

ARTICLE:

Lyon, T. D., Scurich, N., Choi, K., Handmaker, S., & Blank, R. (2012). How did you feel?: Increasing child sexual abuse witnesses' production of evaluative information. *Law and Human Behavior, 36*(5), 448-457.

SUMMARY:

There were two studies as part of this research. The researchers hypothesized that children are unlikely to spontaneously describe reactions to abuse when asked about the alleged abuse. However, they are capable of describing these feelings if asked the right questions.

Study One:

The purpose of this study was to analyze transcripts of children testifying in felony child sexual abuse trials to determine the types of questions asked and the frequency of evaluative content being asked and provided.

Method:

Obtained information on all felony child sexual abuse charges filed in Los Angeles County from January 1997-November 2001.

Case outcomes for all cases:

Plea Bargain – 63%

Dismissed – 23%

Trial – 9% (n=309)

 Conviction – 82%

 Acquittal – 17%

 Mistrial – 1%

Unknown – 5%

The researchers randomly selected 80 child victim witnesses testifying at trial (age range was 5-18). The average delay between indictment and testimony was 284 days.

Case outcomes for selected cases:

Conviction – 66%

Acquittal – 26%

Mistrial – 8%

Half of the cases involved allegations of intra-familial sexual abuse and half involved genital or anal penetration. Questions and answers were classified as containing evaluative content if they

contained references to emotional (“I hated him”), cognitive (“what did you think?”), or physical (“did it hurt?”) reactions.

Findings:

1. Questions were classified using Lamb question typology
 - a. Option Posing – 63%
 - b. Wh-questions – 25%
 - c. How-questions – 6%
 - d. Suggestive – 6%
2. Prosecutors asked a majority of Option posing (60%), Wh- (77%), and How (66%) questions
3. Defense attorneys asked 79% of the suggestive questions
4. No impact of gender or delay from indictment to trial on results
5. 93% of child victim witnesses received at least one question with evaluative content, and 74% of children gave at least one answer with evaluative content.
6. Only 6% of all questions asked contained evaluative content
7. When children were asked a question asking for evaluative content, they responded with evaluative content 23% of the time.
8. When asked a question that did not ask for evaluative content, children produced evaluative content only 2% of the time.
9. “How” questions were most likely to lead to answers with evaluative content, thus suggesting it is necessary to use more direct questions (rather than open-ended questions) to obtain evaluative content
10. For every year increase in age, the odds of the response containing evaluative content increased by approximately 29

Study Two:

The purpose of this study was to examine children’s responses to different types of questions in forensic interviews in which “how did you feel” questions were scripted.

Method:

The sample was comprised of forensic interview transcripts of interviews conducted at the Los Angeles County-USC Violence Intervention Program. All children were referred by either Law Enforcement or CPS.

Subjects (n=61) ages 6-12:

Female – 80%

Male – 20%

All children initially received a medical exam and were then interviewed using the Tom Lyon 10-Step Interview Protocol. 33% of the children disclosed abuse prior to the “allegation phase” of the interview (15% of the children did so in the “feelings task”).

Findings:

1. In the substantive questions about the alleged abuse there were a total of 3,582 questions:
 - a. Option Posing – 59%
 - b. Wh-questions – 32%
 - c. How-questions – 8%
 - d. Suggestive – 0.2%
2. All of the children received questions which asked for evaluative content, and 93% of the children provided at least one answer with evaluative content
3. 9% of all questions asked for evaluative content
4. 55% of the “How” questions asked for evaluative content (only 5% of option-posing and 4% of the “Wh-“ questions did)
5. When the question contained evaluative content, children provided evaluative content 59% of the time
6. When the question did not contain evaluative content, children provided evaluative content only 6% of the time

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