

**STATE OF MICHIGAN
GOVERNOR'S TASK FORCE ON CHILD ABUSE AND NEGLECT
AND
DEPARTMENT OF HUMAN SERVICES**

FORENSIC INTERVIEWING PROTOCOL

Third Edition



This publication is also available on the Department of Human Services website at www.michigan.gov/dhs:

- Select News, Publications & Information.
- Select Publications.
- Scroll or jump to the Children's Protective Services category and select Forensic Interviewing Protocol - DHS Pub 779.

This project and publication were funded by the federal Children's Justice Act grant to the Governor's Task Force on Child Abuse and Neglect administered through the Michigan Department of Human Services, under the Child Abuse Prevention and Treatment Act, Administration of Children and Families, Department of Health and Human Services, CFDA 93.643, being Section 107 (a), (b), (c), (d), (e) and (f) as amended (42 U.S.C. 5101 *et seq.*); and the Victims of Crime Act of 1984, as amended (42 U.S.C. 10601 *et seq.*).

CURRENT TASK FORCE MEMBERS

The Honorable Elizabeth A. Weaver
Retired Justice, Michigan Supreme Court
Chair of Task Force

Daniel Adams

Detective
Grand Rapids Police Department
Kent County

John Ange

Assistant Prosecuting Attorney
Chief, Juvenile Division
Macomb County Prosecutor's Office

Wayne Beerbower

Police Officers Association of Michigan
Retired Farmington Hills Police Officer
Oakland County

Jeanie Colella

Vice President, Board of Directors
Michigan CASA, Inc.
Ottawa County

The Honorable Maura D. Corrigan

Director
Department of Human Services
Retired Justice, Michigan Supreme Court

Nancy J. Diehl

Retired Assistant Prosecuting Attorney
Chief, Trial Division
Wayne County Prosecutor's Office

The Honorable Susan L. Dobrich

Judge, Probate Court
Cass County

Shauna Dunnings

Attorney and
Deputy Court Administrator
Ingham County Friend of the Court

Elias J. Escobedo, Jr.

Attorney, Criminal Defense
and Family Law
Oakland County

Euphemia "Sue" Franklin

Executive Director
South Eastern Michigan Indians, Inc.
Wayne County

The Honorable JoAnne Gasco

Judge, Little Traverse Bay Bands
of Odawa Indians
Emmet County

The Honorable Pamela Gilbert O'Sullivan

Judge, Probate Court
Macomb County

Gloria Gillespie

Therapist, treatment of
sexual abuse victims and offenders
Berrien County

The Honorable Linda S. Hallmark

Judge, Probate Court
Oakland County

The Honorable Judy Hartsfield

Judge, Probate Court
Wayne County

Frederick Johansen, MD, MPH

Pediatrician and Medical Director
Berrien, Van Buren and Cass
County Health Departments

William J. Johnson

Superintendent
Michigan Children's Institute
Department of Human Services

Kathy Kovalchik-Lacko

System of Care Coordinator
West MI Community Mental Health
Lake, Mason and Oceana Counties

Judith Labovitz

Public Representative
Clinton County

William Lansat

Attorney/Guardian Ad Litem
Child Abuse and Domestic Cases
Oakland County

CURRENT TASK FORCE MEMBERS

Jennifer Leppien

*Court Appointed Special Advocate
Gratiot County*

Sandra M. Lindsey

*Chief Executive Officer
Saginaw County Community
Mental Health Authority*

Julie A. McMurtry

*Assistant Prosecuting Attorney
Chief, Juvenile Division
Oakland County Prosecutor's Office*

JoAnn Monaghan

*Retired Principal
Port Huron Area School District
St. Clair County*

The Honorable John D. Monaghan

*Judge, Seventy-second District Court
St. Clair County*

The Honorable Eugene Arthur Moore

*Retired Judge, Probate Court
Oakland County*

The Honorable Donald S. Owens

Judge, Michigan Court of Appeals

The Honorable Gregory C. Pittman

*Judge, Probate Court
Muskegon County*

Lawrence Richardson

*Supervisor, Madison Charter Township
Retired Sheriff, Lenawee County*

Patricia Sorenson

*Vice President for Policy
Michigan's Children
Ingham County*

The Honorable Lisa Sullivan

*Judge, Probate Court
Clinton County*

David H. Wolock

*Attorney, Family Law
Retired Assistant Prosecuting Attorney
Oakland County*

The Honorable Tracey A. Yokich

*Judge, Sixteenth Judicial Circuit Court
Macomb County*

FORENSIC INTERVIEWING PROTOCOL REVISION COMMITTEE

Nancy J. Diehl

*Retired Assistant Prosecuting Attorney
Chief, Trial Division
Wayne County Prosecutor's Office
Committee Chair*

Daniel Adams

*Detective
Grand Rapids Police Department
Kent County*

Gail Benson

*Defense Attorney
Oakland County*

Wayne Beerbower

*Police Officers Association of Michigan
Retired Farmington Hills Police Officer
Oakland County*

Catherine S. Connell

*Child/Adolescent Forensic Interviewer
Federal Bureau of Investigations*

Erika Engel

*State Coordinator
Governor's Task Force on Child Abuse and Neglect
Department of Human Services*

Gloria Gillespie

*Therapist, treatment of
sexual abuse victims and offenders
Berrien County*

Raymond Hoffman

*Trooper
Michigan State Police
Allegan County*

Matthew Houchlei

*Trainer, Child Welfare Training Institute
Department of Human Services*

Darcy Komejan

*Executive Director
Child Advocacy Center of Ottawa County
Holland*

Zoë Lyons

*Program Manager
Children's Protective Services Program Office
Department of Human Services*

Pamela Maas

*Supervising Attorney
Livingston County Prosecutor's Office*

Debra Poole, Ph.D.

*Professor of Psychology
Central Michigan University
Isabella County*

James M. Smith

*Detective Lieutenant
Grosse Pointe Park Police
Wayne County*

Jennifer Wheeler

*Program Manager/Forensic Interviewer
CARE House of Oakland County*

Julie A. Welch

*Child Abuse Training Director
Prosecuting Attorneys Association of Michigan*

Steve Yager

*Child Welfare Manager
Field Operations Administration
Department of Human Services*

The Honorable Tracey A. Yokich

*Judge, Sixteenth Judicial Circuit Court
Macomb County*

PREFACE

In 1991, the Governor's Task Force on Children's Justice was created pursuant to federal legislation to respond to the tremendous challenges involved in the handling of cases of child abuse—particularly child sexual abuse—in Michigan. In August 1993, the Task Force published DHS Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach*.

In 1996, the DHS initiated the development of a forensic interviewing protocol by establishing a steering committee within DHS and enlisting nine county DHS offices to participate as pilot counties in testing the protocol. Debra Poole, Ph.D., of Central Michigan University was contracted by DHS to develop a forensic interviewing protocol. Independent of the DHS project, the Task Force also identified the objective of developing and implementing a forensic interviewing protocol. From 1996 to 1998, DHS and the Task Force worked together with Debra Poole in developing and implementing a protocol that would improve the interviewing techniques of all professionals involved in the investigation of child abuse, especially the sexual abuse of children, in Michigan. The first edition of the Forensic Interviewing Protocol was published in 1998.

In 1998, the Child Protection Law was amended to require each county to implement a standard child abuse and neglect investigation and interview protocol using as a model the protocols developed by the Task Force as published in DHS Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach* and DHS Publication 779, *Forensic Interviewing Protocol*, or an updated version of those publications.

In September of 2003, the Task Force convened a Forensic Interviewing Protocol Revision Committee to review the original Protocol. In April 2005, the second edition of the Protocol was published. The Committee was reconvened in late 2008. The review of the second edition of the Protocol was completed in 2011. After a careful and complete examination during both revisions, the Committee edited sections for clarity, improved the examples, added Quick Guides, and provided some additional reference material, including relevant statutes. Recent research continues to support the methodology used in Michigan's Protocol.

This Protocol should be used in conjunction with the Task Force DHS Publication 794, *A Model Child Abuse Protocol—Coordinated Investigative Team Approach*. Proper implementation of DHS Publication 779, *Forensic Interviewing Protocol* requires professional training. Professionals who have received appropriate training in the application of the Protocol should conduct the interviews of children. The Task Force was renamed the Governor's Task Force on Child Abuse and Neglect in 2010 to better reflect its mission.

TABLE OF CONTENTS

	Page
Introduction	1
Number of Interviewers.....	2
Support Persons.....	2
Videorecording or Audiorecording and Documentation	3
The Physical Setting.....	3
Interviewer Guidelines	4
The Phased Interview	6
Prepare for the Interview.....	7
Gather Background Information.....	7
Generate Alternative Hypotheses and Hypothesis-Testing Questions	8
Set Up the Interview Environment	9
Introduce Yourself and Build Rapport	9
Establish the Ground Rules	11
Conduct a Practice Interview.....	12
Introduce the Topic.....	14
Elicit a Free Narrative.....	16
Question and Clarify	17
Close the Interview	21

Special Topics.....	22
Questions About Time	22
Interviewing Aids	23
Communication Issues	23
Preschoolers.....	23
Bilingual Children.....	24
Augmentative and Alternative Communication (AAC)	24
Developmental Disabilities.....	24
Quick Guide #1: Alternative Hypotheses Questions and Planning Form	25
Quick Guide #2: Guidelines for Questioning Children.....	31
Quick Guide #3: Overview of a Phased Interview.....	33
Quick Guide #4: Hierarchy of Interview Questions.....	35
Quick Guide #5: Question Frames	37
Quick Guide #6: Guidelines for Use of Physical Evidence	39
Quick Guide #7: Introduce the Topic.....	41
Quick Guide #8: Physical Abuse and Neglect Questions.....	42
Quick Guide #9: Sexual Abuse Questions	44
End Notes.....	48
Appendix: Videorecording Laws	49
References	56

Forensic Interviewing Protocol

Introduction

The goal of a forensic interview is to obtain a statement from a child, in a developmentally-sensitive, unbiased, and truth-seeking manner, that will support accurate and fair decision-making in the criminal justice and child welfare systems. Although information obtained from an investigative interview might be useful for making treatment decisions, the interview is not part of a treatment process. Forensic interviews should not be conducted by professionals who have an on-going or a planned therapeutic relationship with the child.

forensic interviews are hypothesis-testing rather than hypothesis-confirming (see Quick Guide #1)

There are two overriding features of a forensic interview:

- Hypothesis testing.
- A child-centered approach.

First, forensic interviews are hypothesis-testing rather than hypothesis-confirming (Ceci & Bruck, 1995). Interviewers prepare by generating a set of alternative hypotheses about the source and meaning of the allegations. During an interview, interviewers attempt to rule out alternative explanations for the allegations. For example, when children use terms that suggest sexual touching, interviewers assess the children's understanding of those terms and explore whether touching might have occurred in the context of routine caregiving or medical treatment. When children report details that seem inconsistent, interviewers try to clarify whether the events could have occurred as described, perhaps by exploring whether the children are describing more than one event or are using words in nonstandard ways. Before closing an interview, interviewers should be reasonably confident that the alleged actions are not subject to multiple interpretations and that any alleged perpetrators are clearly identified.

forensic interviews should be child-centered (see Quick Guide #2)

Second, forensic interviews are child-centered. Although interviewers direct the flow of conversation through a series of phases, children should determine the vocabulary and specific content of the conversation as much as possible. Forensic

interviewers should avoid suggesting events that have not been mentioned by children or projecting adult interpretations onto situations (e.g., with comments such as “That must have been frightening”).

Number of Interviewers

Local customs and requirements often dictate how many professionals will be involved in conducting an interview. There are advantages and disadvantages to both single-interviewer and team (e.g., child protection and law enforcement) approaches. On the one hand, children may find it easier to build rapport and talk about sensitive issues with a single interviewer; on the other hand, team interviewing may ensure that a broader range of topics is covered and reduce the need for multiple interviews.

one professional should be the primary interviewer, with the other taking a supportive role

When two professionals will be present, it is best to appoint one as the primary interviewer, with the second professional taking notes or suggesting additional questions when the interview is drawing to a close. Before conducting the interview, interviewers should have sufficient preparation time to discuss the goals for the interview and the topics that need to be covered; interviewers should not discuss the case in front of the child. At the start of the interview, both interviewers should be clearly introduced to the child by name and job. Seating the second interviewer out of the line of sight of the child may make the interview seem less confrontational.

Support Persons

The presence of social support persons during forensic interviews is discouraged. Although it makes intuitive sense that children might be more relaxed with social support, studies have failed to find consistent benefits from allowing support persons to be present during interviews (Davis & Bottoms, 2002). Support persons might be helpful during early portions of interviews, but they might also inhibit children from talking about sexual details. Individuals who might be accused of influencing children to discuss abuse, such as parents involved in custody disputes or therapists, should not be allowed to sit with children during interviews.

If the interviewer deems a support person necessary (a social worker or teacher, for example), this individual should be seated out of the child’s line of sight to avoid criticism that the child was reacting to nonverbal signals from a trusted adult. In addition, the interviewer should instruct the support person that only the child is allowed to talk unless a question is directed to the support person.

Videorecording or Audiorecording and Documentation

The Governor's Task Force on Child Abuse and Neglect supports as a best practice the videorecording of investigative forensic interviews of children at child advocacy centers or in similar settings. If your county videorecords or audiorecords, follow the procedures suggested below.

A designated person should write on the recording label the interviewer's name, the child's name, the names of any observers, and the location, date, and time of the interview. Michigan law states, in part, that the *videorecorded statement shall state the date and time that the statement was taken; shall identify the persons present in the room and state whether they were present for the entire videorecording or only a portion of the videorecording; and shall show a time clock that is running during the taking of the statement* (see Appendix, *Videorecording Laws*). All persons present in the interview room should be clearly visible to the camera and positioned so as to be heard. Rooms should be large enough to place videorecording equipment at an acceptable distance from the child, but not so large that a single camera (or a two-camera setup) cannot monitor the entire room. Recording reduces the need to take notes during the interview. However, the interviewer may bring a list of topics to be discussed during the interview and may jot down notes during the interview to help remember which points need to be clarified.

If the interview is not being videorecorded or audiorecorded, it is paramount that the interviewer or a designated person accurately document what the child says. Beginning with introducing the topic, the interviewer should try to write down the exact wording of each question as well as the child's exact words. It is efficient to use abbreviations for common open-ended prompts (e.g., "TWH" for "then what happened" or "TMM" for "tell me more").

The Physical Setting

The best environment for conducting forensic interviews is a center specifically equipped for this purpose. Centers often have comfortable waiting rooms with neutral toys and games, as well as interviewing rooms with video and audio links to observation rooms. The interview room should provide a relaxing environment that is not unnecessarily distracting to young children.

Interviewers who do not have access to an interviewing facility should try to arrange a physical setting that recreates some of the important features of specialized centers. First, select the most neutral location possible. For example, if the interview must be conducted in the home (in an emergency or if the child is preschool age or on school break), select a private location away from parents or siblings that appears to be the most neutral spot. Similarly, a

the interview room should be friendly but uncluttered and free from distracting noises and supplies

speech-and-language room in a school might be a better choice than the principal's office because children often believe they are in trouble when they are called to the main office. Also, children may worry about being interviewed in a police station, and thus they might benefit from an explanation about why they are being interviewed there (e.g., "We like to talk to children over here because the rooms are nice and bright, and we won't be disturbed").

Second, select locations that are away from traffic, noise, or other disruptions. Items such as telephones, cell phones, televisions, and other potential distractions should be temporarily turned off.

Third, the interview room should be as simple and uncluttered as possible, containing a table and chairs. Avoid playrooms or other locations with visible toys and books that will distract children. Young children are usually more cooperative in a smaller space that does not contain extra furniture. Moreover, children pay more attention when attractive items such as computers are temporarily removed from the interview space.

Interviewer Guidelines

Several guidelines about interviewer behavior, demeanor, and communication should be followed throughout the interview (adapted from Poole & Lamb, 1998):

be relaxed and avoid emotional reactions to a child's description of abuse

- Avoid wearing uniforms or having guns visible during the interview.
- Convey and maintain a relaxed, friendly atmosphere. Do not express surprise, disgust, disbelief, or other emotional reactions to descriptions of the abuse.
- Avoid touching the child.
- Do not use bathroom breaks or drinks as reinforcements for cooperating during the interview. Never make comments like "Let's finish up these questions and then I'll get you a drink."
- Respect the child's personal space.
- Do not stare at the child or sit uncomfortably close.
- Do not suggest feelings or responses to the child. For example, do not say, "I know how *hard* this must be for you."
- Do not make promises. For example, do not say, "Everything will be okay" or "You will never have to talk about this again."
- Acknowledge and address the child's feelings if the child becomes upset, embarrassed, or scared, but avoid extensive comments about feelings. Comments such as "I talk with children about these sorts of things all the time; it's okay to talk with me about this" can be helpful.