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Interviewing Victims and Suspected Victims Who Are Reluctant to Talk

Michael E. Lamb, PhD, Irit Hershkowitz, PhD, and Thomas D. Lyon, JD, PhD

Most professionals know that many alleged victims do not disclose abuse when formally interviewed and that disclosure is affected by a variety of factors, among which the relationship between suspects and children appears to be especially important (see Pipe, Lamb, Orbach, & Cederborg, 2007, for reviews). Children—especially boys and preschoolers—are hesitant to report abuse by parents and guardians, particularly when sexual rather than physical abuse is suspected. For example, Pipe, Lamb, Orbach, Stewart, Sternberg, and Esplin (2007) reported that only 38% of the preschoolers interviewed disclosed sexual abuse by a parent even when the allegations were independently substantiated by corroborative evidence. Indeed, only 12% of the preschool-aged boys included in Hershkowitz, Horowitz, and Lamb's (2005) analysis of Israeli national statistics disclosed suspected (not necessarily substantiated) sexual abuse by parents. Even though some nondisclosure by preschoolers may be attributable to immaturity rather than reluctance (Sjöberg & Lindblad, 2002), substantial evidence indicates that large percentages of older abused children will deny abuse as well (Pipe, Lamb, Orbach, & Cederborg, 2007). Laboratory experiments have shown how easy it is to induce denials among children who have themselves transgressed (Lewis, Stanger, & Sullivan, 1989; Polak & Harris, 1999; Talwar, Lee, Bala, & Lindsay, 2002), have witnessed the transgression of others (Bottoms, Goodman, Schwartz-Kenney, & Thomas, 2002; Ceci & Leichtman, 1992; Pipe & Wilson, 1994; Talwar, Lee, Bala, & Lindsay, 2004), or have been jointly implicated in wrongdoing (Lyon & Dorado, 2008; Lyon, Malloy, Quas, & Talwar, 2008).

Factors Affecting Child Behavior and Responsiveness in Interviews

In addition to characteristics of children or of child-suspect relationships, the quality of the interaction between children and forensic interviewers may profoundly affect whether or not victims disclose and how much information these children provide when they do. In a study exploring the dynamics of interviews with children whose victimization had been independently verified, Hershkowitz, Orbach, Lamb, Sternberg, and Horowitz (2006) identified a pattern of escalating uncooperativeness and coercion. In a rapport-building pre-substantive phase, the children's initial uncooperativeness was clearly challenging for the interviewers, but interviewers' responses—in the form of intrusive

questioning, unsupportiveness, and premature discussion of sensitive topics—were counterproductive. Specifically, the children who later failed to disclose abuse seemed to avoid establishing rapport with the interviewers early in the interviews; they were less responsive to interviewers' questions than their disclosing peers and provided fewer personally meaningful details about neutral experiences when invited to do so. In response, interviewers were unsupportive and then attempted to explore the possibility that abuse had taken place by transitioning prematurely into the substantive phase. Interviewers also addressed fewer open-ended questions and fewer supportive comments to uncooperative than to cooperative children. Hershkowitz et al. concluded that the interviewers' strategies were counterproductive because they did not address the children's emotional needs; the researchers recommended that, in such circumstances, interviewers should make increased efforts to establish rapport and should avoid shifting the focus to substantive issues until children appear comfortable and cooperative. Interviewers, they advised, should be more, rather than less, supportive of resistant children.

Because the nondisclosing children had started showing their reluctance early in the rapport-building phase, Hershkowitz et al. (2006) stressed the importance of identifying and addressing reluctance at the very beginning of the interview, before negative dynamics emerged. Subsequent research showed that nondisclosers expressed their initial reluctance nonverbally as well (Katz, Hershkowitz, Malloy, Lamb, Atabaki, & Spindler, 2012), thereby providing interviewers with additional cues for identifying uncooperative interviewees. Although studies such as these show the potential importance of emotional factors affecting children's behavior and responsiveness in the interview context, research-based best practice guidelines such as the NICHD Protocol have to date emphasized cognitive factors associated with children's memory retrieval and reporting in interview contexts. They have also paid much less attention to the motivational factors that may inhibit children's cooperativeness and informativeness.

Rapport-building is clearly important, but interviewers often fail to behave supportively when interviewing children who appear uncooperative. The question is this: Can these dynamics be changed? Fortunately, the answer is "Yes" as shown in our recent studies, which we summarize in this article. In these studies, we have

revised the well-studied NICHD Investigative Interview Protocol by providing interviewers with more guidance about how to behave supportively and build rapport with interviewees. We hoped that adherence to the so-called Revised NICHD Protocol would help interviewers build rapport more effectively with children, and that this would in turn help children overcome any reluctance to cooperate early in the interview, thus enhancing willingness to discuss experiences of abuse, if they had indeed been abused. Of course, the challenge was to increase interviewer support without pairing support with leading or suggestive prompts that might elicit substantive information. Laboratory/analogue research has found that reassurance (telling children that they will not “get in trouble” for disclosing) not only increases children’s disclosure of transgressions but also increases the number of false allegations if the interviewer specifically mentions the transgression (Lyon & Dorado, 2008; Lyon et al., 2008).

The Standard NCHD Protocol

The standard NICHD Protocol (Lamb, Hershkowitz, Orbach, & Esplin, 2008) is fully structured, covering all phases of the investigative interview. In the introductory phase, interviewers introduce themselves, clarify the children’s task (i.e., the need to describe actually experienced events truthfully and in detail), and explain the ground rules and expectations (i.e., that they can and should say “I don’t remember,” “I don’t know,” or “I don’t understand” or correct the interviewers when appropriate). Because lab research has also found that a promise to tell the truth increases children’s disclosures of transgressions without increasing errors (Evans & Lee, 2010; Lyon & Dorado, 2008; Lyon, Malloy et al., 2008, Talwar et al., 2002, 2004) such promises have been incorporated into NICHD Protocol guidelines in some interview centers (Stewart, personal communication, 2013).

The subsequent rapport-building phase comprises two sections. The first is a structured open-ended section designed to encourage children to provide personally meaningful information (e.g., what they like to do). In the second section, children are prompted to describe in detail at least one recently experienced event to further develop rapport between children and interviewers. In addition to its rapport-building function, this phase of the interview is designed to simulate both open-ended investigative strategies and the retrieval of episodic memory employed in the substantive phase as well as the related pattern of interaction between interviewers and children. This phase is also intended to demonstrate to children the specific level of detail expected of them. The productivity of the open-ended rapport-building approach has been supported by field and lab research (Roberts, Lamb, & Sternberg, 2004; Sternberg et al., 1997).

In a transitional phase between the pre-substantive and the substantive parts of the interview, open-ended prompts are used to identify the target event(s) to be investigated (e.g., Tell me why



you came to talk to me today). If the child does not disclose in response to open-ended prompts, the interviewer proceeds to increasingly focused yet nonsuggestive prompts, making reference to available information about previous disclosures, physical marks, or other evidence only as a last resort. As soon as an allegation is obtained, the substantive part of the interview takes place (for a description of the full Protocol, see Lamb et al., 2008).

Revisions to the Protocol

Several changes and additions were made to the rapport-building part of the Protocol when constructing a “revised” Protocol for purposes of our field research. To enhance trust and cooperation, the rapport building preceded (rather than followed) explanation of the ground rules and expectations, and additional guidance was provided to interviewers with respect to building and maintaining rapport. In addition to both inviting free-recall narratives about recent experiences and prompting children to provide more information about personally meaningful topics using open-ended invitations, interviewers were encouraged to express interest in the children’s experiences during the rapport-building phase (“I really want to know you better”), to echo children’s feelings (“You say you were [sad/angry/the feeling mentioned]”), to acknowledge such feelings (“I see/ I understand what you’re saying”), or to explore them (“Tell me more about [the feeling]”). The revised instructions advised interviewers to encourage the children verbally and nonverbally to describe experienced events. Positive reinforcement of the children’s efforts (“Thank you for sharing that with me” or “You’re really helping me understand”), but not of what they said, was recommended. Similarly, expressions of empathy with the children’s expressed feelings regarding the interview experience (“I know [it is a long interview/there are many questions/other difficulties the child expressed]”), but not regarding past experiences, were also encouraged. In other respects, interviewers were encouraged to use all the same cognitively focused strategies that the Protocol comprises.

Comparing the Standard and Revised Protocols

The effects of the Revised Protocol (RP) on children's willingness to be cooperative with interviewers and to report abuse were tested in two recent studies, both concerned with suspected victims of intra-familial abuse because they have been shown to avoid making allegations when abuse is suspected. In one study, we analyzed the rapport-building phase in nearly 200 interviews with children who had made allegations in order to determine whether the youth investigators followed the RP instructions, thus establishing better rapport and providing them with more support than did interviewers using the Standard Protocol (SP) (Hershkowitz, Lamb, Katz, & Malloy, n.d.). Comparisons made clear that interviewers using the RP indeed adhered to the instructions and that, as expected, the RP interviews were characterized by better rapport between the children and interviewers than the SP interviews. Specifically, we found that interviewers provided more supportive and fewer unsupportive comments to reluctant children in RP than in SP interviews and that children in RP interviews showed fewer signs of reluctance: That is, children displayed fewer omission responses, less often failing to respond to interviewers' prompts and to provide the requested information. Suggestive and other risky questions were equally uncommon in both types of interviews. Use of the RP thus changed the negative dynamics between reluctant children and their interviewers that had been observed previously (Hershkowitz et al., 2006).

In the second study, we sought to compare the rates of allegations when either the RP or SP procedures were followed when interviewing suspected victims of intra-familial child abuse. There was independent evidence that all children had indeed been abused, so we had increased confidence in the validity of any allegations made. The study showed that interviewer behavior significantly affected the likelihood that children would make valid allegations. As expected, children were more likely to make (valid) allegations

when the RP rather than the SP was used, presumably because the RP had successfully altered interview dynamics. Allegation rates were significantly higher when the RP (59.8%) rather than the SP (50.3%) was used, representing an increase of 18.8% in the allegation rate. Moreover, the effects were still evident after we controlled for other factors that might affect the likelihood that children make allegations of abuse, including individual differences among interviewers.

Better rapport building and the provision of emotional support seemed to have enhanced the children's motivation and engagement with their interviewers. Effects on disclosure rates were greater for boys than for girls. Surprisingly, however, use of the Revised Protocol did not affect rates of disclosure by the youngest (5- to 7-year-olds) alleged victims, suggesting that older children may recognize social expectations and social dynamics better than do younger children and are therefore more responsive to manifestations of support.

In sum, these studies revealed important effects of interview practices on children's motivation to make allegations of abuse. Although the effects of Protocol type varied in strength depending on individual and case characteristics, emerging differences were always in the same direction, with use of the RP always associated with more allegations than use of the SP. By creating more meaningful rapport with children and providing them with emotional support throughout the interview, forensic interviewers using the RP better helped children overcome their reluctance to communicate. Best practice recommendations clearly need to underscore the importance of supportive yet nonsuggestive practices when investigating possible occurrences of abuse, and the importance of using structured protocols for shaping effectively the relationship with children (Langer, McLeod, & Weisz, 2011). As with use of the established Standard Protocol (e.g., Lamb et al., 2008; Orbach et al., 2000), the changes in interviewer behavior brought about by use of the Revised Protocol were achieved following intensive training supplemented by regular monitoring and supervision throughout the course of the study. Although the use of structured Protocols is clearly associated with improved interview practices (Poole & Dickinson, 2005), such changes are assured only by ongoing monitoring and supervision (Lamb et al., 2002).

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