

Getting the story from children: good practice in forensic interviews

Taped interviews are critical pieces of evidence in obtaining convictions in sexual abuse cases involving children. Prosecutors need a coherent story establishing the details of specific episodes to prosecute individual charges. At the same time, juries often criticise taped evidence when a lack of coherence and clarity makes it difficult to tease apart individual episodes of abuse. Juries also feel that lack of coherence in the tape reduces the credibility of the child witness and makes it difficult to understand the evidence being presented.

Getting the story in forensic interviews with child witnesses: applying a story grammar framework (Snow & Powell 2007), suggests practical ways that investigating officers can improve the process of collecting this form of evidence.

This tip sheet outlines good practices to help officers obtain clear and meaningful evidence.

1. Understand how a child constructs a story

Telling a story is a complex process that involves the use of 'story grammar' – a series of elements pieced together in the brain. These elements include:

- **setting** – where and when the episode takes place ('In the shed after lunch.')
- **initiating event** – the action that began the episode ('Pop asked us to come and have a cuddle.')
- **internal response** – the child's subjective response ('It was yucky.')
- **plan** – either what the child thought might be a good way of dealing with the situation or what they thought was the other person's motivation ('I think he wanted me to be scared.')
- **attempt** – details of the actual abuse episode ('He did such-and-such.')
- **direct consequences** – what the child did immediately ('I tried to push him away.')
- **resolution** – the outcome ('And then we had dinner and no one said anything.')

2. Understand how that ability develops with age

- In younger children, the process of holding the elements of a narrative together is still fragile. It takes concentration and can be interrupted easily by an interviewer's questions.
- This ability develops at different rates. For instance, young children under five years of age do not realise that the interviewer does not have all the information needed to understand the story. By the age of seven, children realise that they need to put contextual information at the beginning. They also have a more sophisticated understanding of what the listener needs to know.

3. Use open-ended questions

- **At least 75 percent** of questions should be open-ended.
- Open-ended questions are particularly good at getting the child to provide information on what actually happened in the abuse episode.
- Open-ended questions start with 'Tell me...' or 'Can you tell me...' They may simply be remarks like 'uh-huh' that encourage the child to continue.

- Open-ended questions support the child in providing an elaborate, complete and coherent account of what happened.
- Open-ended questions may be 'breadth questions' ('What happened next?') that encourage the child to report on consequences or resolution. Or they can be 'depth questions' ('Tell me more about ...') that may get more details about setting and response.

4. Minimise specific questions

- Specific questions can often be answered in one or two words. ('Who is Billy?' 'Where did he touch you?'). They often concern contextual or background information the officer feels is relevant to building a case.
- Specific questions interrupt the child's thought process. They change the dynamics of the interview, from actively telling the story of what happened, to passively answering questions.
- The details brought forth by asking specific questions can be out of context and confused.

5. Understand how memory affects recall of repeated abuse

- In cases of repeated abuse, a child's memory tends to be accurate for things that stay the same from one episode to another. In most cases the *initiating event*, *internal response*, and *direct consequence* elements of the story are fairly fixed so that the child begins to remember them as a set script. The more unique elements of *setting* and *attempt* are more likely to change according to the relationship between the child and the offender, and the opportunities that open up for abuse.
- These unique details are the most important part of the evidence, but are the most difficult for the child to remember in detail. Children are apt to become confused over the things that change from one episode to the other.
- The most effective way of getting comprehensive information about sexual abuse is to allow the child to tell the story without interruption. Trying to nail down the specific details only tends to increase confusion and may contaminate the evidence.

6. Trust the child to tell the story

- We tend to underestimate children's ability to construct spontaneous narratives about their experiences with the necessary details embedded in the story.
- The time that it takes to conduct an interview should rest with the child.
- Don't be concerned that open-ended questions cannot be 'controlled' for the purposes of presenting evidence in court. If necessary, a second taped interview can be prepared to maximise the tape's usefulness as evidence – but only *after* the child's spontaneous story has been told.

7. Respect forensic interviewing as a skill

- Like any skill, it is learned and can be improved through training and the observance of good practice.

Reference

Snow PC & Powell MB 2007. *Getting the story in forensic interviews with child witnesses: applying a story grammar framework*. Canberra: Criminology Research Council. <http://www.criminologyresearchcouncil.gov.au/reports/200405-04.html>