The Use of Media in Forensic Assessment of Children

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Abstract

This article provides guidance for forensic interviewers and evaluators about the use of media (also called props, aids, and tools) in forensic assessments. It assumes that these professionals determine when in the assessment to use media. The article describes the rationale for the use of media, cites research that supports the use of media, and describes specific media and how to use them during the beginning phase, maltreatment phase, and closure phase of the assessment.

Key words: *Forensic interviewing, forensic assessment, media, anatomical dolls, drawings, body diagrams*

Introduction

This article aims to update practitioners, especially those who are interviewing and/or evaluating children who may have been maltreated, about the potential use of media (also called props, aids, and tools) which can augment the use of language when communicating with children. This article is not only based upon research on the use of media versus interviews relying only on verbal communication, but also upon the author's practice experience, which began before there were any guidelines or protocols for interviewing children who may have been maltreated.

This article is not about the pros and cons of using media in forensic assessments, but rather about how to use them when professionals decide to use them. The article acknowledges that, although most evaluation and interview strategies allow the use of media at some point, use of media remains a contested issue (Poole et al., 2011; Veith, 2022).

Contextualizing the Perspectives about Use of Media in Forensic Interviews and Evaluation of Children Who May Have Been Maltreated

Passage of the Child Abuse Prevention and Treatment Act (CAPTA, 1974) led to the inclusion of child sexual abuse as a reportable type of maltreatment in 1981 (Faller, 2015). When CAPTA passed, child welfare and child maltreatment professionals had no guidelines about how to assess for child sexual abuse. Guidelines for assessing physical abuse and neglect were not useful (Faller, 2007). In most cases of alleged sexual abuse, there were no physical signs nor medical evidence (Palusci et al., 2024).

Professionals logically decided that talking to and observing the child were the best means to determine the likelihood of sexual abuse. The practice of interviewing children who might have been sexually abused was highlighted in a highly contested case entitled the "McMartin Pre-school Case" (Water-

man et al., 1993). In this case, the evaluators, in the interest of transparency, videotaped their 395 interviews of children in daycare in California. Discussion of the criminal litigation of the McMartin case is beyond the scope of this article but can be found in the following references (Cheit, 2016; Waterman, et al., 1993; Wyatt, 2002).That said, the criticisms of the interview practices of the professionals in the McMartin case, specifically the use of media in forensic interviews and evaluations, including the use of puppets in displacement, and especially the use of anatomical dolls, led to the rejection of the use of media for understanding whether or not a child had been sexually abused (Baker et al., 2016).

A consequence of the controversy has been a bifurcation in the fields of forensic interviews and evaluation of children about the clinical and forensic utility of media in forensic interviews and evaluations (National Children's Advocacy Center, 2016; Veith, 2022). The two different perspectives are captured by CornerHouse (1989) and its affiliates, and the National Institute of Child Health and Human Development (NICHD) investigative interview protocol (Lamb et al., 2018) and its affiliates. There are two distinguishing features of these two approaches.

First, CornerHouse has relied on media as well as language for communicating with children who may have been abused, including the use of an easel board, drawings, body diagrams, and sometimes anatomical dolls. Second, CornerHouse and its affiliates have conducted more child interview training in the U.S. than any other programs, including thousands of professionals in 50 U.S. States and professionals in 22 countries (CornerHouse, n.d.).

With regard to NICHD and its affiliates, first, the NICHD Investigative Interview Protocol has benefitted from a formidable research infrastructure, in the U.S. and especially in Israel (Lamb et al., 2018). Moreover, the NICHD Investigative Interview Protocol has been translated into at least 23 languages, indicating the wide appeal of an interview protocol based upon research (The National Institute of Child Health and Human Development (NICHD Protocol n.d.). Second, NICHD has focused on verbal interview techniques by interviewers and resulting disclosures from children, likely in part derived from the fact NICHD researchers have primarily used audiotaped interviews for their research (Lamb et al., 2018). NICHD has also partnered to undertake field research with field sites in the developed world; for example, in the U.S., with Salt Lake City law enforcement (Pipe et al., 2008). Thus, the research on the NICHD that provides forensic interview knowledge and guidance is impressive. One outcome is that NICHD has focused on open-ended inquiries of children, which elicit more accurate information (Faller, 2007; Governor's Task Force on Child Abuse and Neglect, 2023; Lamb et al., 2007). That said, NICHD researchers and their field colleagues have also engaged in some research supporting the use of media (which will be described in this article).

Following the NICHD protocol and research, the *APSAC Practice Guidelines: Forensic Interviewing of Children* (2023) provides major support for verbal communication and less support for the use of media in child forensic interviews. These more recent *Guidelines* do state that interviewers may use "comfort drawings" (p. 18) during the introductory part of the interview. These *Guidelines* also acknowledge that some children may need "accommodations," such as being allowed to write what happened to them or even to draw their reports of maltreatment or its context (p. 19), but the *Guidelines* caution that some "accommodations" may lead to less accurate disclosures because they rely on recognition, rather than free recall memory. Similarly, the *Guidelines* allow the use of anatomical dolls as a demonstration aid **after the child's disclosure**, but with admonitions, for example that the interviewer/evaluator needs to be trained on using anatomical dolls (pp.14-15). This advice is not based on settled science but rather based upon legal considerations (Veith, 2022).

As Everson has argued, many guidelines (e.g., Lamb et al., 2018), including the *APSAC Guidelines* (2023), privilege the needs of the accused over the needs of alleged victims (Everson & Rodriguez, 2020). Arguably, most guidelines fail to appreciate that the

balance of power between the alleged victim and the alleged offender favors the alleged offender (Everson & Rodriguez, 2020). Moreover, alleged offenders may provide coherent and persuasive explanations denying maltreatment, while alleged child victim accounts are not nearly as coherent and persuasive (Faller, 2007).

This article will inform forensic interviewers and evaluators about the rationale for the use of media, other than or in addition to language, to communicate with alleged victims. It will also discuss the range of uses of media, when in the interview/evaluation to use media, and types of media that can be employed to determine the likelihood of child maltreatment.

Rationale for the Use of Media

First, forensic assessors must appreciate there are two general reasons that children fail to disclose verbally: 1) children don't know to tell, and 2) children don't want to tell. In both cases, media can possibly facilitate disclosure. Of course, forensic assessors must be mindful that there may be nothing to tell, that is, the child has not experienced maltreatment. That said, the use of media in interviews can facilitate information from both children who don't know to tell, and children who don't want to tell, as well as when there is nothing to tell.

There as several advantages of the use of media other than or in addition to verbal communication. First, media generally allows the child both to use verbal and an additional medium, such as drawings, as means for communication. The fact that the child communicates in both language and another form of communication can increase the assessor's confidence about the child's disclosures (Faller, 2007). For example, an assessor might be concerned that a caregiver might have instructed a child to falsely state that the child has been abused; it is less likely the caregiver would have instructed the child to draw this abuse.

Second, young children, especially preschoolers, may be more accomplished in demonstrations than in language. Young children's enactments are likely to precede language development. Typically, movement precedes language and may enhance their communication skills in a forensic assessment (Faller & Hewitt, 2007). In addition, young children, rather than merely responding verbally, may demonstrate on their own bodies (Faller & Hewitt, 2007).

Third, perhaps somewhat older children, who have been admonished or threatened not to tell, may take this admonition literally and may respond to invitations to communicate by other means. These invitations may overcome their fear of telling (Faller, 2007).

The Historical Context for the Use of Media in Forensic Assessment

Important articles describing the use of media in forensic interviews in the 1980s and 1990s document that professionals assessing children for sexual abuse commonly used media in their interviews (Conte et al., 1991), for example, anatomical dolls (e.g., Boat & Everson, 1988a, b, 1993; Conte et al., 1991; Kendall-Tackett & Watson, 1991). However, support for the use of media in child forensic interviewing declined and use of verbal communication with children became privileged.

This change derived primarily from challenges to anatomical dolls, especially in legal arenas, where those accused of sexual abuse and their attorneys highlighted select research on anatomical dolls (e.g., Bruck et al., 1995). The ecological validity of this research can be questioned, because it relies on using "light touch" as an analogue to sexual abuse, which, however, does not involve "light touch".

Forensic assessors and developers of interview protocols succumbed to these challenges, and protocols and began to focus solely on verbal methods of eliciting accounts of abuse. Those interview protocols derived from the CornerHouse protocol were exceptions; they maintained their focus on using multiple types of media for communication (e.g., Anderson, 2013; Veith, 2022), [TC7].

Research on Use of Media in Forensic Assessments

In 1999, Lamb and Sternberg at the National Institute on Child Health and Human Development (NICHD) took on the task of developing evidence-informed child forensic interviewing (Lamb & Sternberg, 1999). These developmental psychologists focused on the questions interviewers should ask and responses from children, and not on non-verbal domains to facilitate disclosures of maltreatment (Lamb et al., 2018). They did, however, undertake one study using a human figure drawing (HFD) after verbally interviewing 90 children ages 4 to 13 (Aldridge et al., 2004). The HFD elicited additional disclosures after initial verbal disclosure or after failure to disclose. Use of the HFDs was associated with reports of new touches not mentioned before and elaborations regarding the body parts reportedly touched. On average, the HFD drawing elicited 86 new forensically relevant details. The drawing was especially productive with children 4 to 7 years of age. The HFDs also helped clarify reports by the oldest rather than the youngest children. The clarity of children's accounts of touch was also greater when details were sought using recall prompts.

It is unclear why Lamb, Sternberg, and colleagues did not continue to pursue media for communication as an avenue of research after the Aldridge et al. (2004) study, which was fairly early in their research on forensic interviewing. That said, the findings from the Aldridge et al. study are instructive. So are other studies that demonstrate the utility of media, especially free drawings, in eliciting information relevant to maltreatment (e.g., Katz et al., 2018). This research supports the argument that children may be more accomplished in communicating through demonstrations on their own bodies or using media than in communicating using language and may be less stressed when using media in communicating information about their abuse.

The first of these studies was undertaken by Katz and Hershkowitz (2010), and the database has been used in subsequent studies. The original study involved 125 children, ages 4 to 14, suspected of sexual abuse, interviewed initially using the NICHD Protocol. After the initial interview, children were randomly assigned to the free drawing and non-drawing conditions and then re-interviewed. Children in the free drawing group disclosed more free recall information about the abusive events than children in the comparison group, including central details about people, actions, time, and location of the incidents. The effect of drawing was evident regardless of child's age, gender, type of abuse, and time delay.

Using these interviews and follow-up to them, subsequent studies have demonstrated the superiority of the use of free drawings during forensic interviews, in terms of both the richness of information disclosed (Katz et al., 2018) and children's subsequent positive reports about interviews (Katz et al., 2014). Why these positive findings regarding the use of free drawings have not been incorporated into forensic interview guidelines and most protocols is not clear.

That said, forensic assessors should be mindful that very young children, when presented with media, HFD and dolls may not be capable of making the representational shift to using a drawing or a doll to represent themselves or someone else (DeLoache, 1995; DeLoache & Marzolf, 1995). The assessment may precede the child's ability to understand that a drawing or doll represents her or him (Faller, 2007). The child's capacity to make this shift should be evaluated during the initial part of the interview. That said, the use of dolls or human figure drawings are not the optimal uses of media for eliciting free recall.

Media: When to Use Them, What Media to Use, and How

Arguably, forensic assessors should consider the use of media in the beginning, middle, and maybe even in closure stages of forensic assessments. Media can be used both to encourage reluctant and challenged possible victims of child maltreatment and to de-escalate children toward the end of the interview. Forensic assessors should consider the use of not just the maligned anatomical dolls, but a spectrum of media including comfort drawings, human figure

drawings, and written responses. This article bases its media practice recommendations on field research using laboratory analogues, and practice experience, the greatest weight being placed on field research.

Despite the support media can provide children in a forensic assessment, best practice in most cases is to begin the maltreatment phase of the interview with open-ended questions, not media. Open-ended questions are more likely to access free recall memory, which is more accurate, but may be sparse, while some media uses rely on recognition memory (e.g. human figure drawings, anatomical dolls), which is likely to be more detailed, but may be less accurate (Faller, 2007). There are, however, media uses related to maltreatment that rely on free recall, which will be described later.

Forensic assessors also need to appreciate that media such as free drawings, written responses, and annotated anatomical drawings may generate "demonstrative evidence." These pieces of evidence are included in the child's case record and may be admitted into evidence in court proceedings under the business records exception to the hearsay rule (Marks, 2004). Thus, they should be carefully annotated by the assessor, for example questions/probes employed by the assessor, the child's verbal responses, date, name of the assessor, and name of the child.

In assessments, professionals may employ generic drawing and generic drawing tasks, free drawing of alleged maltreatment and location of maltreatment, anatomical drawings, ginger bread person drawings, and anatomical dolls, although used rarely. That said, as already noted, because of the vigorous attack on the dolls by those defending persons accused of sexual abuse and a small number of disconfirming but methodologically flawed studies, forensic assessors may avoid using anatomical dolls because their use may undermine forensic assessment findings.

Generic drawing tasks

The author of this article, a forensic evaluator, often uses newsprint on the table where the evaluator and the child are seated during forensic evaluations, with the child drawing and writing on one half of the paper and the evaluator taking notes on the other half. Assessors allow young children to choose markers or crayons. Children are allowed to draw during the rapport-building or beginning stage and actually throughout the interview if they wish (Poole & Dickinson, 2014).

One of the transition probes assessors can use is asking children about their families/households. As children verbally describe the people in their family or household, they may be invited to write their names or draw them. Children are then asked to tell all about each of these people. Sometimes talking about family members elicits information related to maltreatment. Other assessors merely give the child paper and crayons, markers, etc., and allow the child to draw as a way to decrease the child's anxiety about the forensic encounter (Poole & Dickinson, 2014).

Media uses during the maltreatment-related phase of the assessment

In the maltreatment phase of the interview, media can assist in the following:

1. facilitate disclosure,
2. augment verbal disclosure and demonstrations—gathering details,
3. clarify disclosure,
4. corroborate verbal disclosure and demonstrations, and
5. rule in or out false reports.

Although some interview protocols advise against the introduction of media before a verbal disclosure, there are at least three justifiable uses of media before verbal disclosure. First, assessors may invite children who are reluctant to talk to write responses to probes or draw what happened. Of course, this method of eliciting information can also be used after disclosure. Second, introducing media (e.g., human figure drawings) before disclosure may be useful in understanding the child's names for body parts. Third, introducing media before a disclosure may be useful if the maltreatment event or events do not appear salient to

the child. For children who have experienced multiple types and sources of trauma (for example, their house burning down, a shootout at their house), child maltreatment may not be salient.

With regard to the second and third uses before disclosure, if a range of transitional probes do not yield responses that address the issue of concern, the assessor may introduce anatomical drawings. The drawings can clarify the terms the child uses for body parts and may trigger the child's recollections (Dickinson & Poole, 2017). Relevant drawings are introduced, a body parts inventory is conducted, and then the child is asked if anything (something) happened to any part of her/his body. The child may also be asked if any part of their body got hurt. If the child responds affirmatively, the child is invited to mark any parts on the drawing where something has happened to her/him. The assessor then asks the child to tell about each part the child marked. Gingerbread person drawings can also be employed in this way but have not been demonstrated to be as effective as anatomical drawings (or anatomical dolls) (Faller et al., 2011). A similar strategy can be employed with a drawing that could represent the alleged offender. After the body parts inventory, the child is asked questions about the functions of body parts, including private parts, for example, who has these parts and if the child has ever seen private parts. If the child responds affirmatively, the assessor invites the child to say more. If the assessor obtains a disclosure, the child may be asked to mark all parts of the alleged offender's body that were used. The child is then asked what happened with each part the child has marked on the anatomical drawing.

A number of analogue studies have used body diagrams, yielding inconsistent findings (Brown et al., 2005; Bruck et al., 2016; Dickinson & Poole, 2017; Willcock et al., 2003). More relevant is the Aldridge et al. (2004) study in the U.K., cited above, in which researchers employed a human figure drawing in real forensic interviews. After the children had exhausted verbal recall using the NICHD protocol, the NICHD human figure drawing was introduced. As already noted, on average the drawing elicited 86 new forensically relevant details. The drawing was especially productive with children 4 to 7 years of age.

Inviting the child to use free drawing to communicate what happened has advantages over the use of anatomical drawings/human figure drawings. First, children access free recall memory, which should be more accurate. Second, drawing may decrease the trauma of telling. The child engages in kinesthetic activity. The child does not have to maintain eye contact with the assessor during the drawing activity.

Other maltreatment-related free drawing tasks can also prove useful. The child can be invited to draw the alleged offender and then be asked what the person is thinking, doing, feeling; and what makes the person happy, sad, mad, and scared. If the child has already made a disclosure, the child can be asked to identify what part of her/him was used in the maltreatment.

Asking the child to draw the place where the alleged maltreatment occurred can be employed to assist the assessor in understanding the logistics of the maltreatment. In addition, drawing may decrease avoidance and reduce stress for the child. Communicating about the context of the maltreatment is usually less difficult for the child than communicating about the abusive acts and the person who committed them.

If the child has made a disclosure, asking the child to draw the abuse may be used. Katz and Hershkowitz (2010) interviewed 125 children aged 4 to 14 years using the NICHD Protocol and open-ended invitations. Then additional information was gathered with (n = 69) or without (n = 56) event drawing. Children in the drawing group disclosed more free recall information about the abusive events than children in the comparison group, including central details about people, actions, time, and location of the incidents. Drawing the abuse was especially effective with younger children.

Moreover, there are times when the child has indicated an instrument was used in the abuse, but the assessor needs to clarify this. For example, the child might say a knife was used, but the assessor is not sure whether the abuse felt like it was inflicted with a knife or whether the abuse was actually inflicted with a knife. When anal penetration is alleged, clarification about the instrument may be particularly instructive.

Finally, if the assessor is concerned that the child has

been coached or is making a false statement, asking the child to communicate what has happened using a medium other than words may assist the evaluator in determining whether the event the child has described verbally actually happened or is a fabrication. This is because coaching usually involves a verbal exchange and not instruction about how to draw an event, use anatomical drawings, or demonstrate with anatomical dolls. (Faller, 2007).

Closure of the Forensic Assessment

Although most forensic interview protocols advise a closure phase, protocols provide minimal details about what this phase should contain. For example, the current NICHD protocol advises the interviewer to talk to the child for a couple of minutes about a neutral topic and about what they are going to do next (Lamb et al., 2018).

For a child who has just disclosed maltreatment about someone close, this is a tall order (Hershkowitz et al., 2006). For most children, disclosing abuse is a deeply disturbing experience. Assessors need to allow children sufficient time to process and decompress, despite evaluators' busy schedules. Comfort drawing may be useful, drawing of a beautiful scene or their favorite family scene. These activities, and allowing children to share their experiences of disclosure, may mitigate the impact of the forensic assessment and the disclosure.

Conclusion

Think about it. Media are additional strategies to help children who may have been maltreated to share their truth.



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