DEVELOPMENT AND MATURITY IN YOUNG PEOPLE IN THE FORENSIC ENVIRONMENT.

Dr. C. J. Lennings
University of Sydney.
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Barnatt & Wilson\(^1\) (2004) have identified that following on from the United Nations Convention on the rights of the Child the “liberal” philosophies have been to increase the participation of children in decision making about things that effect their own lives. (See also Mason\(^2\) (2002) for a discussion and defence of the need to include children’s views in custody evaluations). Barnatt & Wilson (2004) outline some of the issues involved in such activities, including potential for traumatising children in seeking wishes, and the delicate balance that has to be struck between “protecting children” and including children in how to ascertain the best interests of the child.

This paper considers two issues involved in responding and working with children, with special reference to the forensic interviewing of children (here defined as children under 12) and early adolescents (defined here as aged 12 to age 15). The paper takes as its starting point a need to identify some objective criteria for determining the maturity of a child.

In forensic psychology a number of domains occur in which the maturity of the child or young person becomes a central issue. There are in child protection and Family Court cases in considering the weight that should be accorded to a child’s wishes; in criminal trials in relation to Doli Incapax and to issues of mitigation on sentencing; and also in criminal trials in considering whether a young offender approaching the age of adult hood –however defined – should remain within the juvenile justice or the adult correctional environment.


The Heterogeneity of Children. Kuehnle, Greenberg & Gottlieb (2004) discuss the expectations and difficulties for interviewing children of various ages, identifying that after the age of about 5 years children begin to develop the kinds of cognitive skills that allow them to be interviewed with some reliability. In their view it is not until somewhere between the age of 9 and 12 does the child develop a sufficient awareness of family dynamics to be able to answer questions in regard to custody decisions. Ackerman, Ackerman, Steffen & Kelly-Poulos (2004) conducted a survey of judges, lawyers and psychologists working in the child-protection field. Their survey revealed that the averaged mean age at which a child should be able to make a binding decision about who to live with (custody or residence) for all three professional groups was 15.17 years. In contrast the averaged mean for decisions about visits (access/contact) was later, at 15.95 years. These ages obviously imply a very conservative notion of the maturity of a child, and the extent to which a child’s wishes should be followed.

In the criminal jurisdiction in the United States Viljoen, Klaver & Roesch (2005) note that children under age 15 seem more likely that older children to both confess and waive their legal rights. Their study of 152 defendants aged between 11 and 17 found that non-intellective factors seemed to account for decisions young people made under interrogation by police. That is, cognitive competence was not a good predictor of the actual behaviour of young people in relation to confessing to crime.

Adolescence can variously be said to begin at 11, 12 or 13 and to end at age 19, although some authors suggest that true adult status is not achieved until the mid-20’s (Levinsohn, 1989). Depending on the issue being examined, developmental trends suggest that a period of confusion exists when adolescents may, or may not, develop skills akin to those of adults in understanding and accounting for their own behaviour.

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1 Kuehnle, K., Greenberg, L. R., & Gottlieb, M. C. (004) Incorporating the principles of scientifically based child interviews into Family Law Cases. Journal of Child Custody: Research, Issues and Practice, 1, 97-114.
This period of confusion generally occurs between the age of 13 and 17. During this period developmental trends are such that by the age of 17 we can confidently expect that a juvenile should be able to understand, and have the appropriate cognitive and emotional development to account for his or her behaviour and be responsible for it. Before 13 years of age, they suggest we can be confident they do not have such abilities. That is, prior to the age of 13 juveniles demonstrate reasoning, emotional and social competencies more like children than like adults. Factors, which impact on the ability of adolescents to explain their own behaviour, include:

- the extent to which we can impute *meta-cognitive abilities* (that is, the ability of a person to have awareness of their thinking processes. Sometimes we can recognise this when we talk to ourselves, coaching ourselves in what we should do, or should have done),
- the extent to which adolescents of this age may be affected by emotional and psychological pressures about which they lack insight, (that is, self-regulatory skill),
- the tension between the developmental tasks of establishing identity and autonomy from the family in the context of continued dependency on the family and other social institutions
- Differences in maturation rates between adolescents that can produce significant developmental pressures. For example the early development of breast in young girls, or the failure to grow in young men may produce crises in self-esteem, and a sense of difference.

Time perspective in adolescence is characterised by the realisation of the past and future and the capacity to link these states with the present. One of the tasks of adolescence is to achieve a sense of time perspective or a continuum along which actions can be judged and anticipated. Before adolescence children may talk about “when I grow up” or some kind of future state, but cannot link that with lived

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experience. The concept of the future tends to be empty, or when populated, with unrealistic events. Thus obtaining instructions from a child that require the child to consider the consequences of their decisions even a few years into the future is quite simply guess work. Meta-cognitive thought refers to the capacity a child has to be aware of their own thought processes (Steinberg & Cauffman, 1999). Prior to this development children have very limited access to their own thoughts and feelings and can make judgements about things that are divorced from their feelings- they are more likely to be influenced by recent events, external “facts” and ignore their own feelings and thoughts on the matter – they are not likely to be able to differentiate what they think and feel from what others think and feel.

In obtaining instructions, meta-cognitive skills can be related to “source monitoring”, Powell & Thomson\textsuperscript{10} (2003). In conventional studies of childhood witness memories, source monitoring refers to the identification of memories that might have come from witnessing an event or from insertions of details through discussion of the event with significant others. Typically, children have difficulties allocating the source of memories, and hence run the risk of confusing introduced detail with actual recollections. Source monitoring is an example of meta-cognitive skill or awareness of the nature of one’s thoughts or memories. Factors that effect meta-cognitive thought include verbal competence or “self-talk”, experience, and maturity.

A problem this throws can be seen in the Children’s Court in NSW were children over the age of 10 can instruct their solicitor (McLachlan\textsuperscript{11}, 2003). Problems for the solicitor seeking to take instructions from an older child or young adolescent occurs if the child is going to be treated as if he can give instructions, but in reality cannot discern the source of their experiences and distinguish between their own, and others, wishes.

Within the juvenile justice sphere, the argument about maturity is probably best visited in the use of the \textit{Doli Incapax} defence. This defence assumes that under a


certain age a child is unable to be criminally responsible as they do not know the difference between right and wrong, or cannot apprehend the consequences of their actions. That is, they do not have sufficient competence for *mens rea*. In Australia this has now been set at 10, but in other countries it ranges from age 7 (the age it was first in Australia) to age 18 (in some, but not all, States in the USA) (Devine, 2005). Movements to reduce the age of *Doli Incapax* have gathered pace, fuelled in part by the as yet untested assumption that young people cognitively mature earlier in the contemporary world compared to previous generations. The fact that there is no evidence for this, is of less concern than the observation that young people who are undergoing distress, or have disrupted or abuse backgrounds or have low intelligence are less likely to mature at the “average rate” in any case. The notion that a fixed pattern of maturity for all children can be observed has been empirically debunked. Conversely, the need for individualised assessment as to maturity has been well established.

*What Constitutes Maturity?* The presumption is that children should participate in decisions that affect their life, dependent on their ability to do so (Mason, 2002). This presumption raises the issue of what does relevant maturity mean and how is it assessed? How do we know when a 10 or a 12 year old is a “mature”? How do we assess competence in a child, for that matter?

A review of leading text books in developmental psychology was undertaken. None had any clear means of defining, let alone measuring, “maturity”. Most refer to the “normative” tasks of the adolescent, or the pre-adolescent but none venture a definition of the “mature” child. Similarly, neuropsychological text books and books on forensic assessment were equally silent. There is much about what constitutes legal competence for adults, but this is of little help in this topic, since almost by definition, a 10 year old fails many of those tests.

Some research has suggested that in the legal context, maturity can be redefined as “sophistication” and consists of such things as capacity to regulate emotion, ability to

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understand behavioural and social norms, and with specific relevance to the juvenile justice domain the degree of planning or mindfulness involved in the criminal act (Salekin\textsuperscript{13}, Rogers & Ustad, 2001).

Psychological research indicates that immaturity can occur either through a failure of cognition (poor consequential reasoning, impaired time perspective, or faulty logic) and through emotional factors (failure to regulate emotion due to inexperience) (see Cauffman & Steinberg\textsuperscript{14}, 2000 for a discussion).

Age is not as good an indicator of transition between various cognitive or developmental stages as is maturity. For instance, Cauffman and Steinberg (2000) suggested that maturity could be made up of three primary traits: the capacity to entertain responsibility for an act, and capacity to have perspective (consequential thinking and thinking about the effects of an act on others), and temperance (impulse control). They found that in fact maturity was a better predictor than age of criminal decision making.

Decision making requires at least two broad competencies: the capacity to generate alternate solutions and choose between them, and the capacity for creative combinations of decisions to arrive at a novel or “best fit” approach to conundrums. Thus, a young person faced with a request from peers to undertake a robbery has to balance the short term gains of peer acceptance and admiration with the long term problems of a criminal record and adjudication if caught, and harm to the victim. Finding a novel or acceptable way to maintain self-esteem and avoid the crime may be taxing to the immature decision maker. Mann\textsuperscript{15}, Harmoni & Power (1989) have noted that adolescents tend to engage in less useful decision making strategies (such as complacency and avoidance) than adults, hence reducing their capacity to generate alternatives.

\textsuperscript{14} Cauffman, E., & Steinberg, L. (2000) (Im)maturity of judgement in adolescence: Why adolescents may be less culpable than adults. Behavioural Sciences and the Law, 18, 741-760.
At its most basic level competence refers to the ability to reason, and the understanding of the situation confronting the person. In considering the potential definitions of childhood competence, the *Gillick* case, decided in the House of Lords in 1985, provides some discussion.

The *Gillick* case provides some options of what the House of Lords construe as competency in the case of when can a teenage girl make decisions about contraception. Whilst the *Gillick* case has only marginal relevance here, the issues raised by the judges boil down to two related notions: the capacity of the child to understand (in the full sense of the word) the import of the decisions they asked to take, and the nature of their intelligence. As an aside, the judges seems to be of the view that the combination of understanding and intelligence was probably rarely evidenced in children under 14 (in so far as being able to make decisions about sexual issues). Although no clear principles for adjudging when a child has achieved the requisite level of maturity were established, the case raises the spectrum of definitional issues such an analysis needs to consider. The judges implied view in this matter, that competence could rarely be seen under the age of 14 seems to have a transatlantic echo in the work of Ackermann et al. (2004). In that work judges and solicitors, on the whole, assessed competence to decide who to live with, or who to visit was not seen as occurring until about 15 years of age.

In the criminal domain, the work of Devine (2005) indicates that a contemporary sample of Victorians view criminal responsibility as more or less averaging out about 13.5 years. I am unaware of any research in Australia that has attempted to identify how experts or a community sample might attribute an age to the capacity to reason about non-criminal matters such as custody or access decisions, but a presumption exists such that children under the age of 15 cannot make decisions about medical matters, or under the age of 16 about sexual matters in our society.

*Maturity and Competence.* Borrowing from the literature on Fitness, the following could be said are the tasks of a mature person (Melton et al., 1997). These are
“competencies” and, as such stand as operational definitions of what maturity might be considered to be in a child within the forensic environment.

- The ability to communicate a choice
- the ability to understand relevant information
- the ability to understand the nature of the situation and its likely consequences
- the ability to manipulate information rationally

Competence has a dual nature (Charland, 2001)\(^\text{17}\). Firstly, competence judgements should be objective and the criteria for deciding when a child is able to make such judgements should be outlined, and agreed on by a majority of experts. Ideally, similar judgements should be reached in similar cases. However, competence is also normative, standards (and hence judgements) change, and judgments must be able to take into account flexibility, and in the case of children, it may be very difficult to set a legislative age at which competence is reached. The *Gillick* case appears to present an argument for establishing a normative standard, but any such standard will still require a set of criteria, such as the ones above, to consider competence against.

The emphasis in the *Gillick* matter is on the capacity of the child to reveal a “wise” choice. Although “wise choice” is undefined, it implies understanding not only the current but also the future impacts of the behaviour under question, not only upon the self, but on others connected to the self. That is, it implies the capacity of intelligent appraisal, time perspective and perspective taking. Obviously these factors have to be moulded to fit the developmental requirements of a child, but, and the issue is a big “but”, they cannot be moulded beyond a certain level. I would probably argue that these criteria, if accepted could not adequately be applied to most children, leaving some issue as to how reliable a child’s (as opposed to an early adolescent’s) wishes might be in complex or uncertain cases.

Table 1 summarises the differing approaches to maturity reviewed above. As this table shows there are multiple factors to be considered within the notion of maturity.

\(^{16}\) *Gillick* v West Norfolk and Wisbech Area Health Authority and another. *All England Law Reports*, 1985 3 All ER p, 402-437.
Importantly, the factors discussed above are themselves products of multiple possible observations. For instance, emotional regulation involves a number of skills including recognition of emotionally arousing objects and situations; ability to self-soothe, capacity for internal language; biological factors associated with temperament; arousal reduction and arousal modification skills and the like. The level of operationalisation of these variables is generally poor, and hence their clinical utility compromised. Furthermore, maturity as a quality of a person has to be distinguished from the person’s ability to make decisions. It seems possible to confuse the output of a process (decision making) with the state of the person (maturity) such that if a person comes up with an output you disagree with, you might consider them immature as a function of your disapproval of the decision. However, that is a bias in the eyes of the beholder, not necessarily in the child or young person. The judgement of immaturity could only be made after one understands the reasoning process and whether the reasoning process revealed immaturity, however defined. There are many problems in adult decision making that reflect biases or problems that occur for reasons other than maturity per se (see Janis, 199318 for an account of the conflict decision model or Kahneman, Slovic, & Tversky19 (1982) for problems associated with reasoning under uncertainty).

Table 1
Indicators of Child and Adolescent Maturity in Forensic Investigations.

<table>
<thead>
<tr>
<th>Author</th>
<th>Emotional Skills</th>
<th>Cognitive Skills</th>
<th>Behavioural Skills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salekin et al., 2001</td>
<td>Emotional regulation</td>
<td>Capacity to understand behavioural and social norms</td>
<td>Planning &amp; mindfulness in the criminal act</td>
</tr>
<tr>
<td>Cauffman &amp; Steinberg, 2000;</td>
<td>Emotional regulation</td>
<td>Capacity to entertain responsibility for an act; consequential thinking; Meta</td>
<td>Poor impulse control; inexperience</td>
</tr>
<tr>
<td>Steinberg &amp; Cauffman, 1999</td>
<td></td>
<td>cognitive ability; faulty logic</td>
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</tbody>
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<thead>
<tr>
<th>Author(s)</th>
<th>Definition</th>
<th>Additional Information</th>
</tr>
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<tbody>
<tr>
<td>Mann et al., 1989</td>
<td>Avoidance of “avoidance and complacency”</td>
<td>Capacity to generate alternative solutions; capacity for creative combinations of decisions to arrive at a novel &quot;best fit&quot;</td>
</tr>
<tr>
<td>Melton et al., 1997 (in discussing competence)</td>
<td>Ability to understand relevant information; ability to understand the situation and its consequences; ability to manipulate information rationally</td>
<td>Ability to communicate a choice</td>
</tr>
<tr>
<td>Lennings, 2004</td>
<td>Time perspective; adequate intelligence</td>
<td>Capacity to achieve developmental tasks</td>
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In practice, most psychologists determine that a child is of adequate maturity for their age if they have an IQ that falls within the normal range – that is better than the bottom 32% of the population and if on a measure of adaptive functioning, such as the Vineland they also fall within the adequate range. Some thought should be given to children whose IQ profile shows large inter-scale discrepancies. In such cases, where the weakest tests are measures of verbal ability and communication, then it would be wise to ignore the overall IQ and to base the judgement on the verbal abilities thought to underlie communicative competence, and social understanding. However, social psychologists have for a long time identified that a great discrepancy can exist between a child’s understanding of every day reality and social reality, with social issues usually presenting the more demanding context in which to assess maturity. It is also the case that IQ does not seem to be as useful a predictor of behaviour under “hot” situations, such as police interrogation (Viljoen et al., 2005) and generally forensic assessments do not provide standardised measures of emotional regulation – a factor that may be more salient in predicting behaviour when under duress. Attempts to establish a reliable and valid measure of sophistication-maturity (Salekin et al.,
2001) have resulted in a 46-item scale, although considerable subjectivity is required in completing it (e.g. “criminal sophistication”, “able to think abstractly”, “clarity of self-concept”) and to date I know of no use of this scale within Australia.

*Developmental Transitions.* Generally speaking, young people develop across a number of domains simultaneously. Thus they develop language, cognitive abilities, psychosocial and oral reasoning capacity, and physically more or less in line with both biological and environmental factors. The most common expression used to define this is “nature-nurture”.

Over the ages considerable debate has raged about whether nature (biology) or nurture (environment) is more important. What most research has agreed on, however, is that those children faced with stressful or dysfunctional environments experience desynchrony (Grisso, 1997). The argument is that adversity produces disruption in developmental trajectories, however, this disruption is not uniform and some developmental processes may be differentially affected, thus “weaker” processes may experience either fixation or frustration. Assessment of maturity in one domain, such as physical prowess, may not be a good indicator of maturity in another, such as moral reasoning.

Developmental transitions are important because at periods of intense change, reorganisation of multiple processes (neuronal and psychological) occur. For young people emergence into and out of adolescence remain as “hot-spots” in which the stress associated with rapid transformation can exacerbate or cause psychopathology (Masten, 2004). It is thought that rapid change sets of a “cascade” response, a change in one system rapidly infiltrating and causing changes in many others. As a consequence vulnerabilities that may have been dormant, can become energised at a time when resiliency or coping is already stretched.

Any attempt to quantify “maturity” falls foul of the very complexity of what is meant by such a term. Ultimately maturity is inferred by the presence of both social reasoning skills, as well as age-appropriate cognitive development. Potential
indicators to suggest that a child one is talking to is sufficiently like other 10 year olds, or any age under 16 years, then the following might be useful.

1. Absence of a birth history suggestive of developmental delay, history of head injury or epilepsy, or extensive hospitalisation for serious childhood illness
2. Evidence of good peer relationships. The older the child the more salient these peer relationships should be. Evidence is found in integration with friends through shared activities, social events, and spontaneous recollections of activities with peers.
3. Evidence of at least average school performance. This should include both academic domains (no placement in special schools, no intensive support teacher programs, passing tests) and behavioural, especially an absence of suspensions or expulsions.
4. No significant mental health history.
5. Children whose language form was as expected for their expected age group, and when there were no reasons to suspect they lacked familiarity with English. Use of baby language and immature vocalisations and expressions etc would indicate concern.
6. If seeing an adolescent over the age of 13 without evidence of the onset of puberty.

Parentification. Maturity is not just a function of a child who “looks” like they are bright. For instance some children can develop physically but remain psychologically quite immature. However, social psychology tells us we often make assumptions of character and intelligence based on looks. Secondly, in the child protection area “parentification” especially of older children and female children occurs in abusive families. Thus children take on roles and demeanour that implies a greater level of understanding or ability than they truly have. However, “seeing is not believing” and each case needs to be assessed for the reality base of the roles and apparent maturity the child shows. Whilst children can be expected to range widely in individual abilities, judgement is required when it appears that a child is substituting for the neglect of a parent. In those cases, exercising caution in considering the maturity or

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capacity of a child to make a wise choice about their life is necessary. Obtaining an expert report to provide some kind of assistance in this matter might be helpful, but in the end it is the solicitor’s judgment that counts.

**The Interview.** Communication issues are critical in the assessment of children. Examinations of actual interviews can reveal problems from the clients understanding, and from the practitioners approach. Analysis of interviewing styles of child protection workers reveals considerable variability in approaches used. Such variability is not just a function of experience or training. In general ”best practice” guidelines for interviewing are not easily available, although increasing amounts of research are devoted to this topic. In general, the research agrees that there is a paucity of evaluation of interviewing styles and there is little in the way of evidence to say which approach is best, if any. To an extent, however, this comment is modified by the vigorous research efforts directed at understanding eye-witness testimony and particularly memory of young children.

McNichol et al., (1999) state that in fact the notion that children are suggestible is over-rated, although she identifies that children will have different patterns of response to questions about incidental memory (events children do not know or think they have to remember) and specific instructions to memorise events for later recall. In one respect, the research into childhood memory reveals an important finding. When memories for repeated events are elicited, it is often the case that memories (in young children) are “blurred” together, particularly if they are of the incidental kind. That is events that are often repeated, maybe with subtle differences, become combined into a kind of exemplar. When a child is asked to repeat a memory for a specific event, they repeat the exemplar. This phenomenon can create problems for the interpretation of events. For instance, in terms of the case study provided, on the assumption that the subject child has been asked to swim in the pool both for pleasure and for punishment, he may recall incidents of both as a single memory. Thus, he may well have been smacked with pool toys in a game of “dodge-em” as well as for punishment. He may not have been smacked with pool toys for punishment but recalls the “smacking” because the memory of a time when it did occur (perhaps not as

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punishment) is simply fused with other memories of swimming.

**Case Study.**

Interview: In this interview a child who is 6 years old, is being interviewed at school by a DO, a police officer and a support person (his teacher) as well as the school principle. Allegations of abuse by a foster carer against this child have been made by a foster parent’s neighbour. This is an attempt to corroborate the allegations. The allegations are that the child is forced to swim laps of a small house pool as a punishment, whilst swimming he is hit with Styrofoam pool toys and forced to stand with objects in his mouth. Not recorded in this interview are about 1 minute of exchanges in which introductions occur. The interview excerpt here is about half the full interview.
DO – Child, when we talk to children it’s really important for them to tell us what really happens, can you do that?

Child: yeh

Then some more introductory stuff for about 5 exchanges setting the scene of the boy having fun at school and at home, then....

DO – Child, what else is fun at home.
Child: the pool

DO – Have you got a big pool or a little pool.
Child – a big pool

DO Can you swim

Yeh

DO: - sometimes when we talk to children, we might ask a question that makes them feel yukky, but it is important that you tell us if this happens.
Child: - OK

DO: - Child, are there things at home that make you feel sad?
Child: Yes

DO: - Child, if you are naughty at home can you tell me what happens
Child: I have to go into a corner

DO: - Oh, when you do is it for a long time or a little time
Child: (shrugged)

DO: - Child, when you are in the corner what is that for?
Child: Time out.

DO: - When you are in the corner are you standing or sitting?
Child: Standing

DO: - Are you standing on your feet or on your knees?
Child: Feet, sometimes knees.

DO: - Can you show me your knees
Child: Yes (points to knees)

DO: - Child, where are your arms when you are in time out
Child: (points to left arm).

DO: Are your arms like this or this (demonstrates arms in various positions).
Child: like this (adopts one of the postures of the DO).

DO: - Child, where are you in the house when you are in time out
Child: In corner

DO: - Where in the house are you
Child: I don’t know

DO: - Child, if you are naughty does anything else happen
Child: Shrugged, head down.

Unscheduled intervention by school teacher: Child, remember when we all talked in class about feelings and feeling safe, its important that you tell (the DO) what happens at home

DO: - Child if you are naughty at home do you have to do anything
Child: Yes, swim in the pool

DO: - What do you mean
Child: swim

DO: - Who tells you to swim
Child: My dad

Conversation about pool toys for two exchanges.

DO: - Are the pool toys long
Child: Yeah, I have a purple one and brother has a yellow one and my sister has one.

DO:- child, does anything happen the pool toys when you have been naughty
and you swim?
Child: Yes

DO: Can you tell me what happens
Child: shrugs.

DO: - Does anyone hit the water with it?
Child: Yes, and my back

DO: - Who hits the water and your back
Child: My dad
Interview Types. The literature on the interviewing of children is robust and includes a typology of the kinds of questioning styles available to interview young children. Essentially, three styles are noted. The first of these is termed Free Recall. In Free Recall a child is asked to say whatever they can think of about a period of time, or an event. Examples might be, “tell me what it is like at home”. In young children free recall appears surprisingly devoid of the inclusion of fantasy, although the major problem with young people is that of errors of omission. That is, there is much that young children do not say when using Free Recall. None the less, it is regarded as a useful initial questioning style as the information generated in such a condition tends to be based on the child’s experience. As a general guideline, irrespective of age, I think it best to start always with free recall. “Tell me about,…tell me more about,…tell me as much as you can about….”

The second questioning style is that of Direct Questioning. In direct questioning a child is asked to comment on information in response to direct questioning, usually such questioning involves a question that contains within it information that the child may respond to as either yes, or no, or provide the answer back in terms of the information given. Examples of such questions are: “Do you like swimming in the pool?”

The difficulties with direct questioning lie in the issue of influence. Influence can be identified in questioning types that provide only single type responses or forced choices where both choices may be wrong but have been selected on the basis of prior knowledge, which itself may be wrong. The result is a circularity in which the answer confirms the hypothesis, the hypothesis responsible for the answer. Ceci & Bruck (1993) for instance have shown that specific questions do increase the possibility that children’s reports will be influenced by information provided in such questions. Compliance with direct questioning is age related, the younger the child the greater the likely compliance. Greenstock and Pipe (1996) identify that leading questions can be either accurate or inaccurate. Their research identifies that when leading questions are accurate, children’s replies are often accurate. When leading questions are inaccurate, children’s replies are less often accurate, but in the main children can
effectively resist inaccurate leading questions. They identify that when inaccurate questions are asked in the strong form (e.g. the sky is green, isn’t it) accuracy dropped to 25% in the sample of young (pre-schoolers - approximately the same age as the subject child in the case study). A potential example of the strong form inaccurate question is that asked of the child “are your arms like this (demonstrates one position) or like this (demonstrates another). This is the strong form because the child has to chose between two potentially inaccurate responses. When inaccurate questions were asked in the neutral form (e.g. is the sky green?) accuracy rose to 74%.

The final interview type is narrative style. Narrative style is similar to free recall. Narrative style introduced structure to aid in the young person’s information giving, in order to reduce information processing load. This can occur by providing props (such as, for instance anatomically correct dolls in cases investigating sexual abuse) or story structure. In story structure the interlocutor anchors the child’s recall in time and space, by asking questions in the location in which the events are said to have taken place and so forth. Narrative style was not used in the interview in question.

The literature on interviewing in adults involves the notion of interrogative suggestibility. Interrogative suggestibility can be linked to two main errors – those of Yield – (the tendency to incorporate misleading and suggestive information via the use of leading questions) and Shift – (the tendency of individual to shift or change their initial responses as a consequence of criticism and interpersonal pressure). In this analysis it is the type of questioning technique used that acts as the independent variable – the change or content of responses acts as the dependent variable. It follows that an analysis of interview content can occur through the assessment of question type and a guestimate of interrogative suggestibility developed by identifying the extent to which answers to questions either incorporate leading question material or change according to pressure. In either case, interview material collected from interviews that show the use of such styles become suspect.

*Instructions for undertaking investigative interviews.* In order to place the interview in

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context I repeat the advice given to psychologists in a standard forensic psychology text about the interviewing of young children. 

1. Keep questions short, grammar simple and vocabulary familiar.
2. Accuracy is promoted when questions are salient and meaningful to children, and when question content is matched closely to children’s knowledge.
3. Accuracy is facilitated when hesitant children are not pressured, coerced or bullied into answering questions by authority figures.
4. Suggestibility may be neutralised when interviewers are neutral or supportive of children’s efforts but do not praise them for providing specific content.
5. Interviewer bias can be reduced when interviewers take an objective, non-judgmental stance on both verbal and non-verbal levels. (In discussing this point, the advice goes on to say: “(An) accusatory climate must be avoided - for example one in which suspects are labelled as bad and assumed to have done bad things based on uncorroborated information provided by someone other than the child” (475)

The same text then suggests what a good interview should contain.

1. First, have the child reconstruct the circumstances of the event by encouraging her to put herself in the place and time that the (alleged) abuse occurred. To ensure the child focuses on actual events do not use the words “imagine”, “pretend”, or “story”.
2. Report everything the child says. Only after the child has finished her narrative description do you follow up with clarification questions.
3. Go through the incident from beginning to end and then, reverse the order and go through it again. (Note: there is debate about this strategy as young child have significant problems with the temporal ordering of events)
4. Encourage the child to recount the events from another perspective, e.g. “if you were sitting in the corner of the room, what would you have seen....”. (This is based on the Cognitive Interview technique, and may not be appropriate with

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young children who have problems with “decentring”

The most developed discussion of narrative style interviewing, and interviewing in general, has been developed by Martine Powell24. Martine has provided a number of indicators of what a good interview is, and how to undertake a good interview. I will not go over this in detail but some feature seem important to reiterate.

Firstly, it is important not to set up a situation where the child is talking in order to please the interrogator. Hence, positive comments should be non-contingent on either the content or the quality of what the child says. Secondly, interviews should have a rapport building stage that mimics the interrogative stage – e.g. using narrative style questioning to “prepare” the child for giving a detailed self-driven account. Ask if the child knows why they are with you, if you ask a leading question make sure you get an acknowledgement from the child that the suspicious event occurred. Note: in the example provided this stage is completely absent. Then, according to Wilson and Powell, you should ask the child about what happened (to elicit the narrative) is a very direct fashion:

_I am interested in hearing about .......... Think carefully about ..... and tell me everything that happened, from the very beginning to the end, as best as you can remember it._

_Factors known to affect susceptibility in young children._ Surprisingly enough age alone is not a good indicator of resistance to susceptibility. Verbal competence is a better indicator. Those children who appear more confident in their communication with others prior to a forensic interview appear to be more resistant to influence. Girls tend to be more susceptible than boys, and higher IQ tends to protect against suggestibility (although the research is ambivalent on this, with contrary findings reported). Research is also ambivalent as to whether repeated interviews increases or protects against suggestibility, with both outcomes having been found. Children exposed to repeated experiences of exactly the same kind tend to be less suggestible,

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but experience sin which similar things have happened but with some variation can lead to increased confusion in recall prior to latency.

**Putting it together: Maturity and communication competence.**

Of paramount importance in forensic work is the fit between the kind of investigative interviewing style of the expert (or lawyer, investigative officer etc) and the child. In determining the approach to the child, issues of maturity rarely loom large. There seems to be an assumption among people I have met that a standardised introduction is a “one size fits all” approach. It is also the case that I have now reviewed a sufficient number of files and audio tapes to have gained a great respect for the warmth and compassion revealed by many investigative officers. However, much of the time such compassion comes at a price: usually objectivity is not a feature of the interview, and the information is often tainted by that fact. In the previous section I noted the difficulties in developing a generally agreed upon notion of what competence or maturity meant. In a critical analysis of Doli Incapax Bartholomew pointed out the problem for failing to take into account a comprehensive notion of maturity. In his article he focuses on the transcript of a young boy found fit for trial (after Doli Incapax was rebutted) for throwing rocks. There were two children separated by 6 months of age however this meant one was 13 and one was 14 years old. In the event both were acquitted, largely it seems, because immaturity in the one case was established, and the other received the benefit of the case being established.

The difficulty for the interlocutor is to work out the purpose of the interview with the young person, what is “fair” and what is “appropriate” to ask, and how. At the very

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26 In a subsequent (unreferenced) conference address he spoke of another case, not acquitted. The trial concluded the child was fit as he knew right from wrong for when asked by a police officer if what he did was wrong, he said it was. (He had drowned another child by holding his head under water). However, later in the transcript of the interview the police ask the young person to speculate on what his victim might have felt as he was drowning. The child says “I don’t know, why don’t we wake him up and ask him”. One might conclude that, at least at face value, the child’s responses indicate a failure to understand the consequences of his actions, irrespective of whether he can respond to a superficial understanding of right and wrong.
least questioning style should take account of factors such as consequential reasoning and emotional regulation. Children are impressionable, and interviewed about family or their (wrongful) acts raises anxiety. Under such conditions children may regress to less mature cognitive styles, especially if at cusp periods of development. Avoiding patronising or “dumbing down” the interview but at the same time not making assumptions about the understanding of the child seems important. How to manage helping the child regulate emotionality without providing rewards or apparent approval for certain kids of answers is also important. One way to do this is, of course to take breaks. Another way is to engage the child, as Martine Powell says, prior to beginning the forensic interview in a model of the interview by exploring in detail some usual activity of the child, relaxing the child and training the child in how to be interviewed without emotional distress. The notion that one can spend a few minutes at the beginning of an interview asking questions about what is truth and what is a lie, and then a brief question or two (usually in forced choice or Q&A style) about school or football is not sufficient.

I have tied, in the various tip sheets provided throughout this talk to indicate the kinds of things that I think are useful, or necessary, in considering the concept of maturity in a child, communicative competence and approaches to interviewing a child. There are, unfortunately, no “golden means” in this business, and the young the child the more likely experience and “gut” will become a factor in guiding the interview. However, for those of you that have a strong belief in your own time worn practice, it is salient to remember that typically psychological research shows the only benefit experience confers is not accuracy in judgement, merely heightened confidence in your own perspicacity.