Best Practices for Child Forensic Interviews

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Best Practices for Child Forensic Interviews

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Acknowledgments

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Abstract

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Statement of the Problem

Although agencies have come a long way in regard to child victim forensic interviewing practices, there are still some issues when it comes to interviewing children who have been victims of physical and sexual abuse and neglect. Some areas are still lacking multidisciplinary teams, the interviewers are not asking the appropriate questions during the interviews, and the interviewers are not staying up to date on training like they should be. First, not all areas have multidisciplinary teams that consist of law enforcement, medical professionals, prosecutors, child protective workers and others working together to benefit the child. Not having these teams can greatly affect how the investigation is handled and the outcome of the case. Those in favor of multidisciplinary investigations argue that they reduce the number of child interviews, thereby reducing stress on the child, and they improve evidence quality so that the offenders can be held accountable (Practice Notes, 2002).

Next, some interviewers do not ask the appropriate questions when working with the children. Not all interviewers are asking open-ended questions, and asking closed-ended and suggestive questions can be dangerous (McWilliams, 2016). Closed-ended questions often result in less information and are more likely to include misinformation or suggestive

influence. Sometimes interviewers can go astray and conduct improper interviews that elicit false allegations from children or they can conduct what is called clumsy interviewing that may have other negative consequences for child victims (Wood & Garven, 2000). There have been some cases, such as the trial of Kelly Michaels, that have had multiple convictions overturned due to bad interviewing. These cases can be financially expensive, as well as personally costly to everyone involved, including the children. Improper interviewing can be a result of ineffective techniques that are used. Most of these techniques fall into four categories: suggestiveness, influence, reinforcement and removal from direct experience (Wood & Garven, 2000).

Many of these interviewing mistakes can be prevented by having the interviewers take more training, which is the third issue when it comes to child forensic interviewing. Issues with training include interviewers only receiving a small amount of informal, on the job training before they begin interviewing kids. This training tends to be incomplete and out of date (Wood & Garven, 2000). Some interviewers receive brief, formal training as part of an orientation program, but this is often not long enough. Finally, other jurisdictions provide more extensive training in a workshop. These are more widespread and tend to be more up-to-date, but research has shown that these workshops may not be very effective at teaching new interviewing skills. Interviewers may go home feeling like they have learned a lot, but they continue to conduct interviews in the same way as they did before (Wood & Garven, 2000).

Methods of Approach

Secondary research will be used in the paper, including articles, journals, bulletins and websites. Several government websites will also be used. There is not a single method of

forensic interviewing that has been shown to work, but rather several models that entail proper interviewing techniques (Child Welfare Information Gateway, 2017). There are many similarities among these models, and some of them will be examined in the paper. The phases of the models are mostly the same, and the paper will examine each of these phases. Different jurisdictions may implement and follow different protocols, however, depending on their needs. Case law will be used to look at how bad interviewing techniques have affected certain cases in the United States. Additionally, forensic interviewing has greatly evolved over the years, and the history of forensic interviewing techniques will be discussed in the seminar paper.

Anticipated Outcomes

It is anticipated that this seminar paper will determine what the best practices for forensically interviewing children of abuse and neglect are. The paper will show what works and what does not work when it comes to interviewing children. Although there is not one single model that has been recommended, there are multiple models that are looked upon as suggested models, and these models have many similarities.

It is anticipated that this research project will serve as a guide for forensic interviewers, law enforcement, prosecutors, judges and any other professionals who are involved with the welfare of child victims. The research should be looked at as an educational resource for communities who already have multidisciplinary teams or those communities that are thinking about creating a multidisciplinary team.

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I. INTRODUCTION: THE HISTORY AND IMPORTANCE OF CHILD FORENSIC INTERVIEWS

The importance of appropriately interviewing child victims of abuse and neglect first came to light in the 1980s and 1990s during highly publicized trials of daycare staff. More than 350 children reported being molested at a preschool in the McMartin Preschool case. During interviews of the kids, some of them reported being sexually abused and taken on plane rides and forced to drink blood and watch animals being killed. During the trials, prosecutors claimed that appropriate suggestive techniques were used during the interviews to elicit the reports, while defense attorneys claimed the interviewing techniques were insufficient. The trial ended in January 1990 after jurors found the state did not prove the identity of the offenders, even though they believed the children likely had been molested. The trial lasted for three years, which at the time was the longest-running criminal trial in the United States. It also cost taxpayers $13 to $15 million. Although the trial was costly and caused trauma to many families, it was not possible to determine whether the disclosures by the children during their interviews were accurate (Walker, 2002).

After the McMartin trial ended, researchers began looking at the forensic interview techniques used on children and determined that the skill of the interviewer directly affects whether a child relates a true memory, discusses a false belief, affirms details suggested by others, embellishes fantasies or provides no information at all (Walker, 2002).

Sena Garven and colleagues showed that the interview techniques used by interviewers during the McMartin case resulted in false allegations from the children. In fact, when exposed to the techniques used in the McMartin case for less than five minutes, children in Garven's study showed error rates of almost 60 percent (Walker, 2002).

Other cases since the McMartin trial have also looked at the affect of interview techniques. For example, in State v. Michaels, a New Jersey Supreme Court looked at whether the interview techniques used in the case were suggestive and whether they had an affect on the children's recollection of actual events. During this case, a brief from 45 scientists was provided to the court that detailed issues related to suggestive interviewing techniques of children. This brief contributed to the court's decision to reverse the defendant's conviction (Walker, 2002).

During the 1980s, law enforcement relied on mental health experts to conduct interviews because they could build rapport with children. These mental health professionals used therapeutic techniques during the interviews that were later deemed inappropriate for forensic interviews, though. The courts believed these interviews created suggestibility. Around this time, however, awareness of child abuse grew, and professionals determined that it should take special skills to interview kids in these types of cases. Sgroi was the first medical and mental health professional to discuss the issue of investigative interviewing. The American Professional Society on the Abuse of Children wrote the first set of guidelines in 1990. The focus at the time was on mental health, but the focus today has shifted from mental health to the forensic perspective (Newlin et al, 2015).

Cases such as the McMartin Preschool trial and the Michaels case show that the interviewing techniques used during forensic interviews of child victims is important and that what techniques are used can greatly impact the outcome of a case. It may even mean that an offender is found not-guilty of a crime. When interviewing techniques are faulty, the results of the interview may also be faulty. A child may disclose even if something did not happen because suggestive techniques may have been used to elicit their response. These cases have shown that it is necessary to create a standard for which children are interviewed forensically (Walker, 2002).

Conducting child forensic interviews is a specialized skill and is often done by people who are specifically trained in the area. These people may include law enforcement investigators or child protective service workers. These interviews are conducted in order to obtain information to help investigators determine whether abuse has occurred. The information gleaned from the interviews can help in criminal cases and civil child protection cases. Information from the interviews may be used to identity additional victims, help assess the safety of a child or help make a case decision. Because a lot of information can come from these interviews, it is important that they be conducted appropriately so the most accurate information is given during these interviews (American Professional Society on the Abuse of Children, 2012).

II. LITERATURE REVIEW: COMPARISON OF VARIOUS MODELS, USE OF DOLLS, DIAGRAMS AND OTHER AIDS, MULTIDISCIPLINARY TEAMS, ASKING APPROPRIATE QUESTIONS, EDUCATION AND TRAINING FOR INTERVIEWERS

A. Comparison of Various Models

There is not one specific model that is recommended for interviewing children, but rather various models that are similar to one another that are suggested and viewed as encompassing best practices. These various models include the Cornerhouse Forensic Interview Protocol, the American Professional Society on the Abuse of Children Practice Guidelines, the National Children's Advocacy Center Forensic Interview Structure, the National Institute of Child Health and Human Development Forensic Interview Protocol and Child First Forensic Interviewing Protocol. The model used may depend on the jurisdiction, agency or the training of the interviewer (Child Welfare Information Gateway, 2017).

Child First is a forensic interview training program of the Gunderson National Child Protection Training Center, which is a child abuse training center headquartered in Winona, MN. Its purpose is to assist states in developing certified forensic interviewing training programs for child abuse and to help interviewers in defending their interviews in court. The center provides a variety of training topics. The Child First model is practiced in 19 states and two countries. Alaska is one of the 19 states using this model, and it selected it because it fits the culture and children of the state. Child sexual assault is six times higher in Alaska compared to the national average. Due to the difficult terrain in the state, law enforcement and child protection workers have many challenges in responding to child abuse reports. Most of the communities are located in areas with limited access that is dependent upon the weather. This makes it crucial for there to be trained child forensic interviewers across the state (Child First Alaska, 2019.)

Other states have different protocols. In North Carolina, for instance, most counties require initial forensic interviews be conducted by CPS investigators because state law requires that once it accepts a report that a child has been physically, emotionally or sexually abused, CPS must have immediate face-to-face contact with the child. This meeting must occur within 24 hours after the report is made. Secondary forensic interviews, however, sometimes occur and are usually done by specially-trained psychologists or professionals with graduate-level education for interviewing (Practice Notes, 2002).

The Cornerhouse Forensic Interview Protocol includes the following stages: building rapport, seeking information, exploring statements and ending respectfully. Building rapport is an important way to start an interview because it allows the interviewer to learn more about the child and their function, and it allows the child to become comfortable with the interviewer. Possible methods of doing this include orienting messages, face drawing, narrative practice and family information. In the next step, seeking information, the child is given the chance to report their experience. In the next step, the interviewer seeks to obtain additional information about the child's experience. The interview is then ended respectfully, providing closure and acknowledging the child's participation (Cornerhouse Protocol, 2018.)

According to Swerdlow-Free Psychology, the steps described above are important in any child forensic interview. There are certain steps that should be followed even before an interview occurs, though. As much information about the child and the alleged offense should be gathered before the interview begins. The interview room also needs to be prepared for the child, and the interviewer should verify that the recording equipment is working properly. The rapport building stage is a crucial part of the interview. The interviewer should also introduce themselves first and explain the purpose of the interview. A preliminary discussion with the child allows the

interviewer to assess the child's cognitive ability and verbal skills. Ground rules are also established during this phase. These include directing the child not to guess, to say something if they do not understand a question, to correct the interviewer if they make a mistake and to remind the child to tell the truth. It is during this phase that the child should demonstrate that they know the difference between the truth and a lie. It is then recommended that there be a practice interview, in which children are asked open-ended questions in order to illicit detailed answers. This also strengthens rapport and reinforces the ground rules. Closing the interview is just as important as beginning it. How the interview is ended depends on whether a disclosure is made and how the child's emotional state is. The interview should end with the child being asked if they have anything additional to say or if the child has any questions. Then, a neutral topic should be introduced, such as, "What are you going to do after you leave here?" Finally, the child should be thanked for their participation (Swerdlow-Freed, 2017).

Although rapport building, the substantive phase and the closure phase are all key components of every model, each model may differ to some extent when it comes to interview structure, instructions, truthfulness discussion and questioning. For example, the interview structure may be scripted, semi-structured or flexible. The truthfulness discussion may differ because some interviewers have the child promise to tell the truth – research shows children are more likely to tell the truth if they promise to tell the truth beforehand. Research is mixed, however, on whether having a moral discussion with the child leads to them being more truthful (Child Welfare Information Gateway, 2017).

Many of the protocols and guidelines were established because best practices were not being followed by most interviewers. Although multiple studies showed that open-ended questioning was more reliable and elicits more information and more accurate information,

studies conducted showed that these practices were seldom being followed. Studies of forensic interviews in the U.S., United Kingdom, Canada, Sweden, Finland and Israel consistently showed that open-ended prompts were rarely being used (Lamb, 2007). In fact, the studies showed that interviewers who were trained extensively, well-aware of the best practices and believed they were following the recommendations were the ones not following the proper interview techniques. Due to this finding, the National Institute of Child Health and Human Development developed a structured interview protocol to help professionals adhere to the proper procedures during the forensic interviews of children.

B. Use of Dolls, Diagrams and Other Aids

Some interviewers also use diagrams and other interview aids, such as anatomical dolls, during the interview. This is a topic that has been debated in literature. Dolls and drawings rely on recognition memory, which is seen as less accurate but more detailed. The doll or diagram could trigger a child's recognition of other body-related experiences. Proponents of the dolls say they help a child disclose actual experiences with a very small increase in false positives, but opponents say that free recall memory is more accurate. They are concerned that interviewers may use the dolls in leading or suggestive ways. Research also exists that indicates children 3 and younger do not understand that the doll represents themselves or the alleged offender. Even those interviews that incorporate the doll may differ as far as when the doll is introduced. Some interviewers use the doll during the rapport-building phase to clarify a child's knowledge of body parts. Other interviewers only use the dolls once a child has disclosed (Child Welfare Information Gateway, 2017).

The American Professional Society on the Abuse of Children discourages interviewers from using aids, such as anatomical dolls, drawings or writings. The use of dolls has decreased in

interviews over the years because they have been challenged by critics who say they are suggestive and invite fantasy. In 1995, the APSAC's guidelines said that the dolls were inappropriate to use as a diagnostic tool to reach findings about whether sexual abuse had occurred based solely on a child's interaction with the dolls. The most frequently endorsed use of the dolls is to use them as a demonstration aid and clarification tool to help the child show what happened. Now, however, there is widespread agreement that the dolls should not be used to elicit disclosures. When they are used, careful documentation is necessary, and open-ended questions should be used so the child can explain in their own words what is happening. Sometimes labels or drawings are used to help a child clarify what they mean if they cannot appropriately verbalize this, but again, the APSAC advises that open-ended questions be used and that the interviewer not make assumptions based on the drawings. They should only be used to explain or clarify information that is described in the interviewed (American Professional Society on the Abuse of Children, 2012).

While the use of anatomical dolls has decreased in interviews, anatomically-detailed drawings and body maps have increased as a way to have the child label body parts on a map. There has been little research, though, about the effects of these drawings and whether they elicit reliable information during an interview. There is some recent research that suggests there are more inaccurate reports of inappropriate touching when these drawings are used early in the interview. Therefore, interviewers should be cautious when using these. An alternative to using these drawings would be to have the child provide labels for body parts early in the interview and have them clarify the terms after a disclosure of abuse (American Professional Society on the Abuse of Children, 2012).

C. Multidisciplinary Teams

Much literature exists on best practices for forensically interviewing child victims of abuse, and much of the research has focused on the benefits of having a multidisciplinary team, the importance of asking appropriate questions to children during those interviews and the advantages of interviewers receiving and staying up to date on their training.

The multidisciplinary team concept in child forensic interviews was part of the original Child Advocacy Center model developed by Bud Cramer during the early 1980s. Before this, the response to child sexual abuse in the United States was poorly coordinated among various groups. Cramer, however, organized a committed group of community volunteers and implemented the first Child Advocacy Center in Huntsville, AL in 1985. This model showed that in order for the U.S. to effectively respond to the issue, a public-private partnership was essential and that various agencies and departments are responsible for the protection of children. These agencies must work together to respond because one agency alone cannot be solely responsible. Cramer's multidisciplinary team consisted of community partners, the Huntsville Police Department, the Madison Police Department, the Madison County Sheriff's Department, the Madison County Department of Human Resources, the Madison County District Attorney's Office, the Madison County Department of Health and Crisis Services of North Alabama. When the concept was first introduced, some were skeptical because these groups had never worked together in this fashion before. This approach has been widely accepted over the years, however, and is currently viewed as a best practice in responding to child sexual abuse in the U.S. Throughout the country, there are now more than 1,000 Child Advocacy Centers serving more than 300,000 children in the last year. Furthermore, the model has been implemented in more than 33 countries throughout the world (National Children's Advocacy Center, 2019).

A multidisciplinary team basically means that more than one agency participates in or observes the interview. Two agencies most commonly involved are law enforcement and child protective services, but other agencies may include mental health, attorneys and others. Those in favor of multidisciplinary teams argue that they reduce the number of child interviews, which reduces stress for the child. Research also shows that having these teams improves the quality of evidence so that offenders can be held accountable for hurting kids and that the public can be protected (Practice Notes, 2002).

Research has shown that the use of Child Advocacy Centers improves child forensic interviewing following allegations of child abuse, and the purpose of these centers is to coordinate law enforcement, child protective services, medical and other agencies to work together in cases of child abuse. Studies have shown that without these centers, child abuse investigations are not as effective – activities and decision-making are not done across a multidisciplinary team, children are interviewed too many times and have to relive their abuse multiple times and children are interviewed in stressful locations. CACs, however, try to combat all of these issues. With multiple agencies involved in the investigation, information is better communicated with the family. Agencies are less likely to miss out on information and it is less likely than an agency will shift the investigation to another agency. It is important that all agencies work together and are on the same page and involved in decisions (Cross et al., 2007).

An important aspect of having a multidisciplinary team involved is that the child is only interviewed once by the team rather than being interviewed once by the police, once by social workers and so on. Reliving the trauma multiple times is not good for the child. Repeated interviewing also gives the offender time to influence the child or obstruct the interview. Avoiding repeated interviews is best practice and is easier done by having a team of

professionals working together to conduct a single interview. Two studies found that multidisciplinary teams reduced the number of interviews per child in their child abuse investigations. Another study found that children with greater coordination were interviewed fewer times on average than those from a community with less coordination (Cross et al., 2007).

D. Asking Appropriate Questions

The purpose of a forensic interview of a child is to illicit information or to obtain a disclosure. In order to be successful at this, however, there should be a certain approach to the interview with appropriate questions being asked. The substantive phase of the interview should be introduced in a neutral manner that allows the child to choose the topic and direct the discussion. The interviewer should avoid making it sound like a specific person is a subject of interest in the conversation. A common introductory statement could be, “Tell me the reason you are here today.” If the child makes a disclosure, the interviewer could follow up with an open-ended question, such as “Tell me everything that happened when …” It is important to give the child the chance to provide a narrative account with little to no interruption or comment (Swerdlow-Freed, 2017).

Some children, however, may not respond well to neutral prompts and may need more persuasion to disclose. For example, if a child has been threatened not to talk, if they have not made a prior disclosure of abuse or if they are embarrassed or too anxious to talk, an interviewer must take a different, more focused approach. Research shows there is a difference between real reluctance and apparent reluctance – real reluctance is when a child is cautious and unwilling to respond to questions, and apparent reluctance is when a child is thoughtful before responding to questions. Interviewers should allow the child to hesitate or pause before moving onto more forced prompts. Often, reassuring the child can help a reluctant child (Newlin et al., 2015).

All forensic interview protocols dissuade interviewers from making suggestive comments about a specific person or action. Instead, more general comments are encouraged, such as “I understand something has been worrying you.” It may also be plausible that the interviewer needs to ask additional questions or clarify certain responses. Forensic interview protocols recommend interviewers try to solicit additional information by having the child expand on statements they already volunteered using specific question formats. These questions should be non-leading. An example of this would be, “You said John got into the bed with you. Tell me everything that happened when John got into the bed with you.” Another recommended way to gain information is to ask “wh” questions, such as “Where were you when John touched you?” or “What were you doing just before John touched you?” There are instances when closed questions cannot be avoided. These questions should provide multiple choices, such as “Were you in the kitchen, basement or somewhere else when he touched you?” These questions are viewed as risky, and interviewers are cautioned from using them. They should only be used when all other question formats have been exhausted. All closed-ended questions should be followed up with an open-ended question to allow the child to use their own words (Swerdlow-Freed, 2017).

Because children are often abused multiple times, it is important for the interviewer to specify if an event happened “one time or more than one time.” If the incident occurred more than once, more details should be explored. The interviewer should use words like first time and last time to label the incidents and identity locations, acts, witnesses or evidence (Newlin et al., 2015).

When it comes to best practices of forensic interviews of children, one of the greatest findings of the research is on the benefits of open-ended questions and the dangers of closed-

ended and suggestive questions. Open-ended questions have been proven to elicit the best quality information from witnesses and are viewed as best practice when interviewing kids. Closed-ended questions, however, result in less information and are more likely to elicit misinformation or suggestive influence, according to the research. Even open-ended questions can produce different responses depending on how the questions are asked. Although "wh" questions are recommended, how these questions are asked can vary. Recent research has examined the different types of "wh" questions, and the results have shown that prompts about actions, such as "What happened?" were more productive than other "wh" questions (McWilliams, 2016).

In a study by Amye Warren, questions were posed in 42 CPS interviews with children who reported being sexually abused. In the interviews, interviewers most of the time did not ask open-ended questions. Nancy Walker and Jennifer Hunt expanded this study by identifying different types of questions that compromised the integrity of child forensic interviews. They found that faulty techniques included times where the interviewer modified the child's statement, used forced-choice questions that limited the answers the child could give or used multipart questions. These techniques increased the chance of the child becoming inappropriately compliant where the child chose one of the options offered by the interviewer, despite it not being correct. In other instances, the child became confused (Walker, 2002).

The concept of a funnel can be used to formulate questions. The interviewer should begin with a question that is as broad and open-ended as possible – the top of the funnel. The interviewer should then gradually narrow their focus. Once the child responds with information, questioning should go back to the broad end of the funnel. Sometimes this is referred to as the hourglass approach. Another concept used is pairing, which pairs focused or direct questions with open-ended follow up prompts that follow short answers from a child with open-ended

requests for the child to expand on their answers (American Professional Society on the Abuse of Children, 2012).

There are several issues with asking closed-ended questions. In these types of interviews, the interviewer ends up talking more than the child. The child's responses are limited, and often no additional information is offered. These questions rely on information provided by the interviewer, which may be incorrect or biased. Close-ended questions are more prone to response biases, and it is unclear whether the child actually understands the questions. These questions also encourage guessing, which leads to increased inaccuracy (American Professional Society on the Abuse of Children, 2012).

Suggestibility and bias on the part of the interviewer may also affect how a child responds during the interview and how their memory is altered. This could happen if an interviewer repeatedly asks the same question. This may indicate to a child that they answered incorrectly the first time. The interviewer should also be aware that their own personal experiences may affect a child during an interview, so it is important that they remain unbiased. An interviewer should not go into an interview with any preconceived notions about what happened or did not happen to the child. One way to help avoid bias is to use the interview to address multiple theories rather than to confirm or negate a particular one (Child Welfare Information Gateway, 2017).

In addition to suggestiveness and bias, other concerns include avoiding reinforcement, influence and removal from direct experience. Reinforcement can greatly influence an interview. Research has shown that reinforcement can elicit false allegations of wrongdoing from children. Examples of this include praising a child for making an allegation, implying that the child can be viewed as helpful or intelligent by making an allegation, criticizing the child's statements or

implying that they are false, inaccurate or inadequate, giving stickers, food or other rewards for disclosing, limiting the child's mobility, such as delaying a visit to the restroom or returning to home until they have disclosed or using physical or verbal abuse during the interview (Wood & Garven, 2000).

E. Education and Training for Interviewers

The research on interviewing children who have been victims of abuse and neglect or who have witnessed it is continually evolving, so it is important that interviews stay current on their education. New interviewers just starting out in the profession should take an intensive training program, which is usually a week in length, to learn basic principles, the best questioning approaches for obtaining information, a review of children's developmental capabilities and issues and recommendations for techniques for moving the child forward in an interview. This is not enough, however, research suggests. Instead, supervision by an experienced and skilled child forensic interviewer and participating in a peer review group increases the likelihood that the interviewer will put their skills into practice effectively. It is important that experienced interviewers give support and feedback to newer interviewers (National Children's Advocacy Center, 2016).

Furthermore, research shows that forensic interviewers are better able to maintain and improve their skills when they regularly review their own interviews and others' interviews closely, while discussing strategies, successes and errors with other interviewers. This peer review process gives interviewers the chance to see others interview kids and to provide a critique of the techniques.

It is recommended that caseworkers, law enforcement and other professionals all receive this training in order to conduct effective forensic interviews. A variety of organizations, such as state agencies, professional groups and other agencies responsible for conducting interviews, sponsor this type of training. Advanced training is also available that focuses on specific interview techniques. This could include interviewing young children, interviewing across cultures, interviewing developmentally challenged children, managing bias, delivering court testimony and secondary trauma (Child Welfare Information Gateway, 2017).

A study by Lamb showed that long-term improvement in the quality of information obtained from young potential victims of abuse were seen only when proper protocols were followed and when training of the interviewer was distributed over time rather than in a single session, despite the length of the session. On the other hand, interviewers who received intensive short-term training, but no continued training, did not perform much better than when they interviewed before training. It is shown that those who learn the proper protocols and continue their education and training are more likely to use open-ended questions and obtain more reliable information during interviews (Lamb, 2007).

There is some research with conflicting findings on what approaches are best when it comes to training interviewers. Some studies show that workshops taught interviewers how to answer questions on a test, but that knowledge gained did not translate to the actual interviews. For example, one study focused on social workers in Kentucky and California before and after a 10-day course. The average scores of social workers in Kentucky were only slightly higher after training than before training, and the average scores in California were actually lower after training. The results showed that information presented in a lecture format did not produce significant changes in interview practices. A more recent study confirmed these findings – in the

study, a six-hour training course failed to improve interviewing skills. Thus, research has showed that workshop training programs do not adequately prepare interviewers to conduct appropriate forensic interviews with children (Walker, 2002).

On the other hand, studies have shown that interviewers who rely on structured interview protocols have more success after participating in workshops. For example, researches developed a one and two-day forensic interviewing workshop using a structured interview model, and these proved successful. Debra Poole evaluated the effectiveness of a two-day workshop based on Michigan's protocol for forensic interviews of children and found that the workshop led to dramatic changes in interviewer behavior. After the training, all tested participants followed the Michigan Forensic Interview Protocol that was taught in the workshop. Furthermore, they improved their rapport building, introductions, topic introductions and closing. They also incorporated legal frameworks and ground rule discussions into the interview and used more open-ended questions to get more narrative accounts from the children (Walker, 2002).

In another study, a three-day seminar taught a structured protocol that included analyzing transcripts and group sessions. The research found that this hands-on approach resulted in positive outcomes. The number of open-ended questions was higher than in non-protocol interviews. These interviews also contained less suggestive questioning (Walker, 2002).

III. THEORETICAL FRAMEWORK: JEAN PIAGET THEORY, CHILDREN'S MEMORIES/RECALL PROCESS, IMPLICATIONS OF TRAUMA DURING INTERVIEWS

A. Jean Piaget Theory

Each child and interviewer are different, so no two interviews are the same. There are many factors to consider when understanding and practicing child forensic interviews. Jean Piaget's theory of cognitive development can be used to explain why it is important for forensic interviewers to adjust their interviews and questions based off of a child's age, developmental ability and cognitive development.

Piaget is one of the most influential child development specialists, and his works were first published in the 1920s. His theory, however, has continued to influence modern researchers.

Piaget and Lawrence Kohlberg tried to explain the development of memory and moral development at different ages and development stages. From birth to 1 ½ or 2 years old, a toddler's memory development is based off of recognition. At 2 to 4 years old, a child is beginning to recall and beginning to be able to establish their autobiographical memory. At this age, their moral development is based on obedience and avoidance of punishment. Beginning at age 3 and continuing through 9 years old, a child's recall becomes stronger and infantile amnesia is more apparent. Their moral development becomes more egotistic based on their own needs and earning rewards or favors. From age 9 to the early teens, recall is even stronger, and the child is more interested in gaining approval and avoiding disapproval. Finally, in the early teens through early adulthood, recall is strengthened through rehearsed events, and the adolescent's moral development is based on conformity to rules (Robbins, 2018).

B. Children's Memories/Recall Process

Because age and development of a child can greatly impact how an interview is conducted, taking the age and development of a child into consideration during an interview is critical. According to the research, age is the most important determinant of a child' memory capacity. Both age and development can influence the perception a child has on an experience and the amount of information that they can remember. Some child interviewers may struggle with interviewing a child because they do not have a strong background in child development. Interviewing preschool-aged children may be especially difficult because these children have limited language, a poor sense of time, a brief attention span and lack of self-control. But a child this age does have memories of recent events, a growing ability to use language and they may be less reserved about tattling compared to an older child (National Children's Advocacy Center, 2016).

Human memory is important to understanding cognitive development. When children are interviewed about abuse, the information they provide is based on autobiographic memory and the ability to recall what happened in their life. A child's age and moral development coincide with the child's cognitive and linguistic ability. Age is one of the most important factors in a child's capacity for memory. As the child gets older, their vocabulary improves and they are able to engage in longer conversations and discussions. They can more accurately tell what happened to them (Robbins, 2018).

Piaget's theory is based on the assumption that all children go through the same sequence of development, but they may go through the stages at different rates. Piaget believed that because of the variation in ages, the educational setting must be adapted based on different student's developmental level (Lefa, 2014). This theory should be considered during forensic

interviews as well because each child is going to be at a different developmental stage, so the interviewer needs to adapt to the child's needs.

As children age, their attention spans lengthen and they comprehend information better and are able to explain their experiences verbally. They are able to store more information and to discuss what they remembered with others. While young children have a difficult time focusing their attention and searching their memory effectively when interviewed, they improve these skills as they get older. Instead of simply responding to recognized words or simple phrases without considering the entire question, older children can understand questions better (Newlin et al., 2015).

Furthermore, just because a child remembers an experience does not necessarily mean they can explain it to someone else. Young children may use words even if they do not fully understand what they mean, and they may confuse concepts such as tomorrow, a lot or a long time. As they get older and more mature, they may be able to use their words better and be more easily understood, but terminology for sexual acts may still be too difficult for them to understand (Newlin et al., 2015).

Young children are more likely than older children to have a difficult time determining where their information came from – whether it was something they knew from their own experience or from other sources. They may attribute information to an incorrect source. To most young children, information they learned from parents and other people is real and is what really happened. They do not typically distinguish between what information they know from their own personal experience and what information they heard from someone else (Walker, 2002).

While interviewing a young child may be challenging, interviewing an adolescent child can bring just as many obstacles.

Piaget identified five characteristic indicators of adolescent cognitive development and named them as formal operations, hypothetico-deductive reasoning, propositional thought, the imaginary audience and the personal fable (Morelli, n.d.) These indicators are important to understand when interviewing older children and teenagers in a forensic setting because older children may have different attitudes and respond differently to questions than a younger child would.

Piaget used the term "mental operations" to describe the mental ability to imagine a hypothetical situation and to try to determine a likely outcome. This is commonly referred to as the "what if" scenario. During adolescence, children are able to move from concrete thinking to having the ability to think more abstractly. This is what Piaget called formal operations. At this age, children can think about intangible concepts such as justice or poverty. They can imagine events or circumstances that they have not actually seen. Piaget believed that children entered this stage at about 11 years old, but the age could vary, he said. A child's cognitive development can be affected by family culture, schooling, training, medical conditions or emotional or physical trauma (Morelli, n.d.) This is important for forensic interviewers to know and understand because not every 11-year-old child may think in an abstract manner. Specifically, a child who has experienced trauma, such as the children who are being interviewed, may have difficulty understanding abstract concepts during an interview.

Teenagers are more scientific and logical in the way they approach problems compared to younger children. At this stage, teenagers also use propositional thoughts, which means they can determine whether a statement is logical based solely on the wording rather than having to

observe a scenario. Basically, as a child gets older, they are better able to differentiate between what is possible and what is not possible, and they are better equipped to identify a problem and solve it more efficiently than a younger child would (Morelli, n.d.) This concept can be applied to forensic interviews because an older child would be more likely to understand the questions asked and better able to explain his or her answers to the interviewer.

As children become older, they also become better observers and interpreters. They are better able to observe other people's behavior, expressions, comments and appearance, and they can interpret this information and come up with ideas on how someone is thinking or feeling or what they are needing or wanting. At this age, they are also wondering and sometimes worrying about what other people think about them. This stage appears around the same time when teenagers are becoming insecure about their appearance and identity. All of these factors combine to create what Piaget referred to as the imaginary audience because teenagers often feel like everyone around them is watching and judging them. This therefore make them self-conscious. Teenagers at this stage may feel different from other people, including their peers, which Piaget refers to as the personal fable. In general, teens have a false sense of who they are and how they compare to others. Some overestimate their abilities or their looks, which can lead to dangerous behavior. Others, however, may feel like they are dumber or inferior to their peers, which can lead to sadness, frustration and loneliness (Morelli, n.d.) This phase is especially critical for forensic interviewers to consider because teenagers who have been abused may be even more self-conscious than the average teenager their age who already feels self-conscious. Abuse or trauma may lead to more feelings of embarrassment, shame, loneliness and hopelessness, so it is important for forensic interviews to understand how a teenage victim may

feel. Because of this, the child may be less likely to open up and disclose or talk about what happened to them.

Hormones impact children's behavior, emotions and decision-making at this age, according to the National Children's Advocacy Center (National Children's Advocacy Center, 2016). In addition, because some adolescents look like adults, interviewers and multidisciplinary team members may not recognize that they vary greatly in their verbal and cognitive ability, so they may not build rapport with them or provide them with interview instructions. And because teenagers may want to appear competent, they may be reluctant to ask for help if they do not understand something. Interviewers should not have higher expectations for older youth and they should not be less supportive or use more complicated language when interviewing teenagers (Newlin et al, 2015).

Interviewers must also be aware of the development of the children, as kids with disabilities need to be interviewed differently. Autism, spectrum disorder, cerebral palsy and intellectual disabilities are some of the most common developmental challenges seen in children. These children can be at-risk for various forms of victimization. Interviewing this group of vulnerable children is crucial, but each disability can create challenges during the interview process due to cognitive, social, emotional and behavioral issues in the child (National Children's Advocacy Center, 2016). It is recommended that interviewers use local resources, such as disability specialists, to gain insight into how these children function and what accommodations they may need. Interviews may need to be adapted to fit these children, and more than one interview may be necessary in order for the interviewer to gain the trust of the child (Newlin et al., 2015).

The interviewer should be aware of any special needs the child has before the interview begins. They should also find out if the child is on any medication that may affect the interview. If a child has any developmental delays, the interviewer should make contact with teachers, parents and doctors beforehand to determine the child's level of functioning. Finally, they should keep in mind that some children with learning disabilities or delays may have a strong desire to please, so they may answer questions in a way that they think the interviewer desires (American Professional Society on the Abuse of Children, 2012).

C. Implications of Trauma During Interviews

Trauma can also affect a child's memory, according to Piaget. Although some kids may remember a traumatic event just as well as a non-traumatic event, other kids may not be able to provide the same level of detail (Child Welfare Information Gateway, 2017). Trauma may also affect a child's ability or willingness to disclose because their memory may be impaired or distorted due to the trauma. They may only be able to recall "flashbulb memories," which are just snapshots of what happened. Expectations should be lowered for children who are traumatized. Interviews should not be continued if a child is overly stressed, and children who are extremely traumatized may need additional support from outside resources (Newlin et al., 2015).

Finally, culture should be taken into consideration, as it can greatly affect a child's development, linguistic style, perception of experiences and ability to focus attention. Depending on culture, there may be communication challenges that may lead to misunderstanding. It is recommended that there be guidelines in place considering culture when assessing whether abuse or neglect has occurred. The influence of culture may affect a child's perception of experiences, memory formation, the comfort of talking to strangers and values about family loyalty and

privacy (Newlin et al., 2015). A child's culture may prohibit them from sharing sensitive, family-related information to a stranger, so it may be helpful for the interviewer prior to the interview to have the child's guardian or non-offending parent give the child permission to talk with the interviewer (American Professional Society on the Abuse of Children, 2012).

If there is a language barrier, a bilingual interviewer should conduct the interview. If this is not possible, then a qualified interpreter should be used. This also applies when a child is deaf or hard of hearing. The interpreter should be made aware of the sensitivity of the interview and instructed to interpret everything verbatim. Family and friends should not be used as interpreters during interviews with children (American Professional Society on the Abuse of Children, 2012).

Piaget's theory of cognitive development is important to help understand child development and how different children may respond during forensic interviews. Piaget's research shows that children, as they age, can remember more and articulate themselves better. Forensic interviewers should be aware of Piaget and his theory on child development and they should adjust their interviews according to the theory. Piaget believed that all children go through the same stages of development, but they may go through the process differently or at different times, so it is important for interviewers to know that each child is different, even though they may be the same age. Because Piaget said teenagers are more self-conscious, interviewers may have to adjust their questioning during interviews. Piaget also said trauma may affect a child's memory, and often children who are being forensically interviewed have experienced trauma, so this is an important factor for interviewers to also consider. The children they are interviewing may have trouble remembering or recalling what happened to them if they are traumatized. Again, interviewers should adjust their questioning accordingly.

IV. RECOMMENDATIONS: IMPLEMENTING MULTIDISCIPLINARY TEAMS, ASKING THE APPROPRIATE QUESTIONS, TRAINING AND EDUCATION

A. Implementing Multidisciplinary Teams

It is recommended that communities set up multidisciplinary teams comprised of multiple agencies to help forensically interview children; to follow structured interview protocols; and for forensic interviewers to receive training and stay up-to-date on their training. Forming a multidisciplinary team should be something that communities do when if they are working with children who have possibly been victims of abuse. Having a team like this promotes coordination and teamwork and ensures a prompt response, while also minimizing additional trauma to the child. These teams are often comprised of people from various fields, such as law enforcement, child protective services, prosecution, medicine, counseling and related fields (U.S. Department of Justice, 2000).

To help communities form a multidisciplinary team, the U.S. Department of Justice has put together a guide to assist in forming a team. In 1995, a 7-year-old girl was beaten to death by her mother after she endured months of abuse. After her death, an investigation revealed the girl had been the subject of at least eight reports of abuse, with multiple agencies investigating. Communication among the agencies had been lacking, however, and the girl was left with her abusive mother. After this occurred, the first recommendation by the New York State commission was to prevent another tragedy like this and to adopt laws that authorized child protective agencies to provide complete information to all members of a county's multidisciplinary team or child advocacy center. This team was to consist of professionals working together to ensure the effective response to reports of child abuse and neglect. The team

may focus on investigations, policy issues, treatment of victims, their families or perpetrators or a combination of these functions (U.S. Department of Justice, 2000).

No sole agency has the ability to efficiently handle a child abuse case; rather it is the responsibility of multiple agencies to work together. Forming a multidisciplinary team is viewed as best practice for responding to and investigating a case of child abuse. Forming these teams is often required by certain states, counties or cities. In more than 75 percent of the states and at the federal level, these teams are a requirement. This multidisciplinary team approach is more in-depth than joint investigations and interagency coordination. These teams require participation from all members and a wiliness for all members to share ideas, knowledge, skills and abilities (U.S. Department of Justice, 2000).

Many benefits exist to having a multidisciplinary team investigate child abuse cases. These include the children and families being less subjected to the "system" and to trauma; better decisions being made by agencies and more interventions being enacted; more efficient use of limited resources; better trained and capable professionals, more respect in the community and less burnout among child abuse professionals; and ultimately safer communities (U.S. Department of Justice, 2000).

Multidisciplinary teams may look different from state to state or from county to county. For instance, some are formed as part of a child advocacy center, where there is a building that provides a place for forensic interviews. The CAC also may be used to provide medical examinations and treatment, to house team meetings and training and to do community outreach and public education. There are more than 400 CACs nationwide. Other teams may not have a CAC and may not provide additional services that a CAC provides, but they may be based elsewhere, such as in hospitals, prosecutor's offices or in a child protective agency building.

Finally, other teams may not have a CAC or a building that is specifically used for investigating child abuse. Instead, they use whatever resources that may have available to accomplish their goal. Ultimately, the type of team a community has will depend on available resources and the agencies involved (U.S. Department of Justice, 2000).

There are many factors that are key to a successful multidisciplinary team. These includes committed members who have the support of their agencies for the team approach; an initial meeting during which each member's role and previous experience in investigating child abuse and neglect are discussed; and the creation of a mission statement that explains the purpose of the team. The team should also discuss the types of cases that will be investigated, the responsibility of each team member and the procedures for conducting the investigation. The first step to forming a team, however, is recruiting members and deciding who is going to be on the team. If a state requires a multidisciplinary team, there will be membership requirements defined by the statute. Normally, these laws specify law enforcement, child protection or family services and prosecution participate. These professions, as well as the medical profession, should be considered the core component of the investigative team. If there are other services available in the community, others should join, such as mental health professionals, victim service coordinator, court appointed special advocates and educators. It is important when recruiting members to make sure that leadership from the participating agencies is supportive of the team. If they are not supportive, it would be beneficial to reach out to other multidisciplinary teams so that can share the benefits of having such a team. Research on the benefits of having a team should also be shared with agency leaders. There are multiple studies that support the implementation of a multidisciplinary team. For instance, one study showed that in an area with a team, three out of four cases were referred for criminal prosecution, and nearly 95 percent of

those cases resulted in convictions. These statistics are higher than in areas with a multidisciplinary team. Other research shows that having these teams reduces the number of interviews a child is subjected to (U.S. Department of Justice, 2000).

Once the team members have been identified, an initial meeting should occur, where the team members discuss their ideas and reasons for joining. It is important for all members to listen to each other and not allow differing opinions get in the way. Often the first meeting can be heated because agencies may be defensive of their agency or have a strong opinion about how child abuse investigations have been handled in the past. It is important to understand that all members may have differing views or goals. For example, social workers may want to focus on putting families back together, while police want to focus on arresting criminals. These obstacles face multidisciplinary teams, and recognizing these obstacles and understanding each other's comments is the first step in forming a team (U.S. Department of Justice, 2000).

Next, the team should form a mission statement and written guidelines to follow. The mission statement should include the team's activities, goals and principles to follow to achieve the goals. In developing the mission statement, several questions should be asked, such as why the team was formed, what the common values are for each team member, who is on the team, what jurisdiction the team services, how the team wants to be perceived, the types of cases the team will investigate, what functions the team will perform, what challenges the team will face and how the team will overcome those challenges. The mission statement should be five or less sentences, but be specific. Next, the written protocol will include what the team's function is and what the responsibilities are of each member. It is important to consult state statute when forming a protocol. Teams can also view other teams' protocols to get ideas. Depending on the size of the community and the resources available, every protocol may look different. Despite

size and resources, though, every protocol should address the same issues. Topics that may be included in the protocol include arresting suspects, removing children from their homes and filing charges. Other information that may be included in a protocol includes the purpose of the team, who the members are, what cases will be investigated, how the investigations will be conducted and by whom, who will interview the victims, who will refer the victims to medical personnel, where these events will occur, where meetings will take place, what information will be shared and with whom and when and how will the team be evaluated (U.S. Department of Justice, 2000).

In order to better work together and to prevent conflict, team members should spend time together. This may mean attending the same training together and participating in social events together. Some teams have picnics, award banquets or other activities. Other tips for a successful multidisciplinary team include identifying a leader, meeting regularly, respecting others and agreeing to disagree, listening to one another, being open to critics, being honest, knowing abilities and limitations and understanding different roles and responsibilities of the team members (U.S. Department of Justice, 2000).

Finally, it is important that multidisciplinary teams have periodic evaluations to know how the team is performing. One way to do this is to get feedback from team members, but the members must be honest of the team's performance. Evaluation can also occur from the community, victims, families, outside agencies and supervisors. The team should regularly ask for this feedback (U.S. Department of Justice, 2000).

B. Asking the Appropriate Questions

Best practices exist for how to prepare for an interview, what to do during an interview and what questions to ask. A child forensic interview is normally the first step in a child abuse investigation, and the purpose is to determine whether abuse has occurred or not. There are different interview models, but it is recommended that all interview techniques that are implemented have the same three states: rapport building, substantive phase and closure (Robbins, 2018).

During the rapport building phase, the interviewer should introduce themselves and explain the setting and rules for the interview. During this phase, the interviewer will assess the child's development and determine whether the child can distinguish between the truth and a lie. They may ask general questions about a child's interests. This gives the child an opportunity to provide narrative responses and for the interviewer to determine whether the child is capable of providing a narrative response to a question. It is also during this phase that the interviewer should have the child tell them the names for body parts. It is recommended that the interview be recorded, and the child should be advised of this at the beginning of the interview. The child should be told to tell the truth, but to correct the interviewer if the interviewer says something incorrectly. They should also be given the opportunity to ask questions, and the interviewer should answer those questions. The child should also know that it is OK to say they do not know an answer or that they do not remember. The purpose of the rapport building phase is to create a relaxed environment for the child (Robbins, 2018).

Once rapport has been established, the interviewer moves into the substantive phase, where they ask open-ended questions to illicit narrative responses to determine what, if anything, has occurred. If necessary, follow up questions need to be asked. The topic at hand should be introduced in a non-suggestive way, such as, "Do you know why you are here today?" If the

child does not make a disclosure, more suggestive questions may be asked. If the child does say something of substance, the interviewer should follow up with narrative questions, such as “Tell me more about that.” Research shows that best practice is to ask open-ended and less directive questions because they elicit more free narrative responses from the child, which leads to better information being obtained during the interview (Robbins, 2018). These questions encourage the child to talk and are designed to increase details and accuracy. They also trigger memory recall (Washington State Child Interview Guide, 2009).

Follow up questions can include the “W” questions, such as who, what, where and when. These questions trigger recognition memory and provide brief answers with relevant information, but they do not suggest expected answers. They should not include information that has not yet been mentioned by the child or they may come across as suggestive (Washington State Child Interview Guide, 2009).

With younger children, multiple choice questions may be asked, such as “Did it happen in the living room, the bedroom or the kitchen?” If possible, though, these questions should be avoided because they are based on assumptions made by the interviewer (Robbins, 2018). These questions should still include an open-ended option, such as “or someone else” or “or somewhere else,” so the child has the option to provide a different answer from the list that was provided in the question (Washington State Child Interview Guide, 2009).

Finally, during closure, the interviewer begins asking non-substantive questions. They also should ask the child if they have any questions and should thank the child for the interview. The interviewer should also address any issues related to safety and explain what happens next (Robbins, 2018).

C. Training and Education

It is recommended that people who forensically interview child victims be properly trained and for them to stay up-to-date on their training. Forensic interviews often come from various professions, agencies and educational background. It is important that they all have similar skills and techniques, though. Specialized knowledge is crucial, especially when young children are being interviewed. These skillsets can be obtained through training, experience, supervision and independent learning. It is recommended that interviewers make an effort to be engaged and learn about new and existing research related to forensic interviewing, and they should use this knowledge to improve their interview skills. They should also participate in ongoing training and peer reviews when possible. This specialized forensic interview training should be completed before conducting formal forensic interviews. Interviews should also participate in continuing education on a regular basis and to seek periodic reviews from peers and more experienced interviewers (American Professional Society on the Abuse of Children, 2012).

Despite the need for training and continuing education, research shows that interviews fail to use methods that they have learned from the training. They often revert back to old methods of training that is not supported by best practices (Robbins, 2018).

Each community, agency or multidisciplinary team may have different expectations or requirements for their forensic interviewers in regard to training. Some may not have any requirements at all, while others may have to participate in a certain number of training hours to become certified or accredited. For example, to become accredited through the National Children's Alliance, a forensic interviewer must have so many hours of training. According to the 2007 edition of the Standards for Accredited Members, all forensic interviews should have

successfully completed training that includes at least 32 hours of instruction and practice, evidence-supported interview protocol, pre- and post-testing that demonstrates an interviewer understand what a legally sound interview is, training that includes content on child development, question design, protocol implementation, dynamics of abuse, the disclosure process, cultural competency and suggestibility. The required testing also must include a practice portion with a standardized review process. The interviewer must also read current articles that relate to forensic interviewing. Further, the curriculum of the training must be included on the National Children's Alliance approval list that contains the nationally or state recognized forensic interview trainings. The members also must show that they are participating in ongoing education in the area of child maltreatment and forensic interviewing that consists of at least eight hours every two years (National Children's Alliance, 2007).

V. SUMMARY AND CONCLUSION

A child forensic interview is an important event in an investigation. It is designed to obtain information from a child who may have been abused or neglected. The interview can also inform investigators and help direct an investigation, and it may substantiate or disprove allegations of abuse. Another purpose may be to assess the safety of a child. Often the interview may help law enforcement and prosecutors determine whether charges should be filed against a suspect. How the interview was conducted may even end up being a factor in whether the suspect is found guilty, as cases such as McMartin Preschool and Michaels have shown. Given the importance of child forensic interviews and helping protect children who may have been victimized, it is crucial that forensic interviewers conduct these interviews appropriately and that they follow best practice guidelines (Swerlow-Freed, 2017).

Forensic interviews should be done by trained professionals in a manner that will elicit factual information from the child. The techniques used should avoid suggestiveness and leading questions that may call the child's statements into question later in court proceedings. Although there are various interviewing models that may be used by jurisdictions, they all employ the same basic concepts that are viewed as the standard forensic interviewing techniques (Child Welfare Information Gateway, 2017). These best practices include forming a multidisciplinary team, asking appropriate questions to children during those interviews and interviewers receiving and staying up to date on their training. Most research has focused on proper interviewing techniques and the ways in which questions are asked during interviews.

Improper interviews and clumsy interviews can be costly, for both children and their families and for the court system. Clumsy interviewing can directly affect the accuracy, detail and quality of a child's disclosure of abuse during an interview. A bad interview may also mean

that an innocent person is wrongly accused, a dangerous criminal walks free or a child is removed from a home unnecessarily or experiences unnecessary trauma. Resources in a jurisdiction may be drained by unsuccessful cases and trails, leading to less time and money being available for legitimate cases or they can lead to criticism by the public if improper interviewing techniques are publicized. In general, forensic interviews that are done improperly can have negative affects on child victims, prosecutors, police and the reputation of the child protection system (Wood & Garven, 2000). These improper interviews can be avoided by interviewers by having a multidisciplinary team approach to the interviews, asking the appropriate questions and by undergoing training in the field.

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