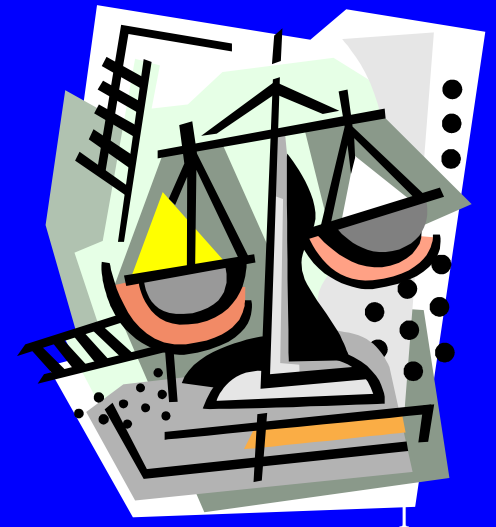


# FIGHTING FOR THE TRUTH

## the importance of the forensic interview

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# Forensic interview – what is it?

Legally defensible interview

Done by specially trained interviewers

Cultural competency

Child development

Non-leading questions

Non-blaming questions

Without influence/taint

MDT – case review

# MDT – multi-disciplinary team

## Protocol

### Issues to Keep in Mind:

- Most efficient and practical style of investigation to achieve justice and protect the most vulnerable in our society.
- Toll the system takes on a child.

## Positive Experience

Consistent treatment of all children

# Purposes of forensic interview

- Reduce trauma to victims/witnesses
- Limit number of interviews
- Limit number of people who interview
- Limit “inconsistencies”
- Test competency
- Teaching Rules - truth

# Purposes of forensic interview

- Neutral, objective: explains what happened
- Non-leading
- Child friendly atmosphere
- Fact finding: establishes presence or absence of crime
- Fact finding: identifies perpetrator
- Explore multiple hypotheses: all reasonable explanations

# Investigation - Safehouse

- Specific incidents – not just how many times
- Specific incidents vs. course of conduct
- Narrow time frames – age, grade
- Where lived? Where in that place?
- Text? Facebook? Phone calls?
- Pictures/computer
- Details
- Safehouse witnesses/siblings

# Who gets to watch the interview?

- Law enforcement
- CYFD
- Medical provider
- Non-offending parent?
- Child
- Defendant/defense attorney (protective order)

# Why continue the investigation after the arrest/Safehouse interview?

What if we lose the confession?

What if Child can't give details/recants?

What if we lose the physical evidence? No DNA?

Interview outcry person – person victim told first,  
person who called CYFD/police

Interview potential eyewitnesses – Safehouse  
interview of other children/witnesses?

“Non-offending” parent – hindsight

Interview people victim/defendant talked about



# Corroborate the victim

Happened at a hotel

- Hotel receipts, signature of defendant

- Video surveillance

Happened at apt.

- Leases

- Pix of apt., layout of apt., floorplans

Happened in a car

- Swabs of car, pictures of car

Happened when they were watching a movie

- Date and time of movie from movie theater, TV guide, rental receipt, video from Walmart redbox

# Corroborate the victim

Did V identify specific things (lotion, movies, pictures, computer, magazines, cell phone, bedding)

Did V leave behind things (notes, clothes, purse)

Did D leave behind things (porn, semen, condom, tissue)

Money – don't deposit, hold

Diaries/letters

Phones – tech crimes

Defendant's body, tattoos, piercings

# Tough cases

- Usually victim's word against adults'
- Child is a liar
- Child is a trouble maker
- Child sleeps around
- No one saw anything and "he was never alone with her"
- Do what you can to corroborate
- Memory

# Legal issues in sex abuse cases

- Baldonado – when did it happen?
- Dominguez – course of conduct v. specific incidents
- Osbourne – unlawfulness, sexual intent
- Rape shield law
- Mistake of fact – I thought she was older
- Victim consented – only allowed in certain circumstances
- Hearsay – safehouse tape, outcry person
- Penetration

# Legal issues

- Admissibility of statements made by alleged victim
  - for purposes of treatment and diagnosis
  - of identity of perpetrator
  - of statements made by others
  - of findings being consistent with history given
  - Forensic interview – admissible or not?

# Ideas jurors have, must overcome

- Most kids lie about sexual abuse
- Real victims would resist, cry, scream
- Children aren't molested at home or by someone who loves them or whom they love
- Boys can't be molested
- A physical exam will show if a child has been molested
- There will be DNA/fingerprints

# Interviewer as an expert witness?

- Corroborates victim
- Adds to the professionalism, credibility, quality of the case
- Strengthens case
- Explains issues – delay in disclosure, kids tell in bits and pieces
- Explains the process

# Ultimate argument

- There was a good interview here because protocols, technique, nationally recognized best practices, etc. were followed to address concerns.
- The facts supporting abuse came from child and not the forensic interviewer in conducting the interview.
- The corroborative evidence supports the child, case theory, and uncontested evidence.



# Expert witness - cautions

- Interviewer cannot say “believed” the child
- Interviewer cannot say child telling the truth/credible
- Interviewer cannot repeat disclosure, with certain limitations (impeachment-cross-examination, re-direct)
- Safehouse tape not admissible into evidence except for very unusual circumstances

# Your forensic interviewing place

- For Gallup – Hummingbird Child Advocacy Center
- phone number to schedule is 505-325-5358 ext. 146, 147, 148 or 149
- CAC cell number is 505-320-3558.
- located at 515 Park Ave in the old Gallup Cathedral School.

Thank you!

