

Content strategy in police interviews of children in alleged child sexual abuse cases

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Abstract

In police interviews of children in alleged child sexual abuse cases a narrow and biased content strategy is commonly used. Content strategy is here defined as the selection of content by questions, i.e. what kind of content is paid attention or not paid attention to. Even if a biased content strategy often seems to involve biased formulation of questions, there is not necessarily a connection between content strategy and questioning techniques. The content strategy can be biased even if all questions have an unbiased wording. The purpose of this paper is to clarify the importance of this much neglected problem of biased content strategy.

All 87 police interrogations with children from 30 disputable child sexual abuse cases with 41 children in Swedish courts have been examined concerning content strategies. Nearly all of these interviews can be described as extremely biased in their narrow selection of content that is implying that the sexual abuse allegation is true.

Six of the cases are described briefly, and discussed to clarify the importance of content strategy, and clarify how a biased content strategy may lead to faulty results concerning the question of sexual abuse. The conclusion is that it is necessary in objective investigations to use a content strategy that generates information relevant to alternative hypotheses. To limit interviewing to only one hypothesis is not sufficient. Popper's ideas about "conjectures and refutations", and Brunswik's ideas about representative sampling of situations seem to be relevant for the question of content strategy.

In the international publications by researchers about the interviewing of children in alleged sexual abuse cases questioning techniques and types of questions are often paid attention to. In the reasoning of Swedish courts questioning technique is sometimes mentioned in the verdict document.

The strategic issues seem to be restricted to, for instance, clarifying the situation for the child and recommendations about the order of the questions of different types. These issues are important, but it seems very problematic that the content of the interview, that is the direction of the interrogation and the sampling of questions are paid so little attention. It seems that the form of questions is emphasized at the expense of

content. This emphasis on form is a recurrent problem within scientific and investigative discourses. In disputable cases of child sexual abuse it is hardly possible to investigate alternative hypotheses without broad interviewing of the alleged victim. The interrogations of the child should contribute to the confirmation or falsification of all important hypotheses. In some cases, it is possible that the most important information for judgment of some of the alternative hypotheses comes from the child and not from other witnesses or observations.

The purpose of this paper is to critically study and clarify the content strategies used in interviews of children in some disputable cases. Content strategy means the choice of directions in the line of questioning.

Method

From the author's files of written expert witness statements 30 disputable cases with 41 children as alleged victims were studied. The total number of interrogations in the form of transcripts of dialogues was 87. As a rule at least two interviews were made with every alleged victim.

General results

The content strategy in nearly all interviews was similar and had two components:

- to presuppose that the alleged sexual abuse had really occurred and
- to try to get more precise details about the alleged abuse.

In the implementation of this content strategy, in nearly all interviews a varying amount of presupposing, leading, repetitive questions and arguing was used.

Few questions had another direction than the alleged sexual events between the child and the suspect. In most interviews there occurred some discussion and questions, mostly in the beginning and to some extent in the end, about less relevant or neutral things. The purpose seemed to be to build a rapport between the child and the interviewer and to end in a good mood.

At the end of the interviews there were sometimes a few questions about whether the child had told the truth and whether someone else had been sexually abusive toward the child. However, this questioning was very short and it is of course not being objective to ask such questions at the end of the interview after presupposing for an hour or so that the suspect had sexually abused the child.

The content strategy used seems to be self-fulfilling in relation to the basic assumption of sexual abuse, and the possibilities to falsify the assumption are very limited, if any at all, in some cases. Both the content strategy and the biased questions probably lead to a strong pressure on

the child to confirm accusations.

Case examples

In order to increase understanding of the methodologically fundamental, but largely ignored, question of content strategy, I have chosen to briefly describe the content strategy in six interrogations from different cases.

Interrogation A. In this interrogation a 7,5 year old girl is interviewed and asked to draw. The investigator has interviewed her mother and assumes that sexual abuse has occurred. The content strategy of the interview of the child, is to probe for sexual events between the child and her stepfather. The investigator expressed 547 questions and statements. Of these 426 (77,9%) were related to alleged sexual events between the child and its stepfather. Only four (0,7%) questions/statements concerns the possibility of alternative explanations. It is asked if anyone else has touched the child in a sexual way, and it is asked if the child has told the truth. The remaining 117 (21,4%) questions/statements from the investigator concerns other things, largely irrelevant, or neutral to the investigation.

There is no probing for the alternative explanations that are suggested by the interviews of involved adults. Areas that should have been covered are the mother's strong expectations that the girl was abused by the stepfather, the unusually open sexual climate in the family, the girl's level of sexual information, the sexual culture in her school and among her playmates, exposure to sexual information in media, what the child had perceived of the adult's sexual life, the content of the conversations between the child and her mother and grandmother before the interrogation, conflicts in the family and the question of getting rid of the disliked stepfather. The life routines around the girl are not clarified. A number of noticeable particulars and contradictions in the child's answers are not followed up. The girl is not confronted with the particulars that the stepfather and the mother had mentioned. It is evident that the content strategy in this interrogation is biased and narrow which is not compensated for in a second interrogation.

Interrogation B. This interrogation is the second with a 10-year-old girl living in a foster home. The father in an earlier foster home is suspected of sexual abuse. The investigator supposes in both the first and the second interrogation that the allegations are correct and tries to get the child to give more details and more precise descriptions. The investigator used 473 questions/statements in the second interrogation. Of these 452 (95,6%) were related to alleged sexual events between the child and its former foster father. There is no probing at all for alternative explanations. The remaining 21 (4,4%) questions/statements are neutral or irrelevant. The child's lawyer was sitting in on the interview and was allowed to express 40 questions/statements, mainly highly suggestive.

The suspect's lawyer was sitting in another room and the investigator at the end asked 63 questions/statements based on his interests, but they were largely distorted in the direction of the investigator's own belief by putting leading negations in the questions.

These mediated questions did not correct the bias very much. Alternative explanations, for instance, such as repeated expectations and influence from adults, were not explored. The girl was not asked about how she had experienced the expectations and influence. Essential life areas and routines were not clarified. Areas as the level of sexual knowledge and from what source the child had received the knowledge, the sexual norms in her original family, conflicts, and her role in them, and her sexual fantasies and sexual doll play were very little or not investigated. Noticeable particulars and contradictions were not followed up. On the whole, the content strategy in this interrogation, was biased and narrow, very much avoiding alternative explanations.

Interrogation C. This interrogation is the second with a 9-year-old deaf and mute boy who had never said anything about being sexually abused. He is interrogated in sign language with the help of an interpreter and with a convinced foster home father nearby. The social welfare office and the foster home evidently have intense fantasies about sexual abuse. In the first interrogation the investigator leadingly and repeatedly tries to get sexual events from the boy, without success. The boy on the other hand repeatedly expresses themes of physical violence and alcohol about his father, which are ignored by the investigator's content strategy. This pattern continues in the second interrogation and during the pressure for sexual themes, the boy makes up as a counter strategy, a fantastic story of a dirty old man who has committed a lot of sexual acts with him. In spite of the fact that the boy four times says that he has never met this old man, and that he two times says that he has made him up, the investigator continues supposing that the story is true and that the old man is the boy's father. By a repeated switching technique the investigator succeeds in getting the exhausted boy to say that the father has done the same things as the dirty old man. At one point in the dialogue the investigator completely ignores that the boy mentions the name of another sexually fixated boy at his boarding school.

Interrogator: Is it daddy's thing that you have had in your mouth?

Boy: No, Da, David, David's, David's

After this the investigator goes on asking about the father as if he never heard what the boy said - an extreme content strategy.

In the dialogue transcript there is only the answer "No". The transcript has been forged here, and in several other places by taking away short or long sequences that point to lack of reliability. The boy is under pressure much

too long and before the interrogation is ended after 100 minutes he is tired and rushes out to play with another boy according to an agreement. He seems to say whatever the investigator wants to hear just to get out of the uncomfortable situation.

The narrow and biased content strategy of this interrogation is to probe for sexual events only between the boy and his father (140 or 97,2% of the questions/statements, including the made up story) and not between the boy and his playmates or the foster father. Of the remaining questions/statements 2 (1,4%) are neutral/irrelevant and 2 (1,4%) are related to alternative explanations. Things outside the investigator's content strategy that the boy actively brings up are systematically ignored - the content is strongly predetermined. The sexual culture at the boarding school is not investigated.

The boy's experience of the strong sexual expectations and fantasies in the foster home is not investigated.

Interrogation D. In this case a divorced couple is in a strong conflict and both parents have reported suspicions to the police that the other is sexually abusive with their 4-year-old daughter. The father's report is evidently totally ignored in the investigation. It is assumed that the father has been sexually abusive. Of 249 questions/statements in this first interrogation 195 (78,3%) are about alleged sexual events between the father and his daughter. Only 9 (3,6%) questions/statements concerns if anyone else, mother, big sister or big brother has been sexually abusive. No questions are asked about the mother's boyfriend. Several of these control questions include a leading negation. The remaining 45 (18,1%) questions/statements are neutral or irrelevant. Furthermore, the questions about the alleged sexual events between the father and his daughter are largely restricted to three content themes:

- An earlier drawing of the father by the girl is shown and the girl is asked what the different parts mean. The conviction that the nose of the father is a penis is twice disputed by the girl who asserts that the nose is a nose.
- The girl is asked about a fantasy word she uses and the investigator does what she can to influence the girl to repeat and relate this word to sexual behavior of the father. It never becomes clear what it means, if it means anything at all, to the girl.
- Two anatomical dolls (father, daughter) are used in a leading and faulty manner. The mother doll is not used at all.

These rather arbitrary themes illustrate that it is possible to use anything in a content strategy that is intended to produce sexual accusations against one part and avoid to investigate without presuppositions what it is all about. The same type of content strategy could have been used to persecute the mother. The police investigator chooses to be biased and take sides with the mother in the conflict. The content strategy in this

interrogation follows from a basic partiality in a conflict.

Interrogation E. In this case a 6-year-old girl is thought to have been the victim of sexual abuse by her father because the principal of her preschool thinks that she shows symptoms (being tired seems to be the most important) in preschool. The girl has said nothing at all about sexual things or abuse. The police investigator evidently assumes that sexual abuse has occurred but chooses to use an indirect strategy and makes no suggestions about sexual abuse or about the father having done something. The girl never mentions any sexual phenomena in her replies in the first interrogation.

Of 268 questions/statements 206 (76,9%) are used for this indirect strategy where the investigator strongly tries to get the girl to mention sexual things without the investigator mentioning any sexual things. The remaining 62 (23,1%) questions/statements are irrelevant or neutral. The heaviest ingredient in the indirect strategy is that the investigator repeatedly asks for the girl's secrets. The investigator also repeatedly asks for things the girl is afraid of or thinks are stupid, and for the sleeping habits of the family members. The child is also asked if she has pain anywhere in the body, and if she knows the differences between boys and girls and if she has seen willies (penises). Even if it is not the intention of the investigator some of the questions and answers in the indirect strategy can be used for testing alternative hypotheses. However, many questions needed for testing of alternative hypotheses are missing. For instance, the girl is not asked about how she experiences the situation at the preschool, or what she thinks about the personnel and the principal of the preschool. The girl's father considered the principal of the preschool to be a mythomaniac who hated him and who had recently attended a course on sexual abuse and therefore is looking for a case of her own. This theory can to some extent be tested even in the interview of the child.

This interrogation differs from the others described in this paper in that no perpetrator and no sexual things are mentioned, but an indirect content strategy with general suggestions is used to get the child to mention sexual events. It is evident that the investigator does not believe the girl as she asks her if she is willing to come to a second interrogation. This was done in the same way and with no sexual answers from the girl.

Interrogation F. In this case a 16-year-old girl with suicidal tendencies is a patient at a childpsychiatric clinic. Her keeper from the nursery staff suggests to her that she has been sexually abused to which the girl agrees, and points out her stepgrandfather, and shortly after she tries to commit suicide. One month later and still at the clinic, she is forced to talk with a police investigator a few minutes despite her wish not to talk to police and again tries to commit suicide the day after. After another 12 days she is interrogated by the police investigator at the clinic. The keeper

who has, it seems, coercively persuaded her that she has been sexually abused is sitting beside her and is allowed to answer in her place and say things the girl has allegedly said. What is said is largely constructed by the interrogator and the keeper, both being convinced from the beginning that the girl has been sexually abused by her stepgrandfather. Of 149 questions/statements from the investigator and the keeper, all except one, are assuming that the allegations are true and there are no questions that can be considered as testing of alternative hypotheses. The investigator expresses 138 (92,6%) and the keeper 10 (6,7%) of the questions/statements. There is only one (0,6%) neutral statement. The investigator asks no questions about how the allegations of sexual abuse arose and about how the girl experienced the pressure from the keeper with preconceived notions.

This interrogation is extreme in its one-sided content strategy and coerciveness. The investigator allows a convinced and involved person to strengthen the content strategy, supply content and put extreme pressure on the girl to keep to her earlier particulars. The girl who is not mentally well is also forced into this content strategy against her will.

Discussion

The sample of interrogations used derives only from disputable cases and may not be representative of all interrogations in Sweden. Possibly there could exist broad interrogations covering several hypotheses or ones that are partial in the other direction, for instance in cases that prosecutors remove.

The analysis of the six interrogations accounted for here shows the risk for wrong interrogation results in a presupposing, partial and one-sided content strategy. A onesided content strategy does not generate the comprehensive information needed for testing alternative hypotheses. In practice, a one-sided content strategy also involves large amounts of presupposing, leading, repeated and pressing questions that can result in faulty answers. However, even if the questioning technique is acceptable, a one-sided content strategy does not generate the information needed. It is a common logical error to remove a hypothesis with the argument that nothing has appeared that gives support to it when no search for information around the hypothesis has occurred.

The philosopher of science Karl Popper (1972, p. 36) stated the important principle that it is easy to obtain confirmations, or verifications, for nearly every theory - if we look for confirmations. He also stated that every genuine test of a theory is an attempt to falsify it, or to refute it. Confirming evidence should not count except when it is the result of a genuine test of the theory; and this means according to Popper that it can be presented as a serious but unsuccessful attempt to falsify the theory.

Popper (p. 352) thought that truth is not manifest; and that it is not easy to come by. The search for truth demands according to him at least

- imagination
- trial and error
- the gradual discovery of our prejudices by way of (a), of (b), and of critical discussion.

Popper refers to the Western rationalist tradition of critical discussion - of examining and testing propositions or theories by attempting to refute them. Popper maintains that scientific work should be done by "*conjectures and refutations*". Conjectures should be eliminated if they clash with observations.

According to my judgment Popper's scientific strategy should be applied in disputable cases of child sexual abuse. The investigator should make a number of conjectures in different directions about how the allegations arose and search for information that can eliminate the conjectures. To be accepted a conjecture has to survive attempts to falsify it. Only to search for confirmation (and not even to search for falsifying evidence) of only one conjecture is not a logically valid content strategy even if it is very common.

The psychologist Egon Brunswik (1956, e.g., p.139ff) pointed to the importance of a representative sample of situations in psychological research. This concept of "*ecological representativeness*" should be of considerable importance in investigative work in alleged child sexual abuse cases. An ecologically representative description of the conditions around the child and the suspect should be generated. This description should be used for generating conjectures and refutations in Popper's aforementioned spirit. The interrogations of the child should contribute to this description. It is not only the alleged abuse situations that are relevant in order to judge the allegations. Other situations, for instance, where the child has learned sexual information or behaviors, or developed symptoms, or where conflicts have occurred, or important interactions and influences have occurred, are important in order to generate and judge alternative hypotheses about what has happened.

It seems that the proportion of questions/statements directed at the alleged sexual events and the proportion directed against alternative possibilities could be crude quantitative indicators of the comprehensiveness in the content strategy. However, even if the investigator has directed most of the questions toward alternative areas he or she may have missed an important factual matter and may have influenced the child to give faulty answers. A comprehensive content strategy should be a basic requirement, but does not solve all other threats to objectivity that have to be scrutinized from case to case.

Sometimes I have encountered the argument that one need not be as

accurate in a judicial situation as in research. My definite view is that it is more important to be accurate in a judicial situation than in research, because there are serious human consequences involved in a judicial situation, and this is often not the case in scientific statements. Another problematic attitude is that bias and deficiencies of the investigative strategy is of little or no importance and that a prosecutor or court can use the biased data at hand to judge what has happened. If they do, they are not following the requirements for objectivity in the law and may make serious mistakes.

References

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