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A FORENSIC INTERVIEW PROTOCOL FOR SOCIAL WORKERS

5.1 INTRODUCTION

As discussed in chapter one (paragraph 1.1), children are often referred to social workers for forensic interviewing after an allegation of child sexual abuse has come to light or is suspected. Due to the serious consequences of an allegation of sexual abuse, it is important that social workers would implement an interview protocol which is legally defensible to ensure that no contamination of the case will take place (paragraph 1.1).

The goal of this study is to develop, implement and evaluate a legally defensible interview protocol for social workers, which will assist them to facilitate disclosure of child sexual abuse for children in the middle childhood.

During phase one of the intervention research processes (paragraph 1.7), the researcher identified different welfare organisations which referred children for forensic interviewing. Entry and permission from the relevant role players were obtained (Appendix 1 & 2). Concerns regarding the proposed study were discussed and analysed with both legal and mental health professionals. The main concerns were that there is no existing structured forensic interview protocol and that if such an interview protocol is to be developed, it should not be time-consuming when implemented.

As the first objective of this study and phase two of intervention research, a sound knowledge base regarding child sexual abuse was discussed in chapter two. In chapter three a theoretical framework regarding child development in the middle childhood was addressed. Chapter four provides a theoretical framework for dynamics in forensic interviewing of children and aspects concerning facilitation of disclosure of child sexual abuse. Different structured interview protocols were discussed, namely:

- The *Memorandum of Good Practice* (Bull, 2003a:1).
- Five phases of forensic interviewing (Jones, 1992:30).
- *The National Institute of Child Health and Human Development (NICHD) Investigative Protocol* (Orbach et al., 2000:733; Cronch et al., 2006:202).
- *Step-Wise* forensic interview protocol (Poole & Lamb, 1998:95).
- Extended forensic interview protocol (Carnes, 2005).

The second objective, and phases three and five of intervention research, was to develop and pilot test a forensic interview protocol for social workers to facilitate disclosure of child sexual abuse victims in the middle childhood.

Objects three, four, five, and phase six of intervention research was to implement the forensic interview protocol with ten girls in the middle childhood and evaluate it by means of a self-developed checklist (objective three). An independent social worker's interviews with ten girls of the same ages were also evaluated by means of a self-developed checklist (objective five). The Department of Statistics of the University of Pretoria conducted the data analysis and also did the comparison of the agreement between the researcher's coding and that of another professional. Recommendations for further utilisation of the proposed protocol by social workers were done, addressing objective seven.

5.2 DESIGN AND DEVELOPMENT OF THE SEVEN-PHASE FORENSIC INTERVIEW PROTOCOL AND SELF-DEVELOPED CHECKLIST

During phase two of intervention research the researcher conducted a thorough literature study on the fundamentals necessary to be included in a forensic interview protocol (chapter three and chapter four). The researcher also studied various structured forensic interview protocols used internationally (paragraph 4.8). With experience gained in conducting forensic investigation within the field of child sexual abuse since 1997 and information gained from workshops presented countrywide to professionals on this topic since 2002, the researcher identified the 119 fundamentals which are imperative to be adhered to during the forensic

interviewing process. During phase three, namely the design of the protocol (paragraph 1.7.3) a seven-phase forensic interview protocol was drafted and a self-developed checklist was designed, which consists of all fundamentals for the proposed protocol as discussed in chapter three and chapter four. The researcher has already covered the aspect of facilitating the initial disclosure during her M.A. studies (Fouché, 2001:85). Her departure point for the current studies will be the process after the child has verbally indicated that alleged sexual abused has happened. Although phase one covers, among other things, the facilitation of initial disclosure, this aspect will not be the focus of this study.

5.2.1 Self-developed checklist

During phase four of intervention research (paragraph 1.7.4) the researcher proposed a drafted checklist which contains 119 fundamentals, categorised into 23 clusters, which is covered in the proposed seven-phase forensic interview protocol. The self-developed checklist was developed over time with the assistance of the Department of Statistics of the University of Pretoria. Two statisticians were appointed to assist the researcher in this study.

The checklist was tested for workability during pilot testing and revised accordingly.

5.2.2 Categories within the self-developed checklist (Appendix 5)

Firstly different criteria were identified in order to evaluate whether a specific fundamental was covered or not during an interview. Initially the researcher only focused on whether or not a criterion was addressed during an interview. Further investigation, however, showed that some of these fundamentals are volunteered by the interviewee without the interviewer necessarily probing it, e.g. in the category "explicit account of sexual abuse" the aspect on whether or not the offender said anything to obtain the child's involvement is sometimes volunteered without any probing. If during an interview a child would indicate out of free will

(during free narrative) what the offender had said to obtain her involvement it would be coded, "volunteered". Thus, a new criterion "volunteered" was added.

It was then also determined by the researcher that in certain cases it is not necessary to probe information due to the nature of the investigation, e.g. if a child has indicated that the alleged perpetrator only showed her pornographic books, then themes like "with which body parts did he touch you" or "how did your private parts feel when he touch you" would not be explored.

The coding "not applicable" would also be used where a specific theme could not be explored without being leading, e.g. in the category to determine "whether any pornographic material was used". This theme would be explored by attempting to access information by asking: "Have you seen these things anywhere else or do you know anyone else that has done the same things?" Therefore a fourth criterion "not applicable" was added to allow for instances where certain issues were not probed, but where it is not necessary to investigate due to the fact that is not applicable.

5.2.2.1 Category "Yes"

In the category "yes" it would mean that the interviewer has definitely probed, explored or adhered to the specific fundamental as proposed by the researcher.

5.2.2.2 Category "No"

The category "no" implies that the interviewer did not probe, explore or adhere to the specific fundamental as proposed by the researcher. With the assistance of the Department Statistics of the University of Pretoria, three sub-categories were identified under the category "no", namely:



- **No – Effective**

This means that the specific fundamental was not probed, explored or adhered to as proposed by the interviewer, but despite the absence of that, the interview was still effective or the specific aspect was still effectively addressed, e.g. in the sub-category "using clear and age appropriate language" the interviewer may have used a vague referent, but it was still understood by the child and did not cause contamination of information or confusion.

- **No – Ineffective**

This indicates that the specific fundamental was not probed, explored or adhered to as proposed by the researcher, and the absence of that in the interview addressed that specific aspect ineffectively, e.g. the use of drawings during the interview. Although the researcher proposed the specific use of drawings, the absence of it during an interview is not a material mistake causing information to be contaminated.

- **No – Material mistake**

As discussed in chapter four (paragraph 4.3.2), the social worker has an instrumental role to play within the criminal justice system. The social worker would write a report (paragraph 4.3.2), after his/her forensic interviews with a child and may be *subpoenaed* to criminal court to testify on this investigation which he/she has conducted. It is thus imperative that the interviewing process consists of principles and fundamentals aiming to facilitate information in a way that does not result in material mistakes and evidence being contaminated (paragraph 4.4.1). Material mistakes include the following:

- Asking leading questions.
- Not clarifying the labels the child is using.
- Not explaining the ground rules.
- Not exploring multiple hypotheses.
- Not conducting a truth and lie test during the closing phase.

- Not determining the identity of the perpetrator.
- Not testing for consistency.
- The use of anatomical dolls in a leading way.

A "material mistake" would include interviewer behaviour which may lead to the contamination of information, or influence the defensibility of the interview.

5.2.3 Fundamentals to be included in a forensic interview protocol

A total of 119 fundamentals were identified and, for coding purposes, clustered into 23 themes. During data analysis 23 clusters were identified and analysed accordingly (refer to chapter six). The 23 clusters, which are discussed under paragraph 5.4, are:

- Rapport-building and facilitation of initial disclosure.
- Ground rules.
- Distinguish between truth and lie before the abuse-focused questioning starts.
- Conduct a morality check.
- Truth-and-lie check after abuse-focused questioning.
- Use clear and age-appropriate language.
- Invite free narrative.
- Questioning format.
- Determine the number of times the alleged abuse happened.
- Use pictures to explore alleged abuse.
- Determine the identity of the perpetrator.
- Explore explicit accounts of sexual abuse.
- Determine context explanation.
- Emotional content.
- Explore the existence of internalisations.
- Observing and following up on nonverbal behaviour (Excluded from research).

- Investigate multiple hypotheses.
- The use of anatomical dolls.
- Test for consistency.
- The interviewer's conduct (SOLER skills, "nodding" and "avoiding suggestive actions" were excluded from this research.)
- Practical arrangements.
- Global check.
- Closure of interview.

After the researcher finalised the fundamentals and clusters they were categorised into seven phases.

5.3 UTILISING PLAY-RELATED COMMUNICATION TECHNIQUES TO FACILITATE THE INITIAL VERBAL DISCLOSURE

As discussed in chapter four (paragraph 4.6.6) this study only focuses on the abuse-focused process from the moment the child gives a verbal indication that he/she has allegedly been sexually abused.

Children are referred to social workers for forensic assessment interviews due to various reasons (paragraph 4.3.1). It is thus imperative that the social worker does not follow the same procedure as the investigating officers asking directly about abuse, but rather utilise assessment tools to facilitate the child's voluntary disclosure. This will also give the child's statement more credibility.

Different play-related communication techniques are utilised by numerous interviewers (Van der Linde, 2004; Louw, 2004) in order to guide the child to a voluntary disclosure. The interviewer would thus start with whatever play-related communication technique he/she wishes to use, in order to facilitate the initial disclosure where the child admits that he/she has been sexually abused.

As already discussed, the researcher has made use of play-related communication techniques during the research to get the children to the point of voluntary disclosure of the alleged sexual abuse. These play-related communication techniques, among others, were tested during the researcher's M.A. studies (Fouché & Joubert, 2003:19) and found to successfully have helped all six children in the study to disclose sexual abuse. These techniques do not only provide an opportunity for the child to disclose voluntarily, but also explore multiple hypotheses through the whole process, which is required by courts (Willemse, 2001).

The researcher is of the opinion that in order to investigate multiple hypotheses, it is imperative that an interviewer does not directly start questioning a child about possible child sexual abuse. These play-related communication techniques should be utilised to facilitate the conversation in a concrete, non-leading way, assisting the child to voluntarily make a verbal disclosure. The interview process is thus not focused on only one alleged perpetrator, but multiple possibilities are explored. Support systems, relationships and risk assessments with regard to any ill-treatment not yet known as stipulated by Section 42 of the Child Care Act, 1983 (Act No. 74 of 1983) are also addressed here.

In the context of an investigative interview where an interviewer is not going to utilise play-related communication techniques, he/she may use questions like "What are you doing here today?" or "Something bad happened to you, would you tell me about that?" as proposed by different interview protocols discussed in chapter four.

Facilitating the initial disclosure by either play-related communication techniques or through direct questions form part of step one, but is not going to be discussed in detail as explained above. Should the child then give a verbal disclosure of alleged sexual abuse, the interviewer should continue with the second step of phase one, namely clarifying whether the wording or label used during the disclosure is indeed possible sexual abuse.

The seven-phase forensic interview protocol will now be discussed

5.4 SEVEN-PHASE FORENSIC INTERVIEW PROTOCOL

It is important to understand that no two interviews will be exactly the same and that there are numerous variables, like the process of the child, the process of the interviewer, the nature of the allegation and impact thereof, as well as circumstantial influences that will impact on each interview. Ethical issues like written permission from parents, guardians and the child in order to audio-record the interviews (paragraph 4.9.4), should also be considered. In this research process, it was also explained to the children and their written permission has been obtained. The researcher explained to the children that the findings of the assessment process will be documented in a confidential report.

It is important that no treat be given to a child, as it may give the impression to the child that he/she is rewarded for giving information, and to avoid criticism from defence lawyers (paragraph 4.4.3). The child should be interviewed alone as this would rule out intimidation from parents, criticism from defence lawyers, and children may feel ashamed or scared to talk in front of their parents (paragraph 4.5).

5.4.1 Phase one: Rapport-building and facilitation of initial verbal disclosure

Rapport-building is found in many international interview protocols (paragraph 4.8) as it is imperative to create a safe and trusting environment and relationship with the child before he/she will open up to an adult.

5.4.1.1 *Rapport-building*

During rapport building the child is put at ease, while the interviewer completes a semi-structured questionnaire (paragraph 4.6.6.1) in order to determine a developmental baseline with regard to the child's communication abilities, suggestibility and process. The child's competency to talk about possible abuse is

also assessed here. During this phase the child could also be requested to make a picture for the interviewer's wall, or to colour a picture in a colouring book.

5.4.1.2 Facilitation of initial disclosure

For the purpose of this study "the initial disclosure" refers to the child's first verbal indication to the interviewer that he/she is a possible victim of sexual abuse.

5.4.1.3 Utilisation of play-related communication techniques to facilitate the initial verbal disclosure

As already discussed, play-related communication techniques were used in order to provide opportunity for the children to disclose alleged sexual abuse if they so wish to. The social worker from the comparison group also used play-related communication techniques to facilitate the initial disclosure. She did not use the same techniques as the researcher.

The techniques utilised during this study, are techniques that were developed and tested during the researcher's M.A. studies, namely the semi-structured questionnaire, house-and-community plan, the family graphic and emotion cards and the robot technique (paragraph 4.6.6).

5.4.1.4 Initial verbal disclosure of the child

The initial verbal disclosure is when the child indicates verbally that some or other sexual abuse took place. Usually children would indicate through the house-and-community plan that they dislike a certain person, or indicate on the robot technique that someone has given him/her a "red" touch (indicating a type of touching occurred which was experienced as threatening). The interviewer will then explore reasons for e.g. "not feeling safe" with someone, or ask the child to indicate where on his/her body the "red" touch took place. Mostly children will say:

"I don't like Uncle Pete, because he did naughty things to me" or "He did things that adults are not supposed to do with children" or "He raped me" (paragraph 4.6.6). The interviewer, however, may not interpret what the child is indicating as possible sexual abuse and therefore the label used by the child e.g. "naughty things" or "rape" should be clarified as discussed below.

5.4.1.5 Clarifying the label referring to possible sexual abuse

The interviewer will follow up an initial disclosure of "he did naughty things" or "he raped me" with clarifying questions in order to determine if the label the child is referring to is indeed possible sexual abuse. In chapter three and chapter four the importance of clarifying labels and concepts used by children has been emphasised as children, due to their concrete thoughts, tend to use labels which they do not understand. If an interviewer does not clarify the label used by the child, he/she could misunderstand the child, resulting in a false memory being created.

Clarifying questions like the following could be asked (refer to paragraphs 3.8.1 and 4.6.22):

- "You say that Uncle Roy did naughty things to you, what are naughty things?"
- "You say Aunty Sarah did ugly things to you, with what did she do these ugly things?"
- "I don't know what naughty things are. Please tell me what naughty things are?"

Depending on the child's answer, the interviewer could either continue with ground rules, or if the child is vague after the clarifying questions, invite a free narrative by instructing the child "tell me everything about the naughty things" aiming to determine whether the label the child is referring to is indeed alleged sexual abuse. After the interviewer has determined that the topic to be discussed is

indeed possible sexual abuse, he/she will move to the next step, namely ground rules.

5.4.2 Phase two: Ground rules

After the child has mentioned that he/she has been allegedly sexually abused, the interviewer will prepare the child that he/she is going to ask the child questions about the naughty things (using the label the child is using). The interviewer will emphasise to the child the importance of mutual understanding during adult-child conversations. The ground rules will be posed to the child and be tested with a neutral topic in order for the child to understand it.

It is important to only do the ground rules with the child when the actual abuse-focused questions would start (paragraph 3.8.3). Due to children being concrete in their thoughts (paragraph 3.5) the researcher recommends that the child be made aware that the topic to be discussed is very important and that it is not a usual conversation, but that certain rules apply to that. It is the opinion of the researcher that if the ground rules are done at the beginning of the conversation, it may happen that the child has forgotten the rules by the time that the allegation is discussed.

Children in the middle childhood naturally like to please adults (paragraph 3.9.1) and are not used to resist questions which they do not understand or cannot remember. If the ground rules are not posed to the child, it may happen that he/she may answer questions that are false or not the absolute truth (paragraph 4.6.25).

A self-developed checklist (Appendix 5) was used by the researcher in order to ensure that each of the following ground rules has been covered with each child in the experimental group.



5.4.2.1 *Emphasise the importance of telling everything*

As discussed in chapter four (paragraph 4.6.7) and chapter three (paragraph 3.8.1), it is imperative that the interviewer informs the child that he/she does not know what has happened to the child. Therefore it is important for the child to tell everything that has happened and how it happened, even if he/she thinks it is not important.

5.4.2.2 *Inform the child that he/she may indicate when she does not understand / does not know the answer / cannot remember / does not want to answer the question*

In chapter three it is emphasised that children's thoughts are concrete in the middle childhood. They have a tendency to interpret words which they have heard concretely, answer to questions they do not understand (paragraph 3.8.1) and is vulnerable to suggestibility (paragraph 3.6.8).

The interviewer should inform the child that he/she is going to ask the child questions about the alleged sexual abuse (the interviewer will use the label the child has used e.g. "naughty things"), but firstly wants to inform him/her about rules when adults and children talk about serious matters. The following will take place (refer to paragraph 4.6.7):

- Give the child permission to indicate when he/she does not understand: "If you don't understand, you may say so."
- Tell the child that he/she may resist answering questions: "If you don't want to answer a question, say so."
- Empower the child to ask questions at any time: "You may ask questions whenever you want to."

The interviewer hereafter will test the child's comprehension of above ground rules with neutral topics. Questions like the following could be posed: "What did I (interviewer) have for breakfast?" or "Which primary school did I (the interviewer)

attend?" If the child guesses, the interviewer must make the child aware that he/she does not really know the answer and that it is "OK" to say "I don't know". The interviewer will also ask the child a difficult maths sum, difficult history question, or ask a question like: "What did you do, two years ago on the Sunday?," inviting the child to say: "I don't know" or "I can't remember". If the child does guess, the interviewer will remind him/her not to guess.

5.4.2.3 Empower the child to rectify summarised information

The interviewer informs the child that, in order to ensure that he/she understands the child correctly, he/she will sometimes reflect information back to the child and that the child must rectify the interviewer should it be necessary (paragraph 4.6.7). The interviewer hereafter will also deliberately reflect information incorrectly (neutral topic) to the child in order to assess the child's response. The interviewer would then again emphasise to the child to correct the interviewer should he/she be misunderstood (paragraph 4.6.7).

5.4.3 Phase three: Truth-and-lie and morality check

It is imperative that the child's ability to distinguish between the truth and lies (paragraph 4.6.25) be tested:

5.4.3.1 Child's ability to distinguish between the truth and lies

The interviewer will determine whether the child understands the difference between the truth and lies and test it (paragraph 4.6.25) with a neutral topic, after which a morality check will be done. The child will then be reminded to tell the truth as lying has serious consequences.

The interviewer will ask the child to explain the concepts "truth" and "lie". The interviewer will then test the child's understanding of these concepts with a

concrete concept, e.g. "What is this?" while pointing to two objects like the table and a chair, making sure both the interviewer and child have the same label for objects (paragraph 4.6.25). After the child has answered, the interviewer may point to the table, saying: "If I say this is a chair, am I telling the truth or am I telling a lie?" The interviewer repeats this with different concepts until he/she is convinced that the child can distinguish between the truth and a lie. Hereafter the interviewer must emphasise to the child how important it is to tell the truth.

5.4.3.2 *Morality check*

The interviewer will proceed to the morality check, and the purpose of this is to determine if the child realises that lying has serious negative consequences, not only for the person who is lying, but also for the person implicated in the lie (paragraph 4.6.25). The interviewer may ask the child the name of a good friend and probe whether it is a good or bad thing if he/she lies to the teacher or headmaster about something this friend has done (paragraph 4.6.25). The interviewer then asks the child to name a child that he/she does not like and repeat the same exercise. The interviewer will emphasise the consequences if he/she would lie and stresses that the child must tell the truth about the alleged offence (use the label the child has used, e.g. "naughty things").

If the interviewer is sure that the child understands the ground rules he/she will proceed to the next step, namely inviting free narrative.

5.4.4 Phase four: Free narrative

Knowing that the child has verbally revealed the alleged abuse, and that ground rules have been discussed, the interviewer can proceed to phase four where free narrative is invited. It is confirmed in literature that free narrative yields richer information.



5.4.4.1 *Inviting free narrative*

As discussed in paragraph 4.6.8 children are more likely to accurately provide important details in free recall, and therefore the interviewer will invite free narrative. The interviewer will refer back to the child's disclosure: "You told me Uncle Roy did naughty things to you and that these naughty things have to do with touching your private parts" (it is imperative that the interviewer uses exactly the same phrases and words the child used). The child will then be invited to tell everything about the alleged sexual abuse (continue with the label the child used during the initial disclosure). The interviewer will listen and let the child relate the story from his/her own frame of reference and in the order he/she wants to tell it.

Neutral encouragements will be used right through the interviewing process (paragraph 4.6.11) like "Yeah?", "and then?" "Okay... I see... and then...., hmmm..." In order to portray an empathic posture, the interviewer must maintain the SOLER position as discussed in paragraph 4.4.4.

5.4.4.2 *Determine the identity of the perpetrator*

For purposes of legal procedure, it is crucial to determine whom the alleged perpetrator or perpetrators are (paragraph 4.7.21), as well as his or her relationship with the child. It is also necessary to clarify any nicknames or labels that the child uses (paragraph 3.8.1) as children under 10 years tend to use nicknames and labels without fully comprehending them. If the child has not voluntarily disclosed the identity of the perpetrator up to this stage, the interviewer may ask: "Who did these naughty things to you?" (paragraph 4.7.2.1) and "How do you know him/her?" If the child does not know the name of the alleged perpetrator, the interviewer may ask questions like: "Tell me about the people in his family".

5.4.4.3 Determine the number of times the alleged abuse happened; the place(s) it occurred

After the child has provided the identity of the perpetrator, the interviewer could proceed to determine how many times the alleged abuse took place.

It is stressed in paragraph 3.8.4.1 that the number of times the alleged abuse happened is a very crucial part of the statement, as this will determine the charge against the alleged perpetrator. However, it was noted in paragraph 3.8.4.1 that it is difficult for children to accurately describe how many times the alleged sexual abuse has happened and it is therefore recommended in literature that the interviewer should rather start off by asking whether the abuse happened "once or more than once". From the child's answer the interviewer may proceed in the following way:

- Ask the child to identify the different places where the alleged abuse happened (paragraph 4.7.2.7).
- Then request the child to label blank pages with the different venues where the alleged abused took place (e.g. mom's bedroom, garage, dining room).
- The interviewer will ask "anywhere else?" and if anything is mentioned, write it on another blank piece of paper.
- If the child struggles to identify different places, the interviewer may ask the child to identify the first, last or any other place or event that took place (paragraph 4.6.23).

5.4.4.4 Mental reconstruction and drawing of happenings

It is discussed in chapter four that by thinking back to the incident, children tend to remember more before questions are asked (paragraph 4.6.23). It is further emphasised in paragraph 4.6.23 that, due to children's concrete thinking (paragraph 3.5), it could be effective to let children make drawings of the abuse, as drawings allow children to make their retrieval cues concrete and it is likely that representing objects on paper is easier than representing actions. It is also true

(paragraph 4.6.23) that children's verbal reports are longer and more descriptive when they draw and tell, than when they merely tell what has happened. The child could also be asked to draw anything mentioned regarding the abuse, e.g. drawings of private parts, the venue and the perpetrator (paragraph 4.6.23). The researcher would not recommend taking a child back to the crime scene if the child is too traumatised. Taking the child to the crime scene must be done only in exceptional situations. The scene could rather be recreated by means of drawings, play dough figures or even in a sand tray.

After the child has labelled the different pages with incidents as described in paragraph 4.6.23, the interviewer will focus the child's attention on one incident at a time:

- The child will be asked to close his/her eyes and to think back to the incident and identify everything that has happened there.
- The child will be asked to draw what happened. Older children may be asked to draw the happenings in chronological order. The interviewer should not talk to the child during the making of the drawing.
- After the child has made the drawing, the interviewer will continue to follow up with abuse-focused questions as described in step five.
- After the first picture has been explored with questions as described in phase five, the next drawing could be taken and the same process as mentioned above is followed.

As explained in paragraph 3.8.4, the interviewer should firstly explore the first incident then continue to the other pictures (paragraph 4.6.23). It is emphasised in paragraph 4.6.23 that the interviewer should ask the child after all the pictures have been explored (phase five) whether the abuse happened at any other place than already indicated, and also ask if the child has anything else to report.

It does happen that children are hesitant to draw out of fear that their drawings will not be good enough, or because of uncertainty as to what is expected. The interviewer may use neutral encouragements to ensure the child that the pictures are only there in order for the interviewer to understand better. The interviewer

should then also repeat the instruction and clarify any uncertainty on the part of the child. If the child cannot make drawings due to developmental difficulties, the interviewer should skip this step and focus only on interviewing. Copies of the drawings will be added to the professional report as addendum. The original drawings are kept in the case file and will be submitted as exhibits during expert testimony (Venter, 2006).

5.4.5 Phase five: Questioning phase

Before the question format is addressed, it is important to emphasise that the fundamentals highlighted in this phase are also applicable to all seven phases during the communication with the child.

5.4.5.1 Using clear and age-appropriate language

The following linguistic aspects need to be taken into consideration when any child is interviewed:

- **Avoid legal words and phrases**

As mentioned in paragraph 3.8, language abilities continue to improve during the middle childhood. However, children do not necessarily understand the meaning of words in the same way adults do. Children will not necessarily understand legal terminology used in the legal system the way adults do. Therefore it is imperative that legal words and phrases be avoided at all times.

- **Clarify labels / concepts / names / "big" words and use the label**

In paragraph 4.6.22 it is recommended that a constant clarification of information gained from the child must take place in order to prevent the interviewer from making a subjective conclusion. Any labels used by the child (e.g. private parts, positions, venues, nicknames) must be clarified and the interviewer should continue with this label (paragraphs 3.8.1 and 4.6.22).



- **Using pronouns selectively and avoid vague referents**

Mastery of pronouns and vague referents only occur at the age of 10 years (paragraph 3.8.2), and to avoid confusion the use of pronouns must be limited and used selectively. The interviewer should avoid using pronouns and vague referents and instead replace it with specific names and places provided the child's labels be used.
- **Avoid using double negative sentences**

The use of questions containing negative terms only lead to confusion and should be avoided (paragraph 3.8.2).
- **Avoid using "why" questions**

"Why" questions should be avoided as children in the middle childhood may still have problems answering them (paragraph 3.8.2). As it is a confronting question (paragraph 4.6.19), it should rather be replaced with an open-ended question starting with "what".
- **Keep questions and sentences simple and use one main (new) thought per utterance**

Although children in the middle childhood may have the ability to make a sensible conversation, their language ability is still in the process of developing. Therefore, questions should be kept simple, with only one thought per utterance to ensure effective communication between the adult interviewer and the child witness (paragraph 3.8.1).
- **Avoid starting questions with "do you remember"**

As described in paragraph 3.8.1, a child may think that he/she must first have forgotten an event before he/she can remember it. It is thus recommended that the interviewer rather ask: "Tell me what happened", or use other open-ended questions to explore.

- **Close-ended questions and questions starting with "can", "have you", "do you"**

Questions starting with "can you", "have you" or "do you?" should be avoided as they have a suggestion of what may have happened and facilitate a "yes" or "no" answer (paragraph 4.6.17). Close-ended questions should be limited to neutral topics and should be avoided during abuse-focused questioning (paragraph 4.6.17).

5.4.5.2 Question format

It is important that the social worker uses a structured questioning format when the allegation is explored.

- **Identify themes from free narrative**

As there are numerous aspects that need to be explored during a forensic interview, the interviewer should explore them if they have not been offered during the initial free narrative (paragraph 4.6.8). From the free narrative the interviewer will follow up by identifying topics discussed in paragraph 4.6.8. A theme is thus identified and explored, e.g. the interviewer will invite the child to tell more about the specific sexual behaviour that was mentioned: "You told me that Uncle Joey touched your private parts. Tell me everything about when Uncle Joey touched your private parts" and "tell me more about how your private parts felt" (paragraph 4.6.8). The interviewer will explore through non-leading abuse-focused questions until enough information is obtained.

- **Framing the event and summarising**

As discussed above, specific themes will be explored at a time. A specific process to introduce and explore these topics is proposed (paragraphs 4.6.21 and 3.8.3): The interviewer will summarise main facts and then the next theme to be explored will be introduced (chapter 4.6.21). If the interviewer does not know what it is that she specifically needs from the child, he/she may miss important information.

- **Second chance for free narrative**

A second attempt to elicit a narrative can be made after specific questioning has taken place, provided that the interviewer clarifies beforehand that the accuracy of the previous response is not in question. e.g. "I think I understand most of what you told me, but I still don't understand what happened in the kitchen. Will you help me by telling me once more everything you remember about the time in the kitchen?" The child's first narrative will thus be followed up with open-ended questions, specific questions, multiple choice question format if necessary, and then a specific area of the child's testimony will be explored where a free narrative will be invited (paragraph 4.6.9).

- **Open-ended questions**

Free narrative should be followed up with open-ended questions (paragraph 4.6.12). Open-ended questions should be encouraged in all phases of the interview, regardless of the child's age (paragraph 4.6.12) as it elicits more credible information. Open-ended questions starting with "who", "what", "where", "when" and "how" may be asked to children in the middle childhood (paragraph 3.8.2). If the perpetrator has not been identified and the child has already indicated that someone has allegedly sexually abused him/her, the interviewer may ask the child: "Who did the naughty things (label the child used for alleged sexual abuse) to you?"

- **Specific non-leading and focused questions**

When specific information cannot be accessed by using open-ended questions, specific non-leading questions may be asked (paragraph 4.6.15). Specific questions are referred to as questions focussing on exploring the events surrounding the abuse, thus abuse-focused questioning. These questions usually start with "what", "where", or "when" (paragraphs 4.6.15 and 3.8.2). The child thus gets an opportunity to extend and clarify any information which he/she has previously provided. For example, if a child explains that a woman wearing a dress grabbed her, specific yet non-leading questions would include: "What colour was the dress?" or "What did the dress look like?" and "Now tell me more about what happened when you

walked into the bathroom."

The following steps can be taken to avoid "topic hopping" (moving from one topic to another without explaining why):

- The interviewer should reframe by introducing the next topic to be explored and in that way assist the child in successfully making the transition from one topic to another.
 - After a specific introduced topic has been explored thoroughly by means of non-leading questions, factual reflecting may take place. This is where the interviewer summarises the facts of a specific topic explored in order to check with the child whether the interviewer understood him or her clearly. It is imperative that the interviewer does not interpret any information, but only reflects the facts. The interviewer should summarise these main facts in order to check with the child whether he/she was heard correctly.
 - Hereafter the interviewer will introduce the next topic for discussion.
 - The interviewer will, for example, say to the child: "You've told me what happened in the bathroom. Now I want to talk about where the other people in the house were".
- **Multiple choice questions**

Multiple choice questions are leading if the list of choices offered is not exhaustive (paragraph 4.6.16). However, it is discussed in paragraph 3.8 that multiple choice questions should be avoided as far as possible, as it may be regarded as leading.
 - **Avoid leading and suggestive questions**

Leading and suggestive questions should be avoided at all times (paragraph 4.6.18) as they suggest the answer. It also includes questions which contain information which the interviewer assumes are correct.
 - **Repeating of questions**

Repeating of questions should be done with caution, as a child may think his/her first answer was incorrect and then change the next answer

(paragraph 4.6.20). However, if an interviewer wants to test the child's account for consistency and it is therefore necessary to repeat a question, it should rather be rephrased (paragraph 4.6.20).

5.4.5.3 Abuse-focused questioning: Explore explicit accounts of alleged abuse

As discussed above, the interviewer will invite free narrative about the picture after which the questions about the specific explicit sexual account will take place (paragraph 4.6.2):

The interviewer will explore by using non-leading abuse-focused questions. The process of framing the event consists of exploring, clarifying information and summarising facts before introducing the new topic (paragraph 4.6.21, 3.8.3). The reason for gathering explicit accounts is for the interviewer to assess whether the child has sexual knowledge beyond what would be expected from a child in that particular age group. The child's version would also be assessed to determine whether he/she is able to give detail, which will make a statement more credible (paragraph 4.6.2). The following detail regarding the alleged sexual abuse should be explored by using non-leading questions (paragraphs 4.6.23 and 4.7.2):

- Determine which body parts of the perpetrator, if any, were involved.
- Determine which body parts of the child, if any, were involved.
- Explore if any movements occurred.
- Explore if the child has seen any genitalia, and if so, ask the child to describe and draw it.
- Explore any detail regarding the sexual act that the child mentions.
- Explore who taught the child names for private parts.
- Determine what the child was wearing.
- Determine what the offender was wearing.
- Determine whether any clothing was removed. It is the researcher's opinion that if the child wants to demonstrate on him-/herself or starts to undress him-

/herself, the interviewer should stay calm, and in a friendly manner tell the child that is not necessary and rather focus the child to indicate on a stick figure or dolls what have happened.

- Explore the alleged perpetrator's actions involving the child.
- Explore what the child felt physically.
- Determine what the child heard, saw and smell during the alleged incident.
- Determine whether the alleged perpetrator said anything.
- Determine whether the alleged perpetrator said anything about telling or not telling.
- Assess if the child underwent a grooming process.
- Determine when the child experienced the first boundary violation.
- Explore if any other type of sexual abuse happened other than what was revealed.

5.4.5.4 Abuse-focused questioning: Explore context explanation

When evaluating a child's statement, it is imperative to determine if the child can reveal the specific detail regarding the context in which the alleged abuse took place. During context explanation the interviewer should use non-leading questions to explore the following (paragraphs 4.6.13 and 4.7.2.7):

- Determine where the alleged abuse happened.
- Determine what the address is or who is living there.
- Determine where in the house/flat/venue the alleged abuse took place.
- Explore how the child got there.
- Explore furniture/objects in the room/venue.
- Explore where other people were at the time.
- Explore how the child got to be alone with the perpetrator.
- Explore what the alleged perpetrator said or did to obtain the child's involvement.
- Explore whether any threats were posed to the child by the perpetrator.



- The interviewer should explore the use of any pornographic material, exposure to explicit television programmes or MMS (multimedia messaging service) messages on cell phones. However, it is the experience of the researcher that it is extremely difficult to explore this without being leading. The researcher thus recommends that interviewer should ask a child: "Have you seen any of these naughty things anywhere else?" or "Do you know if anyone else does the same things?"
- Explore how the child got out of the room/venue.
- Explore when it happened and try to link it to other happenings that day.
- Determine where the child went after the abuse and evaluate his/her emotional reactions.
- Determine whether the perpetrator went away after the alleged abuse.
- Determine what the perpetrator's reactions were in the period after the alleged abuse.
- Explore if there are possible eyewitnesses.
- Explore whether the child has told anyone.
- If the child has told someone, determine what their reactions were.
- Explore the reasons for not telling, if applicable.
- Determine whether the alleged abuse happened anywhere else.
- Follow up on any cue that pornographic material was used, e.g. explore where it was hidden, what the content of it was.
- Follow up on any context information that is unclear.

5.4.5.5 Abuse-focused questioning: Emotional content and internalisations

It was discussed in paragraph 3.9.1 and paragraph 4.7.2.6 that the interviewer should explore emotional content, focussing on emotions experienced during and after the alleged event. The interviewer would also clarify emotions observed during the session:

- Explore the child's thoughts, emotional and behavioural reactions during and after the alleged sexual abuse.



- Explore the child's feelings while talking about the abuse.
- Explore the child's emotional reactions during the alleged sexual abuse.
- Explore the child's thoughts during the alleged sexual abuse.
- Explore and respond in a non-leading way to the child's emotional reactions during disclosure.
- Evaluate whether the child feels stigmatised due to the abuse (paragraph 2.11.6).
- Evaluate whether the child feels powerless due to the abuse (paragraph 2.11.6).
- Evaluate whether the child feels betrayed due to the abuse (paragraph 2.11.6).
- Evaluate signs and symptoms for traumatic sexualisation (paragraph 2.11.6).
- Explore what changed in the child's life since the alleged abuse occurred (paragraph 2.11.6).
- Observe nonverbal behaviour and follow up in an appropriate manner (Excluded from research).

5.4.5.6 Abuse-focused questioning: Anatomical dolls

Anatomical dolls should only be used after the child has made a verbal disclosure, and also in cases where the interviewer does not understand what the child is verbalising, or the child experiences difficulties to explain (paragraph 4.6.24). As discussed in paragraph 4.6.24, the following guidelines should be adhered to:

- If the interviewer uses the anatomical detailed dolls, it is imperative that they are only used after the child has already verbally disclosed the alleged sexual abuse, and must only be used to clarify what has been verbalised.
- The dolls should be presented to the child fully clothed and the child should be specifically told that the dolls are not toys and they are not to be played with.
- The interviewer should also not tell the child who must be represented by each doll, but should only ask the child to show what happened. The interviewer would thus ask: "You told me about these naughty things that

happened to you. Please use these dolls and show me exactly what happened."

- It is imperative that after the child has shown what has happened, that the interviewer would clarify who the dolls represent.

5.4.5.7 Abuse-focused questioning: Test for consistency

The child's account of the alleged sexual abuse must be tested for consistency in order to evaluate the possibility of the allegation being true. As discussed in paragraph 4.7.2.11, the interviewer should be conscious of the consistency of the child's statement and follow up on inconsistencies in the child's statement and incongruence between the child's verbal and nonverbal behaviour (paragraph 4.7.2.11).

5.4.6 Phase six: Investigate multiple hypotheses

It is important to investigate multiple hypotheses (paragraph 4.6.26). The interviewer must be aware that the child could have been a victim of alleged sexual abuse by someone else, or gained the sexual knowledge in a different way. It is common during criminal court hearings that lawyers would use different hypotheses to attack the child's credibility.

5.4.6.1 Anyone else

Due to the occurrence of perpetrator substitution as discussed in paragraph 4.6.27, it is imperative to explore whether the child has been a victim of sexual abuse by any other person than the one mentioned. This already starts with the play-related communication techniques (paragraph 4.6.27) where, before the initial disclosure, the interviewer investigates the child's attitude and relationship towards numerous significant people in his/her life. However, it is imperative that after the

interview the child be asked if anyone else has performed the same or similar acts to him/her (paragraph 4.6.27).

5.4.6.2 *Anything else has happened which the child has not told yet*

As discussed in chapter four (paragraph 4.6.27), it is important that the interviewer asks the child, after exploring information offered, if there is anything else that has happened that he/she has not mentioned before.

5.4.6.3 *Explore prior knowledge about sexual abuse and victimisation of others and exposure to sexual acts*

In order to rule out the hypothesis that the child's prior knowledge contributed to the allegation, it is important that the interviewer explores where the child has heard about sexual abuse and enquire about any sex related talks attended, if he/she knows any person who has also been a victim of sexual abuse, if he/she has seen similar sexual acts or heard about it prior or after the alleged incident. It should also be investigated whether the child had exposure to pornographic material or media (paragraph 4.6.28).

5.4.6.4 *Explore what parents and others say about abuse*

As discussed in chapter four (4.6.26), it is imperative to explore what family members of the child have to say about the alleged sexual abuse, as it will give the interviewer an indication of whether intimidation is taking place. Intimidation will have a detrimental impact on the child's statement.

5.4.7 Phase seven: Closure

It is imperative that, among other things, a truth-and-lie check be done after the information have been gained, in order to give the child the opportunity to indicate which information he/she is not sure about.

5.4.7.1 Conduct a truth-and-lie check after the interview

After the interview, the interviewer should ask the child if there is any information that he/she is not sure about, or is not the truth (paragraph 4.6.25).

5.4.7.2 Explanation of legal process

The interviewer should provide straightforward information about what will take place in the criminal justice system, so that the child understands the steps that will follow e.g. writing of a report (refer to paragraphs 4.7.2.12). The interviewer should make the child aware that if there is anything that he/she remembers or wants to tell the interviewer, or if he/she feels stressed or depressed, he/she must tell his/her mother (person who was identified as a supportive person).

5.4.7.3 Ensure child's safety

The interviewer should ensure that the child will be safe when going back to his/her circumstances. If any information was revealed that gave an indication that the child may be in danger, the interviewer should intervene (paragraph 4.7.2.12). The interviewer should refer the child for therapy.

5.4.7.4 *Ensure that child is contained before leaving the session*

The interviewer should end the session with a positive topic, e.g. talking about something nice, activities that the child is looking forward to, etc. (refer to paragraph 4.7.2.12). Children should never be sent out of an office while still in tears or not emotionally contained. General positive discussions about the here and now should be done, e.g. "What are you going to do when you arrive home?" or "What homework do you still need to do?"

5.4.7.5 *Interviewer's closure and global check*

After the interview, the interviewer should evaluate him-/herself on the following:

- Helped the child to feel safe to tell the story and explained the use of audiotape or videotape.
- Made effort to encourage a trusting relationship.
- Stayed on the child's level by phrasing the questions on the level of the child.
- Clarified the child's comprehension of language.
- Avoided doing therapy and reflecting advanced empathy.
- Portraying the SOLER position (Excluded from research).
- Acceptance
- Nodded appropriately (Excluded from research)
- Reassured in a non-leading way.
- Showed neutral encouragements.
- Avoided suggestive utterances
- Avoided suggestive actions (Excluded from research).
- Avoided giving the child a treat.
- Avoided allowing the parent/caretaker to be present during the interview.
- Allowed breaks as often as the child needed it.
- Used silence.
- Acknowledged the child's process.
- Been confluent with the child's process.



- Did not interpret.

5.5 SUMMARY

The seven-phase forensic interview protocol has definite steps that need to be followed. It is imperative that the interviewer be aware that his/her conduct may have an impact on the child's disclosure and which facts the child may reveal. The interviewer must make specific practical arrangements, e.g. a child-friendly venue for the interview, avoid giving the child treats and not allowing anyone to be present during the interviews. Permission must be obtained from both the child and the parent to audiotape the interviews.

Anatomical dolls should only be used when the child has already verbally disclosed the identity of the perpetrator and gave a narrative on what has happened. Anatomical dolls should also be used with caution and only in situations where the interviewer does not understand clearly what the child is explaining.

Phase one focuses on facilitating the initial disclosure of alleged child sexual abuse. Different play-related communication techniques have been proposed. After the child has made a verbal disclosure, the interviewer must explain ground rules during phase two.

During phase three the child's knowledge about truths and lies and morality is evaluated and the importance of telling the truth is emphasised. After that, the child is invited during phase four to a free narrative, after which the identity of the alleged perpetrator is determined and the child is asked to indicate how many times and/or at which places the alleged abuse happened. The child is asked to make a mental reconstruction of what happened and is instructed to make picture of it.

During phase five abuse-focused questioning takes place. Open-ended questions are mainly used, followed by specific non-leading questions. Clear and age-

appropriate language should at all times be used by the interviewer, like limiting the use of pronouns and avoiding the use of "why" and leading questions.

During phase six multiple hypotheses are considered, like whether anyone else has done the same things to the child and whether the child has seen the sexual acts anywhere else.

Phase seven is the closing phase. The interview should be closed with a truth-and-lie check, after which information is given to the child about "what happens next", and the child is engaged in an empowerment exercise.