

UNKNOWABLE AND UNANSWERABLE: HOW MANY TIMES DID HE TOUCH YOU?

A frequent question posed in forensic interviews is, “How many times did [...] happen?” The expectation is that children, regardless of age, should be able to respond accurately.

Why is determining the number of maltreated events considered important within the context of a criminal investigation? Allegations of child sexual abuse rely heavily on the child’s testimony. Corroborative evidence is rare, and the child is usually the only eyewitness. Temporal information, including the number of incidents and the dates of each incident, can assist prosecutors with the leveling of charges and provide defense counsel with details so a response can be mounted. It can also assist in whether or not a charge of continuous sexual assault is warranted.



Courts in the United States and other countries often expect that children should be capable of enumerating the times abuse occurred, as well as the dates of individual incidents. Due to these expectations, forensic interviewers are often pushed to ask inappropriate questions during interviews. However, a review of the literature regarding children’s temporal abilities should dissuade interviewers from asking children the number of times a repeated event occurred.

Study Results of Enumeration Ability in Children

In a 2015 study by Roberts et al., 4- to 8-year-olds participated in a series of one to four repeated events and were interviewed a week later. Less than 25% were able to report the exact number of events they experienced with the 6-to 8-year-olds outperforming the younger children. An encouraging indicator was 85% knew they had participated one time.

In a landmark study by Wandrey and Lyon (2012), the authors asked maltreated children placed outside the home to report their number of placements, as well as number of court visits. The hypothesis was that the number of placements and the number of court visits would be salient information for children who desired to return home. The children, ages 6 to 10, were interviewed 0.5 to 1.5 years after their last placement. Overall, the results indicated they were poor at recalling both the number of their placements, as well as the number of times they had been to court. Approximately 35% erred when asked if they had been to court one time or more than one time.

According to Wandrey (2013), children’s ability to report whether an event occurred one time or more than one time emerges around the age of 5. This was determined through laboratory studies involving simple stimuli consisting of words in a list or a series of pictures.

An interesting note from the study was the remark that their judgments may have been hampered by their maltreated status. Many maltreated children may also suffer neglect which is associated with lower socioeconomic backgrounds,

disruptions in education, and verbal delays. These challenges are in addition to the temporal difficulties experienced with normal childhood development.

Another study from 2011, by Sharman et al., examined the ability of 4-to 8-year-olds to report how many times they had participated in a series of classroom events (1, 6, or 11 times). The children were interviewed 5 days after the last event. Children who experienced 6 or 11 events were highly inaccurate with less than 10% responding correctly. The ability to correctly state the number of events did not improve with age.

An important component of a forensic interviewer's job is to deliver and then practice interview instructions or guidelines with the child (dependent on age), including instructing the child to say, "I don't know," when they are unsure of the answer to a question. However, asking for a specific number (how many times) or frequency (about how often) invites children to guess; because, as research indicates, many children are not comfortable saying, "I don't know," and still may attempt to answer.

This is especially troubling when adults' numerosity judgements are usually wrong, particularly for events of high frequency. An easy example is asking an adult to correctly state the number of times he or she used his or her debit card in the past month, which may evoke responses of, "I don't know," or "Too many." If an adult cannot answer such a simple question, then how can children who have experienced multiple incidents of maltreatment with resulting trauma be expected to do better?

What Does This Mean for the Interview?

- There is an immediate tendency, after a disclosure to ask the child about the first and last time. The belief is the first and last events would be the most memorable. There are challenges with these assumptions. If sexual abuse is ongoing, there is generally an escalation of events as the abuse continues (manipulation/grooming). It is not uncommon for an offender to observe a child in the bath or while toileting, then progressing with more intrusive touching - over the clothes, under the clothes, vaginal or anal penetration, or oral. In these cases, there are multiple firsts and multiple lasts. A better question to the child would be, "Tell me about [...] starting with [...]." Then use breadth questions, such as, "What happened next?" or "Tell me the next thing that happened."
- Instead of asking for a specific number, better to ask, "Tell me about one time you remember." This prompt may assist the child in talking about an event that is salient and memorable. Exhaust the narrative description of this one event, then ask the child, "Tell me about another time you remember." Continue these types of prompts until the child indicates he or she cannot remember another time.
- Some interviewers ask the child to report the worst time. This type of prompt is subjective and not recommended. A better prompt to utilize instead is, "Tell me about one time that's hard to forget."



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