

# Contemporary Comments

## *Interviewing juvenile offenders: The importance of oral language competence*

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A police officer is interviewing a 14 year-old 'frequent flyer' in the juvenile justice system. In an effort to gauge the extent of this young man's recent exploits, the police officer poses the following question: 'So — could you have stolen upwards of twenty cars?' 'Ye-eh' replied the young offender indignantly 'Of course'.

### Introduction

In this exchange, the young man in question had not, in fact, stolen 'upwards of twenty cars'. His self-incriminating response, however, stems from a pervasive yet invisible difficulty experienced by many young offenders with respect to processing and using oral language effectively. Such difficulties may not be evident in superficial social exchanges, but stand to create considerable disadvantage in the demanding context of investigative and/or evidentiary interviews.

In this paper, we will outline what is meant by oral language abilities and describe the developmental significance of oral language competence, as a context for presenting our recent research showing that juvenile offenders are an unrecognised group of language impaired adolescents. The implications of language impairment for investigative and evidentiary interviewing are described, together with some suggested strategies for minimising disadvantage associated with these problems.

The words 'juvenile offender' carry some strong associations. Concepts which spring to mind might include *male gender*, *at-risk*, *behaviour problem*, *attentional disorder*, *substance abuse*, *academic under-achievement*, *unemployment*, and *learning disability*. These associations have a strong foundation in reality. There is no shortage of evidence to show that young people who find themselves engaged with the Juvenile Justice system display a range of characteristics consistent with the descriptors above (Loeber 1996; Loeber et al 1998). Less well-recognised in the literature on young offenders, but no less relevant to their management within the juvenile justice system, is their risk for significant oral language deficits.

### Defining the term 'oral language'

Speech Pathologists make an important distinction between *speech* and *language*. *Speech* refers to the mechanical process of using the tongue, lips, teeth, jaw, vocal cords and lungs to produce a system of sounds that are used by speakers of a given language (Berko Gleason 1997). For example, the sound system used in English is very different from that used in a tonal language such as Thai. Healthy babies are born with the capability of acquiring a sound system for any language, but adapt to the one(s) that they are actually exposed to — making it harder to acquire another sound system in later life, as anyone who has tried to learn a foreign language will attest. *Language* however, refers to our knowledge of words, (their structure and shades of meanings), sentence structure, and the ways in which

communication changes in different contexts (Berko Gleason 1997). For example, children and young people learn that certain communication styles may be acceptable with their friends, but not with teachers or other authority figures. It is important to note, however, that much everyday use of oral language is non-literal — i.e., the exact meaning and the speaker's intended meaning are not the same. Speakers make abundant use of a variety of devices that make our communication more colourful, for example, metaphor ('Drunk as a skunk', 'As much chance as a snowflake in hell'), idioms ('He's running late because he's tied up in the office'), sarcasm (saying the exact opposite of what is actually meant, (for example, 'great weather' when a gale is blowing outside), puns, and other types of humour.

So by 'oral language' abilities, we mean the ability to express one's ideas, thoughts and needs verbally, as well as the ability to process and understand what others say — very often at a non-literal level.

It is worth noting that oral language competence is a basic requirement for survival as an individual — language is the means by which the business of everyday life is negotiated and carried out. Try making it through your day without using language, and you will appreciate the veracity of this. In fact, many cognitive psychologists would also argue that thought is actually 'inner language', so even if you don't communicate with others, you will still use language to plan, regulate and monitor your own behaviour and to guide your thought processes.

## **Why is oral language relevant to juvenile offenders?**

Under normal circumstances, infants and young children who receive appropriate stimulation make a fairly seamless transition from the undifferentiated sounds produced in early infancy, through to the production of single words and early crude sentences, to emerge by school entry as quite sophisticated users of oral language (both receptively and expressively<sup>1</sup>). Some children whose oral language development is slower than normal are fortunate to be identified prior to school entry and receive appropriate intervention services. Many more, however, are not detected and identified as having an oral language impairment prior to school entry. These children are typically identified upon school entry as 'learning disabled', as a consequence of their failure to learn to read and write (Snow 2000). Making the transition from listening and talking on the one hand, to reading and writing on the other, is a far more fraught process than might be realised. Whilst learning how to listen and speak are strongly 'encoded' within us biologically, learning how to read and write is a far more unnatural process, and children who arrive at school with poorly developed oral language abilities are at a severe disadvantage in this respect. Being able to read and write is the foundation for a good education and academic success. Academic achievement, in turn, is one of the best protective factors that we can confer upon young people if we want to reduce the likelihood of them detaching early from school and engaging in antisocial and/or criminal conduct.

There is a good body of literature that indicates that young people in the juvenile justice system have poorer than average literacy skills. In a recent study in South Australia, for example, Putnins (1999) examined the literacy, numeracy and non-verbal skills of 561 juvenile offenders, and found performance decrements across all three domains, in

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1 'Receptive' language refers to one's ability to process and understand what one hears other people say (and therefore assumes normal hearing), while 'expressive' language is one's own ability to formulate ideas into words and sentences and express these in a way that makes sense to others (and therefore assumes normal speech structures).

comparison with student peers. Putnins also reported that 80% of this sample had been expelled or suspended from school (compared with 11% of the comparison group). In addition to the fact that these young people leave the school system early, they also typically have a history of truancy and poor school attendance — so knowing that someone ‘left school’ at end of Year 9 does not in any way imply mastery of the Year 9 curriculum. Perhaps, however, the literacy problems described by Putnins reflect something more fundamental than a disgruntled attitude towards school. This possibility underlies the research on the oral language abilities of young offenders that we have been conducting over the last three years.

## Our research on juvenile offenders

To date, we have examined the oral language abilities of nearly 70 male juvenile offenders and compared their performance with that of non-offending peers from a similar socio-economic background. The sample of young people we have studied comprised males on community-based orders (for example, youth attendance / supervision orders, parole), in the southern metropolitan region of Melbourne. We have excluded participants with an intellectual disability, and those with a known history of psychiatric illness or traumatic brain injury, as each of these factors could independently impact on language performance. Non-offending mainstream peers were male students attending government high schools in the same economically-depressed region of Melbourne. Although not part of our study design, the comparison group, in reality, was two years younger than the young offender group. This needs to be remembered when considering our findings, as from a developmental perspective, the young offenders should perform *better* than the young people in the comparison group.

To examine the oral language abilities of the two groups, we administered a variety of language measures that tap the language competencies required in everyday life. First, we measured the ability to identify two meanings in simple ambiguous sentences. For example, in the sentence ‘John was looking up the street’, the listener needs to make a rapid decision, according to the context of the conversation, as to whether the speaker means John was standing on the footpath gazing up the road, or whether he was using a street directory. Secondly, we examined the ability to interpret figurative language, for example, ‘There’s rough seas ahead of us’. While this could, under some circumstances refer to the weather conditions anticipated by sailors, it can also simply mean that there are difficult times ahead.

Finally, we administered a task designed to measure *narrative* discourse abilities. Narrative discourse refers to the ability of a speaker to tell (i.e., ‘narrate’) a story. We included this task for two reasons. Firstly, it is an important skill acquired during early childhood, as it forms much of the content of everyday conversation between speakers of all ages. Whenever someone tells a friend, for example, about an event or experience that took place during the day, he or she must use narrative discourse in order to ensure that events are presented in a logical and sequential manner — so that it is easy for the listener to follow the speaker’s meaning. Secondly, telling a story is the key task facing victims, witnesses and alleged offenders when taking part in interviews for investigative or evidentiary purposes.

A well-formed narrative is said to consist of seven key elements: (1) a setting, (2) an initiating event, (3) an internal response, (4) a plan, (5) an attempt, (6) direct consequences, and (7) a resolution (Stein & Glenn 1979). In our studies, we have elicited narratives by asking participants to describe a simple six-frame cartoon that has been used in a number of studies both in Australia and overseas (for example, Hartley & Jensen 1991; Snow et al

1999). This cartoon depicts an elderly man walking along the street with his dog (the setting). A potted plant falls off a balcony and hits the old man on the head (initiating event). He angrily remonstrates towards the balcony in question (internal response), and decides to go inside to take the matter up with the person who lives in the apartment (plan). He goes inside the building and raps loudly on the door (attempt). When a kind elderly lady comes to the door and gives his dog a bone (direct consequences), the old man is no longer angry; in fact he seems pleased to make the lady's acquaintance, and the dog happily runs off with the bone (resolution).

Our results clearly showed that compared with non-offending peers with the same socio-economic profile, juvenile offenders have significant difficulty understanding figurative or abstract language. These difficulties occur at the level of everyday idioms and turn-of-phrases, for example, for the situation in which a student is talking to his friend about a proposed trip and says 'It's still up in the air', typical responses were 'Kite, a balloon or a bag or somethin'' and 'Somethin' about flyin'. 'He's afraid of flyin' or somethin''. With respect to the interpretation of ambiguous sentences, young offenders were frequently unable to identify more than one possible meaning for such a sentence. For example, in response to the item 'And then the man wiped the glasses carefully' a typical response was 'The man cleaned the glasses carefully' and then as an alternative meaning 'The man carefully cleaned the glasses' (i.e., this response does not reflect the fact that it could have been reading glasses or drinking glasses under discussion).

It must be stressed that we did not need to 'dig deep' to show evidence of difficulty in the juvenile offender group. Importantly, such problems are rarely identified in forensic interviews, because young people with oral language deficits are typically embarrassed about their lack of competence with language, but are frequently pressured to respond to questions. Hence they may adopt strategies to cover up their limitations, such as (a) repeating back phrases or words used by the interviewer, (b) providing a stereotypical response, (c) providing affirmative answers to yes/no questions even if they do not understand them, or (d) responding with a simple 'yep', 'nup', 'dunno' or 'maybe'. Prior research on eye-witness suggestibility (Poole & Lamb 1998) has demonstrated that these responses are not necessarily prevented by the provision of clear ground-rules, or cautions at the commencement of the interview. One likely consequence of these problems is that the interviewer may inappropriately attribute the adolescent's responses to social or motivational factors (for example, evasion, insolence, guilt, and/or a reluctance to participate in the interview), rather than to an underlying oral language deficit. Such misinterpretation can lead interviewers to use more leading and persistent questioning tactics, which may in turn contaminate the evidence, and thereby reduce the likelihood that the statement will be admissible in court.

Our findings with respect to narrative discourse were equally concerning. The young offenders produced significantly fewer story grammar elements when telling a simple story, and produced narratives that were qualitatively poorer than those of their non-offending peers, that is, they contain less specific detail. This means that young offenders are disadvantaged with respect to their ability to 'tell their story' — a task which is fundamental to the police and courtroom interactions required of them. They leave out important details, and even when these details are included, there are qualitative deficiencies in the information provided. Unless the person interviewing the young offender is aware of this, important parts of the story may be misinterpreted, or may never emerge. Young people with poor expressive language skills are typically not good at 'conversational repair', that is, recognising that the interactant has misunderstood a piece of information and rectifying this (Nippold 2000). The fact that a power differential exists between interactants during investigative and evidentiary interviewing makes conversational repair even less likely in

this at-risk group. Our findings to date clearly indicate that young people who become involved in the juvenile justice system stand a far greater chance than their non-offending peers of being language disabled.

### **What should legal practitioners know about oral language deficits in young offenders?**

- Oral language problems are pervasive among juvenile offenders, but may be difficult to identify. They may masquerade as boredom, evasion, or resistance to participating in an interview. They may be masked by a desire to appear co-operative and/or competent.
- Young people with oral language deficits can usually engage in superficial social exchanges without any apparent difficulties. Their verbal responses become deficient, however, in situations where their processing and production skills are more taxed, for example, when responding to a question or proposition which contains non-literal language, or when needing to formulate a coherent account of events.
- People interviewing young offenders need to modify the complexity of their own language, to make allowances for reduced processing capacity. This means taking care to minimise the use of figurative language, and reducing the length / complexity of sentences that are spoken.
- Investigative interviewers and legal professionals are likely to benefit from specialised training in the identification of language impairment among young offenders and the use of effective strategies to maximise the reliability, detail, and accuracy of statements obtained from them (for example, through the use of open-ended questions and grammatically simple sentences).
- It is important to genuinely check the young offender's level of understanding, for example, by asking the same question in different ways and checking the consistency of responses.
- Interviewers need to allow extra time for responses when interviewing alleged juvenile offenders, and they need to provide clear cues when aspects of the account are not understood or are lacking in detail.

The notion of justice is predicated upon an assumption of a fair hearing. If a defendant has a real, but unidentified oral language impairment (i.e. difficulty processing and /or responding to verbal demands), a fair hearing may be inadvertently denied.

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