

Getting the Details: Gathering Episodic Information in Cases of Repeated Abuse

A Research-to-Practice Summary

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Getting the Details: Gathering Episodic Information in Cases of Repeated Abuse

When interviewing children about suspected abuse it is important to gather as many details as possible. Unfortunately, many victims of child maltreatment experience abuse on numerous occasions, and as similar events may be repeatedly experienced, it becomes increasingly difficult for children to discriminate between individual episodes. In jurisdictions across the United States, successful prosecution of an alleged offender often depends on a child's ability to recount specific, individual incidences of abuse with regard to location, time, and type of abuse. Even when details specific to an occurrence of abuse are not required, children's credibility is enhanced by providing organized episodic narratives (Brubacher, Powell, & Roberts, 2014). This paper examines the challenges faced by children attempting to recall specific details from a set of repeated events, the benefits of providing children with an opportunity to describe in detail a non-abusive event before transitioning to the substantive phase of a forensic interview, and children's ability to retrieve temporal (time-related) information from memory. Finally, the author will review evidence-based strategies that forensic interviewers can employ to enhance children's recall of information in cases of repeated events.

A forensic interview can be a novel, confusing, and emotional experience during which children are tasked with specifying one or more individual acts of maltreatment. Recalling explicit, individual occurrences of abuse poses unique

challenges for a child with multiple victimizations (Pearse, Powell, & Thomson, 2003; Roberts & Powell, 2001; Schneider, Price, Roberts, & Hedrick, 2011; Roberts, Brubacher, Drohan-Jennings, Glisic, Powell, & Friedman, 2015). Brubacher, Malloy, Lamb, and Roberts (2013) reported that “in order to recall an occurrence of repeated abuse, a child must have the cognitive abilities to distinguish it from other occurrences, be able to report details specific to that occurrence, and avoid confusing details across occurrences.” Requesting a child to provide information beyond his or her cognitive abilities may result in misinformation and impair the credibility of the interview (Brubacher et al., 2014).

Children’s memory for personally experienced events is often referred to as episodic memory (Farrar & Goodman, 1990; Quas & Klemfuss, 2014; Schacter, 2001). Specifics of an individual occurrence of repeated events or of a singular event, such as a specific birthday party, are known as episodic details (e.g., “We ate a Spiderman cake and we played pin the tail on the donkey.”).

However, when similar events are repeated, it is normal for children and adults to develop scripts regarding “*what usually happens*” (Brubacher & La Rooy, 2014; Schneider et al., 2011). A script is an organized, mental structure that describes typical event actions or objects and may include information on the sequencing of actions (Brubacher et al., 2014). Scripting can also refer to optional elements (e.g., sometimes this happens, sometimes that happens) (Brubacher & La Rooy, 2014).

Script memory involves thinking about what is “generally known” without retrieving the particular details of a singular event. An example of a script would be thinking of what generally happens at a birthday party (i.e. one plays games, eats cake, and opens presents). Scripting becomes more common as the number of incidents increase and over long delays between the events and reporting of the events (Schneider et al., 2011). However, it is natural when recalling events experienced on numerous occasions to typically mix episodic and script information.

Age potentially enhances both the storage and retrieval of memory traces, with older children generally being able to report more detailed, episodic information. The younger the child, the more likely that details of a specific incident will be confused with details from similar experiences (source monitoring issues). Throughout the conversation, interviewers should be aware of the language they and the child are using. Asking scripted questions will elicit scripted responses. Asking episodic questions will elicit episodic responses and, hopefully provide interviewers with details specific to individual occurrences of repeated events.

While scripting can impede children’s ability to provide specific details for separate incidences, the remembered information can be quite accurate as details common to the repeated events strengthen the script and are highly resistant to false suggestions. Children who have experienced numerous occurrences of abuse often remember what they have experienced but have

difficulty specifying *when* something occurred and cannot confidently report which details go with which incidents (Brubacher & La Rooy, 2014; Brubacher, Malloy, Lamb, & Roberts, 2013; Brubacher et al., 2014). This poses a challenge for law enforcement and prosecution when details specific to an incident and time frame are required to determine a criminal charge.

Implications for the Forensic Interview

The forensic interview is an unusual and novel interaction between adults and children, one where children are the sole informants to their experiences. They are not only asked to talk about events which may be anxiety-provoking, but are expected to engage in conversations where the structure and requirements are demanding, and for which the outcomes are high (Cordisco-Steele, 2010). The pre-substantive phase of a forensic interview is designed to increase a child's comfort, allow the interviewer to become acquainted with the child's unique mode of communication, establish guidelines for the interview, gain names of household members, and provide an opportunity for the child to practice episodic memory training.

Also known as episodic memory training, narrative practice is an evidence-based guideline aimed at overcoming difficulties involved in recalling specific or episodic information regarding incidents of abuse. Narrative Practice is an essential component of the pre-substantive phase of a forensic interview and is included in most forensic interviewing protocols utilized in the United States.

A majority of children reporting maltreatment allege repeated or multiple incidents of abuse. As events are repeated, it becomes easier for children to script and describe “what usually happens”. Narrative practice gives children an opportunity to “practice recalling specific episodes to offset the natural tendency to describe events in general”.

Providing children with the opportunity to practice retrieving and reporting detailed, episodic information regarding neutral events, in a narrative form, also fosters an understanding of the types of questions and prompts used in the substantive part of the interview, and promotes an understanding of the type of details the interviewer requires (Brown, Lamb, Lewis, Pipe, Orbach, & Wolfman, 2013). In interviews using a high proportion of open-ended questions in narrative practice, children reported more information about alleged abuse in response to open-ended prompts than children whose narrative practice was characterized by fewer open-ended questions (Roberts, Brubacher, Powell, & Price, 2011). Roberts et al., reporting on a paper by Price (2009), found that children with an appropriate practice narrative talked longer each time a question was posed, so interviewers had to ask fewer questions in the interview. Practicing this type of conversation early in the interview lays the groundwork for a more successful inquiry during the substantive or disclosure phase.

Possible events for narrative practice include taking a topic the child introduced during the rapport-building stage of the interview such as an activity (e.g., “You said earlier that you enjoy hunting with your dad. Tell me

about a time you remember hunting with your dad.”), events in the public domain (e.g., first day of school, national holidays), or events tied to a particular culture or religion such as Christmas or Hanukah. Younger children may need a prompt that is narrower in focus such as asking the child to describe their morning from the time he/she woke-up until arriving at the advocacy center (Cordisco-Steele, 2010). Some interviewers ask the child to describe two separate incidents (e.g. “You told me about a time you went hunting with your dad on the first day of the season. Tell me about another time you went hunting with your dad.”) When a child describes one or two particular repeated events (e.g., a specific birthday party or their morning routine) during narrative practice, there is increased potential he/she will report details specific to an individual occurrences of a repeated abuse (Brubacher et al., 2014).

Transitioning from the pre-substantive phase of the interview to the substantive or allegation phase of the interview is achieved by asking questions such as “What are you here to talk about?” or “How come you came to talk to me today?” Interviewers use more focused prompts, such as “Has someone been worried about you?”, “Is there something you need to talk about?”, or “I understand the police came to your house last night.” when a child does not take the more open prompts or appears reluctant. All transition prompts should begin as open as possible and then gradually become more focused.

When the child responds to the transition question with a generic statement indicating possible maltreatment (e.g., “Uncle Ben’s doing bad stuff”) the interviewer’s next question should reflect the child’s own language (i.e. “Tell me about Uncle Ben doing bad stuff.”). The interviewer should avoid the impulse to immediately resort to closed wh- or recognition prompts in attempts to elicit specific details related to distinct episodes. Doing so will interrupt a child’s narrative and could result in less information being shared (Brubacher et al., 2013). Instead, open-ended recall questions should continue, while prompting for information, until the child’s script is exhausted.

Recalling the script or generic narrative of what normally happens *before* eliciting details of specific events has been demonstrated to increase the total amount of information provided and potentially elicits details related to differences across occurrences (Brubacher & La Rooy, 2014; Brubacher, Roberts, & Powell, 2012; Brubacher, Roberts, & Powell, 2011; Connolly & Gordon, 2014; Roberts & Powell, 2001). During this general and more encompassing narrative, a child may provide details referring to specific incidences of maltreatment (e.g. “When we were in the shed.” or “The time it happened after Grandma’s birthday party.”). These incident-specific cues, called “episodic leads,” should be utilized by the interviewer to inquire further about a particular occurrence once the initial script is exhausted.

Using a child’s cues or episodic leads to refer to a specific instance of maltreatment, is known as “labeling”. The label should be used for the

remainder of the interview. Labels can refer to a specific type of abuse, occasion, time, location, perpetrator, or some other unique contextual information. Examples of labels include:

- Words which refer to an element of the report (e.g., the location)
- A specific type of abuse (e.g., “the time he put his hands down my pants”)
- Temporal terms (e.g., “the time at Christmas”)
- Other situational elements (e.g., “the time Mom went to the store”)

Such labels help provide scaffolding or structure for the child’s report. Using labels to refer to specific incidents when questioning a child reduces shifting between occurrences, orients the child to the particular occurrence being discussed, and may encourage production of a more coherent narrative account (e.g., “You said you were in the shed and Uncle Johnny touched your private. Tell me everything you remember about the time in the shed.”) (Brubacher & La Rooy, 2014). Labels also assist the interviewer and team members in better understanding what happened in each specific episode thereby reducing confusion for both children and interviewers when discussing multiple events (Brubacher & La Rooy, 2014). Without effective labeling for specific occurrences, the child and interviewer may be unclear as to which event is being discussed (Powell, Roberts, & Guadagno, 2007). Using the child’s

episodic leads to generate a unique label minimizes confusion or misunderstanding when identifying one event from another.

Labels are only effective if they are unique to an event, especially for younger children. According to Powell et al., 2007, before using a child's episodic lead to label an event, interviewers should request clarification as to the uniqueness of the label (e.g., "You said he put his hands down your pants. Did he ever put his hands down your pants another time?"). If the lead given by the child (act, location, person, type of abuse, etc.) is not unique it should not be used as a label when attempting to gather information regarding specific incidents (Brubacher, Glisic, Roberts, & Powell, 2011).

Problems also arise when an interviewer ignores or replaces the child's episodic leads and introduces his/her own words to label an episode. When an interviewer introduces his/her own label this can create problems with children's memory searches and lower the proportion of episodic details provided (Brubacher et al., 2013). The more an interviewer insists on creating his/her own labels instead of using the child's words, the greater the challenge for the child in following shifts in the conversation and the fewer number of forensically relevant details provided. If the child describes "the time Mom went to the store" and it is determined this is the last incidence, then the interviewer should continue to refer to this occurrence as "the time Mom went to the store" and not "the last time".

After exhausting open-ended recall questions, interviewers can ask if something different ever happened, or if the scripted action happened another time, or in a different location (e.g., The child said “She touches my wee-wee when we are in the bathroom.” then the interviewer could ask “Did something different ever happen?” or “Was there ever another time when the babysitter touched your wee-wee?” or “Were you ever in a different place when she touched your wee-wee?”). If the child positively responds to a specific recognition question, then the interviewer should prompt the child to “Tell me more about being in a different place when the babysitter touched your wee-wee.”

Time and Frequency

Two important factors affecting a child’s ability to remember a specific incidence of maltreatment are the content details (i.e. actions, persons, objects, verbalizations) and the time in which the various content details occurred. A child’s ability to remember is related both to age and retention interval (time between the event and the recounting of the event). Older children do better than younger children, but regardless of age, the ability to recount which details went with a particular episode, as well as the number of details recalled, decreases over time (Powell, Thompson, & Ceci, 2003).

Knowledge of conventional time frames (days of the week or months of the year) coupled with task complexity (i.e., interviewer’s use of open-ended or recognition questions), as well as context (i.e., familiar environments such as

home versus unfamiliar environment such as a forensic interview) influence the age at which children can retrieve temporal information.

A typical approach when interviewers are attempting to access temporal information (i.e. establish time frames) is asking the child to recount the first and last time an event occurred (Brubacher et al., 2011; Brubacher et al., 2014; Powell et al., 2003). The ability to comprehend and use relational words, such as “first” and “last” depends on a child’s ability to mentally reconstruct time, as well as retrieve elements of a particular recalled event. A child’s ability to perform these cognitive acts improves with age (Orbach & Lamb, 2007). Temporal labels are also less effective in helping preschool children distinguish one abusive event from repeated events due to a limited understanding of these terms (i.e., ‘the first time’, ‘the last time’, and ‘the next time’).

The use of “first time” and “last time” was originally based on older studies with adults who were required to remember a list of words read in sequential order. Results demonstrated adults usually remember the first and last items on the list; however, studies also demonstrate that items located near the end of the list are more vulnerable to forgetting over time, hence, the “recency” of an event may not make it more memorable than earlier, more salient events. Unless the last event in a series has occurred relatively recently to the time of the interview, asking about the “last time” may result in inaccurate reporting.

According to Powell et al. (2003), when there is a long delay between the last event and the reporting of the event, the first event is more likely to be remembered, especially with older children. Before assuming that children should routinely be asked about the “first time”, it should be noted that children in this 2003 study were interviewed about events that occurred within 4 to 7 days of being interviewed. In many cases of maltreatment, children delay reporting for months or even years (Lyon & Ahern, 2011; McElvaney, Greene, & Hogan, 2013). Generalizing these findings to a forensic interview is questionable because the nature of events occurring in a laboratory setting is very different from events experienced in the real world where children experience psychological manipulation and other forms of maltreatment.

Another inherent challenge with asking about the first or last time relates to the grooming process and the gradual escalation of manipulative and exploitative behaviors in which an offender may engage the child (Katz & Barnett, 2015). If the interviewer asks about the “first time” or “last time” he/she needs to be specific about what is meant (i.e., the first time something happened that made the child uncomfortable, the first time the child was touched over the clothing, the last time there was digital penetration, etc.). The questions should incorporate whatever leads were supplied by the child.

Asking about “the first time” or “the last time” can also place artificial constraints on the child’s memory retrieval process (Brubacher et al., 2011) and may result in less episodic details generated.

Forensic interviewers, in further efforts to assist a child in recalling temporal information, frequently ask such questions as “Did [the event] happen before or after [a holiday, birthday, before school started, etc.].” According to Friedman and Lyon (2005), children may be able to remember an individual occurrence of an event in relationship to a holiday or other occasion, if the two are salient. If this is the case, then the child should be the one to voice the co-occurrence. It is better for the child to say “It happened right before Christmas” and to ask the reason the child remembers the event happened right before Christmas than to ask “Did this happen before or after Christmas?” The interviewer could ask “Tell me other things that were happening around the time the babysitter touched you” and see what information the child provides. There are many inherent challenges when interviewers try to tie together a child’s recalled memory and what is believed (by the interviewer) to be a significant event in time. Parents, caretakers, teachers, etc. may be able to provide investigators with pertinent temporal information based on the child’s statement in the forensic interview.

Instead of prematurely introducing temporal labels interviewers should use contextual cues which refer to a person, location, or action originally mentioned by the child (Pearse et al., 2003; Powell et al., 2003). Contextual cues or episodic leads provided by the child, which refer to the elements of a specific incident, are more effective than temporal labels in facilitating recall of an occurrence of a repeated event (Powell et al., 2007).

Frequency questions such as “Did Uncle Joe touch your private one time or more than one time?” are also commonly used in forensic interviews (Brubacher et al., 2014; Roberts et al., 2015). Though this type of question is preferable to asking a child to provide an exact number of incidents it still presents a challenge. A 2012 study examined the ability of 6 to 10-year-old children who were maltreated to recall temporal location (“when” something occurred) and how often events occurred (Wandrey, Lyon, Quas, & Friedman, 2012). Though older children performed better than younger children, they still had considerable difficulty providing precise temporal details about prior experiences. With respect to season, children were incorrect about 2/3 of the time and did poorly when estimating how many times events (court visits or number of placements) occurred. The authors of the study stated that “repetition may affect memory in such a way as to make temporal judgments more difficult.”

If the child states “The babysitter touches my wee-wee.” it is likely the behavior occurred more than once because of the plural tense “touches.” The interviewer can either ask for a scripted memory response (e.g., “Tell me about the babysitter touching your wee-wee” or could ask for an episodic memory (e.g., “Tell me about one time you remember when the babysitter touched your wee-wee.”). Actively listening to children’s responses can enable the interviewer to determine if abuse has occurred more than once without resorting to the specific recognition questions such as “Did this happen one time or more than one time?”

Asking a child specific frequency questions (how many times X happened) should be avoided as this question is at odds with the developmental capabilities of young children and the response is likely to yield incorrect information (Brubacher et al., 2014). Even adults are challenged when answering frequency questions in regards to frequently recurring events (e.g. “How many times did you use your debit card last month?”). As Roberts et al. (2015) demonstrated, failure to provide the number of specific incidences should not be used as a reason to consider children’s testimony unreliable because memory for content is easier to remember than memory for frequency or specific time frames.

Summary

Countless child victims allege repeated incidents of abuse, and, in the criminal justice system many jurisdictions require that a child provide details of specific instances in order for prosecution to proceed. Children are frequently asked whether an event happened one time or more than one time, to report the specific number of times events occurred, or to provide the temporal location of repeating events. These are all questions which research consistently demonstrates are problematic and concerning. It is imperative that forensic interviewers learn to ask open-ended, non-suggestive, episodically-focused questions to elicit details specific to individual accounts of alleged maltreatment after the child’s initial script has been exhausted.

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