



## Investigation and Interviews in Cases of Alleged Child Sexual: A Look at the Scientific Evidence

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*ABSTRACT: Current research on child witnesses indicates that children's statements about alleged abuse can be so contaminated by suggestive, leading and coercive questioning that the reliability of any eventual testimony is severely compromised. Sexual abuse investigations have not used standardized techniques, appropriate quality controls, and established protocols. The relevant literature is reviewed and suggestions for effective and noncontaminating interviews are given.*

During the first two-thirds of this century, children were infrequent visitors to the courtroom (Batterman-Faunce & Goodman, 1993). In those rare cases when children were called to testify, their statements were distrusted and could not be admitted without corroboration. Laws which virtually excluded child witnesses from the courtroom began to change as society focused "on the plight of child victims of sexual assault" (p.301).

Ceci and Bruck (1995) observe that "Traditionally, cases of child sexual abuse were handled in family or juvenile courts, which are primarily nonpunitive and have as their foremost goal the protection of the child rather than the punishment of the offender." They note that child sexual abuse cases began to appear in criminal proceedings and "by far the largest problem facing the prosecution was the fact that the primary witness was a child. Traditional requirements for corroborating testimony for child witnesses, and the emotional trauma that child witnesses face in the courtroom, presented immense obstacles to obtaining convictions" (p. 36).

In response to this, many jurisdictions have modified their provisions using as a model the Federal Rules of Evidence which minimizes competency hearings for witnesses of all ages, including witnesses in sexual abuse cases. A number of methods have been instituted to reduce trauma for the child in the courtroom. These include providing a child advocate for legal proceedings, making structural changes in the courtroom, and adopting alternatives to open court testimony (e.g., videotaped interviews, closing the courtroom, etc.) (Ceci & Bruck, 1995). In recent years, laws requiring the corroboration of child statements have, for the most part, been dropped, hearsay exceptions have become more liberal, and innovative techniques for obtaining children's testimony have been used (Batterman-Faunce & Goodman, 1993). Among these are closed-circuit testimony, children's courtrooms, videotaped testimony, and the use of screens and special lighting. These measures assist child witnesses who otherwise might be "psychologically unavailable" to testify in open court.

At the same time, however, there is concern that these procedures violate the Sixth Amendment rights to confrontation of the defendant. The Sixth Amendment of the



Constitution ensures that persons have the right to face their accusers and to not only hear the accusations that are made against them but to cross-examine the witness. The issues of legal confrontation and hearsay are thoroughly addressed by Gembala and Serritella (1992), who reviewed three Supreme Court Decisions which impact professionals who testify in child sexual abuse cases.

Although children are now testifying more frequently, both their statements and the modifications used to obtain their testimony are controversial (Batterman-Faunce & Goodman, 1993). Yuille, Hunter, Joffe, and Zaparniuk (1993) observe that, over the past 15 years, rapidly escalating rates of reported sexual abuse have changed our perspective on what was considered a minor social problem. The authors add that coinciding with the increasing rates of reported child abuse are increasing problems with false allegations. Mapes (1995) notes that, shortly after the blossoming of concern over child sexual abuse in the mid-80s, agencies and courts found themselves in the middle of emotionally driven debates, often centering on the veracity of children's testimony.

Concern about the effect of the interviewing and "fact-finding" methods in suspected child sexual abuse cases has grown. It has become apparent that the interaction between the child and the adult can influence a child's performance in an assessment (Garbarino & Stott, 1992). The most problematic cases are those in which there is no physical evidence (San Diego County Grand Jury Report, 1991-92), of which molestation is one of the most suspect of categories. In cases where physical evidence is absent, the case rests primarily on the results of interviews. Therefore, the methods of interviewing are critical in the outcome of the case.

Yuille, et al. (1993) discuss how poor interview procedures can lead to false allegations. The grave consequences of inadequate training and biased interviewing procedures are illustrated by the highly publicized McMartin trial, involving allegations of sexual abuse at a preschool center in Manhattan Beach, California. Wakefield and Underwager (1989) note that typical investigative procedures involve repeated interviews by police, social workers, and/or mental health professionals. Anatomical dolls, books, drawings, puppets and other aids are often used. Through these procedures, adults may inadvertently mold and develop an account of sexual abuse in a non-abused child. This may create confusion of fact and fantasy and teach the child to please adults by giving the adults what they want.

Although children's accounts simply cannot always be assumed to be accurate, the question, "Do children lie about sexual abuse?" is the wrong question. The right question to ask would probably be phrased, "What factors in the interaction between the interviewer and the child affect the reliability and validity of the information obtained and the ability to draw conclusions from this information?" The latter question is quite different from the first question.

A spontaneous report of having been abused, especially when the child provides consistent, credible details of the incident in age-appropriate language is very likely credible. When the first interviewer uses open-ended and non-leading questions and the child is encouraged to provide a narrative account in his or her own words, the information obtained is apt to be reliable and forensically useful. But young children



often provide limited information. Interviewers may then become impatient and quickly turn to leading and suggestive questioning. Turtle and Wells (1987) observe that the paucity of children's recall can lead to an inordinate amount of subsequent questioning from various agents throughout the legal proceeding and hence to a greater exposure to possible misleading information. Information obtained through repeated, delayed, leading, biased, or even coercive methods is highly questionable. A substantial body of literature is emerging to indicate that children can be led, misled, coerced, and influenced to present information that is not accurate. They can give convincing and detailed accounts of abuse that are false.

### **Research on Characteristics of Children Affecting Ability to Testify**

One issue in the debate about children's testimony has been the ability of children of various ages to "remember" and therefore testify on the basis of their recollection of events. Since the primary sources of information in child sexual abuse cases are the memories of the child and the alleged perpetrator, researchers have devoted considerable attention to a variety of issues in the field of children's memory (Mapes, 1995). This includes encoding and retention of memory as well as the rate or curve of forgetting, the constructive nature of remembering, memory storage failures and memory retrieval failures, and memory impairment. Mapes (1995) draws the generalization that "the younger the child, the less complete is the encoding of events and the less confident the child is in his or her memory" (p.47).

Other research has attempted to isolate and clarify such factors as motivation on the part of the child, stress the child may have experienced through abusive or other events (Peters, 1991), cognitive development of the child (Ornstein, 1991), language skills and ability of the child to comprehend questions, as well as the age of child which may be integrally related to the above issues. Pence and Wilson (1994) provide an example of how language skills may affect the child's ability to give accurate information. They note that asking a 3-year-old a simple question such as, "Who hurt you — your brother or the teacher?" might lead to confusion when the child repeats the word "teacher" because the child does not understand the concept of "or." They point out, citing Braga and Braga (1975), that children often use language even before they master its meaning, often producing speech-like sounds that they use to refer to objects, but only with physical gestures that convey actual intent. Interviewing children between the ages of 2 and 5 or 6 is particularly difficult, since children cannot consistently answer why, when, or how questions until the age of 5 or 6 (Steward, Bussey, Goodman, & Saywitz, 1993).

### **Research on Interview or Investigation Methodology Affecting Children's Testimony**

Other research has focused not so much on the child, i.e., children's ability to remember, comprehend, and report events they have experienced, but rather on the process of interviewing or investigation, by which the child's statement or "testimony" concerning the alleged abuse is obtained. Concerns include the number of interviews to which a child may be subjected, the repetition of questioning across and within interviews, the delay or latency of interviewing the child, and the types of questions used to obtain the statements from the child. The effects of improper types of



questioning, such as suggestive, leading, aggressive, and coercive questioning, have been examined. Some authors have directly addressed the issue of interviewer bias and interviewer expectations which may affect the information obtained from the child.

#### *Repeated Questioning in Interviews with Children:*

Ceci and Bruck (1995) define interviews as particular types of conversation that can be carried out by a variety of professionals and nonprofessionals, such as child protection workers, police officers, mental health professionals, attorneys, parents, and teachers. Forensic investigations typically involve multiple interviews with each witness, including the alleged victim; repeated questioning of witnesses seems to be the norm in our judicial system (Cassel, 1991; Mapes, 1995). Although the first spontaneous statement made by the child is perhaps the most valid (Flin, 1991), Ceci and Bruck (1995) observe that children are sometimes interviewed over a prolonged period of time, and re-interviewed on many occasions about the same set of events before a decision is reached. The highest ratio of accurate to inaccurate testimony is obtained in the first interview; as the delay between the event and the interview increases, the chance for serious misreporting also appears to increase.

Frequent repetition of questions during forensic evaluations may lead the child to feel there is something wrong with the answers, and results in the child changing the story in order to provide the right answer to the investigator (Ornstein, 1991). Ceci and Bruck (1995) note that when children are asked the same question more than once, they often change their answers. They appear to interpret the repeated question as, "I must not have given the correct response the first time, therefore ... I must try to provide new information."

Several research studies (Cassel, 1991; Kay, 1995; Warren, Hulse-Trotter, & Tubbs, 1991; Warren & Lane, 1995) have shown that children change their answers when subjected to repeated questioning, with likelihood of changing their answers being greater when the children are given negative feedback. ("You did not get all of those questions exactly right. Let's try again") or negatively suggestive questions. Mapes (1995) describes the child, with repeated questioning, changing her answer from he "might" have touched her pee-pee, then, when interviewed a few days later, saying "maybe," and, after being told to "Think harder," concurring with "Yes." Poole and White (1991) report that preschoolers are particularly vulnerable to the deleterious effects of repeated questioning.

It has been argued that repeated interviewing is itself a form of rehearsal that prevents memories from decaying over a period of time (Ceci & Bruck, 1995). But, unfortunately, repeated questioning, even when it is completely neutral, can have unanticipated, harmful consequences. Eugenio, Buckout, Kostas, and Ellison (1982) found that some witnesses produced a significant number of intrusion errors after three recall trials, indicating that, with repeated questioning, subjects can construct additional details even after they have told all they can remember.

Bruck, Ceci, Francoeur, and Barr (1995) report that children incorporate misinformation from early interviews into subsequent reports. Misleading questioning in early interviews can lead to fabrications and inaccuracies. Bruck et al. studied



5-year-olds who visited a pediatrician. The children were interviewed a year later with 4 interviews in a one-month period. The research design involved giving some of the children misinformation and others no misleading information. The results showed that the children who did not receive misleading information were highly accurate in their final reports, while the children who were misled were very inaccurate. The children who were questioned in a misleading manner incorporated the misleading information and included some additional inaccurate information in their final reports.

With the plethora of highly-publicized sexual abuse cases, there has been increasing concern about the contamination of the child's testimony through improper interviewing methods. Bruck and Ceci (1995), along with a committee of social scientists, report that suggestions planted in the first interview session can be quickly taken up and mentioned by the children in the second session.

The failure to videotape, or at least audiotape, investigatory interviews of the child makes it impossible to assess the adequacy of the interviews and the accuracy of the child's reports. Written summaries do not substitute for the lack of tape recorded interviews. Bruck and Ceci (1995) note that, if interviewers are asked to recall what took place in an interview, they recall merely the gist of what took place, but are not accurate about the exact words or the sequences of interactions. In the appellate review of the Kelly Michaels day care case in New Jersey, interview tapes revealed clear examples of interviewers' misconduct in the interviews with the children. This furnished the pivot of the reversal of Kelly Michaels's conviction (McGough, 1995).

Repeated questioning may not only produce inaccurate interview results, but may be harmful to the child as well. Flin (1991) challenged the practice of repeated questioning, asserting that repeated questioning can be emotionally disturbing to children and can compromise the quality of their testimony. In addition, Mapes, citing Toglia (1991), adds that the ongoing barrage of questions to which many children are exposed, the ongoing intrusions into the child's life, and the continuing disruption of daily routines can be very stressful and it is possible for the child's memory to be further modified in the attempt to adapt to the stress. Myers (1994) maintains that multiple interviews by multiple professionals can traumatize children. In a victim witness pilot project for the State of California, Myers and his associates found that the benefits of videotaping outweighed the drawbacks, sparing children from traumatizing multiple interviews.

*General Rule of Thumb: The more interviews to which the child is exposed the greater the likelihood that the child's reconstruction of an event from memory will be influenced by post-event information. It is important to determine how many times the child has been interviewed to whom the child first disclosed the "abuse" and under what circumstances. It is also important to determine whether a spontaneous allegation of abuse was present initially or at what point a suspicion of abuse crystallized.*

#### *Effects of Delays in Interviewing on Children's Testimony*

The timing of interviews may also be critical for accuracy in testimony. The wheels of justice often move slowly and the legal process can be dragged out across months or



even years (Mapes, 1995). From the time an event is experienced by a child until interviews and forensic investigations are completed and the child actually testifies, memories can be lost through simple forgetting. Studies by Loftus, Miller, and Burns (1978) and others have shown that interviews within a week after an event can be reasonably accurate, but misleading information has a greater impact when it is presented later, compared to when the misleading information is given immediately after a presentation. Ceci and Bruck (1995) report that studies suggest children are less likely to make inaccurate reports concerning significant and stressful procedures involving their bodies when their memories are still relatively fresh.

This research suggests that interviews conducted soon after an event has taken place will be the most accurate, provided that the interview is not conducted in a misleading manner and that interviewing techniques are sound. A few studies (Scrivner & Safer, 1988; Poole & White, 1991; Tucker, Mertin, & Luszcz, 1990) report positive results of repeated neutral questioning with adults and children when interviews were conducted within a week after an event had occurred. Lipton (1977) showed subjects a film of a crime, then questioned them immediately and one week later; the delayed-test subjects recalled fewer materials and were less accurate.

Unfortunately, in some cases, the interval between the suspected abuse event and interviews may be months, years, or, in a few cases, decades. Poole and White (1993) suggest that decline in accuracy over a long time is most apparent among children. Children tested two years after an initial event provided many more inaccurate details in response to open-ended questions, as compared with adults.

Ceci and Bruck (1995) describe three studies by Ornstein and his colleagues investigating the rate at which memories fade over different periods of delay, and the degree to which children include nonoccurring events as part of their reports. In Ornstein et al.'s three studies, children aged 3 to 7 years were interviewed immediately after an annual medical examination and at varying time intervals ranging from 1 to 12 weeks.

The results of Ornstein's studies are summarized as follows:

1. Significant age differences were noted in children's immediate and delayed recall; 3-year-olds were the most inaccurate and lacked information to open-ended questions.
2. As the delay interviews increased, there was notable forgetting among the youngest children. They were increasingly inaccurate when questioned following delays of 1, 3, 6, and 12 weeks. Seven-year-olds did not show impairment until delay of between 6 and 12 weeks.
3. The accuracy of answers to strange and silly questions also varied as a function of age and delay interval. Younger children gave more inaccurate responses to these questions than older children, at chance (50%) level of accuracy, while older children's error rates averaged 10%.



Ornstein notes that, over time, accuracy dropped off and the children made errors of commission. Some children, especially the younger subjects, reported events that never happened. Some of the "nonevents" included acts that could have sexual connotations.

Ceci, Crotteau-Huffman, Smith, and Loftus (1994) asked children to think about real and imaginary events creating mental images each time they did so over 10 weeks of reviewing. The authors indicated that their study was a "fairly conservative test" of the hypothesis, with no attempt to mislead the subjects, only to ask them to mentally visualize what had taken place. On the 11th week, when interviewed, 58% of the preschool children produced false memories to at least one of the fictitious events, with 25% of the children producing false narratives to the majority of the fictitious events. The narratives obtained on the 11th week were frequently embellished, with internally coherent accounts of the context and emotions associated with the event.

These studies suggest that substantial delays can compromise the accuracy of reports made by children. When these delays are combined with repeated questioning or, worse, with suggestive and misleading questioning, the effect on accuracy is likely to be even more pronounced. Poor interviewing methods and misleading information would have a greater effect on testimony in cases where there are longer delays between an event and the interview.

In the situation where there are claims involving alleged repressed memories, a "memory" of childhood abuse surfaces for the first time in therapy or in a support group for survivors of childhood incest. Proponents of the validity of these uncovered memories point to the consistency of the picture; the sexual abuse memory fits with the client's larger symptom picture (Ceci & Bruck, 1995). The best known repressed memory case involved Eileen Franklin-Lipsker, who claimed that her father raped and murdered Eileen's friend. (Although convicted on the basis of his daughter's testimony, George Franklin's conviction was overturned on appeal.) The repressed memory claims can be understood in terms of the finding that, when interviews are delayed, there is inherent risk in distortion. The younger the child, the greater likelihood that the information is inaccurate. When misleading information is introduced or a misleading questioning style is used, the risk of inaccuracy would be even greater.

*General Rule of Thumb: Delayed interviews are, by and large, less accurate than interviews that are conducted in a timely manner. Inaccuracies resulting from delayed interviewing can be compounded by other improper interviewing methods.*

### **Methods of Questioning: The Continuum from Nonleading to Leading Questions**

Methods of questioning children in suspected sexual abuse cases vary from interview to interview, from case to case, and even within interviews with the same child. A better understanding of the types of questions employed in interviews with children in suspected sexual abuse cases can greatly aid our ability to conduct interviews competently. Mapes (1995) suggests that a continuum of questioning styles or methods can be outlined, ranging from spontaneous or unprompted disclosure by the child, to nonleading inquiry, then to minimally leading questioning methods. At the



more directive end of the continuum, Mapes identifies moderately leading interviewing and maximally leading questioning methods. Unfortunately, the methods used to interview children in suspected sexual abuse cases may include aggressive, coercive, deceptive, selectively reinforcing, and biased interviewing methods. An examination of the different questioning methods is valuable in understanding how testimony was obtained from children.

### *Spontaneous Reports of Abuse*

Prior to the forensic evaluation, the child may have made a spontaneous disclosure of abuse. In some cases, children deliberately and quickly tell adults of an incident of abuse. For example:

When a 3-year old began to masturbate vigorously, her mother told her to stop. The child protested, "But my daddy puts his finger in there."

or:

"While a 3-year old was having her hair washed her mother asked her to "plug her holes" (referring to her ears). The child placed her finger in her vaginal opening. She then spoke of a man who had touched her "secret holes" by putting something in and out. She was told not to tell anyone or he would kill her (Campis, Hebden-Curtis & DeMaso, 1993, p.922).

Unfortunately, the only completely nonleading forensic interview would be when a child talks to an investigator and describes the abuse completely spontaneously. Mapes (1995) notes that, if investigations had to be conducted in this manner, no investigation would ever be completed. It is quite unlikely that the child will make a spontaneous, unprompted first statement about abuse to an investigator. More likely, the child has commented to another person, who then takes the child for further interview or evaluation. The child then has some understanding of the purpose of the interview.

When the statements of the child are made spontaneously, without probing or prompting, with consistent indications of abuse, and the person to whom the statement is made does not have a preconceived bias that abuse had occurred, the child's statements are likely to be credible. When the disclosure was not spontaneous or was made in response to prompting, or the adult is predisposed to believe the child was abused, we should be more skeptical. It is important to find out exactly what the child said, to whom, and what subsequent action was taken by that individual. Details of the initial disclosure are crucial. The investigator should consider the following questions:

Was the child questioned about abuse or not when he or she disclosed the abuse?

Was there a clear statement of abuse or could the statement be interpreted neutrally?



What response did the child get when he or she disclosed the abuse?

What was the context of the abuse, i.e., are the parents in a custody dispute, is there other conflict in the home, was the child attempting to avoid getting in trouble?

Had the child recently been sensitized to making statements that might be interpreted as indicative of abuse? Is there evidence the child previously had a heightened awareness about sexual matters, developed in other contexts?

Did the person to whom the child made the "report" have preconceived bias about abuse?

*General Rule of Thumb: In general, the literature in the field of interviewing children and obtaining "testimony" from children suggests that spontaneous reports are likely the most credible.*

#### *Non-leading Techniques of Inquiry:*

Obtaining detailed and accurate accounts from children about events that may have happened weeks, months, or even years ago can be a difficult task. Adults encounter this difficulty whether they ask children about everyday neutral events, special pleasant events, or stressful events in which the child was a participant or a victim (Ceci & Bruck, 1995). Noninformative responses to open-ended questions are common among young children. For example, when parents ask their child about what happened at school, the child may answer "nothing." Or if the parent asks about the events at a friend's birthday party, the child's response might be "we played."

In order to obtain more detailed information, adults must structure the conversation and guide the child into providing responses. The goal is to obtain a free narrative account from the child. Pence and Wilson (1994) advise avoiding interference with the spontaneous or nonsolicited verbal production on the part of the child. They suggest that "if the child is describing an event in a narrative fashion, let the child finish before asking any needed clarifying questions" (p.79). Wakefield and Underwager (1989) indicate that simply asking the child "What happened?" calls for spontaneous, free recall by the child.

On the most general level, adults ask many questions in their interaction with children. These questions serve as probes or prompts to assist the child in reporting appropriate information. The subsequent questions asked may be based on the information that the child provided, but it is also possible that the adult may ask leading questions based on their own knowledge. To illustrate inquiry about a birthday party, using non-leading questions, the discussion might proceed like this:

Adult: What did you do today?

Child: I went to a birthday party.

Adult: Whose party was it?



Child: For Aaron.

Adult: How old is Aaron now?

Child: He's 7.

Adult: What did you do at the party?

Child: Played.

Adult: What did you play?

Child: Games.

Adult: What kind of games did you play?

Child: Birthday games.

Adult: Can you describe one of the birthday games for me?

Child: All the children played the same game. Aaron's mom gave prizes and I won a prize.

Adult: What prize did you win?

Child: I won a gift certificate for a fast-food restaurant.

Adult: How long did you play games?

Child: I don't know. Not very long.

Adult: I see. Did you do anything else at the birthday party?

Child: We had cake and ice cream.

Adult: Super! What kind of cake did you have?

Child: I had "big cake."

Adult: Right! I bet it was a big cake.

With each inquiry, the adult is allowing the question to be based on the previous statement of the child, introducing the minimal amount of new information and responding to the lead taken by the child. Pence and Wilson (1994) encourage interviewers to use responsive listening, in which the interviewer repeats to the child what the child has just said, so as not to misconstrue what the child actually meant.

Questioning should proceed from general to more detailed. Talk about "things that happen" in the child's life — things that happen at home, in school, or in another setting. Such neutral approaches serve as excellent openers to discussion. Then work toward a key question such as, "Do you know why you're here today?" If the child answers in the affirmative, ask what the child believes. If another adult has told the child that the interviewer will want to talk about abuse or about how the child was hurt, then the issues of who said what and what was said can be important. What the parent told the child may be as innocent as, "Tell the truth," but it could be more problematic if the child was told specifics to share such as, "Daddy hurts my bottom." Pence and Wilson (1994) stress avoiding terms such as "hurt," "bad," and "abuse."



Interviewer: Are you pretty good at it?

Child: I'm okay.

Interviewer: We didn't talk about your step-father. Can you tell me about him?

Child: What is there to tell?

Interviewer: Tell me what he looks like and what he does.

Child: He's ugly and he lays on the couch and watches TV.

Interviewer: What does your step-dad do for fun?

Child: Drinks beer and yells at me.

Interviewer: Do you like your step-dad?

Child: I don't know. Not really.

Interviewer: What would be something that you like about your step-dad?

Child: He lets me do a lot of stuff and he got me a dog.

Interviewer: What would be something that you don't like about your step-dad?

Child: He yells a lot and falls asleep on the couch and he makes me feed the dog when it's cold out.

Obviously, the use of minimally leading questions requires patience and skill. It is necessary to proceed carefully and add information in small increments. Examples of questions which may be minimally leading but facilitate the sexual abuse interview regarding sexual abuse allegations include:

Have any bad things happened to you recently?

I understand that you have had some trouble sleeping recently. Could you tell me if anything has happened that would make you to have trouble sleeping?

Is there some bad thing that has happened to you that you have not told me about? Can you tell me about it now?

Has anyone done things to harm you or upset you?

Has anyone done things to you that your Mommy (Daddy) would be upset about if she/he knew?

I understand there have been some problems in your family. Can you tell me about them?

Phrase questions in language appropriate to the child's age, i.e., "difficulty" is appropriate for an older adolescent, but should not be used with a young child. With a young child, say instead something like, "is making it hard for you to sleep," or "makes you scared at night." Methods should be gauged to the age, intelligence, and



emotional state of the child. For example, avoid compound questions with young children. Different types of questions are needed for a child who has been interviewed repeatedly compared to the child who is being interviewed for the first time.

The tone of the interview should communicate that you will accept all of the child's answers, not just those that conform to what the child thinks you want to hear. Be open to any response the child might give, and use the child's response as a basis for encouraging elaboration: (i.e., "Can you tell me more about that.") Throughout, be as neutral and nonleading as possible and tell the child it is all right to say "I don't know" or "I don't remember." With closed-ended questions, allow the child to select from several options; for example, "Was it light out or dark out?"

*General Rule of Thumb: Select the least leading form of questioning possible at any given point in the interview. Use of the lowest level of leading questioning is likely to produce more accurate results.*

#### *Moderately Leading Techniques:*

Moderately leading interviewing techniques further narrow the range of possible responses a child might make. An example of a moderately leading question is, "I understand that some things have happened between you and your dad. Tell me about those things." Other examples which would narrow the focus of the interview, but still minimize contamination of the child's testimony include:

How have you and your daddy been getting along lately?

Is there anything that has happened to you recently that has made you really upset?

Can you tell me what happened between you and \_\_\_?

I'd like you to tell me about the things you like about your mother and the things you don't like about your mother.

I need to know how your pee-pee got hurt. Can you tell me how that happened?

As the interviewing methods proceed from non-leading and minimally leading, toward more directive and leading questions, the risk of contamination of the child's report increases. Children may make reports which are not entirely accurate. Ironically, it appears that the mere act of providing a false response appears to create its own memory, which is then perceived to be true. Schooler, Foster, and Loftus (1988) showed subjects a slide presentation of a burglary, questioned subjects with misleading information, and gave a final forced-choice test. They concluded that "the act of committing to an incorrect response causes subjects to falsely remember that information ... which later causes interference that impairs the subjects' ability to remember the original details" (p. 249).



Loftus, Miller, and Burns (1978) found that misleading information had a greater impact when presented just prior to the final test (one-week after presentation) than when misleading information was given immediately after the presentation.

Misinformation had virtually no effect when given immediately, but a strong effect after a longer retention interval.

In one of the most famous studies reported in scientific research, Loftus and Coan (Loftus, 1993), demonstrated the implantation of false memories. In this research study, a 14-year-old, Chris, was convinced by his older brother, Jim, that Chris has been lost in a shopping mall when he was 5 years old. Jim related the following story to Chris as though it were the truth (Loftus, 1993, p. 532):

"It was 1981 or 1982, I remember Chris was five. We had gone shopping at the University City Shopping Mall in Spokane. After some panic we found Chris being led down the mall by a tall, oldish man (I think he was wearing a flannel shirt). Chris was crying and holding the man's hand. The man explained that he had found Chris walking around crying his eyes out just a few minutes before and was trying to help him find his parents.

Just two days later, Chris recalled his feelings about being lost: "That day I was so scared that I would never see my family again. I knew I was in trouble." On the third day, he recalled a conversation with his mother: "I remember Mom telling me never to do that again." On the fourth day: "I also remember that old man's flannel shirt." On the fifth day, he started remembering the mall itself: "I sort of remember the stores." In his last recollection, he could even remember a conversation with the man who found him: "I remember the man asking me if I was lost."

A couple of weeks later, Chris had greatly expanded on his false memory:

"I was with you guys for a second and I think I went over to look at the toy store, the KayBee Toy Store, and uh, we got lost and I was looking around and I thought, 'Uh-oh I'm in trouble now.' You know. And then I ... I thought I was never going to see my family again. I was really scared you know. And then this old man, I think that he was wearing a blue flannel shirt, came up to me ... he was kind of old. He was kind of bald on top ... he had like a ring of gray hair. And he had glasses."

Subsequently, Chris was debriefed and told that one of the events related to him was false. He guessed one of the genuine memories and when he was told that the shopping mall incident was false he commented: "Really? I thought I remembered being lost and looking around for you guys. I do remember that. And then crying. And Mom coming up and saying, 'Where were you? ... don't you ever do that again!'"

Such conviction about being lost in the mall and the resistance to accepting that he was never lost have chilling implications for those who make allegations of abuse based on recollection of repressed memories.



*General Rule of Thumb: By using moderately leading questions) the interviewer directs the child to an area of discussion, but should be aware of the risks of contaminating the child's account by any line of questioning.*

**Maximally Leading Techniques:**

Maximally leading interviewing techniques include questions which tell the child what the investigator wants to discuss. In maximally leading questioning, the interviewer does not follow the lead of the child's responses, but rather introduces content to the child. Unfortunately, maximally leading questions often communicate the interviewer's desired response. The risk of eliciting inaccurate information is increased when a maximally leading form of inquiry is used. Mapes (1995) observes that children can adjust their answers for a variety of reasons, i.e., because of the uncertainty, because of the perceived authority position of the interviewer, because of the child's desire to terminate the questioning, or because the repetition of the question suggests that the interviewer is either unhappy with the child's response or the child must have given the wrong answer. In support of this point, Batterman-Faunce and Goodman (1993) observe that child accuracy and suggestibility can be conceptualized as context dependent, rather than as absolute abilities determined solely by cognitive maturity.

A question cannot be classified as maximally leading on the basis of whether it is an open-ended or closed question — the description of questions as maximally leading refers to the content of the question itself. Many Yes/No questions are maximally leading. For example, a child may be asked:

Show me where your father touched you.

Did your father touch your pee-pee with his finger?

Did your step-father take off his clothes when he laid down on top of you?

His put his finger in your pee-pee, didn't he?

Did he touch you under your clothes or over your clothes?

Such questions assume that the person asked about has engaged in certain behaviors with the child. These questions may also imply that the touching was "bad." Particularly with young children, who do not know the differences in touching for grooming or hygiene, as compared to touching for sexual purposes, such questions may be unclear and elicit erroneous information. Other maximally leading questions, although intended to elicit the truth, may result in the child being intimidated or frightened.

Children, particularly young children, can be easily mislead and confused by questions such as these. Ceci and Bruck (1995) provide a number of illustrations which are taken from actual cases. For example (p. 277):

Attorney: Did she (Barbara Snow) tell you what she meant, if somebody touched you?

Child: Well, I got what she meant.



Attorney: You knew she was talking about sexual touching.

Child: Yes.

Attorney: What did she say to you and what did you say to her after that?

Child: ... She acted like she already thought that somebody had and I asked her about that and she said no. And she just kept asking me if somebody had and I told her no. But you know it seemed like she was trying to get me to say yes. She just kept bugging me to say it.

Attorney: Did she tell you some other kids had told her that she had been involved in sexual touching?

Child: Yes.

Attorney: And did she keep asking you over and over and over and over whether or not these kids were telling the truth and you had been involved in sexual touching?

Child: Yes.

Attorney: Did there come a time when she told you that, if you didn't admit to what had happened ... did she ever mention at any time, juvenile authorities?

Child: Yes, she said that if I kept lying, that then it would just make a bigger problem and she said something about going to juvenile courts. And she just said it would be better if I just admitted it now (State V. Bullock, 1989, pp.170-171, cited in Ceci & Bruck, 1995 pp.277).

Maximally leading questions can contaminate the child's memories, which then destroys the primary evidence. In such cases, determining what really occurred may be virtually impossible. Bruck and Ceci (1995) note that the "evidence," that is, the child's report, may be altered as early as the second interview, so that later accurately determining what occurred may be impossible. The use of maximally leading questions should be avoided, in that the accuracy of the results are likely poorest and the possibility of contaminating the child's account with material introduced by the interviewer is greatest.

*General Rule of Thumb: Maximally leading inquiry carries increased risks of eliciting inaccurate information with substantial risk of introducing errors based on the line of questioning. Avoid using such methods.*

### **Highly Questionable Methods of Interviewing**

Highly questionable methods of interviewing and investigation are sometimes used. Aggressive, coercive, deceptive, selectively reinforcing, and biased questioning methods have been documented in many cases.

*Aggressive Questioning:*



Mapes (1995) observes that, in their search for the truth and their desire to protect the child, some forensic investigators can be very aggressive in their interviews. By aggressive questioning, the interviewer may attempt to mislead the interviewee with misinformation, use harsher words, or use a rapid succession of questions. The interviewer's nonverbal behavior may communicate urgency, threat, or hostility. Tone of voice, gestures, stance, and eye contact are examples of non-verbal behaviors which characterize aggressive questioning. Such techniques significantly compromise the fact-finding purpose of the interview.

Aggressive interviewing increases the probability of the child being exposed to post-event information, influences the child's reconstruction of an event, and can even result in an entire memory being implanted in the child. An "atmosphere of accusation" can be created (Goodman & Clarke-Stewart, 1991) by telling the children that they were to be questioned about an important event and by saying such things as, "Are you afraid to tell? You'll feel better once you've told."

The interviewing of children in suspected sexual abuse cases can become so aggressive that Wakefield and Underwager (1989) question whether it can sometimes be termed an inquisition. Underwager and Wakefield (1992) outline some of the methods of police deception by which police often extract not only confessions but false confessions. They indicate that the techniques used may be more psychologically sophisticated and effective than those used by the Chinese Communists in Korea. Such techniques are also used in interviews with children.

#### *Coercive Questioning:*

Questioning is coercive when the child is threatened, bribed, or intimidated in the effort to secure information. The use of coercive questioning is particularly dangerous when used with young children, who may not be able to determine the reality of the statements being made or the likelihood of the threat being carried out.

Underwager and Wakefield (1992) note cases in which children have been told they could go home as soon as they told "what Daddy did to them," or were told that, "Daddy won't go to jail but he will get help so he won't be sick and do mean things anymore." A child may be encouraged to agree that she was abused when told, "Mommy will be proud of you for telling the scary secret" (Wakefield & Underwager, 1989). The child knows that she must tell (make up) a scary secret, in order for Mommy to be proud. Underwager and Wakefield (1991) provide the following examples of coercive questioning:

All of the other children talked to us, and they felt better.

If you don't tell, you'll feel yucky inside.

Answer my question right now!

We need you to tell us so other children won't get hurt.

You can't go outside until you finish telling me!



I know of cases in which a child was told that he or she could not go home to be with parents until the child "told the truth," which was to say something that satisfied the expectations of the examiner. In addition, the child was told that his parents could not get help, or they would never be able to be back together as a family until the child "told the truth." Under such pressure, children will likely succumb to the social expectancies and may even fabricate a story to supply the desired information to secure their own or their parent's release.

Pence and Wilson (1994) note that children may try to please an interviewer if they have some idea of what is being sought just to draw the interview to an end. Gardner (1991) comments that when the interviewer gets a yes or no answer, the interviewer does not know if the interviewee is lying, is telling the truth, or is merely providing an answer (yes or no selected at random) to "get the examiner off of his back."

According to Gardner, competent examiners recognize the risks of yes/no questions and avoid this type of questioning since they understand that little information is obtained from such questions.

*General Rule of Thumb: Avoid coercive questioning, as it greatly jeopardizes the accuracy of the results. The dangers of coercive questioning are particularly great when interviewing younger children, who can be confused, intimidated, and traumatized.*

#### *Deceptive Questioning:*

Sometimes the questioning progresses beyond interviewing to deception. Perhaps the most common form of deception is telling the child, "the other children have already told me the truth, so you need to tell me the truth too." In the following transcript of an interview in the Country Walk Baby-sitting Service Case (Ceci & Bruck, 1995, p. 148-149), the deceptive technique of telling the child that other children have already disclosed abuse is apparent.

Interviewer: Some of the children don't understand. They are afraid. Some children said that they were acting like monsters and they wore those masks and they scared them.

Child: Is that true?

Interviewer: I am not sure but some of the children said so and I believe the children because I don't think children make up stories like that. Do you?

Child: Which children?

Interviewer: Well Douglas and some of the other children.

Child: ... But some of them are bigger than me and did they tell you that they were naked or anything like that?

Interviewer: Yes.

Child: What did they say?

Interviewer:



They said that they played games with Frank and Ileana and some of the little children and everybody took off their clothes and they played games and people touched each other's private parts.

Child: That's true.

Interviewer: Is it true?

Child: Yes, but Douglas (inaudible) the other children said it, so Douglas might be right.

Interviewer: You thought maybe if Douglas said it,... maybe it wasn't right?

Child: It was true because the other children said it.

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Child: Do you know what (Frank) did?

Interviewer: Well I am not sure because I am not like a policeman or something like that. So I am not sure but would you like me to tell you what Douglas said?

Child: (nodding)

Interviewer: ... Okay, Douglas said — he took the dolls and he kind of talked a little and he showed me and one of the things is that he took all the clothes off the dolls.

Child: Why?

Interviewer: Well, he said that the children played a game like — one of the games he said they would play was ring around the rosy.

Child: With no clothes on?

Interviewer: With no clothes on.

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Interviewer: And your sister said that Ileana used to spank the children, did she do that?

Child: No, she didn't spank me.

Interviewer: What about the other children? Did she spank them?

Child: No.

Interviewer: How come your sister said that?

Child: I didn't.

Similar techniques were used by the investigators in the Kelly Michaels case:

Interviewer: All the other friends I talked to told me everything that happened. Randy told me. Charlie told me. Connie told me ... And now it's your turn to tell. You don't want to be left out, do you?

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Interviewer: Boy, I'd hate to tell your friends that you didn't want to help them (in response to a child who didn't want to disclose).

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Interviewer: All your friends that I mentioned before were telling us that Kelly, the teacher we are talking about, was doing something they didn't like very much. She was bothering them in kind of a private way and they were all pretty brave and they told us everything, and we were wondering if you could help us out too, doing the same thing.

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Interviewer: I will get you the badge if you help us get this information ... like all your other friends did.

In these cases, the interviewer introduced misleading information and attempted to bribe or deceive the child with the suggestion that he should disclose abuse in order to be consistent with what the other children had already disclosed. Underwager and Wakefield (1992) note instances where police interviewers "lied to children by telling them that the doctor found proof that they had been abused when the medical examination was normal and there was no physical evidence to support a claim of abuse" (p. 52).

The public is becoming more aware of the risks of improper interviewing methods in suspected sexual abuse cases. The recent HBO movie, "Indictment," clearly portrayed improper questioning using deceptive methods in the McMartin case. Several highly publicized convictions, including Kelly Michaels, Edenton (Little Rascals), and Bakersfield, have been overturned, at least partially because of the coercive and suggestive interviews.

Most recently, in the highly-publicized sexual abuse cases in Wenatchee, Washington, numerous accusations of sexual abuse were made. In these cases, 28 adults were accused of sexually abusing children, and dozens of children were removed from their homes. One Child Protective Services worker became so "paranoid" when he dared to question the methods and conclusions that were reached by the police, that he sent his Canadian-born wife and his small child to live temporarily in Canada to avoid the risk that his own child would be "taken into protective custody." Assistance from the U.S. Attorney General was sought and the situation was made known through the media (*Good Morning, America*, Dec. 1, 1995).

However, the interviewing methods quickly became suspect. Using clearly coercive techniques, the police investigator threatened to have one child locked up and pretended to make phone calls to a hospital to arrange the child's imminent admission, telling the child that, "I'll tell them to get your room ready right now." The children were threatened with hospitalization or placement in detention facilities if they did not give answers which met the investigator's expectations. In light of such coercion and deception, it is no wonder children succumb to the pressure of these interviews and interrogations and report being abused. In June, 1996, the *Denver Post* reported that the 13-year-old who testified about being sexually abused recanted her accusations and now says that she lied under pressure from her then-foster



father. It notes that, "The girl's sensational turnaround has rekindled charges that an obsessed police officer, aided by unquestioning prosecutors and over-zealous social workers, generated a wave of community hysteria and ... coerc(ed) poor illiterate adults into confessions."

*Selectively Reinforcing Questioning:*

Interviewers may selectively reinforce a child's responses by attending to those answers which reveal possible abuse and rewarding the child for confirmatory responses. Confirmatory responses can be reinforced quite easily and, following behavioral principles, the likelihood of more such responses is increased. Answers can be reinforced with social reinforcers, such as nods, grins, and other verbal reinforcers. Merely the attention that the child receives for making disclosures about abuse can be viewed as reinforcing. Children may be rewarded with smiles, praise for doing a good job, or signs of enthusiasm when they say what the interviewer expects to hear. Verbal reinforcers include praise, agreement, or giving words of recognition, such as, "That's right," or "that's what I thought." Underwager and Wakefield (1991) give several examples of selective reinforcement:

You're a good talker.

Good — That's just right.

You're so brave to tell us all about this!

After you talk to us, then you can have an ice cream cone.

Mommy will be so proud if you tell us.

In addition to social reinforcement, children may be offered tangible reinforcement for making statements about sexual abuse. I am familiar with cases in which children have been given stickers, toys, candy or teddy bears, when they gave the answers that the interviewer wanted to hear, i.e., an answer that was consistent with the interviewer's previous expectations. Underwager and Wakefield (1991) note that children have been promised or given candy, food, beverages, and toys if they cooperate and answer the questions. Bruck and Ceci (1995) cite instances where children were offered police badges in exchange for their incriminating statements. Such reinforcers are considered to be positive reinforcements, since they reward desired behavior with a positive consequence.

In some cases, the child is given "negative reinforcement," or rewarded by the removal of a negative or aversive stimulus. When the negative stimulus is removed when the child reports abuse, that reporting is negatively reinforced. Bruck and Ceci (1995) note that interviewers have bribed children by telling them that they would end the interview when the child gave an incriminating report: "We can get out of here real quick if you just tell me what you told me last time we met," or, "Tell me what Kelly did to your hiney and then you can go" (p.282).



When an adult stops asking repeated questions when the child produces the desired answer after several repetitions, the cessation reinforces a specific answer and may also reinforce giving an answer approved by the interrogator. Such negative reinforcement took place in the interviews concerning suspected sexual abuse at a day-care center, as the following excerpt from the Little Rascals case illustrates (Ceci & Bruck, 1995, p. 146):

Mother: For some reason that night I got very upset. And I was very frustrated from the standpoint that I felt like my son should be able to come to me if there was a problem and tell me about it, that he should not have some sort of secret or some adult that I really didn't know that well should have a secret with him that he wouldn't be able to tell me about. Because I felt like he and I were close enough that we could talk. And so I got very upset that night, and I cried in front of him that night. And he realized I was crying and looked at me and asked me why I was crying. And I said because he couldn't talk to me about Mr. Bob. And then he looked at me and said, "I'll talk to you.. Mommy, but you talk."

And about that time he was getting a little sleepy and he said that he had seen Mr. Bob's wee-wee — that's what he calls it — and he said Mr. Bob had touched his wee-wee and his bottom.

Ceci and Bruck (1995) note that the mother's crying was an emotional bribe, in response to which the child feels that he must protect his mother. Put another way, the cessation of the mother's crying could be considered a negative reinforcer. The child reported that he was sexually abused in order to terminate the discomfort of his mother crying. From the standpoint of a child, it is very disconcerting to see one's parent upset and the child will attempt to do things that will get the parent to stop crying.

In another case, the child was removed from his home and placed in "protective custody," subjected to numerous interviews, and then actually sexually abused in foster care. The child later reported that he was repeatedly told in interviews that he would never be able to go back home to his family until he told the truth about being sexually abused in his own home. When he did disclose the sexual abuse that took place in the foster home, no intervention took place.

Finally, punishment has been used in some interviews to elicit the desired behavior from the child, i.e., a report of having been abused. Uncooperative children may be told that they are not telling the truth or even that they are dumb. Underwager and Wakefield (1991) describe a case in which the child was denied access to the lavatory until the interview was finished. Of course, the interview was not terminated by the interviewer until the child provided answers which met the interviewer's expectations. In addition, the more authority a child attributes to the interviewer, the greater the likelihood that the child will attempt to say what the interviewer wants and the more susceptible the child will be to misleading information given by the interviewer.

*General Rule of Thumb: When interviewing children in suspected sexual abuse cases, be keenly aware of reinforcement principles and of your own reinforcement of*



*responses. Use great caution not to selectively reinforce reports of abuse, thus risking eliciting inaccurate information and doing immeasurable damage.*

### **Interviewer Expectations and Biases**

Ceci and Bruck (1995) describe how interviewers with preexisting biases about what has happened mold the interview to elicit statements from children that are consistent with their prior beliefs. They observe that one of the hallmarks of interviewer bias is the single-minded attempt to gather only confirmatory evidence and avoid all avenues that may produce negative or inconsistent evidence. Thus, while gathering evidence to support their prior hypotheses, they may fail to gather any evidence that could disconfirm the hypotheses. The interviewer typically fails to rule out rival hypotheses that might explain the behavior of the child. Gardner (1992) also notes that if the investigator does not maintain a neutral position, the child is likely to pick up the evaluator's bias and provide the information the child believes the evaluator wants to hear or is seeking.

Wakefield and Underwager (1989) observe that interview bias "results in the interviewer attending to information that supports presupposed beliefs and ignoring details which don't support these personal assumptions or which suggest a different direction" (p. 5). Statements from the child that do not fit into the interviewer's beliefs are seen as evasions or confusions. When the child says that nothing happened, the interviewer keeps repeating the question and asking other questions until the child finally affirms the abuse. In their research review, Bruck and Ceci (1995) report that children who were interviewed by biased interviewers gave the most inaccurate information.

Mapes (1995) notes that "some individuals ask questions or use techniques that may result in the child's allegations or descriptions of his or her memories being more an artifact of the investigative process than the events actually experienced" (p. xiii). Since children have a strong need to gain approval from and to be accepted by adults, they may try to provide answers they believe are consistent with the adults' expectations. Consequently, concerns about the direct or indirect means of inducing a child to produce the answers expected by the interviewer is growing.

Garbarino and Stott (1992) report on studies by Starr (1982) who examined the ability of professionals and students to reliably identify abusive parents on the basis of a brief observation, in the form of a videotaped segment of parent-child interactions. Some abusive parents were easy to identify; others were much more difficult. In some cases, clinicians achieved a success rate lower than chance, and lower than that attained by college students and nurses. Garbarino and Stott conclude that it is extremely difficult to make valid assessments on the basis of tiny samples of behavior or behavior observed in only one mode (as in the case of videotapes). Those authors also observe that professionals may be likely to overestimate their ability, to be inappropriately confident of their ability, and to overvalue their own hypotheses about what they see and hear.

Given the fact that the axiom which has dominated child abuse investigations is that "children never lie about abuse," many investigators may approach investigations with



the underlying assumption that abuse occurred and that the task of the investigator is to "validate" the allegation. The interview may be conducted from the standpoint that the allegation is (established) fact and that the investigator merely questions the child to get the child to "admit it." Underwager and Wakefield (1989) observe that the bias which assumes that false accusations are rare can affect the way in which the interviewer approaches and questions the child.

*General Rule of Thumb: In order to obtain the most accurate information, approach the interview without a prior bias and adopt a neutral position about whether or not abuse occurred. Throughout the interview, explore alternate hypotheses.*

### *Children Never Lie About Abuse, Or Do They?*

For a number of years, many investigators in the field of sexual abuse allegations have operated under the premise that children never lie about abuse. For example, Dziech and Schudson (1989) maintain:

Children do not commonly make false claims of being sexually abused. Underreporting and denial are far more common.... The adult notion that children lie about sexual abuse is illogical to those who have studied them closely" (p.57).

Dziech and Schudson bolster this claim with an assertion by Berliner and Barbieri (1984):

[T]here is little or no evidence indicating that children's reports are unreliable, and none at all to support the fear that children often make false accusations of sexual assault or misunderstand innocent behavior by adults.... Not a single study has ever found false accusations of sexual assault a plausible interpretation of a substantial portion of cases (Dziech & Schudson, 1989, p.57).

However, examination of the recent literature regarding children's testimony presents a far different viewpoint. The assertion, "children never lie about abuse," is now being challenged by a number of researchers, including those who have investigated suggestibility in children's testimony (Ceci & Bruck, 1993), those concerned with the nature of remembering and recalling (Loftus & Davies, 1984), as well as those who have studied cognitive and intellectual development of children (Fivush & Shukat, 1995)

Some authors focus on the definition of lying and whether or not children are capable of lying. Garbarino and Stott (1992) define lying as making a false statement that one knows is false, especially with the intent to deceive or give a false impression. They note that researchers have recently pointed out that the ability to lie begins in toddler years.

Bussey, Lee, and Grimbeck (1993) note that Piaget (1965) observed that children between the ages of 6 and 10 were unable to differentiate between intentional and unintentional statements. However, they conclude that Piaget's methods "seriously



underestimated their capabilities" and "children as young as 5 years can correctly identify lies, particularly lies involving misdeeds" (p. 150). They also cite a study by Stouthamer-Loeber (1987), indicating that mothers reported the most frequent reason that 4-year-olds lied was to conceal a misdeed. Lies about misdeeds were also the most frequent that children themselves, across the age range of 4 to 12 years, reported telling (Bussey, 1992). The finding that children lie in reaction to their own misdeeds was supported by Lewis, Stanger, and Sullivan (1989), who found that 88% of 3-year-olds lied about looking at a toy in the experiment and 40% of them lied about looking at the toy, while Bussey's subsequent study showed that fewer 5-year-olds committed the misdeed (69%) but more of them lied about looking (95%) (Bussey, 1992).

Haugaard and Crosby (1989) also showed that children as young as 4 years old could differentiate a lie from a truthful statement, not only when the character of the vignette lied, but also when the character was coached by her mother to lie about a man touching her when he had not done so. Bussey et al. (1993) conclude that, contrary to Piaget's findings, it has been demonstrated that even young children are able to differentiate a lie from a truthful statement, particularly when the statement has a specific behavioral referent. They further assert that children as young as 4 years old can keep secrets, with older children more likely than younger children to keep secrets. Three-year-olds were more likely, in a study by Bussey, Lee, and Rickard (1990), to disclose (79%) than 5-year-olds (61%).

One argument is that children lack the cognitive sophistication to lie. Wakefield and Underwager (1989) state that it is a mistake to pose the question in the form of whether or not a young child has lied. To lie assumes a conscious, willful, and deliberate purpose and intent to deceive. They believe that young children are unlikely to have the cognitive capacity or the maliciousness to lie in this way, although some older children and adolescents may. Ceci and Bruck (1993, 1995) note that much progress has been made since 1926 when Piaget's observations about children's lying were made. They indicate that there is now evidence that "children sometimes lie when the motivational structure is tilted towards lying" (1993, p. 433).

Yuille et al. (1993) address the issue of children lying about abuse by stating that false allegations of sexual abuse can take a variety of forms. They indicate that an adolescent could deliberately make a false allegation in order to obtain some control in a situation (e.g., a foster home) or to exact revenge on an adult. They note that sometimes children will honestly disclose abuse but, out of fear or concern about the consequences, will not name the actual perpetrator. This may lead to a false allegation against an innocent party, although the details of the abuse may be correct. A false allegation can also occur without the deliberate complicity of the child. For example, a parent caught up in a custody dispute could deliberately generate a false allegation of abuse that a child has come to believe. However, Yuille et al. observe that when children are asked questions they don't understand or to which they have no answer, they can give a wrong answer without knowing that it is mistaken. They stress that unless there is strong evidence of deliberate, intentional dissembling, it is foolish to spend much time or energy on the question of children lying.



Garbarino and Stott (1992) observe that children change their facts in recounting an event for many of the same reasons as adults; i.e., to protect themselves and those they love, to avoid punishment, and to get something that they want for themselves. Under many different circumstances, children may say what they think adults want to hear. Therefore, they conclude that the axiom "children never lie about abuse" is an unwarranted generalization which stems in part from a misunderstanding of how the motivation to lie and the ability to carry it off develop with age. Wakefield and Underwager (1989) note that the question of whether children may lie or not lie about sexual abuse is almost always the wrong question.

The belief that children never lie about abuse originated in the early 1980s when it was argued that to be a victim of sexual abuse was highly stigmatizing and therefore children did not want to tell about it. The climate is quite different today. It was also argued that children could not talk about acts which they had never experienced. But at that time, most reports of abuse were spontaneous, while today, many abuse allegations arise subsequent to questioning, prompting, attending classes and groups, etc. It remains true that spontaneous reports, unprompted and without suggestive influences, can generally be considered credible. However, often children do not "talk" about abuse in the sense that they spontaneously disclose it. Rather, they make statements about abuse only in response to suggestive questioning by adults who suspect abuse.

In addition, children in recent years have been exposed to a high level of sexual stimuli, which may increase the possibility that they will make a false report of sexual abuse. Gardner (1991) notes that participation in sexual abuse prevention classes sensitizes the child to sexual stimuli and carries some risk of leading to a false allegation of abuse. In considering whether an allegation of abuse is true or false, Gardner weighs the child's possible participation in such classes.

Researchers who concluded that their studies suggested that children could not be misled, especially about events which are emotionally charged and involve their bodies, are now being challenged. Ceci and Bruck (1995) maintain that the interpretations drawn in such studies lack solid empirical support. For example, they question Rudy and Goodman's (1991) conclusion that children who had been abused could not be misled about a real-life event, noting that when "I don't know" answers were included in the data analysis, the conclusion about children being resistant to suggestion was no longer valid. They note that substantial errors of commission can occur, and that "children can be led to make false or inaccurate reports about very crucial, personally experienced, central events" (Ceci & Bruck, 1993, p.432).

The fact that children are, in general, capable of lying is obvious to anyone familiar with children at all. Some children can deliberately falsify, while others can make statements of which they do not comprehend the total meaning. Gardner (1992) indicates that simply ascertaining whether a child can discriminate a "lie" about an object being red or not, does not mean that the child will not lie.

The context in which the allegation arose appears to be critical. Call (1994) reviewed 7 studies of the rate of allegations of sexual abuse arising in divorce cases, and found that the rates ranged from 15% to 79~%. Ceci and Bruck (1995) cite several studies



of allegations of sexual abuse arising in divorce cases, in which rates fall conservatively in the range of from 23% to 35%. Finally, as has been the premise of this article, the method by which the report of abuse was obtained is absolutely crucial in evaluating the veracity or truthfulness of that report. Improper interviewing techniques can greatly compromise and irreversibly taint the information which might be obtained from the child, making the job of determination whether sexual abuse has occurred or not virtually impossible.

### **Summary and Conclusions:**

The literature on interviewing children in suspected cases of sexual abuse is expanding rapidly. The current research clearly indicates that improper interviewing methods) as well as the interaction between the adults and children, can powerfully affect the reliability of the child's statements and eventual testimony in court. In terms of the axiom, "children never lie about sexual abuse," not only is the question of lying the wrong question, but the scientific evidence suggests that children's testimony can be altered and contaminated by many factors, including improper interviewing techniques.

Many experts recommend that all interviews with children be videotaped to ensure that the methods of eliciting testimony are not affecting the reports. Gardner (1992) has recommended the videotaping of interviews with children for several years, for the purpose of efficiency and accuracy of interviewing, as well as concern for the child. Bruck and Ceci (1995) point out that, without videotape recordings of interviews, determining what actually happened is impossible, and the primary evidence, i.e., the child's testimony, can readily be contaminated. In the California State Pilot Project, Myers and associates (1994) found that well-trained professional interviewers produced high quality interview results and were supportive of videotaping. The conclusion reached from this pilot project was that the benefits of videotaping outweigh the drawbacks of the procedure.

Unfortunately, sexual abuse investigations have not used standardized techniques, appropriate quality controls, and established protocols. All interviewers, investigators, and counselors should be aware of the literature which, on the one hand suggests the format for advisable and sound interviewing methods, but on the other hand, indicates that improper, leading and even coercive methods have been far more common than either mental health practice, social science, or legal practice should tolerate.

### **References**

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