Evaluating Forensic Interviews in Child Sexual Abuse Cases

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Learning Objectives

By the end of the presentation the participants will be able to:

Describe the components of the best-practice forensic interview of a child,

Name characteristics of suggestive and leading interview questions,

Describe questions that should be considered when examining interviewers and investigators at trial.

Little Rascals Daycare Case

- During 1989 one parent raised concerns about a daycare owner possibly abusing her 3 year old.
  - After repeated questioning 80 children made allegations against 30 people. 7 were charged.
  - Defense: Interviews of children were leading and suggestive.
  - Audios of police interviews were lost.
  - Many therapist interviews were not transcribed.

(See: Innocence Lost: The Verdict; PBS Frontline, 1993)
Preserving the Interview

Forensic interviews of children should always be audio or video preserved.

Video preservation is preferable especially when drawings or anatomical dolls are utilized.

Interviewers who do not electronically preserve interviews often misrepresent information from the encounter and do not write down essential data (Lamb et al., 2000).

The Best Practice Forensic Interview

Interviewers should introduce as little information as possible and encourage free-recall of information using open-ended questions.

The NICHD interview protocol (Lamb and Sternberg, 2000) is the most researched forensic interview protocol.

The NICHD protocol meets legal standards in US courts.

See www.nichdprotocol.com for a list of research articles and a copy of the protocol.

(Lamb et al., 2007; Toth, 2011)

NICHD Interview Research

• The NICHD interview improves the quality and information provided in investigative interviews.
• Children provide significantly more information when asked open-ended questions.
• Open-ended questions improve the quality and quantity of information provided.
• Children provide more frequent initial disclosures with open-ended questions.
• The accuracy of information is improved with the use of open-ended questions.

(Lamb et al., 2007; Toth, 2011)
Preparing for the Interview

The interviewer should familiarize herself with:
- The allegations that have been made
- The timeframe and results of any previous interviews
- The circumstances of the initial disclosure of alleged abuse
- Who has talked to the child about the allegations
- Important collateral documents
- Developmental and mental health issues of the alleged victim
- Alternative explanations for the child’s statements

Before Asking About the Allegations

- Explain the purpose of the interview.
- Develop rapport with the child.
- Training regarding episodic memory.
- Assess understanding of truth and lie.
- Explain interview “ground rules”:
  - Correcting the interviewer,
  - Asking for clarification,
  - Only talking about things that really happened.

Eliciting Information About the Allegations: Best Practice

- Encouraging free-recall of events using open-ended questions
- Elimination of leading questions
- Avoidance of suggestive and close-ended questions
- Focused questions only when clarifying the child’s statements
- Consideration of information that may refute the allegations
Types of Interviewer Questions

Open-Ended: Why are you here to talk with me?, Tell me what happened., What happened next?

Close Ended: Did he touch your butt?, Did she have her clothes off?, Did it hurt when he touched you?

Overtly Leading: This happened more than one time, right?

Confirmatory Bias

The interviewer or investigator seeks out information or assigns more weight to information that supports his/her belief of what happened.

Interviewers or investigators that demonstrate confirmatory bias fail to consider alternative hypotheses that could explain the child's statements. (Thomas, 2017)

Suggestive Questions

“An utterance that assumes information not disclosed by the child or implies that a particular response is expected” (Lamb, et al., 2007).

• One suggestive interview may lead a child to misremember information (Ceci, et al., 2007).
Susceptibility to suggestive questions is dependent on:

• Age of the child,
• Developmental level and developmental delays,
• The presence of mental health difficulties,
• The child’s perception of the individual asking the questions,
• The child’s culture.

Investigators should attempt to rule out alternative explanations for abuse disclosures such as:

• The child is providing inaccurate information.
• Other individuals influenced the child’s statements.
• The child has been sexualized by means other than abuse.
• Another person actually abused the child.
• Inconsistencies in the child’s statements should be addressed.

• Multiple interviews of the alleged victim
• Significant length of time between alleged abuse and interview
• No recordings/transcripts of police interviews
• Adults present during the interview of the alleged victim
• Other alleged victims present during the interview
• Inappropriate use of props during the interview
Examining the Interviewer/Investigator

What training have you received in forensic interviewing of children?

Please describe the essential elements of a best-practice forensic interview. Did you follow this protocol?

What information did you review prior to the interview?

What is a suggestive question? How might it affect the reliability of a child’s statement? Why did you choose to ask…?

(For an investigator) Did you consider alternative explanations for the child’s allegations? What are they? How have you ruled out these alternative explanations?

Dr. John Helminski is a licensed psychologist in private practice who is board certified in forensic psychology. He acts as a consultant in cases of child maltreatment. He has provided numerous seminars for mental health and legal professionals on topics related to psychology and the law.

Dr. Helminski has extensive experience conducting forensic and psychological assessments in child abuse cases. For seventeen years, he provided evaluations at Children’s Hospital in St. Paul, Minnesota.

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