



Forensic Interviewing of Child Abuse Victims

Expanded Course Outline and Hourly Distribution
For Two-Day, 16 Hour Course

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Learners:

Social Workers and In-Service Police Officers from various Child Welfare and Law Enforcement agencies.

Length of Instruction:

Two 8-Hour Days for 16 Hours Total

Objective:

To assist the participant in developing a better understanding of how to successfully conduct a forensic interview of a child by understanding each of the following topic areas:

Day 1: 0800-1700: Stella Cruz & Kendra Nunes

The Child/The Beginning Two Stages of the Interview Process:

Stage 1: Rapport Building

- Setting:
 - Composition of room
 - Neutral
- Getting to know the child
 - Rapport building questions
- Where to begin
 - Pre-Interview Information Gathering
- Primary Questions
 - Age, School, Family
- Secondary Questions
 - Relationship oriented questions about family
- Begin to assess developmental stages
 - Assess developmental capabilities during rapport building
- Show interest
 - Verbally and Non-Verbally
- Explain roles and expectations
 - Interviewer's role
 - Give child permission to correct interviewer
 - Setting up Ground rules

Stage 2: Developmental Assessment

- Demonstrate Developmental Competency
 - Truth/Lie
- Developmental Screening
 - Language Development assessment
- Ages and Stages of Child Development
 - What to expect and how to relate to children of different ages
- Anecdotes about developmental stages and understanding
 - Pitfalls: Pleasing/Impressing the Interviewer
- Credibility
 - Assess with questions

The Child: The last Two Stages of the Interview Process:

Stage 3: Fact-Finding, The 4 W's

- Who
- What happened
- When
- Where
- How
- Development of Fact Finding Skills
 - I don't know instruction
 - I don't understand instruction
- Questions to Ask
 - Obtaining Factual Information
 - Open Ended Questions
- False Allegations
 - Be aware of this possibility and assess credibility
 - Custody Battles/Family History
- Child's Reliability/Forensics and Credibility
 - Open Ended/ Focused/Leading Questions
- Factors Affecting the Interview
 - Avoid child's lunch/nap time/other distractions
- Factors of the Adolescent Interview
 - Fear of being labeled/Shame

Stage 4: Closure/Termination with the Child

- Thank the child
 - Thanks v. Praise
 - Leave the door open for future interviews
 - Acknowledge
 - Validate
- Provide what will happen next
 - Provide opportunity for child to ask questions
 - Avoid dishonest responses
- Contact Information
 - Provide child with phone number/access to you

Interview Techniques:

- Gear toward child
 - Let child do the talking; be an attentive listener
- Normalize experience
 - Let the child know that he/she is not alone
- Check your own feelings
 - Conceal shock/biases
- Don't Rush
 - No time constraint
- Thank child, Don't praise
- Keep it Simple
 - Use language the child can understand
 - Avoid abstract terms
- Details
 - Avoid compound/complex questions

Setting:

- Quiet and Private
 - Neutral: Strongly consider Child Interview Center
- Kid Friendly
 - Avoid child's home
- No distractions
 - Not too many toys, games, T.V., noise, etc.
- No phones
 - Distraction
- Help child to familiarize setting
 - Show them around the place, where they will sit, what will take place

Cultural Competency

- Discuss of impact of the child's cultural
- Cultural sensitivity
- Awareness
- Impact on interview

Assessing Current Level of Risk

- Risk Factors
 - If child discloses, must assess safety of child
 - Does child live with perpetrator?
 - Is one parent the sole provider?
- Staying neutral
 - Don't take sides
 - Remain impartial fact gatherer

Some Do's and Don'ts:

- Open Minded
 - You only know what you know
 - Don't make promises or threats
- Assessment/Interview Plan
 - Formulate plan before the interview
 - Which child will you interview first?
 - What questions will you ask?
- Acceptance
 - You won't always get a clear answer
- Truth of Allegations
 - Recognize that allegations are not always true
- Positive Environment
 - Confidence, Patience, Calm, Acceptance
 - Awareness of own reactions
 - Thank child for effort, not content
 - Don't Teach
 - Don't do therapy
 - No rewards or promises

Day Two: 0800-1700: Charles Gillingham

- Forensic Interviewing of Child Abuse Victims
- (Or, Fact Finding to Establish the Elements of Crimes)
- Child Molest - Disclosure
- Why it matters
- Common circumstances = accidental, rite of passage, emotional trauma, protection of younger siblings
- Interviewing the reporting party
- Anticipating the defense
- Child Molest - Force
- Force and duress distinguished
- Proving force and duress
- Sentencing consequences
- Child Molest – Other Victims
- Locating and interviewing other victims
 - Do not assume police reports for other victims are accurate
 - Admissibility of prior offenses under Evidence Code section 1108
 - Keep victims separate and ignorant of each other
- Child Molest - Corroboration
- Crime scene investigation
 - *Anything* which supports the child's statement
- Pretext phone calls to suspect
- Non-abusive caretaker
 - No marital communication or witness privilege applies
- Child Molest – Time Frame
- Use a child's frame of reference

- Holidays, birthdays, school years, residences
- Confirm with non-abusive caretaker
- Needed for statute of limitations
- Needed for effective date of new crimes (ex post facto rule)
- Child Molest - Crimes
- Traditional – Penal Code section 288(a), 288(b), 288.5 and 266j
 - Misdemeanor 647.6
- Modified – Penal Code section 269 as of January 1, 2007
- New – Penal Code sections 288.3 and 288.7, effective January 1, 2007
- Child Molest - Testifying
- Defending the Interview
 - Use free recall, open ended questions, emphasize importance of telling the truth
 - *Do not ask leading questions*
 - Videotape should show both interviewer and child
 - Use the child’s vocabulary
- Child Molest – Testifying as an Expert Witness
- Child Sexual Abuse Accommodation Syndrome
 - Helplessness, Secrecy, Accommodation, Delayed Disclosure, Retraction
- Forensic Interviews of Children
 - Qualities of a good (and poor) interview
 - “Red flags” in a child’s statement
- Child Abuse – Common Injuries
- Battered Child Syndrome
 - Multiple injuries in various stages of healing with an inadequate explanation
- Shaken Baby Syndrome
 - Bilateral subdural hematomas, bilateral retinal hemorrhaging, no external injuries
 - Possible metaphyseal fractures
 - Onset of symptoms is immediate and progressive
- Child Abuse – Common Injuries
- Sudden Infant Death Syndrome (SIDS)
 - Sudden and unexpected death of a *previously healthy* infant which cannot be explained after investigation and autopsy
 - Diagnosis of exclusion
- Blunt force abdominal trauma
 - Toddlers and toilet training
 - Household rules for children
- Child Abuse – Common Injuries
- Bruises
 - Location, location, location
- Burns
 - Chemical and thermal
 - Toilet training (again)
- Fractures
 - Spiral, metaphyseal, depressed, stellate, and any fracture in an infant
- Child Abuse
- Munchausen Syndrome by Proxy
 - Caretaker invents or causes medical problems in child
 - Profile of a Munchausen mom
 - Disclosure by committee

- The Paper Chase
 - Interviewing the child victim
- Child Abuse – Common Defenses
- Killer furniture
- Killer siblings
- Minor falls
- Accident caused by child
- SODDI
- Other Victims, Other Caretakers
- Prior spouse or intimate partner of suspect
- Correlation between date of injuries and date of suspect’s access to child
- Admissibility of prior offenses
 - Abuse under Evidence Code section 1109 to show propensity
 - Neglect under Evidence Code section 1101(b) to show knowledge, motive, specific intent, etc.
- Child Neglect
- Infants and controlled substances
- Non-organic failure to thrive (starvation)
 - Photographs of the residence
 - Interviewing the foster parents
- Dirty houses
 - Health hazard, fire hazard
 - Age and mobility of the children
- Child Abuse and Neglect Crimes
- Penal Code sections 273a (abuse and neglect) and 273d (abuse only)
- Penal Code section 206 (torture)
- Penal Code section 273ab (assault on child resulting in death)
- Penal Code section 187 – second degree, implied malice theory for fatal neglect
- Significant Others
- Siblings
- First responders
- Social workers (W&I Code section 827)
- Non-abusive caretakers
 - Past medical care (or not) for child
 - Establish time frame of suspect’s access to child
 - Aiding and abetting? Endangerment?
- Medical Personnel
- Nurses as well as doctors
- Format of the tape recorded interview for a hearsay preliminary examination
 - CV
 - Connection with the case
 - Diagnosis
 - Prognosis
 - Suspect’s explanation of the injuries