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Victim Services Division

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1. Introduction

A review of court cases, media, and literature indicates increased scrutiny of the way interviews are conducted by professionals involved in the investigation of cases in which children are victims or witnesses of crime. The goal of a forensic, or investigative, interview is to obtain a factual statement from a child or adolescent* in a developmentally appropriate, unbiased, and legally defensible manner that will support accurate and fair decision making in the criminal justice and child welfare systems.

Forensic interviewing of children is now defined by extensive case law, evidence-based practice, and professional standards and is most effectively conducted by professional specialists. Skilled forensic interviewing of children requires a foundational knowledge of trauma and child development, extensive training and professional mentoring, experience in observing expert interviews and conducting interviews under the supervision of an experienced interviewer, and routine supervisory and peer review. The use of professional child interview specialists to conduct interviews is significantly more likely to result in disclosures and to produce interviews that are less likely to be the subject of challenges in court.

The FBI, with support from the Department of Justice (DOJ), has made a significant investment in developing a Child/Adolescent Forensic Interviewing program within the Victim Services Division (VSD).

Even with the increased number of FBI CAFIs, the number of potential child interviews is too large to be covered by FBI CAFIs alone. There are additional and highly specialized resources for child interviewing available across the country through local CACs. CACs employ forensic interviewers and provide a multi-disciplinary setting for supporting investigations of child abuse and other crimes against children and ensuring that child victims receive protection and assistance services. There are CACs that are professionally accredited by the umbrella organization, National Children's Alliance (NCA). NCA and its accredited member CACs entered a partnership with the FBI in 2015 to ensure that children who need access to forensic interviews and other services have access to CACs. There are more than 900 CACs across the country that are member agencies of the NCA and many CACs receive federal funding, including grants from DOJ.

* According to federal statutes, the word 'child' encompasses individuals who are younger than 18 years of age. For brevity, the word 'child' in this publication refers to alleged child or adolescent victims.

The FBI has established a policy designed to address the disparities in forensic interviewing of children, ensure the highest quality of interviews, enhance the FBI's compliance with legal requirements related to child interviewing and the use of multi-disciplinary teams.

The purpose of this policy is to set forth requirements for Federal Bureau of Investigation (FBI) personnel and task force personnel to reduce the potential trauma to minor victims and witnesses that may result from their contact with the criminal justice system.

The presumption is that absent exceptional circumstances, child/adolescent interviews in FBI should be conducted by forensic interviewers using methodology that is evidence-based, legally sound, developmentally appropriate, and child-sensitive. When it is reasonable to do so, FBI personnel should conduct an interview using specially trained professionals and a multidisciplinary approach to minimize the number of times the minor is interviewed, must share information, and coordinate support services with other agencies as needed for child protection and assistance (4.4.3 Victim Services Policy Guide (VSPG)).

The child interviewing policy of the FBI is consistent with national standards and guidelines, including those adopted and promulgated by the American Professional Society on the Abuse of Children (2012) and the above-mentioned NCA. The NCA provides accreditation for Children's Advocacy Centers (CACs) and their interviewing programs.

It is critical when interviewing children to consider their developmental status. Children are not a homogeneous group and within similar developmental parameters they can vary in their language, cognitive, social, and memory abilities as well as emotional maturity. Investigative interviews of children need to be child-centered; therefore, the interviewer must assess the child and mold the interview to the child's stage of development. The use of developmentally sensitive techniques is essential for obtaining reliable information from children.

The forensic interview can determine the threshold for admission of evidence and statements in court. If done incorrectly, the interview could become the focus of the court case and have a negative impact on the child and the willingness of the family to cooperate with the investigation and prosecution.

Child Victims and Child Witnesses

By virtue of their positions, Victim Services Personnel (VSPs) and SAs are expected to be aware of the possible traumatic effects that child victims and witnesses may experience over the course of the criminal investigative process. VSPs are required to provide developmentally appropriate support services to these victims, and referrals for

community-based services for both victims and parents/legal guardians. As required in the AGG-VWA, FBI personnel responding in child cases must coordinate with an MDT or use a multidisciplinary approach if no established team is available.

Mandatory Child Abuse Reporting

In accordance with DIOG Appendix K, all FBI personnel are required to report suspected child abuse, child neglect, and/or sexual exploitation. See DIOG Appendix K for comprehensive requirements.

2. When to Interview

Decisions about interviewing children and the extent of the interview process must weigh and balance the potential impact, both positive and negative, on the child as well as the safety of the child and preventing the future victimization of other children.

As a matter of practice, agents and prosecutors routinely discuss investigative strategies including, but not limited to, interviews of victims and witnesses. If it is deemed that a child may have information that could be used in criminal or civil proceedings, the child should be forensically interviewed.

In a case involving alleged child abuse, exploitation, abduction, or exposure to violence, a CAFI should conduct the forensic interview of a minor victim or witness unless an exceptional operational circumstance exists (see subsection 4.4.3.5 VSPG.). If a CAFI or other specialized child forensic interviewer is not reasonably available to conduct an interview, the CAFI (or VSD's Child Victim Services Unit [CVSU]) may refer SAs/TFOs to a CAC forensic interviewer. Delay or administrative inconvenience not otherwise harmful to the minor or the investigation do not constitute exceptional operational circumstances and are not sufficient causes to circumvent using a CAFI. See subsection VSPG 4.4.3.5. for procedures in exceptional operational circumstances.

As previously stated, the investigative interview of a child is only one component of a complete investigation, but it is a critical piece. Information that is obtained in an objective manner from the child may lead to other corroborative evidence, such as providing names of other victims and witnesses and other possible physical evidence.

The timing of interviews is dependent upon several factors, including the child's situation. It is not always necessary to immediately interview a child. There may be lengthy delays between an incident(s) and the time when a child made a disclosure or when the crime was otherwise discovered. Even after a particularly traumatic incident, there may be a benefit in waiting until the child has experienced at least two sleep cycles which can help in recalling details.

FBI CAFI Resources

The FBI's Child/Adolescent Forensic Interviewing Program began in the year 2001. The program is housed within Victim Services Division . This program consists of forensic interviewers who specialize in conducting a protocol- based, legally- defensible forensic interview. Most of these interviews are conducted with child and adolescent victim/witnesses, however; the interviewers may also be utilized for adult victims and cases with special circumstances that may require their expertise (DIOG 18.5.6.4.13).

FBI CAFIs are hired not only for their experience in interviewing children, but also for their mental health backgrounds and expertise.

The FBI CAFIs are assigned to support specific regions within the country and internationally and can be utilized to support case work in several different ways. Their primary job responsibility is to conduct child interviews but they are also called in for case consultation, operational planning in cases that involve children, testifying in court proceedings, and to provide training in the different areas of their expertise.

The CAFIs are requested most frequently to assist with the following violations:

CACHTU Violations

- Child Abductions
- Non-ransom child abduction
- Parental kidnapping
- International Parental Kidnapping
- Sexual Exploitation of Children
- Sex Trafficking of Minors
- Online Networks and Enterprises
- Contact Offenses Against Children
- Domestic travel with intent to engage in illegal sexual activity with a minor
- Child Sex Tourism
- Production of Child Pornography
- Coercion/enticement of a minor
- Trafficking of Child Pornography
- Distribution of Child Pornography
- Possession of Child Pornography
- Other crimes against children

All other crimes against children violations within the FBI's jurisdiction will be investigated in accordance with available resources.

Indian Country Violations

Indian Country (IC) violations include investigations involving any Indian person or non-Indian person who victimizes an Indian person within IC. Violations that tend to have the greatest number of child/adolescent victims and or witnesses include but are not limited to the following:

- Death investigation
- Sexual Abuse of Child
- Physical Abuse of Child
- Domestic Violence
- Assault
- Rape
- Any violation involving child/adolescent victims or witnesses

CAFI's are also utilized by Agents and TFOs for any violations where there is a child, adolescent, or young adult victim or witness. These violations include, but are not limited to: human trafficking (International), counterterrorism, bank robberies, physical and sexual abuse or exploitation on an airplane, cruise ship, military installation or any mass casualty event.

Requesting CAFI Assistance

Various factors will be considered in prioritizing requests for interviewing assistance. The CAFI will obtain information related to the best interests of the child and the needs of the case. The CAFI's will triage interview requests by using the decision-making tool below. Agents and VSP personnel are strongly encouraged to contact the CAFI for consultation whenever possible.

- The following items will be taken into consideration when evaluating the priority of the interview request. *These items are not listed in order of priority; they are all factors that will be considered.*
 - i. Community resources (i.e.: child advocacy center, justice centers, local law enforcement etc.) do not adequately meet the needs of the interview. Examples include, but are not limited to the following:
 - does not present evidence
 - will not interview a child who has not made a disclosure
 - will not interview a compliant child or teen victim
 - limited in their ability to respond appropriately to requests for certain types of cases

- law enforcement is not required to observe the interview
 - no interviewing resources available
 - ii. Cases that are sensitive in nature to include but not limited to Counter Terrorism/ Top Secret/Sensitive Compartmentalized Information (CT/TS/SCI)
 - iii. Recovered abducted child/adolescent
 - iv. Special Request
- The CAFI will also consider the following elements:
 - ii. Imminent risk
 - Subject's access to victim/witness
 - Pending investigative action based on interview with victim/witness
 - Safety/risk assessment based on interview with victim/witness
 - iii. Mental health issues
 - Level of trauma
 - Suicidal ideation
 - Self-injurious behavior
 - Mental health vulnerabilities
 - iv. Cognitive ability
 - v. Multi-victim/multi-offender/multi-jurisdictional
 - vi. No specific evidence of victimization but has had contact with subject.
 - vii. Recording/documentation of interview prohibited

4. Roles and Responsibilities

As previously stated, the AGGVWA instructs federal investigators and prosecutors to use a multidisciplinary team (MDT), when feasible. If no MDT exists in the community Agents and TFOs must reach out to local agencies and experts in their communities to ensure the best result for the child victim and/or witness. An FBI VS must be engaged to assist in compliance with the MDT requirement, provide relevant services, and to carry out victims' rights and assistance requirements. Interviews are often conducted in CACs, soft rooms at police departments, or another environment that is conducive for the interview. Forensic interviews should not be conducted in environments where the victim/witness will be distracted or influenced, such as a home or in the presence of a parent (VSPG 4.3.3.2).

CAFI or SAs/TFOs should discuss the interview strategies (including presenting evidence) with the prosecuting attorney in advance of the interview. If there are questions related to forensic interview process, the agent or TFO will coordinate a call between the investigative team and the prosecuting attorney so the CAFI might explain the FBI policy and provide justification as needed.

Special Agent (SA)/Task Force Officer (TFO)

The SA/TFO or FBI VS in the region will coordinate the logistics of scheduling the forensic interview. The Agent or TFO must be present to observe the forensic interview, as it is investigative in nature. The VS may also attend the interview to coordinate services and to follow up with the child and his/her family.

At the interview, the SA, VS, and CAFI will meet with the child's family to discuss relevant case information. The SA or TFO observes the forensic interview while it is being conducted (often through two-way glass or closed-circuit television) and can suggest questions to the forensic interviewer or request clarifying information relevant to the investigation. Evidence (i.e., images, chat logs, confessions, etc.) may be presented in the forensic interview to help facilitate a child's disclosure. It is the responsibility of the agent or TFO to bring and maintain any evidence presented during the interview.

Victim Specialist

Victim Specialists (VSs) provide information to victims and their non-offending parents and guardians about their rights and the criminal justice process, provide emergency/crisis assistance, assist them with accessing counseling and other services, and give important details and updates on case events.

VSs have training and experience working with child victims and are knowledgeable about specialized resources and services in their local area. The VS role in forensic interviews is important for victim and family support; however, the VS is prohibited from conducting investigative interviews as it would create a conflict of interest that could negatively impact a case (4.4.3 VSPG). The role of the CAFI is limited, but the VS will have a longer-term relationship with and responsibility for supporting and assisting child victims and their families.

Prior to the interview, the Special Agent/TFO will contact the VS and advise of the need to set up an interview. In some cases, the Special Agent/TFO may directly contact the CAFI. If this occurs, the CAFI or SA will contact the VS to brief them on the upcoming interview and coordinate the schedule.

Prior to contacting the family, the VS, CAFI, Agent and other parties (if involved, i.e., CAC, CPS) will meet or coordinate on planning and scheduling the interview, clarify the information that should be discussed or withheld from parents/children, and identify any

issues or concerns that need to be discussed prior to the interview and contact with the family.

The VS will contact family to gather information and plan for the interview. The following issues should be assessed in advance of the interview:

- Medical conditions
- Special accommodations/needs
- Parental support/other support resources for victim
- Interaction between parent(s) and child and interaction with other family members if available (siblings, etc.)
- Prior or current Multidisciplinary Team (MDT) or Child Advocacy Center (CAC) involvement
- Legal involvement (family retained an attorney)
- Any current counseling/treatment/mental health concerns
- Support and referral needs of the family

The family, if feasible, will be provided with an overview of the process as part of scheduling the interview and arranging necessary transportation. In most cases, the local VS will be available and will coordinate interviews and assist in transportation. If the VS is not available to engage the family and set up the interview, the CAFI, or person conducting the forensic interview will contact the VS and advise of the need for follow up and coordination/referral for services for the victim. Because the VS will maintain contact with the family following the forensic interview, this initial interaction can establish the foundation for a successful relationship.

During the interview, the VS should plan to be with the parent(s) or caregiver while the interview is conducted by the CAFI, or other forensic interviewer. The VS may need to clarify questions from the parents if possible. In some cases, there may be sensitive investigative information that cannot be addressed by the VS. These areas are clarified with the agent at the planning stage. The VS should be ready to help families deal with the wide range of emotions that may occur when a forensic interview is conducted. Families may exhibit anger, sadness, and anxiety in reaction to an investigation. The VS should be prepared to help and provide support for parents or family members. The VS should ensure that the victim and parents have transportation to return home. Follow up services and contacts are discussed in greater detail in the Post-Interview section of this document.

Prosecuting Attorney

As a matter of practice, agents and prosecutors should discuss investigative strategies including, but not limited to, interviews of victims and witnesses. Whenever feasible, it

is recommended that a prosecuting attorney (Assistant U.S. Attorney or state/local prosecutor) be present to observe the interview and to submit clarifying questions to the interviewer to address with the child.

Child Protective Services (CPS)

Multidisciplinary child abuse teams exist in most communities and include CPS agencies. Because the protection of children is a priority, FBI personnel must take appropriate actions to address the safety and well-being of children, to include the involvement of local CPS agencies when appropriate. If safety concerns are known in advance of a forensic interview taking place, CPS workers must be contacted to address protection issues that may arise with the child (refer to DIOG Appendix K).

4. Documenting the Interview

Video and audio taping policies and procedures vary significantly across jurisdictions and agencies. Unless exceptional operational circumstances preclude videotaping, a forensic interview of a minor must be videotaped (4.4.3.4 VSPG). All forensic interviews must be documented according to the requirements outlined in subsection 18.5.6.4.17.2.2. of the Domestic Investigations and Operations Guide (DIOG).

CAC forensic interviewers may additionally document forensic interviews according to their agencies' policies. If interviews are being observed in an agency or interviewing facility, the agent must create a record of all parties who are present to observe the interview and their contact information. All children will be told about the documentation method being used and its purpose.

An SA/TFO (or other sworn law enforcement officer [LEO]) must observe the forensic interview while it is being conducted and may suggest questions to or request clarifying information from the interviewer. A CAFI must not conduct a forensic interview of a minor unless an SA/TFO (or other sworn LEO) is present to observe.

SAs/TFOs are responsible for transporting and properly storing any evidence presented to the minor during the forensic interview. FBI personnel must never coerce or compel victims to view images of their victimization or exploitation. Rather, interviewers must use their skill and clinical judgment to determine when it is appropriate to present evidence, when to continue with the process, and when to terminate the interview (4.4.3.2.2 VSPG).

If an interview is conducted at a non-FBI facility by FBI personnel, when feasible the SA/TFO and the CAFI must ensure that interview copies are not left with the local center (e.g., in hard copy, on a computer server, or in any other form) (4.4.3.4 VSPG). Recorded interviews are part of ongoing investigations and will be retained by the FBI.

5. Pre-Interview Preparation

The Agent or VS will obtain background information for the CAFI or CAC before the child is interviewed. Pre-interview preparation will vary depending upon the type of allegation and the amount of time available before the interview takes place. Information should be obtained prior to the interview when any of the following factors are present: significant medical or mental health histories, ambiguous allegations, allegations based on a child sexually acting out, or the child is of pre-school age. Obviously, if a child's health or safety is in jeopardy, it may be impossible to obtain background information before the investigative interview. However, on the day of the interview, some of the information may be able to be obtained from the non-offending parent prior to the CAFI conducting the interview. The following checklist may assist in obtaining comprehensive background information prior to the investigative interview.

- Child's name, nickname, date of birth and sex/gender
- Relevant developmental or cultural considerations that could impact the interview (from caretakers)
- Family composition
- Names of family members, friends, and significant caretakers who are involved with the child
- Custody arrangements
- Family behaviors or events related to the allegation issue (bathing, toileting, sleeping, and discipline rituals)
- Behavior changes exhibited by the child related to the disclosure
- Prior disclosures of any type of abuse or witnessing violence made by the child
- Child's name for body parts
- Domestic violence in home
- Psychological records, if possible
- Possible misunderstanding of the allegation
- Possible motivations for false allegations (by others, not just the child)
- Prior interviews conducted
- Medications and possible side effects that could potentially impact the interview process

Parental/Guardian Permission for Interviews

There are no federal legal requirements to notify a parent/guardian when interviewing a child victim or witness who is not in custody or does not otherwise fall within the provisions of the Justice Delinquency Act, as outlined DIOG 18.5.6.4.13. However, it is advisable to do so in all cases unless there are concerns that informing the parent or guardian would have an adverse effect on the child and/or the case. Considerations may include, but are not limited to: the relationship to the subject and safety concerns. After evaluating the case facts, agents/TFOs may choose to contact CPS if a parent/guardian is blocking access to a child. Agents and TFOs should be familiar with pertinent state statutes regarding parental consent.

When determining whether to interview a juvenile (anyone under the age of eighteen) who does not fall within the provisions of the JDA, e.g., when interviewing a juvenile as a witness [and/or victim] or subject prior to arrest, and, if so, determining the scope and tactics that will be used, the FBI employee should consider the age and competency of the juvenile, whether the juvenile is emancipated, the juvenile's relationship to the suspect(s), safety concerns, the gravity of the offense at issue, any alternative sources of evidence, the importance of the information or potential testimony to the investigation, and the juvenile's degree of involvement, if any, with the offense.

Special consideration should be given to child interviews and to interviews of juveniles who are of a tender age, maturity, or have a significant developmental disability. Agents may need to engage local CPS agencies to help facilitate an interview when parents are unable or unwilling to ensure the child's participation.

Number of Interviews

The number of times that a child is interviewed depends upon the case and the child. Factors that will be considered include: quality of prior interviews, and any new evidence found in the investigation that may need to be discussed with the child or leads to new charges. If it is necessary that a child be interviewed more than one time, it is preferred that the same forensic interviewer be used unless there is a specific reason not to use the original interviewer.

Physical Setting of the Interview

The nature of the case ultimately dictates where and when investigative interviews are conducted. The MDT should be cognizant that the interviewing site affects the child. Controlling the environment from distractions is crucial - cell phones, faxes, televisions and interruptions from personnel or others must be avoided. Children should not be interviewed in their homes, where the environment is difficult to control. The child should be interviewed in an environment that conveys a sense of security and privacy (4.4.3 VSPG).

Whenever possible, children should be interviewed in child-friendly environments. An interviewing room for children must be comfortable, but not overwhelming. Having toys in the interview room is not optimal as they are distracting and can undermine the interview. Comfortable chairs and a table where the child can write or draw are the only pieces of furniture that are needed. Interviewers should avoid placing a table between themselves and children.

Presence of Support Persons

Although it may appear that having a support present during the interview is helpful to a child, the purported benefits have not been proven. An appropriate support person may accompany the child to the interview without observing or being present in the room during the interview.

Children should not be interviewed in front of parents and family members. Fearing the perceived ramifications of the disclosure, children are less open during interviews when parents are present and may minimize or deny victimization as a way to protect their parents. Whenever possible and/or appropriate, limited information gathered during the interview will be shared with the parent. An understanding of family dynamics is critical when sharing this information because in certain situations, it may be detrimental to the child and the case if information from the interview is shared with family members. A discussion amongst MDT members about information to be shared with the family is recommended prior to meeting with them.

Legal Counsel Retained by Families

In some cases, the family will retain legal counsel to represent the best interests of the victim/witness and an attorney for the child/victim may be allowed to view the interview. If an attorney is retained by a family, the multidisciplinary team can discuss the best approach for involvement in the forensic interview. The FBI's Office for General Counsel may determine whether it is feasible for an attorney to be present during the forensic interview.

Number of Interviewers

It is best practice to utilize only one interviewer when working with child victims or witnesses. Whenever possible, observation (i.e. closed-circuit TV or two-way mirror) is available for the other multidisciplinary team members that need to view the interview. If observation is not possible and two professionals are present during the interview, it is best if one is appointed the primary interviewer while the other individual observes and documents what is being stated in the interview. Seating the second interviewer out of line of sight of the child may make the interview less confrontational and/or productive. There should not be more than two people in the interview room with the child.

6. Interviews Requiring Special Consideration

Some factors present additional challenges for interviewing children. The challenges may be related to the nature of the crime, impact of the crime on the child, potential culpability in criminal matters related to their own potential victimization, unique and individual developmental issues (physical or cognitive disabilities), as well as the circumstances surrounding their identification and recovery. These issues are likely to arise with very young children (five and under), compliant victims, domestic minor sex trafficking victims, abducted or kidnapped individuals, adults victimized as children, and witnesses to mass killings, homicide, and domestic violence.

A forensic interviewer who has experience and training in conducting interviews in these situations will be able to assist in obtaining the investigative information necessary as well as providing the level of care required to assist these individuals through the disclosure process.

Child Abduction

Time becomes an essential factor when a child is abducted. Agents and TFOs should immediately consult with a CAFI to discuss developmental victimology and interview strategies of victims and witnesses. Interviews of the missing child/adolescent's friends and siblings should be conducted immediately in a forensically sound manner. A review of the missing child's social media may be beneficial for the investigation/forensic interview.

If the child is recovered, barring emergency medical needs, an immediate interview should be conducted, especially if the subject is still at large. This immediate interview may take place in the hospital or another non-ideal location. Due to various factors, such as medical concerns, it may be decided that minimal facts should be gathered at this initial interview and a full forensic interview be conducted at a later date. Source misattribution may be a concern if an immediate interview does not occur due to the influence of outside sources of information and the media on the child's statement. This can have a devastating impact on the case and the care of the child.

Juvenile Victim vs. Juvenile Subject

Sometimes an adolescent has been involved in illegal activity, such as theft, during the sexual exploitation for which he/she is being interviewed. If the child is also being viewed as a potential subject and the illegal criminal behavior is going to be used against the adolescent, it is good practice to separate the interviews into a forensic interview and a subject interview.

Individuals conducting a forensic interview should not utilize interrogation techniques. Information about illegal activity may not be known before the beginning of a forensic

interview but if, within the course of the forensic interview, the adolescent mentions illegal activity for which he/she could face legal consequences, the interviewer should redirect the conversation.

A conversation with the multidisciplinary team regarding any potential charges of the victim should take place prior to the interview being conducted. There are times when an adolescent's involvement in an illegal activity may be considered by the multidisciplinary team to be part of the exploitation.

The Federal Juvenile Delinquency Act (FJDA) applies to any individual who commits a federal violation prior to his/her eighteen birthday. Therefore, it may be advantageous for a forensic interview to be conducted with a juvenile who may have information for a case even if he/she may be charged in the future. An example of this may be an abduction case where a juvenile is a potential subject, but may have pertinent information that could lead to the recovery of a child.

Domestic Minor Sex Trafficked Victims

Conducting investigative interviews of sex trafficked minors can be very challenging. It is the interviewer's responsibility to balance the child's need for protection and safety while simultaneously gathering investigative information for a case. This process may be further complicated by the fact that the child herself/himself has been detained and could potentially face criminal charges, needs a secure environment to reduce the risk for runaway behavior, or may have significant mental health needs that suggest the need for treatment and stabilization before a statement can be elicited.

Given the unique victim-offender relationship in this crime, as well as the intense and often lengthy trauma endured by these children, obtaining the necessary cooperation from the child is one of the most significant challenges encountered by law enforcement personnel and forensic interviewers.

In some cases, multiple meetings, focusing primarily on rapport building with the child may be necessary. These meetings help overcome the trauma bond that has formed between the victim and trafficker and build trust with the investigative team.

Assuring the child's safety by removing her/him from the environment from which she or he was located and relocating the child to an interview room that is comfortable, yet still conveys the message of formality, is the first step in the interview process. Although it may not be until several meetings later that the child begins to disclose, it is critical to create accurate and consistent documentation of all interaction with the child. A soft interview room that is wired for audio/visual recording is recommended in circumstances in which the child and interviewer have established rapport and the child verbalizes the desire to begin providing legally relevant material to the interviewer. Understanding the

importance of obtaining all the information relative to both potential state and federal charges is critical when conducting an interview of this nature.

Adult Victims

CAFI's are called upon to interview adult victims and witnesses in various circumstances. This list is not exhaustive, but some examples include:

- Adults, at the discretion of the SA/TFO, whose statements, are needed for an investigation
- Adults who have cognitive delays
- Adults who were victimized as minors (see DIOG 18.5.6.4.13)
- Adults who need to be shown CSAM during the interview
- Adults who have significant mental health or trauma-related issues

Cases Involving Multiple Victims or Witnesses

Cases that include the possibility of multiple victims/witnesses should be carefully planned and coordinated. The CAFI will assist the investigative team in triaging the potential children for interviews based on information that will assess which children are most likely to be able to provide investigative information and to be able to assist the investigative team in gathering reliable data. Contamination of interviewees could occur if a plan is not implemented and coordinated in a manner that reduces the possibility of taint from other potential interviewees and their close friends/family members.

Victim Disclosure Issues

Lengthy delays in disclosing victimization are common. If a child has not disclosed, yet evidence of victimization exists, evidence may be needed in the interview.

Interviewers should be aware that even after evidence of victimization is presented, a child may not be willing or ready to disclose. It is critical that the interviewer, in frustration, does not turn to interrogation tactics to elicit a disclosure. When done appropriately and sensitively, gentle confrontation is an acceptable tactic in a forensic interview when inconsistent information exists.

There are many internal and external barriers to children's disclosures, including the process by which perpetrators gain and maintain their victims' compliance and silence. The interviewing process used by the FBI and many other agencies and CACs is designed to help child victims overcome those barriers.

Children who disclose may later recant the initial allegation. Recantations occur for many reasons, including pressure from the perpetrator, pressure from the family, fear of the unknown, or not wanting to get the perpetrator in trouble.

The use of interview aids may be necessary to assist children and adolescents in providing a more detailed disclosure during the forensic interview process. Some children may lack the language skills or vocabulary necessary to adequately communicate their experiences. Others may have significant trauma symptoms that impact their narrative abilities. It is the task of the forensic interviewer to create an environment and provide the tools necessary for a child to give a narrative account of experiences that may be forbidden to discuss or not fully understood.

Careful consideration must be given as to what aids will be used in response to each child's developmental abilities and the timing of when the aid is introduced in the interview, keeping in mind issues of suggestibility. The decision to use a specific interview aid must be based in research and defensible practice.

Anatomical Diagrams

It is recommended that anatomical diagrams be introduced following a disclosure of abuse and as a clarification tool to ensure a thorough understanding of the language used by the child. They may also be used if all other options have been exhausted and there has been no disclosure.

Anatomical Dolls

FBI personnel will not use anatomical dolls in investigative interviews. If necessary, anatomical dolls should be used only in accordance with the APSAC Practice Guidelines: Use of Anatomical Dolls in Child Sexual Abuse Assessments (1995) and only by professionals who have received training in the introduction and use of dolls in investigative interviews.

Free Drawing

Free drawing may be used during the course of the interview as a rapport building technique and can support some children in talking about their experiences. Drawing may allow some children to have a different focus than on the interviewer. Scene drawings can be used as a clarification tool or as a demonstration tool supporting their verbal disclosure.

Presenting a Child with CSAM or Other Physical Evidence

Since most CSAM victims are not actively disclosing and research suggests that a child who is photographed for CSAM purposes is twice as likely **not** to disclose about their abuse the FBI developed a process of presenting evidence, including CSAM, to child and adolescent victims in the forensic interview to help with the disclosure process. This process was originally developed by the FBI Child/Adolescent Forensic Interviewers (CAFIs) in 2002. If CSAM of the child being victimized is to be utilized in an FBI forensic interview the CAFIs will implement a step-by-step process that increases the

likelihood of disclosure while minimizing secondary trauma to the child. This practice is supported by the National Children's Advocacy Center (NCAC) and the American Professional Society on the Abuse of Children (APSAC). The benefits of this practice are, to name a few, corroboration of evidence, possible identification of other acts, subjects, and victims, and allowing the child to no longer keep a secret.

There are several factors CAFIs consider in preparation to present CSAM images in the forensic interview. First, CAFIs are required to have a comprehensive understanding of the evidence that exists prior to scheduling the interview. Second, CAFIs ensure that the evidence will be available for the interview. Third, if the victim is in a safe place and there is no indication that the child is at imminent risk of abuse, CAFIs work with the investigator to consider delaying the interview until they will have access to the necessary evidence. An alternative is to conduct a primary interview, knowing that a second interview may be needed if evidence is located on the seized media at a later date.

CAFIs give careful consideration when selecting the images to be used in the interview. The CAFI selects and uses only the images that are necessary and reflect activity that supports the potential state and federal criminal charges (approximately 5-10 CSAM images). This process minimizes the amount of material shown to the victim and limits the display to only those who facilitate the investigation for the criminal investigation. While some have suggested that exposed genitalia should be covered before showing images to children, the APSAC Practice Guidelines state that no part of the evidence should be covered or modified. It may convey to victims that they should feel embarrassed or ashamed or inhibit their ability to accurately identify details. FBI CAFIs do not routinely redact or sanitize CSAM images unless there is a clinical or investigative need to do so. APASC and the FBI CAFIs do not recommend showing videos to a victim as videos are more difficult to control in an interview. If only CSAM videos exist, CAFIs ask the investigator to create still images from the videos for use in the interview. CAFIs also avoid the use of images of body parts without faces unless the victim is being asked to identify peripheral details in the image, such as bedding, furniture, etc.

Since many victims in exploitation cases have not yet disclosed their abuse, they may not know why they are being interviewed. CAFIs inform victims at the beginning of the interview that the interviewer has some images they may want to talk about. Mentioning this during the beginning stages of the interview gives victims a better understanding as to why the interviewer wants to talk to them, may decrease denial, and may help lower the victim's anxiety.

Interviewer experience and discretion becomes critical when deciding when and how to utilize the images. It is standard practice for FBI CAFIs to first obtain or attempt to obtain a verbal disclosure utilizing their research-based protocol before utilizing the CSAM images. Once a verbal disclosure is obtained, the CAFIs use two methods for

introducing images during an interview that are designed to give victims some control of the process. The interviewer can offer the victim a choice about how he or she would like to be shown the images. The victim may choose to have the interviewer describe the image before looking at it or may choose to look at the image without description from the interviewer.

Once the image is in front of the victim, the CAFI proceeds with forensically sound questions to gather legally relevant information about the CSAM. As with most forensic interviewing approaches, open-ended questions that encourage narrative responses are maximized and the use of direct questions are primarily used for clarification purposes. As the victim discusses each image, the CAFI places a number on the back of the photo to indicate the order shown to the victim and writes down brief notes about what the victim said, such as who is in the picture, who took the picture and with what it was taken.

If the images were taken surreptitiously of the victim the CAFI may inform the victim verbally that images have been found, the identity of the individual who took the pictures/videos (if known), and a description of what is in the images if the victim chooses to know. It is left up to the victim if they want to see the images. There may be circumstances in which a victim has been drugged and does not realize the extent of his or her victimization. It is important for these victims and/or their parent/guardian to be informed about the abuse as a medical exam may be required.

FBI CAFIs also show images of unknown children to a victim in order to identify the unknown children. When this is done, only the faces of the unknown children are shown to the victim and all CSAM is obscured.

FBI CAFIs may also use other types of evidence in the forensic interview such as text messages, chat logs, ads, medical evidence, pictures, offender confession/statements, etc. When presenting this evidence, the CAFI proceeds with forensically sound questions to gather legally relevant information.

The CAFI carefully monitors the child's reactions during the process of presenting CSAM and assess the child's well-being upon completion of the interview.

CAFIs NEVER force a victim to view the images. There may be situations in which victims cannot go forward with the interview and the presentation of evidence, and CAFIs use their skill and clinical judgment to determine when it is appropriate to continue and when to stop.

Use of Interpreters

Prior to scheduling a forensic interview, the VS or SA/TFO assigned to the case should determine the language used by the minor and his or her parents, guardian, and/or caretakers. If the minor's primary language is not English, FBI foreign language services or other court-certified interpreters must be utilized if possible. Family members of others close to the minor must not be used to interpret during the investigative interview. Professional interpreters should be screened for credentials, considerations regarding local dialects, prior work with law enforcement, prior work with child (see 4.4.3.3.1 VSPG).

It is critical for the CAFI to brief the interpreter prior to the interview and discuss the importance of verbatim translation, the goals of the interview, topics that need to be covered, the need to discuss sensitive issues, importance of neutrality, etc. The interpreter is not an advocate for the child or the family and they should not try to explain what witnesses are saying by expanding or rephrasing questions or answers. Inaccurate translation may result in contamination of the disclosure, potential inadmissibility of evidence, and diminished credibility of the witness in court. If questions or concepts cannot be translated directly, the interpreter should alert the interviewer and allow the interviewer to rephrase the question.

7. Children with Special Needs

Children/adolescents and adults with special needs are more vulnerable to being a victim of a wide variety of crimes than their peers. It is critical to provide appropriate accommodations for any person with special needs throughout the course of the investigation (see 4.4.3.3.3 VSPG). The CAFI may consider consulting with a prosecutor to evaluate for any potential litigation issues.

Intellectual Disabilities and Developmental Disorders

An interview of a victim/witness with special needs or developmental delays must be conducted in a manner that considers the victim's/witness's ability to understand and respond to questions. Accordingly, a forensic interview may be conducted with any adult above the age of 18 who cognitively functions at the level of a minor.

Children and adolescents with mild to moderate intellectual disabilities can recall forensically- useful information. Children who have Down Syndrome are likely to have language problems, short-term memory difficulties, and may be difficult to understand because of expressive language difficulties. Recall of visual and spatial details may be a relative strength of these children. Children with Autism Spectrum Disorders (ASD) may have difficulties with remembering personal and/or social dimensions of an event and expressing themselves, because of language problems and reduced social awareness. On the other hand, they may also find it difficult to mislead an interviewer.

Research regarding best practice with individuals with ASD is ongoing, and CAFIs are familiar with current research and guidelines for conducting these interviews.

Information regarding the specific disorder or any evaluations or diagnosis will help guide the interviewer. Interviewers should have an understanding of behavioral factors and potential trauma responses prior to conducting the interview. An interview environment free of distractions is very important when working with persons with intellectual disabilities and developmental disorders.

Simple sentences and language are critical allowing extra time for responses. Interviewers should avoid interrupting, and clarify when necessary. Many of these same guidelines can be helpful in all interactions with persons having intellectual disabilities and developmental disorders.

Persons with communication disabilities may utilize facilitated communication devices. CAFIs should familiarize themselves with the mode or procedure the child uses to communicate including consultation with professionals familiar with the devices and/or procedures. The CAFI may consider consulting with a prosecutor to evaluate for any potential litigation issues.

Communication Disabilities

Persons with communication disabilities may utilize facilitated communication devices. CAFIs should familiarize themselves with the mode or procedure the child uses to communicate including consultation with professionals familiar with the devices and/or procedures.

Visual Impairments

Children and adolescents with visual impairments may have increased difficulties with language concepts and other developmental delays if the vision loss occurred prior to age five. Children with visual impairments may encounter difficulties interacting with interview aids. The CAFI will need to gather information regarding the extent of the visual impairment and make appropriate accommodations in the interview environment. The child may need information about the general layout of the interviewing room and where other facilities are located including the restroom.

Hearing Impairments

Children with hearing impairments differ widely in degree of hearing loss, developmental impact, benefits the child/adolescent receives from amplification, and the mode of communication used by the child. Deafness adversely affects the speech, language, and learning abilities of children. Information should be gathered prior to the interview to understand the type of hearing loss, age of onset, degree of loss and impact on the children's ability to communicate. The CAFI and VS will discuss with the parent or caretaker the children's ability to communicate, understand speech sounds, his or her receptive and expressive language abilities, and the preferred mode of communication.

Professional interpreters who are trained in the communication skills used by children and adolescents should be used when conducting forensic interviews and should follow the guidelines found in “Use of Interpreters”.

Cultural Considerations

Culture has a significant impact on all areas of human development including how people experience and understand their life experiences, communication and narrative style, family dynamics, parenting, discipline, interaction within the community and much more. It is important for interviewers to have at least a basic understanding of cultural issues related to a child’s narrative style, family or community norms about bodies and sexuality, how people think about criminal activity and deviant behavior, and potential family and community response to disclosure of sexual behaviors. All of these areas will have an impact on how a child communicates about their experiences. Awareness of these issues can help an interviewer understand a child’s disclosure and/or what may be perceived as reluctant and avoidant behaviors during the interview. Knowledge related to cultural issues will further assist the interviewer with establishing a strong rapport, clear communication with the child during the interview, question formulation, and developing and testing alternative hypotheses within the context of the interview. Cultural knowledge will also assist investigative team members in understanding a child’s presentation during the interview and to avoid misinterpreting the “appropriateness” of the narrative style or non-verbal presentation unless they are familiar with the cultural norms of the interviewee.

Minors with Mental Health Needs

At the time at which a minor becomes involved in an investigation, he or she may have existing mental health issue or disorder. For some minors, participation in forensic interviews may trigger a wide range of responses, including suicidal ideation or suicidal gestures (see 4.4.3.3.2 VSPG).

Generalizations about children with psychological disorders should be avoided; each child is unique in their temperament, personality, cognition, social skills, and support systems. If a diagnosis has been given, this should be noted and questions should be asked about treatment modalities. If medication is being taken, the CAFI should understand what type and any potential impact on the children’s ability to think clearly, remember, and communicate. This information must be gathered (if available) prior to the interview from parents/caretakers and or physicians or clinicians.

Self-Harm and Suicidal Ideation

According to the American Academy of Pediatrics, suicide is the second leading cause of death of ages 10-24. Four out of five teens who attempt suicide give warning signs, but often, those signs are missed or ignored (Morin, 2020). Deaths by suicide have increased

among every age group, but have been especially drastic among teenage girls, where there has been a tripling of the suicide rate among 10- to 14-year-old girls in the past eighteen years (Odgers and Jensen, 2019).

FBI VSs will often ask non-offending caregivers questions about mental health diagnoses, self-harm behaviors, and suicide risk when contacting families prior to the forensic interview. Additionally, during the pre-interview meeting, the CAFI can discuss mental health concerns further with the non-offending caregiver.

If the interview reveals that the minor is at risk of self-harm or demonstrates suicidal ideation, or if there exists a reasonable basis for any FBI personnel to believe that a minor interviewee is at risk of suicide or self-harm, FBI personnel must ensure that, after the interview is concluded, an assessment is conducted by a professional trained in a suicide assessment model. This assessment must be conducted in a safe and confidential environment and generally should not be recorded (see 4.4.3.3.2 VSPG).

Follow-up may include working with parents/caretakers and or having the child evaluated by emergency mental health personnel. The CAFI is responsible for communicating the appropriate information to parents/caretakers and team members including the VS, Agent or TFO, and social service workers.

8. Developmental Considerations for Young Children

The behavior demonstrated by the interviewer will either help or hinder the interview process. Some things to consider include:

- Attempt to convey a relaxed and friendly environment.
- Cell phones should be turned off during the interview.
- Legal jargon should be eliminated from the interview.
- The interviewer should avoid maligning the suspect
- The interviewer should have the child identify the subject and the acts rather than the interviewer doing so.
- The interviewer should respect the child's personal space
- The interviewer should avoid suggesting feelings or responses for the child.
- It is recommended that the interviewer avoid making promises to the child.
- The interviewer should not reward the child for responses or reinforce responses.

- The interviewer should avoid asking the child “why” questions, use a different questioning technique to elicit responses.
- It is best to avoid correcting the child’s behavior excessively; an investigative interview is not the time to parent children.
- If the interviewer does not understand a child's response, he or she attempts to clarify the response before moving to the next subject. Pauses in the interview give the child time to respond and allows the interviewer to formulate questions based on the child’s previous responses.

Understanding and incorporating basic child development principles is important when conducting forensic interviews. These interviews are complex because of the social, emotional, cognitive, sexual, and language development of children.

The amount and reliability of information that can be provided by a child is impacted by that child’s developmental level, characteristics of the event in question, techniques used by the interviewer to elicit narrative, and the role of the interviewer. Inconsistency in children’s language is normal and children are often literal and concrete in their reports of events. Sequencing and time are difficult concepts, particularly for young children. Children may not be able to chronologically report their experiences or provide statements that require abstract thinking.

Repeated research studies find that preschool children are more susceptible to leading and suggestive questioning than older children or adults. However, this does not mean that children are unable to give accurate statements. Situational factors may influence a child’s suggestibility level. These factors may include: repetitive questioning, ability and capacity of the child’s memory, recognition vs. recall (young children’s ability to recognize is good, but their ability to recall is poor), and/or personality variables. Overall, suggestibility is determined by two factors: contextual (factors intrinsic to the interview) and individual (factors intrinsic to the child).

Developmental Considerations for Adolescents

Most interview protocols are focused on younger children and do not always address the specific developmental considerations of adolescents. This portion of the protocol focuses on how to conduct a forensic interview of the adolescent.

Adolescent Development

Adolescence is a definitive stage of development that must be taken into consideration. It is helpful to be aware of the following:

- Adolescents are risk takers. It is not uncommon for an adolescent to get involved in risk-taking behavior, such as experimenting with drugs, alcohol, or sexual activity.
- Adolescents often break rules that have been set for them by adults, such as ignoring curfews and skipping school.
- Adolescents have a very different view of social relationships than adults. Associating with people deemed inappropriate by their parents and/or other adults may be perfectly acceptable to adolescents.
- Adolescents' brains are still under development until their early to mid-twenties. The part of the brain responsible for reasoning, impulse inhibition, emotional control, determining right from wrong and understanding cause and effect is still developing.
- Adolescents tend to blame themselves if something bad happens while they are taking risks or breaking rules. The interviewer needs to take into consideration that this internal trauma or self-blame may outwardly manifest itself as rude or obstinate behavior.
- Adolescents fear not being believed when they disclose abuse situations. Statistically, adolescents experience more maltreatment in our society than younger children, but the abuse incidents are often not reported to the authorities. Many people blame a teenager for not stopping the abuse; therefore, the teenager does not disclose for fear of being stigmatized by society. Because adolescents validly fear not being believed and also may have been involved in a risk-taking and/or rule-breaking even when the abuse occurred, it is imperative that those working with the adolescent do not convey an accusatory attitude toward the teen. Reprimanding a teen who was sexually assaulted for breaking a rule and going to a party where she was not supposed to be can make the teen defensive and hamper the interviewer's ability to build rapport and obtain subsequent information. Adolescents understand the consequences of disclosing information to the interviewer and how it can affect them adversely.
- Adolescents often have the physical attributes and narrative skills of adults. However, this may work against them in an interview because interviewers often treat the adolescent as if he or she is an adult and forget to consider their developmental stage.
- Avoid using authoritative parenting approaches in the forensic interview.

- Interviewers should be honest with adolescents because dishonesty can add to their sense of betrayal.
- Interviewers should ask for clarification of adolescents' statements in a developmentally appropriate way.

Compliant Victims

Compliant victims refer to children or adolescents who cooperate in or “consent” to victimization. Since children cannot legally consent to having sex with adults, this compliance should not in any way alter the fact that they are victims of serious crimes.

Although children of all ages may be compliant in their victimization, society is more likely to blame compliant adolescents. Adolescents may be compliant in their sexual victimization because they are at a stage of development where they are curious about sexual activity, vulnerable to flattery, and attracted to risk-taking—making them easy targets for perpetrators.

An adolescent may reluctantly go along with sexual contact to receive perceived benefits from the perpetrator, such as video games, money, attention, etc., while another adolescent may be actively participating in what he or she believes is a relationship.

The interviewer's approach to the compliant adolescent may influence the accuracy of their statements. Forensically sound questions will help to prevent the adolescent from exaggerating, minimizing or denying involvement in their victimization. The interviewer should avoid asking questions that will elicit responses from the adolescent that he/she thinks the interviewer wants to hear. A compliant adolescent may use statements to minimize or maximize their complicity to shift blame.

One approach to dealing with compliant adolescents is for the interviewer to be receptive to the adolescents' statements, keeping an open-mind and letting the teen discuss what happened without any interruptions or comments. It is often important for the interviewer to reiterate that he/she is not being judged, but it is the interviewer's job to find out what happened.

Challenging the perceptions of a compliant adolescent an interview can be unproductive. If a compliant teen tells the interviewer that she is in love with her boyfriend and is not a victim, it is better that the interviewer ask the adolescent to tell about being in love with her boyfriend instead of challenging her perception of the relationship. If the interviewer tries to convince the adolescent that he/she is a victim under the law, the teen may become defensive and provide little or no information.

Responding to Children on Scene using a Minimal Facts Interview

It may be necessary for an Agent or TFO, who is a first responder, to conduct an initial, basic fact-finding interview to ascertain the minimal facts necessary at that point in time to assess the need for immediate medical attention or safety issues. This information should be obtained from a source other than the child (unless the child is the only source for information) and not conducted with the child present. If CSAM exists of the victimization it is enough to have an adult identify a sanitized image of the child and then schedule the forensic interview.

The minimal facts interview is concise so not a lot of time needs to be spent gathering facts. Before a Minimal Facts interview consider (Chamberlin, 2017)

1. What must be known to make decisions about further actions?
2. Is there another source for the information such as an accompanying adult?
3. Is the child developmentally competent to provide the information I need?
4. How do I phrase questions so they are developmentally -appropriate, non-suggestive and non-leading?

All initial conversations should be short and minimal and obtain essential information.

If you cannot obtain enough information from adults, the conversation with the child should be short to obtain only essential information. Detailed follow up questions regarding the abuse should not be asked during the minimal facts interview. Detailed questions involve the risk of contaminating the forensic interview (Chamberlin, 2017). Children should not be polygraphed regarding their disclosure or asked to create a written statement. First responders should not promise the child something over which they have no control.

If the child discloses a recent sexual assault work with your VS to refer the child to the appropriate hospital for a sexual assault exam. A recent assault is one that has occurred in the past 72 hours for children under 12, or within 120 hours for children 12 and over. If outside of that time frame, the VS can refer the child for the appropriate medical care. As a mandated reporter, make a report to child protection in the jurisdiction where the victimization took place (see DIOG Appendix K). The CAFI and VS can assist with next steps following the minimal facts interview.

FBI Forensic Interview Protocol

Current literature emphasizes the use of a research-based protocol for investigative interviews involving children. Most current protocols rely on the interviewer proceeding through a series of distinct phases, each with its own purpose. The Forensic Interviewing

Protocol used by the FBI is based on a phased interview approach and is investigative. There are two primary features that distinguish forensic interviews from other types of interviews. The forensic interview is hypothesis-testing rather than confirming, and it is child-centered. Hypothesis testing means that the interviewer should not assume abuse happened but should explore alternative reasons why the child made these statements. A child-centered interview is conducted in a developmentally appropriate manner. A phased interview structure minimizes suggestive influences and empowers the child to be informative. These goals are accomplished in three ways:

1. Children receive clear information about the interviewer's job and the ground rules for the interview.
2. Interviewers build rapport in a way that encourages children to talk.
3. Interviewers encourage children to describe events using their own words.

Phases of the Interview

The interview includes seven phases:

- Build Rapport
- Establish the Ground Rules
- Conduct Practice Interview (for children under five or with developmental delays)
- Introduce the Topic
- Elicit Free Narrative
- Question and Clarify
- Close the Interview

Build Rapport

Building rapport begins from the time the interviewer introduces himself/herself to the child until the interview is concluded. This phase can be the most critical piece of the interview and can hinder the interview and investigation if not done well. If done well, this can help the child to feel comfortable in the interview setting and encourage him or her to talk.

The interviewer will introduce herself and give a neutral explanation of her job, will match the introductory style to the age and developmental level of the child and inform the child about the documentation being used and its purpose. Child must also be informed that the interview is being observed.

The interviewer will respond to any questions the child may have about the interviewer's job, the documentation of the interview and witnesses to the interview if necessary.

The interviewer should begin by addressing neutral topics such as after-school activities, hobbies and family, keeping in mind that the alleged perpetrator may be a family member. Ideally, the interviewer will have some information about the child beforehand to assist in asking neutral topics.

While discussing neutral topics the interviewer should assess the child's language skills and cooperation and begin to match speech, pace, intonation and subject matter to match the child's ability.

Questions during rapport building should be as open-ended as possible and the child's answers should be longer than the interviewer's questions.

Preschool children may need more direct questioning during this phase to elicit a response, however, once a response is made follow-up with open ended prompts.

The amount of time spent on rapport building with children is based on several factors; the age and developmental level of the child, the willingness of the child to participate and any speech, physical or emotional issues presented by the child.

The interviewer may have to change the focus of the questions to move on to the next phase of the interview.

To enable a child to feel comfortable in the interview setting and avoid increased anxiety, an interviewer should let the child know why he or she is being approached and, when necessary, that he or she is not in trouble. While causing increased anxiety may be a desired reaction in an interrogation setting, it is not appropriate for an investigative interview of a child. Therefore, before beginning to build rapport with the child, the interviewer should tell the child why he or she wishes to talk to the child.

Establish Ground Rules

There are four main ground rules to establish with the child:

1. Tell the truth.
2. Don't guess at answers.
3. Tell me if you don't understand something I say.
4. Correct me if I make a mistake.

Note: Rules are provided for children of all ages, but examples only need to be given for children age five and under.

Truth/Lie

The interviewer starts the discussion about telling the truth by demonstrating that the child understands the difference between the truth and lie and the importance of telling the truth. This is accomplished by asking the child (age 5 and under) to label statements as “truth” (“right”) or “not true” (“lie” or “wrong”). Interviewers should avoid asking the child to define these concepts.

Conduct a Practice Interview

This is often combined with the rapport phase and is usually only separated for children under the age of five or children with developmental or communication concerns.

There are four general principles for an interviewer conducting a practice interview:

1. Elicit information using open-ended prompts.
2. Invite the child to provide information with comments such as, *“Tell me everything that happened from beginning to end”*.
3. Encourage the child to continue talking with head nods, *“Then what”*, or *“Tell me more.”*
4. Reinforce the ground rules.

The practice interview helps children to understand what will happen in the interview process and that they are the providers of information. One way to conduct a practice interview is to identify a neutral event such as a birthday party, sporting event or reoccurring event such as a bedtime routine and ask them to tell you about it from beginning to end. During this time the interviewer can assess for language skills, sequencing capabilities and developmental issues.

Introduce the Topic

The substantive portion of the interview begins when the interviewer prompts a transition to the target topic. It is not appropriate to start the substantive phase of the interview by introducing the abuse allegation or the alleged perpetrator. Interviewers should start with the least suggestive prompt that might raise the topic but this is case-specific and based on evidence that may be known. If the child does not respond to a neutral prompt, the interviewer can progress to more specific prompts.

There are many reasons why children do not disclose abuse during investigative interviews: because the abuse did not occur, the abuse did not occur as reported, the child does not view the abuse as something "bad" or inappropriate, the child does not want the alleged perpetrator to get into trouble, the child may be frightened, or the child is not recalling the abusive event at this particular moment.

If the child is not disclosing abuse the interviewer will assess whether to continue with more directive questioning or stop the interview. More direct questions may be used based on the information that was provided prior to the interview.

Elicit a Free Narrative

If the child has reported something related to abuse, the next questioning techniques used by the interviewer should maximize the use of open-ended questioning techniques to elicit the narrative.

The most common errors made by interviewers are omitting the free narrative phase or shifting prematurely to specific questions. To elicit a narrative the interviewer follows the disclosure of abuse with an open-invitation.

The interviewer should encourage the child's free narrative with open-ended prompts such as, "*Then what?*", or "*Tell me more,*" or "*Tell me the very next thing that happened.*" The interviewer should be patient and not interrupt to ask more specific questions. Preschool children may not be able to provide a narrative and the interviewer must move to more focused and direct questions.

Question and Clarify

Once the child has finished his or her narrative, it is time to focus on legally relevant information and clarify statements made. Violation/Offense-specific questions will be necessary. Some examples of information that will be legally relevant are:

- Identifying the subject/perpetrator.
- Establishing the jurisdiction.
- Establishing the timeline.
- Establishing the sequence of events during the abuse.
- Establishing the number of times the abuse occurred (if developmentally appropriate).
- Identifying other crimes and/or victims i.e., child abuse images created.
- Establishing whether the abuse occurred one time or more than one time.

- Separating each event (last, first, another time, or best remembered time).
- Asking the child about sensory details: touch, taste, smell, or sounds.

According to Kenniston (2020), some question prompts can feel, especially to adolescents, that the forensic interviewer is being manipulative. Interviewers should be honest about what they know, which means they shouldn't lie. Interviewers want to word questions appropriately when we have evidence to support what we are discussing.

Suggestions for further clarification

- The interviewer should clarify any inconsistencies, if possible, in the child's statements.
- It may be necessary to clarify with the child if there are any other perpetrators other than those individuals mentioned earlier in the interview.
- If the child has been victimized by multiple perpetrators at different times the interviewer may want to discuss with others on the multi-disciplinary team the need or ability to separate the interviews by perpetrator.
- Throughout this phase of the interview it is important to use developmentally appropriate words.
- It is important that interviewers ask only one question at a time and wait for the child's answer. Interviewers should not interrupt and should be aware of the pace and length of the phrases used in phrasing.
- Interviewers should avoid multiple choice questions, double questions, reversed questions, and phrases which put blame or action on the child such as

Close the Interview

The interviewer has three major objectives in bringing the interview to a close:

- Answering any questions the child has for the interviewer.
- Reverting to a neutral topic.
- Thanking the child.

The interviewer should ask the child if he or she has any questions. It is important to answer questions truthfully and inquire as to the reason the child may be asking. The child should be given an opportunity to express questions, worries, or concerns. Finally, it is important to thank the child for participating in the interview process regardless of the outcome of the interview. The interviewers should give the child the option to come

back if there is something he or she didn't want to talk about, remembers differently, or forgot to tell.

10. Post-Interview

Actions must be taken after the interview to ensure appropriate support and services for children and their families.

Discussing Interview Details with Parents

The MDT will meet with the non-offending parent following the interview to discuss limited details, as appropriate. This is typically concerning mental health, medical or safety issues. The team must decide what information is to be relayed to the parent/guardian.

If a child thinks or knows that the interviewer is going to discuss details of the exploitation with his or her parent, he or she may refuse to discuss the exploitation or provide inaccurate information. It may be necessary to tell the child what will be said to his/her parent/guardian. Some children/adolescents will have no problem having the interviewer discuss with their parents/guardians what was disclosed in the interview. Others will want to tell their parents/guardians themselves. Some children/teens will want the interviewer or a therapist to be present when information is revealed.

Under some circumstances, the interviewer may choose not to reveal any information to the parent/guardian at interview time because the victim has expressed concern for his or her well-being if the parent/guardian finds out about the disclosure.

Mandated reporting may be necessary following a forensic interview. Refer to DIOG Appendix K for additional information.

Interviewers shouldn't tell the child that the parent/guardian will not find out what happened. The parent/guardian will most likely learn the details as the case moves through the system.

Follow Up Support and Assistance

Appropriate follow up with the child and/or the parent or guardian will be conducted by the VS to ensure that the child is provided with needed services, to include assistance with accessing mental health counseling. The VS must have the necessary information about the victimization, the child's reactions, and family situation in order to provide the most relevant follow up contact and services.

As soon as possible, the VS will follow up with family to assess how the victim is doing after the interview regardless of whether the child discloses or does not disclose any information. The VS should look for the following:

- Any signs of increased distress
- Any changes in behavior (i.e., withdrawing from family, etc.)
- Any concerns for other family members (siblings, etc.) and how they are reacting

The VS must ensure that parents are informed of their rights and available assistance, including crime victims' compensation.

The VS will provide appropriate referrals for community-based services for the victim and other family members and follow up with family and the MDT to verify if the victim engaged with services. If the victim is not receiving the services to which they were referred, the VS will identify any obstacles to obtaining services or determine if the family is utilizing other resources (informal, church, community programs).

Some families may not follow up on services, even though services are needed by their child and the child must rely upon adults for this access. In some instances, parents may appear angry and upset when their child is involved in a criminal investigation and forensic interview. At other times, parents of victims may be calm and compliant while interacting with their VS but still fail to follow up with recommended services for their children. The decision by parents to not engage in services is not always a reflection of negligence. The following are some reasons why a parent may not follow up for services:

- Lack of trust in resources and persons making the referrals
- Cultural beliefs regarding use of counseling/interventions services
- Religious beliefs regarding use of counseling/mental health professionals
- Stigma associated with utilizing services
- Transportation concerns
- Fear that others will find out about the abuse
- Preference to use informal resources or trusted counselors, i.e., clergy
- Fear of information that may be revealed during counseling

Collaboration with the local MDT (if involved) is vital in cases when families refuse to engage in services. Involving other agencies in developing a plan of action may result in the best approach to a resistant family. If family refuses services the VS should:

- Attempt to determine and document the reasons for the refusal or lack of cooperation
- Provide information to the MDT (if involved) to facilitate staffing the case.
- If there is concern that a child is at potential risk as a result of the refusal contact the local child protective agency and advise the agency of the referral and your reason for concern. A majority of the cases involving CAFIs are already known to CPS.

If the VS becomes aware of any information that may result in witness tampering or potential safety issues, he or she must report this information to the agent and MDT if appropriate.

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