

INTERVIEWING CHILDREN

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WHO ARE THE CHILDREN IN YOUR CASE?

1. Complaining witness.
2. Kid witnesses of child behavior.
3. Kid witnesses of adult behavior.
 - *Best friends, neighbors, schoolmates, siblings, cousins, bystanders.*

Don't Discount Kids

- Great collateral witnesses.
- Police may discount kids.
- Use:
 - Background
 - Family routine

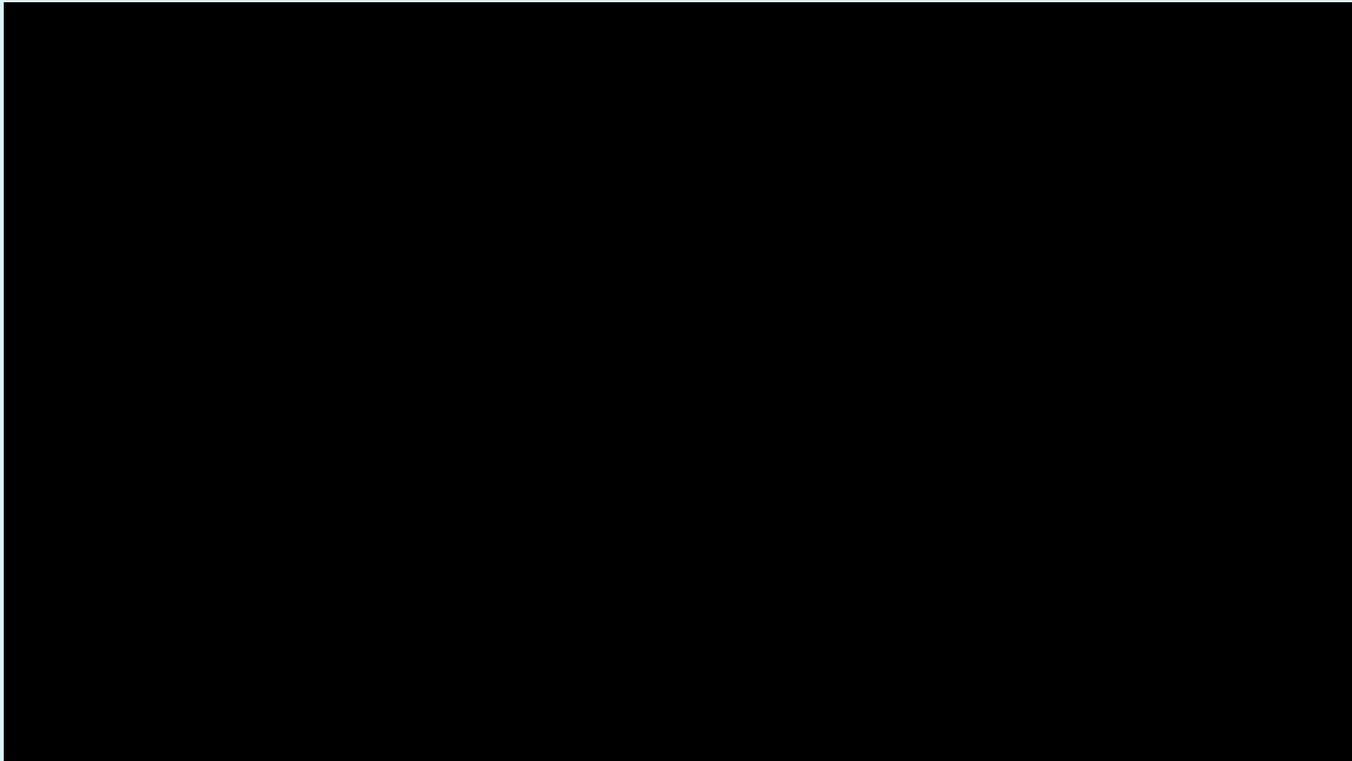


THINK OUTSIDE THE BOX:

Child
witnesses
in
general:

- What did they see?
- What did they hear?
 - Telephone calls?
- Flies on the wall!
- Arguments?

The “Flies on the Wall”



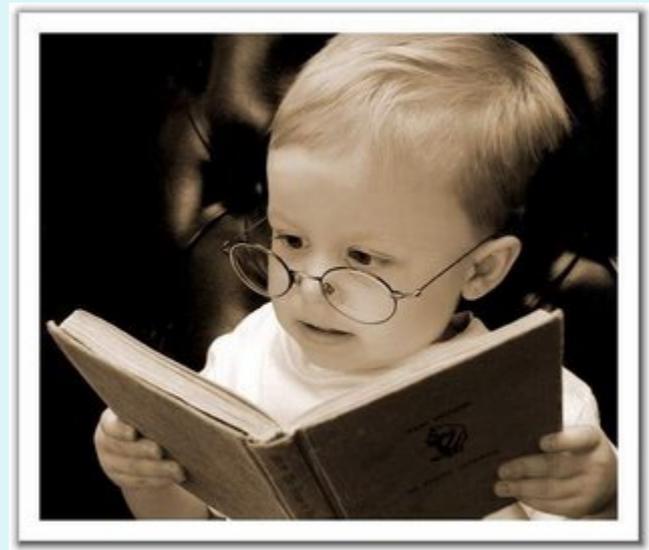
Preparation = Success

- Kids are not adults
- Prepare differently
- Understand children
 - Age
 - Development
 - Language
 - Relationships



Learn about children:

- **Language and social development.**
- **Relationships.**
- **Read about children.**
- **Listen to children.**
- **Watch them.**
- **Dr. Spock.**
- **Youtube.**
- **Teacher resources.**



Understand Social Science Research on Child Testimony

- **Stephen Ceci:** writes on children & the law (suggestibility, competence to testify, deception, coerced confessions)
- **Maggie Bruck:** highlights the scientific principles that courts need to consider in determining the credibility of child witnesses
- **Kamala London:** “Competence, credibility, and reliability of children’s forensic reports: Introduction to special issue on child witnesses.”
- **Debra Poole:** “Interviewing Children: The Science of Conversation in Forensic Contexts”

Preparation = Success

Part 2

- Read reports.
- Watch the interview a couple of times. What is in interview that is not in reports?
 - Does interview cover circumstances that existed in child's life at time of disclosure?
 - Who was first told anything?
 - Time between first disclosure and interview?
- Figure out your goals in interviewing child.

How Reliable is the Child?

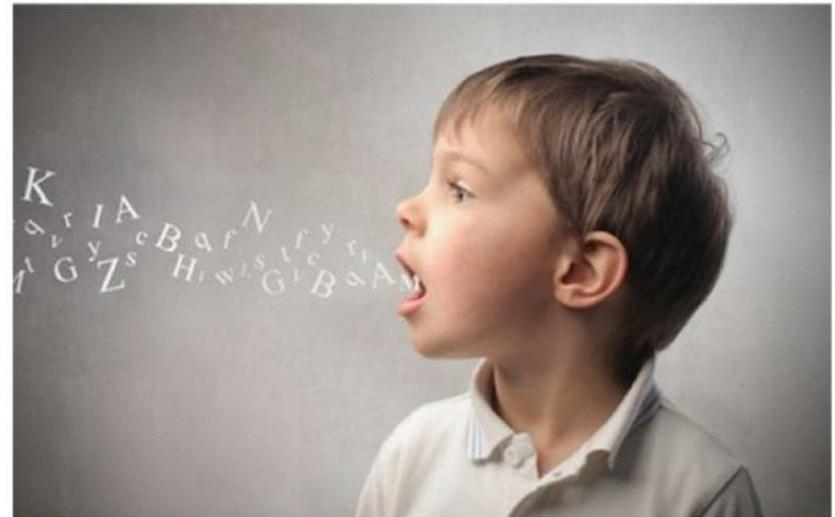
- Competency of child.
 - Time.
 - Over/under clothes.
 - Inside/outside body parts.
 - Colors.
 - Place.
 - Language used for body parts.

HOW DO KIDS TALK AT WHAT AGE?

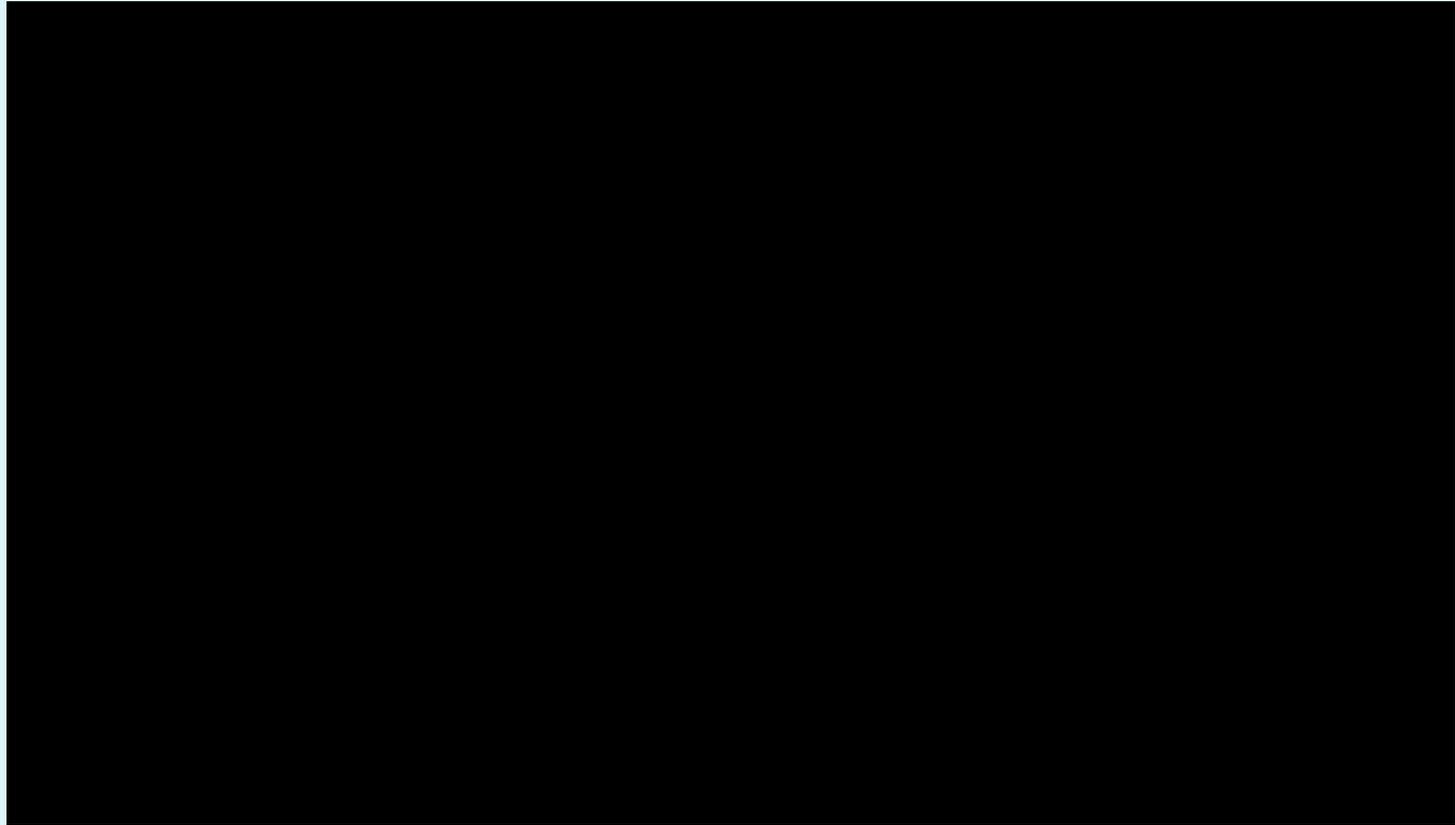
PRESCHOOLERS

SCHOOL AGE

ADOLESCENTS



Kids explain: ADULTERY



Case study: KS (importance of understanding cognitive abilities)

- In July 2013, KS was hard to understand. Cognitively delayed.
- Mom thinks KS said uncle touched her on butt and breast but wasn't sure. Talked to family about it.
- Then mom says: "I really want you to know this. My dad told me if I didn't go to the police, he would take my kids." Reports to police.
- Uncle charged with repeated sexual assault of child.

Case study: KS (importance of understanding cognitive abilities)

- “Forensic” interview: Social worker watches and writes: “immediately obvious KS is significantly delayed”
- She struggled with “basic concepts and language”
- Rules phase of interview: trouble with difference between truth and lie, trouble with correcting interviewer mistakes, trouble with saying “I don’t know”
- Inability to follow rules made the interview process unreliable.

Case study: KS (importance of understanding cognitive abilities)

- Early and often request prosecutor to give you information about her office's contact with complainant and complainant family.
- You never know what you will get.
- “We met with the victim's mother (AS) today and she says that when they are at home the victim (KS) says nothing happened. **We also met with KS and her statements are consistent with her forensic interview.**”
- Investigate what prosecutor says. Talk to parent of complainant. Parent might actually talk to you.

Analyzing the Case and Child:

- The child's stage of development.
- The child's relationships **with** her adults.
- The relationships **between** her adults.
- Reconstruct disclosure.
 - Everything about it.



THINGS TO CONSIDER:

Before the interview:

- Initial Disclosure
- Family History/Family Dynamic at time of disclosure.
- Child's History
- Alternative Hypothesis
- MOTIVE????

INITIAL DISCLOSURE

- *To whom* did the child first disclose?
- *When* did the first disclosure occur?
- *How* did the original disclosure surface?
- *Why* is the child telling now?
 - Time lapse?
 - Separation from alleged, feel safe now?
 - Child threatened when young, older now?
 - What was said in response to initial disclosure?
 - i.e: I'm going to kill him for doing that to you

Family History / What is the family dynamic at time of disclosure?

What is the child's daily life environment?

- Divorce/custody/separation.
- Family history of sexual abuse.
- Mental health/AODA issues.
- Domestic Violence.
- Criminal/CHIPS history.
- Employment/Childcare.
- Housing. See “Evicted” by Matthew Desmond.
- Cognitive abilities of family members
- Discipline in the home

CHILD'S HISTORY

- Sexualized behavior
 - Development/Speech
 - School attendance and problems (**IEP?**)
 - Mental health/AODA issues
 - Parental concerns and behaviors
- **Don't allow it to sway your interview, but be aware of this additional information**

ALTERNATIVE HYPOTHESES / AKA THEORY OF INNOCENCE

- **Discuss with team before & after interview:**
 - Exposure to sexual materials/ videotapes
 - Exposure to individuals accused of child molestation
 - Exposure to sexual activity
 - Overhearing conversations
 - Manipulation
 - Misinterpretations – innocent explanation (tickling, playing).
 - Social media. Facebook, Snapchat, Instagram, hot or not, kik, etc.
 - Past history of abuse.
 - Discipline.

Consider these issues prior and during interview. All of these things exist in children's environment.

What parents teach children about LYING:

- What parent has not lied to a child in order to prevent him (or her) from knowing an unpleasant truth?
 (“Everything will be okay.”)
- What parent has not taught their children to lie to someone they love?
 (“tell grandma how much you love the gift”)
- What parent has not instructed a child to lie on their behalf?
 (“tell them I’m too busy right now”)

What parents teach children about LYING:

For better or worse, parents teach their children how to lie and then get upset when their children use deception for their own purposes.

In fact, children are quick to learn that lying can be useful when trying:

1. to avoid punishment,
2. create a better image,
3. influence other's behavior, or
4. form their own identity.

COMMON SENSE

Most if not all of you agreed during jury selection that it is possible for children to lie about some things.

(But you wanted to know the context.)

“Forensic” interviewers fail to ask about context of disclosure.

Case study: Repeated sexual assault of twins, KA and CA.

Question to forensic interviewer: What was going on in CA's life when allegations first made?

Interviewer: “I don't know.”

“I don't know to whom CA first said bad touch.”

“I don't know what circumstances existed at the time.”

“I didn't know if CA was in trouble.”

“I don't know” and “I didn't ask him.”

CA was in trouble and was at age 12 being taken to Rogers Memorial Hospital for attempting to kill mom and sister.

“Forensic” interviewers fail to ask about context of disclosure.

- “Forensic” generally means science applied to court.
- “Forensic interview” is supposed to mean a scientifically valid interview that can be used in court.
- In court, we are guided by law.
- The law says we must acquit if there are facts that would cause us to pause or hesitate in the most important affairs of life.
- Because the forensic interviewer does not know the context of the allegations, she does not ask any questions about that. A big piece of the investigation is missing.
- Compare this type of investigation to run of the mill domestic violence cases. Isn't context looked at then? What was the fight about? How did it start? When did you call 911?

BEFORE YOU START:

Who are you interviewing?

- Victim vs. Non-Victim
- What is the purpose?
 - Filling in gaps left by state
 - Developing defense evidence
 - Both



PREPARE!!

Who else disclose to?

Watch Interview over and over

Look for GAPS

GAPS in Competencies

Fantasy Elements

Leading/suggestive interview technique

Behavior/demeanor of child

Read police reports

PUT TOGETHER TARGETED ISSUES/QUESTIONS

Other things to consider:

COMPLAINANT

- Already been interviewed (incompletely)
- Filling in the gaps
- Targeted areas based on analysis
- How are they coming to you?

NON-VICTIM WITNESS

- Have they been interviewed yet?
- Be just as concerned with accuracy
- Filling in the gaps
- Use stepwise to give you credibility-if applicable
- May be more free flowing instead of traditional SW

Forensic Interview Protocols

- There are many different versions.
- Some are based on Minnesota's Corner House Protocol, which turned into RATAC, and Child First. (MN, TX, 15 other states.)
- Some are based on APSAC (WI, NY). "The American Professional Society on the Abuse of Children is the leading national organization supporting professionals who serve children and families affected by child maltreatment and violence." 2012 new practice guidelines. In Wisconsin, changed "Stepwise Protocol" to "WI Protocol."
- Cook County, Illinois uses a "collaborative interview process" based on any recognized forensic protocol.

Forensic Interview Protocols

- In 2010, representatives of several major forensic interview training programs gathered to review their programs' differences and similarities.
- ***All models include the following phases:***
- • The initial rapport-building phase typically comprises introductions with an age- and context-appropriate explanation of documentation methods, a review of interview instructions, a discussion of the importance of telling the truth, and practice providing narratives and episodic memory training.
- • The substantive phase most often includes a narrative description of events, detail-seeking strategies, clarification, and testing of alternative hypotheses, when appropriate.
- • The closure phase gives more attention to the socioemotional needs of a child, transitioning to nonsubstantive topics, allowing for questions, and discussing safety or educational messages.

Forensic Interview Protocols

- The Wisconsin Protocol is one example in which we will introduce you to today.

WI FORENSIC INTERVIEW GUIDELINES

- Developed for CAC, CPS, Law Enforcement & any others who perform child interviews
- WI Forensic Interview Guidelines was designed with specific goals in mind:
 1. **Minimize any trauma.**
 2. **Maximize the amount and quality of information.**
 3. **Minimize any contamination of that information.**
 4. **Maintain the integrity of the investigation.**

WI F.I.G. was formerly STEPWISE

- For years, Stepwise was used.
- Since December 2014, Children's Hospital of WI Forensic Interviewers have been using the Wisconsin Forensic Interview Guidelines. These are guidelines that are in line with the "APSAC Practice Guidelines on Forensic Interviewing in Cases of Suspected Child Abuse" (2012) and with interview protocol updates across the country.

NEW!

New and Improved??

- This was Originally called STEPWISE PROTOCOL
- In December 2014, they initiated a “new” protocol.
- Now called: **“The WI Forensic Interview Guidelines”**
- Using Narrative Prompts more than open ended questions and direct questions.
- Replaced traditional Rapport Phase with Narrative Event Practice
- Moved Instructions to earlier in the interview

FORENSIC INTERVIEWING FOR THE DEFENSE:

- Differences in how WE use THIS:
- Forensic Interview VS. “Interview-Gap Filler”
- Victim VS. Non-Victim





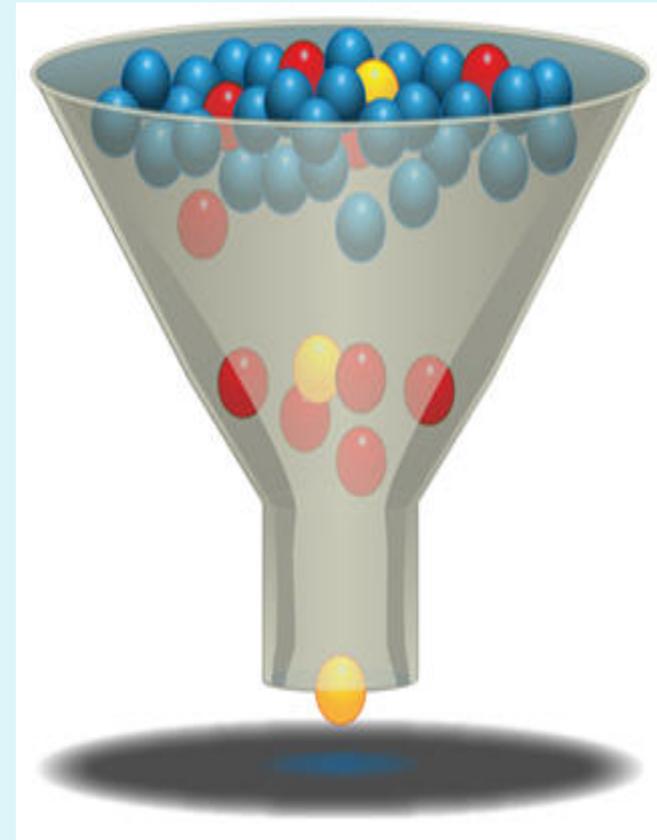
Does it matter HOW I
conduct
my interview?

YES!

Now...INTERVIEW TIME!

WI FORENSIC INTERVIEW GUIDELINES:

1. BRIEF INTRODUCTION
2. (RAPPORT BUILDING)
3. RULES
4. AGREEMENT
5. NARRATIVE EVENT PRACTICE
6. INTRO TO TOPIC
7. FREE NARRATIVE
 1. FUNNEL
8. CONCLUDING INTERVIEW



INTRODUCTION

Step 1

- Introduce yourself
- Procedure
- Answer child's questions
- **TELL ME ABOUT YOURSELF**
- **BUILDING RAPPORT!**

RAPPORT BUILDING

Step 2

- Very important phase
- Allow child to relax, assess developmental skills by having conversation
- Learn about their life from THEIR perspective
- Get a sense of how they communicate a story, incident; understand their ability to communicate openly
- In this phase, DO NOT jump into events of the alleged incident.

RAPPORT BUILDING (cont.)

- Free Narrative
- Assessing Competencies
- *Figure out:*
 - Over/under
 - Before/after
 - Inside/outside



RULES/INTERVIEW INSTRUCTIONS

Step 3

- NO Guessing
- Don't Understand? Tell me!
- Uncomfortable? Tell me!
- Not Sure? Tell me!
- YOU ARE NOT IN ANY TROUBLE
- ONLY True Things
- **ASSESSMENT OF TRUTH VS. LIE**

TRUTH vs. LIE???

Step 3 Continued

NON VICTIM or Never Been Interviewed:

- Establish their understanding of truth/Lie
- Ask examples (“If I tell you this is.....”)
- Consequences?

COMPLAINANT

- Do we need to re-establish their ability to tell the truth vs. a lie?
- Re-establish their understanding if needed.



NEW!

NARRATIVE EVENT PRACTICE

Step 4

- Memory practice
- Way to establish a narrative on details from kids
 - Ability to relate historic events
 - Sentence structure, sequencing, dating events, ability to provide contextual detail/ provide language, suggestibility
 - Competency
 - “I wasn’t there, help me understand”

NEW!

Narrative Event Practice Cont.

- Ask the child a question:
 - “Tell me about your morning & tell me everything that happened from the time you woke up, from the time you got here! From beginning to the middle to the end.”
 - Listen intently, then pick out TWO items and follow up on those:
 - “You mentioned X, tell me all about X” (i.e: breakfast)
 - “ You mentioned Y, tell me all about Y” (i.e: getting dressed)
- **DO NOT INTERRUPT CHILD!**
- NEP teaches child how to talk to you
- Open ended questions are NOT NEP!
 - **NOT=** “Tell me about baseball”
 - **YES=** “Tell me about the baseball game you played in this weekend”
 - Narrow down specific events-this gets them to focus!

Transitioning into Topic

Step 5

- The NEP practice allows a smooth transition into the topic.
- NEP provides an example of how the interview will go, and what is expected of the child.
- Strategy: Victim vs. Non victim
- WI F.I.G. says: “That is how I want you to tell me things today; from beginning to the middle to the end”

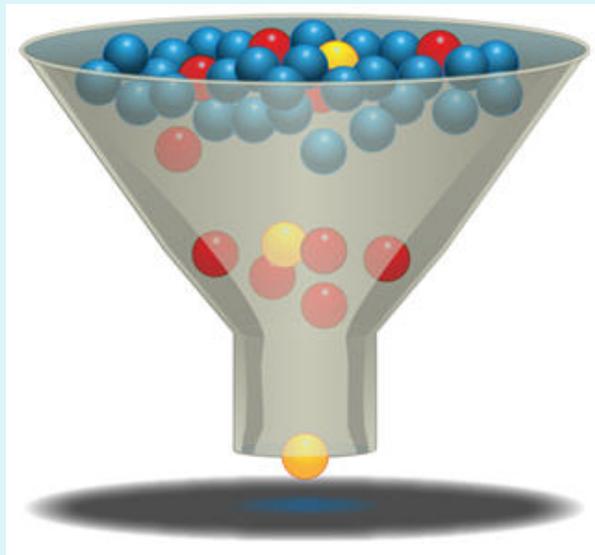


HOW DO WE START??

Part of Step 5

- Tell me why you came to see me today
- What did *mom* say about coming here
- Any problems/troubles in your life right now
- Things you don't like?
- Has someone hurt you?
- Is someone worried about you/someone think your being hurt?

- Child may say: “I’m here because Uncle Bob touched my privates”
- *“Can you think about the last time Uncle Bob touched you, and tell me all about that. From beginning to middle to end”*



REMEMBER TO USE THE
FUNNEL:
OPEN ENDED,
WORK DOWN TO
SPECIFICS

FREE NARRATIVE!!

Step 6

- NEVER INTERRUPT THEM, LET THEM TALK FREELY
- TAKE NOTES, ABOUT THINGS YOU WANT TO FOLLOW UP ON, WAIT UNTIL THEY ARE DONE WITH FREE NARRATIVE BEFORE FOLLOW UP
- *After Free Narrative, Follow up:*
 - “You mentioned X, tell me about X”

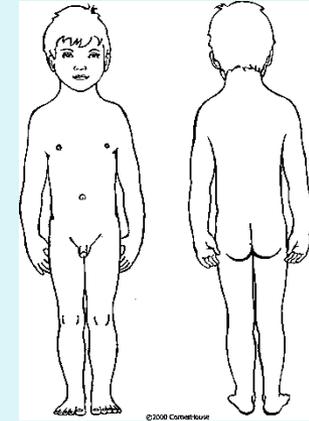
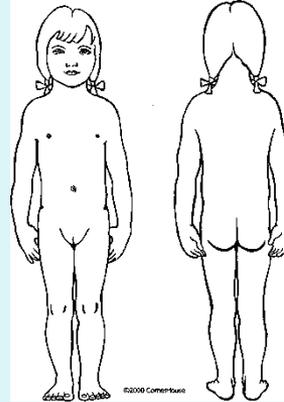
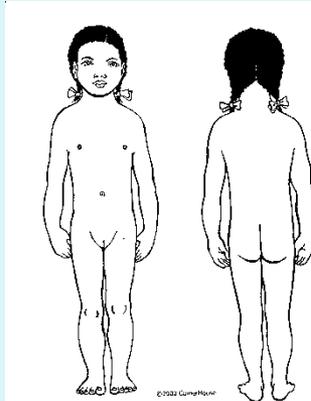
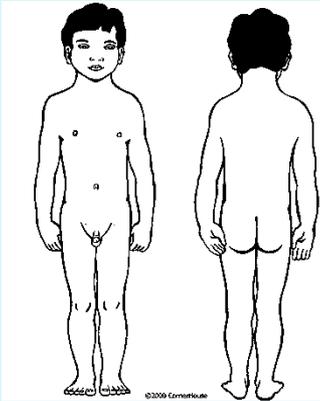
TOPIC DISCUSSION:

Still Step 6

- Focus on Event
 - Last time
 - Time you remember most
 - Different time
 - First time
- Do not lead in questioning
- Follow up on inconsistencies



USE OF AIDS IN INTERVIEW:



When do we use these visual aids?

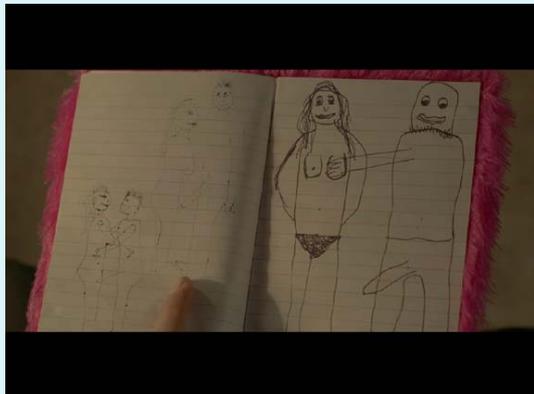
To help out an interview or clarify an interview:
(ONLY use if you know it will help defense strategy)

DURING DISCLOSURE- if child has problems telling you body parts, etc. **CLARIFY**
NICKNAMES FOR BODY PARTS!!!

AFTER DISCLOSURE-clarify for you what it is they already verbalized to you!

Use of Aids Cont.

- Some kids find it easier to **write/draw** instead of verbalize.
- Let them write, and verbally repeat what they write, it helps when they hear it out loud, they may be encouraged to verbalize.
- Have them initial or sign any drawing or aid they used



CONCLUDING THE INTERVIEW

Final Step

- It's a lot for kids
 - Thank them for the effort it took!
- Explain to them what will happen next-(Even if it's only within the next 5 minutes.)
- **BRING INTERVIEW TO A NEUTRAL TOPIC-GET THEM STABILIZED BEFORE LEAVING!**



Was this done the right way?

- Even if you may not interview children, use this protocol as a tool to make sure the interview was done correctly...

Interview is done-but YOU are not!

- Talk to your team after interview
- Plan the ongoing investigation
- Follow up on inconsistencies, etc
- Re-interview witnesses



SUMMARY FOR INTERVIEWERS:

Overall Considerations

- Conduct the interview as soon as possible after initial disclosure.
- Hold the interview in a safe, child-friendly environment.
- Use open-ended questions throughout the interview, delaying the use of more focused questions for as long as possible.
- Consider the child's age, developmental ability, and culture.

Building Rapport With the Child

- Engage the child in brief conversation about his or her interests or activities.
- Provide an opportunity for the child to describe a recent nonabuse-related experience in detail.
- Describe the interview ground rules.
- Discuss the importance of telling the truth.

Conducting the Interview

- Transition to the topic of the suspected abuse carefully, taking into account the characteristics of the child and the case.
- Ask the child to describe his or her experience in detail, and do not interrupt the child during this initial narrative account.
- Once the initial account is fully explored, begin to ask more focused questions if needed to gather additional details, get clarification, or fill in missing information.
- Mirror the child's wording when asking follow-up questions.
- Exercise caution at this stage. Use focused queries judiciously and avoid suggestive questions that could compel the child to respond inaccurately.
- Explore other viable hypotheses for the child's behaviors or statements.
- Consult with those observing the interview to determine whether to raise additional questions or whether to resolve any ambiguities or contradictions.

Ending the Interview

- Ask the child if there is anything else he or she would like to share or to ask.
- Discuss safety plans and provide educational materials.
- Thank the child for participating.



QUESTIONS??

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