Forensic Interviewing

James Hill
Child Interviews

Differences between child and adult interviews

Rapport and trust essential
Slower pace
Simple and less complex language
Child are more suggestible than adults
Should start with small talk,
Limited self-disclosure, “I like Pizza too.”
Confirmatory Bias

- Keep an open mind
- It sometimes is impossible to tell what happened to a child
- Avoid coming to an opinion too early
- Keep multiple hypothesis in mind
- If you think you know what happened to a child, you will frame your questions in a certain way that gets certain answers
Suggestibility

- All people are suggestible
- Children more suggestible than adults
- Easy to get children to answer the questions the way you want them to, Why?
- Limit social pressure
- Are their cases where more pressure can be placed on children during interviews?
Suggestibility

- Children will fold under pressure
- Do not suggest answers in your questions

“Was he wearing glasses?”

Tell child you do not know the answers to your questions

There are no right or wrong answers

This is not a test

Encourage child to tell the truth
Suggestibility

- Children want to please adults
- They want to give the "right" answers
- They want to help
- They do not want to appear dumb
- They may think they should know the answers to your questions
Suggestibility: Things to Avoid

- Don’t tell child you know they have been hurt.
- Don’t tell child name of suspect(s).
- Don’t cajole child (i.e. ”You are smart.”).
- Don’t say anything bad about suspects.
- Don’t ask child for help (i.e. ”I need your help to put this bad man in jail.”).
- Don’t interrupt child.
- Children have a right to say, ”Nothing happened to me.”
Suggestibility: Things to Avoid

- No bribes of any type. What could be considered a bribe?
- Don’t praise child for disclosures or information
- Excess body language (leaning forward)
- Overly long interviews
- Pity child
Reduce Stature

- “I don’t know the answers to my questions and it's OK you don’t”

- Don’t stand over the child

- Softer voice

- Take control of the interview but give the child the perception that they are in control

- When children are given choices during the interview they feel empowered
The Truth is Critical

- Go through some type of truth telling role play.
- “If I told you I an apple in my hand, would I be telling you the truth (I am actually holding a ball)?”
- What happens when you don’t tell the truth
- Knowing the difference between a truth and a lie
Memory Process

- Encoding
- Storage
- Recall
- Use cues to help person recall
Memories

- are organic
- the memory process is "reconstructive"
- It is not pristine
- It decays and erodes over time
- Time is an enemy of good memory
- More questions needed for younger children to get details
Trauma and memory

- We generally remember bad things that happen to us. This is referred to as imprinting.
- Trauma tends to focus our attention on a single detail.
- Trauma victims often don’t make great witnesses. Why?
- Some victims do dissociate the abusive events and don’t always have clear memories of the abuse.
Dealing with Potential Trauma

- What do you remember most (not best) about the night it happened?

- Tell me everything you remember start at the beginning then to the middle and end

- I was not there but you said you were so tell me what you remember so I can understand what happened
Children not Traumatized by the Abuse

- Often talk openly about the abuse or are able to talk about it with limited disclosure anxiety

- The case of Amanda

- Why is this situation difficult
Repression

- Freudian Concept of dealing with traumatic events
- Repression results in a memory being hidden in the sub-conscious
- Leakage occurs as in beach ball analogy
- Despite a general belief it occurs, no hardcore data to verify it. Few repressed events of 911
- Supression or conscious forgetting more likely

*If a child has repressed memories of abuse, they will not be revealed in a forensic interview*
Source Monitoring

- Child cannot distinguish between real or artificial memory
- Did I dream this?
- Deja vu (overlap of short-term and long-term memory systems)
Confabulation

- Can the child distinguish between real and pretend

- Do Lions talk?

- This can also occur in adults when the adult is unaware they are providing deceptive information without knowing it
Memory Cues

- Open-ended questions
- Returning to scene of incident
- Some leading questions are ok
- Show photos
- Ask for sensory details
- Recreate conditions
Why Children Might Disclose

- Spontaneous disclosures
- Media induced disclosures
- School safety program
- Encouraged by friend
- Suspicious physical evidence results in adult questioning (most extreme case)
- Someone broke a secret
Dealing with I can’t Remember

- Ask child what they remember “most” not “best”
- “Tell me what you can remember...start at the beginning.....”
- “I don't recall.”.....seldom used with children under 12. Could indicate coaching
- “I don't know.”
- “I can't say” ...could be confusing
Why They Don’t Disclose

- Embarrassed, especially males
- Threatened (How?)
- Do not know abuse is wrong
- Feel its their fault or partly their fault
- Other circumstances related to the abuse
- Know a disclosure will get offender in trouble
- Personality, cognitive or mental disability
- Little or no opportunity to disclose to trusted person
- What is the most common reason(s) when offender is a stranger
Getting Started

- Plan your interviews with Law Enforcement
- Make sure child is at school.
- Why interview child at school?
- What information is necessary to know about the child prior to the interview?
- “Blind interviews”
Good Introductions

- Should include the following:
- Telling child who you are and who are the other people in the room
- Asking for permission to talk
- Asking child if they want an advocate
- Ask child where they and you should sit
- Ask child if they need something
- The general purpose of the interview
- Telling the child they are not in trouble with you
“Hello my name is Jimmy. I am a social worker. Do you know what social workers do? My job is to talk to and listen to what kids tell me. Would it be ok if you and I talked today for a little while?”
Introduction

- By doing this you are giving the child permission to talk and asking for their consent. This is the basis of a *Child-Focused Interview*

- Children understand the word “job” and ‘work” but may not know what a social worker is

- You may ask them if they or their family have ever worked with a social worker before
Sitting Handshake

- Try and reduce your physical appearance by squatting down and shaking the child’s hand vs. standing up
- Get to the child’s level physically
Think Like a Kid

- What are children typically thinking when you interview them?
- What are signs they are in distress?
- What are things you can say to reduce their anxiety?
- What is “disclosure Anxiety”
Eliminate Distractions

- Find quiet and comfortable room
- Room should be private
- Curtains closed, why?
- Limit distractions
- Turn cell phones off
- Good introductions at start of interview
- Define roles, My job is to talk with kids and ask questions.”
- Problems with doing an interview in the principals office?
Introduce Other People in the Room

- The social worker can briefly tell the child the who are other people in the room and why they are there, in general terms.
- The child should have the chance to select an advocate.
- The child should be given permission not to answer questions NOW but that it would be good if they did.
Talking with Strangers

- Some kids told not to talk with strangers
- You are a stranger to them but not to the school
- You can be introduced by the child’s advocate, which is often their teacher or school counselor
- They need to know it’s ok to talk with you
Advocate

- Children are permitted an advocate to be present
- Brief advocate, “we will ask the questions. You support the child”
- Advantages of having an advocate present
- Who can this person be?
- Can or should parents be there?
Address Basic Needs

- Ask child if they are:
  - Hungry
  - Thirsty
  - Need to go to the bathroom etc…

- If they appear scared reassure them

- Take care of basic needs at the beginning of the interview, not during the interview. Giving food during the interview could be considered a bribe
You are Not in Trouble with me

- Children should be told early in the interview they are not in trouble

- The child may comfort themselves by holding a doll or special object
Concerning Behaviors during Interviews

- Signs of regression including toilet accidents
- Hiding (under the table)
- Crying
- “spacing out”
- Dissociation during interview
- Refusal to answer simple questions
- Fear and panic
- Anger towards authorities figures. Why?
Use of Threats and Secrets

- Offenders threaten the child victim in about 35% of the cases

- “If you tell anyone, I will……………….”

- “If you tell someone your mommy won’t like it and I might go to jail.”
Child wants to Leave Room

- Find out why?
- Possible reason: ‘My mother will leave.”
- Get the mother’s car keys
- Tell the child it’s your turn to talk
- Child can sit near the door
- If child starts to get impatient, redirect child and begin closing the interview by saying, “This is important and I have a few more questions for you and then we can end the interview.”
Rapport Building

- It is important
- Child needs to trust interviewer
- Until the child seems more relaxed delay asking the "hard" questions
- Start with easy questions
- Get child talking
- You cannot go back and do rapport activities later in the interview!!
Rapport Lost

- Try not to interview a child during a special school event that they might want to attend.

- The child should be interviewed after lunch not during lunch time.

- Do not wait till the end of the school day and get into a time crunch and child misses his/her bus.
Rapport Building

- Play a game with a child
- Ask them about school
- Lots of “small talk”
- What’s your favorite TV show etc….
- Limited self-disclosure on the interviewer’s part is ok (i.e. “I like Pizza too.”)
Rapport Building

- Trust is very important
- Start with good introduction
- Tell child you will be honest with them
- Take into consideration the age of the child
- Do not under estimate the importance of rapport building
- It is hard to go back and restart this process
Get Child Speaking

- Some kids are not very verbal
- You need to get them talking with easy questions at the beginning of the interview
- Have them talk about a non-threatening things or fun things first
- Give the child time to answer your question
- “If I ask you a question you can think about it and then answer it when you are ready.”
- I am not in a hurry
Use Simple Language

- ‘Did your caretaker transport you in his vehicle to the crime scene?’

- Instead: “Did he drive a car to the place it happened?”

- “I work for CPS which is a part of DCFS”

- Instead: “My job is to talk with kids and if there are problems to help children be safe.”
Episodic Event

- Have child describe a recent event in their life (i.e. summer vacation, birthday party, holiday, etc...)
- This gets the child use to answering your questions and providing details to your questions
- Details are critical for court and to ascertain the truth
Stranger Danger Role Play

- You can do a role play with the child that some strangers are ok to talk with if it’s for health, safety or school reasons.

- This can later be used when talking about “touching”
Cutting to the Chase

- Early in the interview after rapport has been established, you might ask the child this;
- “Now that we know each other a little better, do you know why I am here?”
- “Do you know why I chose you to talk with today?”
Ground rule

- If I ask you a question and you don’t know what I mean or what I am saying, you can say “I don’t know what you mean.” I will ask it in a different way.
- So if I ask you “What is your gender” what do you say?
- O.K., because “gender” is a hard word. So I’ll ask it in a different way: “Are you a boy or a girl?”
Ground rules

- You don’t have to answer all questions, yet
- You can ask me questions
- You don’t have to know the answer
- You Don’t have to guess
- You can say I don’t know
- You can ask me to say it slower or repeat question
- You can tell me you are mixed up
- You can tell me you are not suppose to talk about this
- You can leave the room when you want
Private Parts

- Tell child what she/he calls the parts underneath her swimming suit
- What does your mommy call these parts?
- What does the doctor call these parts?
- The penetration question needs to be asked, “Did his private part go inside or outside your body?”
Offender and Arousal

- Child will be asked about what parts of the offender’s body they saw
- Did you see his private parts?
- Describe what you saw
- Was his private part hard or soft?
- Show me where it was on the body map
- Anything special about it?
Sweet And Sour Touch

- Do you know what a sweet touch is?
- Have child state examples
- Do you know what a sour or bad touch is?
- Children usually mention the following:
  - Being hit, kick, falling down, scratched by their cat
- What else could be a bad touch?
Role Plays

- After explaining these rules, reinforce them with role plays
- “If I say anything that is wrong, please correct me ok.”
Probing Questions

- What happens to you when you get into trouble?
- What happens when your mommy and daddy get angry / mad?
- Do you know everyone that sleeps at your place?
- Does anybody do anything to you that makes you feel sad / mad?
- When was the last time you were sad? What happened?
- Are you afraid of anybody? Why or because …………………….?
- Do you have any bad dreams?
- Is going to sleep at night a good time or not so good?
- Have you ever woken up and discovered nobody except you and your brother were home? How did that make you feel?
- Who helps you the most?
- What are your three wishes?
- What do you wish was different in your home……because…..?
- Who can you talk best about your problems?
Probing Questions

- Are there problems you don’t /can’t talk about?
- When do you feel best /most happy…most sad?
- Describe what usually happens when you come home from school?
- Describe a good day / time and a bad time at your house
- Do you ever worry about your mommy?
- Have you ever woken up late at night and somebody was in bed next to you?
- Did anybody ever tell you never to talk about certain things (that happen at home)?
- What does the word “safe” mean to you?
- Who makes you feel safe / unsafe?
- Does anybody do anything to your brother / sister that makes you upset/worried/?
Other Disclosure tools

- Drawing a picture of the abuse and family
- Anatomically correct dolls or body diagrams
- Telling a story in the third person, “Maybe this did not happen to you but someone you know.”
Drawing of Family
Credibility

- Interview: Credibility
- Ask the child about “truth” and “lies”
- Tell child why it’s important to tell the truth
- Ask child if someone told them not to tell
- Ask child to describe a recent event in their life (birthday party etc…)
- Ask child to correct the interviewer
- Ask child about the difference between real and pretend: Confabulation
Precocious Knowledge

- Does child know things about male anatomy they shouldn’t?
- Can they describe the male penis?
- Where did they learn this?
- What if a child is acting out sexually in class?
Signs of Truthfulness

- Provides specific details
- “There was white stuff coming out….”
- Disclosure anxiety

- In the event the child says, “White stuff came out of his pee pee.” What should you do?
Communication Concepts

- **Empathy:** I can see this is difficult
- **Validation:** You have a right to feel this way
- **Sanctioning:** you can say whatever you want
- **Active listening:** Let me see if I understand you correctly
- **Echoing and mirroring:**
- **Mood matching:**
Tools

- Body maps of all types
- Anatomically correct dolls
- Tape recorder
- Crayons
- Paper
- Tissues
- Take good notes and do not destroy them
Non-verbal's

- Tattoos, piercing
- Odors, perfumes
- Clothing
- Staring
- Haptics
- Who are their friends

Be aware of both yours and the child’s non-verbal's
Seating

- Have child pick their seat
- Have child pick your seat
- Create comfortable bubble (50-100cm)
- If two people, sit across from each other
- If more 3, triangle
- If more than 3, circle
- Try and elevate child or sit at their level or lower
- If child chooses to sit on floor, you should also
Focused Questions

- Who did it?
- Who did you tell?
- When did it happen?
- How many times? Once or more than once?
- Where did it happen?

This can be confusing because it could mean, where place or where body
Other Questions: Camera

- Do you know a camera is?
- Did someone have a camera?
- Who had a camera?
- What did he do with the camera?
- Were any photos taken?
- Where are the photos?
- Describe the photos?
- Why is this important?
Scripted Questions

- Have specific questions written down as to reduce writing
- Verbatim interviews
Questions about Possible Evidence

- Did you tell anyone, who?
- Did you write it down in a journal?
- What did you smell anything?
- If a child says “whisky” what should you say?
- What did you do after? What did the person do after?
- Did you notice anything (i.e. on his body like a tattoo)?
- What was the person wearing?
- What grade were you in when it first started happening?
Details

- Did child see anything special or something on the offender that nobody else knows?
- A tattoo
- Birthmark
- Deformed private area
- Did you see anything that surprised you
“The White Stuff”

- What came out of his penis?
- What color was it?
- Lead: Was it white, yellow or another color?”
- What happened to the white stuff?
Divorce cases and Coaching

- Custody battles may result in false allegations

- Parents present photos of bruises of the child taken after a parental visit

- What should you ask?

- “I smelled whiskey on his breath”
Clothes

- What were you wearing?
- Were your clothes on or off?
- How did they get off?
- What clothes were you wearing? What is wrong with this question?
Questions about Clothing?

- What was the person wearing?

Not, Was he wearing clothes?

- Why? Some children think swimming suits and pajamas are not clothes

- What were you wearing?

- Were your clothes on or off?

- How did they get off?
Open-ended Questions

- Start at the beginning
- Tell me everything you remember
- I was not there
- I do not know the answers to my questions
- Take your time and think about my questions
- What happened first, next, after that, then...?
Lighting

- Were the lights on or off?

- How did they get off?

- What did you see?

- What if child says the lights were off yet she can describe the offender’s penis
Closed Ended Questions

- Yes or no answers; “Was he Tall?”
- Forced Multiple choice
- Did it happen in the living room or bedroom?
- Better: Did it happen in the living room, bedroom or somewhere else in the house?
Introducing New Information

- In general, let person who is being interviewed introduce information.
- Do not bring in the exact nature of the informant unless the child does not disclose.
- Example: Victim tells best friend about abuse and tells her to keep it a secret. Friend tells teacher. Teacher reports to CPS.
- If victim does not disclose it may be necessary to mention the name of her friend.
Clarification words

- “lick”
- “rub”
- “sex”, “He did sex with me”
- Before and after; “Do you put your socks on before or after you but your shoes on”. “Do you brush your teeth before or after eating?”
- Tomorrow or yesterday
- A long time ago, “old”, “tall” etc…relative concepts
Yesterday, Today and Tomorrow

- Today is Monday. Yesterday was__________?
- Tomorrow is__________?
- I use a weekly calendar
- Yesterday which football did you watch?
- Tonight which teams play?
- Next Sunday who plays
- When the sun wakes up in the morning, this is a new day. And everything we did before bedtime at night, is yesterday"

- By the age of 6 children seem to understand these concepts well enough
New Information

- If there is a piece of evidence you want the child to talk about, introduce the evidence in the least leading way possible.

- Example: Let’s say you heard the perpetrator took pictures. Don’t say, “We heard he took pictures. Tell us about the naked pictures he took of you.”

- Instead: “Do you remember if there was a camera?” What happened with the camera?”

- What is the new dilemma with photographs?
Nudity and Photos

- I have had several cases in which children under 10 were taking baths or showers with their nude step fathers.

- What are the key concepts in these cases and what questions should be asked?
Things to Avoid

- Rushing through interview or being in a hurry
- Not spending enough time building rapport
- Poor introductions
- Talking too fast (more than 100 words a minute)
- Using technical language ("What vehicle was he operating?")
- Using slang or adult words
- Cajoling
- Interviews too long or too short
- Leading or suggestive questions
- Too many tag questions ("He hurt you, didn’t he?")
- Unaware of personal body language
- False promises. Never lie to a child being interviewed!
- Bribes
- Too many distractions in room
What if Child Starts to Cry?

- It’s ok to take a short break
- Tell child you can stop now and will continue in a little while if it’s ok with them
- Reassure the child that you know it’s hard on them but it’s important too
- Leave the recorder running
Debriefing

- Is there something you want to tell me before we end the interview?
- What did I forget to ask you?
- Do you have any questions for me?
- Has anyone else ever done this to you?
- Anything you want to change?
- Can we talk again?
- This is what I want you to do now.
- This is the plan.
- Things could change
- Thanks for sharing this with me.
- I am glad we had a chance to talk today.
- It took a lot of courage.
- How do you feel now that you have told me?
Second Interview

- Can be risky
- Children sometimes change answers because they are asked the same questions and think their first answers were wrong.
- How can we get around this?
- Second interview used to gather more evidence, clear up details or possible inconsistencies
Sexual Abuse Interviews

- More difficult than physical abuse cases or neglect cases. Why?
- Often no physical evidence or witnesses
- Offenders usually don’t admit to sex crimes but not always
- Male victims less willing to disclose because of “gay stigma” attached to the abuse
- Children often times feel they won’t be believed
Sex Abuse Interviews

- Decide who should be present during interview
- Interview should be recorded
- Careful notes taken. What if child asks, “Why are you writing so much?”
- Prepositions like, inside, outside, behind, underneath etc…should be role played with the child
- The child should know what the word “touch” means
Common Scenario

- Suzie, age 7, tells her best friend Jennifer, age 7, that her step father John comes into her room at night and touches her in “bad” places. She tells Jennifer, “This is our secret. Don’t tell anybody!”

- Jennifer cannot keep a secret and tell the teacher Ms. Jones who then calls child protection and the case is assigned. Is this an emergent situation?
Recantation

- About 1/3 of all children that make disclosures, recant or take back their statements.
- What is more likely to be the truth, the initial disclosure of abuse or the recantation?
- “I believed you when you said it happened. Now you say it didn’t happen. Could it be that you changed your story because you are afraid?”
Interviewing Children Physical abuse

- Helpful to interview child with school nurse present
- Use a mirror
- Ask child about the injury and ask again later
Interviewing Neglected Children

- Who cooks, cleans takes care of the pets?
- What do your parents spend the money on?
- What happens to you when you get sick? Who takes care of you?
- What happens when you get in trouble?
- What is the best part of being in the family? What is the worst part?
- Who says goodnight to you? Is this a good time?
- Who wakes you up (children in self care)