

Empowerment Statements

Also referred to as “Mastery Fantasy,”¹⁵ this information generally focuses on assertive, aggressive or protective actions reportedly taken by the child against the alleged perpetrator. Children who have been sexually abused often experience a sense of helplessness¹⁶ or culpability.¹⁷ Clinical experience indicates that the latter can be exaggerated if a child has received personal safety messages that place unreasonable expectations on children to prevent abuse (e.g., implying that child should always be able to “Say no and get away”). In an attempt to regain power and reduce anxiety, vulnerability or shame, children may report things that they think they should have done to protect themselves or someone else. During his Frontline interview, Ceci noted that in therapy, children may participate in “self empowerment training” to resolve psychological trauma through purposeful imagining of assertive acts. Allowing for the therapeutic value of this methodology, Ceci theorized that children may incorporate these fantasized actions into their reports as actual events.¹⁸ Empowerment statements can range from simple claims of getting away before anything happened (“She tried to touch me, but I ran”), to superhuman acts that injure or even kill the alleged perpetrator (“I pushed the car and it ran over him and he died”).

It is often difficult for interviewers to determine what approach to take when children introduce seemingly improbable information. The clarification of fantastic elements generally requires further questioning; yet, questions about fantasy often result in further fantasy. Children who are asked for further detail may feel it is necessary to continue with their story. And because the objects involved in improbable information are often familiar, it is conceivable that children will provide additional information that elaborates on the fantastic element (e.g., what kind of car it was).

Therefore, the suggested approach with empowerment statements is to offer the child a possible “out.” If the child describes an assertive or protective action against the alleged perpetrator and the interviewer suspects it is an attempt to master anxiety or helplessness, the interviewer can ask, “Is that something that happened, something you wish you could have done, or something else?”

Endnotes

¹ Forensic Interviewer and Trainer at CornerHouse Child Abuse Evaluation and Training Center in Minneapolis, MN. Ms. Lukas Miller has worked in the field of child maltreatment for over 20 years, and has conducted over 2500 forensic interviews with children, adolescents and vulnerable adults.

² The examples used in this article are based on the author’s own clinical experi-

ence.

³ Everson, M. *Understanding Bizarre, Improbable and Fantastic Elements in Children’s Accounts of Abuse*, CHILD MALTREATMENT, Vol.2, No. 2. (May 1997) at 134-149.

⁴ *Id.*

⁴ Dalenberg, C. *Fantastic Elements in Child Disclosure of Abuse*. APSAC ADVISOR, Vol.9 No.2 (1996) at 7.

⁶ Dalenberg, C., Hyland, K., & Cuevas, C. SOURCES OF FANTASTIC ELEMENTS IN ALLEGATIONS OF ABUSE BY ADULTS AND CHILDREN IN MEMORY AND SUGGESTIBILITY IN THE FORENSIC INTERVIEW, Mahwah, NJ: Erlbaum, (2002) at 185.

⁷ Bruck, M., Ceci, S. J., & Hembrooke, H., *The Nature of Children’s True and False Narratives*, DEVELOPMENTAL REVIEW, Vol. 22, (2002) at 520.

⁸ Dalenberg, *supra* note 3.

⁹ FRONTLINE: The Child Terror. (PBS television broadcast, October 27, 1998) (Interview of Dr. Stephen Ceci) available at <http://www.pbs.org/wgbh/pages/frontline/shows/terror/interviews/ceci.html>.

¹⁰ Everson, M.D. and Boat, B.W. *False Allegations of Sexual Abuse by Children and Adolescents*, JOURNAL OF THE AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY, Vol. 28, (1989) at 230-235.

¹¹ Dalenberg, *supra* note 3.

¹² Ceci, S. J., & Bruck, M. *The suggestibility of the child witness: A historical review and synthesis*. PSYCHOLOGICAL BULLETIN Vol.113, (1993) at 403-439; *see also*, Ceci, S. J., & Bruck, M. Jeopardy in the courtroom: *A scientific analysis of children’s testimony*. Washington, DC: American Psychological Association (1995); *See also* Lyon, T. D., *Speaking with Children: Advice From Investigative Interviewers*, in P. F. Talley (Ed), *Handbook for the treatment of abused and neglected children* (2005) at 65-82. (Interviewers with preconceived ideas may consciously or unconsciously focus on information that validates their assumptions instead of seeking the child’s information. Research indicates that the accuracy of children’s reports can be influenced by a biased interviewer):

¹³ Everson, *supra* note 2.

¹⁴ The examples used in this article are based on the author’s own clinical experience.

¹⁵ Everson, *supra* note 2 at 139.

¹⁶ Summit, R. C. *The Child Sexual Abuse Accommodation Syndrome*, CHILD ABUSE & NEGLECT Vol. 7, (1983) at 177-193, and Lyon, T. D. *Scientific Support for Expert Testimony on Child Sexual Abuse Accommodation*. In J. R. Conte (Ed.), *CRITICAL ISSUES IN CHILD SEXUAL ABUSE* (2002) at 107-138.

¹⁷ Finkelhor, D., & Browne, A. *The Traumatic Impact of Child Sexual Abuse: A Conceptualization*. AMERICAN JOURNAL OF ORTHOPSYCHIATRY, Vol. 55, (1985) at 530-541.

¹⁸ FRONTLINE, *supra* note 7.

Bizarre & Fantastic Elements: A Forensic Interviewer’s Response, Part II

by Anne Lukas Miller¹

(Author’s Note: These categories are based on clinical experience² and draw on the theorized mechanisms identified in Everson’s 1997 publication, “Understanding Bizarre, Improbable and Fantastic Elements in Children’s Accounts of Abuse.”³ Strategies and techniques are also offered to assist interviewers in determining how to best respond to the appearance of bizarre or fantastic information.)

Developmental Issues

Because children process interpret and communicate differently than adults,⁴ any number of misunderstandings may occur. Some children do not possess the vocabulary to describe an experience. Other children may

not have the cognitive skills or life experience to comprehend an abusive act, so they construct explanations that make sense to them.⁵ These explanations may sound unreasonable to adults, particularly when children resort to “magical thinking.” Magical thinking occurs because developmentally immature children lack the ability to discern between logical and illogical causal explanations. For example, a child who did not see someone enter a room might explain that the person “flew in through the window,” simply because the child does not know enough to recognize the implausibility of such information.⁶ Even older children with more developmental maturity may engage in similar attempts to comprehend

novel or unfamiliar experiences. For example, one nine-year-old girl reported that a perpetrator made her “pee in a bucket.” In an apparent attempt to explain the perpetrator’s motive, she added, “Because he wanted to know how girls go to the bathroom.”

Improbable details in a report can be the result of miscommunication between a child and an interviewer. For example, a three-and-one-half-year-old child discloses genital contact by a preschool teacher. The child is asked, “Where were you?,” and she responds, “In bed with mommy.” The question lacks a specific context (e.g., “Where were you *when your teacher touched you?*”), and the child may be thinking about and referring to a completely different event when she answers.⁷ This type of miscommunication typically happens through the process of *chaining*—free associative thinking that, unchecked by the developmentally immature child, leads the child from one subject to another without announcement. Because very young children are egocentric, they lack the awareness that others have not changed subjects with them. So, the little girl who disclosed genital touch by a preschool teacher may have chained from thoughts of preschool, to being picked up by her mom, to things she does with mom, to watching movies in bed.

Metaphorical Communication⁸ is another example of a developmentally based fantastic element. Utilizing metaphorical communication, a young child may provide descriptive sensory information as if it were factual. For example, the child says, “An alligator was biting my pee-pee,” when it would be more accurate to say, “It *felt like* an alligator was biting my pee-pee.”

It is not unusual for seemingly improbable information to emerge from developmental misunderstandings. Fortunately, the appearance of these elements is often easily addressed. If a child provides an implausible response to a question, the interviewer may want to consider that the line of questioning is beyond the child’s developmental abilities.⁹ When this happens, the interviewer should acknowledge his or her error and take steps to rehabilitate the information. Simple statements such as “That was not a very good question, let me ask something else” can prevent misattribution of the error to the child.

Sometimes, a child simply may not have the words to describe his or her experience in a manner consistent with the interviewer’s expectations. Interviewers must adjust their expectations and phrase their questions using language, sentence structure and concepts that are appropriate for the child’s developmental level. For example, asking the average three-year-old questions about *who* did *what* is developmentally appropriate, but expecting the child to describe *when* an event occurred may be beyond the child’s capacity.¹⁰ Keeping questions simple, concrete and contextually specific will also reduce miscommunication.

Sensory questions may also help developmentally immature children to provide reports that are clearer and more accurate. Questions that seek information about what was seen, heard, felt, tasted or smelled allow the child to focus on what he or she knows firsthand, through actual experience (e.g., “When that alligator bit your pee-pee, did you *feel* it, or *see* it, or something else?”). In addition, such inquiries may be beneficial in addressing issues of source attribution. Because children younger than five years of age generally lack the ability to monitor and categorize what they know by source, asking *how* they know something is impractical and unreasonable. However, information may be clarified by simply asking a child to tell what he or she knows through specific sensory channels (e.g., “Did you see that with your eyes, did someone tell you about that, or something else?” “What did you see?”).

It is the interviewer’s responsibility to ask questions that the child can answer and to recognize when a developmental miscommunication has occurred. In some situations, language barriers can be reduced through the careful and appropriate use of interview aids. Children capable of making a representational shift may be able to utilize anatomical diagrams or dolls to demonstrate more of their experience than they are able to articulate.

Distortion of Reality

Distortion of reality can occur when a child’s report is based in reality, but intervening factors produce mutations in the child’s recall. These mutations may be the result of a perpetrator’s attempt to intentionally confuse or discredit the child—by giving the child drugs or alcohol; by redefining acts or activities (e.g., telling the child that he is “checking for alien tracking devices” while touching the child’s genitals¹¹); or by the intentional creation of unusual, unexpected circumstances (e.g., the perpetrator dresses like a clown and refers to sexual acts as if they were part of a circus performance).¹²

Perpetrator threats can also create information distortion, when a child incorporates the threats into his or her report. During one interview, a child indicated that she saw the alleged perpetrator torture and kill other children. When questioned further, she explained that the perpetrator told her this is what he does to children who tell; he then showed her scenes from a movie depicting these acts.¹³ Engelberg and Christianson (2002), Dalenberg et al. (2002) and Everson (1997)¹⁴ all note that stress and trauma can also distort a child’s recall. Sometimes referred to as “Traumagenic Misperception,”¹⁵ these mutations are not unique to child sexual abuse reports. Everson refers to the well documented Chowchilla school bus kidnapping in the late 1970s, in which children provided vastly different descriptions of the kidnappers and their actions.¹⁶

Like trauma, fatigue can make children more vulnerable to distortion in their responses. If a child is tired during an interview, either because of his or her experience or because the interview is too long and surpasses the child’s attention span, the likelihood of improbable information can increase. Once children have lost focus, they may begin to answer questions randomly, without thought or application.¹⁷ This can result in so-called “junk answers”—information that is not intentionally inaccurate, but is unrelated to the questions asked. Interviewers should be vigilant to this phenomenon and when it happens, acknowledge that it may be time to end an interview.

Finally, improbable information that results from reality distortion can sometimes be identified by clarifying the source of the information. Children often assume that information given to them is factual, whether or not they actually experienced it. As previously explained, source-monitoring questions can assist in differentiating experiential information from information that has been provided to the child. For example, in one of the cases referenced above, a five-year-old child reported that a relative would “check [her] pee-pee for alien tracking devices.” With further questioning, the child explained that she never saw any “tracking devices,” she only knew about them because of what this relative told her. In another of the previous examples, a child reported that her alleged perpetrator tortured and killed other children. Although the child indicated that she “saw” this, she was asked more specific questions about what she saw (i.e., where she was when she saw it, what she heard, what she was told). The child was able to explain that she and the alleged perpetrator were in her bedroom; the perpetrator put a movie in the VCR and the child then saw and heard other children being tortured, on her television set. The child additionally reported that she could not see the face of the man who was torturing the children in the video, but that he “looked like” the perpetrator, and the perpetrator said it was him.

Endnotes

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² The examples used in this article are based on the author’s own clinical experience.

³ Everson, M. *Understanding Bizarre, Improbable and Fantastic Elements in Children’s Accounts of Abuse*, CHILD MALTREATMENT, Vol.2, No. 2. (May 1997) at 134-149.

⁴ Piaget, J. *The Construction of Reality in the Child*. (New York, N.Y. Ballantine Books 1954). See also Walker, A. G. *HANDBOOK ON QUESTIONING CHILDREN: A LINGUISTIC PERSPECTIVE*. Washington, DC: American Bar Association Center on Children and the Law (1999).

⁵ Saywitz, K.J., Nathanson, R., & Snyder, L. S. *Credibility of Child Witnesses: The Role of Communicative Competence*. TOPICS IN LANGUAGE DISORDERS, Vol. 13, (1993) at 59-78.

⁶ Dalenberg, C., Hyland, K., & Cuevas, C. SOURCES OF FANTASTIC ELEMENTS IN ALLEGATIONS OF ABUSE BY ADULTS AND CHILDREN IN MEMORY AND SUGGESTIBILITY IN THE FORENSIC INTERVIEW, (M. Eisen, J. Quas, & G. Goodman) (2002) at 185-204. See also Saywitz et al., *supra* note 5; Piaget, *supra* note 4.

⁷ Walker, A.G. *HANDBOOK ON QUESTIONING CHILDREN: A LINGUISTIC PERSPECTIVE*. Washington, D.C. ABA Center on Children and the Law (1999).

⁸ Bourg, W., Broderick, R., Flager, R., Kelly, D.M., Ervin, D.L., & Butler, J., A CHILD INTERVIEWER'S GUIDEBOOK, (Thousand Oaks, CA: Sage Pub. 1999).

⁹ Everson, *supra* note 3; Everson, M.D. and Boat, B.W., *False Allegations of Sexual Abuse by Children and Adolescents*. JOURNAL OF THE AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY, Vol. 28, (1989), at 230-235.

¹⁰ FORENSIC INTERVIEW TRAINING MANUAL (CornerHouse, 2006). (CH has creat-

ed an Age Appropriate Guidelines Chart© identifying general information children may be developmentally capable of providing).

¹¹ *Supra* note 2.

¹² Everson, *supra* note 3; and Perona, A.R., Bottoms, B.L. & Sorenson, E. *Research-based Guidelines for Child Forensic Interviews*; in ENDING CHILD ABUSE, (Vieth, V., Bottoms, B.L. & Perona, A.R.) (2004) at 81-130.

¹³ *Supra* note 2.

¹⁴ Engelberg, E., & Christianson, S., STRESS, TRAUMA AND MEMORY, IN MEMORY AND SUGGESTIBILITY IN THE FORENSIC INTERVIEW, (M. Eisen, J. Quas, & G. Goodman)(2002), at 143-164. Also Dalenberg et al, *supra* note 6; and Everson, *supra* note 3.

¹⁵ Everson, *supra* note 3 at 137.

¹⁶ Everson, *supra* note 3 at 138.

¹⁷ Based on clinical experience of this author. See also, Hewitt, S.K., ASSESSING ALLEGATIONS OF SEXUAL ABUSE IN PRESCHOOL CHILDREN: UNDERSTANDING SMALL VOICES. (Thousand Oaks, CA. Sage Pub. 1999). (Acknowledging that once young children have lost focus, they begin to answer questions randomly, without thought or application).

Bizarre & Fantastic Elements: A Forensic Interviewer's Response, Part III

Anne Lukas Miller¹

(Author's Note: As previously noted, these categories are based in clinical experience² and draw on the theorized mechanisms identified in Everson's 1997 publication "Understanding Bizarre, Improbable and Fantastic Elements in Children's Accounts of Abuse."³ Strategies and techniques are also offered to assist interviewers in determining how to best respond to the appearance of bizarre or fantastic information.)

Exaggeration

Exaggeration is similar to Distortion (see Part II) because it is based in reality. While it may involve some deliberate creation of mistruths, exaggerations are more often embellishments, fueled by a child's need for sympathy, approval or attention.⁴ An even more likely motivation for elaboration is the desire to be believed. A child who has been abused may feel the need to convince an interviewer that he or she was abused and may add details in an attempt to accomplish this. The child may elaborate on statements made by the perpetrator, the number of times things happened, or threatening elements, such as weapons. Some exaggerations overlap with empowerment statements. A child struggling with culpability may feel the need to justify why he did not do anything to "stop" the abuse or why "he" "let it happen."

Interviewers can diffuse exaggeration by offering reassurance that addresses the perceived motivation of the child. For example, with a child who is concerned about being believed, the interviewer can say, "I don't ask kids all these questions because I don't believe them, I just ask because I want know exactly what happened."

After a brief interval, the interviewer can return to the improbable information and, as previously discussed, approach in a way that does not trap the child. This does not mean that the child should be confronted with the seemingly implausible information; instead, the interviewer can simply express his or her confusion and request clarification (e.g., "I'm kind of mixed-up. Before, you said something about a gun. Did she have a gun, or were you afraid that she might have a gun, or something else?")

Contamination

Contamination is the intentional or unintentional influence of external sources on a child's report. This could include what Everson refers to as

"Cultural Influences" (educational curriculums, cultural events and media), as well as "Cross Tainting."⁵ Cross tainting can be found in multiple-victim cases when children are exposed to the reports of others, either through direct or secondhand sharing of information. When a case is highly publicized, children may be exposed to media coverage that provides details of others' experiences. Contamination issues are sometimes difficult to ascertain, as they are often associated with immature source-monitoring skills.⁶

In attempting to address Contamination, interviewers can employ a strategy similar to the one suggested for Reality Distortion. Because it is often an issue of source attribution, clarification of contamination issues requires further exploration of knowledge sources. Essentially, this means asking the child how they know about something. Although older children can literally be asked how they know, such an abstract question is difficult for preschool children. Interviewers may have to ask source monitoring questions in more concrete terms (see previous section regarding Developmental Issues). Even with such prompts, some children may be developmentally unable to explain *how* they know something.

Accurate Description of Reality

As bizarre as a child's report may seem, there is always the possibility that he is providing an accurate description of his experience. As noted by Everson, "Unusual, bizarre or grotesque behavior should not be dismissed on the basis of novelty or rarity alone."⁷ Information that conflicts with an interviewer's scope of knowledge should not be categorized as implausible simply because it is unusual or unfamiliar. It may be based in sexual activities, cultural practices, or spiritual beliefs unknown to the interviewer. For example, during one interview, a child reported that after being sexually assaulted he was taken to a building where all the adults were "drinking blood." It was later learned that the child was referring to a Roman Catholic mass, a Christian faith service where they spoke of, and symbolically partook of, Christ's flesh and blood by eating unleavened bread and drinking wine.

Determining the accuracy of seemingly bizarre information is often difficult. While questions about actual fantasy may invite more fantasy, the failure to ask questions may result in missed information or an inaccurate assumption regarding the child's credibility. If a child uses a word or a