



Child Forensic Interviewing

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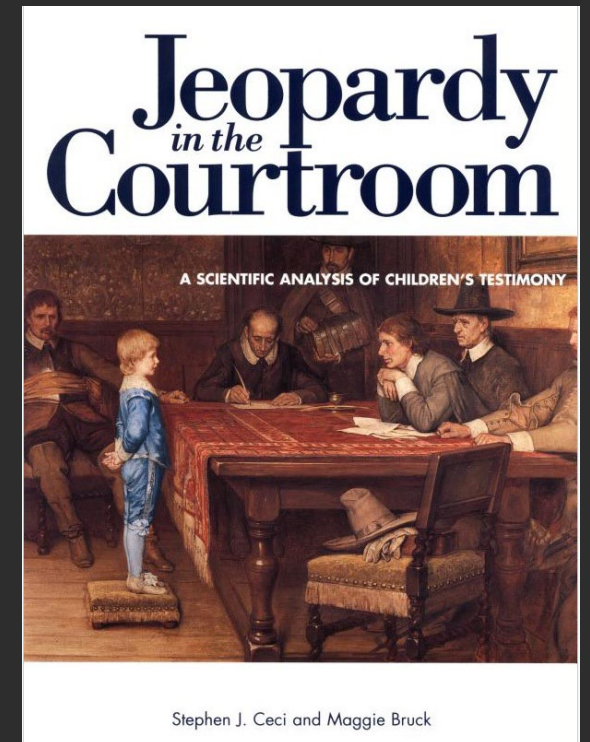
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Origin of Child Forensic Interview (CFI) Protocols

Hysteria in the 1980's over allegations of child sexual abuse in daycare centers presented the need for a standardized way to obtain reliable information from children

Court Case Examples

- Wee Care Nursery School Abuse Trial (1985-1988)
- McMartin Preschool Abuse Trial (1983-1986)
- Little Rascals Day Care Center Abuse Trial (1989-1995)



Wee Care Nursery School Abuse Trial

State of New Jersey v. Margaret Kelly Michaels

- In April 1985, a nurse took the temperature of a 4-year-old boy using a rectal thermometer and he said, “that’s what my teacher does to me at nap time at school”
- This claim led to a 9-month long trial beginning on June 22, 1987
- Testimony was collected from 51 children from the nursery school - "Believe the children" became the motto for the trial
- On August 2, 1988, Margaret Kelly Michaels was convicted of 115 counts of sexual offenses involving 20 children – she was sentenced to 47 years in prison
- After 5 years in prison, Michaels’ appeal was successful, and she was released in March 1993
 - the NJ Supreme Court stated **“the interviews of the children were highly improper and utilized coercive and unduly suggestive methods”**

STATE v MICHAELS 264 N.J. Super. 579 (1993); 625 A.2d 489

McMartin Preschool Abuse Trial

State of California v. Virginia McMartin/McMartin Preschool

- In 1983, the mother of a 2 ½ year old calls the police and gives an elaborate story of her child being sexually abused at the McMartin preschool – later to be discovered the mother was diagnosed with Paranoid Schizophrenia
- The police interviewed many of the children and sent out 200 letters to parents inquiring whether their child was sexually abused
- 7 teachers were accused of sexual abuse, satanic rituals, kidnapping the children, torturing and killing animals in front of them
- Eventually in 1986, charges were dropped against 5 of the 7 accused
- 3-year trial - Ray Buckey and Peggy McMartin Buckey both acquitted
- **Review of interviewing methods found to be of poor quality; coerced, repetitive questions and incentives for sharing their stories of abuse**



Kee MacFarlane, an unlicensed therapist at the Children's Institute International (CII) where several hundred children were interviewed, routinely used dolls and puppets to communicate with children

Police Letter Sent to McMartin Preschool Parents

September 8, 1983

Dear Parent:

This Department is conducting a criminal investigation involving child molestation (288 P.C.) Ray Buckey, an employee of Virginia McMartin's Pre-School, was arrested September 7, 1983 by this Department.

The following procedure is obviously an unpleasant one, but to protect the rights of your children as well as the rights of the accused, this inquiry is necessary for a complete investigation.

Records indicate that your child has been or is currently a student at the pre-school. We are asking your assistance in this continuing investigation. Please question your child to see if he or she has been a witness to any crime or if he or she has been a victim. Our investigation indicates that possible criminal acts include: oral sex, fondling of genitals, buttock or chest area, and sodomy, possibly committed under the pretense of "taking the child's temperature."

Also photos may have been taken of children without their clothing. Any information from your child regarding having ever observed Ray Buckey to leave a classroom alone with a child during any nap period, or if they have ever observed Ray Buckey tie up a child, is important.

Please complete the enclosed information form and return it to this Department in the enclosed stamped return envelope as soon as possible. We will contact you if circumstances dictate same.

We ask you to please keep this investigation strictly confidential because of the nature of the charges and the highly emotional effect it could have on our community. Please do not discuss this investigation with anyone outside your immediate family. Do not contact or discuss the investigation with Raymond Buckey, any member of the accused defendant's family, or employees connected with the McMartin Pre-School.

THERE IS NO EVIDENCE TO INDICATED THAT THE MANAGEMENT OF VIRGINIA MCMARTIN'S PRE-SCHOOL HAD ANY KNOWLEDGE OF THIS SITUATION AND NO DETRIMENTAL INFORMATION CONCERNING THE OPERATION OF THE SCHOOL HAS BEEN DISCOVERED DURING THIS INVESTIGATION. ALSO, NO OTHER EMPLOYEE IN THE SCHOOL IS UNDER INVESTIGATION FOR ANY CRIMINAL ACT.

Your prompt attention to this matter and reply no late than September 16, 1983 will be appreciated.

HARRY L. KUHLMEYER, JR.

Chief of Police

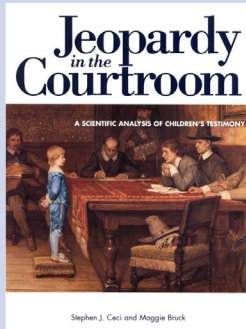
JOHN WEHNER, Captain

Little Rascals Day Care Sexual Abuse Trial

State of North Carolina v. Robert Kelly/Little Rascals Day Care

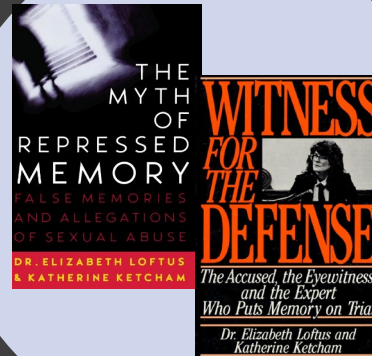
- In January 1989, Little Rascals Day Care owner, Robert Kelly was accused of sexually abusing a child by his mother. The claim was investigated with the allegations found to be valid. Authorities urged parents to have their children evaluated for abuse and recommended therapists
- The children initially denied any abuse when questioned → after long periods of therapy and questioning, **90 children** made allegations of sexual abuse naming dozens of people - ultimately **7 were charged** including Robert Kelly
- During Robert Kelly's 8-month trial (North Carolina's longest and most expensive trial in history), **12 children 4-7 years old testified** about the sexual abuse as well as other bizarre events i.e. going to outerspace in a hot air balloon
- In 1992, Robert Kelly was **convicted on 99 charges** and given **12 consecutive life sentences** → all charges were reversed by the Court of Appeals in 1995 and all charges dropped in 1997
- The remaining 6 defendants received sentences from 7 years to life – all their charges would be dropped in 1996 or 1997
- **Interview notes from initial police investigation were not kept. Audiotapes of every interview with the children were lost/misplaced**
- **The children's therapists did not take the stand themselves but rather provided their notes which were mostly brief summaries of the interviews recorded after the fact**

Child Forensic Interviewing (CFI) Research Scientists



**STEPHEN CECI, PH.D. AND
MAGGIE BRUCK, PH.D.**

“JEOPARDY IN THE COURTROOM:
A SCIENTIFIC ANALYSIS OF
CHILDREN’S TESTIMONY”



**ELIZABETH LOFTUS, PH.D.
AND KATHERINE KETCHAM**

“THE MYTH OF REPRESSED
MEMORY” AND “WITNESS FOR
THE DEFENSE”



MICHAEL LAMB, PH.D.

DEVELOPER OF THE NATIONAL
INSTITUTE OF CHILD HEALTH
AND HUMAN DEVELOPMENT
(NICHD), LATE 1990’S

What is a Child Forensic Interview?

- One piece of a criminal investigation
- Application of a scientific/structured method of investigating crimes against children
- Factors Researched for CFI Protocols:
 - Memory
 - Suggestibility
 - Truth v Lie Discussion
 - Repetitive Questioning
 - Multiple Interviews
 - Multiple Interviewers
 - Confirmatory Bias
 - Source Monitoring
 - Alternative Hypotheses
 - Leading/Coercive Questioning
 - Confabulation



“A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing research and practice-informed techniques as part of a larger investigative process.” [OJJDP]

Child Forensic Interviewing Protocols and Best Practice



American Professional Society
on the Abuse of Children
(APSAC)



ChildFirst®



Office of Juvenile Justice and
Delinquency Prevention (2015)

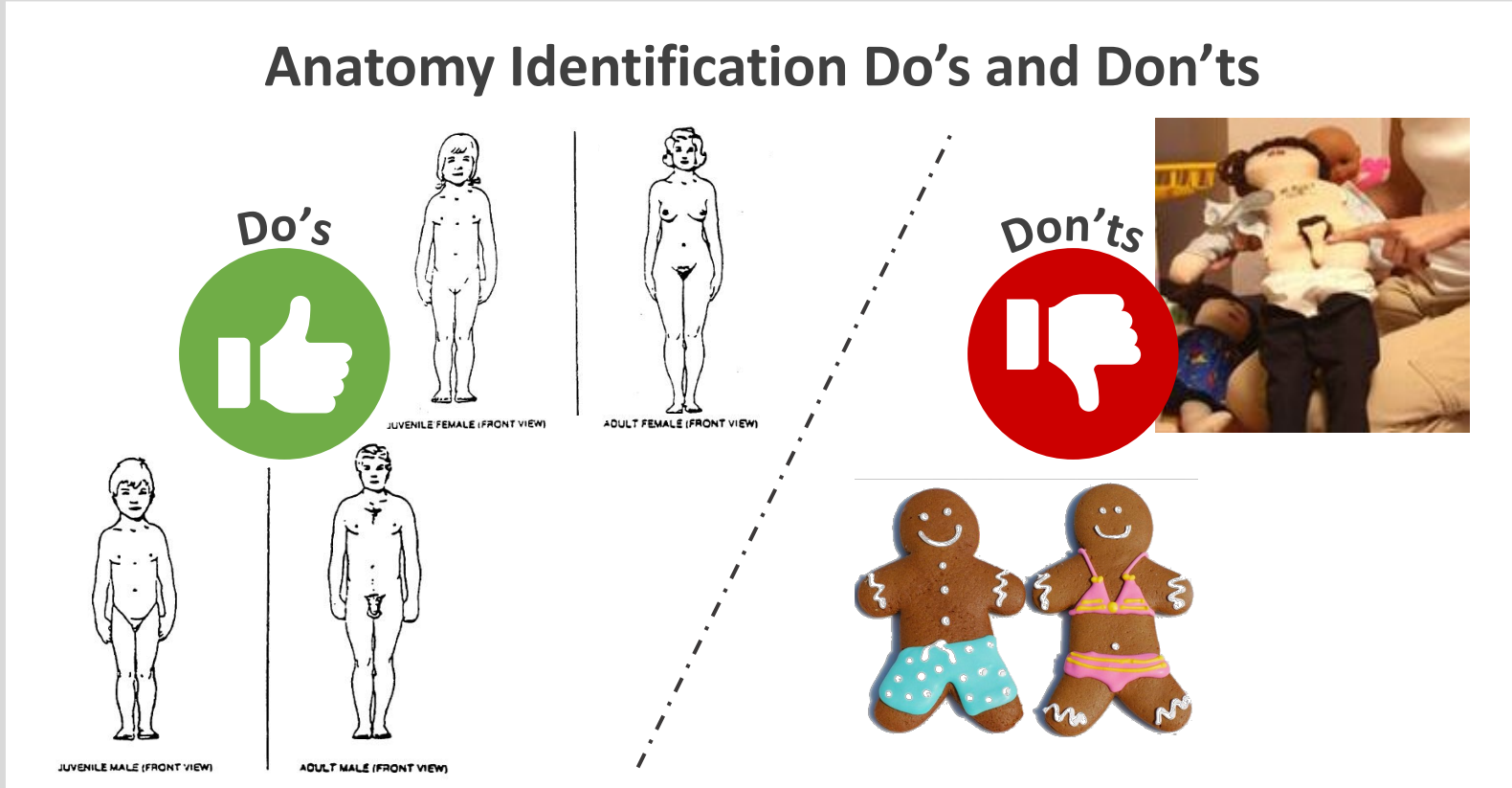
Purposes of the Child Forensic Interview

- Obtain reliable information that may be used in a criminal investigation
- Assess the safety of the child's living environment
- Obtain information that could either corroborate or refute allegations of child sexual abuse and/or maltreatment
- Objectives
 - Collect neutral, credible, and reliable information
 - Minimize trauma
 - Minimize the contamination of the information
 - Maintain the integrity of the interview for the agencies and/or courts involved
 - Reduce false positives and false negatives

Essential Features of the CFI

- Rapport Building
- Practice Narrative
- Ground Rules
- Disclosure/Outcry
- Anatomy Identification
- Abuse Inquiry
- Closure

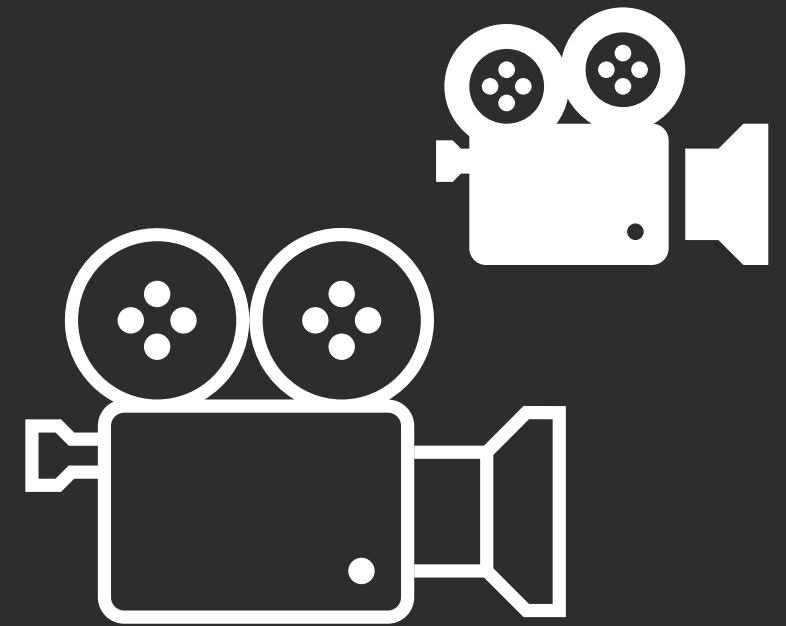
Anatomy Identification Do's and Don'ts



The diagram is divided into two sections by a dashed diagonal line. The left section, labeled 'Do's', features a green thumbs-up icon and four anatomical line drawings: 'JUVENILE FEMALE (FRONT VIEW)', 'ADULT FEMALE (FRONT VIEW)', 'JUVENILE MALE (FRONT VIEW)', and 'ADULT MALE (FRONT VIEW)'. The right section, labeled 'Don'ts', features a red thumbs-down icon, a photograph of a person's hands touching a doll's groin, and two gingerbread men figures, one wearing blue shorts and the other wearing a pink bikini.

Why Video Tape?

- Children are spared multiple interviews
- An incentive for investigators to carry out proper interviews
- Preserves evidence (trials may not occur for years)
- Video tapes may encourage confessions by the defendant



Duration of Engagement



Age	Time Boundaries
3 years old	< 15 minutes
4-5 years old	20-25 minutes
6-10 years old	30-45 minutes
10-12 years old	< 60 minutes

Special Considerations



Age of the Child



Intellectual Capacity



Cultural Factors



Developmental Disabilities

Common Sources of Error

Alternative
Hypotheses

Confirmatory
Bias

Confabulation

Quality of Questions Affect the Competency of the Answers



Funnel Approach (Open Ended)



Leading



Coercive



Suggestive



Repetitive



Compound Questions

Are Child Advocacy Centers Neutral?

- Child advocacy centers are an arm of the law
- The **Child Sex Abuse (CSA) Multidisciplinary Team** includes:
 - law enforcement, DHS/DSS caseworkers, the child advocacy center, the district attorney's office, medical and mental health workers
- Representation from the public defender's side is noticeably missing...
- Look at the letterhead of the center – whose name is on it?
- Can anyone take their child in to be interviewed?



Non-Scientific Tools Commonly Used by the Prosecution



Child Sexual Abuse
Accommodation Syndrome
Roland Summit 1983



Child Sex Abuse Syndrome
Suzanne Sgroi 1982

Whose Narrative is it Anyway?

- Confirmatory Bias and Implicit Bias
- Motivational Structure of the Interviewer
- Blank Screen
- Child's Narrative
- Hypothesis Testing NOT Hypothesis Confirming



Why Use an Expert?

TRAINED IN CFI

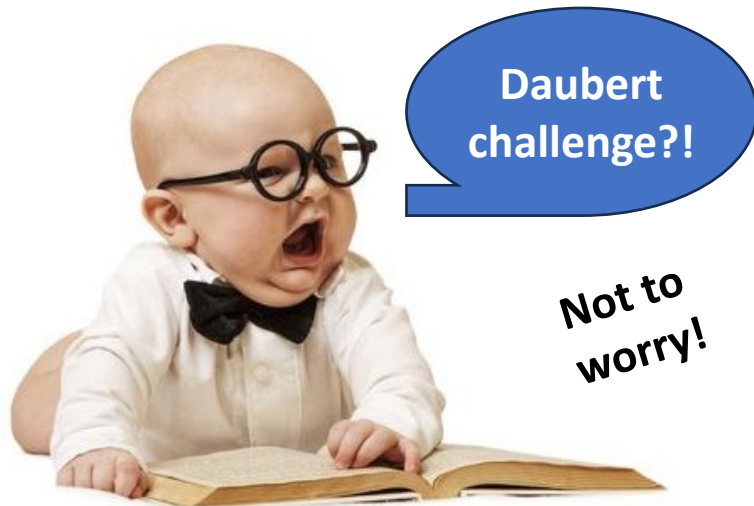
KNOWS THE RESEARCH

PEER REVIEW

TRIAL CONSULTANT

CROSS EXAMINATION QUESTIONS

RESEARCH SCIENTIST v CHILD ADVOCATE





That's all folks!

Questions?

Thank You

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