

## University of Southern California Law

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From the SelectedWorks of Thomas D. Lyon

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4. Lyon, T.D. (2007). Interviewing Children: Getting more with less (Powerpoint notes pages). Professionals who interview children can obtain a free copy of the dvd from lcoleman@law.usc.edu.

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## Interviewing Children: Getting more with less

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### What we'll do

- Case Study: Catherine and Alexis
- Question Types
- Interview Instructions
- Narrative Practice
- Allegation Phase
- Followups

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### Catherine & Alexis

- 9 years old
- Daughter and Niece of Defendant's girlfriend.
- Accused of sexual abuse during babysitting.
- Chief witnesses: the children.
- Acquitted

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## Defense

- No physical evidence
- Vindictive adults
- Repeated interviewing
- Lying

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## Juror No. 9

We had to find him guilty, all one hundred percent, guilty without a reasonable doubt. And there was just no reason and not enough evidence to prove Alex...guilty. We all 12 walked out of there 100 percent feeling we did justice. We let an innocent man go.

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## Juror No. 9

They weren't consistent on their story. We know that they were young and we understand they are children but the story was like did he touch you three times, yes, did he touch you five times, yes, did he touch you 50 times, yes. Everything was yes, yes, yes.

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## Question Types

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## Question Types

- Open-ended/Wh-

Good

- Yes/no
- Forced Choice

Not so good

- Tag
- Suppositional

Bad

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## Suggestive Questions

- Tag questions:
  - He touched you, didn't he?
  - Clearly communicates the interviewer's biases.
- Suppositional questions:
  - When did you stop beating your wife?
  - *Presupposes* information.
  - Note these can look like open-ended questions.

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### Yes/no questions

- Questions that can be answered yes or no.
- Look for:
  - Child is responding with head nods and shakes, or with single words.
  - Did...
  - Was...
  - Can you tell me...
  - Do you know...

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### The problem with yes/no questions

- Yes-biases
- No-biases
- Guessing
- Children don't elaborate on their responses

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### Forced-choice questions

- Questions asking the child to choose a response.
- They are closed-ended, and lead to more errors.
- Look for:
  - Or

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## The problem with forced-choice questions

- Last item bias
- Guessing
- Sometimes neither choice is correct.

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## Open-ended questions

- Open-ended questions are less leading.
- Wh- questions are often open-ended
  - Who, What, Where, When, How
- Tell me more questions:
  - You said X. Tell me more about X.
- What happened next questions:
  - You said X. What happened next?

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## Ask open-ended questions

Tell me...  
What  
Who  
When  
Where  
How

AVOID:  
Did  
Was  
Can you tell me  
OR

If you *do* ask a yes/no or forced-choice question,  
followup with a Tell Me More question

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## Does it work?

- Research shows that open-ended questions elicit large amounts of information.

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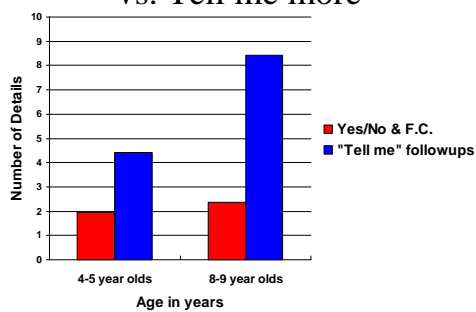
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## Yes/No & Forced Choice vs. Tell me more



Lamb et al., 2000

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## Objections

- *"Aren't children reluctant to disclose?"*
  - Typically, abuse is discovered because a child has disclosed.
  - Leading and suggestive questions undermine children's accuracy and credibility
  - Assumptions of reluctance led to the day care disasters
- *"Aren't some details lost unless you ask direct questions?"*
  - Non-leading alternatives are usually available—it just takes some thought.

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## Interview instructions

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## Instructions

- Instructions can
  - Increase children's accuracy
  - Decrease children's inclination to guess
  - Increase children's willingness to ask for clarification
  - Increase children's resistance to suggestion

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## Instructions

- Don't know instruction
- Don't understand instruction
- You're wrong instruction
- Ignorant interviewer instruction
- Promise to tell the truth

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## Problems with instructions

- Instructions should be
  - Given one at a time
  - Easy to understand
  - Given with appropriate feedback

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## Don't know instruction

- If I ask you a question and you don't know the answer, then just say I don't know.
- So, if I ask you, "What is my dog's name?" what do you say?
- O.K. because you don't know.
- But what if I ask you "Do you have a dog?"

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## How *not* to give the don't know instruction

THE COURT: If you don't know the answer to a question, I don't want you to guess. I just want you to tell us if you don't understand, or if you don't know the answer. Okay?

THE WITNESS: Okay.

People v. Hilaire (YA035220) (10-year-old)

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### How *not* to give the don't know instruction, again

- The Court: Okay, if you don't know the answer to the question just say you don't know...Just tell her you don't know.
- The Witness: I don't know.
- People v. Martin (B134013) (5-year-old)

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### Don't understand instruction

- If I ask you a question and you don't know what I mean or what I am saying, you can say "I don't know what you mean." I will ask it in a different way.
- So if I ask you "What is your gender" what do you say?
- O.K., because "gender" is a hard word. So I'll ask it in a different way: "Are you a boy or a girl?"

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### How *not* to give the don't understand instruction

The Court: If you don't understand something, say so and we will explain it to you; okay? Is that yes?

The Witness: Yes.

The Court: Okay.

The Clerk: Can you please state your name and spell the last name for the record, please.

The Witness: Huh?

The Clerk: Can you please state your name and spell the last name for the record, please.

People v. Alaniz (BA192050) (7-year-old)

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### That's wrong instruction

- Sometimes I make mistakes or say the wrong thing. When I do, you can tell me that I am wrong.
- So if I say, "You are thirty years old" what do you say?
- O.k., so how old are you?

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### Ignorant Interviewer Instruction

- I don't know what's happened to you. I won't be able to tell you the answers to my questions.

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### Promise to tell the truth

- It's *very important* that you tell me the truth.
- Do you *promise* that you *will* tell me the truth?
- Are you going to tell me any lies?

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### Does it work?

- Laboratory research supports the use of instructions as a means of increasing accuracy and decreasing suggestibility.

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### Ignorant interviewer instruction: Mulder & Vrij, 1996

- Interviewer asked three “misleading” questions (all suppositional):
  - Who threw the book across the classroom?
  - What color were the woman’s glasses?
  - How hard did the woman hit the man on the head?

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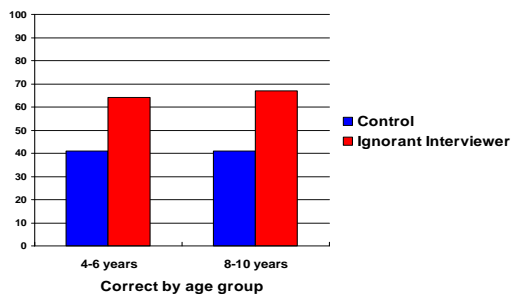
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### Ignorant interviewer instruction: Mulder & Vrij, 1996



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### Review of Instructions

- Don't know
- Don't understand
- You're wrong
- Ignorant interviewer
- Promise

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### Limitations

- Instructions work less well with younger children
- Suggestive interviewing can easily overwhelm effects
- Efficacy tested in the laboratory

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### Narrative Practice

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Practice narratives

- Like to do/Don't like to do
  - Tell me more prompts
- Birthday
  - What happened next prompts

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Like to do

- First I'd like you to tell me something about things you like to do.

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Tell me more prompts

- You said you like to play soccer. Tell me more about playing soccer.

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### Don't like to do

- Now tell me things you don't like to do.

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### Followups

- You said you don't like to read books. Tell me more about reading books.

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### Birthday

- Now tell me about your last birthday. Tell me everything that happened.

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### What next prompts

- You said you hit a pinata. What did you do next?

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### Does it work?

- Field research with sexually abused children demonstrates that practice narratives increases children's responsiveness.

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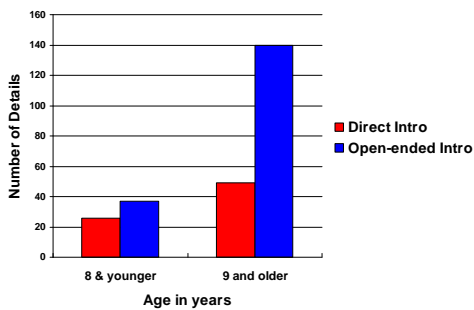
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Practice Narrative  
(Sternberg et al., 1997)



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## Catherine: Reluctant child?

Q. Are you on Christmas break right now?  
A. Yes.  
Q. When do you have to go back to school?  
A. January 2nd.  
Q. Are you looking forward to going back?  
A. Yeah.  
Q. How come?  
A. Because I miss going to school.  
Q. Do you like school?  
A. Yes.  
Q. What's your favorite subject?  
Do you have a class you like the best?  
A. I like art.  
Q. You like art?  
A. Yes.

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## Reluctant child?

A. Yes.  
A. January 2nd.  
A. Yeah.  
A. Because I miss going to school.  
A. Yes  
A. I like art.  
A. Yes.

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## Reluctant child?

Q. Are you on Christmas break right now?  
Q. When do you have to go back to school?  
Q. Are you looking forward to going back?  
Q. How come?  
Q. Do you like school?  
Q: What's your favorite subject?  
Do you have a class you like the best?  
Q: You like art?

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## Reluctant child?

Q: Are you on Christmas break right now?

Yes/No

Q: When do you have to go back to school?

Wh-

Q: Are you looking forward to going back?

Yes/No

Q: How come? The **shortest** question is the **most** productive

Q: Do you like school?

Yes/No

Q: What's your favorite subject?

Wh-

Do you have a class you like the best?

Yes/No

Q: You like art?

Yes/No

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## Review: Practice narratives

- Like to do/Don't like to do
  - Tell me more prompts
- Birthday
  - What happened next prompts

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## Instructions and Narrative Practice (Matthew, 6 years old):



Potential witness to his mother's murder. Possible domestic violence, but father claimed home invasion.

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## Allegation Phase

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What's the first question to ask about abuse?

- Most interviewers are *much* too specific, and potentially leading.

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## Tell me why

- Tell me why you came to talk to me (see me).
- Or
- Tell me why I came to talk to you.
- It's really important for me to know why you came to talk to me/I came to talk to you.

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### I heard you saw

- I heard you saw a policeman last week. Tell me what you talked about.
- Refer to a person to whom the child disclosed.

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### Someone's worried

- Is your teacher worried that something may have happened to you? Tell me what they are worried about.
- Refer to a person who has reported the abuse.

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### Bothered you

- I heard that someone might have bothered you. Tell me everything about that.

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### Something wasn't right

- I heard that someone may have done something to you that wasn't right. Tell me everything about that.

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### Review of Allegation Questions

- Tell me why
- I heard you saw
- Someone's worried
- Bothering you
- Something wasn't right

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### Does it work?

- Research consistently finds that *at least half* of children who disclose sexual abuse will have done so by the time one asks the "tell me why" question.

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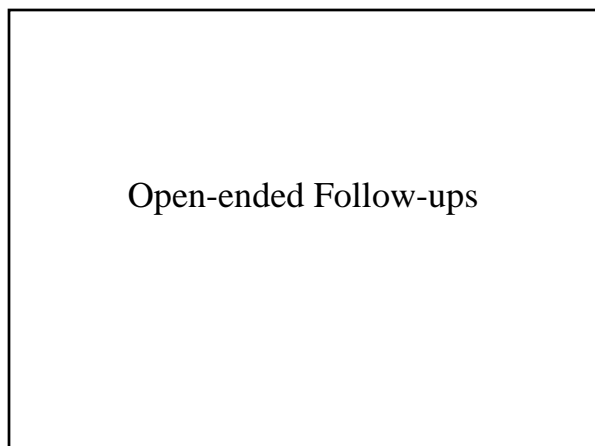
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### Follow-ups

- You said that X. Tell me *everything* that happened.
- Use Tell me more prompts.
- Use What happened next prompts.

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### First Narrative

- Take notes
  - You will use these when you start asking follow-ups
- Use “facilitators”
  - OK, uh huh
- Avoid interruptions
  - Names for private parts
  - Names of people
  - Make note and come back to them

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### Matthew M. Followups

- Early in the interview, Matthew briefly mentioned a number of details:
  - Heard banging
  - Dad went in the bathroom with what looked like a comb
  - Mom’s eyes were red

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### Heard “banging”

- Tell me more
- What happened next
- Make sure you understand the child
  - Tell the truth/don't tell the truth
  - Statements made to Matthew or his Mom?

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### Saw a comb

- What happened next

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### Mom's eyes

- Difficulty with sequence
  - If you must ask yes/no, ask the opposite of what you assume to be true
- Reuse Tell me everything

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### Just before he fell asleep

- Be flexible
  - If child is ready for certain details, you can follow his lead

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### Details not mentioned: Living room

- “I heard something about”
- Leading, but defensible if child provides more details
- If child *doesn't* recall, may be better to drop the issue

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### Summary

- Importance of open-ended questions
- Instructions
- Narrative Practice

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- 18 months after acquittal
- 6 year-old abducted, raped, and murdered
- Alex Avila convicted and sentenced to death.



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