

Competent Testimony Requires Competent Interviewers

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James McKeen Cattell Fellow Award Address

Michael E. Lamb, National Institute of Child Health and Human Development, delivers his James McKeen Cattell Fellow Award Address, “Children Are Competent Witnesses When Competently Interviewed,” at the APS Annual Convention.

In cases of abuse, children are often the only source of evidence. Police officers, judges, juries, and lawyers frequently doubt the reliability of information provided by children. But the accuracy and credibility of a child’s testimony may actually hinge on the competence of the adult interviewer.

Over the last decade, researchers at the National Institute of Child Health and Human Development developed a protocol for interviewers to improve the quality of information provided by very young witnesses. Michael Lamb, who has since moved from NICHD to Cambridge University, discussed the importance of proper interviewing techniques in his James McKeen Cattell Fellow Award Address, “Children Are Competent Witnesses When Competently Interviewed,” at the APS Annual Convention.*

“Very few forensic interviewers use the proper techniques, even if they know them,” Lamb said. “What’s distressing is that interviewers tend to adopt undesirable investigative behaviors even when they know better.”

The NICHD protocol outlines how an interview with a child should be structured, including how to make the child comfortable and aware of the interview process, how to build rapport with the child, and how to ask questions (including when to ask certain types of questions).

“It’s true that children aren’t used to being viewed as unique sources of information,” Lamb said. “Most times when children are asked questions, they’re asked questions as though they were being tested. The forensic investigator wants to put the child in a completely different context, because the child is the sole source or repository of information that the questioner needs. The child must thus be trained to function in this novel situation.”

Lamb said there are several types of questions – some more desirable than others – that interviewers can use when interviewing children:

- *Invitations* attempt to elicit free-recall responses from the child. (“And then what happened?”)
- *Directive* questions request additional information about something the child mentioned earlier. (“What color was the shirt?”)
- *Option-posing* questions focus on details not mentioned by the child and require choice among options offered by the interviewer. (“Did he touch you?”)
- *Suggestive* questions assume information not disclosed by the child or suggest an expected response. (“He touched you, didn’t he?”)

Invitations are the best type of questions to ask because they prompt the child to recall information freely and don’t prompt the child with information or details that may not be accurate in the way that option-posing and suggestive questions do.

“We’ve done a number of studies to evaluate the effectiveness,” Lamb said.

One study compared 50 interviews conducted before interviewers receiving the NICHD training with 50 interviews conducted by the same group after training with respect to the methods of questioning children who reported similar incidents.

The comparison showed that the interviewers dramatically increased the use of invitation-style questions after training, although some of the information provided by the children still came from directive and option-posing questions. Because it is usually necessary to ask some of the less desirable questions, Lamb suggested, it is best to ask these questions as late in the interview as possible to avoid contaminating the child’s memory through prompts and suggestion.

“We now have decades of research showing that how you get information from memory has a great deal of influence on how accurate that information can be,” Lamb said. “In particular, we know that information that is retrieved by recall is much more likely to be accurate than information that is retrieved by offering the child a series of possibilities and asking the child to choose from among them.”

The goal of the interview is to empower the child to convey information in its true form; whether or not this goal is accomplished likely rests on the interviewer’s ability to properly elicit such information.

Interviewing Children To Be Competent Witnesses

An investigation into alleged child abuse uses evidence from a number of sources: medical signs, behavioral symptoms, physical evidence, perpetrators, and child victims.

The value of medical information declines when wounds heal before abuse is reported, and Lamb said that while behavioral cues can point to abuse, the same cues also characterize children who have experienced a variety of other kinds of traumatic incidents. It is also rare, Lamb said, for abusers to leave physical evidence of their abuse, such as videotapes.

“In the vast majority of cases of sexual abuse, there are two possible sources of information – information from the perpetrator and information from the victim,” Lamb said. “Perpetrators are usually not motivated to provide accurate information about the abuse. As a result, we are forced to turn to child victims to find out what might have happened to children.”

Unfortunately, that testimony is often doubted by judges and other adults who falsely assume that:

- Children don't remember things very well.
- When they do remember, they don't have the linguistic capabilities to describe what happened.
- Children are shy and distressed around strangers.
- Children are presumed to be extraordinarily suggestible.
- Children often confuse fantasy with reality.

Lamb admits that there is an element of truth to each of these challenges to the reliability of child witnesses. "They really represent a focus on the empty side of the glass," he said. "I want to argue that while these problems exist, there is some really high-quality wine that we should be looking at, maximizing the quality of that rather than focusing on the empty half of the glass."

With the exception of the first two to three years of their lives, Lamb says children can remember experiences sometimes long after the abuse took place. They remember less information, but the information they recall is just as likely to be accurate as the information that is recalled by older people.

Lamb emphatically discounts the notion that children do not have the linguistic ability to describe sexual abuse. The problem doesn't lie in the vocabulary of children, he said, rather the adults talking to them don't use accessible vocabularies.

There is plenty of evidence that preschoolers are susceptible to suggestion, but that shouldn't cloud the perception of older children's testimony. Suggestibility, Lamb said, "is not only a problem when questioning children, it's a problem we need to consider whenever we ask questions."

With respect to fantasy, Lamb said it's true that young children like fantasy play, but they also know the difference between fantasy and reality from the age of around three. He said there is plenty of evidence that from that age, children can remember what information comes from real or imagined experiences. However, if the interviewer creates a situation that evokes fantasy – asking a child questions when they're surrounded by toys and dolls or asking a child to "pretend that this doll is him and this doll is you" – they're more likely to get fantasy than when questioning children in other settings.

"The problem is not so much the child's inability to recall or describe experiences, but the way in which we set up the situation in order to maximize the child's attention," he said. "When we take into account their capacity as well as their limitations, children can be really competent informants about their experiences."

*The Cattell award recognizes a lifetime of significant contributions in the area of applied science. For information about APS awards and conventions, please visit www.psychologicalscience.org.