

Interviewing Impaired Child Witnesses With Disabilities

Prosecutors and [law enforcement](#) are frequently confronted with situations wherein children have been traumatized and/or injured. These injuries have resulted in disabilities which affect the child's ability to understand questions as well as express answers to questions.

This author recently assessed these problems in a forensic case. Lamb (2013) in personal communication with this author suggested, in cases such as this, interviewing children as though they were much younger.

In an article by Hershkowitz, Orbach, Lamb, Katz, and Horowitz (2012), it was noted that young children do best when emphasis is placed on free recall retrieval strategies. These include rapport building and cueing, particularly in the case of children who have been the victims of crimes and have been injured with resultant disabilities. It is important to extend the rapport-building process. It is recommended that an individual familiar to the child accompany the child in the beginning of the interview and then leave partway through the interview. This facilitates the child being comfortable with the interviewer and facilitating the interaction.

Hershkowitz et al. (2012) noted that both metacognitive and metalinguistic awareness are ever evolving processes with five-year-old children. Of course, their capacities are further stressed in situations such as forensic interviews and interviews where prosecutors and law enforcement are interviewing children who are victims of crime. The children then have to conduct focus memory searches under stress often in response to difficult-to-understand questions.

Hershkowitz et al. (2012) noted that young children are less dependent than older children on memory retrieval strategies, and thus their free recall narratives are especially poor (see Pipe et al. 2004).

Informativeness with young children can be enhanced by both rapport building and narrative training before the target retrieval as well as by various cueing strategies during the memory task. In fact, many experts have recommended that the rapport building and narrative training strategies should be employed during forensic interviews with young suspected victims or witnesses of abuse, and they are thus included in the NICHD investigative interview protocols of Lamb et al. (2008). These protocols have been the result of substantial research involving more than 40,000 alleged victims documenting the usefulness of the NICHD technique. This technique uses open-ended questions (for example, "Tell me what happened?") that tap recall rather than recognition memory, which is typically more accurate regardless of the child's age. The problem is that unfortunately forensic interviewers frequently ask very specific questions (like, "Did he touch you?") that draw upon recognition rather than recall memory.

Again addressing the NICHD protocol, independent field studies in four different countries demonstrated convincingly that when forensic investigators employed recommended interview procedures by following the structured protocol, they enhanced the quality of information elicited from the alleged victims and the result was significantly less errors. In the studies, more than 80% of the initial disclosures of [sexual abuse](#) were provided by preschoolers in response to free recall prompts. The studies found that the accuracy of the information provided by alleged victims was enhanced when interviewers used free recall prompts exhaustively before turning to more focused prompts.

NICHD Investigative Protocol

In the NICHD protocol, in referencing the NICHD protocol in the introductory phase, interviewers introduced themselves, clarified the child's task (i.e., the need to describe the events in detail, accurately, and tell the truth), and explain the ground rules and expectations. For example, that they can say "I don't know" or "I don't understand." The first phase is a structured, open-ended section designed to enhance

rapport and a supportive environment. In the second section, children are prompted to describe recently experienced neutral but personal events in detail. This is an open-ended investigative technique in the transitional phase between the pre-substantive and substantive parts of the interview. Nonsuggestive prompts are used, such as "Do you know why you came to see me today?" or "Tell me the reason you came to talk with me today." The NICHD protocol prescribes that interviewers only move on to carefully scripted and more focused nonsuggestive prompts if the children fail to identify the target events.

Once an allegation is made, the free recall phase begins with a main invitation: "Tell me everything that happened from the beginning to the end as best as you can remember." There then is follow-up with open-ended prompts (e.g., "Then what happened?" or "Tell me more about that.") as cued invitation. It is only after the open-ended questioning has been exhausted that interviewers proceed to directive questions, such as "What color was his car?"

The study of Hershkowitz et al. (2012) on communicative and narrative skills among preschoolers was the first to explore the ability of typically [developing children](#) as young as three to answer questions and give information about experiences when questioned at length. The results indicated that very young children had indeed described their experiences and were able to answer a substantial number of questions seeking diverse kinds of information. Children have the requisite cognitive and communicative skills as well as focus and attention to engage interlocutors with adults.

A proviso is that specific prompts may put more pressure on young children to respond leading them to respond even when they are not confident their responses are correct, and has shown that children provide less information as prompts get more specific.

Interviewers can accommodate young children's needs for more specific prompts and their own desire to obtain more accurate information by relying on specific questions that engage recall processes rather than those that involve recognition processes. Hershkowitz's (2010) research indicates that even with younger children, young children become progressively more adept at responding informatively, or even within the preschool years, young children become more adept at responding informatively, to open-ended questions.

Conclusions

Prosecutors and law enforcement are faced with a very difficult task in terms of gathering evidence and accurate information. Moreover, sufficient evidence and information has to be gathered to be able for law enforcement to be able to make an arrest and recommend charges to the district attorney. This article provides guidelines obtained from Michael Lamb (2013), the author of the development of the National Institute of Child Health and Human Development protocol (NICHD). This interviewing procedure developed by Dr. Lamb was illustrated in this paper. The NICHD protocol builds on extensive recent knowledge of children's cognitive and social development. The purpose of this paper is to use the NICHD protocol to elucidate interviewing strategies in eliciting extended narratives from children. This author has been particularly concerned about children who are injured in crimes and as a result of the injury there is a decreased ability to communicate. It is hoped that this research and this protocol can assist prosecutors and law enforcement in obtaining accurate information in the difficult cases of these children who are the unfortunate victims of crimes resulting in harm to the children. The victims deserve no less than this.

Bibliography

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