

# FORENSIC INTERVIEWS

What Are They  
And  
How Are They Used

# PRESENTERS:

- CSPD Detective Samantha Lembergs 1613D
  - Colorado Springs Police Department Crimes Against Children Unit
- Senior Deputy District Attorney Jennifer Viehman
  - Fourth Judicial District Attorney's Office
- Safe Passage Director of Forensic Services Forensic Interviewer Deb Paton
  - Safe Passage (Children's Advocacy Center)
- DHS SAIFE Unit Intake Supervisor Tiffany Beaubien
  - El Paso County Department of Human Services

# OBJECTIVES:

- Define a forensic interview
  - Difference between forensic and therapeutic
- When is a forensic interview needed
- Who can request/complete a forensic interview
- Explain the pros and cons of multiple forensic interviews vs. one interview
- Explain the process of how the MDT determines if a second forensic interview is needed
- If a second forensic interview is completed, understanding the effects of that interview on both the criminal and civil case.

# MDT

## ○ What is a MDT?

- An inter-agency collaborative approach to investigation and prosecution of child abuse that minimizes the trauma to victims by centralizing services in one child-friendly location. Coordinates the responses of partner agencies in the medical, investigative, social service, legal, and mental health arenas

# YOUR LOCAL MDT



## Safe Passage Team Partners:

- 4th Judicial District Attorney's Office
- Colorado Children's Hospital
- Colorado State Patrol
- Colorado Springs Police Department
- Cripple Creek Police Department
- El Paso County Attorney's Office
- El Paso County Department of Human Services
- El Paso County Sheriff's Office
- Evans Army Community Hospital
- Fountain Police Department
- Kidpower Colorado
- Manitou Springs Police Department
- Memorial Hospital
- Teller County Sheriff's Office
- Teller County Department of Human Services
- The Family Center
- Woodland Park Police Department

## WHAT IS A FORENSIC INTERVIEW:

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

# WHAT IS A FORENSIC INTERVIEW IN PLAIN ENGLISH:

- ⦿ Techniques are based in research and science
- ⦿ Allows a child to narrate an event in their own words - not ours
- ⦿ Conversation goes where the child goes
- ⦿ Neutral and fact-finding - not leading or suggestive
- ⦿ Follows evidence-based and evidence-informed guidelines to ensure the end result is legally sound
- ⦿ Done by someone with appropriate training

# REASONS FOR FORENSIC INTERVIEW

- ◉ Legally sound and expected by the court - both criminal and civil
- ◉ Usually more comfortable for the child
- ◉ Allows statements/disclosures to come from the child unsolicited and keeps things neutral
- ◉ Takes into account a child's developmental ability
- ◉ Details can enhance warrants and court cases
- ◉ Disclosures can be complicated by memory/trauma issues so trained personnel needed
- ◉ MDT function



# THINGS WE CONSIDER PRIOR TO A FORENSIC INTERVIEW

- ◉ Developmental level of a child
- ◉ Special needs of a child
- ◉ Previous history (with LE or DHS)
- ◉ Parental custody issues
- ◉ Nature/context of disclosure

# SITUATIONS THAT OFTEN REQUIRE FORENSIC INTERVIEW:

- ◉ Victim/witness of child sexual abuse
- ◉ Victim/witness of child physical abuse
- ◉ Witness to domestic violence
- ◉ Witness to homicide/attempted homicide
- ◉ Witness to assault
- ◉ Victims who are at-risk
- ◉ Assisting outside jurisdictions when the victim resides in El Paso County

# WHEN WE DON'T DO FORENSIC INTERVIEWS:

- ◉ We do not conduct “fishing expeditions”
- ◉ When there is no evidence that a crime has occurred
- ◉ Just because someone wants us to
- ◉ When a child has already been forensically interviewed on one or more occasions
  - There is a second-interview staffing process when necessary

# WHERE INTERVIEWS ARE DONE

- ◉ **Safe Passage** (Best practice)
- ◉ Schools
- ◉ Homes
- ◉ Daycares
- ◉ Treatment facilities
- ◉ Hospitals
- ◉ Police substations

# WHO CAN COMPLETE FORENSIC INTERVIEWS?

- Trained forensic interviewers
  - Can be LE
- Complete 40 hours of recognized protocol for the interviewing of children
  - Usually at an advocacy center. Must be focus of one's job
- Maintain and take part in peer review (local and national)
- Maintain certain number of hours in forensic interviewing every year
- Varies on jurisdictions and local requirements

# FORENSIC VS. THERAPEUTIC

## ○ Forensic Interview

- Goal-Obtain information as reliable and accurate as possible
- Fact-finding focus-accurate recollection of events important
- Objectivity, neutrality, avoidance of biases
- Interviews are more formal and restrictive

## ○ Therapeutic Interview

- Goal-Assess and provide treatment of symptoms
- Therapeutic focus-the perceptions and feelings of events are most important
- Building a therapeutic alliance
- Interviewing strategies are variable

# LAW ENFORCEMENT AND FORENSIC INTERVIEWS

- Looking for disclosures of crime
  - Has a crime occurred?
- Specific details and statements that can be corroborated and used in court
- Basis for search and arrest warrants
  - Corroboration with finding physical evidence
- Additional witnesses or potential victims
- If medical exam needed
- Jurisdiction

# DHS AND FORENSIC INTERVIEWS

- Only involved for family members or someone living in the home
- Identify safety factors or strengths for the child
- Parents protective capacity
- Sibling issues
- Identify other placement options if needed
- Identify additional risk factors in the home
  - DV/substance abuse



# DISTRICT ATTORNEY'S AND FORENSIC INTERVIEWS

- Trained professionals as expert witnesses
- Explain protocols accepted in the legal community
- Recorded so excellent piece of evidence for jury
  - Memory issues years later
  - See child as they were in interview (8 year old vs. 14 year old)
  - Show consistency
- Timeline
- Charging

# SECOND FORENSIC INTERVIEWS

## ○ Definition:

- Completing a second forensic interview with a child about the original allegations.

## ○ Why would this be needed?

- Significant additional information about the original specific allegations is being disclosed by victim.
- Information could result in changing of criminal charges
- Recantation
- New allegations
- Too much to disclose in 1<sup>st</sup> interview

# SECOND INTERVIEW STAFFINGS

## ○ Who participates

- Your local MDT
  - Law Enforcement (Lead Detectives)
  - DHS
  - Original Forensic Interviewer
  - Safe Passage Family Advocate
  - Safe Passage facilitator
  - District Attorney's Office
  - Guardian ad Litem Office
  - Child's therapist

# SECOND INTERVIEW STAFFING PROCESS

- Is it worth the risk?
  - Relevant to justify a 2<sup>nd</sup> interview
- Are they ready?
  - Talk in therapy vs. disclosure to forensic interviewer
- Could it cause additional trauma or set them back in therapy?
- What is motivation for the second interview?
  - Why are we here? Who is reporting new information?

# PROS VS CONS OF SECOND FORENSIC INTERVIEWS

- Pros
- Additional information not previously known
  - New charges
  - New suspects
  - New victims
  - New evidence
- Gives child a break
  - Extensive
  - Multiple suspects
  - Being comfortable and able to disclose

# PROS VS CONS OF SECOND FORENSIC INTERVIEWS

- ◉ Cons
- ◉ Contradiction of information
- ◉ Where are we getting information they are ready to talk again?
- ◉ Allegations of coaching and leading of the child
- ◉ Have to explain in court why didn't disclose this information the 1<sup>st</sup> time
- ◉ Can lead to dismissal of charges

THANK YOU

Questions??