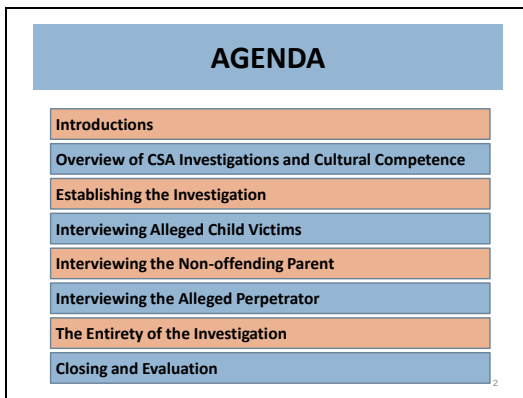


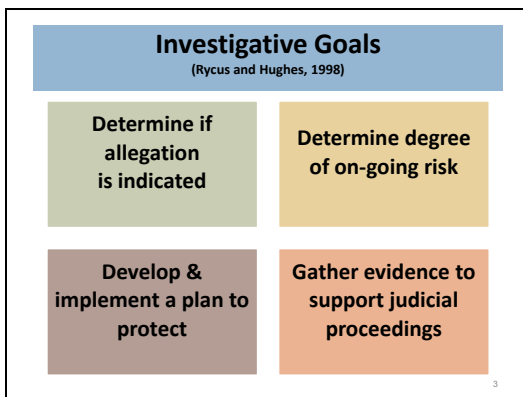
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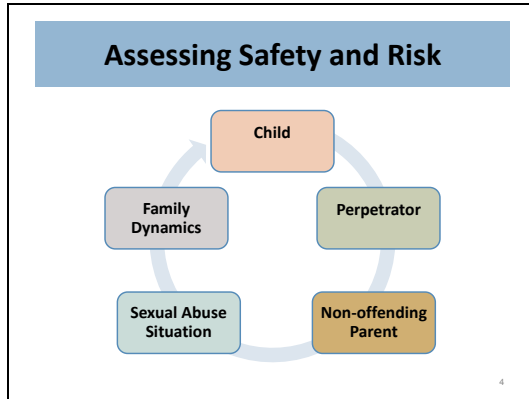
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Complex Issues in Child Sexual Abuse Cases

- CSA is different than other CA/N
- Every child should be evaluated
- Age and deficits in cognitive, emotional, and language skills
- Lack of physical evidence, corroborative info, & eyewitness evidence

5

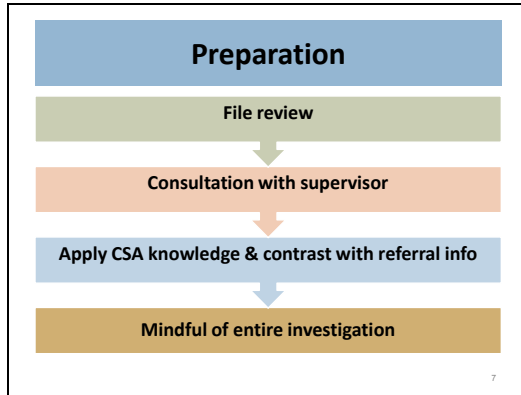
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Complex Issues in CSA Cases cont.

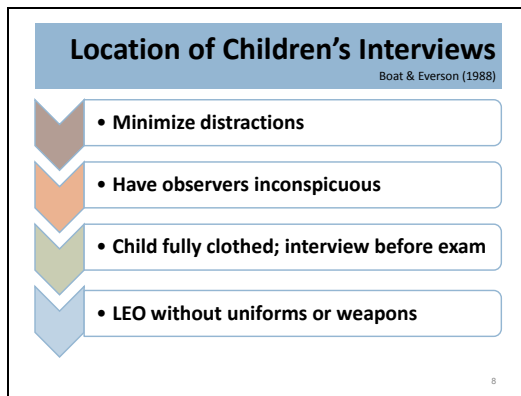
- Rigorous denial
- Recantation and minimization
- Societal, political, community pressure
- Perception molded by media
- Rulings re: guidelines and scrutiny

6

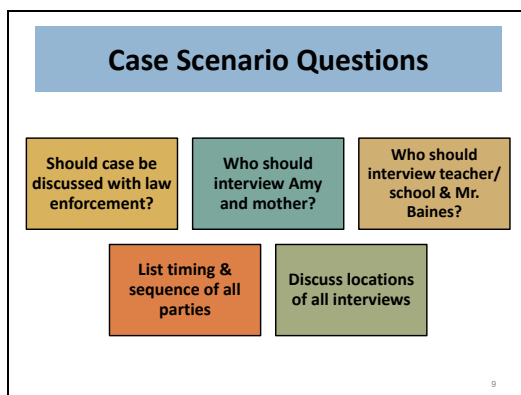
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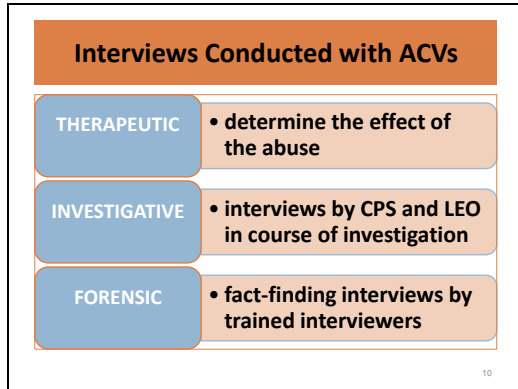
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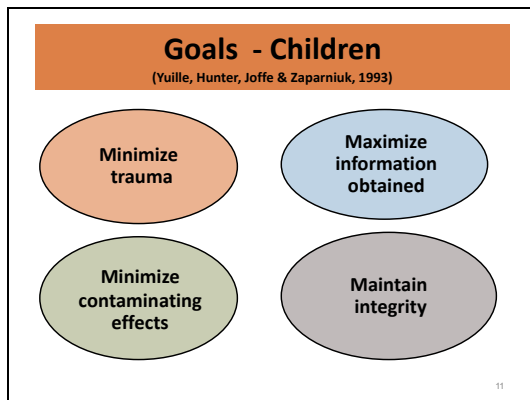
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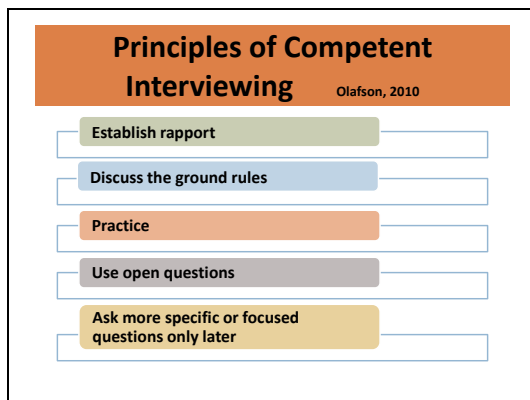
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12



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13

Children's Communication Sequencing – Example 1

"My mom said if I put my dolls in the closet and my toys in the box, she'd buy me a present. So I did, and she took me to Wal-Mart, and we looked at kid's stuff, and I picked ribbons."

13

Slide
14

Children's Communication Sequencing – Example 2

"See my ribbons, I just got them. They're new. My mom said they make me look pretty. All of us kids have to clean up our room. It's called our chores. Mom says kids need to do chores because everybody has to do their part and when you do your part your mom is happy with you."

14

Slide
15

Developmental Linguistic Research
Walker 1999

Remain
neutral

Learn to wait

Don't stack
questions

Let the child
talk

Avoid big
words

15

Slide
16

Developmental Linguistic Research

Walker 1999

A diagram with five colored boxes arranged in two rows. The top row has three boxes: light green, light orange, and light blue. The bottom row has two boxes: light purple and light teal. Each box contains text about linguistic factors to avoid or keep simple.

- Avoid "legalese"
- Avoid "when"
- Avoid "why"
- Keep sentences simple
- Avoid negatives

16

Slide
17

Instructions for the Interview

There will be some questions that you do not know the answers to. That's okay. If you don't know the answer, say "I don't know the answer."

We are only going to talk about what REALLY HAPPENED. No pretending or making up answers.

If you don't know what something means that I ask you, say "I don't understand" and I will use new words.

I may ask you something that I already asked you – sometimes I forget. Don't change your answer because I asked you the same question 2 or 3 times.

I may say something to you that is wrong. If I say something that you know is wrong, you have my permission to tell me I am wrong.

12

Slide
18

Information to Obtain

- Potential witnesses
- Other possible victims
- Locations/dates/times of abuse
- Who child told & what child said
- Grooming events of the abuse
- Game playing by the AP
- Use of threats/bribes/rewards – implications for disclosure

An illustration of an open notebook with a pen resting on it. The notebook is open to two pages, both of which contain horizontal lines representing text. A pen is lying diagonally across the right page. The notebook is shown from a slightly elevated angle, and the pages are a light cream color. The entire illustration is enclosed within a thin black rectangular border.

Slide
19

Information to Obtain cont.

- Use of pornography/computer/internet
- Possible photos of child by AP
- Use of alcohol/drugs or administration of these to child by AP
- Physical evidence (bleeding, bruises)
- Corroborating evidence
- Ejaculation or masturbation by AP



Slide
20

The 6th Amendment

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; **to be confronted with the witnesses against him**; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Slide
21

What's the Moral of the Story?

(Phillips 2006)

Fully document statements, demeanor, crime scene

Prepare victims/witnesses; have them testify

If witness unavailable, argue hearsay statements are NOT testimonial

Argue pro-victim test and child development research

Follow up on unavailable witnesses and forfeiture evidence

Use good facts to make good laws

Slide
22

When Working Under the Crawford Ruling

- Do not discuss court in a forensic interview.
- Avoid a truth/lie task in a forensic interview.
- Gather forfeiture evidence.
- First Disclosure/Tender Years statements are generally non-testimonial.
- Spontaneous statements are non-testimonial.

(Phillips, 2006)

22

Slide
23

Purpose - NOP

Gather additional info on likelihood of sexual abuse	Determine if mother is protective & supportive
Ascertain if NOP had role in prompting to make or recant the allegation	Understand causes/dynamics leading to sexual abuse

23

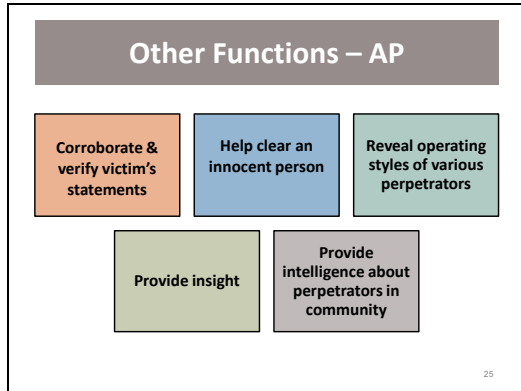
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NOP's Willingness to Act
Faller '93

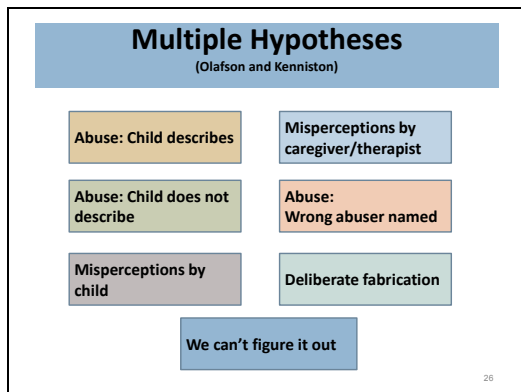
Quality of her relationship with child	Level of dependency on AP	Willingness and/or ability to protect
--	---------------------------	---------------------------------------

24

Slide
25



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26



Three-Stage Investigative Interview

Thomas D. Lyon, JD, PhD. tlyon@law.usc.edu © 2002

(Adaptation of the NICHD Investigative Interview Protocol reprinted with Dr. Lyon's permission and modified by Erna Olafson, PhD, PsyD, 2004 erna.olafson@uc.edu).

[For use with children aged 5-12. For developmentally average children aged 13 and older, refer to the rules as "guidelines" and explain the guidelines without asking the child to demonstrate her or his understanding of them.]

STAGE ONE: INTRODUCTION, RULES, TRUTH-LIE, NARRATIVE

I. INTRODUCTION

[Introduction] Hello, my name is _____. I am a [social worker, police officer] and part of my job is to talk to children about things that have happened to them. As you can see, I have a [tape recorder, video recorder] here. It will record our conversation so I can remember everything that you tell me. That way I can listen to you without having to write everything down.

II. RULES

A. Don't know (instruction and demonstration)

If I ask you a question and you don't know the answer, then just say I don't know.

So, if I ask you, "What is my dog's name?" what do you say?

Okay, because you don't know.

But what if I ask you "Do you have a dog?"

Okay, because you do know [that you have a dog; that you don't have a dog].

B. Don't understand (instruction and demonstration)

If I ask you a question and you don't know understand it, you can say, "I don't understand." I will ask the question in a different way.

So if I ask you "What is your gender" what do you say?

That's because "gender" is a hard word. So I would say, "Are you a boy or a girl?"

[If child knows what gender means, ask about level of primary education or ocular pigmentation. Always follow with the explanation, as in: What grade are you in? What color are your eyes?]

C. You're wrong (instruction and demonstration)

Sometimes I make mistakes or say the wrong thing. When I make a mistake, please tell me that I am wrong.

So if I say, "You are thirty years old" what do you say?

D. Help me Understand (instruction)

I don't know about your life or about what's happened to you. I don't know the answers to the questions I will be asking you.

III. PROMISE TO TELL THE TRUTH* *[Consult with your prosecutor about whether to include this component and the exact format for doing so. State laws and regional practices vary. Asking children to promise to tell the interviewer about what really happened has been shown to foster greater accuracy and completeness in children's accounts.]*

Do you promise that you will tell the truth? Will you tell me any lies?

OR

Today when we're talking, we're only going to talk about things that really happened. No pretending or guessing or making things up.
Do you promise that you will only talk about things that really happened?

IV. PRACTICE NARRATIVES

[Narrative practice serves several purposes. It encourages lengthy speech from the child. It gives information about the child's ability to describe people and activities and to sequence events in narrative through time. It provides the interviewer with essential information about the child's caregivers, schooling, and other subjects. It permits the interviewer to assess the child's developmental level and use of language.]

A. DESCRIPTIONS OF PEOPLE, PLACES, ACTIVITIES

First I'd like you to tell me something about your [family, friends, school, camp, home, church group] and things you like to do and things you don't like to do.

Who is in your family? *[OR Who lives in your house? Who is in your church group?]*

Tell me about the things you like to do.

Tell me about the things you don't like to do.

[FOLLOW UP WITH "TELL ME MORE" PROMPTS.]

E.G., "You said you like to play soccer. Tell me more about playing soccer."

E.G., "You said you like to go to the park with your mom. Tell me more about going to the park."

E.G., "You said you don't like some of the things your friends do. Tell me more about the things your friends do."

B. SEQUENCING AN EVENT THROUGH TIME

Now please tell me everything you did today, from the time you got out of bed until you came to my office. Tell me everything that happened

Or, Now tell me about your last birthday. Tell me everything that happened.

[FOLLOW UP WITH "WHAT NEXT" QUESTIONS.]

E.G., "You said you ate frosted flakes for breakfast. What did you do right after breakfast?"

E.G., "You said you played in the bouncy. What did you do after you played in the bouncy?"

STAGE TWO: TRANSITION TO TOPIC OF CONCERN, SPECIFIC DETAILS, CORROBORATIVE QUESTIONING WHEN APPROPRIATE

V. TRANSITION TO TOPIC OF CONCERN *[IF AND WHEN CHILD DISCLOSES ABUSE, GO DIRECTLY TO DISCLOSURE FOLLOWUP]*

Now that I know you a little better. . .

- A. Tell me why I came to talk to you.
Tell me why you came to talk to me.
OR, Tell me the reason you came to talk to me.
OR, Tell me the reason I came to talk to you.

B. ALTERNATIVES TO GET TO TOPIC

1. I understand something may have happened to you. Tell me everything that happened.

2. I heard you saw

E.G., I heard you saw a policeman last week. Tell me what you talked about. OR I heard you went to the doctor yesterday. Tell me about that.

[IT IS OK TO REMIND THE CHILD: I don't know what happened. I wasn't there]

3. Someone's worried

E.G., Is your mom (dad, someone) worried that something may have happened to you? Tell me what they are worried about. *[If CPS referrals from counselors, teachers, or neighbors are confidential, do not use this question to protect the reporter.]*

4. Bothered you

I heard that someone might have bothered you. Tell me everything about that.

5. Something wasn't right

I heard that someone might have done something to you that wasn't right. Tell me everything about that.

6. Feelings/emotions *(This takes time, so it is listed last, but we recommend asking these questions before using the anatomical pictures to get to the topic of concern. These questions form a very productive and non-suggestive means to obtain a great deal of information from a child useful both for forensic purposes and for general risk assessment.)*

Tell me the time that you were the most...

Happy
Sad
Mad
Scared

PROMPT WITH "Tell me more about the time you were happy/sad/mad/scared."

Investigating Child Sexual Abuse Cases

Written by IHS for the Ohio Child Welfare Training Program Revised

June, 2011

VII. DISCLOSURE DETAILS

1. DISCLOSURE FOLLOWUP

You said that [repeat allegation]. Tell me everything that happened.

E.G., “You said that Uncle Bill hurt your pee-pee. Tell me everything that happened.”

FOLLOW UP WITH “Tell me more” questions and “What happened next” questions.

2. MULTIPLE INCIDENTS

Avoid asking how many times something happened. Instead, after the child has talked about what generally happens, ask:

Did [repeat allegation] happen one time or more than one time?

Tell me about the time you remember the most.

Tell me about the first time...

Tell me about the last time...

Was there a time that was different? Tell me about the different time.

(Optional) Was there a time that was worse? Tell me about the worst time.

You said it happened once in his car. Tell me about the time in the car.

You can ask some or all of these questions in any order, depending upon the facts of a case.

3. Ask OPEN-ENDED questions

a. USE

Tell me

What

Where

When

How

Who

To greater detail, you can follow up with "wh" questions about what the child saw, heard, smelled, tasted, and felt (both sensory and emotional)

b. AVOID WHEN POSSIBLE

Did

Was

Can you tell

Or

Do you remember

4. DON'T STOP THE NARRATIVE ONCE THE ABUSE ACCOUNT IS COMPLETED. ASK CHILDREN WHAT HAPPENED AFTERWARDS AND HOW THEY FELT.

Examples of questions that can be asked post abuse description:

How did you know when it was over?

What happened next?

What did he do next?

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What did you do next?
Tell me how you felt afterwards.
Tell me how your body felt afterwards.
How did it feel when you went to the bathroom the next time?

VIII. CONCLUSION

1. CONCLUSION

a. Open prompt: Is there anything else that you would like to tell me?

OR

Is there anything else you think I need to know about?

b. Questions: Do you have any other questions for me?

OR

Do you have any questions about what we talked about?

c. Safety planning: *Do this whether or not the child has disclosed maltreatment to you. In the future, if someone does something to you that isn't right, who are some people you can tell? Who else could you tell? Take time to get 3-5 names from the child. If the child lists school friends or young siblings, ask also about grownups whom they could tell.*

c. Neutral topic: E.G. Favorite sport, TV show, plans for remainder of day.

d. What happens next: OK, now we are going out to the waiting room, and . .

OR

Now it's time for you to go back to your class and . . .

[TELL THE CHILD SOMETHING ABOUT WHAT HAPPENS NEXT, BUT NOT IN GREAT DETAIL]