

“The Effects of Interviewing Techniques on Preschool Children’s Testimony”

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Table of contents

Introduction	Page #
Delimitation	Page #
Interviewer Bias	Page #
Open-ended Questions	.....	Page #
Implicit Rewards, Threats, and Expectations	.....	Page #
Leading Questions	.....	Page #
Misinformation	.....	Page #
Repeated Questions	.....	Page #
Discussion	.....	Page #
Conclusion	.....	Page #
Reference / Bibliography	.....	Page #
- Appendix A : Problem Definition	.....	Page #
- Appendix B : Interview with Arne Poulsen	.....	Page #
- Appendix C : On the Group Process	.....	Page #
- Appendix D : Abstract	.....	Page #
- Appendix E : Summary in Danish	.....	Page #
- Appendix F : Dimension Paper	.....	Page #

Introduction

Children as witnesses in a court of law is a tremendously complicated issue. Cases that concern sexual abuse have recently been the focus of much attention, as they often have only one witness – namely the child. How can we know whether a child is telling the truth? Can anything be done to promote the truth so that the innocent avoid persecution and the guilty are sentenced? These cases pose an enormous amount of relevant questions that we have tried to both answer and question further.

In this project we are going to look into legal interviewing techniques and their influence on preschool children's testimony. By approaching the topic through two different dimensions we have attempted to cover the psychological angle as well as the communicative angle. Our coverage of the psychological aspects aims to give the reader an understanding of the basic cognitive processes that occur in children when they are being questioned. Using the communicative angle we have searched for specific techniques during the questioning of children and attempted to address the power relations between the interviewer and the child.

In order to get a structured overview of the specific techniques, we have put together a number of chapters. These chapters deal with different interviewing techniques and are followed by a description of the cognitive causes that children may be led to give unreliable answers. One aspect of testimonies is memory, which has led us to investigate how memory interacts with specific interviewing techniques. Finally, we seek to discuss this field that is constantly developing.

Delimitation

Our main focus is on verbal communication. We are going to deal exclusively with children in the preschool age (3-6 year olds). Additionally, we have excluded the children's social and cultural backgrounds. However, these factors will be mentioned in the discussion. It is beyond the scope of this project to deal exhaustively with the legal, moral, and ethical implications of our findings. Although we comment briefly upon the subject of memory several times in the project, a full investigation of preschool children's memory is not included. We also occasionally refer to children's cognitive development, but have chosen not to deal with the processes or stages of development involved within the age span from 3-6 years – as far as our project is concerned we are going to treat preschool children as a homogenous group. Although we refer to the theories of Piaget, a full explanation of his developmental theory would also be beyond the scope of this project.

Interviewer bias

In order to clarify why the use of suggestive interviewing techniques is so common in legal circumstances and especially in connection with child abuse cases, it is relevant to define the term *interviewer bias*, since it is the defining feature of many suggestive interviews.

“Interviewer bias characterizes those interviewers who hold a *priori* beliefs about the occurrence or non-occurrence of certain events and, as a result, mold the interview to elicit statements from the interviewee that are consistent with these prior beliefs.”

(Maggie Bruck, 1999, www.oranous.com/innocence/FrankFuster/MaggieBruck.htm, paragraph 37)

Biased interviewers will attempt to obtain confirmation of their beliefs and in order to do so they may not ask children open-ended questions, but quickly resort to a heap of very specific questions, many of which are repeated and many of which are leading.

Biased interviewers may ignore information that is inconsistent with their beliefs and they may repeatedly question a child until they get the answers and information they need in order to confirm their beliefs.

In short, interviewer bias is present whenever interviewers think they know the answers before the child discloses them.

Open-Ended Questions

When seeking information from children it is relevant to reflect on how you can help them remember without influencing what they report. Open-ended questions ask children to provide information in a way that does not lead the child, or put him or her under pressure. It is communicating with the child in a way that considers the child's developmental stage and susceptibility to suggestion.

When asking open ended questions the interviewer should reassure the child that it is acceptable to say, "I can't remember / I don't know" or admit to not understanding the question. The interviewer should use simple sentence constructions and avoid potentially confusing forms of language such as double negatives (Ex: Is it not because you do not.....?). Avoiding why-questions as they may be perceived by the children as attributing blame or guilt on them (Ex: Why did you do that?).

The same question should also not be asked repeatedly as this will encourage the child to respond with the answer he or she thinks the interviewer wants rather than what he or she believes to be the truth. Yes or no questions or questions which allow

only one of two possible responses should not be asked (Ex: Was it red or yellow? Did you have physical contact?). Also, the interviewer should not immediately seek clarification for what the child has just said but rather return to the point at a later date¹.

That children's responses to open-ended questions are more accurate than their responses to for example specific leading questions has been consistently reported. Peterson and Bell (1996) interviewed 2 – 5 year olds, and 9 and 13 year old children, who suffered traumatic injury necessitating emergency room treatment. They were interviewed 3 – 5 days after the incident and then again 6 months later. They found that errors made by 9 and 13 year olds were so infrequent that they did not include these groups in the analysis. The children were asked questions about both injury and hospital treatment. They were first asked open ended questions using free recall and then specific questions using probed recall². Researchers found that children of all ages were able to provide considerable information about both stressful events, although the amount of detail increased as a function of age³.

Children were quite reliable informants about these stressful experiences. In particular, they were accurate when recounting the events that caused them pain and stress, namely details of their injury and of their medical treatment at the hospital. Those details, called central details, are the details that the child unconsciously interprets as the most important.

Errors tended to relate to other episodes, for example the trip to the hospital or the secondary people who were present but played little role in the events. This is consistent with other research that has also found peripheral or secondary details less likely to be recalled than central details⁴. Peripheral / secondary details are details that have less meaning to or less influence on the child. The child perceives these details as less important, and unconsciously spends less energy remembering them⁵.

In the study Peterson and Bell tried to obtain as much information from free recall as possible and then used wh – questions, but tried as much as possible to avoid yes /no questions. Less than 10 % of the errors made were made during free recall – although that was the technique they used most to gather information⁶.

Relatively little information was elicited by yes/no questions but still a large proportion of the errors were made here.

Interview after 3 – 5 days, percentage errors made		
Free recall	09 % Errors	91 % Accurate Responses
Probed recall	49 % Errors	51 % Accurate Responses
Yes/no questions	41 % Errors	59 % Accurate Responses

Interview after 6 months, percentage errors made		
Free recall	07 % Errors	93 % Accurate Responses
Probed recall	57 % Errors	43 % Accurate Responses
Yes/no questions	36 % Errors	64 % Accurate Responses

Survey in “Children’s memory for traumatic injury”, by Carol Peterson and Michael Bell, Child development 1996.

A number of things are shown by this study. First, children who are at least three years of age are generally quite accurate in their information about a traumatic injury that requires emergency room treatment, when interviewed in a non leading manner within a few days of these events. Furthermore, they are highly accurate not only when interviewed shortly after the events, but also when re-interviewed six months later. Such accuracy over this length of time is remarkable. Thus, children this age

can be reliable witnesses about events that have caused them bodily harm and high degrees of stress, when interviewed appropriately^{7, 8}.

There may be several reasons to why children's' answers to specific questions are less accurate than when answering open ended questions. One of the reasons is that preschool children have not developed the cognitive ability to use metamemory and metacommunication. These skills slowly start developing around the age of 3 – 5 years but not enough for them to really use it yet^{9, 10}.

Metamemory is the ability to have knowledge and understanding of your own memory and develop specific mnemotechnic strategies/ mnemonics devices; for example to systematically search your own memory in order to recall specific information, and the ability to be aware of whether the memory is correct. With metamemory comes biographical memory. Biographical memory deals with personal experiences, it contains recalled memory of specific incidents in the child's' life. Biographical memory can be defined as the ability to recall and structure personal experiences as coherent discourse and narrate about it.

It is one theory that biographical memory comes from scaffolding. Scaffolding is the interaction between the parents and the child, the conversations the mother has with the young child. Through the interaction, the mother teaches the child how to structure and narrate about own memory,¹¹.

Metacommunication is being able to think about the communication, or communicate about communication¹². The fact that preschool children have not yet learned to master those metacognitive skills and that their vocabulary and the understanding of this is limited¹³ makes it easier to influence and mislead preschool children in comparison to adults. They are also easier to mislead because their experience and knowledge of the world is limited compared to older children and adults¹⁴.

Furthermore preschool children are egocentric as Piaget defined it. Children are not able to see things from other perspectives, in this case the interviewers' perspective.

In addition to this, it is also human nature to want please, to be obedient (wanting to be a part of the group) and to be orthodox¹⁵.

Because of the developmental stage of the preschool child, this urge to please, seems even stronger than with older children and adults. Furthermore the child sees the interviewers, or all adults, as authorities, and it is also human nature to have respect for authorities¹⁶.

Children can comprehend a question as a demand for an answer instead of as an inquiry and the child will always try to answer. To a child any question could be a leading question, meaning that the child will try to figure out which answer the interviewer wants and then supply that answer^{17, 18}.

Children usually provide *more* information in response to specific questions compared to open - ended questions. However, although children generally provide more information to specific questions, it is usually the case that overall, accuracy rates are higher for responses to open - ended questions, which the study also showed. Furthermore, accuracy of responses to specific and misleading questions increase as a function of age¹⁹

There are several reasons to why children provide more information when asked specific questions compared to open ended questions. To provide details preschool children need help to remember the actual event and to structure the event as a coherent discourse²⁰.

One of the main developments in memory is the transition from passive memory to being able to use memory actively. Recognition is a passive way of using memory, for example the child recognises to have seen the house before. Recall is on the other hand an active use of memory which demands, that the child can search its memory to find the answers, for example what the house looks like²¹.

Specific questions demand less active memory ability because the questions lead to the part the child needs to remember – you could say that the questions contains cues to help the memory, which means the child only needs to use recognition.

Open ended questions contain no cues and therefore demand more active recall from memory – and thus the ability to search ones memory. This requires the metamemory that preschool children have not fully developed yet. That is why children often answer these questions with less detail than the specific questions²².

Implicit Threats, Rewards, and Expectations

Research has indicated that children are willing to please the interviewer with the right answer in order to obtain social acceptance. According to Ceci, Ross and Toglia (1987), and Ceci and Bruck (1996), children have the social and cognitive abilities to interpret body language and verbal signals from their 18th month. Children develop these abilities because they have a natural survival instinct and these abilities are needed in order for them to take care of themselves. Further psychological factors include how children need acceptance by their surroundings, and how they seek to be “rewarded”²³. An example of an **implicit reward** could be: *(fictive example)*

“When we finish this interview and you have been a good boy, I will be very pleased. I will give you a tour of the police station and maybe if you have been extra good, I will give you a police badge! What do you say?”

This is an example of how authorities could manipulate children. When the child is promised an implicit reward, as in the mentioned example, it is both a material and a

psychological one – the child wants the physical reward, as well as the knowledge that he or she has behaved properly and is thusly rewarded. As the child experiences social pressure, the easiest way for the child to answer a question is by pleasing the adult with what the child thinks will be accepted or rewarded by the adult, hence “It is basic human nature and bestial behaviour to obey authorities.”²⁴

To get the child in a position of reporting something that did not occur, the interviewer has to build up the conversation in a way such that his or her own beliefs and opinions about what happened are clear. According to Robert A. Dahl, power is something a person, A, has over another person, B. So that A can get B to do something that B never would have done²⁵. To get children in that situation there have to be strong implicit rewards, expectations and threats.

In some interviews the interviewer has a hidden agenda, special interest or a certain impression of the case and uses his or her authority to consciously or unconsciously manipulate the child, like in the case from the *Wee Care Nursery School* in New Jersey, where the teacher, Margaret Kelly Michaels was convicted to 47 years of imprisonment. An extract from an interview where the interviewer is using his authority;

“Interviewer: “I’m a policeman, if you were a bad girl, I would punish you, wouldn’t I? Police can punish bad people.”²⁶.

This way of manipulating the child via psychological pressure and force of authority is using **implicit threats**. Another example of that could be: (*fictive example*)

“I have spoken to your parents and they told me what X did to you and the other kids. Your parents will be very disappointed and angry with you if you don’t tell me the truth!”

In the few examples shown above when using threats as an interviewing technique, it is clear to see that the interviewer is using power and force of authority to retrieve information from the child. The child does not wish to displease the interviewer and certainly not his or her parents. In the preschool age, the child has developed and reached a certain level of sense of self, but still looks to its parents for approval and acceptance. They look up to and try to identify with their parents as they see them to possess authority and power.

In an interviewing process using implicit threats, they see the interviewer as possessing the same force of authority and power as their parents; hence they will try please the interviewer by giving the answer they think the interviewer wants. Children in this age group are very dependant on approval and acceptance of adults and authorities, therefore many children will try to please, and act in the way they are asked to or expected to, in order to obtain approval / give the “right” answers to the interviewer²⁷.

Cognitively, preschoolers are not fully developed; they have problems coordinating complex information; they often seek thoughts and answers by magical thinking²⁸; they are unaware of the extent of their own knowledge; they are more easily influenced, and more susceptible to manipulative interviewing techniques.

Children can be affected by their environment, to think that they have participated in events that they have not participated in. For example in an interview about a certain shooting incident at a school, some of the children who weren't at school the day of the shooting told the interviewer that they did attend school that day. A possible explanation could be that the parents or the other children have been talking about it, and the child has overheard this²⁹.

In the case from *Wee Care Nursery*, a child changes his or her explanation because the interviewer tells the child that the other children, who have also been interviewed,

are saying something else and the interviewer is saying what the other children have been saying³⁰. This illustrates that children try to live up to the expectations imposed on them, because children often feel forced to say what the interviewer, parents and friends expects them to say. Children conform more easily to peer pressure and group pressure due to their lack of independence. This could be why children are more willing to accept a false event. An example of **implicit expectations** could be: *(fictive example)*

“All the small kids told me some of the bad things that happened to you guys. Now, since you are older and wiser, you can help all the other kids if you just tell me everything X did to you guys.”

By using the phrase “*you are older and wiser*”, the interviewer makes the child feel responsible, and thus the child will feel a greater obligation to answer the questions in accordance with the interviewer’s expectations. From the beginning the interviewer uses inferences and insinuations of what might have happened, thus making it difficult for the child to think clearly and being able to reject and disagree. In interviews like these, the child can feel pressured to provide the answer it thinks the interviewer wants to hear³¹.

When children sometimes make up an answer for the interviewer instead of saying “I don’t know”, it has to do with the fact that they wish to please and cooperate with the interviewer. But saying “I don’t know” can also be a way for the child to protect itself. It all depends on the social situation³². Changes can happen in the child’s memory that causes the child to be convinced of the truth of statements made during the interview.

This can be expressed in that children can be confused by sources of information given to the child, and might believe that something has happened even though it might not have happened. They respond in a way to please the interviewer because

they are confused as to what the correct answer is and what the interviewer wishes to hear.

Leading Questions

“The interviewer makes it clear, through the questions, what the preferable answer should be. Through the questions the answers are already tailored”.

(Quote: Wengraf, Tom, “Qualitative research Interviewing”, 2001, page 163 – 164)

Leading questions is just one out of many interviewing devices. This technique attempts to gather confirmation to a specific question rather than promoting a true answer. Interviewers who ask leading questions do not challenge the authenticity of an answer. Rather, they seek for answers whether true or not. Posing a leading question is a single-minded attempt to gather confirmatory evidence³³.

Let’s begin with an example of a leading question:

Detective: Is the man a nice or a bad man?

Child: Bad.

Detective: He’s is bad, were there any others that were bad?

Child: No.

Formulating a non-leading question could be:

Detective: Were the others nice or bad?

If the detective had chosen this formulation he would not have affected the child's answer. The question is neutral and nothing can be assumed about it, for example because it contains no colouring adjectives.

In a study conducted by *Lipmann and Wendrine*, four- to six-year-olds were asked questions about a cabinet that did not exist. Only 6% of the children gave a wrong answer to the question: "Is there a cabinet in the room?" The false statements rose to 25% however, when the children were asked: "Isn't there a cabinet in the room?" The wrong answers reached a maximum of 56% when children were asked: "Is the door open to the cabinet in the room?"

It has been suggested by *Richard A Gardner (IPT –Journal 1992)*, that leading questions create a visual image that would not have come to mind, if the question had not been posed. This placing of images in the witnesses' minds is closely connected with data collection, the purpose of which it is to discern whether an event is truly reported. It is especially in relation to child witnesses the "placing of visual images" becomes problematic, as children have difficulties discerning between actual events and imagination. Gardner gives an example of how a leading question can lead to visual images. Say a 3-year old girl (that has never had any sexual contact with her father), is asked the following question by an examiner: "Did your father ever put his penis in your mouth?" This question causes the girl to have a visual image of her performing this sexual act with her father, a visual image that would previously never have occurred to her.

It is difficult for a 3-year old to discern between a recollection derived from the question asked and actual events. The consequence of this might be a false testimony. Studies have proven (i.e. Sam Stone study, Ceci & Bruck) that leading questions asked during interrogations can actually change the way an event is reported.

It seems however, that our memory is quite accurate if we are asked non-leading and appropriate questions during interviews. One might ask then, why children on occasion give wrong answers after all? It is natural and common for all humans (not just children) to obey authorities. This is simply inherited in our social nature. In addition, children genuinely believe what adults say is true, because they are more easily intimidated. A reason for this is that children do not have the cognitive strength to question and criticize the value of an interviewer's questions. If there is a big difference in status, there usually tends to be more implications that what has been said makes sense. It is therefore fairly easy to lead children in a certain direction.

Leading questions can be considered both a helping hand and an assault. In this case however, leading refers to a misdeed. Being aware of interviewing devices or not, one naturally feels a pressure if one is left with only one possible answer. One must assume that it is in everyone's interest to avoid leading questions and thereby promote the truth.

Misinformation

Misinformation in interview context can be defined as asking a question on the basis of a statement known to be false, or referring to non-events as though they have happened. Asking about the colour of someone's hat, when they were indeed hatless, would qualify as misinformation, although most misinformation is less transparent. Discerning between the planting of misinformation and the use of leading questions can be difficult – generally speaking, the planting of misinformation aims at changing

the interviewees' perception or memory of a given event, while leading questions rely on their form to affect the interviewees' response.

In *Make-believe memories*³⁴, several examples of how the planting of misinformation affects the recollections of adults are mentioned. The manipulations include people recalling stop signs as yield signs, recalling nonexistent broken glass and tape recorders, a blue vehicle used in a crime scene as white, and Minnie Mouse when they really saw Mickey Mouse.

In a study by Bruck, Ceci, Francoeur & Barr³⁵, preschool children were interviewed in connection with a visit to the paediatrician one year earlier, where they had an inoculation.

Several interviews were conducted about the event in order to analyse the effects of repeated misinformation. During the first three interviews, some children were falsely reminded about non-events or distorted events (such as the assistant giving them the shot and not the paediatrician, getting candy from the paediatrician, etc.) Other children were given no further information on the event, and were allowed to do free recall. During the conclusive interview, children who had not been misinformed were highly accurate in their descriptions of the event, while the misinformed group incorporated many of the misleading suggestions. Disturbingly, 45 % of this group also made up further incorrect details.

The results of the study showed that the children were highly inaccurate in their recollections if subjected to repeated planting of misinformation. Thus, children use these false suggestions in productive ways to reconstruct and distort reality.

In the Sam Stone study³⁶, preschoolers in a day care centre were introduced to a stranger named Sam Stone. Following his visit the children were interviewed 4 times over a ten week period. No false suggestions were made during the first 4 interviews. A month after the final interview, the children were re-interviewed, this time about two non-events involving a book and a teddy bear. Only 10 % of the youngest

children (aged 3-4) claimed that Sam did anything to these objects, and when challenged only 2.5% of the children held on to their claims.

A second, similar group of preschoolers were repeatedly told stories of Sam's clumsiness before they ever met him (a process known as stereotype induction, in which archetypical attributes are associated with a person that the subject may never have met). In each week for the month before his visit, they were told a story illustrating his clumsiness. This group, too, was interviewed four times over a ten week period, but the interviews were done in a suggestive manner – Each interview contained the two non-events, the soiling of a teddy bear and the ripping of a book. Ten weeks later, a new interviewer asked about these non-events. 72 % of the youngest group (aged 3-4) claimed that Sam did in fact perform these misdeeds. When asked if they saw these events with their own eyes, the figure dropped to 44 %. However, 21 % of the children insisted that Sam had done these things, even when challenged.

In conclusion, when children are subjected to suggestive interviewing about false events, assent rates rise for each interview – this raises the issue of whether reports that surface after several interviews are accurate memories that were excluded (errors of omission), or whether these new reports are entirely false and based on misinformation, intentional or not. See *Lepore & SESCO, 1994* for similar findings. In studies by *Bruck et al, (1997)* and *Salmon & Pipe (1997)* it is concluded that details recalled by children after repeated re-interviewing have a high probability of being inaccurate.

In a study by Jennifer Maria Schaaf³⁷, 4- to 6-year-old children participated in a scripted play session with an adult male researcher. Approximately two weeks later, the children returned for a recall test. During the retention interval, children were read “reminder storybooks” by their parents. The children were randomly assigned to one of three groups; A control group (with no misinformation), a misled group (subjected

to misinformation), and an opposition group. Examples of the misinformation fed to the misled and opposition groups involved referring to a dog puppet as a pig puppet, etc.

During the recall test, the opposition group was instructed that they had been misinformed and should attempt to rely on their own memories. The results once again showed that children are affected by misinformation, but also showed that the opposition group was greatly aided in the retrieval of the original memories. Results for the opposition group and control group did not differ significantly. This indicates that while children may be vulnerable to misinformation, they can be aided in retrieval of their original memories if they are informed to disregard the misinformation.

Thus, the impact of repeated misinformation becomes apparent ; A considerable percentage of children are swayed by repeated false statements (perhaps out of desire to comply with an insistent adult authority, perhaps because preschool children lack the independence to stand up to an adult with their own version of things) , and a smaller group of these even add new fictive details. This underlines the importance of interviewing children in an open manner – allowing as much recall as possible while avoiding interviewer bias and questions based on assumptions.

In order to understand how misinformation works, it is vital so understand the concepts of scripts and schemas.

First documented in 1932 by British Psychologist Frederic Bartlett³⁸, scripts and schemas can be categorized as frameworks for our experiences – we have inherent expectations to whatever we encounter and these expectations often affect our very perception or recall of a given situation.

Bartlett documented the theory by serial reproduction (the continued retelling of a story from person to person, specifically “The War of the Ghosts”). The story is originally a part of Native American culture, and as such contains elements that seem

strange, pointless, or superfluous to people from western culture – which the participants were. His conclusions were that only what was deemed relevant or understandable by his test subjects stayed in the story – elements with connection to native American spirituality and religion were omitted, and the form of the story was generally changed to conform more with western standards of story-telling. Bartlett's thesis was that the story would conform increasingly to the participants' script and schemas with each retelling, as it was increasingly assimilated into a more culturally comprehensible form.

This study was repeated in 1964 by Ian Hunter, who reinforced Bartlett's findings³⁹. Among the changes they both documented in the final retelling were the following; The story became noticeably shorter (in one case it shrank from 330 to 180 words). Details were omitted but coherence increased. The story was found to be more conventional (changed to a form that could easily be assimilated to the cultural background and shared experiences of the participants).

What Bartlett's study illustrates is that our expectations and our backgrounds shape our perceptions of the world, and thus the reconstructive process that memory is. Bartlett himself was instrumental in defining memory as a reconstructive process;

“Remembering is not a completely independent function, entirely distinct from perceiving, imaging, or even from constructive thinking, but it has intimate relations with them all.”⁴⁰

A later study by Anderson and Pichert⁴¹ (1978) further illustrates the connection between memory and schemas. Participants were asked to take a tour of a house. Half of the participants were asked to look at the house as prospective burglars, while the other half was instructed to look at the house as if they were potential buyers. What the two groups remembered differed quite a lot, the “home buyers” remembering a leaky roof, while the “burglars” had noted a valuable coin collection.

This documents that errors of omission can occur even in cases of assumed schemata, e.g. even in cases where participants simply assume a given role throughout the experiment.

Errors of commission (“False” memories, remembering non-existent events) were documented in connection with schemas in 1979 by *Bower, Black and Turner*⁴², in a study where participants were told about a visit to a dentist’s office.

Participants were then asked to retell this story, and proceeded to list a number of false details that were not included in the original narrative, but were consistent with typical events attributed to a visit to the dentist’s. While details such as sitting in the waiting room, reading a magazine, etc. were not present in the original narrative, the participants nonetheless included them in their versions, presumably because they expected these events to occur in connection with a visit to the dentist’s.

This sort of episodically delimited framework is called a script – a specific listing of the activities we expect to occur in any given situation. While there are individual deviances, there is a stunning similarity in our expectations, or scripts. In a study by *Bower et al.*⁴³, Participants were asked to list 20 actions or events that usually occurred at a restaurant. 73 % of the test group mentioned ordering, eating, paying the bill, and leaving. 48 % included events such as entering, giving the reservation name, ordering drinks, discussing the menu, talking, eating a salad or soup, ordering dessert, eating dessert, and leaving a tip.

Scripts and schemas are intimately connected with the effects of repeated misinformation. In a classic study by Loftus and Zanni⁴⁴, participants were asked questions about a short video segment they had seen. Immediately after being exposed to the segment, participants were asked a series of questions in one of two forms. The questions either used the definite or indefinite article (“Did you see *the* broken headlight?” as opposed to “Did you see *a* broken headlight?”). Here, the

schema is provided via the nature of our very language – we are more likely to agree with the first statement since it uses the definite article – it signals a greater certainty of presence.

Another example of verbal schema is present in the study by Loftus & Palmers⁴⁵. In the study, participants were asked to predict the travelling speed of two vehicles involved in a car crash. Video clip of the crash was shown, and questionnaires handed out. Some participants were given questions with an emotionally charged form (eg. “How fast was the car going when it crashed/smashed into the other car ?), while others were given less emotionally charged wordings of the same question (e.g. “How fast was the car going when it contacted/bumped into the other car ? “). The more emotionally charged versions of the same question yielded reports of higher speeds.

<u>Verb</u>	<u>Mean estimated speed</u>
Smashed	40.8 mph
Collided	39.3
Bumped	38.1
Hit	34.0
Contacted	31.8

One could theorize that what makes misinformation such a powerful tool is the fact that it appeals to our scripts and schemas. If we are repeatedly questioned about something that we did in fact not see, or are uncertain about, we are highly likely to accept whatever suggestion makes sense according to our schemas. We trust our earlier perceptions of the world to be general enough to provide a framework for our future perceptions – if an interviewer suggests something that seems acceptable because it’s how we’d expect the situation to play out, we are probably more likely to agree with it than if it seems completely isolated from our previous experiences.

In the context of eliciting testimony from children, scripts and schemas are a highly problematic factor. Preschool children can have difficulties distinguishing between reality and fantasy. If this distinction is occasionally difficult for them to make, one could fear that they are highly susceptible to fall back on schemas in matters of doubt. Schemas usually provide the most conventional and therefore acceptable explanation, and thus could be considered the psychologically “safest” way of circumventing or overriding doubt.

One could theorize that what makes misinformation such a powerful tool is the fact that it activates certain scripts and schemas. If we are repeatedly questioned about something that we did in fact not see, or are uncertain about, we accept certain suggestions in light of (are highly likely to accept whatever suggestion makes sense according to our) schemas. We trust our earlier perceptions of the world to be general enough to provide a framework for our future perceptions – if an interviewer suggests something that seems acceptable because it’s how we’d expect the situation to play out, we are probably more likely to agree with it than if it seems completely isolated from our previous experiences.

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One could even speculate that schemas and scripts are closely interconnected with the Gricean maxims (As described in *Repeated Questions*) as well. We have a highly specific framework for how conversations unfold, and it contradicts our conversational script to question whether the objects an interviewer refers to actually

exist – our experience tells us that when someone asks us the colour of the table in the room we just left, that table is generally there.

Repeated Questions

Repeated questioning is when you ask the same question several times. A child witness is usually asked repeatedly about the same event before going to trial (by child protective service workers, psychologists, attorneys etc.). Repeated questioning can take place within the same interview or it can be over a longer period of time across different interviews. There could be different types of questions: yes/no questions (questions you can only answer with a yes or no), specific questions, leading questions and open-ended questions (which leave room for a more elaborative answer).

The following is an example of repeated yes/no questioning of a child, taken from the Little Rascal Day Care Centre-case where Bobby is being interviewed by a prosecutor⁴⁶:

P: "Did you have to lie on top of Bridget?"

B: "Yes."

P: "And when you were lying on top of Bridget, where was your private?"

B: "I forgot."

P: "Do you remember telling Miss Judy that you had to put your privates next to her private? Did you have to do that, Bobby?"

B: "No, Sir."

P: "What did you say?"

B: "No, sir."

P: "Did you say No or Yes?"

B: "Yes, sir."

It has been suggested that children have a tendency to change their answers to repeated yes/no questions⁴⁷. But what about open-ended questions? Will this type of questions also elicit inconsistent answers when repeated?

In a study by Poole & White the effects of repeated questioning within and across interviews were examined. They used both yes/no questions and open-ended questions.

Four different age groups participated in the experiment (4-, 6-, and 8-year-olds and adults, a total number of 133 participants), they all witnessed an event which contained both unambiguous and ambiguous features. Half of the participants were interviewed immediately after the event and again one week later, while the other half was only interviewed one week after the event. The interviewer repeated each question two or three times within a session. When open-ended questions (e.g. "What happened when the man came into the room?") were repeated it had little effect, positive or negative, on the subjects' responses, and children were actually as accurate as adults in their responses to this type of questions. But, when it came to repeated yes/no questions (e.g. "Did the man ask nicely for the pen?"), the younger children were most likely to change their answers, both within and across sessions. Both adults and children speculated on a specific question about which they had no information (e.g. "What did the man do for a living?"), and answers to this question became more and more certain with repetition. In other words, children as well as adults will often try to cooperate by speculating or guessing, but after several repetitions, their uncertainty is no longer apparent.

Poole and White found no reason to be concerned about the effect of repeated open-ended questions, because repetition of this type of question primarily influenced presentation style rather than accuracy⁴⁸.

Repetition of open-ended questions also occurs frequently in everyday life. Children often have to answer questions like: “What colour is this?”, “How old are you?” and “What did you do in day care today?”, several times a day, and they do so without problems.

Why is it then that children tend to change their answers when *other types* of questions are repeated?

Grice, a philosopher of language, has listed some rules of thumb which we follow in everyday conversation⁴⁹. These rules are almost like traffic regulations – we have to follow them in order to prevent our conversations from going off the rails.

He lists four maxims (rules):

- The maxim of *quantity* (“Speak no more or no less than is required.”)
- The maxim of *quality* (“Try to speak the truth and avoid falsehood.”)
- The maxim of *relation* (“Be relevant and informative.”)
- The maxim of *manner* (“Avoid obscurity and ambiguity.”)

In his essay “Language and thought: the fundamental significance of conversational awareness for cognitive development”, Michael Siegal suggests that children are aware of Grice’s maxims and that they too follow them.

*“In the case of children, by the age of 3 years, their speech habits reflect a common grounding that is often in line with conversation as prescribed by the Gricean maxims.”*⁵⁰

Michael Siegal refers to four experiments (carried out by himself, Lorraine J. Waters and Leigh Simon Dinwiddy, 1988) designed to examine whether children's inconsistency on many developmental tasks reflects a misinterpretation of the experimenter's intent in communication under repeated questioning.

When children participate in experiments or when they are questioned in a legal context, the conventions of everyday conversation (Grice's maxims) are often set aside (e.g. a question is repeated even though an answer has already been given) and when this happens, children may respond incorrectly not because they don't know the answer, but because they misinterpret the intent of the question.

Consider their first experiment, where the children were presented with two displays each consisting of two parallel vertical rows of buttons, both rows were 36 cm long and consisted of 20 buttons of the same size, however the arrangement of the buttons was different within each row, as were the colours of the buttons.

The children were told: "Here are two big rows of buttons. This row has pink buttons in it and this row has purple buttons in it. Point to the row which has more buttons⁵¹." Then the children watched the experimenter rearrange the rows, so that one was made to appear longer than the others. No buttons were added or removed. Again, the children were asked to point to the row which had more buttons.

In this experiment most of the children's second answer was not consistent with their first answer⁵².

Siegal claims that when the children were asked the question they had already answered a second time, it contradicted the Gricean quantity maxim (speak no more than is required) and thus lead the children to assume that they had to pick the longer row as having more buttons – otherwise an adult would not have gone to the trouble to ask them a second time whether that row had more buttons.

Adults are far more conversationally experienced than children, and they know that the rules of conversation may be broken from time to time. For instance, adults can be uninformative and state the obvious for purposes of irony or they may be redundant and speak more than is required (e.g. by repeatedly asking, “How are you?”) in an attempt to be polite. But children on the other hand are merely beginners when it comes to conversation and they don’t understand that it is okay to break the conversational rules in some situations.

Repeated questioning will always conflict with the Gricean quantity maxim, which especially becomes a problem when children are being questioned because, according to Michael Siegal, it may provoke them to give inconsistent answers.

Discussion:

In the following we will look at factors that can influence children’s answers.

Nonverbal Unconscious factors:

While we have mainly dealt with the verbal part of communication, there are other aspects we have not yet examined fully. Nonverbal communication or body language is definitely an inherent factor in all face-to-face communication such as the interviews we have described in the previous chapters. It is exceedingly difficult to measure the effects of body language in an empirical manner – and we are thus reduced to stating that it is a factor of unknown importance in any given interview. Even the most neutral, open-ended question cannot be asked by an interviewer without some sort of body language. Even the reliability of open-ended questions,

could thus be questioned since they do not occur without some kind of nonverbal communication.

Most interviewers have a priori beliefs about what has happened (interviewer bias) , and even though the interviewer does not want that to influence the child (and asks neutral, open ended questions), the interviewers unconscious nonverbal communication can still affect the child.

On one hand, the child might attempt to understand the whole meaning behind what the interviewer communicates, on the other hand, the interviewer's nonverbal communication in these kinds of situations could be too unclear for the child to conclude anything. While it is uncertain exactly what kind and degree of impact body language has on children it is a factor that should be taken into consideration if one were to perform "the perfect" neutral and unbiased interview.

Open questions, repeated interviews and their impact on memory

When children appear in court cases, they are often questioned repeatedly by different people, for example their parents, their preschool teacher, the police, lawyers, social workers and child specialists.

These repeated interviews may seem confusing and thus misleading for the child. Even if primarily open ended questions are used, the child's testimony can still be affected. If the child gives an untrue answer in just one single situation, for example because the child does not know the answer and will typically try to come up with an answer that the child thinks the interviewer wants, then the false answer has a possibility of developing into a settled memory – and thus become indiscernible from the true events.

The cause of this is that children will seek to fill out the "holes" in their memory. If the child gives an answer that is false, he or she will have to come up with a story that

fits their answer, in order to make it complete – as a consequence the story can become a bigger and bigger part of the child's testimony.

Because preschool children's metacognitive skills are not fully developed yet, their memories are malleable. If they have already stated something once, (for example that they were naked in the preschool), then next time they are asked the same question there is a probability that they will believe that they were actually naked in preschool. Relating a false story has the possible effect of that story becoming a reoccurring memory to the child, thus solidifying the story's presence in their memory until it is eventually indistinguishable from their initial true experience. Preschool children have difficulty distinguishing between reality and fantasy – and between different types of influences – for example if they have seen a photo of a naked person or if they have seen the naked person in real life.

Because of this it can be discussed if open - ended questions elicit the same amount of true testimonies in real cases as they do in studies. If the first interviewer in a real case, did not ask open ended questions and planted false memories or asked questions that made the child give false answers – then the child's memory is already affected and changed and the following open ended questions from the other interviewers will be answered based on this manipulated/changed memory.

In opposition to the real cases, it is scheduled and planned who interviews the children, how they are to be interviewed, which questions should be asked, in what order, if the interviewer should be biased and how many times the child should be interviewed. Also those involved will be professional and are conscious about what they are doing. This form of structure and control is not probable to attain in real-life scenarios.

Emotional Factors

In real life cases, children will be questioned by many different people and often some of these people will be emotionally upset which we would think would influence the child and its testimony. For example parents and relatives that are sad, angry, or frustrated by what has happened, and who may be convinced about what has happened, will probably influence the child with their emotions. Also these people are not professionals and are not cautious about their influence on the child or the child's reactions.

This is quite opposite of studies with professional interviewers who are not emotionally influenced in the same manner, unless it is a planned part of a given study.

Stress – Planned studies vs. Real Cases

The study that we have encountered that most closely emulates large amounts of stress is by Peterson & Bell (1996). Children with injuries that needed hospital treatment were interviewed – due to their injuries and the pain and anxiety, these children experienced stress during the episode they were later interviewed about. During the interview they probably did not experience the same sense of stress, since they were surrounded by stable, professional adults – no factors like threats, rewards or misleading questions were present during the interview – which might have further added to the stress.

In actual abuse situations, one must assume that a child is under a great deal of emotional stress. The emotional stress is often related to the fact that children want to please and instinctively act towards being wanted and protected.

The person that has abused the child might be someone closely connected like a father or an uncle. Such a horrifying situation adds stress, not only to the child itself but also to its surroundings.

However, a child might be exposed to stress even though it has not been abused. The experience of being interviewed can be stressful in itself. It can therefore be discussed whether the investigations provide an accurate image of a child's reaction during an actual court case.

Specific questions – more information vs. accuracy

In this report we have stated that children usually provide more information in response to specific questions compared to open-ended questions, but on the other hand overall accuracy rates are higher for responses to open-ended questions (see Open-ended questions p.??).

This is obviously a dilemma, because it would be preferable to have both as much information and as many details as possible and at the same time have all this information and all these details be true. But since it has been proved difficult to have both one and the other at the same time, interviewers have to be careful with specific questions. We believe that the accuracy and truth of a testimony is far more important than the amount of information and details provided – especially in a court case concerning child abuse, where one child's testimony can be (and usually is) decisive. In order to promote the truth of a child's testimony, several interview guidelines have been made (see Poole & Lamb, 1998 and Maggie Bruck, 1999) based on the results and conclusions of various studies and investigations.

These guidelines recommend that the interviewer begins by asking the child very open-ended questions (e.g. "Tell me what you did at the day care"). If the child only provides a minimum of information, then a general recommendation is that the child should be prompted (e.g. "Tell me more," "what else happened?") or be asked other

open-ended questions. If the child is still not accommodating, it is recommended that the questions become a little more specific (e.g. “Can you tell me about any games you played at the day care?”). If the child continues to provide no information despite many prompts, some guidelines allow the use of more specific questions (e.g. “Did you play a game with a mask?”), but only then – as a last resource – is it allowed to ask specific questions.

Can you trust a child’s testimony?

Whether a child can be trusted or not is a very complicated issue. However, investigations up till now show that a child’s testimony often depends on relations. We are here talking of both social relations as well as cultural factors. How often do parents for instance take a neutral stand if their child is involved in a sexual abuse case? It is hard to believe they do not affect their child one way or the other. The indirect influence usually happens through conversation or through rehearsing answering questions for an upcoming trial. As earlier mentioned, children are obedient towards authorities. It must therefore be assumed that if their parents hold a certain belief they are most likely to pass their belief on to their child. A number of web pages designed for parents and their children are available on the internet. These pages provide information about the procedure in trials and they can help parents prepare their children for an interview. An example of a such webpage can be found at: www.childfind.ca/educate/jic/court.htm. Another factor, namely emotional relations between child and interviewer may affect the child’s testimony. Children involved in these cases frequently suffer from stress. Traumatic experiences or pressure during trial could for instance be result in incorrect statements. Another problem concerning accurate testimonies is memory. We have mentioned many examples of how children’s memory works and how their images of something are easily affected. In addition, children’s memories are sometimes influenced by

imagination and as we all know children often have a hard time discerning reality from imagination. Additionally, preschool children's cognitive stage is very different from that of adults. Children simply are not able to critically analyse an interviewer's questions and is therefore exposed to what we know as interviewer bias. In many cases these kinds of questions do not help promote the truth. On the other hand children perhaps look for clues as they are afraid or confused and in such cases a biased question might be a helping hand. But who knows how children interpret questions? We cannot provide an answer but conclude that it depends on many things such as social, emotional and cultural facts.

But several studies actually highlight the strengths of preschool children's memory (see Fivush 1993, Goodman et al 1992). What characterizes most of these studies is the neutral tone of the interviewer and the limited use of misleading questions and repeated questioning. When such conditions are present, it is a general finding that preschool children are less susceptible to suggestive influences (Bruck & Ceci 1999). This indicates that if only the suggestive techniques are absent, then even very young preschool children are able to provide highly accurate reports.

Do neutral interviews exist?

Is it realistic to believe that such a thing as a neutral interviewer exists? It happens rarely that someone catches an abuser in the act. This means that we only have the child's testimony to rely on. If however, the abuser had been caught abusing a child then naturally, there would not be any doubt. But, unfortunately we do not always have evidence. Not just in cases that involve children but in any case the question always seems to be, whether you can trust a person's testimony? Adult and child witnesses should be carefully separated though. As earlier mentioned, children's memories are not as developed as adults and it would be too much to ask for

completely accurate testimonies from children. With these factors in mind perhaps a lot of interviewers simply cannot help but hold a certain belief. Perhaps the interviewer feels sorry for the child or sympathizes in some way that unconsciously leads him or her to carry out a biased interview. Going through with an interrogation without any kinds of bias is simply unthinkable. It is as imagining people that do not respond one way or the other to its environment. Even non-verbal aspects of an interview can be biased. Lawyers can lead children in many different directions through body language or discreet gestures. Biased or not, perhaps the most important question is; who is to judge these issues? It is becoming very clear how difficult a judge's task is, when involved in sexual abuse cases.

Potential problems with empirical studies on children's testimonies

In our project we have relied on empirical studies, there are a number of problems associated with these kinds of studies.

It is doubtful, whether the studies provide us with a clear picture of the way children react in court cases and how accurate their testimonies are. It is doubtful because, there is a number of factors in real cases that it is not possible to include in a study, and this can cause that the study results are different from reality.

In the studies it is in fore hand planned who is going to interview the child and how. The interviewers are professionals and neutral, and their purpose with the interview is only, what is already planned. For example they only ask leading questions, if this is part of the study. The child is probably also not exposed to several different influencing factors at the same time (for example all the different interviewing techniques in the same interview), since this would not give a result anything could be concluded from.

In real cases there are not that type of planning, survey and structure. Also in real cases children will be questioned and interviewed by several different people

repeatedly, and there will not be the same type of control with, which questions are asked.

The child will also be influenced by what the child's parents (and others) say and if they are emotionally upset.

In the studies you can not expose the child to the same type of physical and psychological stress as they are exposed to in real cases

This stress could be about for example:

- Stress from being abused, maybe for longer periods.
- Stress from physical pain
- Stress, because the parents (and others) are emotionally upset
- Stress, because it is the child's instinct that it wants to be loyal to, for example, family members
- Stress caused by the new and unknown surroundings (where there is probably lots of activity, stress and noise)
- Stress caused by being influenced by so many factors and people at once.
- Stress, because the child is constantly exposed to new impressions every day for longer periods.

In our chapter about open-ended questions we also talk about central and peripheral / secondary events and why they are remembered differently. Children remember the central experiences best, because those are the ones who have great personal meaning to them. The remembering of the peripheral experiences tended to contain more errors.

It is doubtful, if the child remembers the details of the studies, or most of the studies, as central experiences in their life, since these often do not involve a lot of stress and emotions. And if the child comprehends these studies as peripheral, that could mean

that children would remember the personal events in real cases better than the studies show

Therefore, we might only be able to use the studies as guidelines, to how much children can remember, how they are influenced and how their cognitive skills affect them.

Conclusion

In our problem definition we listed the different interview techniques that we wanted to deal with in this project: Open-ended questions, implicit rewards, implicit threats, implicit expectations, leading questions, misinformation and repeated questioning. We have written a chapter about each of these techniques and their influence on preschool children's testimonies.

To sum up; we found that every single interview technique an interviewer may use can influence children in one way or another. Some techniques have a bigger impact than other. We have found that open-ended questions are the least suggestive and influential compared to specific questions, yes/no questions, misinformation, leading questions and repeated questioning. A combination of the suggestive techniques (e.g. repeating yes/no questions and misinformation while making implicit threats) has the biggest impact on children's answers and causes the most inaccuracies (Bruck & Ceci 1999).

We have also found that children are very compliant, willing to please adults and that they have an inherent trust of adults (Ceci & Bruck 1993). These characteristics make them highly susceptible to interviewer bias and implicit rewards, threats and expectations along with several of the other techniques as well.

We have ascertained the existence of a set of conversational rules of thumb and children's awareness of it. Suggestive interview techniques (e.g. repeated questioning or misinformation) will often be in conflict with these rules and thus lead children to give false answers.

We have established that preschool children are not as far in their cognitive development as older children and adults – for instance, their ability to use metamemory and metacommunication is not fully developed yet – which makes preschool children the most susceptible age-group.

Having stated the above, it is important to point out that if questioned under appropriate circumstances, even very young children can be competent witnesses and provide the court with forensically important evidence.

Thus, the question of whether you can trust a young child's testimony can only be answered vaguely, "maybe, maybe not," depending on the type, number and severity of suggestive techniques they have been exposed to. And as we have stated before it also depends on cognitive, social, cultural and emotional factors.

As we have mentioned in our discussion, it is hard to believe that such a thing as a *completely* neutral interview exists – especially in connection with real life abuse cases, where most of the people involved have an emotional approach to the issue.

But it *is* possible to question children in a non-suggestive way – or at least with a very limited use of suggestive techniques, by telling the child that it is okay for them to say "I don't know" or "I don't remember", by primarily asking open-ended questions and by avoiding implicit, rewards, threats and expectations, misinformation, leading questions and repeated questioning.

Having dealt with the issue of child witnesses, the suggestive interview techniques they are exposed to and the problems it can cause, we can conclude that a need exists for professionals (child protective service workers, lawyers, therapists, police officers etc.) to be warned about and made aware of the possible contaminating effects of suggestive interviewing techniques. It is of great importance that the people who are

in charge of interviewing children before and during a trial learn how to question a child in the least suggestive way possible.

“Failure to do this could lead to miscarriages of justice.” (Bruck & Ceci 1999, The suggestibility of children’s memory, p.437).

Notes

¹ Interviewing Children, XXXXXXXX, P. 114-115*

² “The suggestibility of children’s memory”, Maggie Bruck, Stephen J. Ceci, Annual Review of Psychology, P.424-425

³ “Children’s memory for traumatic injury”, Carol Peterson, Michael Bell, Child Development 1996

⁴ “The suggestibility of children’s memory”, Maggie Bruck, Stephen J. Ceci, Annual Review of Psychology

⁵ “The suggestibility of children’s memory”, Maggie Bruck, Stephen J. Ceci, Annual Review of Psychology

⁶ “Children’s memory for traumatic injury”, Carol Peterson, Michael Bell, Child Development, 1996

⁷ “The preschool child witness: Errors in accounts of traumatic injury”, Carol Peterson, 1995

⁸ “Children’s memory for traumatic injury”, Carol Peterson, Michael Bell, Child Development, 1996

⁹ Brown 1978, Flavell, Friedrichs and Hoyt 1970, as related in “What children can tell us”, James Garbarino, Frances M. Stott, et. Al. , 1992

¹⁰ Arne Poulsen, Interview 2004

¹¹ Arne Poulsen, Interview 2004

¹² Arne Poulsen, Interview 2004

¹³ “What children can tell us”, James Garbarino, Frances M. Stott, et. Al. , 1992, P.74

¹⁴ “What children can tell us”, James Garbarino, Frances M. Stott, et. Al. , 1992, P.69-70

¹⁵ Piaget thinks that the child is born as a social human being – but the ability to understand that other people can see things from different perspectives is something the child has to learn. According to Piaget, Children have no inherent understanding of subjectivity. They are egocentric, which means they are incapable of understanding that other people can have different views and opinions. The child can not see situations from other perspectives.

The cognitive skills necessary for decentralized thinking are fully developed when the child is around 14 – 15 years of age, according to Piaget.

¹⁶ “Udviklingspsykologiske teorier – en introduktion”, Esben Jerlang , 1998, P. 143 – 144

¹⁷ Arne Poulsen, Interview 2004

¹⁸ “What children can tell us”, James Garbarino, Frances M. Stott, et. Al. , 1992, P.74

¹⁹ AP Bog side 180*

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- ¹⁹ "Reliability and Credibility of young children's reports", Maggi Bruck, Stephen J. Ceci and Helene Hembrooke, American psychologist 1998, P.135-151.
- ²⁰ Pillener and White, as referred to in "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 191
- ²¹ (AP bog si 172) (interview AP)*
- ²² "What children can tell us", James Garbarino, Frances M. Stott, et. Al. , 1992, P.70-77
- ²³ "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 192 as related in "Samfundet Børn", Mads Hermansen and Arne Poulsen, 2002
- ²⁴ (Arne Poulsen, interview.)*
- ²⁵ (Robert A. Dahl, 1961:203)*
- ²⁶ "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 193 as related in "Samfundet Børn", Mads Hermansen and Arne Poulsen, 2002
- ²⁷ "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 194 as related in "Samfundet Børn", Mads Hermansen and Arne Poulsen, 2002
- ²⁹ "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 194 as related in "Samfundet Børn", Mads Hermansen and Arne Poulsen, 2002
- ³⁰ "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 194 as related in "Samfundet Børn", Mads Hermansen and Arne Poulsen, 2002
- ³¹ "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 193 as related in "Samfundet Børn", Mads Hermansen and Arne Poulsen, 2002
- ³² (Arne Poulsen, interview)*
- ³³ "Reliability and Credibility of young children's reports", Maggi Bruck, Stephen J. Ceci and Helene Hembrooke, American psychologist 1998
- ³⁴ "Make-believe memories", Elizabeth F. Loftus, American Psychologist Nov 2003
- ³⁵ As related in the "Amicus brief for the case of NJ V. Michaels", presented by the committee of concerned social scientists, Maggie Bruck, Stephen J. Ceci*
- ³⁶ Leichtman & Ceci, 1995, as referred to in American Psychologist February 1998
- ³⁷ Dissertation Abstracts International: Section B: The Sciences & Engineering. 61(9-B), 2001*
- ³⁸ "Remembering; A Study in Experimental and Social Psychology", Frederic Bartlett, 1932
- ³⁹ "Memory", Ian M. L. Hunter, 1964
- ⁴⁰ "Remembering; A Study in Experimental and Social Psychology", Frederic Bartlett, 1932, P.13
- ⁴¹ "Recall of previously unrecalable information following a shift in perspective", Anderson, R.C., and Pichert, J., Journal of Verbal Learning and Verbal Behavior 17:1-12, 1978
- ⁴² "Scripts in memory for texts ", Bower, G.H.; Black, J.B; and Turner, T.J. Cognitive Psychology 11:177-220. 1979.
- ⁴³ 1979, as related in "Cognitive Psychology – A Student's Handbook", Eysenck & Keane, ,2000, P.254
- ⁴⁴ Loftus & Zanni, 1975, as related in "Psychology for AS Level", Michael W. Eysenck & Cara Flanagan
- ⁴⁵ http://www.geocities.com/chrisoakim/Loftus_and_Palmer.doc
- ⁴⁶ "Rørte han ved dig?", Thomsen & Berntsen, 1989, P. 197 as related in "Samfundet Børn", Mads Hermansen and Arne Poulsen, 2002

⁴⁷ "Effects of Question Repetition on the Eyewitness Testimony of Children and Adults", Poole & White, Developmental Psychology, 1991.*

⁴⁸ "Effects of Question Repetition on the Eyewitness Testimony of Children and Adults", Poole & White, Developmental Psychology, 1991.

⁴⁹ (1975,p.45)*

⁵⁰ (Michael Siegal, "Language and thought: the fundamental significance of conversational awareness for cognitive development", Developmental science,1999,p.2.)

⁵¹ "Misleading children: Causal Attributions for Inconsistency under Repeated Questioning", Michael Siegal, Lorraine J. Waters, Leigh Simon Dinwiddy, , Journal of experimental child psychology, 1988

⁵² "Misleading children: Causal Attributions for Inconsistency under Repeated Questioning", Michael Siegal, Lorraine J. Waters, Leigh Simon Dinwiddy, , Journal of experimental child psychology, 1988

Bibliography

Bibliography / Reference

Aldridge & Wood. (1998). *Interviewing children, a guide for child care and forensic practitioners.*

Anderson, R.C. & Pichert, J. (1978). Recall of previously unrecallable information following a shift in perspective. *Journal of Verbal Learning and Verbal Behavior*, 17:1-12.

Bartlett, Frederic. (1932). *Remembering ; A Study in Experimental and Social Psychology.*

Bower, G.H. & Black, J.B. & Turner, T.J. (1979) Scripts in memory for texts. *Cognitive Psychology*, 11:177-220.

Bruck, Maggie & Ceci, Stephen J. (1995). Amicus brief for the case of State of New Jersey v. Michaels presented by Committee of Concerned Social Scientists. *Psychology, Public Policy, & Law*, 1 (2), 272-322.

Bruck, Maggie & Ceci, Stephen J. (1999). The suggestibility of children's memory. *Annual Review of Psychology.*

Bruck, Maggie & Ceci, Stephen J. and Hembrooke, Helene. (1998) Reliability and Credibility of young children's reports. *American Psychologist*.

Eysenck, Michael W. & Flanagan, Cara. (4th ed.). (2000). *Psychology for AS Level*.

Eysenck, Michael W. & Keane, Mark T. (2000) *Cognitive Psychology-A student's Handbook*.

Garbarino, James & Stott, Frances M. et. Al. (1992). *What children can tell us*.

Gleitman, Henry. (5th ed.). (1998). *Psychology*.

Hermansen, Mads & Poulsen, Arne. (2002). *Samfundet Børn*.

Hunter, Ian M. L. (1964) *Memory*.

Jerlang, Esben. (1998). *Udviklingspsykologiske teorier – en introduction*.

Loftus, Elizabeth. (2003) Make-Believe Memories.
American Psychologist.

Loftus, Elizabeth. (2003). Our changeable memories : legal and practical implications. *Nature review, Neuroscience, Vol.4*.

Memon & Vartoukian. (1996). The effects of repeated questioning on young children's eyewitness testimony. *British Journal of Psychology*.

Peterson, Carol. (1995). *The preschool child witness: Errors in accounts of traumatic injury*.

Peterson, Carole. (1996). The Preschool Child Witness: Errors in Accounts of Traumatic Injury. *Canadian Journal of Behavioural Science*, vol.28.

Peterson, Carole & Bell, Michael. (1996). Children's memory for traumatic injury. *Child Development*.

Poole, Debra Ann & Lindsay, Stephen. (2001). Children's Eyewitness Reports After Exposure to Misinformation From Parents. *Journal of Experimental Psychology - Applied*, Vol. 7, No.1, 27-50.

Poole & White. (1991). Effects of Question Repetition on the Eyewitness Testimony of Children and Adults. *Developmental Psychology*.

Poulsen, Arne. (2004). *Gyldendal's bog om børns udvikling*.

Sas, Louise. (2002). *The Interaction Between Children's Developmental Capabilities and the Courtroom Environment: The Impact on Testimonial Competency*. Retrieved 15.09.2004 from <http://canada.justice.gc.ca/en/ps/rs/rep/interaction/inter.html>

Siegal, Michael. (1999). Language and thought: the fundamental significance of conversational awareness for cognitive development. *Developmental Science*.

Siegal, Michael & Waters, Lorraine J. & Dinwiddy, Leigh Simon. (1988). Misleading children: Causal Attributions for Inconsistency under Repeated Questioning. *Journal of experimental child psychology*.

Wengraf, Tom. (2001). *Qualitative Research Interviewing*.

Wood, Joanne & Michelle Aldridge. (1998). *Interviewing children: a guide for child care and forensic practitioners: Wiley series in child care and protection*.

Yin, Robert K. (2nd ed.). (1994). *Case study research: design and methods*.

Wengraf, Tom. (2001). *Qualitative Research Interviewing*.

Wood, Joanne & Michelle Aldridge. (1998). *Interviewing children: a guide for child care and forensic practitioners: Wiley series in child care and protection*.

Yin, Robert K. (2nd ed.). (1994). *Case study research: design and methods*.

Appendix A : Problem Definition

Main question:

How do legal interview techniques influence preschool children's' testimony?

Sub-questions:

-
- 1) What specific interview techniques are used?
 - 2) What are the cognitive effects of these techniques? Why may children be led to give wrong answers?

We will be dealing with the following techniques :

- 1: Open questions (what did you see...?)
- 2: Leading questions (where did the man touch you...?)
- 3: Repeated questions (are you sure, are you sure...?)
- 4: Misinformation (what colour was the man's hat....? [when there was no hat in the first place])
- 5: Implicit expectations (you are the oldest so we expect you to tell the truth)
- 6: Implicit threats (you are not allowed to go home before you have told the truth)
- 7: Implicit rewards (if you tell the truth you will get a tour of the police station)

To address subquestion 1, we will describe in detail what each technique involves.

To address subquestion 2, we will explain how each technique may lead children to give unreliable answers.

Importance

The subject matter is relevant because it affects a large amount of people within society; both those falsely accused of child abuse and those who claim to have been abused but fail to prove it.

Appendix B : Interview with Arne Poulsen

Interview med Arne Poulsen,

(Dr.phil. and professor in psychology at Roskilde University).

Torsdag d. 11.11.04.

1. Hvorfor svarer børn med flere informationer på specific questions sammenlignet med open ended questions, og hvorfor er det sværere at genkalde end at genkende?

Det der forklarer hele udviklingsforløbet er overgangen fra passive til aktive hukommelsesformer, det er der udviklingen sker genkendelse er mere passiv end genkaldelse. Specific questions kræver mindre aktive hukommelses former, open ended questions kræver de aktive hukommelses former, da man der skal begynde at lede i sin egen hukommelse og det kræver metahukommelse. Men dette kan jo stadig kritiseres – ved at sige at det jo ikke er nogen forklaring – det er bare at sætte nogle ord på, pseudo forklaring kan man sige, for hvordan kan vi vide at det kræver mere aktivt hukommelse – jo fordi det kommer senere – hvorfor udvikler børn senere denne evne til at svare mere uddybende på open ended questions – det er fordi det kræver mere aktiv hukommelse - hvordan kan vi vide at det er mere aktiv hukommelse - jo fordi det kommer senere – det er cirkulært og noget der forekommer meget i psykologien.

2. Hvorfor er børns svar på spørgsmål ofte kortfattede og præget af generelle informationer?

Der kommer altid flere detaljer på det børnene fortæller når det er noget de selv sætter i gang – når det er impulsivt. Det har også at gøre med at børn i den alder ikke er i stand til bevidst at hente noget frem fra hukommelsen og strukturere det som et sammenhængende forløb.

Og så har det noget at gøre med lav status (underforstået barnets) og høj status (underforstået interviewerens) og det at børnene prøver på at svare rigtigt (underforstået – at de svarer det de tror interviewerens vil høre).

3. Hvorfor forsøger børn at behage, samarbejde og svare på spørgsmålene som det tror interviewerens vil have?

Det kan godt være det lyder lidt mærkeligt – det vil de fordi det er den menneskelige natur – sådan reagerer voksne mennesker også, børn gør det bare i højere grad.

Socialpsykologien er fuld af eksempler på det der hedder social influence der går ud på obedience mod autoriteter . Hvorfor børn er sådan skal ikke forklares – mennesker er sådan – det der skal forklares er hvorfor voksne mennesker bliver selvstændige og vokser sig fri af det her. Så det er ikke et spørgsmål om at de er specielt barnlige – det hører også til den menneskelige natur at vi udvikler os og bliver mere fri – tilknytnings forskningen viser også at vi tager udgangspunkt i situationer hvor vi er afhængige af tilknytning til personer men i kraft at den tilknytning og tryghed

udvikler man selvstændighed – selvstændigheden udvikler vi ikke på trods af tilknytningen men igennem tilknytningen.

4. Hvorfor er børn nemme at vildlede?

Den ene grund er føjeligheden – den anden er at det altid kræver et kognitivt overskud og et personligt overskud at kunne stille spørgsmål ved den måde interviewereren stiller spørgsmål på at lave metakommunikation. Metakommunikation – et at tænke: når du nu siger sådan så må det være fordi sådan og sådan. Det er det Habermas ville kalde at begynde at indføre diskurs.

Det er altså pga. manglende kognitiv udvikling og fordi det kræver at man føler sig sådan nogenlunde som ligeværdige før man begynder at stille spørgsmålstejn ved spørgsmålene. Samt den kognitive del med ikke at være i stand til at se det fra andre synsvinkler – den manglende evne til decentrering det Piaget ville kalde egocentrisme.

5. Hvorfor svarer børn generelt sjældent ”Det ved jeg ikke”, på spørgsmål selvom de ikke kender svaret. Og hvorfor bruger de i andre tilfælde svaret ”Det ved jeg ikke”, i stedet for at svare det de ved?

Det med at de ikke svarer jeg ved ikke – men forsøger at finde et svar hænger sammen med det med føjeligheden og ønsket om at samarbejde. Andre gange når de

siger det ved jeg ikke så er der forsvar for at beskytte sig selv eller andre. Hvornår de vælger hvad, afhænger af den sociale situation.

6. Hvorfor er børns svar på open ended questions ofte mere sandfærdige end svarene på specific /closed questions ?

Det er også behager sygen der gør, at børn, når de svarer på mere specifikke spørgsmål, ofte bliver mere uaccurate. I lukkede spørgsmål, er der meget større risiko for ledende spørgsmål, vildledende spørgsmål og dermed får man også flere forkerte svar. Ledende spørgsmål bliver let misleading.

7. Hvad mener du om den opfattelse at børn skal presses til at sige sandheden, og at der så forekommer et bestemt mønster i måden de indrømmer på – det der kaldes ”Disclosure Pattern”

Det viser sig, at når man tager de sager, hvor den anklagede indrømmer og hvor man dermed ved, at anklagen er sand – når man sammenligner, med de sager, hvor den anklagede hårdnakkede bliver ved med at nægte og der kan det være, han er skyldig i nogle af tilfældene og ikke i andre. Der viser det sig, at i de sager hvor han indrømmer, er der ikke nogle særlig tilbøjelighed til ”disclosure pattern”, og det burde der jo være, hvis der var noget, om at ”disclosure pattern” var sandt.

Så i virkeligheden, hvis dette er argument nok, så er ”disclosure pattern” nærmere et udtryk for uheldige ting, i løbet af afhøringen, hvor barnet forsøger at holde sammen på historien.

8. Hvad er forklaringen på child amnesia og hvordan hænger det sammen med selvbiografisk hukommelse ?

Child amnesia ligger jo tidligere og det betyder ikke at hukommelsen er fortrængt men at man simpelthen ikke kan huske det og det er der flere forklaringer på. En forklaring er evnen til selvbiografisk hukommelse. Evnen til den narrative struktur, der skal til for at danne selvbiografisk hukommelse, altså hvor man kan huske sin egen position, det er noget der først kommer senere, udviklingen starter ved 3 – 5 år. Der sker meget i 2 – 3 års alderen der er forudsætningen for begyndelsen til selvbiografisk hukommelser.

Der er også det i det, at evnen til selvbiografisk hukommelse, er noget der skal trænes. Og man kan jo forestille sig, at børn der lever i misbrugsfamilier, ikke er dem der har forældre, der gør mest ud af at træne deres børn – det der også er kaldt scaffolding. Hvis det er rigtigt, at selvbiografisk hukommelse skal scaffoldes af de voksne, så må vi formode, at børn der lever i misbrugsfamilier, har dårligere selvbiografisk hukommelse end andre børn, fordi vi må formode, at de forældre ikke er dem der sidder og træner deres børn. De kan også være misbrugt så meget, at deres kognitive udvikling er skadet, men så skal der et voldsomt misbrug til, systematisk misbrug.

9. Hvorfor er børn så påvirkelig over for ledende spørgsmål, straf og belønning

Børn er mere sårbare over for ledende spørgsmål af kognitive grunde, men også af status mæssige grunde. Vi mennesker tror altid som udgangspunkt, at det er meningsfuldt, det der bliver sagt, det er en grundregel, det tror vi alle sammen. Hvis jeg siger et eller andet, som virker meningsløst, så er det jo ikke sådan, at det første i siger er, at det er meningsløst. Det første i gør, det er at i prøver på, at finde ud af, hvad kan han mene, så det er meningsfuldt. Jo mere status forskel, der er imellem os, jo mere vil vi jo prøve på, at opretholde forestillingen om, at det er meningsfuldt det jeg siger. Vi vil forsøge på at lægge en betydning ind, implikaturer ind. Men det er grundlæggende, at vi som udgangspunkt altid forsøger, at forstå det der bliver sagt som meningsfuldt. At begynde at metakommunikere, er at sige; ”at når du siger sådan, må det betyde at.....” og det kræver personlige og kognitive ressourcer, at begynde at metakommunikere. Metakommunikation betyder at kommunikere om kommunikation. At kunne tænke over egen tænkning, er metakognition. Metapsykologi er teori om psykologi. Og metakommunikation er at tænke over selve kommunikationen. Men det er klart at metakognition og metakommunikation er to færdigheder der hænger sammen.

10. Hvis man stiller et barn det samme spørgsmål gentagne gange, vil barnet måske forsøge at give det svar som det tror interviewereren vil have. Men hvis man stiller det samme spørgsmål flere gange med jævne mellemrum har det ikke samme effekt. Hvordan kan det være ?

Ved at stille spørgsmål flere gange efter hinanden, stiller man barnet i en situation, hvor barnet kun kommer ud af situationen ved at please. Barnet opfatter simpelthen den gentagne spørgen som kritik. Hvorimod hvis spørgsmålet kommer en gang i mellem, med mellemrum, så opfatter barnet det ikke som kritik, som om det har svaret forkert. Men jeg vil da også tro, at voksne mennesker ville være tilbøjelige til, at ændre deres svar, hvis de blev spurgt gentagne gange, om det samme spørgsmål også selvom der er mellemrum imellem.

Når børn bliver interviewet af en voksen, er de lidt oppe at køre, og det betyder at deres kognitive overskud er mindre, det gør, at det ikke forbinder spørgsmålene og dermed ikke husker, at de blev spurgt om det samme for lidt siden.

11. Hvordan kan det være man kan bilde et barn ind, at det har haft en oplevelse det aldrig har haft ?

En ting er at barnet kan ændre svar for at please, men tror barnet selv på svaret? Hvis barnet bliver interviewet senere hen om det samme, så bilder det sig ind, at det har haft oplevelsen, fordi det selv har fortalt om det. Når barnet er begyndt på en forklaring, vil det forsøge på at fylde hullerne ud dvs barnets hukommelse ændrer sig (underforstået, ubevidst for barnet).

Barnet kan både lyve, f.eks. for at beskytte sig selv eller andre. Barnet kan ændre forklaring for at please. Og så kan barnet have en falsk hukommelse, som barnet ikke selv er klar over er falsk.

12. Kan man betvivle, at der findes noget som open ended questions, hvis kropssproget er ca 80% ?

Jo det kan man, men det er så spørgsmålet, om kropssproget kan være så specifikt og præcist, for det er helt sikkert at børnene reagerer kraftigt på kropssproget. Hvis man stiller børn tvetydige, dobbelt spørgsmål, hvor den verbale kommunikation siger en ting og den nonverbale del siger noget andet, så vil børnene lægge mest betydning i den nonverbale kommunikation, og ud fra den, vurdere hvad der menes med spørgsmålet. Barnet hører altså ikke indholdet af ordene, men læser signalet.

Appendix C : On the Group Process

Our aim has from the beginning been to work individually and meet at least a couple of times every week in order to be able to organise and correlate our work. Naturally, one cannot predict a group process and it most likely never happens exactly as planned. However, in spite of many obstacles the group has managed to work efficiently on individual levels. There have been personal as well as academic factors that might have affected the group process and initially our final results. One important discovery in the making of this project has been the communication between the group members and our supervisor. We have experienced that making a good assignment depends on constantly updating each other through meetings, e-mails and so forth. An important tool for a good flow of communication between the group members has been BSCW. The homepage has helped us keep track of our

written material and it has given us the opportunity to read and correct and each other's work. We have namely experienced that every single person depends on each other and that just one missing link can create problems for the rest of the group. Another important aspect has been timing. We have constantly had a deadline and have made sure to obtain the speed at which we were working in order to avoid too much time pressure. All in all this process has been inspiring and it has given each of the group members many basic skills and much background knowledge in the making of a project.

Appendix D : Abstract

Topic: The effects of interview techniques on preschool children's testimony.

The project deals with communicative and cognitive aspects of legal interviewing techniques, specifically in relation to preschool children (3-6 years), and alleged cases of sexual abuse.

The following techniques are defined and examined: Open questions, leading questions, repeated questions and misinformation. Implicit threats, rewards, and expectations are investigated as well.

Possible consequences of using these techniques are outlined, based on available empirical research.

Project deals with the communicative dimension as well as the psychological dimension.

Main results illustrate that the reliability of children's' testimony is highly dependent on the manner in which this testimony is elicited. Suggestions for a neutral mode of interviewing are made.

Appendix E : Summary in Danish

Projektet beskæftiger sig med forskellige interview teknikker og deres indflydelse på børnehavebørns vidnesudsagn. Iøvrigt undersøges en række manipulerende aspekter af interview teknikker indenfor retslige rammer. I særdeleshed beskæftiger rapporten sig med børn i alderen 3-6 år og omhandler sager hvor sexuel misbrugte børn vidner. Vi har undersøgt følgende interview teknikker og forsøgt at definere dem: Åbne spørgsmål, ledende spørgsmål, gentagne spørgsmål og misinformation. Ligeledes har vi beskrevet implicite trusler, belønninger samt forventninger. De beskrevne teknikker understøttes af det tilgængelige empiriske materiale og deraf fremstår deres konsekvenser. Projektet bearbejder kommunikative samt psykologiske dimensioner. Vores overordnede resultater illustrerer, at børn er yderst afhængige af afhøringens udformning. Afslutningsvis har vi forsøgt at pege på mere neutrale afhørings metoder end hidtil set.

Appendix F : Dimension Paper

Psychology

We have covered the psychological dimension by studying the cognitive factors of children's testimony.

We have looked into how and why children react to the different interviewing techniques the way they do. We have also been dealing with how the child interacts with the outside world/with his or her surroundings and how the human instincts to please and be a part of a group influence the way children behave. We have looked

into children's cognitive skills at their developmental stage and how these skills influence the child's memory and suggestibility. By doing that we have gained an insight in how children of that age comprehend the situations when being questioned, we have also gained knowledge into why children react the way they do and which cognitive developmental factors that causes that.

Text and sign

In dealing with interviews involving children and adults, we have attempted to take a critical look at how and why children can be manipulated, simply by force of the way the questions are put to them. In investigating the various types of questions, we have looked at a key issue in the communicative sciences, and drawn on the Linguistic research of Grice to aid us in this.

We have learned quite a lot about the power of the different types of questions; how a seemingly innocent question can actually be formulated to point the interviewee in a specific direction, how repeated questions allegedly have the power to alter our very memories, etc.