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Forensic Interview Structure

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2. Forensic Interview Structure

Purpose of Forensic Interview Structure

A substantial body of science provides guidance about effective methods of questioning a child to gain the most complete and accurate information from a child witness (Cyr, 2022; Lamb et al. 2018; Poole, 2016). Additionally, a phased approach for the forensic interview which includes attention to establishing comfort, assisting the child in understanding their role in an unusual conversation, and strategies for encouraging the child to provide detailed information about experiences of maltreatment is supported by research and practice (Poole & Lamb, 1998; Sternberg et al., 1997; Saywitz et al., 2017).

There is a recommendation to adapt interview strategies to the developmental level, potential impact of trauma, and cultural background and language of the child but there is currently limited scientific guidance about how this should be accomplished (Haboush & Alyan, 2013; Hamilton et al., 2016; Katz et al., 2022) and it does not directly address Japanese culture and language. The goal of this project is to provide adaptations of current evidence informed practice with special consideration of the needs of Japanese children.

Recommended Questioning Practice

Memory ability in a child is complex and impacted by neurobiological development, environmental context, language considerations, and trauma (Cyr, 2022; Lamb et al., 2018; Leach et al., 2017; Walker, 2013). When questioning a child witness about personal life events, it is helpful to consider two different types of memory processes: recall and recognition memory (Lamb et al., 2018). Recall memory refers to a specific memory retrieval process. Engaging in an act of free recall entails mentally replaying a remembered event and attempting to describe it in words. A child is encouraged to share the information they remember best and for which they have words (Lamb & Brown, 2006; Poole and Lamb, 1998; Powell & Snow, 2007). Recognition memory is a different memory process whereby a child is asked to respond to information provided by the interviewer, compare this information to their memory for details of the event, and provide a response (APSAC, 2023; NCAC, 2019). Question type has a broad impact on the accuracy and amount of information provided by a child witness. Open-ended narrative encouraging questions direct the child to search their memory and provide as much information as they can recall in their own words (APSAC, 2023; Danby & Sharman, 2023). More focused closed questions direct the child to think about an area of interest to the interviewer, which may limit the amount and kind of information provided by the child (Guadagno et al., 2013).

Recall questions include **narrative invitations, focused narrative invitations, and "wh" questions** (NCAC, 2019).

Narrative invitations ask the child to continue talking and to provide additional information without pointing them in a particular direction. This type of question may also be labeled as a breadth question (APSAC, 2023; Danby & Sharman, 2023). These questions are beneficial when a child is beginning to talk about a topic, as it does not focus the child prematurely on elements of interest to the interviewer. Examples are:

- *"Tell me more."*
- *"Please continue."*
- *"What happened next?"*
- *"Then what happened?"*

Focused Narrative Invitations are open questions which provide focus for the child. A focused open question includes a word or phrase previously mentioned by the child and asks for more information, explanation, or clarification (APSAC, 2023; Lamb et al, 2018; NCAC, 2019). These questions can also be labeled as cued or depth questions (APSAC, 2023; Danby & Sharman, 2023; Lamb et al., 2018). Focused narrative invitations do not always have to follow the same linguistic pattern which may feel unnatural.

"Tell me more about [.....]"

"Help me understand about [.....]"

"Say more about [.....]"
"Please explain about [.....]"

'Wh' Questions may be either open and narrative encouraging or can be specific, asking for a short or one-word responses. Both open 'wh' and specific 'wh' questions require the child to provide the information (Andrews, et al., 2016; Lyon & Henderson, 2021). However, an abundance of specific 'wh' questions can limit the information gained from the child, especially when narrowly focused on interviewer introduced elements. Examples of 'wh' questions are:

- *"What happened?"*
- *"What were you thinking when [……]"*
- *"What was he saying to you?"*
- *"What is his name?"*
- *"How did you feel?"*

Experts acknowledge there is a time and place for recognition prompts which include **multiple choice** and **yes / no** questions. It is crucial for interviewers to understand the potential problems with posing recognition questions and the need to use them sparingly (Lamb & Fauchier, 2001; Orbach & Lamb, 2001). The use of option-posing questions should only be considered after other questioning alternatives have proven unsuccessful (APSAC, 2023; NCAC, 2019). A **multiple-choice question** may clarify the intent of a 'wh' question when the child seems confused by the question. The recommendation is to provide the child with a couple of choices and to follow with an open prompt indicating the possibility of a different answer although benefits of the additional open prompt are inconsistent (London et al., 2017). Young children may not be able to effectively make use of multiple-choice prompts. This type of question should be avoided or used cautiously with young children (Walker, 2013). Examples are:

- *"Were your clothes on, off, or something else?"*
- *"Did this happen in the daytime or at night?"*
- *"Were you in the living room, or the bedroom, or somewhere else?"*

Yes/No questions are another form of option-posing questions that serve different purposes in a forensic interview. Yes/no questions can be used to ask the child about specific information not included in the child's narrative while respecting that the child may or may not have information to share (i.e. "Did he say anything to you?") as opposed to ("What did he say to you?"). If the child responds 'no' the interviewer simply moves on. If a child responds affirmatively the interviewer follows with an open question to "tell me everything that he said to you." (Poole, 2016; Saywitz & Camparo, 2009)

Interviewers should be cautious about using yes/no questions to address salient elements of abuse. Without additional narrative description or clarification, a singular response to a yes/no question is inconclusive.

Yes/no questions can also be useful if the interviewer is attempting to explore possible elements that were not included in the child's description of events, such as if abuse occurred in other places or if other alleged offenders or victims were involved.

Examples include:

- "Do you know where your mother was when John was doing the bad things you told me about?"
- "Did John ever do something to you at a different house?"
- "Did you see John do something to your little sister?"
- "Did John ever show or take pictures of you?"

Reflection and Paraphrasing

Reflection and paraphrasing (also known as active listening) are useful facilitative skills and one way of providing interviewer support (Hershkowitz et al., 2015; Hershkowitz et al., 2017; Poole, 2016). Reflection is simply parroting back to a child his/her exact words. Building the habit of reflecting a child's words helps to attune the interviewer to a habit of listening carefully to the child. Paraphrasing, as opposed to mirroring the child's exact words, captures the "gist" or essential elements of the child's statements (Evans et al., 2010). Both reflection and paraphrasing communicate that the interviewer is truly listening to the child. For some children, simply reflecting their previous statement encourages them to continue talking without another question being asked. Reflection or paraphrasing may feel like acceptance or acknowledgement from the child's point of view, thereby providing support and potentially increasing rapport. For a child with weaker narrative skills or who provides shorter responses, the combination of reflection of the child's statement paired with the follow-up question serves to organize the conversation without introducing information.

Since Japanese children typically have little experience with narrative conversation, questions may need to include more narrowly focused open questions and 'wh' questions (both open and specific).

Japanese children are raised to be compliant, which could make the option posing questions even more risky as the child may simply comply with one of the options proposed by the interviewer.

Especially when a child has already said they do not know an answer to a question or have certain information, an interviewer continuing to ask for the information with option posing questions could encourage the child to guess or provide incorrect information.

The Importance of Social Support

A forensic interview is an unfamiliar experience for a child. Providing appropriate social support and establishing a degree of comfort or ease can help a young witness feel motivated and encouraged to try their best to provide accurate information (Hershkowitz et al., 2015; Lewy et al., 2015; Saywitz et al., 2017).

It is important to ensure that social support strategies match typical ways that a helpful adult in Japan would show interest and encouragement without being suggestive or coercive.

Just as it takes practice to learn to question young witnesses in a way that encourages them to provide more complete responses, it is necessary to learn new strategies for providing social support that are neither leading nor suggestive (Hershkowitz et al., 2017). Recommendations for building rapport effectively with a reluctant child include both cognitive and emotional support (Blasbalg et al., 2021; Saywitz et al., 2019). Both verbal and non-verbal communication (posture, facial expression, relaxed demeanor, etc.) are important components of social support.

Cognitive support includes the use of open-ended questions that invite the child to search their memory and talk freely and narratively about both rapport building topics and later allegation topics. Listening attentively and reflecting to the child what they just said indicates that the interviewer is interested and paying attention. Including the child's previous words or phrases in a follow-up question helps the child to understand the questions being asked of them.

Emotional support includes adopting a friendly and relaxed demeanor, noting the child's non-verbal and verbal signals of distress, providing appropriate (yet non-suggestive) supportive statements, and refraining from moving to difficult topics before the child has become more comfortable. (Lewy et al., 2015; Saywitz et al., 2017).

An interviewer who feels relaxed and comfortable speaking with children may find it easier to build rapport and assist the child to feel more comfortable.

Pre-interview Preparation and Planning

Factors relating to the child and to the events under investigation can affect the forensic interview. Planning before a forensic interview is an essential aspect of the process (APSAC, 2023; Lamb, et al., 2018; NCAC, 2019; Poole, 2016).

Information about the child can include:

- Age and developmental functioning
- Medical conditions and medication
- Cultural and language considerations
- Family composition and custody arrangements
- Familiar names for body parts
- Relevant family and school routines

Investigative considerations may include:

- General nature of the allegation
- Circumstances leading to the report to authorities
- Time elapsed since initial report
- Previous interviews and outcome of any interviews

A minimal amount of information will assist the forensic interviewer in structuring the interview by anticipating complicating factors such as reluctance or limited verbal ability, and assisting the interviewer in planning needed adaptations (Garcia et al, 2022; Lyon, 2005; Powell, 2005). The interviewer must remain mindful not to be influenced by prior information in a manner that directs the child to a specific goal.

Phases of the Forensic Interview

A phased approach to the forensic interview is recommended across all interview protocols (APSAC, 2023; Lamb et al, 2007, Lyon, 2005; NCAC, 2019). Phases include intentional steps to build rapport, increase comfort, and help the child understand their role in this conversation. Steps in the initial phase include:

- Introductions
- Engagement
- Interview Instructions
- Practice Narrative

Introduction

The forensic interviewer should introduce themself and their role in an age-appropriate manner ("to listen carefully and learn things about the child"), as well as the process for recording of the interview (handwritten notes, audio, or video recording), notice of any observers and their role, and permission to take breaks as needed. The information and explanation should not be overly wordy or formal and should be adapted to the age and language of the child (APSAC, 2023; NCAC, 2019; Walker, 2013).

Engagement

The interviewer should begin by expressing an interest in getting to know the child ("I have not met you before. I would like to get to know you. Tell me some things about you."). If the request seems too open or broad for the child, the focus can be narrowed such as "What kind of things do you enjoy?" or "What do you do to have fun?" It is helpful to pose open questions inviting the child to explain, describe, and elaborate about the topics introduced by the child. This allows the interview to begin with a demonstrated focus on the child and an expression of interest in topics they wish to talk about. The child experiences the interviewer as a person who is interested in them as a person and friendly (Blasbalg et al., 2018; Hershkowitz et al., 2015, 2017; Poole, 2016).

Interview instructions

The engagement phase is focused on establishing rapport. Interview instructions and narrative practice (while continuing to build rapport) orient the child to differences in their role in this conversation in contrast to everyday conversations with adults. The interviewer should remind the child that they (the child) will be the only one who knows the answers to the questions, as the interview is about them and things that may have happened to them that they wish to tell the interviewer about. It takes practice to learn to state each instruction clearly without unnecessary words and to give the child an opportunity to "practice" each instruction (Dickinson et al., 2015; Fessinger et al., 2021). Instructions generally include:

- "If I ask a question and you know the answer, it is important to answer; but if you do not know the answer or do not remember, please tell me. I do not want you to guess."
- "If I get something wrong or misstate something you have said to me, please correct me."
- "If I ask a question that is confusing or say something that does not make sense, please tell me and I will try to say it better."
- "When we are talking today, it is important to only talk about things that really happened and to tell the truth."

The word "instruction" has various meanings in the Japanese language. It is permissible for the interviewer to use another word that best communicates the intention of interview instructions which is to help the child understand the differences in this conversation with this adult as opposed to everyday conversations where expectations are different.

Narrative practice

Children are expected to provide a far more detailed description of concerning events than is common in everyday life (Lamb & Brown, 2006). Narrative practice gives the child an opportunity to recall and describe a remembered recent pleasant or neutral event from beginning to end with as much detail as they can provide (truly a practice in "telling about"). As most children do not include all they remember in the first description, the interviewer can demonstrate how they will be asking for additional detail, description, and clarification with follow-up focused open questions. The ability to conduct a good narrative practice supports an interviewer's comfort and skill in listening carefully to a child and formulating follow-up questions without being leading or suggestive (Brown et al., 2013; Price et al., 2013).

Strong scientific research demonstrates that having a child witness describe in their own words a potentially abusive event from the beginning of the event to the end results in a more accurate and complete description of that event. Even when additional questions must be asked to gain further details and clarification, it is helpful to the child to have the interviewer's follow-up questions incorporate words and descriptions previously used by the child.

This communication style is likely to be unfamiliar to most Japanese children. It is helpful to engage the child in a "practice telling" focusing on a recent pleasant or neutral event. Learning to conduct a good practice narrative also will take deliberate effort and practice for forensic interviewers.

Importance of the Initial Phase

The early rapport-building and orientation phase builds the foundation for a different kind of conversation for a child. Interviewers should never view the initial phase as unimportant. It often influences the motivation of the child to have confidence in the interviewer's interest and continue to talk about more difficult topics (Cyr, 2022; Hershkowitz et al., 2015; Hershkowitz et al., 2017; Poole, 2016) as well as increase their confidence in how to interact with the interviewer in a productive way.

Allegation Focused Phase

Forensic interviewers should attempt to transition to the allegation phase with the most open question possible such as "What are you here to talk with me about today?" (Cyr, 2022; Lamb et al., 2018; Lyon, 2005; Poole, 2016). Some child witnesses will need a more focused The source of referral for the forensic interview may give clues as to the child's willingness to be open with the interviewer and possible transitional questions. Many children are interviewed following having made statements to an adult alleging maltreatment, but a child may also be referred for a forensic interview following statements from a witness, medical issues indicative of sexual contact, disclosure during crisis or therapeutic interventions, information discovered through pictures, writings, or electronic transmissions of some kind, or offender confessions (APSAC, 2023; Garcia et al., 2022; NCAC, 2019). In these conditions, the child has heretofore not made an "outcry" and may be less prepared to talk about their experiences. A child may also have experienced negative consequences or statements from family or authorities which may make them hesitant to disclose to the interviewer (Cyr, 2022; McElvaney, 2015).

Forensic interviewers can review initial reports or previous interview results to determine if any information or facts are reliable enough to be included in progressively more focused transition questions (APSAC, 2023; Lamb et al., 2018; NCAC, 2019).

Once a child has acknowledged an experience of maltreatment, the forensic interviewer moves to the free recall phase using open questions or prompts to gain the highest quality and quantity of information from the witness (Cyr, 2022; Danby & Sharman, 2023; Lamb et al., 2007; Lamb et. al, 2018); Lyon, 2005; Poole & Lamb, 1998). The interviewer should make

use of focused narrative questions incorporating words or phrases previously mentioned by the child to gain as much description and clarification of the event in the child's words as possible. The forensic interviewer should avoid the impulse to move quickly to the use of closed questions or option-posing prompts. A child should not be interrupted during a narrative description to ask for clarification of terms or acts, as this interferes with their memory recall (Guadagno et al., 2013). Pacing remains important throughout the interview and the interviewer should allow time for additional thoughts from the child. Option posing questions should be used sparingly and only as necessary (Lamb & Fauchier, 2001; London et al.,2017; Lyon & Henderson, 2021).

When there have been multiple incidents of abuse the child may begin by providing a gist or script memory of the abusive acts (Brubacher et al., 2013: Brubacher et al., 2014: Guadagno et al.,2013; Saywitz & Camparo, 2014). During this generic telling of the abuse, a child may make reference to specific incidents and label those incidents in a way that makes sense to the child (such as "the time in my brother's room", or "when my mother visited my grandmother because she was very sick", or "one time he tried to put his private in my butt but it hurt too much".) Such a reference from the child can indicate a salient episode that may include richer episodic details. Using the child's label for a remembered event assists the child in focusing on a single episode (Brubacher et al., 2013; Brubacher et al., 2014; Brubacher et al., 2019). When the child provides only the gist or script memory, the interviewer may attempt to focus the child on singular episodes by using prompts such as, "Tell me about a time that you remember well" or "when something different happened" or "when something happened in a different place" or "in a different way?" (NCAC, 2019). In some cases, a child may be able to recall the first or last incident; but those are not always memorable to the child (Brubacher et al., 2013).

Even a highly narrative child will omit forensically important details, because of their lack of experience as a witness, because details are painful or frightening to think and talk about, or because the child did not attend to all details of an event (Cyr, 2022; Lamb et al., 2011; Lamb et al., 2018). It is widely acknowledged that witnesses (children or adults) do not store complete information about any lived experience; and strictly from a developmental perspective, the younger the child the less information will be stored (Lamb et al., 2003; Lamb et al., 2011; Walker, 2013). When addressing missing elements in a child's description of an event, interviewers are balancing the use of highly focused or specific questions with the risk of encouraging guessing or suggestion of information to the child (Orbach & Lamb, 2001).

Child witnesses often respond with initial descriptions that seem vague or are inaudible. Interviewers can use reflection or paraphrasing to check understanding of the child's statements and use focused narrative or 'wh' questions to gain more information and clarification in the child's words.

Elements such as number of times, dates of occurrences (Friedman, 1986; Friedman & Lyon, 2005; Orbach & Lamb, 2007; McWilliams et al. 2019), specific singular elements of any kind, while of interest to investigators, may not have been encoded by the child. Clarification of forensically relevant details (such as position or clothing) can be difficult for a young child to describe verbally (Stolzenberg & Lyon, 2017; Stolzenberg et al., 2017). As anatomy is poorly understood by a child, clarification of penetration is extremely problematic (Milam & Nugent, 2017). Details contained within the child's narrative descriptions are usually considered more reliable (Guadagno et al., 2013; Orbach & Lamb, 2007).

A child witness is not likely to have paid attention, understood the meaning, or have the words to provide all elements of sexual acts. Moving to a more evidence informed practice for interviewing child witnesses may challenge some of the current habits and practices.

Strategies for Addressing Reluctance

A child may struggle to "share their secret" (McElvaney et al., 2012) with the forensic interviewer for both internal and external reasons (Alaggia, 2019; McElvaney, 2015). There is no single response that will assist all children (Garcia, Brubacher & Powell, 2022) but recommendations include increased social support and extended rapport building in hopes of increasing the child's comfort in speaking with the interviewer (Hershkowitz et al., 2015; Hershkowitz et al., 2017; Lewy et al., 2015) and making use of more focused questions during the allegation exploration portion of the interview (Andrews et al., 2016; Powell, 2005; Lyon & Henderson, 2021: Saywitz et al., 2017). A reluctant or anxious child may be assisted by being allowed to first draw the abusive event and then proceed to verbal description as it may diminish embarrassment, allow additional modes of expressions for the child, and serve as a context-reinstatement technique (Katz & Hamama, 2013; Katz & Hershkowitz, 2010; Macleod et al., 2013). The use of 'wh' questions should be attempted before the interviewer resorts to option posing questions and followed by open questions to ask for further description (Andrews et al., 2016 Lyon & Henderson, 2021).

The forensic interview is only one part of the overall investigation of allegations of child abuse. It is unfair to place all the burden on the child to clarify exactly what happens. It may be helpful to offer reassurance and encouragement when a child is reluctant to speak with the interviewer.

Corroborative evidence, statements from others, and suspect interviews are important to fill in any gaps in the child's statement.

Interviewer statements such as “I meet with lots of children and talk about things that have happened to them so that I can help to keep them safe. Is there anything that I should know about you?” or “My job is to listen to children about things that might have happened to them. Many of them feel too embarrassed to talk; but here you can talk about anything and nothing you say will surprise me.”

Such encouraging and supportive statements may be helpful for some children and not for others, especially when family and cultural prohibitions against discussing such topics exist.

Team Check-In

When the forensic interview is being observed by investigators from an adjoining room, the interviewer can step out of the interview room to see if there are additional questions or need for clarification. If so, the forensic interviewer can consider how best to address those questions in a developmentally appropriate manner (APSAC, 2023; NCAC, 2019).

Closure

It is respectful to thank the child for their participation and to return to neutral or pleasant conversation before ending. The interviewer may also check in with the child to inquire how they are feeling about the interview so far and to provide reassurance and support as needed.

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