

Keys to Effective Child Forensic Interviewing



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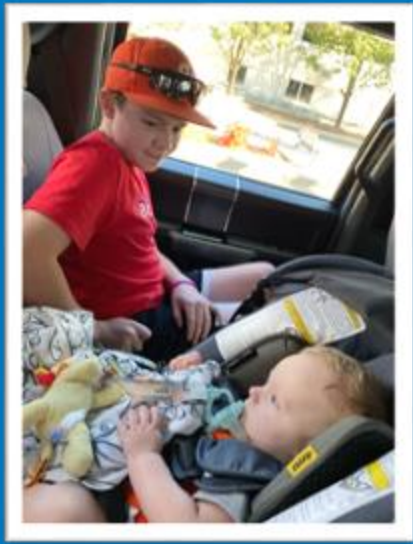


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OBJECTIVES

- To identify the three keys to effective child forensic interviews
- To be familiar with the basic competencies necessary to enhance skills under each key
- To discuss practical tips be able to adduce relevant disclosures from the child being interviewed

Three Keys to Effective Child Forensic Interview

1. Interviewer's Attitude
2. Interviewer's Competence
3. Adequate Preparation
 - Interviewer's Preparation
 - Preparation of the Child
 - Introduction to the Process

First Key: Interviewer's Attitude

- Attitude is a person's response to people, places, things, or events in life
- A person's viewpoint, mindset, beliefs, etc.
- A tendency to act in a certain way

Interviewer's Attitudes

- Neutrality
- Critical thinking
- Versatility
- Flexibility
- Patience

NEUTRAL ATTITUDE

- Keeping an open-mind: Do not assume anything, whether abuse happened or did not happen;
- Search for the truth
- Thinking of other possibilities/alternative hypothesis or version of the story than the one in the report

CRITICAL THINKING

- Considering other possible suspects than the one reported
- Alertness to inconsistencies and asking important questions for clarification
- Knowledge of child development to be able to interpret the child's statements from the child's perspective

VERSATILITY

- Basic principle: Clients are characterized by “diversity”
– every client is different from another
- “Eclectic” – knowing *what* and *when* to use different varieties of techniques

VERSATILITY

- Adopting and adapting methods to fit the needs of each client or situation (boys vs. girls, depressed vs. hyperactive, etc.)
- Matching client's communication styles (tone of voice, tempo, learning or processing style)

FLEXIBILITY

- Sensitivity to child's verbal and non-verbal (i.e. behavioral) cues
- Understanding child's behavior according to stage of development
- Maintaining control and redirecting the interview while acknowledging the child's needs

FLEXIBILITY

- Knowing and deciding where, when, how long, how fast, the interview is conducted
- Knowing when to interrupt silence or allow it to continue

PATIENCE

- Giving child time to process and answer
- Being careful not to give any impression of being in a hurry
- Sensitivity to child's needs through good listening skills

Second Key: Interviewer's Communicative Competence

- Active listening
- Paraphrasing
- Summarizing
- Moving along the question continuum
- Dealing with emotions
- Clarifying child's statement
- Language usage during interview

ACTIVE LISTENING

1. **Attending** – manner which conveys physical and psychological interest in what the client is saying
2. **Silence** – gives client time to think and respond
3. **Empathy** – accurate understanding of client's emotional perspective

Attending or Attentive Behavior

- Allow child to tell her story at her own pace
- Maintain pleasant eye contact without staring
- Body language – calm, relaxed
 - Lean forward but do not get too close as to invade the personal space of the child;
 - Face the child, nod, smile, say, “*uh huh*” to encourage disclosure

Silence – there can be multiple meanings

- Is the client thinking? Confused?
- Encountering painful feelings?
- Dealing with issues of trust
- Quiet by nature? End of topic?

**Interviewer should know when to interrupt silence
and when to allow it to continue**

Paraphrasing

- Does not add or alter meaning of client's statement
- ***“As I understand it, you told your mother to stop asking you to pose in front of the camera.”***
- ***“In other words, you didn't like what you were doing.”***
- ***“You were saying...”***

SUMMARY

- Interviewer has to summarize what the child said after 3-5 pieces of information to check whether you got all the facts right

Questioning

- Question type – use open-minded and focused questions skillfully and appropriately to support children's ability and willingness to describe experiences in their own words
- Moving along the question continuum
 - Open ended
 - Open specific
 - Multiple choice
 - Closed

Question Continuum

Open ended question



Open specific question



Multiple choice question



Closed question

Errors in asking questions

- **Faulty question** – may bias answers, antagonize client, keep interview at superficial level, keep interview at superficial level (“*Don’t you want to seek justice for yourself?*”)
- **Poorly timed questions** – may rush interview or frighten client with demands for disclosure before trust has been established

Errors in asking questions

- **Intensive questions** – client may feel disregarded, abandoned, or judged
- **Excessive questions** – client may feel defensive or exhausted

Errors in asking questions

- Multiple questions
- “Why” questions
- Irrelevant questions

Dealing with emotions

- Reflecting or naming the emotion

“I can see that you are crying (or trembling, frowning, etc.)”

- Making emotion supporting remarks

“I can imagine that you do not like posing in front of the camera.”

Good: ***“I notice that you are crying.”***

Not good: ***“I notice that you are sad.”***

Note: How can you be sure that the crying meant the child was sad? She could be in pain or perhaps angry.

Good: ***“I notice that you have been very quiet.”***

Not good: ***“I notice that you find this difficult.”***

Clarifying child's statement

- Children may change their answers under repeated questioning or because of pressure from family
- Disclosure may change depending upon the place, time, type of questions, mood of the child, and the skill of the interviewer
- Disclosure of abuse is by nature piecemeal and partial beginning with the least disturbing to the most painful

Why young children are inconsistent

- Young children do not remember all the information they know in a single interview
- They may focus on different aspects of the event at different times
- May give brief and incomplete reports to open-ended questions

Young children are highly dependent on
the questions asked them by adults in
giving their report

Clarifying child's statement

- Short: so the witness is not given the opportunity to think up an excuse, while the interviewer gives an explanation that is too long;
- Neutral: So the witness does not feel attacked, accused, or disbelieved
- Clear: So witness will not have the opportunity to ask counter-questions

- ***“You just said that he is wearing his pants when you saw his willie. I do not understand. If he was wearing his pants, then how could you see his willie?”***
- ***“You said you were upstairs and that you saw it happen in the room downstairs. I do not understand. How could you see that?”***

Language usage during interview

- Avoid complex questions

“What did you say happened when you were staying with your grandmother for a week and your mother came with someone you did not know?”

- Avoid double negative question

“Didn’t you say that you did not want that, that you did not like it?”

Helpful Tips

- Use connecting (open) questions
“Where did it happen?”
- Use concrete questions
“What did you see?”
“What did you smell?”
“What did you feel?”
“What did you taste?”
- Offer a context
“You were in his house, how did you get in exactly?”
instead of *“What happened then?”* or *“You were in his room, what happened first?”*

Helpful Tips

- Use short sentences;
- Ask active questions
“***Who hit you?***” instead of “***Were you hit by someone?***”
- Avoid words with more than two syllables (remember, recognize) and use one or two syllable words (know, sleep);
- Introduce the subject of conversation: “***Now let’s talk about school.***”

Helpful Tips

- Avoid using unusual words or jargon (sexually abused, time frame) but concrete terms like, ***“in this room,” “behind the chair,” or “Saturday”***
- Name an incident using concrete using words instead of abstract terms
“When John hit you...” instead of ***“When it happened...”***

Helpful Tips

- Use direct approach
- Good: ***“Are you tired, would you like to take a break?”***
- Not good: ***“If you would like to take a break, you can tell me.”*** (hypothetical approach)

Third Key: Adequate Preparation

- Interviewer's preparation
- Preparation of the child
- Introduction to the process

Interviewer's Preparation

- Reviewing all available information
- Knowing elements of the crime to develop a plan for directing the questioning
- Creating a checklist of information to gather

Checklist of information to gather

- Punishable act
- Violence and threats
- Description of suspect
- Relations with suspect
- Child's perception
- Circumstances
- Disclosure
- Several crimes

Preparation of the child

- The person to whom the child has already told about the possible crime before could prepare the child best
- Inform child where, who the interviewers is, role of interviewer, subject of the interview, and purpose of interview
- Explain that the interview is not a test
- Explain that parent or guardian gives verbal consent

Introduction to the Process

- Familiarize child about interview room with parents/support persons/social worker
- Explain about cameras and recording equipment (if any)
- Assurance of confidentiality
- Assurance that caregivers will be waiting for child after the interview in appointed waiting area
- Establish that the child knows difference in truth and lie.
- Explain to the child that if there is something that the interviewer misunderstands – it is okay to correct the interviewer (and provide an example)

Important Considerations

Disclosure

- Research to date on children's disclosure of sexual abuse indicates that no single pattern of disclosure is predominant (Lyon and Ahern, 2010).
- Disclosure happens along a continuum ranging from denial to nondisclosure to reluctant disclosure to incomplete disclosure to a full accounting of an abusive incident (Olafson and Lederman, 2006)

Disclosure

- In a recent analysis of child sexual abuse disclosure patterns, as many as 60 to 80 percent of children and adolescents do not disclose until adulthood (Alaggia, 2010)
- If outside corroborative evidence exists (e.g. physical evidence, offender confessions, recordings, witness statements), there is still a high rate of nondisclosure (Lyon, 2007; Sjoberg and Lindblad, 2002)

Disclosure

- Precipitating events or people frequently motivate children to disclose abuse (Malloy, Brubacher, and Lamb, 2013)
- Some children require a triggering event, such as a school safety presentation, to allow them to discuss abuse without being the one to broach the subject (McElvaney, 2013)

Factors Affecting Disclosure

- Determinants as to whether, when, and how children disclose abuse:
 - Individual characteristics,
 - Interviewer behavior,
 - Family relationships,
 - Community influences, and
 - Cultural and societal attitudes

(Alaggia, 2010; Bottoms, Quas, and Davis, 2007; Hershkowitz et al., 2006; Lyon and Ahern, 2010)

Factors that help to explain a child's reluctance to disclose

- Age
- Relationship with the alleged offender
- Lack of parental support
- Gender
- Fear of consequences for disclosing, and
- Fear of not being believed

(Malloy, Brubacher, and Lamb, 2011; McElvaney, 2013)

Timing of Forensic Interview

- Should be conducted as soon after the initial disclosure of abuse, or after witnessing violence, if child's mental status will permit and as soon as a multidisciplinary team response can be coordinated (APSAC, 2012; Saywitz and Camparo, 2009)
- Delay may diminish opportunity to collect potential corroborative evidence; and child may lose desire to disclose (Johnson, 2009)

Timing of Forensic Interview

- However, children who are overly fatigued, hungry, frightened, suffering from shock, or still processing their traumatic experiences may not be effective reporters in a forensic interview

(APSAC, 2012; Home Office, 2007; Myers, 2005)

Documentation

- Electronic recordings are the most complete and accurate way to document forensic interviews (Cauchi and Powell, 2009; Lamb et al., 2000)
- Recordings make the interview process transparent, documenting that the interviewer and the multidisciplinary team avoided inappropriate interactions with the child (Faller, 2007)

Documentation

- Recorded forensic interviews also allow interviewers and others to review their work and facilitate skill development and integrity of practice

(Lamb, Sternberg, Orbach, Esplin, and Mitchell, 2002; Price and Roberts, 2011; Stewart, Katz, and La Rooy, 2011)

Neutral and Conducive Setting

- Interview rooms come in all shapes and sizes, painted in warm colors, may incorporate child-sized furniture, and should only use artwork of a non-fantasy nature
- Should be equipped for audio and video recording, with observation room for case investigators and other CAC staff (Myers, 2005; NCA, 2013; Pence and Wilson, 1994)

Neutral and Conducive Setting

- Paper and coloring pens for younger children during the forensic interview (Poole and Dickinson, 2014)
- Materials that encourage play or fantasy are uniformly discouraged, as is any interpretation by the interviewer of the child's use of media or other products

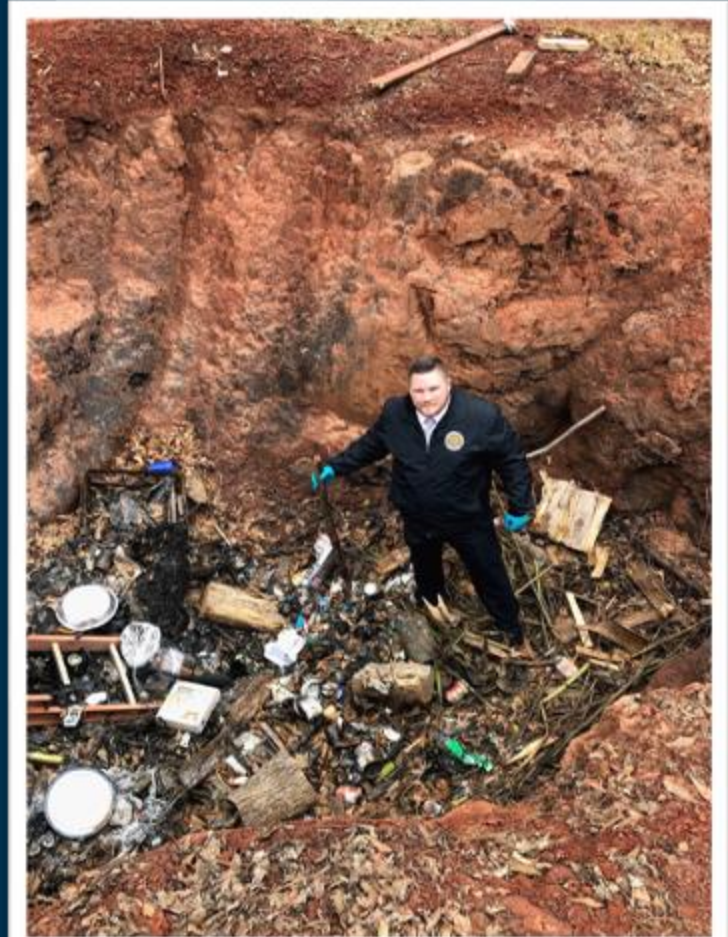
Case Share: State of South Carolina (U.S.) v. Jerry Lee Richards

- Mother came to school – Starr Elementary School – and reported that the suspect, Jerry Lee Richards was threatening her life and the lives of their five children.
- South Carolina Department of Social Services and the Anderson County Sheriff's Office responded.
- Forensic interviews of the children – ranging from 16 to 5 – were conducted.

State of South Carolina (U.S.) v. Jerry Lee Richards

- During forensic interview younger child (name and sex not disclosed to protect identity) discloses the following:
 - Torture as punishment: stockades, made to eat feces, and locked inside a dark room which locked and unlocked only from the outside – called the “Star Wars room”.
 - Disclosed sexual assault during torture sessions.
 - Said that “Papa Jerry” dug a big pit “deep... maybe 12 feet deep!” and tried to burn the stockades when he found out DSS and law enforcement had been notified.

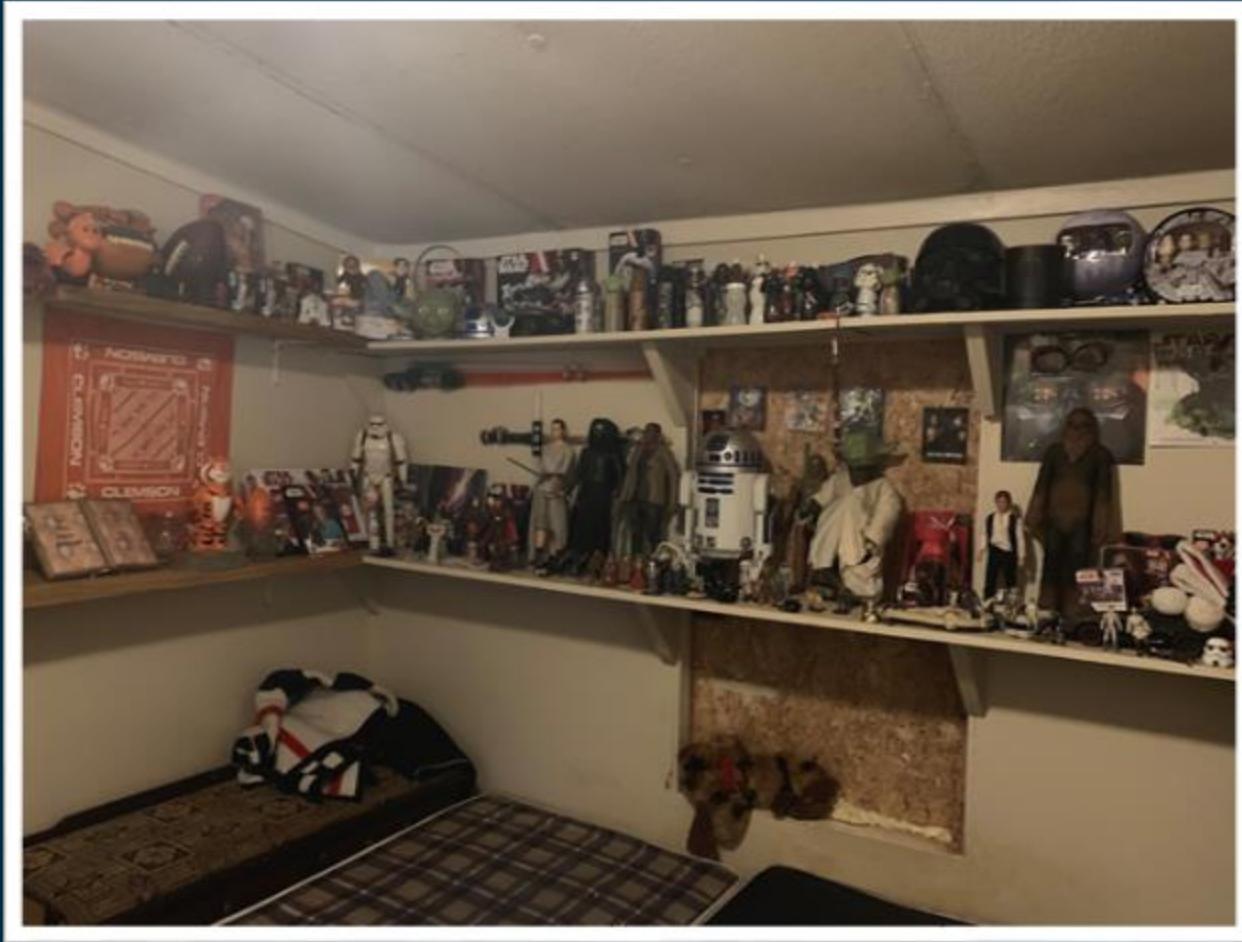
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ANDERSON, SC (FOX Carolina) – Warrants show Anderson County deputies have charged a 49-year-old man with a long list of charges, including kidnapping and sex offenses involving underage victims.

Deputies said they began investigating on November 26 when they were called to Starr Elementary School to meet with a woman who claimed Jerry Lee Richards was making threats to kill her and her five children.

Richards was arrested on Thursday and charged with two counts of criminal sexual conduct with a minor between the ages of 11 and 14, three counts of kidnapping, and five counts of unlawful neglect of child.

According to warrants, the crimes occurred between October 1 and November 25.

In all cases, warrants were heavily redacted but stated the offenses involved juvenile victims and occurred at a home on Martin Road in Starr.

State of South Carolina (U.S.) v. Jerry Lee Richards

INMATE SEARCH DETAIL REPORT



INMATE DESCRIPTION

SEX:	MALE
RACE:	WHITE
HEIGHT:	5' 06"
WEIGHT:	130 lbs.
AGE:	51
CITIZENSHIP:	CITIZEN - NATIVE BORN
BUILD:	SMALL
COMPLEXION:	FAIR
HAIR COLOR:	BLACK
EYE COLOR:	HAZEL
PICTURE DATE:	11/14/2019

State of South Carolina (U.S.) v. Jerry Lee Richards

- Collaborative investigation and work between social workers and law enforcement resulted in better justice and restorative outcomes.
- Quality, professional child-safe forensic interviews at Foothills Alliance provided key evidence.
- Try to understand the mind of a child – the details that don't make sense to you make total sense to them!

Interview Aids / Media

- No consensus as to whether limiting children to verbal responses allows all children to fully recount their experiences, or whether media (e.g. paper, markers, anatomically detailed drawings or dolls) may be used during the interview to aid in descriptions

(Brown et al., 2007; Katz and Hamama, 2013; Macleod, Gross, and Hayne, 2013; Patterson and Hayne, 2011; Poole and Dickinson, 2011; Russell, 2008)

- The use of media varies greatly by model and professional training



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Salamat po!

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