Do Forensic Interview Protocols Work for Preschoolers?

A Research-to-Practice Summary

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Linda Cordisco Steele, M.Ed, LPC

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210 Pratt Avenue, Huntsville, AL 35801
256-533-(KIDS) 5437 • nationalcac.org

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DO FORENSIC INTERVIEW PROTOCOLS WORK FOR PRESCHOOLERS?

Introduction

Professionals conducting forensic interviews of children routinely follow a structure derived from empirical evidence and practice knowledge. While multiple interview protocols are used throughout the United States, they reflect growing consensus about the essential phases of a high quality interview. Most simply, a forensic interview consists of a pre-substantive phase (focusing on establishing rapport and orienting the child to the particular demands of this unusual conversation) and the substantive phase which addresses the allegation and other topics of concern. Interview protocols typically break the two basic phases of a forensic interview into smaller components for purposes of training and maintaining the integrity of interviews.

Key components of the pre-substantive phase of a forensic interview are establishing a comfortable environment, building of rapport, provision and practice of interview instructions, and an opportunity to provide at least one narrative description of a recent, non-abusive event. The substantive phase of the forensic interview consists of an open transition to allegation topic(s), invitation for narrative description of recalled events, follow-up questions, clarification and closure (APSAC, 2012; Lamb, La Rooy, Malloy, & Katz, 2011; Saywitz & Camparo, 2009; Saywitz, Lyon, & Goodman, 2011).

The growth in consensus in the field of forensic interviewing has led to almost universal guidelines for conducting forensic interviews of children regardless of age and culture. While the agreement serves to raise the quality of interview practice in general, it may cause interviewers to turn a blind eye when contradictions exist between interview guidelines and developmental and cultural information (Au, 1993; Gabarino & Stott, 1992; Heath, 1983).

The very youngest children (three to five years of age) are one of the most challenging groups to interview. However, this group is also seen as vulnerable to maltreatment. Limited language abilities, short attention span, lack of experience serving as primary sources of information, and narrow life experiences are only a few of the challenges for preschoolers when asked to serve as witnesses. As Senior Trainer and Curriculum Chair for the National Children's Advocacy Center (NCAC), a long-time forensic interviewer and a former preschool teacher, the author has an interest in providing an adaption of the NCAC Child Forensic Interview Structure (CFIS) to better meet the needs of the youngest children who are challenged by the demands of these unique conversations. A number of issues are raised by the blanket application of "best practice" principles when interviewing preschool children. In this paper I will consider some of the developmental issues and concerns for preschool children and will also provide recommendation for possible adaptations of the NCAC CFIS with preschoolers.

Characteristics of Preschoolers

Two concerns most commonly identified by forensic interviewers when interviewing preschoolers are attention span and language. These concerns will be addressed followed with discussion about

additional developmental challenges (cognitive abilities, conversational context, moral development and intentional deception).

Attention Span

It is universally recognized by forensic interviewers that young children have a shorter attention span (Gladwell, 2000). Preschooler's brains are developing rapidly; but still have a long way to go in understanding their world. Young children pay attention to things that make sense to them and engage their interest. Preschoolers thrive on repetition, as any parent has witnessed with his/her own youngster who wants to read the same book, watch the same movie, repeat the same game, and eat the same food, and may be less responsive to novel experiences. Preschool children can make sense of and participate in familiar activities, thus increasing their enjoyment and extending their attention and motivation. They enjoy the sense of mastery that comes from performing familiar activities and engaging in scripted verbal exchanges (bedtime routines, nursery rhymes, etc.). Preschool children often signal their lack of engagement by looking away or ignoring adult requests. Because of the lack of executive functioning, which will be discussed later, preschoolers cannot will themselves to attend to tasks that do not make sense or engage them (Saywitz & Camparo, 2014).

The forensic interview, while unfamiliar to most children, is particularly foreign and stressful to preschoolers. The interviewer is challenged to structure the smaller window of time in a way that makes the best use of all stages of the interview. As with older children the forensic interviewer should strive to increase preschoolers' comfort, optimizes their abilities, and encourages narrative by including productive activities and removing wasted words and discussions. In addition, the forensic interviewer should avoid causing confusion or encouraging fantasy or suggestibility.

Language

Children learn a great deal about verbal communication during the preschool years. The environment and caregivers (parents and teachers) vary widely in the emphasis placed on language (Owens, 2011; Reese & Fivush, 1993). Some families may be highly verbal and engage children from a very young age in conversations and labeling of objects and explanations; other families interact less verbally with an emphasis on physical interactions (Davies, 2011; Heath, 1983). Additionally, when talking with young family members, some caregivers focus on developing the children's rote memory (naming objects, socially correct responses, songs and repetitions of information), while other caregivers may include more narrative approaches (elaboration of children's statements, follow-up questions, and narrating daily shared experiences) (Fivush, Haden, & Reese, 2006). Preschool children's receptive and expressive language is influenced not only by the biology of their growing skill sets, but also by their environment.

Preschoolers are in the preoperational stage (Piaget, 1954) and consequently are almost exclusively concrete thinkers. They use and interpret language very literally and do not yet understand that a word may have more than one meaning (Hewitt, 1999; Walker, 2013). Preschoolers often use words long before they understand their meaning. As mentioned earlier, preschoolers enjoy familiar interactions. When learning to appropriately use new words or adapt new behavioral routines, preschoolers benefit from repetition and practice.

Ann Graffam Walker (2013) provides additional points about preschoolers and language.
Preschoolers

- Are still in the process of acquiring language
- Use words before they know their conventional adult meaning
- Use words they do not understand at all or only slightly
- Use words they understand only in certain contexts
- Understand poorly some apparently simple concepts
- Do best with simple sentences (subject / verb / object)
- Have difficulty answering specific questions and may exhibit a response bias
- May answer yes/no questions with either a "yes" or a "no" even when the questions are unanswerable

Interviewers are admonished, when talking with preschoolers, to use simple sentences and questions, address one concept or thought at a time, use concrete terms (rather than pronouns, etc.), omit unnecessary words, and pay attention to verb tense. Even in its simplest form, the language used in forensic interviews for interview instructions and practice examples exceed the above recommendations.

Cognitive and Memory Abilities

"Children begin [life] with involvement and skills supported in the close home environment" (Rogoff, 1990, p. 26). The years between three and six are active years for cognitive development. Cognitive development is facilitated by a stable home environment that offers a reasonable amount of routine with developmentally appropriate learning opportunities and encourages supportive and child-focused verbal exchanges (Bowlby, 1988; Brazelton & Greenspan, 2000; Karen, 1998; Winnicott, 1965). This can be a tall order for families who may also be dealing with financial, emotional, health-related, or relationship issues, as well as long work hours and isolation from extended family network supports. The ability to put remembered experiences into word is highly dependent on the child's experiences within the family. Forensic interviewers need to gain a glimpse of the child's language and experience in order to attempt to match language and questions to the individual child's cognitive and verbal style. This is best achieved by listening to the preschooler, as opposed to instructing the child about adapting to the forensic conversation.

Some characteristics of preschool cognitive functioning are as follow.
Preschoolers:

- Deal with objects as distinct and unique (they are what they are) (Flavell, 1986; Walker, 2013).
- Are just beginning to classify things, people, or ideas into categories (Piaget, 1972; Piaget & Inhelder, 1969).
- Pay attention to the appearance of things, rather than making judgments about the possible reality (can be easily fooled or misled) (Davies, 2011; Flavell, 1986; Piaget & Inhelder, 1969).
- Do not engage in metacognition (thinking about their thinking) (Flavell, 1985; Rogoff, 1990).
- Are challenged when asked to think about a question, check for understanding of the question, search their memory, and monitor their thought process (Kagan, 1984; Lamb, Malloy, Katz, & La Rooy, 2014; Peterson, 1990; Waterman, Blades, & Spencer, 2002).

- See things from their own viewpoint and have difficulty understanding that others do not "know what they know" or "feel what they feel" (Hewitt, 1999; Piaget, 1926, 1954).

Metacognition

Metacognition is the ability to not only think, but to reflect on and monitor one's thought process. "The awareness that a question is difficult because the vocabulary was not understood is an example of metacognition, as is recognizing whether one has or does not have access to the requested information (rather than reflexively taking a guess or replying 'I don't know' when information does not come quickly to mind)" (Brubacher, Poole, & Dickinson, 2014). Older children or adults have greater abilities to track their thoughts and communication for accuracy and successful transmission; thus allowing them to recognize their own lack of understanding or to correct themselves or the interviewer (Carter, Bottoms, & Levine, 1996; Markman, 1981). Metacognition develops most rapidly during the early elementary years. Preschoolers may not engage in this type of monitoring at all or, at best, do so inconsistently. Instructing preschoolers to monitor their understanding of questions and to thoughtfully apply memory strategies implies that they are capable of doing so, an unrealistic expectation. This idea has not support in the developmental literature.

Theory of Mind

"Theory of mind" is another cognitive skill that begins developing during the preschool years. "Theory of mind" is a "broad set of social skills supporting understanding of mental states of self and others" (Brubacher et al., 2014). Preschool children are notoriously ego-centric, which doesn't mean that they are inherently selfish; but rather that they do not comprehend that others have a different internal experience from themselves (Piaget, 1926). Achievement of "theory of mind" allows preschoolers to comprehend that another person possesses different information, has a different perspective, and may be experiencing other emotions than themselves. Such awareness is necessary for children to truly recognize the significance of the forensic interviewer needing detailed information about any event for which the interviewer was not present.

Executive Functioning

The acquisition of "executive functioning" signals another developmental achievement, which allows children to engage in problem solving in a more active and regulated manner (Kagan, 1984). Executive functions "include the regulation of attention, emotion, memory, behavioral response, and planning" (Siegel, 2012). Executive functioning usually develops during middle childhood and allows children to think about what they are thinking and use such analysis to solve problems or focus on accomplishing a task. Executive functioning also allows children to ignore other streams of information or impulses and focus their attention on the task at hand. While latency age children are able to think "What do I need to think about in order to figure out how to remember the answer to a question or solve a problem," preschool children do not engage in this kind of mental processing or strategizing. Likewise, preschool children are not yet ready to monitor their own thoughts or statements and check them for accuracy or appropriateness (Peterson, 1990; Siegler, 1998). The burden is on the forensic interviewer to closely observe preschool children and attend to signals (verbal and non-verbal) that indicate understanding of a question, confusion, and miscommunication. A forensic interviewer must closely observe the child and recognize when the child's stored memory for any topic has been exhausted; preschoolers are not able to do this on their own.

Additional Points about Cognition, Memory and Language

Children's memory for any experience will be influenced by their understanding of an event, which is influenced by their cognitive abilities, attention, and language. Matching the child's language and verbal style is essential for a successful interview.

Additionally, preschool children:

- May be highly accurate for details they recall (Saywitz & Camparo, 2014; Siegler, 1998).
- Pay attention to and store fewer elements about any experience than older children (Bauer & Mandler, 1990; Lamb et al., 2014).
- Are assisted by adult conversational partners who also participated in the experience and can ask questions which cue the children's memories (Rogoff, 1990; Vgotsky, 1978, 1986).
- May not understand when they have reached the limit of their stored information (Saywitz & Camparo, 2014; Walker, 2013; Waterman, Blades, & Spencer, 2002).
- May easily switch topics without understanding they are doing so (Farrar & Goodman, 2001).
- Have stronger memories for events that are repeated rather than a single occurrence (Tang, 2006).
- Are challenged to focus on a single episode of repeated experiences (Farrar & Goodman, 2001; Tang, 2006).

In summary, preschoolers attend to experiences, store remembered elements, and can recall them at a later time, but they lack an understanding of memory processes, the limitations of their own memory, and flexible memory search strategies. "Metacognitive and metalinguistic awareness and skills develop more fully after age 5, meaning that preschool children are seldom able to monitor their comprehension as effectively as older children or adults" (Lamb, Malloy, Hershkowitz, & La Rooy, 2015, p. 29).

Moral Development and Deception

According to Kohlberg (1984), morality progresses from a moral sense based on outside approval to an internalized sense of right and wrong. He further describes very young children as having a "punishment and obedience orientation" to morality, rather like the belief that if "an act gets me into trouble with my parent (i.e. primary attachment figure) then it must be bad or wrong." As children age they move from compliance as a direct response to a parent's reactions to "committed compliance" (active identification with parents' perspective on pro-social behavior). This movement is the result of the interaction between healthy attachment and a history of predictable requests and responses from parents (Kochanska, 2001). At a relatively young age, children develop awareness of parental standards and expectations, which often includes a responsibility to "tell the truth." Frequent reminders and limit setting assist preschoolers in learning the rules of behavior established by caregivers and teachers. By five years of age, some children are able to provide reasons for their moral judgments; although this behavior often involves routine moral choices (sharing, not being mean to others, saying "I'm sorry," etc.) (Dunn, 2006).

Additionally, preschoolers are challenged to distinguish between intention and result. A classic experiment by Piaget (1965) illustrated the difficulty faced by preschoolers in assigning greater guilt and responsibility to a hypothetical child who deliberately threw and broke one of his mother's cups as opposed to another child who accidentally tripped, dropped, and broke 12 cups. A sense of conscience begins in the early years, but will not reach full development until later.

Evans and Lee (2013) describe lying as "deliberately stating a belief that one does not believe with the intent to instill a false belief in the listener." While lie-telling is normative, it takes different forms ranging from pro-social lies to lies to avoid punishment to lies told with forethought and sophistication. Preschoolers typically lie to avoid punishment or conceal wrongdoing (eating a forbidden cookie, breaking an object, etc.) Their deceptive statements are often fairly simple and straightforward. Responding to an interviewer's questions with an intention to mislead the adult in order to accomplish a specific goal requires a degree of mental planning. Evans and Lee (2013) state "Inhibitory control, or an individual's ability to suppress a response while completing a separate goal, is believed to be required to tell a lie because that individual must inhibit the truth while reporting false information," Lies from preschoolers are relatively easy for others to detect because preschoolers have not yet developed "semantic leakage control" making contradictions more easily exposed (Talwar & Lee, 2002). Preschoolers are less able to lie with intention and to successfully maintain a lie.

Context Matters

The term "context" refers to interrelated conditions in which something occurs and includes setting, people, language, and patterns of interaction. Even adults can feel uncomfortable in an entirely new context (i.e. visiting a foreign country where the language, environment, culture, money, and rules of social engagement are unfamiliar). Recognizing that the context of a forensic interview is unique for the majority of children, many of the elements included in a forensic interviewing protocol are intended to assist the child in learning about and adapting to the new interactions. However, the issue of context is especially challenging for the preschool child.

Preschool children typically have limited opportunity to be left alone in a new environment with a stranger to engage in an extended conversation (Nelson, 1986; Owens, 2011). Preschoolers can be slow to warm up to novel situations, often appearing more competent and comfortable when in a familiar setting (Nelson, 1986; Vgotsky, 1978). Both the preschooler and the forensic interviewer are challenged to adapt to each other.

Firstly, the parameters of recommended forensic practice does not allow the interviewer to make use of the kinds of activities that preschool-oriented adults frequently employ when building rapport with a young child in a new situation (i.e. new babysitter, preschool, or medical procedure). Adults familiar with this age group recognize that engaging the child in familiar activities (i.e. a picture book, simple puzzle, familiar game or activity) assists him/her in overcoming initial shyness and engaging in conversation.

Secondly, the verbal assistance and structure that is intended to inform latency age and adolescent children in understanding the new context provides little benefit to the youngest children. Preschool children learn new routines through repeated experiences with supportive encouragement and reinforcement rather than through a one-time explanation. Preschoolers may be quickly overwhelmed with verbal explanations and practice tests. If this occurs their comfort and confidence may be diminished, rather than supported.

Conclusions

"We do not question 'children.' We question one child at a time" (Walker, 2013, p. 11). While Dr. Walker's maxim is true of all children, it is especially so for three to five year olds who are rapidly acquiring new cognitive and verbal skills. The development of language, memory, and retrieval strategies emerge through the interaction between biological development and social learning (Fivush, Haden, & Reese, 2006; Fivush & Merrill, 2014). Parents, caregivers, and other cultural social mentors influence children's development and impact the particular "flavor" of children's perceptions, thinking, and ability to talk about their lives. While formal education offers the possibility of a more normalizing experience, the cultural lives of preschoolers are shaped by their immediate environment. These environments vary greatly.

At home and in preschool, caregivers engage in repetitions of giving instructions, modeling behaviors, and requiring compliance before they see consistent change in the behavior of preschoolers. Initially, social behaviors emerge as a merely rote repetition of the recommended behavior (i.e. saying "I'm sorry" when the child has snatched a toy or hit another child). Preschoolers know this is the appropriate response and wins adult approval, whether or not they actually feels remorse. With time, hopefully, the desired behavior and response become internalized.

Because of the limited time and requirements of the interview, the forensic interviewer is challenged to transmit new "social rules." The interviewer adapts to preschool children, rather than preschoolers adapting to the interviewer. The introduction of interview instructions is intended to increase children's understanding of the requirements of the task of being witnesses (Evans & Lee, 2010; Lyon, 2014; Waterman & Blades, 2013). While acknowledged as being of great benefit to latency age children or adolescents, interview instructions are, at best, less helpful for preschool children and, at worse, confusing and a waste of precious time. While some preschool children may be able to "pass" the practice test by correcting the interviewer when she/he misstates an obvious fact about the child, this is a simpler task addressing routine knowledge (which may come from rote memory and be subject to rehearsal in other situations). It is questionable if very young children will engage memory search strategies, monitor their correct understanding of interviewer utterances and apply the relevant correction in an unusual and somewhat formal setting.

While we all know that preschool children may provide incorrect information in the forensic interview, the challenge is in recognizing the occurrence and discerning the reason (misunderstanding, misinformation or influence from an adult, lack of motivation, poor memory search strategies, linguistic issues, etc.) The list is considerable; but intentional lying to accomplish a desired outcome is not at the head of the list. Speaking of young children, Lamb and colleagues state, "In fact, although parents and other adults tend to be displeased when children lie, the ability to intentionally deceive others signifies cognitive and social competence, such as advanced theory of mind, executive function skills, and sophisticated navigation of social situations" (Lamb et al., 2015, p 55).

Recommendations

A forensic interview is a structured conversation with a child which has a very specific purpose: to gain the child's information about an event which may or may not be abusive or criminal in nature. This conversation occurs with a stranger, in a controlled setting, and with a limited time allotment. Preschoolers have limited abilities and attention span for this type of conversation as it places unfamiliar demands on them and thus is likely to be stressful. The forensic interviewer strives to make the best use of limited time with the preschooler and remain respectful of the developmental skills and limitations.
Some suggestions for adapting current guidelines to the interview of a preschooler are as follows:

Prepare for the interview
Obtain information from a caregiver to prepare you to be a better conversational partner for this child. This information includes:

- child's names for all persons in the household
- basic information about daily routines
- child's interests
- names used by the child for body parts
- a recent activity or event that can be used for narrative practice
- anything unusual about their pronunciation or use of language

This information allows the interviewer to ask cued questions that make sense to this child. If the child's speech is unusual, it may help the interviewer to understand him/her more rapidly.

Take your time and do not rush the preschooler

- Do a pre-interview "tour." Show the preschooler and caregiver where the child will be interviewed. Let the child know exactly where the parent will be.
- Adopt a relaxed pace and allow the preschooler time to "look you over" without forcing conversation.
- Be present; but don't push the preschooler to interact. Don't overload him/her with information or questions immediately.
- Listen and observe. An observant interviewer may be able to pick up on the child's signals (i.e. when a cycle of questioning has gone as far as it can or when the child did not understand a question).

Use good questioning approaches

- Preschoolers do best with simple sentences (subject/verb/object).
- Young children are challenged by the exclusive use of open-ended questions.
- Use more narrowly focused prompts (open-ended questions) and "wh" questions.
- Focus on actions when possible.
- Limit or omit yes/no and multiple-choice questions. Pause and think before resorting to these option posing questions.

Adapt your typical interview structure

- Keep explanations or additional talking to a minimum.
- Scaffold your cued recall questions. The preschooler needs additional time to focus on a topic introduced by the interviewer.

- Encourage narratives responses by use of more narrowly focused recall-based prompts throughout the interview (go for actions when possible).
- Understand that narrative responses may very well be shorter. Follow up with cued questions, using the child's words.
- Take advantage of hearing the child talk rather than structuring the conversation, interviewer talking, and adapting a "testing" format.
- Include a promise or agreement to "tell the truth" without further discussion or elaboration.
- Omit the use of interview instructions and practice.
- Reinforce interview instructions as they arise in the conversation.
- Adapt the narrative practice. The preschooler may be able to tell you about an event; but is not able to "start at the beginning" and "tell everything about"… and "not leave anything out."
- Provide cued prompts to transition to topic(s) of concern without being suggestive.
- Observe when there is any disconnect between the question asked and the child's response. Adjust your question.
- Observe when you have exhausted the child's information about any topic. A preschooler becomes frustrated when pushed to talk about things he/she does not know or understand.
- Settle for less information from the preschooler, rather than resort to option posing or complicated questions.

Obtaining information from a preschooler

- Preschoolers only attend to the elements of an experience that make sense to them.
- Preschoolers can only relate their personally stored information in their own words.
- Even good descriptive statements from preschoolers will not be complete.
- Investigators are able to assess credibility more accurately when children provide narrative responses.
- The information obtained from the forensic interview is only one part of an investigation.
- Do not exceed preschoolers' developmental abilities, as this will lead to inaccurate information.

Young children are still developing their meta-linguistic abilities. Essential for coming to know what listeners want to know, and how to report information coherently, monitor the success of their communication, and modify strategies as necessary to ensure that the listeners have understood (Lamb & Brown, 2006; Saywitz, Snyder, & Nathanson, 1999). Preschoolers can provide information; but only the information they know and only in words that make sense to them. Their information may be accurate; but is seldom complete. Forensic interviewers and investigators carry the burden of speaking with young children in a manner that lets them share their best information.

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