ABSTRACT

With current law enforcement trends police are being better prepared to prevent crimes of all types, but cannot always protect a large population of the people: children. Officers have new technology in the form of Tasers, M-14 rifles, in-car cameras, and other less-than-lethal force options; these are areas where officers are excelling. However, there is one place where officers struggle: formal interviews with child victims. Interview methods taught in the police society include: Kinesic, Scientific Content Analysis Technique (SCAN), and Reid most notably. However these interview schools address interviewing adult victims, witnesses, and suspects. A huge void exists in the law enforcement culture when it comes to interviewing child victims.
Investigating Child Abuse

In 1994, there were 141,638 confirmed cases of child abuse in the U.S., down slightly from earlier years in the decade. It is difficult to calculate the actual numbers of cases of child abuse, since these are only reported cases of child abuse (Bruck, Ceci, & Hembrooke, 1998). No national child abuse-reporting agency exists, making statistics unreliable (Small Voices, 2003). “Over two-thirds of all victims of sexual assault, reported to law enforcement agencies, were juveniles (under the age of 18 at the time of the crime)” (Small Voices, 2003, p. 18). Despite this fact, Child Protective Service (CPS) workers and other front-line professionals may not receive the training necessary to complete proper interviews with children alleged to be victims of sexual abuse (Freeman & Morris, 1999).

Catalina Arata (1998) conducted a study of a 204 female students that reported a history of child sexual abuse. When disclosure of the sexual abuse was discussed, only 62 of the 204 (i.e., 30%) participants reported having told someone about the incident. Of those participants disclosing such abuse, 33 (i.e., 53%) disclosed the assault incident within a day or less. Seventeen individuals (i.e., 27%) disclosed the incident within six months, and 9 (i.e., 15%) disclosed more than a year after the incident. Of the 62 participants who disclosed their abuse, only six had contact with police. With these types of disclosure delays, it is likely (i.e., at least in the six cases that did get reported to police), that huge gaps existed in the information given between commission of the crime and the interview with the victim. This is why it is vital that investigators be skilled in interviewing children and able to maximize the information obtained.

Child Abuse Disclosures

Understanding when and why children report abuse has a huge bearing on the case and investigation. Unlike other situations when a crime happens to and adult, children do not always tell of an incident right away. Defense lawyers may see this lag time as justification that to discredit the allegation. However, in the world of psychology, numerous theories exist as to why children do not disclose the nature of abuse for years. Child Sexual Abuse Accommodation Syndrome, discussed by Dr. Roland Summit (1983), described one possible reason why children do not tell or more importantly when they do tell. Summit described the syndrome as having

five categories: 1) secrecy, 2) helplessness, 3) entrapment and accommodation, 4) delayed, unconvincing disclosure, and 5) retraction. Summit reminded readers that Child Sexual Abuse Accommodation Syndrome applied chiefly to female victims, as male victims rarely disclose the abuse incident.

Summit believed that secrecy is the first reason children do not tell of the abuse. The child is told that what is happening to them is a secret. The secret is between the abuser and the child. The child is told in some fashion, either through intimidation or more gentle ways, that he or she should not tell of the abuse. The secret may start with the abuser telling the victim not to tell because he or she will not be loved anymore. Or the abuser may tell the victim that bad things will happen if they tell. The most dangerous and hurtful statement made to a child is: ‘I will not love you anymore.’ Victims are told that they are not to talk about these things with anyone else. These are the reasons victims keep the secret of the abuse incident. Summit’s 1983
A study found that most adult victims of child abuse did not disclose until they were adults. As a result of the abuse, these victims did not trust anyone and had intimacy problems.

Summit’s term ‘helplessness’ covers the way the child reacts to the abuse. The child feels like they cannot control what is going to them. Children, like adult rape victims, feel as if they cannot cry out for help. They must sit and take the act of violence committed against them. Children also feel helplessness because they believe adults will not understand them, because they lack an adult-like vocabulary.

Children also have a defense mechanism about why they do not tell about the abuse: this is the entrapment and accommodation part of the syndrome. The child abuse incident is not limited to a one-time incident. Victims are usually abused repeatedly over a long period of time. The victim feels entrapped in the environment and then starts to accommodate the adult’s abuse on them. Abuse victims begin to rationalize the adult’s behavior and accept it as the norm.

The fourth reason children do not disclose right away, deals with delayed, unconvincing disclosure. A victim of long-term child abuse usually does not disclose the abuse to someone outside of the family. Most of the time, disclosure occurs when the child is told that they cannot do something or have something that they want. The child wants to tell the secret to punish the family or that specific adult. Often, the child then expresses conflicting information about the disclosure when the child attempts to keep the family together, realizing what they said has brought problems to the home life. Females tend to keep the secret of abuse until they reach teenage years. The teenage girl uses the crime or discloser of the crime as a time to rebel. For example: the teenager is told she cannot go out with friends. The father is the abuser. The disclosure of the abuse incident is used as revenge toward the parent who told her she could not go to the mall.

Child Abuse Interview Techniques

Forensic interviewing is a relatively new technique to law enforcement professionals. This tool aids officers in investigating crimes against children. Pioneers of forensic interviewing include: Maggie Bruck, Stephen Ceci, and Michael Lamb. “The purpose of forensic interviewing is to obtain a statement from a child, in a developmentally sensitive, unbiased, and truth-seeking manner, in which will support accurate and fair decision-making in the criminal justices and child welfare systems” (Small Voices, 2003, p. 1).

Forensic interviewing is hypothesis testing, rather than confirming what possibly could have already happened. Interviewers are challenged to gather information and in the process of the interview attempt to find out an alternative explanation for the abuse. This allows the courts and lawyers to see that it is not a ‘witch hunt’ for a suspect. In the forensic interview, the child controls the tone, speed, and language used. The interviewer avoids suggesting events that have not been mentioned, or projecting the assumptions of the interviewer onto the child (Small Voices, 2003).

The forensic process is straightforward and when used properly, can gather more information from a child about the incident than any other technique. When conducting the interview there are general guidelines, which should be followed. The interviewer should pay attention to his or her rate of speech, tone of voice, and placement of pauses. Frequent pauses and a slow rate of speech allow the child to speak in his or her own time. The interviewer must remember that the child is the expert on this abuse incident and he or she should be allowed to speak on the topic. There should be no physical contact with the child as it might give the wrong
impression. When asking for clarification the interviewer should avoid asking to see what happened or have the child demonstrate what happened. The interviewer must avoid comments making reference to a ‘good boy,’ ‘good girl,’ or ‘good job,’ since this praise may be interpreted by the child as selective reinforcement. During the interview the language of the child should be used. Do not use phrases like ‘pretend for a minute’ or suggest any fantasy or play (Small Voices, 2003). The interviewer should avoid using or making comments about the child’s feelings. Also, promises that cannot be kept should not be made. Promises like keeping the child safe can cause problems, because sometimes the child is placed back into an abusive environment (Small Voices, 2003).

Another study looked at the rifts between social workers and police officers (Patterson, 2004). Patterson believed police officers wanted to catch the person responsible, while ensuring the physical well being of the child. Whereas, social workers, he believed, were more concerned with the child’s emotional and psychological well-being. Patterson maintained that the attitudes of officers, both toward the victim and suspect are important when determining if a crime has been committed. Patterson conducted a study of police recruits in an academic setting to gather information about interviewing techniques used by law enforcement officials. There were two groups of officers; each group was given different amounts of awareness training in the area of child abuse. The experimental group, in Patterson’s study, was given a three-day program on how to deal with child abuse investigations. The control group received no training in child abuse investigations. As a result of Patterson’s study, police recruits that received training were found to have better attitudes toward child abuse victims. The trained recruits were better able to deal with the victims, and “… were more knowledgeable about factual information related to child abuse and neglect” (Patterson, 2004, p. 278).

Cederborg, Orbach, Sternsberg, and Lamb (2000), conducted a study to address interviewing techniques of child witnesses in Sweden. Cederborg et al. reported that the use of open-ended questions elicits more information from children. This discovery allowed for free recall from the child about the abuse incident. The emphasis of forensic interviewing is that the child should be allowed to spontaneously give accounts of the child abuse incident. However, the results of this study showed that the officers did not want to use the forensic method. The “…analysis of investigative interviews in Sweden makes clear that children alleging sexual abuse were seldom given the opportunity to describe what they experienced in their own words. The investigators’ reliance on option-posing and suggestive prompts is likely to have reduced the accuracy of the information obtained and may have contaminated reports to such an extent that they interfered with the investigations…” (Cederborg et al., 2000, p. 1360). This study showed that officers may be to blame if child abuse crimes were not solved, because studied officers were not able to get an accurate account of what happened.

Creditability and Reliability

“Historically, children were considered incompetent courtroom witnesses” (London, 2001, p. 123). “Within the court arena, the credibility and competency of child witnesses often comes under scrutiny and the decision whether or not a child is considered to be credible or not strongly influences whether their evidence will be heard by the court” (McCarron, Ridgeway, & Williams, 2004, p. 42). McCarron et al. discussed the traditional methods of assessing children’s competency. The first is that the child must able to define two concepts: what a truth is and what is a lie. Second, the child must able to tell the difference is between the two concepts. Lastly,
the child must able to give examples of a truth and a lie. According to McCarron et al., studies suggested it was tougher for children to correctly define the terms and explain the difference between the two. Not only age, but also a child’s intelligence equates with how much the child understands what is going on. A more intelligent child can demonstrate they have the ability to understand the basic difference between the truth and a lie (McCarron et al., 2004).

Forensic interviewing techniques recommend that interviewers use truth-lie ceremonies with children (London, 2001; Small Voices, 2003). Doing so allows the child to establish that they understand what is a truth or a lie. The younger the child, the tougher the challenge facing courts to establish competency. The Small Voices training and other forensic interviewing methods teach interviewers how to interview children at their ‘communication level.’ McCarron et al. (2004) suggested any investigator using a method that is not sensitive toward the child causes problems in establishing the child’s ability to fully understand the truth-lie ceremony.

John Yuille conducted a study, which revolved around the reliability of a child’s statement about an abuse incident. Yuille believed it was important to review several factors when making a decision on the credibility of a statement (as cited in Small Voices, 2003). Did the child use language appropriate for their age and development? If the child describes certain sexual acts that they should not know about, (due to their age and maturity) this gives credibility to the child’s version of the event. If a child displays spontaneous gestures, such as showing the interviewer the position they were placed in without being asked, or if a child draws body parts, talks about locations in a house, or anything sexually explicit it is likely that this child has too much knowledge, giving credibility to their claim of abuse. Obviously, any physical evidence supporting the child’s account of events should be considered.

Conclusion

Poole and White (1991) explained that the information gathered from the child is a result of interactions between the interviewer and the child. They believed that young children could provide useful statements about these types of events. However, their concern with the interview is the prompting by the interviewer. There is also concern about the repeated stress on the child as a result of repeated interviews. There is not enough data to support, whether or not children can provide consistent accounts of a child abuse event over repeated interviews.

In addition, Poole and White (1991) discussed several points that an interviewer must keep in mind when speaking to a child about an abuse incident. First, when a child is the victim of abuse, sexual or physical, the suspect’s intentions might be unclear to the child. The abuser might be a parent who loves their child, and with exception of the abuse, treats them lovingly. The child is unfamiliar with the concept of sexual contact and the situation is more compounded by the fact the parent is the abuser. Second, children are often unaware of how things operate. Adults are often familiar with the basic standard procedures for an investigation. Adults who are subjects of a criminal interview are able to follow the process at least a basic sense. Lastly, if adult criminal investigative techniques are applied to children, there may be problems with comprehension.

“When children provide inconsistent or bizarre evidence it is either ignored or else interpreted within the framework of the biased interviewer…” (Bruck et al., 1998, p. 140). Interviewers tend to bring their own preconceived notions to the interview, thus causing problems in gathering information. The interviewer uses their beliefs to guide the interview, not relying on the facts or circumstances surrounding the abuse incident or investigation. Some
Interviewers have been known to use threats or bribes with children. Also interviewers have made comments to the children being interviewed, that the suspect is bad or evil, giving the child a notion that what occurred was not good. Interviewers need to stay away from the use of the words like pretend or imagine, since these words can lead children to believe that they do not need to speak about the truth.

Bruck et al. (1998) and Poole and White (1991) both stated that an adult’s recollection of events is easily impaired by suggestive interviewing techniques. If this can occur to an adult, then courts must consider this when hearing the testimony of a child. If a child is asked about an abuse incident, by a biased interviewer, the child learns how to answer the questions, thus tainting the information (Bruck et al., 1998). The literature suggests that adults can be taught effective techniques on how to interview children, to gather better information (Bruck et al., 1998).

The main problem with child abuse investigations is not the child or the crime. Rather, it is that the adult criminal investigators do not know how to communicate or interview children effectively. Adult interviewers cause more problems for themselves by using language children do not understand, changing the child’s internal dictionary, or using techniques, which are not in the best interests of the child. What does the future hold for investigators who deal with child victims? The future seems uncertain. There have been a wide array of techniques tried over the years, but no one agrees on which is best. However, what is certain is there is a huge void in in the area of follow-up research of child abuse investigation techniques.

About the Author: Matt Stiehm was born and raised in Minnesota. He received an Educational Doctorate from Argosy University, where the focus of his research was campus safety and security. He has a Masters Degree of Criminal Justice from Central Missouri State University, with his final paper, which focused on the investigation of child abuse and finally a Bachelors of Science from Wayne State College, Nebraska. He has served as a police officer in three states (CA, MN and NE), he keeps current on law enforcement trends. He currently is a member of ILEETA, MN Infragard, FBI LEEDS, an Associate Member of the IACP, Support Member of the MN Chiefs Association, the Midwestern Criminal Justice Association, and recent Police Executive Research Forum Subscribing Member.

He currently volunteers with the Minnesota State Office of Justice Programs to work with the yearly crime victim’s conference, Minnesota Hockey P and P Committee, and serves as an active member of the Law Enforcement Family Support Network serving as the Vice President. He was appointed to the Clery Center for Security on Campus. He has worked at colleges where he served as the Program Coordinator in Law Enforcement, Assistant Dean and is currently a Chair of the School of Criminal Justice. He has instructed police officers and other professionals in the areas of; peace officer rights, child abuse, use of force, leadership and interviewing for continuing education credit. He is recognized as an expert in tribal law enforcement where he focused on the disparity of Native American Officers versus Non Native Officers serving tribal land; he also focused on general training issues in Indian Country Law Enforcement. He is also a recognized authority in general police practices, training trends, and other standards.

He has presented to government boards on the topic of accreditation and law enforcement education/training. Matt has attended and received instructor certification; from Pressure Point and Control Tactics, Minneapolis Community College Use of Force Instructor, RAD-Systems, FLETC Use of Force Instructor Program, and AELE Lethal and Less Lethal Training Program.
Matt also has worked as an adjunct instructor for the Federal Law Enforcement Training Center out of Glynco, Georgia. Matt has written as the lead contributor on leadership at http://www.lawenforcementtoday.com/. During the 2012 ILEETA Conference, Sgt. Betsy Brantner Smith, interviewed Matt on the topic of Child Abuse Investigation, which will be available on November 21st, 2012 on the Policeone Academy page. He currently is working on two different textbooks with different publishers. He also serves as a Co-Editor and contributor for the Journal of Law Enforcement.

Dr. Stiehm has worked as a curriculum expert creating a variety of classes in all types of arenas to include, online, hybrid (blended), traditional classroom, professional development/continuing education and single source presentations. Most notably Dr. Stiehm has presented at the American Correctional Conference, (2009), International Law Enforcement Educators and Trainers Conference (2009, 2011 and 2012), MN IACLEA Conference (2011), and the International Association of Chiefs of Police (2011). He has also presented at local conferences to include the Minnesota Career College Association (2008, 2010, and 2011), and a local conference of the Park Law Enforcement Association sponsored by Three Rivers Park District Police Department. Finally he has chaired a panel at the 2011 Midwestern Criminal Justice Association. He is currently scheduled to appear and speak at the 2013 Park Law Enforcement Association conference in January. He has completed conference proposals for the following conferences in 2013- IADLEST, IACLEA, ILEETA, and GOC SEC in D.C., MN IACLEA, Mid-American IALCEA, Northeast IACLEA, National Sheriffs Association Conference, and MN Chiefs of Police Conference.

References