



Summary of Seminar by Steven Ceci on “Children, Suggestibility, Memory and Interviewing”

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Steven Ceci recently presented a seminar on “Children, Suggestibility, Memory and Interviewing”. The seminar was sponsored by the Wisconsin Inter-Professional Committee on Divorce. As in criminal cases, the professionals addressing children’s interests in divorce proceedings are grappling with the challenges of assessing the reliability of children’s statements. Increasing awareness throughout the legal, social work, law enforcement, and psychological professions that not everything that comes out of a child’s mouth is the gospel truth can only help defense attorneys and their clients who are contending with accusations made by children.

Steven Ceci, a Ph.D. psychologist at Cornell University, has authored and co-authored a number of books and numerous articles on children as sources of information. He is primarily a researcher, setting up controlled experiments in the Cornell lab to test how children behave in various situations. He is interested in getting results that can be quantified. His interest in forensic interviewing appears to be limited to its value for illustrative purposes. Transcripts or footage from forensic testimony or interviews provide illustrations for his conclusions.

I attended the seminar because of an interest in the reliability of information obtained through forensic interviews with children. I have become quite concerned over my 21 years in defense practice with how suggestive many interviews of children are. I have been dismayed by how readily these interviews are accepted by law enforcement and the legal community, judges especially.

The following is a summary of Mr. Ceci’s presentation. One of the points he made was how inaccurately professionals, such as therapists and police detectives, report what children and adults say when they rely on their notes and memories. Therefore, let me begin with a disclaimer that this summary is based on my notes and memory. A videotape of the seminar would be more reliable.

“Yesterday’s lie becomes tomorrow’s memory” is a good summation of how children can take false information, planted by others, and can then subsequently report it, believing it to be true. Children are very responsive to suggestions. Subgroups of children who are especially suggestible include children with the following characteristics: 3-5 years of age, poor or chaotic home, low intelligence, and female. (A preschool female from a chaotic home is nearly the stereotypical complaining witness in the sexual assault cases we handle.)

In one experiment with 3-6 year olds, children were interviewed about specific events. Included in the interviews were questions about things that did not happen. In the first interview the children were usually accurate about reporting what actually happened. In subsequent interviews, however, they were

increasingly inaccurate, as the children retrieved visual images from the false information planted during the first session. In short, false suggestions created false memories.

If children are asked to talk about something in the context of pretending it happened, they may later believe and report that it did happen. This is called “forced confabulation”.

Children will also embellish a story as they incorporate false information. They make it their own. This is especially significant because it is generally thought that greater quantity of detail indicates greater reliability. Not so. Detail can be reflective of an active imagination.

Another source of false memory is “confirmatory bias”, which is the product of an interviewer’s preconceived notions. We see this a lot in forensic interviews. If the police investigator or social worker has a target individual in mind, it is easy for their bias to influence the outcome of an interview, regardless of their self-professed intention to be objective.

Suggestive interview techniques can combine to create results more unreliable than the sum of each technique used singly. In experiments, researchers have measured the separate impact of techniques such as: use of stereotyping, leading questions, and peer pressure. In interviews of children using each technique singly, the results were measured. Employing combinations of the same techniques produced results with more distortions than the total distortions for the techniques used separately.

Ceci cited research showing that false events have more of the following characteristics than true events: elaborations and emotional terms, temporal markers, aggressive events and descriptions, and fantasy and improbable or exaggerated events. Ceci opined that bizarre details are unlikely to be helpful to fact-finders.

Further, consistency is not necessarily an indicator of true events. After the first two interviews, there is “no difference between true and false events in consistency or richness of details”, according to Ceci.

Children also differentiate the contents of a story depending on who is listening. The differentiation is based on what the child believes the listener knows or does not know. This is identified as “recursive awareness”.

Ceci mentioned several other research findings relating to children’s reports. One, there are several reasons for children to lie: gain rewards, protect loved ones, avoid embarrassment, sustain a game, keep a secret, conform to a script or stereotype, or escape harassment. Two, rumor transmission and overhearing adults’ conversations affects children’s memories. Three, if someone else tells a child about an experience and the listening child is subsequently interviewed in a suggestive manner, that child can claim they observed something they did not.

Children have linguistic limitations at various stages of their development. For example, preschoolers do not understand the multiple meanings of simple words, such as prepositions. So use of a word like “on” in one context by an adult, may be used by a child in another context. Children confuse the singular with the plural. “Those guys” may actually refer to one person.

Ceci cited one study which concluded: “Young children have acquired the linguistic devices necessary to sound adultlike but they lack the conversational conventions necessary to use those linguistic devices correctly. The result is a child who sounds like they know what they are talking about but, in fact, they may not.”

Children in the 28-36 month age range have not yet acquired “symbolic representational ability”. This means, if an interviewer is using two dimensional drawings or an anatomical doll with a 2 ½ year-old, the child will not understand the drawings or doll are being used in a symbolic manner.

Children under age nine do not appreciate the distinction between firsthand and secondhand information. When asked to report about an event, they are not able to distinguish between what they have been told and what they have experienced themselves.

Ceci recommends the following “Seven Strategies to Enhance the Accuracy of Interviews”:

1. test an alternative hypothesis,
2. inculcate free narrative from beginning of interview (meaning the child is to talk and the interviewer is to listen),
3. emphasize confusion rather than truthfulness (“tell me if I get something wrong”),
4. practice sourcing memories,
5. distinguish between forensic and therapeutic interviews,
6. electronically preserve interviews, and
7. do not pursue child relentlessly.

Videotaping interviews of children will have a major impact on how children are interviewed. The more obvious forms of suggestion in the interview will be apparent. Some aspects of an unreliable report, however, will not be obvious or apparent. Knowledge of the child’s developmental abilities, e.g., linguistic, is necessary. Efforts to determine alternative sources for the child’s memory will also be necessary.

The old assumptions about the reliability of children are slowly being exposed as bogus. The more we as defense attorneys can do to educate the various players in the criminal justice system about children’s memories and non-suggestive interview techniques, the fewer false accusations there should be. Steven Ceci’s research should help educate judges, prosecutors, police and social workers on how to obtain less tainted information from children. ■