either/or answers: "Where were his clothes?" for example, is preferred over, "Were his clothes on the floor?"

Nearly a decade of research confirms that when interviewers follow the guidelines outlined in the NICHD protocol, children give both more and higher-quality information. Their narrative accounts reveal greater detail when the NICHD protocol is implemented.

How the Study Was Conducted

The study examined the outcomes of cases before and after police detectives were trained on the NICHD Investigative Interview Protocol. The 11 detectives in the study performed forensic interviews at the Salt Lake County Children's Justice Center (CJC), an arm of the Utah Attorney General's Office. They were all experienced in conducting child abuse investigations and child forensic interviews but had never been trained in the NICHD protocol. The detectives' NICHD training took place over several days, included both simulated and actual forensic interviews, and included ongoing contact and feedback from the trainers.

Researchers from the City University of New York, Cambridge University in England, the NICHD and the CJC examined 1,280 sexual abuse cases between 1994 and 2000 that were referred to authorities in Salt Lake County, Utah, and investigated by the 11 detectives. Of the total sample, these detectives conducted 551 interviews before receiving training on the NICHD protocol and 729 after they had implemented the protocol. The same detectives, prosecutors and judges who handled the cases were used throughout the study period.[\[4\]](#)

Among the cases of alleged abuse that the researchers reviewed, nearly 60 percent involved improper touching and 5 percent were characterized by exposure; penetration was alleged in 35 percent of the cases reviewed. Detectives interviewed children between the ages of 2 and 14 and then presented their evidence to the district attorney, who decided whether or not to prosecute.[\[5\]](#)

Impact of Using the Interview Protocol

Researchers compared the outcomes of the cases that used the interview protocol with cases that did not. They found that after local detectives adopted the NICHD interview protocol, the percentage of investigated cases in which the district attorney filed charges rose from 45 percent to over 54 percent. Furthermore, these cases held up as they progressed through the system.

Although the number of cases that went to trial was small — 30 of a total of 513 cases in which charges were filed — 94 percent of those prosecuted after implementation of the NICHD protocol resulted in conviction (16 of 17 cases), compared with 54 percent before its introduction (7 of 13 cases). In the majority of cases, both before and after the NICHD protocol was

implemented, a plea agreement was reached. Of those, 81 percent led to a guilty plea on one or more charges. See Table 1 for more details on case outcome.

Table 1. Case Outcome by Interview Type

	Pre-Protocol	Protocol
Total	551	729
Cases accepted for prosecution	198 (35.9%)	315 (43.2%)
Cases with plea agreements	160 (80.8%)	255 (81%)
Pled guilty	105 (53%)	177 (56.2%)
Reduced	52 (26.3%)	76 (24.1%)
Cases with charges dismissed	15 (7.5%)	36 (11.4%)
Cases that went to trial	13 (6.6%)	17 (5.4%)
Not guilty verdict	6 (3%)	1 (0.3%)
Guilty verdict	7 (3.5%)	16 (5.1%)

(Cases that were diverted or were active/had no outcome information available were omitted from this table.)

While the percentage of cases in which charges were filed increased for three of the four age groups after the protocol was implemented, the impact of the protocol was strongest in cases in which the children were between 7 and 9 years old. This age group accounted for approximately 26 percent of the pre-protocol and post-protocol samples (135 and 167 cases respectively). For children in this age group, the rate at which prosecutors filed charges rose from 42 percent before to 64 percent after detectives were trained.

Given the nature of testing an interview protocol in the field, results like those in this study cannot definitively determine whether or not a protocol elicits more complete or accurate information from children; there is usually no way for researchers to know with absolute certainty if the alleged sexual abuse occurred.

Previous studies have established that use of the NICHD protocol increases the amount of information children reported with little or no interviewer input, a core feature of the NICHD protocol. There is a significant body of research demonstrating that interview techniques emphasizing the use of open-ended prompts and other methods that encourage a child's free recall elicit more accurate details than more focused prompts — ultimately, the kind of details on which investigators build their case. These techniques have proven effective at getting better information from preschoolers, elementary school children and teenagers alike. The evidence-based nature of the NICHD protocol lends credence to the researchers' assertion that, when employed by well-trained interviewers, the protocol likely improves the detail and accuracy of information elicited from children in most age groups during forensic interviews and positively affects case outcome.

Notes

[1] U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, *Child Maltreatment 2008* (pdf, 182 pages), Washington, DC: U.S. Government Printing Office, 2010.

[2] Pipe, M., Y. Orbach, M.Lamb, C. Abbott, and H. Stewart, *Do Best Practice Interviews with Child Sexual Abuse Victims Influence Case Outcomes?* (pdf, 123 pages), Final report for the National Institute of Justice, Washington, DC: National Institute of Justice, November 2008, NCJ 224524.

[3] Lamb, M., Y. Orbach, I. Hershkowitz, P. Esplin, and D. Horowitz, "Structured Forensic Interview Protocols Improve the Quality and Informativeness of Investigative Interviews with Children: A Review of Research Using the NICHD Investigative Interview Protocol," *Child Abuse & Neglect* 31 (2007): 1201-1231.

[4] The judges and prosecutors were likely aware that the detectives received new training on a forensic interview protocol.

[5] The study divided the children into four age groups: 2- to 4-year-olds; 5- to 6-year-olds; 7- to 9-year-olds; and 10- to 13-year-olds. The youngest child in the study was 2.80 years old; the oldest was 13.97 years old.

Research on NICHD

Assessing the value of structured protocols for forensic interviews of alleged child abuse victims.

Orbach, Yael, Hershkowitz, Irit, Lamb, Michael E., Esplin, Phillip W., Horowitz, Dvora. *Child Abuse & Neglect*, Vol 24(6), Jun, 2000. pp. 733-752.

Abstract:

Examined the effectiveness of the National Institute of Child Health and Human Development (NICHD) investigative **protocol**, a flexibly **structured protocol** incorporating a wide range of strategies believed to enhance retrieval with child witnesses. Six **forensic** investigators were trained to use the NICHD **protocol** while conducting feedback-monitored simulation **interviews**. The **protocol's** was evaluated by comparing 55 **protocol interviews** (PRIs) with 50 prior **interviews** by the same investigators, matched with respect to characteristics likely to affect the richness of the children's accounts. The comparison was based on analysis of investigators' utterance types, distribution, and timing, and quantitative and qualitative characteristics of information produced. PRIs contained more open-ended prompts than non-PRIs did. More details were obtained using open-ended invitations and fewer were obtained using focused questions in PRIs than in non-PRIs, although total number of details elicited did not differ significantly. In both conditions, older children provided more details than younger children did.

A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol.

Lamb, Michael E., Orbach, Yael, Hershkowitz, Irit, Esplin, Phillip W., Horowitz, Dvora, *Child Abuse & Neglect*, Vol 31(11-12), Nov, 2007. pp. 1201-1231.

Abstract:

Objective: To show how the results of research on children's memory, communicative skills, social knowledge, and social tendencies can be translated into guidelines that improve the quality of **forensic interviews** of children. Method: We review studies designed to evaluate children's capacities as witnesses, explain the development of the **structured** NICHD Investigative **Interview Protocol**, and discuss studies designed to assess whether use of the Protocol enhances the quality of investigative **interviews**. Results: Controlled studies have repeatedly shown that the quality of interviewing reliably and dramatically improves when interviewers employ the NICHD **Protocol**. No other technique has been proven to be similarly effective. Conclusions: Use of the **structured** NICHD **Protocol** improves the quality of information obtained from alleged victims by investigators, thereby increasing the likelihood that interventions will be appropriate.

Review of 'A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol'.

American Journal of Family Therapy, Vol 36(4), Jul-Sep, 2008. pp. 346-347.

Abstract:

Reviews the article, **A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol** by M. E. **Lamb**, Y. Orbach, I. Hershkowitz, P. W. Esplin, and D. Horowitz (see record 2007-18380-006). This review paper aims to, "show how the results of research on children's memory, communicative skills, social knowledge, and social tendencies can be translated into guidelines that improve the quality of **forensic interviews** of children." The other primary purpose of the article was to describe and report on the utility of a new **interview** tool and training materials that were designed specifically with this research in mind. In reviewing the current knowledge base, the authors state that the most important issue is the, "interviewer's ability to elicit information and the child's willingness and ability to express it, rather than the child's ability to remember it." The paper also presents a summary of a series of studies conducted nationally and internationally in which the NICHD **protocol** was used.

Re: The development of forensic interview training models: A reply to Lamb, Orbach, Hershkowitz, Esplin, and Horowitz (2007).

Vieth, Victor, *Child Abuse & Neglect*, Vol 32(11), Nov, 2008. pp. 1003-1006.

Abstract:

Comments on an article by M.E. **Lamb** et al. (see record 2007-18380-006). The article contains several statements about the NICHD as well as the Finding Words **forensic** interviewing models that warrant clarification or elaboration. The authors properly note that the most effective forms of **forensic interview** training programs are those that "provide continued support, guidance, and feedback on interviewer behavior in **interviews** conducted after starting to use the **Protocol**." However, the authors incorrectly assert that "only the NICHD training model includes feedback beyond the training period (i.e. in post-training investigative interviews as well)." The authors contend it is "well-established" that the NICHD **protocol** elicits "accounts that are more likely to be accurate and less likely to be challenged in court." The authors, however, do not provide any evidence that the NICHD **protocol** has met the rigorous legal standards for its admissibility in a court of law or that investigators using the model have

been qualified as experts in a court of law on **forensic** interviewing issues. The authors' claim that drawings and dolls are "potentially risky tools," ignores the fact that the vast majority of research supports the usage of these tools provided they are properly used. Moreover, these tools are widely accepted in court. The authors recognize that NICHD is not a "panacea" and that more research needs to be done to assess whether the **protocol** assists in finding corroborating evidence and how it can be modified to address "special circumstances."

Authors' response to Vieth (2008): Legal and psychological support for the NICHD interviewing protocol.

Lyon, Thomas D., Lamb, Michael E., Myers, John, *Child Abuse & Neglect*, Vol 33(2), Feb, 2009. pp. 71-74.

Abstract:

Reply by the current authors to the comments made by Victor Vieth (see record 2008-17415-002) on the original article (see record 2007-18380-006). Vieth agreed with **Lamb** and colleagues that there is a "substantial degree of consensus regarding the ways in which investigative **interviews** should be conducted". It is indeed well accepted that interviewers should "introduce as little information as possible while encouraging children to provide as much information as possible in the form of narratives elicited using open-ended prompts ('Tell me what happened.')." Research has shown that among children disclosing abuse, "responses to individual free-recall prompts are three to five times more informative than responses to more focused prompts". Vieth did not question this research. Also, Vieth did not question the well-replicated finding that interviewers trained to use the NICHD **Protocol** use more open-ended prompts and reduce their use of more risky question-types, risky because they elicit less accurate information. He also agreed that improving the quality of **forensic** interviewing requires "continued support, guidance, and feedback on interviewer behavior", pointing to ways in which the Finding Words program encourages peer review of **interviews**.