

Overby

Training and Experience

1. BA from Mar~ Hill College/ 1981
2. Masters Degree from Mercer University/Family Studies/1991
3. Licensed as a Marriage and Family Therapist/1994
4. Private Practice, 10 years (315 College Street, Suite 150, Macon)
  - 50-60% of practice is with Preschool Children
  - In the course of my practice, conduct forensic interviews and evaluations at the request of the court and other agencies including the Department of Juvenile Justice.
5. Trained in Forensic Interviewing and Forensic Evaluation:
  - Served as Coordinator of the Rainbow House in Warner Robins, a Child Advocacy Center.
  - Trained to do forensic interviews, worked to coordinate a multi-disciplinary team that investigated child sexual abuse allegations.
  - Was essentially the District Attorney's eyes and ears during the interviews/responsible to make sure they were done correctly.
  - Over 150 hours of additional training specifically in forensic interviewing of children. (First in 1985 and most recent in July of 2003)
  - Additional training in the area of preschool children.
  - Have trained others in this area including: DFCS workers, law enforcement, school personnel, mental health professionals, prosecutors, defense attorneys and judges.
6. Have previously been qualified as an expert in the area of forensic interviewing of children in superior courts in the states of Georgia and North Carolina.
7. Have been called by both the defense and the prosecution to testify.

Outline of Direct Testimony

Voir Dire

- A. Name/Profession/Place of Employment
- B. Formal Education
- C. Professional License
- D. Employment History (Relevant: Rainbow House, Methodist Home, Juvenile Justice Contract Work)
- E. Continuing Education: (Hours on Forensic Interviewing, Hours on Child Development/Supervision in that area)
- F. Nature of Current Practice (50-60% Children under the age of 10, many preschool children, conduct forensic interviews in the course of my practice, normally in civil cases at the request of the court)
- G. Have trained DFCS, law enforcement, school counselors, prosecutors, investigators and defense attorneys.

**I. What is a Forensic Interview?**

- A. Goal is an unbiased search for the truth.
- B. Know that the interview may be part of a legal proceeding, so protocol is important to follow.

**II. What sort of protocols exist regarding forensic interviewing of children?**

- A. Local, legally mandated protocols tend to address logistical issues related to forensic interviewing.
- B. Professional organizations like the The American Academy of Pediatrics, The American Academy of Child and Adolescent Psychiatry and The American Professional Society Against Child Abuse have formulated research-based protocols for how the interviews themselves should be structured and what techniques are and are not appropriate to utilize.
- C. While the various protocols that exist vary, they do agree on many common themes and many basic techniques.

**IV. What is Suggestibility?**

- A. Suggestibility refers to the degree to which a person's statements about an event or in some extreme cases, their actual memory of the event may be influenced by the opinions, attitudes and statements of others, or by other similar, but unrelated experiences (Blending).

**V. Who is Vulnerable to Suggestion?**

- A. Everyone is vulnerable to some degree, but generally, the research indicates that **children are more vulnerable to suggestion than adults**

**and that younger, preschool children are more vulnerable to suggestion than older children and teens.**

- B. Suggestibility is not simply a factor of age, but also other cognitive, social, behavioral and developmental factors can impact suggestibility.
- C. Children who are subjected to improper, suggestive interview techniques are at risk for having their statements about or memories of the events in question contaminated.
- D. Children who have not been abused but who talk with Q. the children and adults who believe that abuse has occurred. Stories can cross pollinate and a child subject to adult and peer pressure can find it more socially acceptable to agree that certain things have occurred.

**VI. Are there things that forensic interviewers should or should not do to avoid contaminating a child's account of his or her experience?**

- A. Be neutral and unbiased.
- B. Be well trained
- C. Adopt an hypothesis testing approach, not an hypothesis proving approach
- D. Screen for coaching
- E. Do not inoculate the child (tell them they can correct you etc.)
- F. Do not ask leading questions
- G. Do not co-opt the child into the investigation
- H. Do not use peer pressure and screen for peer pressure
- I. Do not ask the child what they told someone else or indicate that someone significant to the child has told the interviewer certain things.
- J. Do not use selective reinforcement
- K. Do not offer rewards
- L. Do not repeatedly interview the child
- M. Do not ask the child repetitive questions
- N. Do not use pretend, speculation or fantasy
- O. Do not negatively stereotype a particular suspect
- P. Avoid using "props", anatomical drawings and/or props.
- Q. Establish the child's competency and willingness to tell the truth
- R. Objectively document all interviews with the child
- S. Conduct a developmentally appropriate interview
- T. Conduct the interview as soon as possible after an outcry: memory fades and has more opportunity to be altered as time passes.

**II. What kinds of developmental issues might an interviewer need to be aware of with preschool children?**

- A. Preschool children develop, store and recall information differently than older children and adults. **It is vital that a forensic interviewer conduct a developmental assessment at the beginning of the interview.**

1. **Language differences** (receptive and expressive: Young children form and store verbal memory of events most often as a result of their conversations with adults; this is normal and is how we teach children language)
2. **Context differences** (Look to adults to help them interpret, understand and deal with the world.)
3. **Physical differences:** brain is developing rapidly but aspects of the brain, including areas like the frontal lobe, that are directly involved with memory storage and retrieval are not fully developed.
4. **Competence Differences:** Young children look to adults to tell them what is real and what is pretend, to explain and interpret their experiences.
5. Even very young children are capable of giving forensically valuable information provide the adults who talk with them avoid suggestive practices.
6. One or two interview mistakes will not be likely to undermine the credibility of the child's statement, but multiple mistakes across interviews are potentially very problematic.
7. Parents and direct caretakers are the adults of the highest status, and most often the least forensic training, who talk to children about these allegations.
8. Therapists also can at times unwittingly use practices that are appropriate for therapy, but are forensically unsound.

#### **B. Memory Source Monitoring**

1. **Young children, under the age of 5, lack the ability to routinely track the sources of their memories and to distinguish whether the memories are of an actual experience or something they saw, heard, dreamed or otherwise came to know.**
  - A. Young children **lack the ability to think about their own thinking** or to analyze the thoughts and actions of others.
  - B. Young children **may lack information about time, spatial concepts, colors and numbers.**
  - C. Young children **have difficulty using an object to represent themselves.**

VIIj If a child is making statements as a result of suggestion rather than their actual experience, what are the indicators?

- A. That's just it there really are none.
- B. Especially when a great deal of time has passed, or the suggestive factors were significant, it can be difficult or impossible even for people trained in linguistics and child development to distinguish false narratives from true narratives.
- C. **A recent (2002) article citing a series of studies by Maggie Bruck shows that when the false narratives are a result of repeated suggestive questioning over time, the false stories actually tend to have more consistency! and more detail than the true narratives.**
- D. This may be because the child actually believes that what they are recounting is true.

### **III. How do children's memories differ from adults?**

- A. **Childhood amnesia:** Most adults can relate to the concept that they can remember few events before the age of three, and **most adults memories before age five are "spotty" "flashbulb-type memories."**
- B. We often find ourselves wondering whether we are recalling what really happened to us or what someone has described to us at some point.
- C. Some researchers have concluded that **this phenomenon begins at about age five or six.**
- D. **Time is definitely a factor in memory.** The closer to the event, the more likely that the account of the event is accurate.
- E. **As time passes, and many discussions, interviews, therapy sessions, reviews of videotapes and preparation for testimony occur, there is greater and greater risk that the child will recount what they have told someone else about the event rather than their actual experience.**

VIII What are these opinions based on?

- A. More than 10 years of research on children's eyewitness memory.
- B. A virtual explosion of research in the last 20 years on children's memory and suggestibility regarding personally salient events, including body touching, most of which has focused on preschool children. (recent lit search produced 400+ hits.)
- C. Other training and experience.

IX. Do all the researchers agree about this issue of suggestibility?

- A. They tend to agree on the major points and the differences tend to be in their research approach, whether they are testing for memory strength or memory weakness.
- B. Even those who have set out to test for memory strength have consistently found that some children who are subjected to suggestive questioning will make false statements about abuse.
- C. The bulk of the research supports the idea that preschool children are more suggestible than adults and older children and that certain suggestive practices should be avoided.
- D. **There is agreement in the research that very young children who are questioned repeatedly, over time by biased interviewers are most at risk for suggestibility: this is exactly what happened in this case.**

X. In preparation for testimony, can you tell the court what materials you have reviewed?

- A. Videotape
- B. Transcripts of these same interviews
- C. Child Protective Services Investigative Conclusions report
- D. Child Abuse and Neglect Intake Worksheet



*Counseling  
memorandum  
No therapy with  
after court*

*Answer memorandum  
Jells  
She did not  
focus on*

- G. would have been five at the time of the alleged incidents and at the time of the initial interviews.
- H. Leading Questions. (p.7 (introduces private part, p. 13 " wanted you to kiss hh somewhere else ... , p. 14, p.19 "Did she kiss your private part, too. Pg. tS-26 -very leading)
- I. Ignores answers that do not fit. (p.8, "I think I did" and pg. 15 , I saw her., pg. 15 d~nies it happened to her, page 19, says she did)
- J. Uses anatomically correct dolls and drawings.
- K. Selectiv~ positive reinforcement. (p. 4: not clear what she is saying about ;1 apparently she is saying that made something up, but what? She does not explore.; p. 18: Vilification, praise, direction, affirmation, threat)
- L. At this Point, now more than two years after the alleged incidents, she is as likely to be repeating what she told someone during the course of interview, conversations and therapy as her actual memory of any event.

*changes  
child finally  
not graphic*

XII. INTERVIEW WITH SABRINA CHANDLER

- \*\*Very Young Child: (~ yrs, 11 months at first incident/now 5 years, 10 months)
- \*\*Repeated Questions Over time.
- \*\*Blamed when her grand mother caught her licking her sister on the face and asked her "where did you learn that." No attempt to explore the circumstances of the outcry. Did she think that she was in trouble? Did she then seek to blame someone she knew her grandmother did not approve of?
- \*\*First report in came a month after reporter says made a report about licking. Child also reported what seemed to be an inappropriate conversation with her MGF who told her she could have a baby when she turned 15. There is no record that she was asked about her interactions with anyone else. No exploration of other possible
- Of: D ~~nd~~ ~~tr~~ ~~er~~ ~~than~~
- \*\* ~~er~~ direct and leading questions. (p. 13)
- \*\* ~~se~~ of Co-opting.
- \*\* ~~o~~ developmental assessment
- \*\* No assessment of memory source monitoring ability.  
No assessment of possible cross contamination with the other children.  
No assessment of possible coaching. (p.3)
- \*\* All interviews should have been objectively documented.
- \*\* Use of peer pressure. (p.5) (p. 16)
- \*\* Interviews since and indication that children may have been referred for play therapy.

*did not  
case*

XIII. : (2 at the time of the original interview, now 4 y.o.)

- \*\*Extremely young, could have been less than two at the time of the alleged incident.
- \*\*Easily influenced by the conversations of others and accounts of others.
- \*\*Very doubtful that she now recalls the actual incident, but rather probably is recalling what she told others.

No developmental assessment.

Peer pressure (1)

Very Leading (2) (8) (9)

Makes fantastic statements that go unchallenged (knife) (3-4) Doesn't ask for details about the knife.

Dolls and drawings

No effort to establish truth/lie

Impact of all this?

Improper techniques coupled with the time lapse, the repeated interviews and the age of the children creates an environment ripe for suggestion.

- A. The improper techniques that were used both failed to uncover and develop the facts available at the time and could have suggested new, different or additional facts to these children.
- B. The forensic interviews and other interviews near the time of the alleged events, and subsequent conversations that the child has had about the alleged event, with parents, therapists and others now over the course of three years may have crystallized in the child's memory a version of the events that is quite different than their actual experience. It is very unlikely; that what the children will recount today will reflect a direct memory of the event or events, and it is much more likely that their conversations will reflect their discussion with adults and their listening to what adults have had to say about the situation in their presence.

Don't prosecute  
Peeps who no k-11  
↓ years old?

Did Valentin  
go during interviews

Limited vocabulary