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Presentation of the Ground Rules "I Don't Know" and "I Don't Remember": Interviewers' Non-acceptance of Preschoolers' Ground Rule Responses in Forensic Interviews

Name: Amra Arifagic Skoric

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Faculty of Health Sciences
OSLO METROPOLITAN UNIVERSITY
STORBYUNIVERSITETET

**Presentation of the Ground Rules "I Don't Know" and "I Don't Remember":
Interviewers' Non-acceptance of Preschoolers' Ground Rule Responses in Forensic**

Interviews

Amra Arifagic Skoric

Faculty of Health Sciences - Department of Behavioral Sciences, Oslo Metropolitan

University

MALK5000: Master's Program in Behavioral Science

Associate Professor: Torunn Lian

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Abstract

Presentation of ground rules in facilitated forensic interviews helps preschoolers become more informed and less vulnerable to leading questions. Non-acceptance of their "I don't know" and "I don't remember" ground rule responses can lead to them providing information they previously indicated they did not know or remember. Earhart et al. (2014) conducted a field study regarding children's "don't know" responses, and two of the present study's hypotheses (hypotheses three and five) are based on their findings. These are (3) presentations of ground rules "I don't know" and "I don't remember" do not increase the probability of "I don't know" and "I don't remember" responses in children to substantial questions. (5) Followed by interviewers' non-acceptance of "I don't know" and "I don't remember" responses, a significant proportion of children will provide information they earlier expressed they did not know or remember. The present study viewed "I don't know" and "I don't remember" as two different responses due to their differences, while Earhart et al. (2014) did not. The purpose of this study, a quantitative analysis of transcribed interviews (field study), was to make a modified replication of Earhart et al. (2014) from interviews conducted in Norway with preschool children. The results revealed that preschoolers answered follow-up questions even though they previously said they did not know or remember the requested information. Interviewers' non-acceptance of the GR responses "I don't know" and "I don't remember" and the accuracy of children's changed responses after non-acceptance are discussed. Directions for future research and the study's limitations are presented. Interviews with children is a field that originates from cognitive psychology. However, the topic of the thesis will also be accounted for and discussed from a behavioral analytic approach.

Keywords: Facilitated forensic interviews of preschoolers, ground rules, non-acceptance, behavioral analysis

Sammendrag

Grunnregler i tilrettelagte avhør skal hjelpe førskolebarn med å bli mer informative og mindre sårbare for ledende spørsmål. Ikke-aksept av førskolebarns jeg-vet-ikke og jeg-husker-ikke responser kan føre til at barn fremlegger informasjon som de tidligere har gitt uttrykk for at de ikke visste eller husket. Earhart et al. (2014) gjennomførte en feltstudie som omhandlet barns vet-ikke responser, og to av studiens hypoteser (hypotese tre og fem) er basert på disse funnene. Disse er: (3) presentasjonen av grunnreglene jeg-vet-ikke og jeg-husker-ikke øker ikke sannsynligheten for jeg-vet-ikke og jeg-husker-ikke responser hos barn til substansielle spørsmål. (5) Etterfulgt av avhører sin ikke-aksept av jeg-vet-ikke- og jeg-husker-ikke responser, vil en betydelig andel av barna gi informasjon som de tidligere har gitt uttrykk for at de ikke visste eller husket. Nåværende studie undersøkte jeg-vet-ikke og jeg-husker-ikke som to separate responser grunnet deres ulikhet, mens Earhart et al. (2014) omtalte begge som jeg-vet-ikke responser i sine analyser. Formålet med denne studien, som var en kvantitativ analyse av transkriberte avhør (feltstudie), var å gjøre en modifisert replikasjon av Earhart et al. (2014) på avhør utført i Norge av barn i førskolealder. Resultatene viste at barn ofte svarte på oppfølgingsspørsmål selv om de tidligere uttrykte at de ikke visste eller husket informasjonen som ble etterspurt. Avhører sin ikke-aksept av grunnregelresponsene, og nøyaktigheten av barns endrede responser etter ikke-aksept diskuteres. Forslag til fremtidig forskning og studiens begrensninger presenteres. Avhør av barn er et fagfelt som har sine røtter i kognitiv psykologi, men oppgavens tematikk vil også bli redegjort for og diskutert fra et atferdsanalytisk perspektiv.

Nøkkelord: tilrettelagte avhør av førskolebarn, grunnregler, ikke-aksept, atferdsanalyse,

**Presentation of the Ground Rules "I Don't Know" and "I Don't Remember":
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Protection from violence and children sexual abuse (CSA) is a highly prioritized societal task, but research shows that many children are nevertheless exposed to it (e.g., politidirektoratet, 2020). The numbers are much higher due to CSA inside the home and because children rarely get asked about their experiences (Hafstad & Augusti, 2019; Thoresen & Myhre, 2014). Hafstad & Augusti (2019) surveyed data from 9240 children aged 12-16. The survey revealed that 22% of the children were exposed to sexual abuse for the first time when they were under six. Violence usually began during the first years of elementary school and declined around the age of 10, and early onset of violence was associated with more severe violence than later-onset (Hafstad & Augusti, 2019). There have been reported comparable findings concerning CSA and violence against children (e.g., Stene, 2020; Thoresen & Myhre, 2014).

Research concerning children being victims and witnesses of CSA and violence cases have been quite extensive in the aftermath of infamous cases such as the Bjugn case (Thoresen et al., 2006) and the McMartin case (Schreiber et al., 2006). The accused caregivers were charged, indicted, and acquitted in both cases. Much criticism was directed to the professionals' work during and after the Bjugn trial – many of the interviews were conducted by interviewers who did not fulfill the necessary qualifications and were highly suggestible (Thoresen et al., 2006). Likewise, research of the Mc Martin case revealed that the interview techniques were highly suggestive and invited children to pretend or speculate about supposed events (Schreiber et al., 2006). Both cases undermined the need for much-improved training of interviewers when questioning alleged CSA and violence preschool victims.

Lack of corroborative evidence is a common challenge; thus, the only evidence is often the child's testimony during the facilitated forensic interview (forensic interview) (Lamb et al., 2007). The interviews must be conducted under research-based consensus to properly investigate the alleged offense (Baugerud et al., 2020). The forensic interviews need to reflect good quality; otherwise, it is not likely to prove eligible in court (Baugerud et al., 2020). The detailing of best-practice guidelines regarding question types when interviewing child witnesses has been extensively researched (see, e.g., Andrews et al., 2015; Baugerud et al., 2020; Brubacher et al., 2014; Korkman et al., 2015; Lamb et al., 1998; Lamb et al., 2007; Lamb et al., 2011; Langballe & Davik, 2017). Researchers have also focused on the use of ground rules (GR), which are instructions given to children during forensic interviewing (see, e.g., Brubacher et al., 2015; Danby et al., 2015; Dickinson et al., 2015; Earhart et al., 2014; Earhart et al., 2017; Fessinger et al., 2020; Hamilton et al., 2015; Krähenbühl et al., 2015; Teoh & Lamb, 2010). These studies investigated GR and how it could improve and affect children's competence in responding to interview questions.

The sequential interview model (SI-model) is a Norwegian model constructed to fit the needs of preschool children (aged 3-6) when they take part in a forensic interview in the Norwegian Barnahus (Baugerud et al., 2020). The model was developed based on a collaboration between the police and employees in the Norwegian Barnahus. Forensic interviews ensure that the prosecution and investigation of CSA, violence, and maltreatment are carried out to consider the child's vulnerability (Regulations on facilitated interviews, 2015, §2). Forensic interviews with children are conducted by police officers who have fulfilled specific training related to further education and practice (Regulations on facilitated interviews, 2015, §3). The officers closely cooperate with the employees at Barnahus to fulfill children's needs of feeling safe and taken care of, which is essential for children to share information of relevance (Langballe & Davik, 2017).

The SI model is divided into three phases. The model encourages the use of open-ended questions as much as possible (e.g., 'Tell me what happened'), and asking direct questions (e.g., 'Who was there?', 'Did he hit you?') as late as possible in the interview. This method will increase the certainty of the child's answer. It is recommended to avoid repeating questions, forced-choice questions (e.g., 'Did he touch you on your thigh or your neck?') and leading questions (e.g., 'she hit you, didn't she?'). These questions can lead to false answers based on information the child has not provided themselves (Langballe & Davik, 2017). The second interview phase presents the admonition and GR of "telling the truth" to the child. It is presented by encouraging the child to tell the truth during the interview (Langballe & Davik, 2017).

The child's ability to describe the alleged event during a forensic interview and assessment of the veracity of the explanation is the fundament for assessing the severity of the criminal act (Lamb et al., 1998). Young children are reliable witnesses – their cognitive skills have not yet developed to a degree where they can lie, and older children are relatively bad liars (Bala et al., 2001). However, children are easily influenced: they tend to believe the words of the adult speaker (e.g., Waterman et al., 2000), which makes preschoolers vulnerable to incorporating information introduced by adults (Langballe & Davik, 2017).

The child must reach a specific cognitive and verbal development level to participate in a forensic interview. Children under three have not yet acquired the ability to retrieve autobiographic information. This is due to childhood amnesia and lack of a developed language – crucial factors that must be available when reporting forensically relevant information requested in forensic interviewing (Uehara, 2015).

“To know” and “To remember” appear to refer to distinct phenomenological states associated with the successful retrieval of past events (Coane & Umanath, 2019, p.154). The child needs to be aware that it does not know something in order to respond with "I don't

know", and it must be aware that it does not remember in order to respond, "I don't remember" (Brubacher et al., 2014). The capacity to remember details of an earlier event is a limitation in younger children due to their episodic memory not being fully developed (Tulving, 2002).

The preschooler's narrative may deviate if the wording, investigation, or questioning is strongly suggestive of distinctive expectations from the interviewer about what the preschooler should answer or if the interviewer's question consists of information that has not been introduced by the child (Ceci & Bruck, 1993; Baugerud et al., 2020). The child's story of the alleged event may also deviate if the interviewer repeats a question even though the child expresses that he/she does not know the answer (Goldstein, 2003).

Children's responses to specific questions are less likely to be accurate than responses to open-ended questions. Further, children will be more likely to change their initial response when they are asked a specific question repeatedly. Younger children may assume that their initial response was wrong when the interviewer repeats their question (Bruck et al., 2002). Repeated questions can also trigger the memory, which means that repeating a question may not always lead to false answers. However, a lot of social factors can lead to children changing their answers to something that is not correct (Flavell, 2004). Factors such as the environment, not knowing the interviewer, feeling unsafe, and the ability to maintain children's attention may create challenges during an interview and lead to incorrect answers (politidirektoratet, 2020).

GR are descriptions of the interviewer's expectations of children during interviews. The purpose of GR is to inform and ensure children that they are the experts on the cases in question (Lamb et al., 1998). If the child answers that it does not know or remember something, and the interviewer asks questions about something else, they have accepted the child's initial GR response.

The introduction of GR and admonition to “tell the truth” is necessary for meeting the legal requirements in forensic interviewing in Norway (The criminal procedure act, 1981, §128). The GR are also supposed to reduce the adverse effects of option-posing and suggestive questions from the interviewer (Dickinson et al., 2015; Earhart et al., 2016).

GR telling the truth should be adapted to the child's ability to understand the information given (Regulations on facilitated interviews, 2015, §10), and other GR should be adapted to the child's level of understanding as well. Children, especially of preschool age, tend to answer nonsense and proper questions, even though they do not know the answer or do not understand it (e.g., Waterman et al., 2000; Waterman et al., 2004). It is essential to give instructions to the child which describe the expectations of their verbal responses to substantive questions. Presentation of other GR can be presented following the SI model, but the interviewer decides which GR they present (Langballe & Davik, 2017).

Children should only describe events when unclear situations arise during an interview. Analyses reveal that children benefit from the presentation of GR, which leads to more accurate responses (Brubacher et al., 2015, p.2). Thus, the interviewer should inform the child that "I don't know" is an acceptable answer if they do not know the answer to a question (Brubacher et al., 2015) as well as "I don't remember" if they are not able to recall an earlier event. Accepting and encouraging "I don't know" responses during an interview will also lead to more accurate reports in response to questioning (Scoboria & Fisico, 2013, p.72).

Krähenbühl et al. (2015) conducted a study based on 51 transcribed forensic interviews with children (aged 5 to 17). Various types of GR were presented in 49 of 51 interviews. The results revealed that GR "I don't know" was presented in 76,5% of the interviews.

Hamilton et al. (2016) examined the commonly included interview protocol components: GR, practice narrative, and the substantive phase. The results revealed that the GR "I don't know" was presented in 38 of the 70 transcribed interviews, and "I don't remember" was presented in 33. According to the results, the presentation of GR did not increase the probability of using GR during the substantive phase of a forensic interview. However, the probability of using the GR "I don't know" increased if the GR was presented with a training question (e.g., the interviewer asking the child 'Do I have three daughters?', or 'what is my middle name?'). These are questions that the child does not know the answer to, and if the child responds, "I don't know", it can indicate that children will utilize the GR when they do not know the answer to a substantive question.

The results from a study conducted by Danby et al. (2015) concluded that the participants (N=260, aged 5-9) only benefited from training related to GR "I don't know" and not from other GR (I don't understand and correct the interviewer). According to Danby et al. (2015), the practice of GR with children aged eight or younger is only sufficient for GR "I don't know" - other GR require further extensive training than described in protocols to be effective. This is due to children not understanding what other GR entail and when to use them (Danby et al., 2015).

There are no apparent published studies of the use of GR in forensic interviews conducted in Norway. Most protocols concerning interviews with children recommend using GR, but there is a lack of research regarding using these recommendations when the interviews are conducted (Fessinger et al., 2020). Earhart et al. (2014) conducted a field study based on 76 transcribed forensic interviews with children (aged 4-13). Interviewers presented the GR "I don't know" in half of the interviews (N=38). Earhart et al. (2014) hypothesized that children's use of the GR "Don't know" would increase when presented to them, and presentation of the GR would lead to a lesser probability of the children elaborating their

"Don't know" response compared to children who were not introduced to the GR. Earhart et al. (2014, p.751) did not separate "Don't know" and "Don't remember" responses - they were both referred to as "Don't know" responses in the analyzes. Further, Earhart et al. (2014) hypothesized that interviewers would experience the "Don't know" response as frustrating from children not presented with the GR, which would lead to a higher probability of leading follow-up questions compared to the "Don't know" responses from children presented with the GR.

The results from Earhart et al. (2014) contradicted Danby et al. (2015). According to Earhart et al. (2014), the instruction to respond with "Don't know" when appropriate did not increase the child's use of the GR response during interviewing. The results also revealed, even though it is recommended against, that interviewer did not accept about one-third of children's "Don't know" responses, but rather the interviewer put pressure on children to respond to a question they previously claimed to have no information about. Further, the interviewer followed up the "Don't know" responses with a leading question in 69% of the cases. The study further revealed that in 81% of cases where interviewers did not accept children's initial "Don't know" responses, children provided information they initially expressed they did not have.

This master thesis is part of an extensive national field study named "Barneavhørsprosjekt". The project aims to assess various aspects of interview practice in Norwegian forensic interviews conducted with children. Findings from field studies highlight the importance of conducting national field studies on using GR in child forensic interviews in Norway.

The interviewer's role is to enlighten the alleged CSA and violence to such an extent that a decision can be made as to whether an indictment should occur or not. The purpose of this field study is to (1) examine how often preschool children maintained their initial "I don't

know" and "I don't remember" responses if the interviewer did not accept the response to a substantive question. (2) If the non-acceptance led to preschool children changing their initial response or/and providing complementary information.

The following hypotheses are: (1) the admonition of “telling the truth” is presented in all interviews (c.f The criminal procedure act, 1981, §128; Regulations on facilitated interviews, 2015, §10). (2) The GR “I don’t know” and “I don’t remember” are presented in forensic interviews (c.f Regulations on facilitated interviews, 2015, §9). (3) Presentation of the GR “I don’t know” and “I don’t remember” does not increase the probability of GR responses in children to substantive questions (cf. Earhart et al., 2014). (4) Interviewers will accept children’s “I don’t know” and “I don’t remember” responses as legitimate responses (c.f Regulations on facilitated interviews, 2015, §9). (5) Following interviewers' non-acceptance of "I don't know" and "I don't remember" responses, a significant proportion of children will provide information that they initially expressed they did not know or remember (cf. Earhart et al., 2014).

Relevance for behavioral analysis

Research concerning facilitated forensic interviews with children has mainly been studied in cognitive psychology. Little attention has been given to the assessment of CSA in the behavioral literature, even though applied behavior analysis utilizes methods that derive from scientifically established principles of behavior for improving human conditions (Wyatt, 2007; Baer et al., 1968). The philosophy of behaviorism and the natural science of behavior appear appropriate to address CSA assessment (Wyatt, 2007).

Children must remember alleged events of CSA and violence in order to describe them. Remembering concerns how a child's present behavior can be caused by past events (Catania, 2013, p.365). Remembering accounts imply what the child does when the alleged event is presented. The time since an alleged event occurred, and a child's opportunity to

recall the event, is a part of the remembering process (Johnston, 2021). Remembering means engaging in a particular kind of behavior - a visual or auditory image is, therefore, a behavior from a behavioral approach (Johnston, 2021). The alleged CSA and violence happened in the past – a child cannot respond to the actual event since it is not present, but whatever they think about is the basis for emitting the response (Johnston, 2021).

Moreover, in behavioral analysis, remembering is defined as reconstruction and not a reproduction – all following occurrences after the main event may affect children's remembrance of alleged incidents (Catania, 2013). However, when someone "remembers" something, they are tacting the event or situation in some way (Johnston, 2021). Tacting an earlier event is verbal behavior, wherein a person describes things they saw, smelled, touched, and heard (Catania, 2013). However, when conducting forensic interviews with children, the interviewer must be aware of their potential to control children's verbal behavior during the interview (Wyatt, 2007).

Every child's learning history is different: it is shaped by earlier behavior-environment interactions (Flora, 2003). Due to children's young age and therefore lack of experience, their behavioral repertoire cannot be denoted as competent. How self-governed a person is, is reflected in their level of performance (Hayes et al., 2004). Young children have not developed a self-descriptive repertoire and will therefore not be able to tact their behavior to a satisfactory degree (Johnston, 2021). Any behavior inevitably corresponds to physiological events associated with "remembering", and some of the events involve the brain. However, the brain alone cannot explain what happens with behavior because learning is shaped through individuals' interactions with the environment (Johnston, 2021).

One of the essential control conditions for humans' operant behavior is that we give ourselves different instructions: this can be understood as a form of rule management (Skinner, 1976). Planned contingencies involving coercion, punishment, or other aversive

events can be considered an arranged environmental restriction that undermines a person's self-governance (Flora, 2003). Since children are less self-governed, they will often rely on instructions from others, which can promote specific behavior in children. The GR are set of rules, and the probability that the child will behave according to the contingencies specified in the GR will depend on the child's history with the GR or similar rules (Pelaez, 2013).

Rule-governed behavior can be helpful if treated as verbally-governed behavior. It should integrate descriptions of behaviors under the control of contingencies and may be modified by antecedent verbal stimuli (Pelaez, 2013). Rule governed behavior can be observed in this study from both the child's and the interviewer's points of view. The interviewer has received instructions and training on interviewing children, and they must follow specific rules. This rule-following type is defined as tracking; the behavior is under the control of an apparent correspondence between the rule and the job description (Hayes et al., 1989, p.206). They follow orders, advice, and laws: each subject involves instructional control, which is easy to overlook when instructed behavior is itself verbal (Catania, 2013).

Instructions interviewers receive specify verbal behavior, and contingencies operate for following instructions. The interviewer may deviate from tracking to another form of rule management; this can occur if other motivating operations (MO) influence the interviewer more than the "original" MOs (Cooper et al., 2020). This type of rule-governed behavior is defined as augmenting: the behavior is under the control of apparent changes in the capacity of events to function as motivative or formative augments (Hayes et al., 1989, p.206). While the interviewer's behavior is possibly governed by this rule (tracking), the child's behavior may be governed by another set of rules, such as pliance. Pliance is rule-governed behavior under the control of apparent socially mediated consequences for a correspondence between the rule and appropriate behavior (Hayes et al., 1989, p.203). So, if children do not follow the

GR presented, it may be due to their sensitivity to social contingencies in the interview situation.

Method

Interviews

The National Police Directorate, The Norwegian Data Protection Authority and the Director of Public prosecution permitted the police and the Barnahus in Norway to contribute data to researchers. The project consists of a national selection of all reported cases where suspicion of CSA and violence against young children led to prosecution, and sequential forensic interviews with preschool children (mainly aged 3 to 6) were conducted. All the interviews are from 2015 to 2017 (N = 550). The cases are collected from all the police districts in Norway (n = 12).

The data material in the study consists of verbatim transcripts of sequential forensic interviews, and the interviews that are a part of the data in this study are from five police districts. Everything interviewers and children communicated was recorded in the transcripts. All the interviews had a basis for notification of violence (the general civil penal code, 2005, §271-288) and sexual assault (the general civil penal code, 2005, §291-320). The author has only had access to statistics and completely anonymized data in connection with the current study.

The interviews used in this study (n=67) were randomly drawn from the 550 interviews with children alleging sexual abuse and violence. The children interviewed had an average age of 61 months (range: 36-83, SD = 10,2). The sample consisted of 57% girls (n=38) and 43% boys (n=29). 91% of the interviewers were women (n=21), and 9% were men (n=2).

Sampling procedure

Four students received the same data. Sections of the forensic interviews made

available for the author were the ones necessary to examine and answer the hypotheses for the study. Sequential interviewing (SI-model) was the method utilized in all the interviews: this was explicitly stated in the dialogue transcripts and associated case documents.

Interviews were coded according to internationally recognized coding procedures. Only the substantive parts of the interview where the GR “I don’t know” and “I don’t remember” were used by the children, the presentation of the GR “I don’t know” and “I don’t remember” were presented, and interviewers acceptance or non-acceptance of GR responses, was made available for the author and coded in the present study. Substantive questions are defined as questions that ask for forensically relevant information. Substantive parts were coded from the time interviewer presented either the GR “I don’t know” or “I don’t remember”, or when a substantive question was asked and the child responded with "I don't know" or "I don't remember" until interviewer accepted the child's response. This can be referred to as a phase, and the number of phases in this sample ranged from 1-5 (MED = 3). Information was coded in turns: one turn consisted of the interviewer's question and the child's response. There was an average of 323 turns in an interview (range 106-609, SD = 111).

Materials

Coded data were registered in a predefined code form: the codes were further plotted and analyzed using IBM SPSS Statistics (Version 27) predictive analytics software. Microsoft Excel 365 was used to compile the table, and Cohen's Kappa (k) was used to test coders' reliability.

Reliability

53,7% of the interviews (n=36) were coded by the supervisor, while one of the four students coded 46,3% (n=31). The supervisor, who had sufficient training in coding, trained one of the students beforehand - the training was completed on a separate set of transcribed interviews than those used in the study. 20 of the 67 transcripts were coded independently by

both coders to estimate reliability and ensure that inter-rater reliability was maintained through the coding process.

Kappa values (k) ranged from 0.57 to 1.00. Inter-rater reliability was calculated for presentation of GR “telling the truth”, and k was 0.94. Presentation of GR “I don’t know” had zero occurrences in the 20 interviews where k was measured, and for “I don’t remember”, k was 0.57. Further, for the child's use of "I don't know" to substantive questions, k was 0.90, and for “I don’t remember” responses to substantive questions, k was 0.87. Interviewers’ acceptance of the children's "I don't know" or "I don't remember" responses were $k = 0.83$; for interviewers' non-acceptance of the GR responses, k was 0.92. Furthermore, inter-rater reliability was calculated for whether the child changed their “I don’t know” or “I don’t remember” response without giving complementary information ($k = 0.8$) or if the child changed their response and gave complementary information when the interviewer did not accept their initial GR-response ($k = 0.94$).

Coding procedures

Coding procedures were based on Earhart et al. (2014) regarding the principals of acceptance/non- acceptance, if children changed their response, changed it and provided complementary information, or if they did not. The parts of interviews coded relevant for this study were: (1) the interviewer's presentation of GR “I don’t know” and “I don’t remember”. (2) When substantive questions led to "I don't know" and "I don't remember" responses in children. (3) When children changed their response, or (4) changed it and provided complementary information due to the initial response not being accepted by the interviewer.

Presentation of ground rules

Presentation of GR (1) “telling the truth” (e.g., ‘This is a “telling the truth” room, and here we can only tell what really happened, okay?’), (2) “I don’t know” (e.g., 'If you do not know the answer to a question, it is important that you tell me that you do not know') and (3)

“I don’t remember” (e.g., 'If you cannot remember, it is important that you tell me') was coded in the present study.

The preschoolers use of ground rules

Children's use of the GR were coded when they used the GR "I don't know" or “I don’t remember” to substantive questions.

Interviewer's acceptance and non-acceptance of GR-responses

An interviewer would either accept or not accept the child's use of a GR. Acceptance was coded when interviewers supported children's "I don't know" or "I don't remember" responses and accepted them as legitimate responses. The interviewer continued the interview as if the child had provided complementary information and asked other relevant questions or about something the child had mentioned earlier. Non-acceptance of children's GR responses were coded if the interviewer repeated the same or a similar question even though the child responded "I don't know" or "I don't remember". Non-acceptance was also coded if the interviewer pressured the child to respond to the question or provided negative comments about the child's ability to respond to a substantive question, even though the child answered it did not know or did not remember.

Preschoolers' productive and non-productive responses to substantive questions

Children’s responses would fit into the category of productive responses: supplying information about the allegation. Alternatively, non-productive responses: the child did not supply further information about the allegation. The productive responses were the ones that occurred after the interviewers did not accept the children's initial use of the GR “I don’t know” or “I don’t remember”. The non-productive responses were “I don’t know” and “I don’t remember” responses after a substantive question, or when children maintained their initial “I don’t know” and “I don’t remember” response even though the interviewer did not accept it.

Results

As shown in Table 1, relatively few interviewers presented the GR “I don’t know” and “I don’t remember”, but children responded with “I don’t know” and “I don’t remember” frequently. “I don’t know” responses occurred a total of 257 times, while “I don’t remember” responses were utilized 107 times. The requirement to present the admonition of the child to tell the truth was not present in five of the 67 interviews. Furthermore, the GR “I don’t know” and “I don’t remember” were not presented with a training question in any of the interviews (n=67).

The results revealed whether the interviewer's non-acceptance of the child's use of the GR “I don’t know” and “I don’t remember” would lead to children changing initial responses. The “I don’t know” response was accepted in 73% of the cases (freq. 187). The response was not accepted in 27% of the cases (freq. 70). When interviewers did not accept children's “I don’t know” responses and continued to ask questions, 25% of the children's “I don’t know” responses were maintained. Further, non-acceptance of children's “I don’t know” response led to their initial response being changed 75% of the time. 36% of the time, they changed their answer (typically with a yes/no response), and in 39% of the cases, they changed their answer and provided complementary information they had not conveyed earlier.

The use of GR “I don’t remember” was accepted by the interviewer 84% of the time (freq. 90) and not accepted 16% of the time (freq. 17). None of the children maintained their initial “I don’t remember” response when the interviewer did not accept their use of the GR. In 60% of the cases when the GR “I don’t remember” was not accepted, children changed their response, and in 40% of the cases, children changed their response and provided complementary information. Suggestive questions led to children changing initial “I don’t remember” responses in 24% of the interviews. In 27% of the interviews, children changed

their initial "I don't remember" response and provided complementary information due to a suggestive question.

Discussion

The purpose of this study was to examine forensic interviews with preschool alleged victims of CSA and violence, whether the interviewer admonished the child to tell the truth, and if the GR "I don't know" and "I don't remember" were presented. Further, the study examined the use of "I don't know" and "I don't remember" responses to substantive questions and interviewers' acceptance or non-acceptance of the GR responses "I don't know" and "I don't remember". A significant part of the discussion regarding interviewers' non-acceptance and why children possibly maintained or changed their initial "I don't know" or "I don't remember" responses is discussed from a behavioral analytical approach.

Presentation of the admonition to tell the truth

Specially trained police officers conducted the facilitated forensic interviews using the SI-model, and the admonition of telling the truth is the only statutory GR when forensic interviews with children are conducted (Langballe & Davik, 2017; Regulations on facilitated interviews, 2015, §10; The criminal procedure act, 1981, §128). The results revealed that GR "telling the truth" was presented in 92% of the interviews and was the GR with the highest incidence. However, the presentation of the admonition was not present in five interviews, even though it is required by law that it appears. Therefore, the findings do not support the hypothesis that (1) the admonition "telling the truth" is presented in all interviews. This is alarming, as it does not follow legal procedure.

Forensic interviews ensure that prosecution and investigation of CSA, violence and maltreatment is carried out in a manner that considers the child's vulnerability (Regulations on facilitated interviews, 2015, §2). Implementing high-quality interviews with children is essential since inferior-quality interviews will more likely not be approved in court

(Baugerud et al., 2020) – not presenting the legal admonition of telling the truth will significantly weaken an interview's reliability.

The results emphasize Baugerud et al. (2020)'s findings on the need to develop new forms of interviewer training to adhere to best-practice methods. However, it can be problematic to admonish a child, to tell the truth, as small children can experience that there is a specific answer they should provide (Flavell, 2004). In terms of future research, it would be helpful to extend the current findings. The findings can be extended by examining which methods to utilize to ensure that preschool children are aware of what is implied when asked to tell the truth, without them experiencing that the interviewer demands a specific answer.

Presentation of the ground rules “I don’t know” and “I don’t remember”

Besides the admonition of "telling the truth", other GR may be presented when following the SI model, but they are not necessary – the interviewer decides which GR are presented (Langballe & Davik, 2017). A finding based on the results was that presentation of GR “I don’t know” occurred in four of the 67 interviews, and GR “I don’t remember” was presented in three interviews. The results, therefore, do not support the hypothesis that (2) the GR "I don't know" and "I don't remember" are presented in the forensic interviews. The finding implies that these GR were far less presented in transcribed interviews used in this study than in other similar studies. In the study conducted by Hamilton et al. (2015), the GR "I don't know" was presented in 54% of the interviews, while "I don't remember" was presented in 47% of the interviews. Further, in the study by Krähenbühl et al. (2015), the GR "I don't know" was presented in 39 of the 51 transcribed interviews.

As shown, the results from the present study imply that the GR “I don’t know” and “I don’t remember” are not used to the desired degree, even though GR are used as instructions explaining the conversational rules of forensic interviewing (Earhart et al., 2016).

Interviewers that conduct forensic interviews with preschool children in Norway are

obligated by law to conduct them under current recognized methods for questioning children (Regulations on facilitated interviews, 2015, §9). Forensic interviews with children are conducted by police officers who have fulfilled specific requirements related to further education and practice (Regulations on facilitated interviews, 2015, §3). They are following the SI model, and according to the model, interviewers should explain the most important rules of the conversation (Langballe & Davik, 2017, p.169). Interviewers should inform children that “I don’t know” and “I don’t remember” are acceptable answers if they don’t know the answer to a question or don’t remember it (Brubacher et al., 2015).

Interviewers should explain the GR to children in the most optimal way and adapt it to the child's age and level of development (Brubacher et al., 2015). Especially since children's testimonies during forensic interviewing are the only evidence (Lamb et al., 2007). Analyses also reveal that children benefit from the presentation of GR, which leads to more accurate responses (Brubacher et al., 2015). The conducted interviews must be of high quality to be approved in court (Baugerud et al., 2020). Questions may arise if children have not been presented with GR – it can make children's statements less reliable due to the lack of instructions given by the interviewer. The interview must be conducted after a research-based consensus to properly investigate the alleged offense (Baugerud et al., 2020).

Fessinger et al. (2020) emphasized the importance of using GR when conducting interviews with children. Whether the recommendations from interview protocols are practiced has not been scientifically demonstrated yet, even though the results suggest that recommendations concerning the use of GR are not practiced as much as they should be. A proposal based on the findings is that interviewers who conduct forensic interviews with children in Norway follow research-based recommendations regarding the presentation of GR to a more considerable extent than they do now. The presentation of GR can contribute to

children inheriting a better understanding of the conversational rules of the forensic interview.

Preschoolers' "I don't know" and "I don't remember" responses

Even though the GR "I don't know" and "I don't remember" were presented in relatively few interviews, children responded with "I don't know" in 75% of the interviews and with "I don't remember" in 48% of the interviews.

Earhart et al. (2014) did not find any connection between the presentation of GR "I don't know" and children's "I don't know" responses. While Earhart et al. (2014) did not distinguish between "I don't know" and "I don't remember" responses after the interviewer's follow-up question, the present study did. This was done to investigate whether there was a difference between "I don't know" and "I don't remember" responding. According to Brubacher et al. (2014), there is a difference between the two responses. The child needs to be aware that it does not know something in order to respond with "I don't know", and it must know that it does not remember in order to respond, "I don't remember" (Brubacher et al., 2014). Knowing it does not remember implies that a child's response, "I don't remember", consists of elements the child recognizes.

The study's findings show, just as the findings in Earhart et al. (2014), that children utilized "I don't know" as well as "I don't remember" responses even when "I don't know" and "I don't remember" GR were not presented in the interviews. Statistical analyses were not conducted as the presentation was relatively rare. The findings, therefore, support the results from Earhart et al. (2014) and the hypothesis that (3) presentation of GR "I don't know" and "I don't remember" does not increase the probability for GR responses in children to substantive questions.

These findings are also comparable to the results from Hamilton et al. (2015), where the results revealed that the presentation of GR "I don't know" did not increase the probability

of its use during the substantive phase of a forensic interview. Their results, as well as those from Danby et al. (2015), revealed that the practice of GR "I don't know" increased the use of the GR. Based on this, interviewers should be recommended to practice GR during interviewing, as it may lead to a more accurate application of GR in children. However, Hamilton et al. (2015) analyzed transcribed interviews of children aged five to 17, and children from the study conducted by Danby et al. (2015) were aged five to nine. Danby et al. (2015) further concluded that training of GR was only sufficient for the GR "I don't know" if the children were under nine. Even though analyses reveal that children benefit from the presentation and training of GR, they need to be presented and adapted to a child's ability to understand what a GR entails. The effect of training will therefore vary depending on instructions that follow a GR.

Interviewers' non-acceptance of preschoolers' "I don't know" and "I don't remember" responses

The child's story of the alleged event may deviate when the interviewer repeats a question even though the child expresses it does not know the answer (Goldstein, 2003). Therefore, interviewers should be aware that they can potentially control children's verbal behavior during an interview. According to the study, almost one-fourth of children's "I don't know" responses were not accepted by the interviewer, while "I don't remember" responses were not accepted 16% of the time. These results do not support the hypothesis that (4) interviewers will accept children's "I don't know" and "I don't remember" responses as legitimate responses. This finding contradicts the obligation to conduct forensic interviews per current recognized methods for questioning (Regulations on facilitated interviews, 2015, §9).

Interviewers who conduct forensic interviews with children in Norway use the SI-model method (Baugerud et al., 2020). Interviewers' challenge is changing the focus and

examining if it can lead to children providing information rather than putting pressure on a child to answer a recent question. Many children can be influenced under certain conditions, such as repeating questions, which leads to ethical and legal dilemmas when interviewers do not accept children's responses. By not accepting children's "I don't know" and "I don't remember" responses, the interviewers are not following the SI model's instructions regarding not pressuring children to answer something they claim not to have any information about. Interviewers who conduct forensic interviews with children need to ensure that children's statements are safeguarded and that their explanations adhere to a high legal standard (Langballe & Davik, 2017).

Children will more likely provide information about what happened during an alleged event if questions are open-ended (Bruck et al., 2002). Open-ended questions lead to children giving information of higher quality and quantity. This emphasizes the importance of the recommendation that the interviewer uses mostly open-ended and open-ended focused questions and asks directive questions as late as possible in the interview, as it will increase the certainty of a child's answer (Baugerud et al., 2020). Findings in the study also highlight why it is recommended against suggestive questions. Putting pressure on a child to answer a question after they responded "I don't know" can lead to a false answer because it is based on information the child initially claimed they did not have (Baugerud et al., 2020).

The finding also raises questions about why interviewers accepted information children provided when they changed their answer, with or without complementary information, and not their initial "I don't know" or "I don't remember" response. This may be because interviewers get frustrated when children do not provide information about alleged CSA and violence cases if the interviewer is reasonably sure that a child is exposed to CSA and/or violence. Interviewers genuinely want to help the children, but to do so, children need to provide information about the alleged CSA and/or violence.

The requirement to have a suspect convicted is that “all reasonable doubt must be set aside”. In order to do so, it is vital to get a child to talk about the incident. Thus, there is a motivation to continue asking about alleged events even if children do not want to elaborate. The motivation may be why interviewers deviate from the rules they should follow to another form of rule management: finding out the truth about the incident is a motivating operation and influences the interviewer's verbal behavior. This indicates that the interviewer's behavior is under the control of apparent changes in the capacity of events and functions as motivative augments (Cooper et al., 2020; Hayes et al., 1989, p. 206) – it is under the control of social conveyed consequences in a position where he/she should expose the alleged CSA and violence.

A child responding “I don’t remember” can also indicate that they know the incident happened since they know they had forgotten. Repeated questions, especially the right ones, can therefore work as cues to help children tact earlier events, which may be why children changed their initial “I don’t remember” responses and provided complementary information. When children respond, "I don't remember", they may signalize that they recognize the situation but not the specifics. Repeated questions from the interviewer may lead a child to think that the interviewer knows what happened, and the child will therefore feel pressured to give complementary information.

Theoretical and practical implications suggested from the study findings are to adhere to better practice methods for interviewers and a better understanding of how suggestive questions may affect the outcome of a case. This can be done by emphasizing consequences that may occur when interviewers do not accept children's GR responses. The McMartin case, and the Bjugn case, are practical examples of how non-acceptance of children's responses and use of suggestive questions may lead to false testimonies from children.

Preschoolers changing their initial “I don’t know” and “I don’t remember” responses

The results of the present study revealed, similar to Earhart et al. (2014), that a significant proportion of the cases in which "I don't know" and "I don't remember" were not accepted as legitimate responses, children changed their initial answer. The findings, therefore, support the hypothesis that (5) following interviewers' "non-acceptance" of "I don't know" and "I don't remember" responses, a significant proportion of children will provide information which they initially expressed they did not know or did not remember.

A child's ability to describe an alleged event during a forensic interview and assess the veracity of the explanation is the fundament for assessing the severity of the criminal act (Lamb et al., 1998). Interviewers may often forget that young children are reliable witnesses due to their lack of lying skills (Bala et al., 2001). Therefore, when a child answers "I don't know" or "I don't remember", it is often the truth. However, when the interviewer repeats a question and therefore pressures the child to recall something they may not know about, it can affect a child's response since it may create false memories so it can respond satisfactorily (Catania, 2013; Earhart et al., 2014). This can be a reason why children changed their initial GR responses.

Children tend to answer both nonsense and proper questions, even though they do not know the answer or do not understand it (Waterman et al., 2000; Waterman et al., 2004). This undermines why option-posing questions should be avoided – they are easy to answer and can promote the act of guessing (Earhart et al., 2014). Further, the preschooler's narrative may deviate if the wording, investigation, or questioning is strongly suggestive of distinctive expectations from the interviewer about what the preschooler should answer or if the interviewer's question consists of information that has not been introduced by the child (Ceci & Bruck, 1993; Baugerud et al., 2020). Leading questions should therefore be avoided: the child may assume it will get punished if it does not respond satisfactorily or will get a reinforcer if it answers correctly (Catania, 2013; Dickinson et al., 2015). Likewise, when the

interviewer does not accept a child's initial response, the child may assume their initial response was wrong as the interviewer repeats their question, thereby changing their response to please the adult (Bruck et al., 2002).

Planned contingencies that involve coercion, punishment, or other aversive events can be considered as an arranged environmental restriction that undermines a person's self-governance (Flora, 2003). How self-governed a person is can be linked to their level of performance (Hayes et al., 2004). Since preschoolers are less self-governed than older children and adults, due to their short learning history, they will often rely on instructions from others. These instructions will promote children's behavior, which may explain why children changed their initial "I don't know" and "I don't remember" responses when interviewers did not accept them.

When a child responded, "I don't know" or "I don't remember", further pressure from the interviewer could have caused the child to give in and answer questions it first initiated it did not have any information about. This rule-governed behavior can be defined as pliance: the behavior is under the control of apparent socially mediated consequences for a correspondence between the rule and appropriate behavior (Hayes et al., 1989, p.206).

"To remember" and "to know" appear to refer to distinct phenomenological states associated with successful retrieval (Coane & Umanath, 2019, p.154). Children must reach a certain level of cognitive and verbal development to tact/ give detailed descriptions of previous events (Lamb et al., 2007; Johnston, 2021). Remembering requires a self-descriptive repertoire, which is a part of a child's learning history.

Younger children have a shorter learning history than older kids and a relatively small self-descriptive repertoire. The descriptive repertoire is inherently verbal (Johnston, 2021). Younger kids' verbal competence is minimal. Based on this, one can argue that since children's self-descriptive repertoire has not developed to a certain point, they are unaware of

their behavior and its environmental context. This is because the contingencies established by their verbal community have not led to a good way of describing it, or the events, in which they participate (Johnston, 2021). With that explanation, children may not “remember” the alleged event under a forensic interview due to not learning how to. However, when the interviewer pressures a child to tact an alleged event without the learning history of doing so, but a learning history of punishment when not following rules, a child may reconstruct memories which lead to false statements (Johnston, 2021; Catania, 2013).

One can also argue that a child did “remember” the alleged event but did not want to tact it. The child may have wanted to avoid tacting it due to the discomfort the alleged incident inflicted on the child. This can be defined as escape behavior, and the behavior was established because it abrupted the aversive stimuli. The children responded, "I don't remember", because they may have considered it an effective escape act.

Further, children may have answered "I don't know" instead of "I don't remember" in cases where they did not have any verbal behavior to tact. They were possibly unable to tact the alleged event or situation because it was not a part of their learning history. If that was the case, it indicates that children were pressured to respond to a question they had no information about. Earlier research revealed that accepting “I don’t know” responses led to more accurate reports in response to questioning (Scoboria & Fisico, 2013). One can argue that when the interviewer pressured a child to answer a question they claimed they did not know the answer to, it led to a less accurate report. This can raise questions about an interview’s reliability.

The results from the study also raised questions about why children who responded "I don't remember" changed their initial response or gave complementary information in all cases where the interviewer did not accept their initial "I don't remember" response. However, they maintained their "I don't know" response 25% of the time. This may be

because "not knowing" is linked to experiences that have not occurred. The experiences are, therefore, not a part of their learning history, while "not remembering" can be linked to aversive stimuli and negative reinforcement in addition to not yet having learned how to tact earlier experiences (Johnston, 2021).

Interviewers' verbal behavior under the questioning of alleged CSA and violence cases had the disadvantage that it was often initiated long after alleged events (Catania, 2013). Based on this, children may have changed their initial "I don't remember" response and tried to tact the alleged event, which may have been influenced by other events that had happened since the alleged event. It was maybe easier to maintain "I don't know" responses due to the alleged event not being a part of their learning history. Everything considered, there seems to be a correlation between interviewers' non-acceptance of GR responses and children changing their initial response with information they claimed they did not have, which may have led to false reports.

Limitations and further directions for future research

One limitation of the current study is that the sample collection was, even though randomly selected, not a good presentation of the mean value of occurrences of GR presentations in forensic interviews in Norway. This can lead to wrong conclusions. The sample was drawn from a set of interviews, where the occurrences of GR presentations varied in each interview. Based on this, the GR "I don't know" and "I don't remember" may have been presented much more frequently in forensic interviews conducted in Norway than this study implies. The study is based on only 67 transcribed interviews out of the 550 that were conducted in the period from 2015-2017. The study should be repeated with another randomly selected sample set of cases to cancel this limitation. The more often the study is repeated with new sets of sample events, the more accurate conclusions can be presented in the future.

Another limitation of the study is that the author only had access to the parts of the transcripts where the GR “I don’t know” and “I don’t remember” were presented by the interviewer or used by children. Other GR than these may have therefore been presented. Further, the lack of access to all the parts of a transcribed interview made it impossible to assess the extent to which “I don’t know” and “I don’t remember” responses affected children’s testimonies and the interviews' reliability. Children's "I don't know" versus "I don't remember" responses may also be due to coincidences, and they were possibly used as equivalent functional responses.

The study's results are reliable based on the data that was measured regarding "I don't know" and "I don't remember" presentations and responses, and acceptance and non-acceptance of the responses. Thus, it can be assumed that the thesis has a valid internal validity since the findings can be explained through the hypotheses. However, the study's sample was limited, and all the findings can thus be due to coincidences and, therefore, not generalizable: the study's external validity is weak. In order to strengthen the external validity of future studies, a much larger sample of forensic interviews with preschoolers is needed, in addition to examining other GR than those examined in the present study. It is first then that the results can be generalized to facilitated forensic interviews conducted in Norway.

Further field research regarding children's "I don't know" and "I don't remember" responses, and the differences between them, are necessary to clarify the inconsistencies between the results of the present study and research on GR. Further research should examine consequences that can occur when interviewers do not accept children's use of GR to substantive questions and identify methods that secure high accuracy responses from children. Future research should also examine the impact of "I don't know" and "I don't remember" GR and GR responses in forensic contexts, where children can practice saying “I don’t know” and “I don’t remember”.

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Table 1

Presentation and children's use of GR "I don't know" and "I don't remember"

Ground rule	Presentation	Children's use	Range
"I don't know"	6%	75%	0-23
"I don't remember"	4%	48%	0-19

Note. The column on the left indicates the GR-response that was presented or used by the children. The column next to it indicates how many interviews the GR was presented by the interviewer. The middle column on the right presents how in many interviews, the GR were utilized by the children. The column on the right describes the range of occurrences in the interviews.

Ethical considerations

In this project, several ethical assessments were made related to the protection of children's privacy. Ethics approval was obtained before the data was made available for the students: a risk analysis was performed, and the project was reported to NSD (reference number: 44867). Due to legislation on privacy and other statutory requirements, personally identifiable information was removed: this included place and person names. Locations where interviews were conducted and any other information that could directly or indirectly contribute to identifying individuals were censored as well. The only parts of the forensic interviews made available for the students were the parts where ground rules were presented or utilized by the children, if interviewer did accept, or did not accept their ground rule response and pressured children to answer, and if children maintained their ground rule response or changed it and with or without complementary information. Coding of the data was conducted at Oslo Metropolitan University and never left the school ground. Whenever the desk was left due to a bathroom break or anything else, the transcribed interviews were brought along. When one was done coding for the day, the interviews were brought back to the supervisors' office and put inside a cabinet with a lock. All four students had a duty of confidentiality regarding the parts of the transcribed interviews that were made available for the students.

Confirmation of approval from NSD and conducted risk and vulnerability analysis

Det bekreftes herved at det har blitt gjennomført ROS analyse i barneavhørsprosjektet, refnr: 44867/AMS (NSD). Det påpekes imidlertid at studenten kun har hatt tilgang til statistikk/fullstendig anonymiserte data som endel av arbeidet med sin masteroppgave.

Oslo, 3. juni, 2022

Miriam Johnson
Miriam Johnson
Førsteamanuensis

Rolf Magnus Grung
Rolf Magnus Grung
PhD-student/førstelektor

Approvals and privacy precautions regarding the master's degree project

Vedr. godkjenninger og personvern mv. vedr. mastergradsprosjekt knyttet til Barneavhørsprosjektet

Studentene Amra Arifagic, Sakana Kirubananthan, Lisa Andrea Kulen Strømmen og Sarah Mathilde Haukeland har alle jobbet med data tilhørende Barneavhørsprosjektet ved OsloMet. Veiledere er førstelektor/PhD student Rolf Magnus Grung og førsteamanuensis Miriam Sinkerud Johnson

Studentene har jobbet med anonyme og aidentifiserte data. Anonymiseringen er utført av førstelektor/PhD student Rolf Magnus Grung, og godkjenning for å jobbe med disse dataene er gitt ham av Statsadvokaten. Prosjektet er forøvrig godkjent av Statsadvokaten, Rådet for taushetsplikt og forskning, Datatilsynet og NSD.

Studentene er gjort kjent med forvaltningsloven § 13 f om forskeres taushetsplikt.

OsloMet 26. april 2022

Vennlig hilsen


Rolf Magnus Grung