

Alternative Hypotheses in the Child Forensic Interview:

What Are We Talking About?

A Research-to-Practice Summary

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Alternative Hypotheses in the Child Forensic Interview: What Are We Talking About?

A forensic interview is a specialized conversation between an adult and a child designed to gain the child's unique descriptive information about personally experienced events (Newlin et al., 2015). This particular type of interview occurs when there is a concern or allegation of direct harm to the child or reason to believe the child may have witnessed the victimization of another person. Typically conducted by either a law enforcement or child protection investigator or a designated child forensic interview specialist, employing legally sound and developmentally sensitive questioning strategies, the interview should be done in a non-leading and non-biased manner with the intent of eliciting the child's description of events in his/her own words. Information gained from the child contributes to decisions made about the child and case, and provides direction for the criminal (law enforcement) and civil (child protective services) investigations. High quality forensic interviews contain a majority of recall-based questions, as such questions prompt the child to respond in his/her own words and to provide as much detail as developmentally and emotionally possible. While recognition-based questions may be needed to assist the child in providing complete information, they should be delayed and used sparingly (Lamb et al., 2008; Powell & Snow, 2007). There is no single national or international forensic interview structure that is required, but all recognized interview protocols (also known as guidelines,

structures, recommendations) follow the same body of research and literature and tend to closely resemble each other (Newlin et al., 2015).

A pre-interview meeting usually precedes the interview of the child and includes the law enforcement and child protection investigators, along with the designated forensic interviewer. In some Child Advocacy Centers (CACs), the victim advocate, a prosecutor, or other CAC staff may participate in this meeting. The meeting is generally not a lengthy process. Its purpose is to share information on the child's development, language, previous history of abuse, and any special needs, along with case-specific information that is available (APSAC, 2012; Poole, 2016). Most initial forensic interviews are conducted soon after authorities receive a report of suspected abuse or after the discovery of a crime. Consequently, background or investigative information may be limited at the time of the interview. The recommendation for conducting forensic interviews of child witnesses as quickly as possible following a report is supported by the literature and investigative guidelines (Newlin et al., 2015). Gaining the child's information in a timely and nonbiased manner is important: it helps guide the rest of the investigation and recognizes that young children's memory for events may deteriorate more rapidly than an adult's. Also, decisions about medical examination or other safety and protection needs must be assessed quickly.

During this pre-interview meeting, preliminary discussion of possible reasons or alternatives for the child's statements or behaviors takes place, along with

consideration of “if and how” these possibilities might be explored during the interview while remaining true to the mandate of eliciting the child’s information without interviewer or investigator bias or suggestion. Possibilities generated during this discussion are known as “alternative hypotheses” or “alternative explanations.” There is acknowledgment of the possibility that an alternative explanation (i.e., the act is innocent and misinterpreted, the child’s early statements were misunderstood, others may have influenced the child intentionally or unintentionally, a child may have psychological issues that color his/her interpretation of events, etc.) may have led to the report (Poole, 2016). However, there is limited research and virtually no literature recommending a specific set of questions about reasoning, motivation, and the influence of others that is common in children or across cases. As stated by Faller and Everson (2012), “The most effective hypotheses are case specific” (p. 51). Individual cases and child characteristics vary greatly with regard to discernible alternative reasons, other than abuse, for a child’s outcry statements or injuries.

The majority of the writing addressing the topic of alternative hypotheses has been provided by forensic evaluators (Herman, 2005, 2009; Kuehnle & Connell, 2009; Mart, 2010; O’Donohue, Benuto, & Cirlugea, 2013; O’Donohue, Benuto, & Cirlugea, 2014; O’Donohue & Fanetti, 1996; O’Donohue, Benuto, & Fanetti, 2010). Forensic evaluators have a different role in assessing allegations of child abuse. They engage in the case at an entirely different point in the process (post-investigation or at least well after the initial investigative response) and

may be retained by one or the other party to the case before the court. This body of literature provides little to inform the work of child forensic interviewers who operate within a limited and highly specialized role with a primary focus on gathering from the child information that can be used to further the investigation.

A practice in some jurisdictions, when a case is before the court, is for an evaluator professing expertise in forensic interviewing to be retained to review the recorded interview(s) conducted with the child and/or to provide suggestions or advice to the attorney during the criminal proceedings. Such experts may possess an advanced degree and derive their knowledge primarily from familiarity with literature on forensic interviewing; others currently or previously have conducted forensic interviews or are engaged in training or supervision of other interviewers. A few may have also engaged in research studies or published on issues in forensic interviewing of children, or some combination of the above. These experts often submit a written report in addition to providing testimony in the actual court proceedings. Experts on forensic interviewing typically comment on the structure of the interview, noting the inclusion or omission of specific phases, such as rapport, interview instructions, narrative practice, open transition to the topic of concern, and strategies used to elicit details and clarification of substantive topics. Additionally, such experts may comment on the use of appropriate questioning formats, developmental sensitivity in questioning, and the presence or absence of suggestion or coercion in the interviewer's approach.

A concerning practice among some experts called by the defense is the inclusion of commentary on the absence of hypothesis testing during the interview, with an additional implication that the forensic interviewer has omitted a particular line of questioning because of specific bias or a lack of adherence to the principles of quality forensic interviewing. While some nationally recognized forensic interview protocols recommend that alternative explanation be explored on a case-by-case basis (Poole, 2016), others make no mention of hypothesis testing as an essential step. Virtually no nationally or internationally recognized forensic interview protocol provides a list of questions that should be included in each forensic interview addressing a wide range of alternative explanations.

However, this is implied in some of the reports submitted by defense experts. In such cases, directives about what should be done to address alternative hypotheses within the child's forensic interview is based largely on opinion and speculation about hypothetical concerns, possibly influenced by the role of different professionals in the case or legal matter. At times, a recommended set of questions that should have been included is provided. At times the recommended questions for testing alternative hypotheses violate the principles of good forensic questioning in regard to the form of the questions (option-posing, leading, or suggestive) and introduce a variety of random topics to the child. This practice is even more problematic if the child is quite young. Such questions often suggest hypothetical possibilities with no connection to this child or case, sometimes implying to the child that his/her

report is in error. Some approaches tend toward questions about the child being unduly influenced to allege abuse without equal consideration of influences to “not tell.” Forensic interviewers are cautioned to avoid the introduction of bias in either direction when questioning a child witness, neither reinforcing the possibility of maltreatment nor implying disbelief or suspicion of the child’s description of events (Faller, 2005; Newlin et al., 2015; Poole, 2016).

A particularly troubling line of questioning involves inquiries about past conversations the child may have been party to before the forensic interview. When there are case-specific indicators that someone may have recently influenced or pressured the child to either allege or deny abuse, this line of inquiry may be appropriate. However, research demonstrating that adults (much less children) are likely to remember the gist of prior conversations with little recall of the specifics of what was said and by whom, should give us pause about routinely broaching this line of inquiry, especially when using inappropriately formed questions (Lawson & London, 2015; Lyon & Stolzenberg, 2014; Stolzenberg & Lyon, 2014) and when asking children to recall conversations that occurred months earlier. For younger children, issues of source monitoring and language (i.e., confusion between “ask” and “tell”) (Walker, 2013) can also be problematic for discussions about past conversations.

Just as forensic interviewers are cautioned not to engage in “fishing expeditions” about various forms of maltreatment or possible offenders,

recommendations to hypothesize or challenge the child's motives may interfere with the goal of gathering the child's detailed statement free of interviewer or investigator bias. Science has identified no set of alternatives that should be explored in every interview. Furthermore, consideration of alternative explanations happens at various points of the investigation and does not always involve additional questioning of the child.

The child's interview is only one source of information and not the singular place where consideration of alternative explanations or possible influences takes place. Family members, teachers, and other professionals interacting with the child, such as a medical provider, advocate, guardian ad litem, therapist, and the accused person also provide information. Law Enforcement and Child Protective Services search for corroboration of the child's description of events through statements from witnesses, records, and physical evidence. The investigation may uncover corroboration for the child's statements or contradictory information. While questions or alternative explanations that need to be followed up on may come to light during the course of the investigation, this information is not typically available to the forensic interviewer in the initial conversation with the child. In such cases, a decision may be made to conduct a follow-up interview of the child (Waterhouse, Ridley, Bull, La Rooy, & Wilcock, 2016).

Multidisciplinary teams routinely participate in review of open cases with the purpose of sharing and discussing all known information about the child, the investigation, medical findings, and conversations with the accused and other witnesses to make informed decisions about child protection and possible legal ramifications. While an essential component, the interview of the child is only one piece of the investigative puzzle.

Best practice recommendations for effective and non-biased questioning of a child should be applied across the board and to all parties who interact with a child witness. The topic of inquiry does not alter what we know from science about gaining a child's most accurate and detailed information. If we truly want to better understand the child's experience and gather his/her most accurate information, we should focus on the elements in the event that were salient, understood, and meaningful to him/her.

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