

NATIONAL CHILDREN'S ADVOCACY CENTER FORENSIC INTERVIEW STRUCTURE

PURPOSE OF THE FORENSIC INTERVIEW

A forensic interview is a structured conversation with a child that is designed to elicit accurate accounts of events. The goals of the interview are to collect information that will either corroborate or refute allegations or suspicions of maltreatment, and to determine the identities and behaviors of all persons involved. An interview may be conducted with a child when there are concerns that he/she has been a victim of physical or sexual abuse or when a child has been a witness to a violent or abusive act perpetrated on another victim. The interviewer should adopt a hypotheses-testing approach and maintain objectivity throughout the conversation.

CONTEXT OF THE INTERVIEW

Timing

The interview should occur as closely in time to the event in question as feasible. Whenever possible, the interview should also be timed to maximize the child's capacity to provide accurate and complete information. This involves consideration of the child's physical and mental state, immediate safety concerns, and the possible impact of delays in the interview process on the child's ability to recall and report his/her experience (APSAC, 2002).

Location

When feasible, the interview should be conducted at a Child Advocacy Center or other child friendly facility. In cases where an interview at a designated facility is not possible, the interview should occur in a safe and neutral environment (NNCAC, 1994; APSAC, 2002; Reed, 1996). The setting should be private, informal, and free from unnecessary distractions.

When it is necessary to conduct the interview at the child's school, arrangements should be made with school officials concerning the child's availability and who will be present during the interview. Care should be taken to be as unobtrusive as possible, to insure privacy and to guard against interruptions.

Every attempt should be made to avoid conducting an interview at a location where the abuse is suspected to have occurred. If no other option exists, steps should be taken to ensure that family members do not exert influence on the child and that the alleged offender is not on the premises.

Documentation

Forensic interviews must be accurately and thoroughly documented (Bourg et al, 1999; Pence & Wilson, 1994; Myers, 1992). When used, written documentation should be as

complete and as close to verbatim as possible, which may be difficult to accomplish (Lamb et al, 2000). Electronic documentation (videotaping and/or audio taping) is considered by some to be most accurate and complete (Myers, 1992). Videotape recording can also serve to capture nonverbal communication such as facial expression, body language, and active demonstration. Such behaviors should be accompanied by a request for verbal explanation.

Every attempt should be made to maintain the accuracy and integrity of any recordings of the forensic interview.

Number of Interviews

Decisions about the number of interviews with a particular child should be based upon what is necessary to elicit complete and accurate accounts of events (Carnes et al, 2000; Sorenson and Snow, 1991; Goodman-Brown et al, 2003). Multiple interviews should not be done because of a lack of coordination and communication between investigating agencies. Multiple interviews, especially when conducted by different interviewers, may be associated with increased child distress. Care should be taken when deciding to interview a child who has already been interviewed on more than one occasion (APSAC, 2002).

If the child does not disclose information to confirm or refute the suspicions, it may be preferable to use an extended evaluation model (Carnes et al., 2000) rather than subject the child to repeated allegation-focused interviews.

Participants

A trained interviewer designated by the investigative team should conduct the interview with other investigators observing by closed circuit television, one-way mirror, or some other unobtrusive means. Decisions about communication between the lead interviewer and the other investigators should be made so that questions from all members of the investigating team will be considered (Pence & Wilson, 1994). Means of communication may include conversation during breaks in the interview, conversation via electronic devices worn by the interviewer, and/or the passage of hand written notes, etc.

If more than one investigative interviewer is present in the room, a lead interviewer should be designated and a plan for questioning should be developed before beginning the interview. The observing interviewer should hold questions until the lead interviewer reaches a logical stopping point (Pence & Wilson, 1994).

When more than one child in a family or group is to be interviewed, each child should be interviewed separately. In particularly complicated investigations with potential multiple victims every effort should be made to enlist the services of multiple interviewers.

Pace and Duration

Consideration should be given to the child's age, physical needs, emotional state, and culture when setting the pace for the interview. The child primarily establishes the pace, with the interviewer providing structure and focus in a sensitive manner. The interviewer should proceed slowly without displaying frustration or annoyance if the child is reluctant to talk or to attend to the topic. The child should not be pressured to respond to questions. (APSAC, 2002)

The interviewer should be aware of signals indicating fatigue, distress, or loss of concentration. Breaks can be taken as needed. If the interview is being electronically recorded, recording equipment should continue to run during any break.

QUESTIONING STRATEGIES

Forensic questioning is intended to elicit a complete and accurate account of events while minimizing the introduction of specific information from the interviewer. (APSAC, 2002; Faller, 1999, 2000; Reed, 1996; Poole & Lamb, 1998.) Research and field experience indicate that information obtained through the use of recall or open-ended prompts is more likely to be accurate than when details are elicited through the use of more direct questions (Poole & Lamb, 1998; Orbach & Lamb, 2000; Sternberg et al, 2002.)

However, even children who have the ability to provide narrative description must be given permission and a structured opportunity to do so in a conversation with an unfamiliar adult. Interviewers should provide clear direction, support, and conversational opportunity to practice this skill before initiating conversation about concerning events. The child's narrative ability is influenced by a number of factors such as their age and temperament, family style, their level of trauma and neglect, and health problems. Some children lack the confidence or ability to provide narrative description of any topic, much less one that is frightening or embarrassing. When a child demonstrates difficulty engaging in a conversation that is guided by narrative prompts, several questioning approaches might be explored during the early stages of the interview. Information about the effectiveness of different questioning strategies can be used to assist the interviewer in predicting most effective techniques for this child. These questions vary from relatively open-ended to highly structured in format (Faller, 1999).

Narrative Invitations

Narrative invitations are the preferred starting point in forensic questioning because of the detail, accuracy, and idiosyncratic information such questioning may elicit. The interviewer should assess the child's ability to provide narrative description and use the information gained from this assessment throughout the interview.

Narrative invitations are the most open-ended requests to talk or to continue talking. (i.e. "Tell me all about that"). These invitations are designed to encourage the child to talk at some length about a topic with a minimum number of questions, topic changes or other input from the interviewer. Some children can provide substantial amounts of information in response to open-ended questions and before the first option-posing utterances. As children may benefit from practice with narrative discussions, this style of conversation should begin early in the interview and should not be reserved for the abuse specific portion of the interview (Poole & Lamb, 1998; Orbach & Lamb, 2000; Sternberg et al, 2002.).

Narrative invitations may be used to invite the child to give more information about a topic or person already under discussion ("Tell me about the big boy"). Cued narrative requests (i.e. "Tell me what happened after you got into the car") direct the child to provide more detail about an identified period of time already mentioned by the child.

Focused Narrative Invitations

Focused narrative invitations employ the same broad invitational format while cueing the child to talk about a specific element contained in a previous statement or one that the

interviewer wishes to explore. Focused narrative invitations can serve a variety of purposes in the course of an interview (Faller, 1998, 1999). Such questions allow a broad range of responses while introducing minimal direction from the interviewer. This style of question may be used to encourage the child to tell more about a topic that has been briefly mentioned in previous statements or to describe in more detail events that occurred during a particular frame of time.

Focused narrative invitations may also be used to ask about elements of the topic under discussion that the child has not addressed (i.e. "Tell me everything that you remember about what he looked like.") The goal of the interviewer is to continue gathering as much information as possible from the child while providing some structure to the conversation.

Focused narrative invitations can also be used to explore topics of interest or concern in the child's life when children are unable or unwilling to identify the purpose of the interview. This line of questioning allows the interviewer to continue the conversation without immediately proceeding to more direct questioning techniques.

Detail Questions

None of us are raised to be a witness. Consequently, we may not relate all stored information about a remembered event without the assistance of specific questions. Children often do not reveal all stored information in response to invitational questions for a variety of reasons, including lack of understanding of the task, embarrassment, fear, or minimization of the event (Faller, 1998). The purpose of a detail question is to request specific information about the details of a situation already under discussion. These questions basically ask for the "who," "what," "where," "when," and "how" information about the named event. As such information may or may not have been encoded or remembered, the child should feel free to respond, "I don't know" or "I don't remember." The child may provide a narrative response to any of these questions or the interviewer may follow a shorter answer with a request for narrative description. These questions sometimes take the form "w" questions although question structure may vary.

"W" Questions

The purpose of "w" questions is to obtain the "who," "what," "where," and "when" information about a topic already under discussion, if known by the child. Such questions should always be framed in such a way as to allow the child to communicate if they do not have this information. The optimal use of these questions is reached when followed by a narrative invitation to permit additional information from the child. Young children may not understand the intent or form of such questions or may confuse them. This ability to respond accurately to this type of question should be assessed in early stages of the interview.

Multiple-Choice and Yes/No Questions

Yes/no or multiple-choice questions about a topic already under discussion may be necessary to gather specific information (if available) from the child. These questions are also referred to as option-posing questions. A multiple-choice question can be used to

help a child to understand the intent of a previous question (i.e. "Where were you in the room? Were you on a chair or by the door or somewhere else?"). They are usually used after other questioning alternatives have been unsuccessful. Yes/no questions may also be used to cue the child's memory about specific information that has not been discussed (i.e. "Did he say anything to you?") or to check if the child actually has a certain piece of knowledge ("Do you know his name?"). To be of benefit, these questions should be followed by an invitation to elaborate (i.e. "Tell me more about that.") These questions should not be used to elicit the main details of the disclosure.

Leading and Suggestive Questions

Leading/suggestive questions are questions that direct the child to respond in a specific way or merely ask for affirmation or denial (i.e. "Did your daddy touch you on your pee pee?") when the child has not previously disclosed this information. These questions are not recommended as they provide little information from the child, as well as potentially communicating to the child that the interviewer prefers certain responses.

USE OF MEDIA AND INTERVIEW AIDS

Opinions vary about allowing children access to media (paper, markers, simple puzzles, play-doh) during the forensic interview though little has been written about the topic and no research has been done. Some interviewers have concerns that such material may be distracting to the child or influence the child's participation in the interview. On the other hand, having access to a limited number of simple materials may relax young children and extend their attention span (Gabarino, 1992). Simple art materials may at times become a means of communication about details of the event with less concern about leading or interviewer direction. For adolescents, paper and pencil or drawing materials may decrease reticence to communicate and provide alternative means of communication.

Drawings

Children may engage in a number of kinds of drawing during a forensic interview. Free drawing of any topic selected by the child may serve as a means of developing rapport and helping the child to relax. The child may be invited to draw a picture of themselves or family members as a means of assessing developmental skills or engaging the child in conversation. Children's drawings should always be used as tools of communication rather than as a medium to be interpreted by the interviewer. (Pence & Wilson, 1994; Carnes, 2002) Additionally, drawings may also serve to facilitate communication with a child who finds it difficult or embarrassing to explain details of abuse. Some children can talk more freely when the focus on verbal communication is decreased or may use the drawing as a means of distancing from painful information.

An embarrassed or frightened older child may find it helpful to write certain responses or narrative descriptions, which can then be used to facilitate verbal communication. Older children or adolescents may also be able to create a map of the location, a timeline, or other visual demonstration to bolster their oral communication. However, graphic representation does not replace verbal description. If drawings are used as part of the

disclosure portion of the interview, they should be labeled with the child's verbal descriptions and treated as possible legal evidence.

Anatomical and Body Drawings

Anatomical drawings and body drawings include several different kinds of line drawings of people that vary in the amount of "anatomical" detail from simple outline drawings (often resembling a cookie cutter) to realistic outlines with minimal details to diagrams that look like real people with facial and age-appropriate body features. These drawings can be used as "body maps" (APSAC, 2002; APRI, 2002) at a number of different points during an interview.

Anatomical drawings may be used during developmental assessment with a young child for identification of body parts, names, and/or functions, as well as determining the child's ability to distinguish between genders. These same drawings may or may not be of use later in the interview when questioning the young child about concerning experiences.

Anatomical drawings can also be used to facilitate or clarify the child's disclosure. A young or reluctant child is sometimes able to communicate body touch information or clarify specific body parts through the use of the drawings. Anatomical drawings may also be incorporated into a touch inquiry to focus a young or reluctant child. Such identification by the use of drawings should be followed by a request for narrative description or additional questions.

Before their application the interviewer should have training in, knowledge of, and a comfort level when using these tools. The interviewer should know how and when, and be able to express the reasons, to introduce body drawings into the interview process. All such drawings should be properly labeled and retained as evidence.

Anatomical Dolls

Anatomical dolls can be used as an interview aid in much the same way as anatomical drawings (Bourg et al, 1999). The dolls may be used as a model for the identification of body parts and/or functions (Faller, 1996). This concrete tool may be more effective than drawings with a young child. The dolls can be used after the child's verbal disclosure to clarify or demonstrate the child's statements (Boat & Everson, 1986; APSAC, 1995). The dolls serve as a prop, which allows a child to "show" rather than "tell" details of their experience that they may have difficulty adequately describing. Interviewers should make use of protocols about the incorporation and use of anatomical dolls and should seek training in the use of dolls (APSAC, 1995; Boat & Everson, 1986). Standard practice recommends that the dolls be presented fully clothed and that they not be used as toys for play.

Touch Surveys

For young or reluctant children, the introduction of a touch survey may structure the conversation in a way that allows the child to talk about topics that are not otherwise addressed (Hewitt, 1999.) As with the use of anatomical drawings and anatomical dolls, interviewers should use a recommended structure such as Hewitt's Touch Survey (Hewitt, 1999) or the Touch Inquiry, which is presented in APRI's Finding Words and Cornerhouse. Interviewers should seek training and/or supervision in the use of such

techniques. Every attempt should be made to identify and use the child's language in this conversation, as well as to question the child about a variety of kinds of touches. Any work products should be properly labeled and retained as evidence.

PRE-INTERVIEW INFORMATION SHARING

It is customary for the interviewer to have some background information about the child and the allegations prior to the interview. Information about the child might include age, developmental and school status, cultural background and family make-up, health status, and special needs of the child, (i.e. disabilities, compromised language, medication, emotional issues or diagnoses, recent or monumental losses) which may affect the child's ability to participate in the interview. Consideration should be given to providing the interviewer with additional information or support to address such complicating factors. With preschool children or children with disabilities, the interviewer may want to have additional information (child's names for caretakers, body parts, care giving routines) in order to complete the developmental and language screening portion of the interview. A minimal amount of information regarding the allegations may assist the interviewer in structuring the interview, anticipating complicating factors (multiple events, jurisdictions, perpetrators, traumagenic concerns,) and considering alternative hypotheses to abuse. Information gathered during this phase allows the interviewer to consider possible approaches to questioning the child, pacing, topics for discussion, the appropriateness of materials and tools, and alternative hypotheses for exploration. The interviewer must always keep in mind that the interview is designed to gather information from the child and not only to confirm prior suspicions or to strictly adhere to a protocol or plan.

CHILD FORENSIC INTERVIEW STRUCTURE

Introductions

The interviewer should introduce him/herself by providing a brief, neutral explanation of his/her role using language and terminology that is appropriate to the child's developmental level. The interviewer should be attentive and responsive to verbal and non-verbal cues from the child that indicate anxiety, embarrassment, anger, or some other emotion. The child's emotional state may be a result of the alleged incidents, a response to the unfamiliarity of the interview setting, or other family or personal stresses. The interviewer should inform the child about the means of documentation and observation being used and respond to any questions or concerns. This stage of the interview is generally not lengthy, but should be gauged to the needs of the child.

Rapport-Building

The rapport-building portion of the interview provides an opportunity for the child to become acclimated to the interviewer and the interview setting (Bourg, et al, 1999), and allows the interviewer to learn some things about the child.

Rapport building involves conversation with the child about neutral topics, such as family, friends, pets, school, or favorite activities. The interviewer should employ narrative invitations to prompt the child for information, thus modeling the interview process for the child (Poole & Lamb, 1998; Orbach & Lamb, 2000). This discussion allows the child an opportunity to practice providing unstructured and descriptive responses, while allowing the interviewer an opportunity to become familiar with the child's language and narrative style.

With a younger child, the interviewer might also engage in an age appropriate activity such as coloring or working a simple puzzle. Topics for conversation with a very young child are likely more limited; but the young child's ability to provide narrative description should be encouraged and assessed.

Developmental Screening

Developmental screening occurs in conjunction with rapport building and actually continues throughout the interview, as the interviewer adapts topics, follow-up questions, and the use of tools to the demonstrated level of the child. The interviewer should observe the child's use of language, ability to understand and respond to questions, attention span, knowledge of relevant concepts, and any emotional and behavioral reactions to specific interview topics and to the interviewer. The interviewer particularly notes the child's ability to provide narrative responses to invitations to describe neutral events. The interviewer should also note the child's response to other forms of questions. Such observations allow the interviewer to mirror the child's conversational style and to question the child using developmentally appropriate language.

The interviewer may also choose to check the child's understanding of prepositions, kinship, time, feelings or other concepts that may be relevant to this case, as reported.

Ground Rules/Guidelines

A discussion about the expectations or rules of the interview may allow the child to better participate in the interview (Reed, 1996; Yuille, 1991; Pence & Wilson, 1994)). Children may benefit from an opportunity to practice the rules in an attempt to ensure the child's understanding of them and compliance.

Rules that may be included in this portion of the interview are as follows:

1. The purpose of the interview is to talk about "true things" and about things that really happened.
2. The child knows more about what happened than the interviewer, since the interviewer was not present during the event.
3. The interviewer will be asking a lot of questions. It is okay if the child does not know or remember all of the answers. It is okay to say, "I don't know" or "I don't remember."
4. The child should be encouraged to correct the interviewer if the interviewer makes a mistake.

5. If the interviewer repeats a question, it does not mean that the child “got it wrong the first time.” The child should not feel compelled to change their answer.

The process of providing rules may be confusing or overwhelming to a young or developmentally delayed child. In such cases, this step may be eliminated or adapted to the perceived needs of the child. Interviewers may use knowledge gained about the child during the earlier phase of the interview when deciding how or if the guidelines should be presented.

Competency

Some legal jurisdictions require interviewers to assess the child’s understanding of truth and lies and the importance of telling the truth. This portion of the interview requires the child to demonstrate that they understand the concept of truthfulness. Next, the child must demonstrate that they know the consequences of telling a lie and, lastly, that the child accepts the obligation to tell the truth. The interviewer should use age appropriate techniques and use concrete rather than abstract examples (Lyon & Saywitz, 1999).

A second type of indicator of a young child’s competency as a witness involves his or her ability to provide accurate information about events known to have occurred.

Questioning the child about a memorable event about which the interviewer has independent knowledge (i.e. birthday party, recent trip, etc.) can provide an opportunity to assess the child’s ability to give accurate details. (APSAC, 2002; Hewitt, 1999).

Introducing the Topic of Concern

Transitional questions may be used such as “Who talked to you about coming here today? What are you here to talk to me about?” or “Do you know why you are talking to me today?” This type of invitation may invite a child to initiate discussion about a concerning event. The interviewer would then move to the next phase of the interview (i.e. Abuse-Specific Questioning).

Children may not respond to these open questions for a variety of reasons including confusion about the question, fear, shame, reluctance, avoidance of a stressful conversation, etc. If the child does not respond to this invitation, the interviewer may consider a number of different strategies. Further discussion about a variety of topics may be of help to a fearful or reluctant child, because it focuses on salient topics and invites more descriptive conversation about those topics. Such conversation can also allow more time and opportunity for the reluctant or fearful child to initiate the topic of concern. The interviewer may ask questions focusing the child on care routines, family members, activities and hobbies, recent events, or other topics that form the context of children’s lives (Faller, 1999; Gabarino, 1992). These discussions may provide the child an opportunity to recall information in response to more open-ended prompts before assuming that more specialized techniques are needed.

Abuse-Specific Questioning

Once the child identifies a topic of concern, they should be encouraged to provide a narrative description in their own words. The interviewer can encourage the child to fully describe the incident using facilitative prompts (i.e. “Tell me more about that” and “What happened next?”) with a minimum of interruptions. The interviewer can refer to information that the child has already provided and then invite a narrative response (i.e.

“You said that you were in the bathroom. Tell me more about that.”) Specific questions may be postponed until the interviewer has exhausted the child’s narrative description (Orbach et al., 2000; Poole and Lamb, 1998).

The assessment of the child’s language and narrative ability during the earlier phases of the interview should inform the interviewer about how to proceed with the abuse specific questioning. If the interviewer has learned in the rapport/developmental phase of the interview that this child requires the support of more focused or direct questions, the decision can be made to integrate open-ended with more direct questions, always being careful to obtain disclosure detailed information from the child rather than suggesting it in a question. The interviewer may consider combining more direct or even forced-choice questions (“Did he say anything to you?”) with a narrative invitation (“Tell me about what he said.”)

Follow-Up Questions

Interviewers are generally advised to gather as much detail about the suspected abuse as the child can provide. The specifics of the allegations and child characteristics will guide the type of information the interviewer will seek from the child (Faller, 2000). Follow-up questions seek detail (i.e. who, what, where, when, how) about an event already under discussion (“Do you remember what kind of clothes he was wearing? Tell me about his clothes.”) Specific closed questions, including yes/no questions and multiple-choice questions, may also be necessary. These questions may be especially helpful later in the interview and for young children. Responses to these questions have far more value when paired with an open invitation to talk. It is recommended that interviewers follow a continuum of questions format that flows from open-ended questions to focused questions to multiple-choice questions to yes/no questions and then returning to narrative invitations to gain elaborated detail. Coercive or manipulative questions, which only ask the child to confirm or negate information provided by the interviewer, are to be avoided.

Specialized Techniques

Many of the specialized techniques described earlier including anatomical drawings (APRI, 2002), anatomical dolls (APSAC, 1995; Boat & Everson, 1986), touch surveys (Hewitt, 1999) may be useful during this phase of the interview to clarify events the child is attempting to describe verbally or as a cross-validation of the child’s verbal account. Further, these techniques may be used in a more direct questioning approach when a child has made no mention of or has given only tentative references concerning abusive experience and there is credible reason to be concerned about the child’s safety (Faller, 1999; Gabarino et al, 1992).

Closure

The interviewer should attempt to conclude the interview on a positive note, usually by shifting the discussion to more neutral topic. The child may also be thanked for his/her effort and given the opportunity to ask questions. The interviewer should take care to not make promises about events that are beyond the interviewer’s control.

Some local interview protocols choose to include questions about other possible concerns for children, such as domestic violence, substance abuse, or exposure to pornography.

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