

Position Paper on the Introduction of Evidence in Forensic Interviews with Children

The field of forensic interviewing of children has evolved dramatically over the past 25 years as the knowledge and practice base have expanded to more sensitively integrate developmental, trauma, and cultural considerations into the investigation and intervention of child maltreatment. There are multiple evidence-supported forensic interview models which are utilized throughout the United States, and all of these require the interviewer to adapt the model to the needs of each individual child based upon unique situational variables present. Further, significantly more children who were interviewed at Children's Advocacy Centers (CACs) describe themselves as being "not at all" or "not very" scared in the forensic interview than children from a comparison community which does not have a CAC (Jones et al., 2007).

Forensic interviewing has evolved as a skilled practice over the last decade; as has the training and recommendation for peer review of interviewers' work. All protocols recommend an initial phase of rapport building, an introduction of guidelines to help the child witness understand the conversation, and an opportunity to provide a narrative description of an everyday event. Forensic interviewers are encouraged to use the most open-ended approach possible to address the allegation and to allow the child to describe their experiences in their own words. This approach works well with children who made an initial plea for assistance to an adult which began the investigation. Reluctant children are more difficult to transition as they may be frightened or confused, unsure about how to proceed, or committed to "protecting" the secret as a means of "protecting" themselves. Most interview models are designed for children who have previously disclosed abuse and who easily transition from the beginning of an interview to more substantive topics. Reluctant children may need more cues dependent on the source of their hesitation. The challenge for the investigative team is that we still have a child who is at risk and may be in need of a variety of interventions. With this group of children, forensic interviewers become more direct in their line of questioning and may introduce some forms of "evidence" to the child. This may include, but not be limited to, statements such as:

- “Someone said something may have happened to you?”
- “I understand you recently saw a doctor. Tell me about that?”
- “I heard that you talked to your counselor today. Tell me about that?”
- “I heard that a policeman came to your house last night. Tell me about that?”

In each of these situations, a forensic interviewer is cueing a child to respond by introducing some information which has not previously been discussed in the forensic interview but without asking a child to confirm evidentiary details. Often, with children who are reluctant to disclose, these invitations are utilized effectively to transition to the topic of concern in a non-leading fashion. If they exist, other forms of evidence may be introduced such as the child’s diary or a note written by the child or to the child. Similarly, when there is digital evidence available (i.e. texts, emails, chat logs, pictorial documentation), the opportunity to introduce evidence ascends to a new level. In these unique cases, there is a high degree of confidence that abuse has occurred; however, there are two critical considerations – it is unknown if the images are actual depictions of abuse involving the child or edited pictures created to simulate the appearance of sexual contact; and, digital images/evidence most likely do not encapsulate the entire sexual abuse experience of the child and possibly other children who were also abused/exploited by the alleged offender. Throughout the entire process, the forensic interviewer must monitor the child’s level of comfort/discomfort. Forensic interviewers are trained to put the needs of the child first, carefully following emotional cues given by the child which suggest how the interview should proceed. Careful consideration is given to specific factors, such as the purpose of the introduced evidence, the expected outcome, the potential negative impact on the child, the potential negative impact on the interview if the child denies their involvement, as well as other possible options for obtaining the desired information. It is never the desire of a forensic interviewer to “get information” at the expense of the child’s emotional and psychological well-being.

The forensic interview is critical in helping investigators understand the broader experience of the child, identifying other victimization the child may have experienced (poly-victimization) and identifying additional victims and/or corroborating witnesses. Some professionals suggest introducing evidence, especially digital evidence, in forensic interviews is not appropriate; and this is often supported with the perspective that children will disclose when they are ready, and that introducing evidence to a child may cause them additional trauma. However, the reality is that

children are not avoiding recall of the abuse only to have these experiences recalled when asked questions by a forensic interviewer, or possibly when evidence is introduced. Children who have experienced abuse consistently recall these experiences, and the great anxiety for them is not only the experience(s) but also whether they will be believed and/or protected if they disclose. In this regard, the sensitive introduction of evidence may actually help children who are reluctant to disclose to know that the issue of belief will not be an issue at all. Likewise, the opportunity to begin talking about their experiences and to be put in contact with supportive services that can assist in their protection from further maltreatment and healing may not occur if we simply wait until the child initiates the process.

Reference:

Jones, L. M., Cross, T. E., Walsh, W. A., & Simone, M. (2007). Do children's advocacy centers improve families' experiences of child sexual abuse investigations? *Child Abuse & Neglect, 31*(10), 1069-1085.

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