### THE CHILD & **ADOLESCENT FORENSIC** INTERVIEW MARIANNE NAOMI NAVARRO POCA, MD, FPPS, FPCC HEAD, SECTION OF PEDIATRICS WOMEN AND CHILDREN PROTECTION CENTER, VICENTE SOTTO MEMORIAL MEDICAL CENTER

### THE INTERVIEWER

- Sensitive and responsive
- Competent
- Skillful
- → Protection of innocent persons and the conviction of perpetrators



### THE INTERVIEWER

- Knowledge
  - How the sexual abuse was disclosed
  - Factors that influence disclosure
  - Effects of child sexual abuse
  - Victim psychology
  - Intervention system's impact on the child

- Research developments
  - Cognitive psychology
  - Children's memory ability
  - Children's suggestibility
  - Children's language and knowledge of sexuality

#### THE INTERVIEWER

#### Purpose of the forensic interview

 "to elicit as complete and accurate a report from the alleged child or adolescent victim as possible in order to determine whether the child or adolescent has been abused (or is in imminent risk of abuse) and, if so, by whom." (APSAC)

#### **BUILD RAPPORT**

- Establish at the start & maintain throughout the interview
- Child's pace
- Strategy: use narratives
- Make the child as comfortable as possible
- Equalize power, de-emphasize authority

- Show genuine interest and get the child to talk
  - Use the child's name as often as possible
- Be sensitive to the child's needs
- Not every child will be ready and able to talk about what happened

#### BE DEVELOPMENTALLY APPROPRIATE

- Best way to gauge child's development → pay close attention to child's use of language
- Assess child's ability to respond to questions & capacity to provide narratives
- Adapt to the individual child
- Children are concrete, egocentric, & make idiosyncratic use of language
- Attention span generally shorter the younger the child
- Younger children lose focus more quickly

### BE DEVELOPMENTALLY APPROPRIATE

- Use simple words: make the language fit the child
- Keep questions short: speak clearly and slowly
- Do not assume the child cannot provide narratives
- Use of pronouns & other "pointing" or "shifting" words that have no meaning without referring to another part of the conversation
  - "He", "she", "him", "her", "siya", niya" or "that", "there", "it", etc.
  - Use people's names, place names, specific nouns
  - To avoid confusion: clarify who or what the child means when such words are used

### BE DEVELOPMENTALLY APPROPRIATE



Avoid negatives



Use of "something/someone" versus "anything/anything"



Signal change of subject or move to another issue – frame



Monitor yourself

#### PREPARING FOR THE INTERVIEW

- What should we tell the parent/caretaker to say to the child about the interview?
  - Child will be asked questions about what happened. It's okay to answer the questions. Tell the truth about what happened.
  - Caregiver will be with the child but s/he will be talking alone to a person who talks to children all the time

#### PREPARING FOR THE INTERVIEW

- What critical information should the interviewer find out from the person who brings the child to interview
  - About the child
  - What the child has been told about the interview
  - State of mind of the child
  - Reactions of others so far
  - A recent neutral or positive event in the child's life
    - Possible event to discuss for narrative practice
    - Increase child's comfort with the interviewer
    - Allows check on child's memory ability & accuracy
  - Information about the allegation

# INTERVIEW STAGES & STRUCTURE / COMPONENTS

- 1. Introduction
- 2. Ground Rules/Instructions/"Orienting" Child to Interview Expectations
  - Includes commitment to tell truth; optional truth-lie competency assessment
- 3. Narrative Event Practice/Episodic Memory Training/"Practice Interview"
- 4. Transition/Introducing the Topic of Concern
- 5. Substantive Questions/"Allegation Phase"/"Abuse Scenario"
- 6. Closure

### 1. INTRODUCTION

Purpose: Establish comfort, trust & awareness of interview purpose

- Introduce yourself
- Explain your role
- Explain documentation (note-taking, recording)
- Explain if there are observers

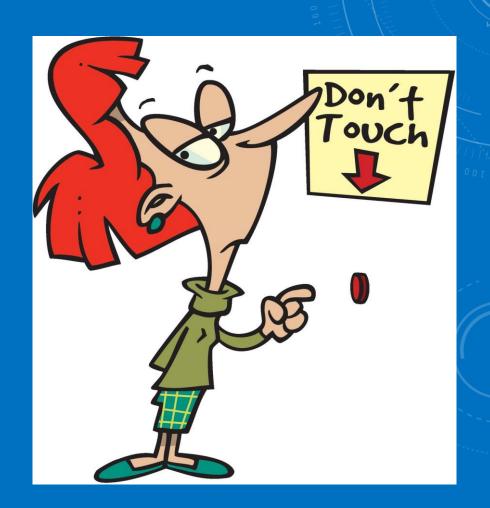


- Increases informativeness without decreasing accuracy
- Purpose: orient the child to interview expectations & increase accuracy
  - Decrease guessing
  - Increase willingness to ask for clarification
  - Increase resistance to suggestion
- Rationale: children look for adult approval and may guess, or assume the adult knows what happened or think they must give an answer

- Benefits:
  - Reliability in increased
  - Children are more willing to admit when they don't understand
  - More resistant to suggestion
  - Less likely to guess
- Short & simple developmentally appropriate language
- One at a time
- Reinforce throughout the rest of the interview whenever appropriate

Most important, research-based instructions:

- 1. Don't guess.
- 2. Tell me if you don't know what I mean.
- 3. Correct me if I make a mistake.
- 4. (Un-informed interviewer instruction) "I wasn't there."



Additional instructions to be used as needed during the interview

Permission not to answer (use selectively)

"If I ask you a question and you don't want to answer right now just tell me 'I don't want to talk about it right now."

- Explain repeated questions
- Child may think first answer was "wrong" if asked same question more than once

"If I ask you the same question more than once, it doesn't mean your first answer was wrong. Maybe I just forgot or got confused. If your first answer was right, just tell me again."

#### Two separate aspects

- 1. Eliciting a promise to tell the truth
  - Increases honesty
- 2. Engaging in an assessment of child's truth/lie competency
  - Does not predict honesty



1. Eliciting a promise to tell the truth

"It is very important that you tell me the truth."

"Do you promise that you will tell me the truth."

"Are you going to tell me any lies?" (optional)



- 2. Engaging in an assessment of child's truth/lie competency
- Child demonstrates "an understanding of the difference between the concepts & an understanding that it is wrong to lie"
- Includes a commitment to tell the truth
- Child's ability to understand the concepts does not impact the reliability of the information elicited during the interview
- Not a fool-proof means of determining what the child actually knows or understands about truth and lies

- 2. Engaging in an assessment of child's truth/lie competency
- An issue with a very young child or delayed child
  - Makes clear that the child knows what s/he is promising
  - Helps to indicate ahead of time whether the child is likely to be able to testify
  - May help prevent the child from having to testify
  - Interview should still go on with a follow-up investigation (other evidence may be discovered)
  - Requested by the legal professionals
  - Recommended to be performed at the end of the interview

- Engaging in an assessment of child's truth/lie competency
- Use examples.
- Do not ask the child to define 'truth' & 'lie' or explain the difference between 'truth' & 'lie'.

IN: Jose accidentally spilled a glass of water on the table. Jose's mother asked if he spilled water on the table. Jose said, "No. It was Ate Ana who did it."

IN: What is Jose doing?

CH: Lying.

IN: What should Jose do?

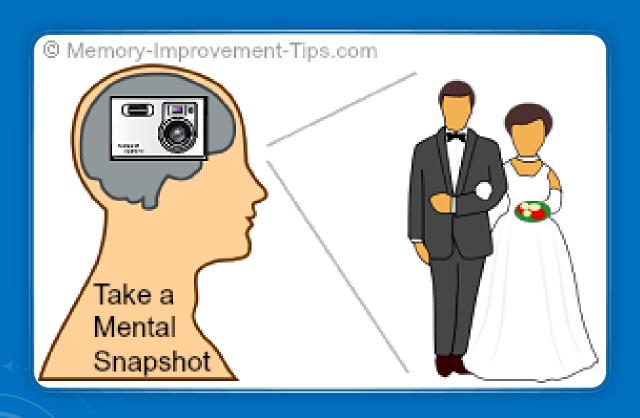
CH: Tell the truth.

#### 3. NARRATIVE EVENT PRACTICE



- Increases informativeness without decreasing accuracy
- Eliciting narratives about a specific event
- Purposes
  - Engage the child: develop rapport
  - Assess the child's use & understanding of language, child's developmental level, & child's willingness to answer questions
  - Practice narratives sets pattern of openended questions & narrative answers for the rest of the interview

### 3. NARRATIVE EVENT PRACTICE



- Ask open-ended/narrative inviting questions about a recent event the child enjoyed
- Elicit episodic memory rather than script memory

### 3. NARRATIVE EVENT PRACTICE: EPISODIC MEMORY TRAINING



- Keep this short, about 5 minutes.
- Use facilitators to keep the child talking, like "okay", "and then", "uh-huh"
- Use the child's name frequently
- Maintain use of open-ended questions as much as possible
- Use the child's words in your next questions or simply repeat what the child has just said
- SKIP this stage if the child has already spontaneously started to provide information about the suspected abuse

- Purpose: Introduce the topic of concern, i.e., possible abuse, in the most open-ended and non-suggestive manner
- Preparation for the interviewer
  - Why is the child being interviewed
  - What is the reason abuse is suspected
- How to bring up the topic of concern: FRAME

"Now that I know you better, I want you to talk about why you are here today."

First transition attempt

"Tell me why you are here today."

"Tell me why you came to talk to me."

If no response, gently say

"It's really important for me to know why you are here today."

General "transition" prompts

"What did your mom tell you about why you are here today?"

"Did someone tell you anything about why you are here today?"

"I understand something might have happened – tell me what happened."

If initial attempts do not work, and

If the child has made a previous statement to someone:

"I heard you talked to [name of person] about something that happened."
Tell me what happened."

If the child has observable injury:

"I see you have a [burn/bruise/cast/bandage/cut] on your [body part]. Tell me everything about how that happened."

Consider these open-ended but slightly more focused, non-suggestive transitions:

#### Someone is worried:

"Is [name of reporter] worried about something that happened? Tell me what s/he is worried about."

#### Bothered you:

"I heard someone might have bothered you. Tell me everything about that."

#### Something wasn't right:

"I heard someone may have done something that wasn't right. Tell me everything about it."

Other more focused transition questions:

If you know the child was removed from his/her home:

"Where do you live now?" followed by "Tell me all about that."

"Where did you sleep last night?" followed by "Tell me all about that."

If a social worker accompanied the child (personal experience):

Q: Who is with you here in the Pink Center?

A: Someone from the [DSWD/name of shelter]. / A social worker.

Q: Tell me what happened that a social worker/someone from the [DSWD/name of shelter] is with you today.

Other more focused transition questions:

Receipt of letter from WCPD requesting for a medical examination:

Q: I see that there is a letter here from the police.

(Look at the child for any reaction.) Did you go to the police station?

A: (Child nods or ) Yes.

Q: Tell me, what you were doing at the police station?

#### Other transitioning strategies:

- Bringing up the suspect's name or talking about the suspect ONLY if the suspect is someone who is routinely in the child's life
  - Ask child to tell you things s/he likes, & things s/he does not like about that person
  - Ask the same questions about other people in the child's life

If outside information strongly suggests or confirms abuse (e.g., photos/videos exist, suspect confesses, eyewitness gives a credible account, etc.)

- Less risk of inappropriate suggestion when asking directly about something for which there is good independent evidence
- Use "pairing" questions: if the child acknowledges abuse, always follow with an open-ended requests to elaborate

 Signs of reluctance or anxiety – acknowledge and address them

"I see you are crying – tell me how come."

"Tell me if these are questions you don't want to answer right now."

"How do you feel about answering these questions?"



#### If no disclosure up to this point

- Consider about going further direct questions may result in child agreeing with an inaccurate suggestion
- NO evidence direct questioning will get a reluctant child to disclose
- Consider:
  - Is it possible that the child isn't ready to disclose or does not feel comfortable telling you?
  - Is it possible that no abuse occurred?

#### If no disclosure up to this point

- Concern that the risk of abuse to the child is high carefully consider whether more direct questions are appropriate
  - Consider: impact of a denial to direct questions child may continue to deny abuse that has happened
- Consider setting up another interview, perhaps with someone else

## THE CHILD ACKNOWLEDGES THAT SOMETHING HAPPENED.

Recommended pattern of questions to be used in the substantive phase:

- Separate separation of incidents to focus on one at a time
- Invite open-ended questions to generate initial narrative overview
- Elaborate –open-ended prompts to elicit additional narratives & details
- Focus explore key details further
- Clarify address unclear or confusing information

## 5. SUBSTANTIVE QUESTIONS/ABUSE SCENARIO

- Purpose: To elicit details, elaborate and clarify about the child abuse experience
- Information gathering: balanced open-minded approach
  - Maintain position of the uninformed interview ("I was not there")
  - Explore alternatives during the interview (hypotheses testing)
- Start with & maximize open-ended questions/invitations while minimize closed-ended questions

## 5. SUBSTANTIVE QUESTIONS/ABUSE SCENARIO

- Allow the child time to answer
  - Pause after each question
  - Do not be afraid of silence
  - Use facilitators
  - Use the child's name frequently
- Focus on one event at a time
- Exhaust the child's memory for each event before moving on to another event
- Seek details that can be corroborated



### 6. CLOSURE

#### Purposes:

- Summarize and clarify interview information as necessary
- Assess child's concerns and safety
- Assess level of support and recantation risk
- End on a neutral note / Help child re-establish equilibrium

## 6. CLOSURE: <u>SUMMARIZE AND CLARIFY</u>

- Recap, review, clarify as needed using the child's words
- Anything else child wants interviewer to know or to ask?

"Is there something/anything else you fell like telling me about right now?"

"Do you have any questions for me about what we talked about?"

## 6. CLOSURE: <u>ASSESS CHILD'S CONCERNS</u> <u>AND SAFETY</u>

 If the child is tearful or upset, ask about it; do not assume it's because of the abuse

"Is there anything/something you're worried about?"

"Have you ever tried to hurt yourself?" (especially with teens)

- Discuss a safety plan for the child
  - Who can child talk to if child is worried about something / something bad happened
  - Who can child go to for help if child were hurt or if something bad and scary happens to the child

"Why do you think [name of person named by child] can help you?"

"What can [name of person named by child] do to help you?"

## 6. CLOSURE: <u>ASSESS LEVEL OF SUPPORT AND</u> RECANTATION RISK



"How do you feel about talking to me?"

- Ask when was the last time child:
  - Saw the alleged perpetrator
  - Communicated with alleged perpetrator (phone, text, e-mail, messenger, through somebody)
- Explore child's perception of support by caregiver/family

## 6. CLOSURE: END ON A NEUTRAL TOPIC

- Help child re-establish equilibrium before leaving
- Consider topics from the narrative event practice
- Explore what child is doing later in the week or after the interview
- Some children want to be done and be with the caregiver if there is a sense of urgency, let them control this part
- "Thank you for answering my questions."

- Consider
  - Is it necessary?
  - What impact will it have on the child?
  - What is in the child's best interest?
- Well planned by a MDT
  - Support for the child especially after an interview in which the child is told about pictures and videos
- Prepare
  - Photos: select a few to show or describe to the child
  - Video: print some still photos



- Prepare and Predict Method (used by FBI & ICE interviewers)
  - "Be up front about the fact that the evidence exists."
  - Allows the interviewer to prepare child for the evidence that will be presented to him/her during the forensic interview
  - Provides child an opportunity to predict what it is s/he is about to see and/or discuss with the forensic interviewer
  - → provides child the ability to cognitively and psychologically prepare self for the topic at hand

Prepare and Predict Method

Start of the interview:

"I have some [pictures/videos/chat logs] to talk to you about. But first I want to get to know you a little."

After going through the instructions and narrative event practice:

"Remember at the beginning I said I had some [pictures/videos/chat logs]. I have them right here."

Offer the child a choice:

"Do you want to see them or, do you want me to tell you about them?"

- Start with the least "gross" pictures or evidence
- Show the images as they are do not cover private parts, difficult images "Tell me about this [picture/chat log, etc.] OR "This picture shows you and a man..."
- Document child's responses
- Child denies it's him/her or knowing anything about it, ask questions related to surrounding details

"Where is this room?"

"Who is that other person?"



## INTERVIEWIN G TEENS

## UNIQUE TEEN CHALLENGES IN THE INTERVIEW

Know the consequences to self & offender

Distrust of adults/system

Increased potential to lie in some instances

More likely to be confrontational or emotional dramatic

May have engaged in illegal or inappropriate behavior – not want to talk about it

Increased defensiveness (anger/tears/nonverbal)

## PUSHING BUTTONS

#### I know I am in trouble when ......

- I sound like my own parent
- I feel like I am in a battle
- I am experiencing intense emotion (fear, anger, agitation, frustration)
- I want to "fix" them
- I want to give them the \_\_\_\_ they aren't getting from their parents
- I want to rescue them
- I want to clobber them

## THREE OF THE MOST <u>INEFFECTIVE</u> MODES OF COMMUNICATION WITH ADOLESCENTS



- 1. Logic and reasoning
- 2. Confrontation/arguing
- 3. Rescuing/fixing

### TALKING TO ADOLESCENTS

- Don't try to tell teens what they should be thinking
- Your approach should be: "I want to hear/understand what you think about all this."

## ADOLESCENT DEVELOPMENT



- Cognitive
  - Look and talk like adults
    - But they really don't function like adults
  - Reactive versus reflective
    - Emotion based decision making instead of logical thinking
  - Limited life experiences in which to make decisions
    - "I am smarter than you and you have nothing to teach me" phenomenon
    - "I have way more control over things than you give me credit for."

## ADOLESCENT DEVELOPMENT



- Social/emotional
  - Risk taking: drinking/drugs/sex
  - Rule breaking: curfew/truancy/juvenile delinquency
  - Drive for independence: leave me alone, help me struggle, need to form own peer group, need for alone time
  - Increased volatility: heightened sensitivity and overly self-conscious

## ADOLESCENT DEVELOPMENT

#### Sexual

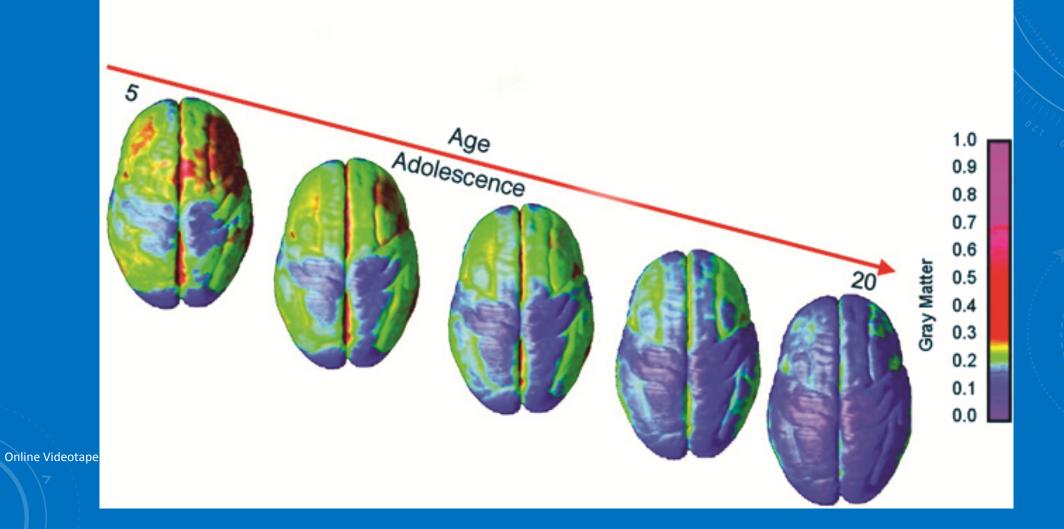
- Increased arousal and curiosity
  - Increased risk for STIs, pregnancy, increased number of partners, increased risk for sexual assault & substance abuse



- Complicated by hormonal changes, rapid development
- Aware and confused by own sexual thoughts and feelings
- Technology availability/access
  - Internet, Facebook, sexting, on-line games,
     Instagram, Twitter



## TEEN BRAIN DEVELOPMENT



### STAGES OF AN INTERVIEW WITH TEENS

- Engagement, engagement, engagement
- Engagement, engagement, engagement
- Engagement, engagement, engagement
- Help them tell what happened
- Engagement, engagement, engagement
- Engagement, engagement, engagement
- Engagement, engagement, engagement
- Clarify and elaborate
- Engagement, engagement, engagement
- Closure address fears and concerns



### **ENGAGING TEENS**

- Listen, ask open-ended questions
- · Find out about their world without acting like you live in their world
- Spend the time on narrative practice not to be skipped
- Ask for clarity about the words/expressions they use & then use their words
- BE INTERESTED and SHOW INTEREST in what they say. Be curious about their perceptions
- Do not interrupt
- Ask about technology they are involved in

## WHAT YOU CAN DO

Validate their feelings

Be non-judgmental

LISTEN

Inform them of their rights

BE GENUINE and honest

TALK WITH them, NOT TO them

Use tone of voice to impact direction

## WHAT YOU CAN DO

Educate teen about the process

Do not assume anything

Do not assume accurate sexual knowledge

Do inform them about available resources and support

Take any talk as positive and build on it

Ask what they think, what they want

## WHAT YOU CAN DO

Remain calm and neutral

Address obvious show of feelings directly

"I can see you are angry, tell me what is going on."

Ask them about the relationship with the offender

- Get them talking about what they are interested in

Allow for longer silences

Use distancing techniques

Know when to quit



## **ANGER AND** DEFIANCE

#### WHY?

- Threatened or embarrassed
- Aware of potential consequences to self or to offender
- May use anger to avoid having to talk

Online Videotape In-Depth Interview (VIDI) Training for Caraga Region, April 26-30, 2021

### ANGER AND DEFIANCE

- Be interested in the teenage
- Do not address anger directly
- Counter the aggressive/defiant posture of the teenager
  - Do not take the bait
  - Remain calm and neutral
  - Smile sincerely
  - Maintain straight eye contact

- Use tone of voice to decrease volatility
   of teen quieting voice, slower speech
   to lessen intensity
- Empathy enemy of aggression
- Many violent youth were victims of child maltreatment and/or have witnessed violence at home or in their community

## WITHDRAWAL/RESISTANCE TEEN WITH AN ATTITUDE

#### WHY?

- Fearful
- Feel out of control → trying to get control
- Fear of being blamed or judged
- Protective of offender/self/circumstances
- Seeing it as "none of your business"



### WITHDRAWAL/RESISTANCE

- View the teenager as someone interesting to interview
- Explore possible motivation to tell
- Take any talk as positive and try to build on it
- Ask about relationship
- Ask what they think about their situation what do they think should happen
- Do not voice out your disapproval of the teen's behavior or bring up your own values

## DEPRESSED YOUNG PERSON

- Irritable mood most of the day
- Diminished pleasure in almost all activities most of the day
- Significant weight loss
- Insomnia or hypersomnia
- Slow, lethargic movement

- Fatigue, loss of energy
- Diminished ability to think and concentrate
- Recurring thoughts of death or suicidal ideation

## DEPRESSED YOUNG PERSON

#### WHY?

- Feel guilty blame themselves
- Feel worthless
- Feel ashamed
- Feel isolated
- Loss of family/friends/objects/school
- Worried about self/family/offender

### DEPRESSED YOUNG PERSON

- Tune out the irritability
- Do not take the teen's irritability personally
- Engage the teen ask him/her what is on his/her mind
- Do not rush the teen onto another topic because you are anxious about covering everything in your agenda especially if you are given limited time

ISSUE: Does not her/himself as a victim

Angry, defiant, not provide information about the

person they "love"

- Understand what happened: acknowledge the dynamics of or recognize compliant victimization
- Treat the incidents as crimes despite the victim's complicity with the perpetrator
- Avoid turning the interview into an interrogation



- Avoid the following tactics
  - Convincing the teen that s/he is a victim
  - Telling him/her that his/her
     relationship with the perpetrator
     differs from how they perceive it
  - Passing judgment
  - Conveying parental advice (e.g., explain the dangers of the Internet and to offer safety tips)



- Understand that sexual exploitation victims may have participated in criminal activity (e.g., using drugs, transmitting sexual images of themselves) as part of their victimization
  - Anticipate shame, guilt, embarrassment or thoughts of suicide
- Keep an open mind and allow the victims to explain what occurred
- Maintain a neutral tone
  - Gives teen the message that you are willing to hear their explanation (e.g., why the relationship is okay)
- Be honest, matter-of-fact and nonjudgmental

- Stay focused on the teen as a victim (without telling him/her that he/she is one)
  - Additional trauma is not inflicted
  - Disclosure will be forthcoming
  - Remove the fear in the teen that s/he will not be believed
- Can confront victims in a developmentally appropriate way without crossing the line into an interrogation

Teen denies sexual contact with perpetrator, but chat logs clearly stated it has.

"I am confused. You said [name of perpetrator] never touched your body, but in these chat logs you and [name of perpetrator] talk about having sex. Tell me about that."

#### **DE-PERSONALIZE**

- Ask them to draw or write what happened
- Have them talk about the relationship or things not directly related to the sexual actions
- Lessen use of eye contact
- Allow for mildly distracting activity to help lessen intensity
  - Relaxing drawing
  - Something to do with their hands

#### **DE-PERSONALIZE**

"That thing that happened to you – does it have a name?"

"What body parts were involved?"

"Is that what happened to you?"

"Other teens call it a \_\_\_\_. Is that what you call it?"

Example of de-personalizing:

Q: Is there a name for what [name of perpetrator] did?

A: A blow job.

Q: What body parts are involved in a blow job?

A: Mouth and penis.

Q: What happens with these parts?

A: A penis goes into a mouth.

Q: Is that what happened to you?

A: Yes

#### **ASK THEM TO HELP YOU**

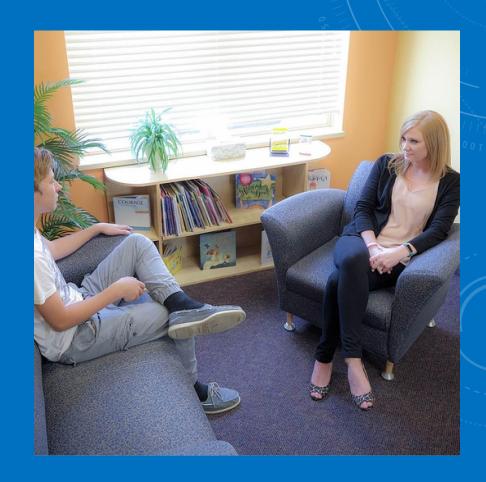
"What would help you be able to tell me?"

"How about writing it down / spelling it?"

"If it would be easier for you, you can a picture of what happened."

#### MINIMIZE DIRECT PERSONAL CONTACT

- Minimize direct eye contact, attentiveness, connection
  - Keep eyes and hands busy by looking away from teen and taking notes
  - Pay attention to body language and sit back further instead of leaning in
  - Allow for pauses and make use of the third person to engage the teen



## "DON'T YOU ALREADY KNOW?" "WHAT DO YOU KNOW?"

- "I know you went to the doctor and told him something."
- "I don't care what anyone else says about this. This is your chance to set thing straight. Tell me everything from the beginning."
- "I know what [name] told me, but I don't know if s/he told me everything or if s/he got it right. I wan to hear from you what happened."

## BE CAREFUL WITH "IT'S NOT YOUR FAULT."

- Teen may genuinely feel responsible and tune you out if you deny his/her feelings (that it is their fault)
- Acknowledge feelings, but do not try to do therapy
- Ask teen to tell you why they think it is their fault

"Why do you think that?"

"Tell me more about why you think it is your fault?"

## REMEMBER

You cannot MAKE them tell.

You have not failed if they don't tell. (Some kids just aren't ready to talk about it.)



### MY REFERENCES

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