



Interviewing Children

BY TERENCE W. CAMPBELL

In 1998, the Governor's Task Force on Children's Justice and the Family Independence Agency published its "Forensic Interviewing Protocol." The protocol's introduction states, "In recent years, there has been increasing criticism directed at the type of interviews conducted by professionals involved in the investigation of child physical abuse and child sexual abuse. The criticism hinges on the use of poor interviewing techniques that could be cause for implanting memories in a child or result in adults not listening to or learning the child's disclosure of actual abuse." This protocol, however, does not mandate videotaping investigative interviews in cases of alleged abuse. As a result, the professionals who interview children frequently offer hearsay testimony regarding a child's statements.

Taking notes or relying on memory is not good enough

Can Interviewers Accurately Recall What Children Say?

A 1999 study conducted by A. R. Warren and C. E. Woodall, published in *Psychology, Public Policy and Law*, examined how accurately 27 experienced interviewers recalled details obtained from interviewing children between the ages of three and five.¹ These interviewers had accumulated an average of 10.9 years experience in forensic and child protection work. More than half of them had earned masters degrees, 30 percent held bachelors degrees, and one had a doctoral degree.

The interviewers undertook videotaped interviews of children who had witnessed two events one month earlier: a magic show and a “silly doctor” visit. The interviewers received one of the following cue questions for beginning their interviews: “I understand that a magician came to visit your school. Tell me what the magician did.” or “Tell me about the time you went with Traci to play silly doctor.”

After the interviewers conducted their videotaped questioning of the children, the researchers audiotaped debriefing sessions with the interviewers. The researchers found that compared to the videotaped interviews, the hearsay reports of the interviewers consistently involved information loss. Warren and Woodall wrote: “We asked interviewers if they recalled anything the children said in the child’s ‘own exact words.’ Very few were able to give even a 2- or 3-word phrase using the child’s exact words.” They summarized their findings, stating:

“In summary, our results suggest that the hearsay testimony of children’s interviewers is degraded. Even immediately after an interview, important content was omitted by hearsay accounts, and the majority of the verbatim (specific wording and content of questions and answers) was lost. Our results also suggest that interviewers are unlikely to be able to accurately reconstruct verbatim information later.”

Examples of Interviewer Recall Problems

The following three excerpts from the study demonstrate the problems undermining hearsay reports of children’s interviews. In these interviewer-child exchanges, *I* indicates Interviewer and *C* indicates Child.

Fast Facts

Interviewers of child abuse victims often offer hearsay testimony of a child’s statements.

Interviewers’ recollections of what children said to them is consistently incomplete and they have difficulty accurately recalling their own questions.

When they take notes while they interview, the notes are less than reliable.

The law should require investigative interviews of child abuse victims to be videotaped.

Excerpt #1:

I: When did you have your birthday?

C: February 2.

I: February 2? Wow, and you’re 5 years old. That’s neat. So, did the clown come before your birthday or after your birthday? (Note: There had been no prior mention of a clown).

C: No clown come. I want to go back.

I: When the clown came here, was it just recently or was it back around your birthday?

C: Back around my birthday

I: Yeah? Did he have a clown face?

C: No.

I: What did he look like?

C: He just had a white face. (Note: The magician did not have on any special face make up, but he was a White man).

I: A white face. I see.

C: It was a magician.

I: Oh, it was a magician, not a clown. That’s right.

C: He had a clown face.

I: So, he had a hat on?

C: He didn’t have a hat on. Some things were in his hat (Note: The child is correct that the magician used, but was not wearing, a hat).

The interviewer recalled this excerpt in the following manner: “I asked how he was dressed—was he dressed like a clown—he said he had painted white face. I asked if he had clown clothes on.” No answers to these questions were provided by the interviewer. In fact, the child did not say the magician had a “painted white face.” The interviewer was therefore mistaken in this regard.

Excerpt #2:

I: Wow, you know, I’m new here and I don’t even know who Traci is. Do you know who Traci is?

C: Yeah.

I: Is Traci a boy or a girl?

C: A girl.

I: A girl? Is she a grown up girl?

C: (Nods).

I: Oh.

C: She a big grown-up.

I: Big grown-up? Is Traci someone you know from before?

C: (Nods).

The interviewer recalled this excerpt in the following manner: “Asked her if she remembered Traci—is Traci a boy or girl. She said girl. Is she a big girl or little girl? She said big girl. Asked her if Traci worked here. She said yes.” In fact, however, the interviewer did not ask the child if Traci “worked here.” This interviewer was therefore mistaken regarding this issue.

Excerpt #3:

I: So how did she check your arm? What did she do to check it?

C: She just had to put something on it.

Relevant research demonstrates that hearsay accounts of investigative interviews in child abuse cases warrant persistent skepticism.

I: Some paint on it? (Misleading question resulting from not understanding child's answer. In fact, Traci placed "the child's arms on a scale" to "measure muscle.")

C: Yeah paint.

I: Paint. What color paint?

C: Black, but then it came right off.

I: Oh really.

C: Yeah, it came right off real fast. Yeah, right off.

I: So she put paint on your whole arm?

C: Yeah, but it came right off.

I: Oh really?

C: It came off when I was asleep at home.

I: Uh-hmmm. So you didn't wash it off.

C: Yeah.

I: You didn't wash it off, it just came right off by itself.

C: Yeah, yeah.

The interviewer recalled this excerpt in the following manner: "The child told me that he played doctor with Traci and that she painted his arm black. His whole arm with stuff that just came off. He didn't have to wash his arm. He just went home and it just came off." In fact, however, the child only reported paint on his arm in response to the interviewer's misinterpretation. This interviewer's report was therefore factually mistaken.

Can Interviewers Accurately Recall Their Own Questions?

When cross-examined regarding how they questioned a child, interviewers typically claim they relied on open-ended queries. Interviewers also characteristically insist that they carefully avoided leading or suggestive questions. Warren and Woodall, for example, found that the majority of the interviewers in their study insisted they used primarily open-ended questions. Nevertheless, Warren and Woodall's review of the videotaped interviews revealed that over 80 percent of the questions were specific or close ended and 16 percent were leading. Commenting on these results, Warren and Woodall said: "It is clear that interviewers are incorrectly remembering their actual questioning styles."

Can Notes Aid Interviewer Recall?

Some interviewers attempt to support their hearsay accounts by relying on their "contemporaneous/verbatim" notes. In a 2000 study published in *Law and Human Behavior*, M. E. Lamb and his colleagues examined how accurately interviewers who were trained and experienced recorded verbatim notes of their interviews.² They compared the audiotaped interviews of 20 alleged sexual abuse victims (5 male, 15 female, 4- to 14-year-olds) with the interviewers' notes of the same interviews. In this study, the 8 interviewers were Israelis (5 females and 3 males). These interviewers had an average of 12 years of experience (range 6–23 years) interviewing children and taking verbatim notes as required by Israeli law. All the interviewers had earned an academic degree in education, psychology, or social work.

In reviewing the notes of the interviewers, Lamb and his colleagues found 806 substantive interviewer utterances. The audiotapes of these same interviewers, however, included 1,889 utterances. Therefore, 1,083 (57.3 percent) utterances were unaccounted for by the interviewers' notes. Moreover, the interviewers' notes omitted 25 percent of the forensically relevant details expressed by the children.

Lamb and his colleagues further found that the interviewers' notes misrepresented the statements used to elicit information from the children. Only 44 percent of the interviewer utterances were accurately identified in the notes. In particular, there was a systematic tendency to mistakenly characterize interviewer questions as open-ended when, in fact, the questions were close-ended. These interviewers specifically failed to record 53 percent of their suggestive statements. As a result, Lamb and his colleagues wrote, "Even when they made contemporaneous verbatim notes, these investigators tended to understate their role in eliciting information and to ignore many of the details, including central details, reported."

Lamb and his colleagues further emphasized that their study raises "serious questions about the ability of interviewers to recall the content and structure of their interviews with

the degree of precision needed for forensic purposes." They recommended: "The results reported here make clear that electronic recording may constitute the only means of memorializing the structure and content of investigative interviews accurately." Consequently, Lamb and his colleagues challenge the American Prosecutors' Research Institute, which actively discourages electronically recording investigative interviews.

Conclusions

Relevant research demonstrates that hearsay accounts of investigative interviews in child abuse cases warrant persistent skepticism. When interviewers offer hearsay testimony the accuracy with which they recall what children say is less than reliable, the accuracy with which they recall their own questioning style is less than reliable, their attempts at relying on notes are less than reliable, and their claims that they complied with an interview protocol are less than reliable.

These problems necessitate legally mandating the electronic recording of interviews in cases of alleged abuse. Interviewers may genuinely and sincerely insist that they carefully complied with a protocol but be quite mistaken. Videotaping of all investigative interviews has been undertaken in a few Michigan counties as demonstration projects. Considerations of evidentiary reliability in alleged child abuse cases demand videotaping on a statewide basis. ♦

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Footnotes

1. Warren, A. R. and Woodall, C. E. (1999). The reliability of hearsay testimony: How well do interviewers recall their interviews with children? *Psychology, Public Policy, and Law*, 5, 355–371.
2. Lamb, M. E., Orbach, Y., Sternberg, K. J., Hershkowitz, I. and Horowitz, D. (2000). Accuracy of investigators' verbatim notes of their forensic interviews with alleged child abuse victims. *Law and Human Behavior*, 24, 699–708.