

Understanding Statements of Children and Forensic Interviewing in Wisconsin

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WHY does HOW Matter?

- Certain types of questions reduce the reliability of responses
- Adult assumptions contaminate questions and answers
- Contaminated questioning impacts all systems' ability to respond to abuse



“Even young children can tell us what they know if we ask them the right questions in the right way.”

-Anne Graffam Walker

Factors that Impact the Amount/Quality of Information

Child Related

- Individual Differences

Event Related

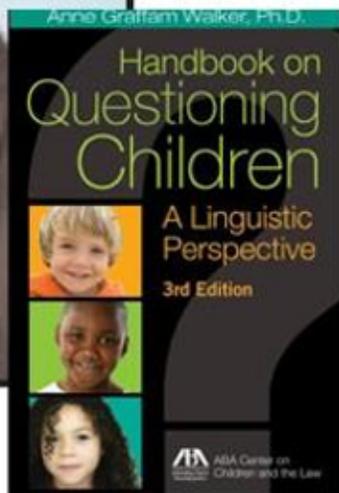
- How involved was the child
- Timeframe, level of trauma, relationship to offender, grooming

Interview Related

- Environment, type of questioning



Factors for Consideration: Child Related



*“We do not
question
children.
We question
one child at
a time.”*

Individual Differences



Intelligence

Sense of Self

- An understanding that other people have different thoughts and feelings
- Assumption that you already know what they know

Attachment

- Ability to regulate emotions can impact encoding and recall

Language and Child Development

- Each child should be interviewed at level appropriate for the child's functioning
- Chronological age vs. developmental age
- Gather info about child beforehand
 - Speech/language
 - General development
 - Communication style



Responsiveness

- Unlikely to include the kind of detail an adult would provide
 - Spontaneous facts are as likely to be accurate as from older children
- Usually require more specific prompts, but responses to those may be less accurate
 - Particularly when they must disagree with the interviewer

Knowledge

- Children may be better able to report about things they are more expert on
 - Dinosaurs vs. sexual contact
- Can encode information better if it makes sense to them
 - Very difficult to recall information that is not familiar to them
 - “I am a Biostatistician.”
- May attempt to use existing knowledge to fill in the gaps



Conversational Experience



- Socio-cultural theory of autobiographical memory
 - Parents model for children
 - Observed conversational exchanges influence autobiographical memory formation
- Most interactions are focused on punishment/feedback or testing of children
 - Not asking them to be the expert on their own experience

Suggestibility

- Preschoolers CAN BE suggestible under certain circumstances
- Beyond ages 10-12, children are no more suggestible than adults
- Even under minor contrary conditions, children fail to persist in providing false information
- A forensic interview is a major contrary condition when compared to the techniques used in suggestibility research
- Forensic interviews utilizing sound techniques can be counter-suggestible
- “The question is not whether children can be led to make false allegations, but whether they are being led by current investigative methods.” (Tom Lyon)

False Reporting is Rare: DO CHILDREN LIE?

- Early on as an expression of desires, not assertions of fact
- More adept at affirming false information or denying true information (recognition) than generating false information (recall)
- Generally motivated to protect self or others
 - Very reluctant to accuse parents of wrongdoing
- Lying is more cognitively demanding (especially with recall questions)
- Asking children to promise to tell the truth increases truthfulness
- Ability to lie seems to develop around the same age as T/L understanding
 - If a child cannot identify T/L, they are less likely to be able to lie

(Williams, S. et al, 2017)

DO CHILDREN LIE ABOUT CSA?

- In summary, 1-6% INTENTIONALLY FALSE
- 0.06% according to the DHHS in 2014 (2.242 out of 4 million reports)
- Rates of false allegations aren't significantly higher in custody cases than in others (Theonnes and Tjaden, 1990) and (Brown et al, 2000)
 - 6% Intentionally false
 - Rates decrease by age
- Jones and McGraw (1987) only 5 out of 579 reports to CPS in one year where no abuse was believe to have occurred
 - PTSD dx in 4/5
- Oates et al (2000) replica study found 2.5 % erroneous accounts
- Trocme & Bala (2005) survey of CPS workers found 6% intentional false report rate
 - 0% were **made by children**
 - Fathers/non custodial parents were more likely to make false allegations than mothers/custodial parent

Source Monitoring

- Inability to differentiate between what they know from direct experience and other sources
- Asking children how they know what they know is not found to be helpful with preschoolers



Memory

- Remember less, briefer accounts
- Earliest memories become less accessible around age 7
- Without cues or reminders, young children are not able to verbally describe experiences that occurred when they were preverbal
 - Behavioral re-enactment
- Talking about experiences helps create long-term memories
 - Previous disclosure
- Memory becomes less primitive as we age
 - We attend to more details and thus more cues for recall

Memory

- Encoding
 - Not every detail of event is encoded
 - Impacted by trauma
- Storage
 - Not every detail of event is stored
 - Some stored memories may not be reported
- Retrieval
 - Allow ample time



Script vs. Episodic Memory

Script Memory

- An organized mental structure for things that commonly or frequently occur
- Low frequency, high frequency, and variable details
- Always, Usually, Most of the time
- Child speaks in present tense

Episodic Memory

- Individual Events
- Child speaks in past tense
- Interviewer frames questions in past tense
- Time you remember most, time something different happened

Core vs. Peripheral Details

Core Details

- Things that are emotionally significant and personally experienced
- Focus on actions, “What happened...”

Peripheral Details

- What they were wearing, color of belt
- Questions strategies should not be closed-ended

Developmental Mastery vs. Encoding

	Who	What	Where	When	Structured Report	Context Details
3 years						
4-6 years						
7-8 years						
9-10 years						
11-12 years						

Age-Appropriate Questions

Child May or May Not Be Able to Answer



Factors for Consideration: Event Related

Disclosure

- Definition of Disclosure: Making new information known
- Disclosure is not the goal of the interview
 - Sometimes interviewing children who were not maltreated
 - Denial happens
 - Lack of disclosure does not equal denial
 - Sometimes interviewing children in the disclosure process (interview is part of process)

Disclosure Process

- Barriers
 - Internal vs. External
 - Tend to outweigh facilitators
- Facilitators
 - Circumstances that might support or encourage disclosure
- Barriers and facilitators may vary by age, gender, relationship to offender
 - Level of awareness of consequences of disclosure

Perpetrator Behavior and Disclosure

- Victim Selection
- Establishing Access
- Building Trust
- Systematic Disinhibition and Desensitization
- Secrecy
- Decreasing likelihood of detection
- Manipulation can negate the fear circuitry



Factors for Consideration: Interview Related



Memory Retrieval Prompts

- Recall
 - Frame the memory & ask for detail
 - Rich in detail
 - Tend to be more accurate
- Recognition
 - Closed ended/Provide options
 - Not generally as accurate
- How many words does it take to answer the question?

Memory Retrieval Prompts: Narrative Inviting

- Narrative Inviting Prompts
 - Little direction/prompts that begin a narrative
- Breadth Prompts
 - General continuation of child's narrative
- Focused Narrative Request or Depth Prompt
 - Elicit more detail about a part of the event already mentioned by child
- Detailed WH questions
 - May cue elements not mentioned in original narrative

Memory Retrieval Prompts: Close Ended

- Option Posing
- Questions that Introduce Information
 - Not mentioned by the child
 - Externally verified source

Memory Retrieval Prompts: Facilitators

- Minimal Encourages
 - Mmm hmm, ok, nodding
- Reflection
 - “Okay, so the baby was crying...”
- Paraphrasing
 - Your dad scared you. Tell me what he did to scare you.
- Summarizing
 - I heard you say...

Memory Retrieval Prompts: Problematic

- Faux Invitations and Negative Recasting
- Leading Question: a question which unmistakably suggests the desired answer
 - Example: “Fred touched your butt, didn’t he?”
- Suggestive Question: incorporates information not provided by the child
 - Example: Child says, “We went to the store.” Interviewer asks, “What color was the car?” The child did not say they rode in a car to the store.



Forensic Interviewing in Wisconsin



What is a Forensic Interview?

A forensic interview of a child is 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.

Newlin, C., Steele, L. C., Chamberlin, A., Anderson, J., Kenniston, J., Russell, A., ... & Vaughan-Eden, V. (2015). *Child forensic interviewing: Best practices* (pp. 1-20). US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.





Goals of a Forensic Interview

- Minimize Trauma
- Maximize Information
- Minimize Contamination
- Maintain the Integrity of the Investigation



Forensic Interviewing

Blending of an art and a science

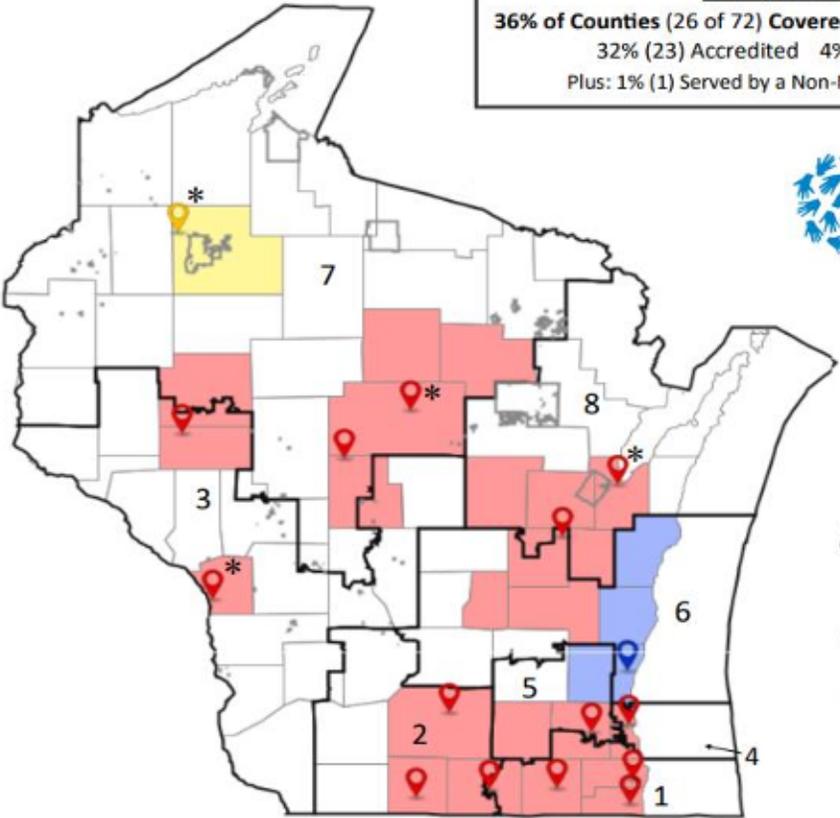
(Individual Interviewer Style)



(Research Informed Practice)



County Coverage
 36% of Counties (26 of 72) Covered by NCA Member CACs
 32% (23) Accredited 4% (3) Associate
 Plus: 1% (1) Served by a Non-Member CAC/MDT



Congressional Districts
 Borders of a Tribal Community Served by CACs (See Box)
 * CAC Serving a Tribal Community (See Box)

National Children's Alliance Membership Status

- Accredited Member
- Associate/Developing Member
- Non-Member CAC/MDT
- County Served by an Accredited CAC
- County Served by an Associate/Dev CAC
- County Served by a Non-Member CAC/

Tribal Community Coverage

- **Ho-Chunk Nation** is served by Stepping Stones CAC in La Crosse and Marshfield CAC
- **Lac Courte Oreilles Band of Lake Superior Chippewa Indians** is served by the Marshfield Clinic CAC with locations in Marshfield and Hayward
- **Lac du Flambeau Band of Lake Superior Chippewa Indians** is served by the Marshfield CAC
- **Menominee Indian Tribe** is served by Willow Tree Cornerstone CAC in Green Bay and North Central Wisconsin CAC in Wausau
- **Oneida Nation** is served by Willow Tree Cornerstone CAC in Green Bay and North Central Wisconsin CAC in Wausau



Statewide Variability in Training

- Madison's Safe Harbor
 - Cognitive Graphic until 2014
 - Now WIFIG
- Children's Wisconsin CACs
 - Stepwise until 2015
 - Now WIFIG
- La Crosse Stepping Stones
 - Cornerhouse/Child First
- Green County CAC
 - Cornerhouse
 - Some training in Stepwise (Basic)
- Green Bay Willowtree
 - Stepwise in past
 - NCAC/WIFIG
 - Some training in Cornerhouse
- Marshfield Clinic
 - Stepwise
 - Now WIFIG
- Lakeshore Regional CAC
 - WIFIG
- Waukesha CARE Center
 - WIFIG



Protocol/Guideline Variability

- There is no such thing as a perfect interview
- It is important that whichever protocol or guideline you are using is being regularly updated
- All nationally recognized protocols/guidelines are:
 - Based on the same body of research
 - Adhere to APSAC guidelines
 - Are reviewed and approved by NCA



Nationally Recognized Protocols

Similarities

- Identify a Process
- Similar phases
- Emphasize importance of gathering narrative
- Emphasize use of open ended questions

Differences

- Art vs. Science
- Tools
- How and when to introduce instructions



American Professional Society on the Abuse of Children (APSAC) Guidelines

- 2012 (updated from 2002)
- Meant to be paired with the APSAC Handbook on Child Maltreatment
- Provide guidance on conducting forensic interviews based on current research and practice techniques
 - Interviewer Attributes
 - Interview Context
 - Interview Components
- APSAC Advisor, Forensic Interviewing Critical Updates for Professionals, September 2020

[NCA's National Standards of Accreditation - National Children's Alliance \(nationalchildrensalliance.org\)](https://www.nationalchildrensalliance.org)

[Child Forensic Interviewing: Best Practices | Office of Juvenile Justice and Delinquency Prevention \(ojp.gov\)](https://www.ojp.gov)



Forensic Interview Certification

- ASPAC and NCA do not support “Certifying” Forensic Interviewers

[2010: APSAC's Position on Forensic Interviewer Certification \(apsaclibrary.org\)](#)



Recommendations for Documentation

- National recommendation: video recording
 - Verbal & non-verbal communication
- Written notes/audio recording
- Report writing
 - Does not take the place of observing the complete & accurate account of a video-recorded interview



The Wisconsin Forensic Interview Guidelines

History of the WIFIG Guidelines

- Transition from Stepwise
- APSAC Guidelines
- Consensus Model
- State Specific
- Focus on research to enhance narrative capabilities
- Flexible
 - Research Updates
- Accredited by NCA



Defending the WIFIG Guidelines

- Follow APSAC Guidelines
- Consensus model
- State specific
- Flexible and sensitive to research updates
- Accredited by NCA
- Training approved by NASW



WIFIG Phases

- Introduction and Orienting the Child
- Interview Instructions and Oath
- Narrative Event Practice
- Transition to Topic
- Exploration of Topic
- Detail Gathering, Corroboration & Clarification
- Concluding the Interview
 - *Each phase can be adjusted to meet the needs of the child's developmental level*

Interview Instructions

- Intended to orient the child to the interview process
- Promotes accuracy; empowers child
- Use examples for younger children, not needed for older children



Instructions

- Improve child's performance in interviews
- Correct me
 - Positive effects from warning children that questions might be misleading and allowing them to correct interviewer (2 studies)
- I don't know (5 studies)/do know (2 studies)
 - Reduces error
 - Give Examples and Feedback (3 studies)
- Informing children that interviewer doesn't have the answer reduces suggestibility
- Less effective with young children

Truth/Lie Inquiry Research

- T/L inquiries and responses do not predict truthfulness
 - Children who fail T/L testing are more likely to be honest
- Promises to tell the truth increase truthfulness
 - Increase willingness to disclose self and joint transgressions
 - Decreases willingness to provide coached false report

Narrative Event Practice



- Interviewer engages child
- Interviewer shows that he/she is listening & is interested in child
- Interviewer gets a baseline of child's ability & communication style
- Interviewer practices how information will be gathered
- Interviewer allows child to tell in his/her own words
- Interviewer gets information that can be corroborated by investigators

Narrative Event Practice

- Increases completeness of children's spontaneous narrative reports WITHOUT adverse consequences (Saywitz & Snyder, 1996)
 - 53% improvement in spontaneous recall over control group
 - Reduced need for follow up questions
 - Reduced risk of contamination
- Improves interviewer behavior
 - Establishes a conversational pattern
- 5x as much information per prompt (Price et al., 2013)
- Require less effort to obtain same amount of information
- Utilize recall rather than recognition memory
- Open ended prompts are more likely to elicit accurate detail

Transition to Topic

- Once the child is oriented and has learned how to narrate, the interviewer moves the conversation to a topic of concern
- Child lead transitions are most defensible (following up on statements said previously by the child)
- Transitions can flow naturally from the child's narrative or can be interviewer prompts



Transition to Topic

If general prompts don't transition to a topic for exploration, proceed with the prompt that matches the history:

- Verifiable Event
- Witnessed Event / Disclosure Information
- Screening Interview / Non-Specific Concern

Why Repetitive Interviews Are Damaging to Child Abuse Investigations

Increases the risk for:

- Child feeling they are not believed
- Higher risk for further traumatization of the child
- Lessens the credibility that is given to the child during the forensic interview
- Inconsistencies
- Suggestibility
- Recantation



Interview Aids: Dolls and Diagrams

- Anatomically detailed dolls emerged in the 1980s
 - Over 100 studies to date
- Usage and implementation in research studies is markedly different from usage in the field
- Interpretation of research is impacted by value judgments
 - Sensitivity vs. Specificity bias
- Still disagreement in the field about potential utility when non-direct questions fail to elicit disclosure
- Interpretation of behavior rather than narrative from the child
 - Highly subjective
 - Early research indicates that non-abuse children digitally penetrate dolls during free play
- Probative Value vs. Risk of Contamination
 - Accuracy of details obtained cannot be verified
 - Difficult to measure whether the dolls/diagrams themselves assisted in detail gathering vs. the additional line of questioning/second prompt for recitation of the event
 - Medical exam research finds an increase in accurate disclosure of genital touch AND increase in error
 - False “disclosures” most likely with 3-4 year old children
 - May increase number of direct questions asked by interviewers
- Use is not recommended by NICHD Protocol and is cautioned by NCAC

[position-paper-human-figure-drawings.pdf \(calio.org\)](#)

In Summary

- Many factors influence the quality and quantity of information provided by children
- When interviewed properly, information provided by children is very reliable
- Forensic Interviews are essential to developing the most accurate information from children about events they have experienced or witnessed

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