

1. Overview of the Ten-Step Interview

Child Interviewing Seminar
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Spring, 2013
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What is a child?

- Infant (0-12 months)
- Toddler (13-36 months)
- Young child (3 to 5 years old)
- School-aged child (6-12)
- Teenager (13-??)

Child Witnesses

1. Most common in sexual abuse
2. Physical abuse
3. Domestic violence
4. Custody disputes

Why not cases in general?

- Adult witnesses thought superior
- Children only interviewed if *necessary*

What is the best first question about sexual abuse?

1. Do you know the difference between good touch and bad touch?
2. Has anyone ever touched you in a way you didn't like?
3. Tell me why I came to talk to you.
4. Do you know why I am here?

The Dilemma

- Avoid Suggestion:
 - Don't ask any questions
- Overcome Reluctance:
 - Has your stepfather been messing with you?

Are children reluctant to disclose abuse?

- Most adult survey respondents reporting sexual abuse never disclosed as child (London et al., 2008; Lyon, 2009)
- Most studies of clinical samples of children seen for sexual abuse show very high rates of disclosure (London et al., 2008)
- High rates of disclosure in clinical samples attributable to fact that most sexual abuse is discovered *because the child discloses*.

Implications of the research

- It does *not* mean that disclosures are inevitably reluctant.
- Rather, children who *have* disclosed are *uncommonly willing* to disclose.
- But
 - They may not *remain so*.
 - They may not be *accustomed* to providing a full report

Solution

- Early *narrative* interview
 - Before child regrets disclosing
 - Before others pressure child
 - Before memory fades
 - Before suggestive influences can be blamed for the allegation
- What is a *Narrative* interview?
 - Narrative practice rapport-building
 - Open-ended questions
 - If possible, recording or other verbatim documentation

The *single best step* towards improving children's reports

- Replace closed-ended with open-ended questions.
- Closed-ended questions are those that can be answered with a single word or detail
 - Yes/no
 - Question that can be answered "yes" or "no"
 - Forced-choice
 - Question that asks the child to choose (look for "or")
 - Specific wh- questions
 - What/Who/Where/When/Why/How that asks for a specific piece of information

Why not closed-ended

- Because children will answer with a single word rather than use their words.
- Because they often suggest what *you think happened* rather than what the child knows.
- Because they require you to use *your words*, and those words may be difficult or ambiguous.
- Because sometimes children have response biases (always say yes, always say no).
- Because children will guess when they don't know the answer.

Quiz: What kind of question?

Did Bill say anything to you?

1. Yes/no
2. Forced Choice
3. Specific wh-question
4. Open-ended wh-question

What happened next?

1. Yes/no
2. Forced Choice
3. Specific wh-question
4. Open-ended wh-question

Is there something you want to tell me?

1. Yes/no
2. Forced Choice
3. Specific wh-question
4. Open-ended wh-question

Was it inside, or outside, or somewhere else?

1. Yes/no
2. Forced Choice
3. Specific wh-question
4. Open-ended wh-question

You said Bill touched you. Where did he touch you?

1. Yes/no
2. Forced Choice
3. Specific wh-question
4. Open-ended wh-question

You said Bill touched you. Tell me everything that happened.

1. Yes/no
2. Forced Choice
3. Specific wh-question
4. Open-ended wh-question

Open-ended questions

- Tell me about things you like to do...
- Tell me everything that happened on your last birthday...
- Tell me why I came to see you...
- Tell me everything that happened...
- You said X...
 - Tell me more about X.
 - What happened next?
- Some Wh- questions (about actions, causes, reactions)
 - But many are closed- ended (e.g., who, where)
- Don't turn "tell me" questions into yes/no questions
 - Can you tell me?
 - Do you know why you are here?

Overview of the Ten-step interview

- Interview instructions (Steps 1-5)
 - Teaches child how an interview is different than other child-adult interactions
- Narrative practice rapport building (Step 6)
 - Helps you and the child practice open-ended questions and narrative responses
- Allegation phase (Step 7)
 - Introduces the reason for investigation without leading the child
- Open-ended followups (Steps 8-10)
 - Avoids suggestion or shutting the child down

Case Study: Matthew M.

- 6 years old.
- Mother (Fariba B.) found murdered.
- Father (Sergio M.) charged with murder.
- Prior domestic violence
 - But reports were to police
 - Inadmissible under *Crawford* (2004)
- Matthew the only potential eyewitness.

Matthew at trial

- 8 years old
- Adopted by Paternal Grandfather
- 6 months before trial, referral received by child protective services; Matthew told teacher that GF had been hitting him and telling him that it was his fault father was in jail.
- D.A. called Paternal Grandfather for permission to interview Matthew before the trial; he refused.

Matthew: Defense

- No physical evidence (defendant and victim frequently stayed in victim's apartment).
- Home invasion robbery (victim was found bound and gagged).
- Matthew may have confused events of that night with prior domestic violence.

Matthew on Remembering Mom

Q Okay. Matthew, when -- do you remember the last time you saw your mom?
 A You mean in the cemetery or alive?
 Q When she was alive?
 A Oh, um, no, I haven't. I don't remember.
 Q Okay. What's the last thing you remember about your mom when she was alive?
 A Last thing I remember? She was nice.
 Q Okay. Tell me about your mom. What was nice about your mom?
 A Well, she -- she -- well, she's kind.
 Q Uh-huh.
 A And she's nice. And she's also -- that's all I could remember.

Matthew on his parents' relationship

Q. Do you remember a time when your mom or dad got mad at each other?
 A. Um, no. My dad is the best dad in the world.

Matthew on remembering the night of the murder

Q Okay. Now, do you remember the last time you were at the apartment?
 A No, I forgot.
 Q Okay. What's the last time you ever remember being at the apartment? What's the last thing you did at that apartment?
 A Fell asleep. Well, I'm not sure. I think I fell asleep.
 Q And who was there when you fell asleep?
 A My dad.
 Q Okay. Was anybody else there when you fell asleep?
 A Yeah. My mom....
 Q Okay. And what happened? What were you doing right before you went to sleep?
 A I just fell asleep. I'm not -- i don't know. I just fell asleep.

Matthew on seeing his mother with red eyes.

Q Okay....Do you remember a time your mom was in the apartment and she had red eyes?
 A Red eyes?
 Q Yeah.
 A No, I don't remember.
 Q Okay. Do you remember a time -- do you remember talking to the police about a time your mom was in the apartment with red eyes?
 A No, I don't remember.
 Q Okay. And have you ever talked to anybody about a time when your mom had red eyes?
 A No. No.

Matthew Interview

- Instructions
- Narrative Practice Rapport Building
- Listen for first question about the murder

Matthew Followups

- Listen for sorts of questions asked
 - Difficulty with avoiding yes/no questions
 - Any suggestive questions?
- How convincing is his report?

Matthew trial outcome

- DA was able to admit videotape as recorded recollection (to the extent he acknowledged any truth) and prior inconsistent statement (to the extent that he now denied the truth)
- Jury found defendant guilty of murder, with special circumstances (torture).
- Conviction upheld on appeal, but appeals court noted much of domestic violence evidence inadmissible after *Crawford*

The Ten-Step Interview

Introduce Yourself

- My name is Tom and I talk to kids about things that have happened to them.
- [My job is to keep kids safe and healthy.]

1-5 Introduction phase

2 minutes

1. 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?
- OK, because you don't know.
- But what if I ask you "Do you have a dog?"
- OK, because you do know.

2. Don't Understand Instruction

- If I ask you a question and you don't know what I mean or what I'm saying, you can
- say, "I don't know what you mean." I will ask it a different way.
- So if I ask you "What is your gender?" what do you say?
- That's because "gender" is a hard word. So I would say, "Are you a boy or a girl?"

3. You're 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?
- OK, so how old are you?

4. 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.

5. Promise to tell the truth

- It's really important that you tell me the truth.
- Do you promise that you will tell me the truth?
- [Will you tell me any lies?]

6. Narrative Practice Rapport Building

5 minutes

6. Practice Narratives (a) Like to do/don't like to do

- Tell me about things you like to do.
- (child says, e.g., "soccer")
- Tell me what happened the last time you played soccer.

6. Practice Narratives

(a) Like to do/don't like to do

- Tell me about things you don't like to do.
- (child says, e.g., "homework")
- Tell me what happened the last time you did your homework.

6. Practice Narratives

(b) Last birthday

- Now tell me about your last birthday. Tell me everything that happened.
- (child says, e.g., "we played in a bouncy")
- You said you played in a bouncy. Tell me everything you did in the bouncy.

7. Allegation

- If child discloses abuse, go directly to ALLEGATION FOLLOW UP. Determine IN ADVANCE which allegation questions you will ask.
- a. Tell me why I came to talk to you...

8. Allegation Followup

- You said that (repeat allegation). Tell me everything that happened.
- e.g., "You said that Uncle Bill hurt your pee-pee. Tell me everything that happened."

9.

- Follow up with TELL ME MORE and WHAT HAPPENED NEXT questions
- Avoid yes/no and forced-choice questions.

10. Multiple incidents

- Did (repeat allegation) happen one time or more than one time?
- Tell me everything that happened the time you remember the most...
- Tell me everything that happened the first time...
- Tell me everything that happened the last time...
- Was there another time...

For more information

- Google “bepress lyon” for reprints of the Ten-step interview, other practitioner guides, and articles.
- Google “MRCAC Tom Lyon Spring 2013” to sign up for online viewing of lectures.
- You can reach me at tlyon@law.usc.edu
