



**Forensic interviewing in child abuse cases: Exploring Best
Practices and Methods for Professionals**

By

Nondumiso P. Mabaso

215081032

Thesis submitted for the degree:

Masters

In

Child Care and Protection Law

At the

University of KwaZulu-Natal:

‘College of Law and Management Studies’ and

‘School of Law’

Supervisors:

Miss R. Bernard & Dr. M. Mthembu

2017

ACKNOWLEDGEMENT

To the Heavenly Father, thank you for being my pillar of strength, I would not have completed this study without you by my side.

I would like to give thanks to the following people:

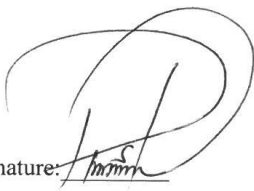
- My supervisors, Miss R. Bernard and Dr. Mthembu, for their support and guidance.
- My son, Smilo and my sister Deh for encouraging me to push forward no matter the difficulties.
- My commander at Umlazi FCS as well as my colleagues for encouraging me not to give up.

FOREWORD

This study was conducted in the fulfilment of the Master's Degree (LLM) with the requirements of the University of KwaZulu-Natal, Howard College in Durban. The research complies with the conditions of the Protocol Reference Number HSS/0633/017M as granted by the University of KwaZulu-Natal Human and Social Sciences Research Ethics Committee.

DECLARATION

I, **Nondumiso Precious Mabaso (215081032)**, declares that this is dissertation presents my own work. I am aware that using someone else's information without acknowledging is academically unacceptable. All sources utilised were acknowledged to respect and avoid plagiarism.

Signature: 

Date: 26 MARCH 2018

TABLE OF CONTENT

Acknowledgement	i
Foreword	ii
Declaration	iii
Table of content	iv-vii
Forensic Interviewing in Child Abuse Cases: Exploring Best Practices and Methods for Professionals	
CHAPTER ONE	
1.1 Introduction	1-2
1.2 Definition of terms	2-3
1.3 The problem statement	3-4
1.4 Aim of the study	4
1.5 Significant of the study	4
1.6 Research questions	5
1.7 Research objectives	5
1.8 Research methodology	5
1.9 Limitations of the study	6
1.10 Ethical consideration	6
1.11 The structure of the thesis	6
CHAPTER TWO	
2.1 Introduction	7-8
2.2 Child sexual abuse	8-9
2.3 Conceptualising child forensic interviews	9-12
2.4 The purpose of forensic interviews	12-13
2.5 The phases of forensic interviews	13
2.5.1 The initial phase	13
2.5.2 The substantive phase (information gathering phase)	14
2.5.3 The closure phase	14

Considerations regarding child forensic interviews	14
2.5.4 Timing	14
2.5.5 Documentation	15
2.5.6 Neutral setting	15
2.5.7 Role of the interviewer	15
2.5.8 Type of questions	15
2.6 Advantages of conducting forensic interviews	15-16
2.7 Disadvantages of not conducting forensic interviews	16
2.8 Conclusion	16-17

CHAPTER THREE

Existing international and national protocols and does South Africa has best practices and methods in the field of child forensic interviewing

3.1 Introduction	18
3.2 Definition and classification of forensic interviewing protocols	19
3.3 Phases of the forensic interviewing protocol	19
3.3.1 Documentation	19
3.3.2 Introduction	19
3.3.3 Competency assessment	20
3.3.4 Rapport building phase	20
3.3.5 Developmental assessment	20
3.3.6 Assess overall functioning	20
3.3.7 Explain rules	20-21
3.3.8 Practice interview	21
3.3.9 Introducing the topic	21
3.3.10 Obtaining narrative account from the child	21
3.3.11 Conclusion	21-22
3.4 Types of child forensic interviewing protocols	22
3.4.1 CornerHouse Forensic Interview Protocol: RATAAC	22-25

3.4.2 National Institute for Child Health and Human Development (NICHD)	26-27
3.4.3 Memorandum of Good Practice	27-29
3.4.4 The Seven Phases of Forensic Interview Protocol	29-30
3.5 Forensic interviewing techniques	31
3.5.1 Allegation blind interview	31-32
3.5.2 Open ended question	32
3.5.3 Touch Survey	32
3.6 Best practices in child forensic interviewing	32
3.6.1 Interview setting	33
3.6.2 Eliciting information	33
3.6.3 Avoiding the use of difficult concept and language barrier	33
3.6.4 Cultural competence	33-34
3.6.5 Maintain a relaxed and friendly atmosphere	34
3.6.6 Close the interview with any other general topic	34
3.6.7 Single interviews vs. multiple interviews	34-35
3.7 Conclusion	35-36

CHAPTER FOUR

What could be learned by South African social workers from other countries (USA and England) about child forensic interviewing protocols and techniques?

4.1 Introduction	37
4.2 International research on the effectiveness of protocols	37-39
4.3 Impact of using a protocol: lessons South African social workers	40
4.3.1 Lesson one	40
4.3.2 Lesson two	40
4.3.3 Lesson three	41
4.3.4 Lesson four	41
4.4 Conclusion	41-42

CHAPTER FIVE

5.1 Summary	43-44
5.2 Recommendations	44
5.2.1 Conducting research on the effectiveness of the seven-phases of forensic interviewing protocol	44
5.2.2 Using South African developed protocols	45
5.2.3 Establishing conducive interview environments	45
5.2.4 Developing more training programmes on forensic interviewing	45
5.2.5 Research on how to deal with children who are physically challenged	45-46
5.2.6 Dealing with vicarious trauma	46
5.3 Conclusion	46-47

REFERENCES	48-53
-------------------	-------

ANNEXURES

Ethical Clearance	Annexure A
-------------------	------------

CHAPTER ONE

INTRODUCTION

1.1 Introduction

The statistics on the rate of child sexual abuse cases show that sexual abuse amongst children is common in South Africa (Jiya, 2015). The statistics in the research study conducted by Mathews, et al. (2014) reveal that of the 40% of sexual abuse cases reported against children, 39% of these are experienced by girls younger than the age of 18 years. Mathews, et al (2014) further acknowledge that of all the sexual abuse cases reported in South Africa, 17% relate to boys from the Eastern Cape. The same study by Mathews, et al. (2014) reveals that in Tanzania, 30% of the girls and 13.4% of the boys experience sexual abuse before the age of 18years (Walker-Williams (2012)). When a child sexual abuse case is opened, the investigation begins with interviewing the child and any other person involved. A trained, neutral professional is supposed to utilise researched and practice informed techniques when interviewing the child, which process forms part of the larger investigative process. This type of interviewing is referred to as ‘forensic interviewing’ (Newlin, et al., (2015)).

The concept of ‘forensic’, as described by Faller (2007), means that one should apply scientific principles and methods to the legal problem that are aimed at obtaining information from a child. This will then enable one to provide expert testimony in a court of law. While Faller (2007) believes that one should follow scientific methods and practices, one should bear in mind that forensic assessment interviews are conducted with the intention to gather information from a child that will be used during the criminal justice process. The interview should therefore be conducted in a manner that will take into account the development of the child and be non-judgemental in nature. (Fouchè and Joubert, (2009)). The definition of ‘forensic interviewing’ supports the view that child forensic interviews should be conducted in a manner that will take into account the age of the child and be legally accepted in a court of law (Newlin, et al., (2015)).

Because children can become informative witnesses in court, professionals and experts in the field of child abuse should ask children questions that are in line with their level of development in order to elicit correct information. This can be achieved through the manner in which the forensic interviews are conducted with the children (Lamb, et al., (2007)).

Researchers such as Anderson, et al. (2012) and Fouchè and Joubert (2009) recognise national and international forensic interviewing techniques that can be useful in determining whether child abuse did take place. Such forensic interviewing techniques include the protocol developed in South Africa called the Seven Phases of Forensic Interviewing, and other internationally developed protocols such as the National Institute of Child Health and Human Development (NICHD) Protocol as well as the Cornerhouse Forensic Interviewing Protocol (RATAC), which will be further elaborated upon.

This study aims to unpack the best practices and methods for professionals and discusses how well suited/effective these practices and methods are. The study also aims to determine whether these practices and methods can be used in the South African context? Because of the broad meaning of child abuse, this study will only focus on the forensic interviewing of children involved in sexual abuse matters.

1.2 Definition of terms

Msimango (2015) quotes Leedy and Ormord (2005) who emphasise that the ‘concept’ needs to be understood in order to achieve the research goal. The following key concepts are explained:

Child: The Children’s Act, No. 38 of 2005 defines a child as a person under the age of 18 years.

Forensic interviewing: Newlin, et al. (2015) supported by Spies (2006), refers to **forensic interviewing** as a type of interviewing which considers the development of the child and the legal method of gathering factual information regarding allegations of abuse.

Forensic interviewer: According to the American Professional Society on the Abuse of Children (APSAC) (2012), the **forensic interviewer** is a neutral person and a fact finder who conducts forensic interviews with the purpose of eliciting complete and accurate information from the child to determine whether the alleged sexual abuse took place.

Secondary traumatisation: Spies (2006) defines **secondary traumatisation** as a process or action that may intentionally or unintentionally contribute to the re-traumatisation of the

victim who has already encountered a traumatic incident. This can be brought about by professionals or institutions.

Investigative interview: According to Spies (2006), an **investigative interview** is a first-hand method of obtaining information from the witness, victim, suspect, or any other person who might be a useful source of information.

Interview protocol: Faller (2007) describes the **interview protocol** as a structured or sequential way of conducting the interviews.

1.3 The problem statement

When a child experiences sexual abuse, he/she experiences a great deal of trauma. The traumatic experience is accompanied by physical pain, emotional trauma and threats. In most cases this results in a child being unable to relate what happened. As not every person working with children understands the pain and trauma associated with sexual abuse, it is important to use a structured protocol which enables the interviewers to elicit more information from the child (Van Deventer, (2012)), and the interviewers should follow these sequential procedures when conducting the forensic interviews. It is important that the techniques are used correctly in order to obtain information from those children who are unable to relate what happened (Harris, (2010)).

In South Africa, welfare organisations; non-governmental organisations and private social workers do not utilise a structured protocol when conducting their interviews and not all social workers know about it (Van Deventer, (2012)). The risk of allowing children who suffer secondary trauma to be incorrectly interviewed is thus, very high. Using the incorrect interviewing techniques/methods can compromise and contaminate the information provided by the child and can lead a child to suggest and provide information based on what he or she heard from previous interviewers or family members (Spies, (2006)).

The South African Police Service has employed social workers to assist police with the interviewing of children. The employment of social workers is based on their skills and experience in child development, child sexual abuse management, and child and family law

(Jonkers, 2012). According to Fouchè (2009), when allegations of abuse are reported, children are referred to social workers for forensic interviewing.

Before the development of the Seven Steps of Forensic Interviewing, there was no locally developed protocol in South Africa. Instead, social workers relied on internationally based protocols. It is the researcher's opinion that there is limited knowledge of the structured protocols used in South Africa by social workers and this can lead to secondary trauma for the victims, contamination of the information obtained and suggestibility of the victims and witnesses. It is important that professionals become familiar with the interviewing protocols and this will be done through exposure to, exploration of and familiarisation with, the protocols by those working with children. For these reasons, the researcher aims to explore the best practices and methods of forensic interviewing so that all professionals may become familiar with them.

1.4 Aim of the study

The aim of the study is to familiarise social workers with the international and national forensic interviewing protocols, which can be regarded as the best practices and methods for these professionals. The aim is therefore, to determine the best practices and methods of child forensic interviewing. Furthermore, the study will look at lessons to be learnt from international countries.

1.5 Significance of the study

The significance of research according to Fouché and De Vos (2015), is that it should be useful to the intended target group. Therefore, researcher must ensure the meaningfulness or relevance of their proposed research and bear in mind the long term benefits that the study may bring.

This study is significant as it develops an understanding of the practices and methods of child forensic interviewing, which can assist social workers. This research intends to assist in familiarising these professionals with the child forensic interviewing protocols and techniques that exist and their relevance to the South African context.

1.6 Research questions

This study seeks to address the following research questions:

- 1.6.1 How is child forensic interviewing conceptualised in literature?
- 1.6.2 What are the existing international and national child forensic interviewing protocols and techniques?
- 1.6.3 Does South Africa have best practices and methods in child forensic interviewing? If so, what are those?
- 1.6.4 Are there lessons to be drawn from well developed countries in terms of forensic interviewing; such as the United States of America and England on forensic interviewing protocols and techniques?

1.7 Research objectives

The study seeks to achieve the objectives below:

- 1.7.1 To understand the conceptualisation of child forensic interviewing.
- 1.7.2 To identify the existing international and national child forensic interviewing protocols and techniques.
- 1.7.3 To determine whether South Africa has best practices and methods in child forensic interviewing.
- 1.7.4 To determine whether there are lessons to be learned from countries such as the United States of America and England on forensic interviewing protocols and techniques.

1.8 The research methodology

The importance of research methodology according to Babbie and Mouton (2012), is that it focuses on the research process and the tools and procedures to be used when collecting the data for the research study. One of the sources of data collection mentioned by Strydom and Delport (2015) in a document study is mass media. Mass media includes websites that can present commercial, governmental, educational journal articles. The researcher will use desktop research when conducting this study and the method to be used is a document study, utilising mass media as the source of information. The information obtained from different countries such as the United States of America, South Africa and England will be critically compared, with the intention to answer the proposed research questions.

1.9 Limitations of the study

Fouché and Delpont (2011) refer to the limitations of a study as the challenges which might impact on executing the study such as the availability of resources, accessing data and ethical problems. The researcher will conduct a study on the best practices and methods of forensic interviewing. There is limited information based on the South African context, however, this will not hinder the progress of the study.

1.10 Ethical consideration

Strydom (2015) states that utilising committee which considers the research proposal is becoming an accepted practice. In conducting this study an application has been made to the University of KwaZulu-Natal's Research Committee for ethical approval. Ethical clearance has been granted and is attached to the study as Annexure A.

1.11 Structure of the dissertation

This study consists of the following chapters:

Chapter One –provides the orientation of the study, with the following topics: the background of the study or the introduction, the problem statement, the research aims, the research questions, objective research methods, the limitations of the study and the ethical consideration.

Chapter Two – deals with conceptualising child forensic interviewing.

Chapter Three- identifies the existing international and national child forensic interviewing protocols and techniques. This chapter attempts to identify and discuss the best practices and methods that can be used in South Africa in child forensic interviewing.

Chapter Four–discusses the lessons that are to be learnt from other countries such as the United States and England on forensic interviewing protocols and techniques.

Chapter Five- provides the conclusion of the research and provides recommendations for future research and practice.

CHAPTER TWO

CONCEPTUALISING CHILD FORENSIC INTERVIEWS

2.1 Introduction

When a case of sexual abuse against a child is opened, the investigation begins with interviewing the child and any other person involved. According to Vieth (2009), in the 1970's, professionals working within child protection and focusing on child abuse cases were accused of lacking skills in forensic investigation. They were also accused of being 'confirmatory biased' and asking leading and suggestive questions. Another concern was false allegations, which were the result of inappropriate interviewing (Faller, (2014)). With such critiques and challenges, there was a definite need to develop interviewing protocols to guide those working with child abuse cases (Faller, (2007); American Professional Society on the Abuse of Children (APSAC), (2012)).

According to Fouchè and Joubert (2009), conducting a forensic interview can be challenging and can lead to a poor interview and have a negative impact on the child. In South Africa, a child can be removed from his/her family or a person can be wrongly or falsely arrested, based on a statement from an assessment report compiled (Fouchè and Joubert, (2009)). It is therefore, important that professionals conducting assessment interviews follow a legally sound protocol when obtaining information from a child, to ensure that the child's statement is not contaminated and that the process is fair towards the alleged offender. Children experience a great deal of fear and trauma when being interviewed and when providing testimony in an open court. This can be amplified if a person who conducts the interview does not have forensic interviewing skills or has not received adequate training on how to conduct the interview properly (Churr, (2010)). To avoid placing undue mental stress on children, section 170A (3) of the Criminal Procedure Act No. 51 of 1977 is applied. This section assist in making provisions for children who testify in court by appointing an intermediary person to assist the child to relate what happened (Churr, (2010)). Newlin, et al. (2015) stress that professionals should be trained on how to utilise a researched and informed technique when interviewing a child.

For purposes of this chapter, the focus will be on conceptualising child forensic interviews.

This will assist social workers who interact with children who are sexually abused to be informed about how to conduct forensic interviews with children. According to the study conducted by Van Deventer (2012), participants agreed that they experienced uncertainty at having no information from the child. The researcher will also look at child sexual abuse, the impact of abuse on children, the purpose of forensic interviews, phases of forensic interviewing and what to consider when conducting child forensic interviews.

2.2 Child sexual abuse

Chapter one shows that the number of children who are subjected to sexual abuse increased in the whole world. People are seen to not taking child sexual abuse seriously. The researcher therefore hopes that by conducting a study focusing on sexual abuse, people can be sensitised about the seriousness and harshness of sexual abuse to children. According to section 1 (1) of the Children's Act No. 38 of 2005, sexual abuse in relation to a child, means-

- a) "Sexually molesting or assaulting a child or allowing the child to be sexually molested or assaulted;
- b) Encouraging, inducing or forcing a child to be used in sexual gratification of another person;
- c) Using a child in or deliberately exposing a child to sexual activities or pornography or;
- d) Procuring or allowing a child to be procured for commercial sexual exploitation or in any way participating or assisting in the commercial sexual exploitation of a child."

Children can be abused either physically, emotionally or sexually, however, the focus of this research is on matters involving sexual abuse against children. Sexual abuse by a child to another child, is classified as a child sexually abusing other children (World Health Organisation, 2003). Adult on child sexual abuse occurs when an adult person uses power to sexually abuse a powerless child (World Health Organisation, 2003). Another form of child sexual abuse is paedophilia, which is when an adult person or an adolescent is diagnosed as having a psychiatric disorder of an exclusive attraction to preadolescent children (World Health Organisation, (2003); Osadan and Reid, (2015)).

The impact of sexual abuse can be emotionally and physically severe and consequently lead to depression; suicide; feelings of guilt and shame; eating disorders; anxiety and denial (Frinkelor and Brown, (1989)). The Model of Traumagenic Dynamics, which is a combination of the traumatic effects, best describes how sexual abuse negatively affects an individual

Traumatic sexualisation is a psychological effect caused by sexual abuse whereby the child's sexuality is shaped inappropriately (Howes, (2014)). Finkelhor and Brown (1989) define this kind of experience as when a child learns that he/she can benefit by way of gifts, attention or affection in exchange for sexual behaviour. Howes (2014) supported by Makhija (2014), states that some children will even engage others in sexual behaviour or fondling. When a child experiences sexual abuse, a sense of betrayal comes into play. The child realises that someone (a family member, neighbour or a stranger) whom he or she trusts has caused harm to him or her and the betrayal is said to be even greater when the child is not believed, and is blamed or ostracised, undoubtedly by adult people (Makhija, 2014). The violation of the child's will, desires and sense of worth is what Makhija (2014) and Howes (2014) describe as the child feeling powerless due to the traumatic experience of sexual abuse. It is further the invasion of space and body against the child's will by a person who has more power. Finkelhor and Brown (1989) add that the last stage that a child experiences due to sexual abuse is stigmatisation, which is a negative connotation communicated to the child around his or her experience of sexual abuse. The child experiences stigmatisation by being labelled with names such as a 'loose and dirty child' by others in the community and stigma can cause the child to disassociate him or herself from other children (Finkelhor and Brown, (1989)). Through experiencing a combination of traumatic effects, children can suffer emotional and psychological trauma. Understanding the child's development and traumagenic dynamics is thus, very important for those who conduct forensic interviews with children who are sexually abused.

2.3 Conceptualising child forensic interviews

Child forensic interviews can be described as the application of scientific principles and methods to a legal problem when one aims to obtain information from a child and then later provide expert testimony regarding their abuse in court (Faller, (2007)).

The question is how forensic interviewing came about as an appropriate tool for conducting child abuse investigations? The cases of child abuse in the 1970's, when mental health professionals were criticised for being "confirmatory biased", and for asking leading and suggestive questions, gave rise to the need for an appropriate tool for the gathering of information about sexual abuse allegations (Faller, (2014)). This continued into the 1980's when false allegations took the toll on several high profile cases against day care service

providers who were accused of sexually abusing children (La Rooy, et al. (2015)). The centre of the scrutiny was on the inappropriateness of using therapeutic interviewing techniques for criminal investigation purposes by the mental health professionals at that time (Faller, (2014); Larney and Loftus, 2016)).

Newlin, et al. (2015) notes that as child abuse cases increased, professionals realised that it might take a specialised skill set to interview children appropriately. The first mental health professional to address investigative interviewing in the literature was Sgori in 1978. A pamphlet on forensic interviewing titled *Interviewing the Sexually Abused Child* was written and published in 1985 by David Jones and Mary McQuiston from the C. Henry Kempe National Centre for the Prevention and Treatment of Child Abuse and Neglect(1984) Annual Report (Faller, (2014)). During the 1990's, the American Professional Society on the Abuse of Children (APSAC) addressed cases of suspected child abuse in their practice guideline called the *Psychosocial Evaluation of Suspected Abuse on Young Children* (Faller, 2014). This guideline focused on mental health interviews, but later APSAC shifted to forensic interviewing (Faller, 2014). There were other cases from the United Kingdom which led to the conceptualising of forensic interviewing (Faller, (2014)). In 1993 North American, European and Middle Eastern experts came together and developed an agreement on child abuse assessments (Faller, (2014)). The meeting resulted in a document entitled *The Investigation of Child Abuse: An International Disciplinary Consensus Statement*, which was drafted by Michael Lamb and later revised and published in three scholarly journals, namely, *Family Law Quarterly*, *Child Abuse and Neglect*, *the International Journal*, and the *Journal of Child Abuse* (Faller, (2014)).

In South Africa, forensic social work is developing but has not yet been classified as a specialised profession. The South African Police Service (SAPS) has employed and trained many social workers in the Family Violence, Child Protection and Sexual Offences Unit (FCS) (Jonkers, (2012)). These social workers assist investigating officers by conducting child forensic interviews and obtaining statements from younger children if there are allegations of sexual abuse. The necessity for forensic social workers in South Africa was realised when a research project was conducted by Potchefstroom University students in 1995 (Jonkers, (2012)). This research study was based on creating forensic social work a specialised field and it targeted prosecutors, magistrates and members of the Child Protection Units (CPUs) around Johannesburg, Carletonville, Klerksdorp, Krugersdorp, Potchefstroom,

Vanderbijlpark and Vereeniging as **research participants**. The study concluded that there was a need for social work intervention and that investigating officers should make use of the forensic social workers (Jonkers, (2012)).

According to the South African Police Service Forensic Social Work Standing Operating Procedure Manual (2016), a comprehensive follow up study was conducted in May 1996 by the SAPS amongst the CPU's and it revealed the need for direct social work involvement. The study revealed that;

- a) Social workers were reluctant to work in the communities after hours,
- b) Social workers practicing forensic social work would be willing to become part of a CPU's investigating team,
- c) The presence of internal social workers would improve the quality of CPUs, and
- d) Social workers would speed up the investigation process,(SAPS Forensic Social Work Service Standing Operating Procedure,2016).

Based on the research results, social workers who at that time were practising forensic social workers were placed under a component of the Employee Health and Wellness Programme, but were moved later in 2012 to the Child Protection Unit called the Family Violence, Child Protection and Sexual Offences Unit (FCS) (Gogela, (2013)). Social workers were carefully selected and employed based on their skills and experience in child development, child sexual abuse management and child and family law (Jonkers, (2012)).

The roles of the professionals dealing with children differ, and likewise, with the practices and methods used, and it is important to understand the goals of the forensic interviews. In South Africa, professionals such as medical staff, police, social workers and lawyers often confuse the different types of interviews. For the purpose of this study, it is important to note the difference between the terms 'therapeutic', 'clinical' and 'forensic' interviews. Fouché and Joubert (2009) define therapeutic interviews as those encouraging the expression of feelings or thoughts, regardless of being accurate, with the intention to provide treatment for the patient's emotional well-being. Fouché and Joubert (2009) refer to clinical interviews as those interviews which include deliberate problem solving in order to understand the cause of the problem. The distinction between the terms 'forensic' and 'clinical' interviews must also be noted. 'Forensic interviews' follow a criminal justice process, while 'clinical interviews' are therapeutic and goal orientated (Faller, (2007)). The primary focus of forensic interviews

is to present findings in court (Spies, (2006)). Forensic interviewers are required to be neutral and to fulfil the role of being a fact finder using a structured protocol and different methods of gathering information; for example, taking notes, using videos, media such as anatomical drawings, and anatomically correct dolls (Spies, (2006)). On the other hand, in clinical interviews, facts are less important; for example, clinical interviewers sometimes use scenarios when conducting interviews, whereas in forensic interviews, this can be regarded as leading the child or encouraging suggestibility, and can result in the contamination of the information obtained. Clinical interviews are less structured and forensic interviews are more structured (Faller, (2007)).

2.4 The purpose of child forensic interviews

Newlin, et al. (2015) interprets a forensic interview as a complete child abuse investigation which involves lawyers, child protection investigators, prosecutors and medical practitioners. The neutral stance of the interviewer is of paramount importance when determining the facts of the incident in order to assist the court in making its decision (Faller, (2007)). Apart from the court reaching its conclusion about the alleged offence, the welfare of the child needs to be considered. This goes beyond providing post event counselling to a child and further investigates the possibility of negligence by the parents, their suitability to care for that particular child, or whether alternative care is required. This is enshrined in section 28 (1) (d) and (2) of the South African Constitution (1996) where it states that the child's rights to be protected from maltreatment, neglect, abuse or degradation, as well as the best interests of the child, are of paramount importance. Section 50 of the Children's Act No. 38 of 2005 looks at whether the particular child is not perhaps a child in need of care and protection. (Children's Act No. 38 of 2005).

The state of Michigan's Task Force (2011) supports Faller (2007) in stating that forensic interviews should be a form of hypothesis testing and use a child-centred approach. Hypothesis testing determines whether or not abuse has taken place or whether there are other explanations to be considered. This means that the interviewer should prepare a set of alternative words and explanations about the allegation. The interviewer should use the words that are used by the child. Furthermore, the interviewer should not suggest or use words that are not used by the child, as by doing so, the interviewer attempts to rule out any alternative explanations for the allegation. For example, when a child uses the term 'kiss', the

interviewer should assess the child's understanding of it and explore whether the 'kiss' might have happened during a routine greeting by the father. When parents are divorcing and fighting over the custody of children, there is a likelihood that false allegations of sexual abuse might surface.

According to the State of Michigan's Task Force (2011), the interviewer should always get clarity if there are inconsistencies in the child's statement. The state of Michigan's Task Force(2011) and Newlin, et al. (2015) state that when a child provides inconsistent information, the interviewer should clarify whether the incident 'could' have happened as described by the child, or if there are more incidents, or if the child is using words in an unusual way. The state of Michigan's Task Force (2011) defines a child-centred approach in forensic interviewing as taking into consideration the child's particular needs, his or her rights and well-being, and his or her level of development. Child forensic interviews allow children to use their own vocabulary, and interviewers should never suggest words or events that have not been used by the child, or use an adult interpretation of an event which can be frightening to the child (The State of Michigan's Task Force (2011)).

2.5 The phases of forensic interviews:

Faller (2007) and Newlin, et al. (2015) state that there are three phases in forensic interviewing, and those are:

2.5.1 The initial phase

This phase includes an introduction and explanation of the duties of the interviewer, and the child also has the opportunity to introduce him or herself to the interviewer. The interview instructions, such as the ground rules and the importance of telling the truth are also discussed at this stage (Newlin, et al., 2015). The interviewer conducts practice interviews by preparing the child to narrate what happened using episodic memory training. This is done by asking the child to tell the interviewer about his / her recent birthday party, for example; when it was and who was present. Rapport building occurs at this stage and it allows the child to get comfortable with the interviewer, thus, enabling the development of a relationship of trust between the parties (Faller, (2007) and Newlin, et al., (2015)).

2.5.2 The substantive phase (information gathering phase)

During the substantive phase, the interviewer follows a structured protocol and conducts the interview using specific techniques in order to obtain information from the child (Du Plessis, 2012). The aim of this phase is to obtain a description of the events which have taken place using detail seeking strategies by clarifying things and to test the hypothesis when needed (Faller, (2007); Newlin, et al., (2015)).

2.5.3 The closure phase

Faller (2007) and Newlin, et al. (2015) assert that every interview should have a closing phase, where the interviewer recaptures the child's account using his or her own words. Furthermore, the interviewer asks the child if there are any other incidences of abuse that he or she might want to share, allows questions from the child, discusses safety or education information and thanks the child for sharing the information. Faller (2007) and Newlin, et al. (2015) add that the interviewer then explains what will happen next and assures them that if there is any other information that they want to share, they should feel free to ask their guardian to contact them (the interviewer). Forensic interviewing phases form part of the structured way of conducting forensic interviews. A discussion about the different structured forensic interviews (protocols) will be provided in chapter three when the researcher unpacks the existing international and national child forensic practices and methods.

2.6 Considerations regarding child forensic interviews

There are several things that the interviewer needs to consider when conducting interviews, such as timing; documentation; a neutral setting; his or her role: and the types of questions to be asked.

2.6.1 Timing

Newlin, et al. (2015) articulates that the child should be interviewed by a forensic interviewer as soon as the initial disclosure takes place. A delay in conducting the interviews can result in the child losing interest, contamination of the information, and the child may learn suggestive responses from others. When a child shows signs of tiredness, of being hungry, or of shock or trauma, the interviewer should not proceed with the interview as these signs suggest that it will not be a productive interview (APSAC, 2012).

2.6.2 Documentation

According to Faller (2007), note-taking is the most used method of documenting a child's responses. This is because many forensic interviewers normally conduct their interviews away from the office. Using electronic devices as a way of documenting the information is recommended as an accurate way of obtaining the information, however, interviewers are cautioned that only a skilled and trained person may document interviews using electronic devices (Faller, (2007)).

2.6.3 Neutral setting

According to Newlin, et al. (2015), a neutral setting refers to an interviewing room where a forensic interviewer conducts an interview without distraction.

2.6.4 Role of the interviewer

Teoh and Lamb (2011) conducted a study on the interviewer's behaviour during forensic interviews with 75 children aged between 5-15 years, and the findings suggest that interviewers should encourage accurate, complete and honest information from the children (Newlin, et al., (2015)). Furthermore, the interviewer should behave in a professional manner as this will assist them to convey their expectations from the child. Examples of authoritarian behaviour are more along the lines of: 'tell me what happened'; 'you said he threatened you'; and 'tell me more about that'.

2.6.5 Type of questions

Newlin, et al. (2015) state that increasing the amount of information obtained from the child during the interview is one of the best practices in forensic interviews. This is supported by Cronch, Viljoen and Hansen (2005), who add that the use of open-ended questions, if used skilfully and appropriately, maximises the child's ability and willingness to describe remembered events. Newlin, et al. (2015) advises interviewers to ask more focused questions later in the interview, depending on the child's age.

2.7 Advantages of conducting forensic interviews

According to Mart (2010); Jonkers (2012); and Faller (2014), child sexual abuse is very complex and hard to prove. However, if forensic interviews are conducted properly they can:

- a. Assist the court in making a fair and just decision regarding the allegation of sexual abuse;
- b. Assist the child to recollect memories surrounding the sexual abuse;
- c. Allow the child to trust the interviewer;
- d. Allow the interviewer to conduct a truth and lie test utilising age appropriate techniques;
- e. Allows the interviewer to build a rapport with the child; and
- f. It assists the interviewer to prepare for the interview sessions.

2.8 Disadvantages of not conducting forensic interviews properly

Mart (2010) states that when forensic interviews are conducted inappropriately the results can:

- a. Mislead a court from arriving at a fair and correct decision;
- b. Result in a situation where the child returns to the abuser;
- c. Result in the conviction of an innocent person; and
- d. Lead a child to suggest things that did not happen.

2.9 Conclusion

There are a high number of incidents of sexual abuse committed against children in South Africa and the impact of it on a child can be complex. It involves the combination of traumatic effects called traumagenic dynamics. When a sexual abuse case is opened, the investigation begins by interviewing the child using a child-centred and legally sound approach, with the intention to ultimately present the information in court. This is called child forensic interviewing. Apart from the physical and psychological effects of sexual abuse, children also suffer emotional effects and secondary trauma by being removed from their families and by being interviewed inappropriately. It is therefore, important that professionals assessing children follow a child sensitive and legally sound way of obtaining information from the children, to ensure that the information is not contaminated and that the process is also fair towards the alleged offender.

The concern of inappropriately interviewing children has long been an issue, when interviewers began being criticised for conducting inappropriate interviews. Many professionals subsequently acknowledged that only a trained and skilled individual is able to elicit information from a traumatised child, leading to the realisation of the need to develop a

new approach to interviewing children and conceptualising these forensic interviews into literature.

A child sexual abuse investigation goes beyond a general investigation to obtain information that will assist the court to arrive at a decision in the criminal justice process, according to Fouchè and Joubert (2009). Significantly, the child's developmental stage, the type of questions asked, the timing of the interview and the role of the interviewer all become part of the forensic interview process. Forensic interviewing as a hypothesis testing process becomes a way of finding facts by following a set order of phases during the interview. It should be noted that as much as forensic interviewing presents a positive outcome, it can also result in negative outcomes for both the alleged victim and the alleged perpetrator, if not utilised appropriately.

CHAPTER THREE

WHAT ARE THE EXISTING INTERNATIONAL AND NATIONAL PROTOCOLS?

3.1 Introduction

There are numerous international and national child advocacy centres which aim to improve child forensic interviewing. These advocacy centres are: the National Institute for Child Health and Human Development (NICHD); CornerHouse (RATAC); the South African Professional Society on the Abuse of Children (SAPSAC); the American Professional Society on the Abuse of Children (APSAC); the Teddy Bear Clinic; Bobby Bear; and the Institute for Child Witness Research and Training, just to mention a few. Some of these advocacy centres coordinate multiple interviews; provide child friendly interviewing environments and limit redundant interviewing. Some have developed their own protocols for conducting forensic interviews, and proper interviewing can be achieved through using an evidence-based protocol which will help the interviewer obtain and record any disclosures of sexual abuse (Van Deventer, (2012)).

Cronch, Viljoen and Hansen (2005) advise social workers who deal with child sexual abuse assessments to use the appropriate protocols when collecting information from children. What makes this approach to obtaining information from a child unique is that it is user friendly, flexible, improves the quality of the interviews and avoids an interview that might lead to false allegations (Cronch, Viljoen and Hansen (2005); Faller, (2007)). It is because of these facts that the researcher has decided to familiarise social workers with the existing international and national child forensic interviewing protocols and techniques. The researcher will in this chapter define the term 'protocol' and discuss the phases included in most protocols. The following types of protocols and stages will be discussed: The National Institute for Child Health and Development Protocol, the CornerHouse Forensic Interview Protocol (RATAC), the Memorandum of Good Practice and the Seven Phases of Forensic Interviewing Protocol. These above protocols have been chosen because they are commonly used by social workers practising forensic social work in South Africa.

3.2 Definition and classification of forensic interviewing protocols

Van Deventer (2012) defines a protocol in this instance as a researched and developed procedure which is often followed when conducting child forensic interviews. There is no law in South Africa which guides one on how to conduct interviews with children. However, the Constitution of South Africa (1996) states in section 28 (1) (d) that it protects children against maltreatment, neglect, abuse or degradation. According to Cronch, Viljoen and Hansen (2005), forensic interviewing protocols offer a structured approach which utilises a specific format. Some follow a scripted interview approach, some follow a semi-structured interview approach, or utilise a more flexible interview structure (Diehl, (2011)). According to Faller (2014), a scripted interview approach is based on providing word for word what the interviewer should say during the interview. However, this becomes less strict in the information gathering phase. Semi-structured forensic interviewing provides the interviewer with various tools for gathering information, for example, anatomical drawings. The semi-structured approach allows the interviewer to incorporate anatomical drawings, depending on the child's developmental abilities (Faller, (2014)). The flexible interview structure takes into account the community and legal requirements which may stipulate the interview structure (Faller, (2014)). The following section includes the phases of the forensic interviewing protocol.

3.3 Phases of the forensic interviewing protocol

3.3.1 Documentation

This is the first phase of the interview protocol. Here, the interviewer identifies himself or herself to the child and records the time and place of the interview. When using an electronic device as a means of documentation, it is advisable that the interviewer record the above information before the interview begins to avoid confusing the child (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.3.2 Introduction

During this stage the interviewer is required to introduce him or herself to the child, explain what his/her job is and explain the reason for inviting the child (Fouchè and Joubert (2009)). If an electronic device is used, the child should be informed about it. Consent should be obtained from the guardian before the interview takes place (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.3.3 Competency assessment phase

This phase of the interview is conducted with the intention to determine the child's ability to appreciate telling the truth. Here the interviewer assesses the child's understanding of the concept of the truth and a lie, and the interviewer must obtain a promise from the child to tell the truth (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.3.4 Rapport building phase

This phase of the interview allows for a positive atmosphere to be created by allowing the child to know, trust and adjust to the interview environment. It allows the interviewer to learn more about the child in terms of his or her communication abilities and about his or her own world. The interviewer will engage the child by asking him or her to share information about his or her school, his or her friends and/or draw pictures and play games with the child. This allows the interviewer to dispense with the curiosity of the child and at the same time makes the child become more relaxed (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.3.5 Developmental assessment

At this stage the interviewer should assess the communication and cognitive abilities of the child, in other words, assess their level of development (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.3.6 Assess overall functioning

Some protocols call for the person who is interviewing the child to assess the child's behaviour during the interview. This includes the displaying of anger or sadness by the child. It also includes assessing the child's ability to describe people and places, and give information about the alleged incident (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.3.7 Explain the rules

Explaining the rules of the interview assists the child to know what to expect and what is expected from him/her (Fouchè and Joubert, 2009). For example, the child must be informed that he/she will be asked questions and that it is important that if he or she does not

understand, then he or she must say so (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.3.8 Practice interview

This includes encouraging a child to provide a narrative statement about their life experiences. For example, the child must be asked to share a recent harmless event (birthday) of his/hers and the interviewer must use open-ended questions to allow the victim to provide a detailed account of what took place on that particular day (Toth, (2011)).

3.3.9 Introducing the topic

This phase involves moving from a general conversation to the reason for the interview. This includes asking the child about his or her knowledge about the visit. Introducing the topic commonly uses statements such as ‘now that we know each other, you tell me about the reason for your visit’ or ‘it is important that I understand the reason for your visit; can you tell me anything about that’. If the child does not know the reason for his or her visit, the interviewer may ask the child “I hear that something happened to you, would you please share that with me?’ (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, 2014)).

3.3.10 Obtaining a narrative account from the child

Details about the alleged incident are obtained from the child. It is important that the interviewer explains that he/she was not present when the alleged incident happened and that the child will be asked questions to get clarity (Fouchè and Joubert (2009)). The interviewer should not interrupt the child when they are narrating what happened. The interviewer should wait until the child finishes and then gather more information or get clarity using ‘what, who, when, how and where questions?’(Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, 2014)).

3.3.11 Conclusion

The closure phase includes summarising the child’s account using the exact words used by the child. The interviewer must find out what the victim’s relationship with the perpetrator is before closing the interview. This will assist the interviewer to assess the susceptibility of the child to the risk of further abuse (Fouchè and Joubert (2009)). The child should be informed

that if there is anything he/she wants to share or forgot to tell the interviewer, they should feel free to tell their guardian so that it can be reported to the interviewer (Fouchè and Joubert 2009). Once the interviewer is satisfied about the interview, the interviewer may shift by asking the child what he or she (child) will do when reaches home. The interviewer must also inform the child what will happen next and thank the child for coming and sharing their information (Cronch, Viljoen and Hansen, (2005); Lamb, et al., (2007); Cyr, (2011); Faller, (2014)).

3.4 Types of child forensic interviewing protocols

There are different kinds of interviewing protocols that have been internationally developed to assist forensic interviewers when conducting interviews with children and most of these protocols have made an impact on child abuse investigations internationally. The researcher will now focus on the protocols commonly used by South African forensic interviewers such as forensic social workers in the South African Police Service.

3.4.1 The CornerHouse forensic interview protocol: RATAC

The CornerHouse Forensic Interview Protocol, commonly known as the ‘RATAC’ protocol is an American developed protocol aimed at training professionals dealing with child abuse cases. ‘RATAC is an acronym for Rapport Building, Anatomy Identification, Touch Inquiry, Abused Scenario, and Closure. This kind of protocol follows a semi-structured forensic interview process/structure. A semi-structured interview allows the interviewer to make choices about the use of components in the structure (Faller, (2014)). Unlike other protocols that will be discussed later, the RATAC protocol when first designed, did not provide instructions for the beginning of the interview, but rather included them as the need arose (Faller, (2014)). This protocol believes that setting ground rules at the beginning creates a negative tone for the child (Faller, (2014)). It also believes that each child is unique and the effectiveness of an interview should be designed according to the child’s particular needs and level of development.

Rapport Building is one of the stages of the RATAC protocol which defines three processes that should be taken into consideration. As part of rapport building, the interviewer should first create a supportive environment in which the child is comfortable. The interviewer should adhere to the ‘Child First Doctrine’ by acknowledging and respecting each child’s

diversity (Faller, 2014). This means that the interviewer acknowledges and respects each child's diversity by taking into account the child's age, language, gender, abilities, emotional state, as well as their family culture (Anderson, et al., (2012)). Secondly, the interviewer should determine the child's communication skills, as children have their own way of communicating with adults. The interviewer must take into account three ways of communication, the child's unique communication style and communication through drawing. The three ways of communication include paying attention to the child's language, behaviour and emotions (Anderson, et al., (2012)). It is important for the interviewer to ask for clarity if he/she does not understand what the child is saying. Drawings can assist in building rapport as it is an engaging activity and it is appropriate for all ages (Anderson, et al., 2012; Faller, 2014). However, this can be a challenge for younger children who do not have the ability to draw.

Lastly, the interviewer should establish the child's competency (Anderson, et al., (2012)). The interviewer assesses the child's understanding of the difference between telling the truth and telling a lie (Cronch, Viljoen and Hansen, (2005)). Assessing the child's competency assists the interviewer to increase the consistency and trustworthiness of the child's statement. The interviewer must encourage the child to tell the truth. This includes encouraging the child to tell real things that have happened. It also includes encouraging the child not to say things that did not happen, or things that he/she heard from other people (Faller (2014)). Some children cannot master time, so it is important that the child says if he/she did not see or does not know what time it was when the alleged incident happened. This increases the likelihood of the child telling the truth during the process of the interview (Anderson, et al., (2012); Faller, (2014)).

Anatomy identification in the RATAC protocol involves male and female anatomical drawings. It can be used as a technique to establish the child's ability to differentiate between genders and naming body parts in terms of the language the child uses. For example, the interviewer may say to the child 'children have their own different names for body parts, I want to know, what names do you call the different parts of the male and female body?' (Anderson, et al., (2012)). The interviewer is advised to show anatomical drawings that are appropriate for that particular child's age and ethnicity, but the interviewer should not expose children to anatomical drawings of adults. In many instances of allegations of child sexual abuse, false statements are made due to the couching of terms. Therefore, it is advisable that

the interviewer first establishes whether sexual abuse took place and then determines the description of the alleged offender, to avoid exposing children to adult genital parts. This assists the interviewer as they are then not suggestive and they obtain the information from the child (Anderson, et al., (2012)).

Touch inquiry is a technique developed by Cornerhouse which involves positive and negative touch. Positive touch refers to touches such as kissing, hugging and tickling. Although these kinds of touch are regarded as positive touch, the disclosure of sexual abuse may be revealed by asking about these forms of touch. The interviewer should ask *who kissed the child* and follow this up with *how he/she felt about the kiss*. If the child's response is that *he/she was unhappy or felt uncomfortable with that particular touch*, the interviewer should explore the reasons for them not having liked that touch (Anderson, et al., (2012); Faller, 2014)).

Negative touch includes asking the child about the touch he/she does not like. The interviewer asks the child if there are parts of his/her body that no one should touch. If the child responds with "yes", the interviewer then asks "which part of your body should not be touched?" Followed by "has someone touched you on those parts of your body?" If "yes", the next question will be "who touched you on that part of your body?" The interviewer should then explore more about that particular touch (Faller, (2014)).

Touch inquiry is similar to Hewitt's touch survey as it poses questions like *where, how and who*. Hewitt's touch survey includes exploring the different touches that can be experienced by a child, the feelings associated with them, the part of their body where they were touched and who touched them. The touching includes hugging, kissing, tickling, spanking and hitting. However, Hewitt's touch survey directly asks specific genital related questions such as "do you get touched on your private parts?" (Cronch, Viljoen and Hansen, (2005)). Cornerhouse's RATAC protocol however, cautions interviewers that by directly asking about genital touch may result in suggestibility and increases the possibility of false statements from the child (Anderson, et al., (2012); Faller, (2014)).

Abuse scenario involves obtaining the child's experience in relation to the alleged abuse. The RATAC protocol uses abuse scenario to allow the child to give a clear explanation of what happened, depending on the developmental stage of the child. Because children are

unique, each child will narrate his/her experience according to his/her age, abilities, experience and level of trauma, advises Faller (2014). During the touch inquiry stage, the child may have disclosed a negative or confusing touch. If this happens the interviewer should continue from there by saying “you said someone touched you that made you feel uncomfortable, can you tell me what happened” or “tell me everything about what happened”. It is also important at this stage that the interviewer establishes who the alleged offender is and how he/she is related to the child. Getting details of the place where the incident took place is also important. Depending on the child’s age, the interviewer may ask who else was there. Although this may not be achieved in younger children because of their inability to separate their own perspectives from others, it can be achieved in older children who are able to narrate the incident logically (Anderson, et al., (2012); Faller, (2014)). Before coming to the end of the interview, the interviewer should ask if there is any other person who has touched him/her in the places where he/she is not supposed to be touched. This will give an opportunity for the child to remember other incidents related or not related to the abuse under investigation.

Conclusion is the last stage of the Cornerhouse RATAC protocol. The interviewer must ask the child if there is anything that the child wants to say or add. The interviewer must allow the child to ask questions and inform the child that if he/she remembers something, he or she must feel free to tell the interviewer (Faller, (2014)). The interviewer can inform the child that if he/she remembers something while at home, he/she must feel free to tell their guardian so that it can be reported. Thanking the child is also recommended as it shows that the interviewer appreciates the child’s visit. The RATAC protocol advises interviewers to end the interview with a different story, such as educating the child about personal safety (Faller, (2014); Newlin, et al., (2015)).

In 2013, the CornerHouse RATAC protocol was reviewed and a new structure was developed which includes building a rapport with the child, seeking information, exploring statements and ending the interview respectfully (Faller, (2014)). The original structure of the CornerHouse RATAC protocol only included the use of media such as anatomical drawings. The Cornerhouse RATAC protocol was designed to elicit information from the child, and the use of positive touch alone can facilitate disclosure.

3.4.2 The National Institute for Child Health and Human Development (NICHD)

This is an internationally developed forensic interview protocol which follows a scripted interviewing structure (Faller, (2014)). Harris (2010) states that the National Institute for Child Health and Human Development (NICHD) protocol was designed to integrate advances in scientific understanding about memory, the linguistics of a child and a child's cognitive development. The NICHD interviewing protocol is systematically evaluated and therefore, increases the interviewer's knowledge about the suspected abuse Harris (2010). The goal of this protocol is to enhance the interviewer's competence and to improve the child's ability to provide accurate information about the alleged offence (Hjelmsater and Landstrom, (2013)).

The phases in the NICHD interviewing protocol include the **introduction phase**, where the interviewer and the child introduce him/herself to each other. The interviewer discusses the expectations with the child and sets the ground rules (Harris, (2010); Faller, (2014)). During the **Rapport-building phase** the interviewer aims to make the child feel comfortable and calm (Faller, (2014)). The **Training of Episodic Memory** phase allows the interviewer to test the child's ability to recall events by asking about the child's recent birthday party or what happened at church or school the day before (Harris, (2010); Faller, (2014)). **Transitioning to substantive issues** phase includes the asking of open-ended questions to get clarity about the knowledge of the visit (Harris, (2010); Faller, (2014)). **Investigating the incident** – here the interviewer investigates the incident using invitation probes, such as “tell me everything that happened” or “tell me more” (Faller, (2014)). **Taking a break** allows the interviewer to take a break to formulate questions that will assist him/her to gather more information about the alleged abuse (Faller, (2014)).

Eliciting information includes using “who, what, when and where” questions (Harris, (2010); Faller, (2014)). **External information** includes using externally derived information by asking focused questions to obtain more information (Faller, (2014)). For example, if the child does not understand why he/she is visiting, the interviewer may say to the child “I hear that something happened to you, would you please share that with me”. The interviewer needs to determine whether the child has reported the abuse to someone and what the response of that particular person was (Faller, (2014)). This can assist in collecting

corroborative information and finding out whether it is the same as what the child told the interviewer (Faller, (2014)). The **closing** phase includes asking the child if there is anything else the child wants to share with the interviewer or if the child has questions. The interviewer should then thank the child for coming to the office and for sharing their information (Faller, (2014)). Newlin, et al. (2015) advises interviewers to end the interview with a neutral topic such as educating the child about personal safety.

The NICHD protocol was created to enhance the child's ability to narrate what happened. This protocol has been adopted in many countries such as China, Canada, Georgia, Israel, Italy, Portugal, Japan, South Africa and Spain (Joubert and Fouchè, (2009); La Rooy, et al., 2015)). This protocol advises the interviewer to start the interview with invitation probes such as "now that I know you better, can you tell me the reason for your visit?" as this allows the child to narrate what happened (Newlin, et al., (2015)). It acknowledges the importance of the developmental needs of the child. Although children under the age of four years are reported to have minimal ability to provide information, the NICHD protocol increases the amount of information provided by the child by asking open-ended questions (Faller, (2014); La Rooy, et al., (2015)).

The NICHD protocol does not support using dolls and drawings to gather information of the alleged offence. However, it has recently added a human figure picture in its structure, which is seen as adding value to the interview (Faller, (2014)). This can however, be problematic for children under the age of four years who are unable to write. The problem with the drawing of a picture will be the ability of a child to do a representational shift, which is less likely to happen with younger children (Faller, (2014)). Lawyers may also dispute the child's interpretation of the picture that is the representation of the alleged incident. The NICHD protocol is a structured protocol which can assist professionals to elicit more information from children, and it can also be used in other crimes such as those that children have witnessed. Intra-familial crimes such as domestic violence and physical abuse can also be proved in court using this structured approach.

3.4.3 The Memorandum of Good Practice/Achieving Best Evidence

The Memorandum of Good Practice, currently known as Achieving Best Evidence was developed and published in 1992 for police officials in England and Wales, according to

Faller (2014). It follows a flexible interview structure which serves as guidance on how to conduct interviews using video recording (Msimango, (2015)), and it was developed to guide law enforcement officials who conduct forensic interviews with children.

The Memorandum of Good Practice includes four phases, which are: the **rapport building phase**- The interviewer must consider whether the place and time is conducive for the development of the child (Fouchè and Joubert, (2009)). Both the interviewer as well as the child get to know each other by introducing themselves to each other. The interviewer then explains his/her duties to the child. This phase includes making the child calm by creating a supportive environment for them. After rapport building, the interviewer should set rules for the interview, and the importance of telling the truth is emphasised in this phase (Faller (2014); Msimango, (2015)).

When shifting to the **free narrative phase**, the interviewer asks the child the reason for his/her visit and also reminds the child that the interviewer was not there when the alleged incident happened, adding that it is important that he or she tells the interviewer everything that he or she remembers. The interviewer should allow free narrative responses and should not interrupt the child. The interviewer can later ask the child if there is anything else that he/she remembers (Faller, (2014)).

The **information gathering phase** includes the use of open-ended questions. This phase further includes asking the child how he/she knows the perpetrator, and getting clarity about the information provided by the child (Faller, (2014)). **Closure** includes the interviewer's summary of what the child has said, using the exact words of the child, and asking the child to verify and correct the content of the interview. The interviewer then shifts the topic to a neutral topic before ending the interview and thanks the child for sharing information with him/her (Fouchè and Joubert, (2009); Faller, (2014)).

The Memorandum of Good Practice is a specific and flexible structure; however, it needs extensive training or skills. This protocol advises that those who use electronic devices must be trained on how to use them because the court may scrutinise the video recording if the video recorder was not used professionally. This protocol should therefore, only be used by people who are well trained and who are attentively cautious about the legal requirements when it comes to the admissibility of video recordings in court. According to Msimango

(2015), this protocol requires exceptional skills. The police in South Africa are continuously trained on how to handle criminal cases, and the same applies to social workers who conduct forensic interviews with victims of different crimes, especially sexual abuse. There is however, a lack of procedure on how to collect, store and present electronic recordings in South Africa, which is a serious problem (Msimango, (2015)).

3.4.4 The Seven Phases of Forensic Interview Protocol

Before the establishment of the Seven Phases of Forensic Interviewing protocol, South Africa lacked evidence-based protocols for conducting forensic interviews. Fouchè and Joubert (2009) developed the Seven-Phase Forensic Interview Protocol after conducting intense research on forensic interviews, and unfortunately, no further research can be found on the effectiveness of this protocol. This protocol incorporates multiple international protocols and through that, the Seven-Phases of Forensic Interviewing Protocol has been developed for the South African context (Fouchè and Joubert, (2009)). This protocol includes:

Rapport building and facilitation of initial verbal disclosure- According to Fouchè and Joubert (2009), this phase includes making the child feel comfortable while the interviewer completes a semi-structured questionnaire to determine the developmental abilities relating to the communication skills of the child, their suggestibility and the process as a whole. The interviewer utilises play-related communication techniques to calm the child. This protocol suggests that the interviewer utilise techniques that will facilitate initial disclosure such as the ‘my house and community plan’ technique. This technique focuses on the child’s daily life in and around the home. It helps the interviewer identify places where the child feels secure and also where the child feels threatened (Spies, (2006)).

Setting Ground Rules- this phase includes setting ground rules and making the child aware of the importance of the topic to be discussed. Fouchè and Joubert (2009) state that the interviewer must establish the importance of telling the truth. Furthermore, the child should be encouraged to disclose if he or she does not understand anything that is said during the interview. The interviewer should encourage the child to rectify the situation if any of the information that is recorded is incorrect.

Truth-and-lie and moral check - Fouchè and Joubert (2009) state that the interviewer must test the child's capability of telling the truth and test the moral understanding of the child. This includes narrating a story with a moral background to the child, which will test the moral understanding of the child by asking what kind of moral consequence the story entails (good or bad).

Free narrative-according to Fouchè and Joubert (2009), free narrative is the stage where the interviewer must refer back to the child's initial disclosure by encouraging the child to tell the interviewer more about what he or she has said. The interviewer may utilise open-ended questions, for example, "you said Uncle Tom did naughty things to you, would you please tell me more about that". Fouchè and Joubert (2009) add that at this stage the application of SOLER is recommended. The application of SOLER means the interviewer should **Sit** attentively with an **O**pen posture, **L**eaning forward while keeping **E**ye contact and becoming **R**elaxed (Stonehouse, (2014)). SOLER assists the interviewer to gain focus and as a result, the child will be more willing to share information with the interviewer.

Questioning Phase-Fouchè and Joubert (2009) advise that during this phase the interviewer should use structured questions. For example, the interviewer may first identify themes from the free narrative phase. The interviewer should ask the child to tell him/her more about the things that have been mentioned which the interviewer did not understand. This should be followed by an open-ended question, e.g. "who, what, when and how". The interviewer may also use specific non-leading and focussed questions when the open-ended questions fail to elicit information from the child. The interviewer should avoid leading questions as they suggest the answer (Fouchè and Joubert, (2009), and the interviewer is also be advised that questions should be repeated with caution as the child may think that his or her response is not correct (Fouchè and Joubert, (2009)).

Investigate multiple hypotheses-here the interviewer should bear in mind that the perpetrator could be someone else or could have been coached, or the child could have gained knowledge of sexual abuse through other ways such as being exposed to pornography. It is therefore, important that the interviewer unpack other possible explanations behind the allegation of that particular reported abuse (Fouchè and Joubert, (2009)).

Closure- Fouchè and Joubert (2009) advise the interviewer to conduct the truth-and-lie check after the interview by asking the child if there is anything in the information provided that he or she is unsure of or is not the truth. The interviewer should at this stage explain what the next step will be, by explaining the legal process to the child and inform the child that if he or remembers anything else, it can be reported to their guardian. If it was reported that the child could be in danger, the interviewer should find a safe place for the child and/or refer the child for counselling. After the child has left the office, the interviewer is advised to do a self-evaluation based on that particular interview (Fouchè and Joubert, (2009)).

One of the strongest values of this South African approach is that the interviewer is encouraged to ask the child about his or her emotional and physical feelings regarding the sexual abuse. This assists the court during the trial as a victim impact statement or victim impact report. Informing the child what will happen next, (e.g. informing the child that he or she might be called to court to share the information he or she has just told you) assists in preparing the child for court.

The article by the North Carolina Division of Social Service (2015) states that when protocol is followed, the arrest of perpetrators and prosecution can increase. Protocols provide strategies for interviewers to prepare children to be information providers, and forensic interviewers are also encouraged to utilise protocols because they provide guidance during the interviews (Van Deventer, (2012)). Faller (2007) and La Rooy, et al. (2015) state that by following protocols, difficult aspects of the interview such as a disclosure from a child can be easily dealt with. Most protocols encourage the use of rapport building and open-ended questions, and this enhances the child's participation. La Rooy, et al. (2015) also mentions that by using protocols, the interviewer's anxiety of not knowing how to proceed with that particular interview is reduced.

3.5 Forensic interviewing techniques

3.5.1 Allegation blind interview

Cronch, Viljoen and Hansen(2005) advise that having knowledge about the allegation before conducting the interview increases the interviewer's biasness and can lead to suggestive and leading questions. It encourages the interviewer to obtain the disclosure directly from the child as the interview progresses. Allegation blind interviews increase the objectivity of the

interviewer and as a result, the interviewer becomes non-judgemental to the child (Cronch, Viljoen and Hansen, (2005)).

3.5.2 Open-ended question

This type of question produces more detailed and accurate responses from the child. Cronch, Viljoen and Hansen (2005) suggest that if the interviewer does not understand what the child has said, he or she may use phrases like “you mentioned that Uncle Paul did naughty things to you”; “please tell me more about that” and “then what happened?”. Faller (2014) states that interview structures provide a guide for appropriate questions and most agree that open-ended questions elicit more narrative accounts than close-ended questions. La Rooy, et al. (2015) support Faller (2014) in stating that interviewers who use open-ended questions are at an advantage to obtain more information, irrespective of the age of the child, because open-ended questions do not require a memory search, but rather allow the child to retrieve their memory of the incident. La Rooy, et al (2012) add that by using close-ended questions such as those which require ‘no’ or ‘yes’ answers, children might make passive mistakes or tend to approve what the interviewer is saying.

3.5.3 Touch survey

This type of interviewing technique was developed by Hewett (1998), based on the idea that touch can range from good touch, to neutral touch and to bad touch. It is more recommended for children over the age of three years. Touch survey includes discussing with the child the touch he or she has experienced, for example, hugging and kissing, hitting and sexual touching.

3.6 Best practices in child forensic interviewing

3.6.1 Interview setting

According to Johns (2012), best practices refer to the environment in which the child will be interviewed and plays a greater role when it comes to disclosure. The interviewer should prepare the interview in an environment which is private, quiet and free from interruption, and which promotes the safety of the child.

3.6.2 Eliciting information

Forensic interviews form part of the evidence presented to court, which is used to determine if sexual abuse took place. Luther, et al. (2015) and Saywitz, Lyon and Goodman (2017) identify free narrative interviewing practices as maximising the quality and quantity of information provided by the child. Free narrative interview practices allow children to narrate what happened without being interrupted by the interviewer, and utilising open-ended questions can increase the amount of information obtained (Faller, (2014)). The interviewer is advised to use open-ended questions and should avoid applying pressure, coercion and using leading questions which can be suggestive to a child (Johns, (2012)).

3.6.3 Avoiding the use of difficult concepts and language barrier

Saywitz, et al. (2015) defines difficult concepts as words that are difficult for a child to understand. The use of concepts which demand extensive cognitive abilities should be avoided, and this also includes asking young children abstract questions, such as “why” questions (Saywitz, et al., (2015)). Understanding the level of development of a child will guide the interviewer as to the questions to be asked. For example, children between the ages of two to seven years still experience difficulties in answering abstract questions (Muller and Hollely, (2009)). This also applies to language; the child should be allowed to use his/her own language. The interviewer should always, prior to the interview, have insight of the language of the child. This will allow the interviewer to request a qualified interpreter if needed. Information provided by the child should always be recorded and should be read back to the child in the same language to ensure that the information recorded is accurate, adds Johns (2012).

3.6.4 Cultural competence

Fontes and Plumber (2010) define cultural competence as the ability of the interviewer to understand diverse people and be able to adapt accordingly. The child’s family, socio-economic environment and culture can influence the child’s development, linguistic style and perception of experiences, according to Newlin, et al. (2015). The field of forensic interviewing acknowledges different studies about the input of culture and race on the experiences of sexual abuse (Fontes and Plumber, (2010)). The interviewer’s lack of knowledge about the cultural background of the child can impede communication between the interviewer and the child (Faller, (2007)). Interviewers are advised not to force people to

talk about the things they are not comfortable talking about due to their cultural influences, but rather to facilitate disclosure by respecting, becoming non-judgmental and being as engaging as possible (Fontes and Plumber, (2010)).

3.6.5 Maintain a relaxed and friendly atmosphere

The interviewer is advised not to express surprise, disgust, disbelief or any other emotional reaction regarding the abuse because the child may feel afraid to talk and therefore, withdraw from the interview states Diehl (2011). The interviewer should avoid touching the child and should respect the child's personal space. The interviewer should also never suggest feelings or responses such as "I know this might be difficult for you", and should never make promises to the child, for example, "tell me what happened so that I can make sure that the perpetrator goes to jail" (Diehl, (2011)).

3.6.6 Close the interview with any other general topic

It is important that the interviewer thank the child for sharing his or her experience (Fouchè and Joubert 2009), and closing the interview with a general topic includes educating the child about their personal safety (Diehl, (2011)).

3.6.7 Single interviews vs. multiple interviews

When there is an allegation of child abuse, prosecutors depend on statements provided by the first person (police or social workers) a child has disclosed to. Because social workers become the first people who facilitate disclosure, a broader insight into child forensic interviewing is expected. According to Sorenson and Snow (1991), in most cases children give vague or partial disclosures about sexual abuse events during the first interview. Single interviews can be successful in cases relating to older children and those who are willing to disclose (Williams, et al., (2013)). The question is how one becomes certain that what has been gathered in a single interview is not a partial disclosure (Sorenson and Snow, (1991)).

It is argued that single interviews do not address all issues in sexual abuse cases (Williams, et al. 2013). On the other hand, it can be argued that multiple interviews can traumatise the victim. It is true that victims become traumatised by the duplication of interviews by different interviewers (Faller, (2007)). Social workers need to understand the distinction between duplication of interviews and multiple interviews. Duplication of interviews is where the

victim is interviewed by different interviewers with the same intention (Williams, et al., (2013)). Multiple interviews include sessions scheduled in order to address all issues surrounding sexual abuse (Faller, 2007; Williams, et al., (2013)).

Sometimes children are sexually abused repeatedly and it is unlikely for them to provide different incidents in one statement and in one day. In this case, the interviewer may need more sessions to be able to clarify each incident (Cronch, Viljoen and Hansen, (2005)). Numerous studies have been conducted which prove that conducting multiple interviews results in obtaining reliable information from the victim. Studies conducted in 2001 and in 2011 prove that multiple interviews facilitate better disclosure (Cronch, Viljoen and Hansen, (2005); Williams, et al., (2013)). A study was conducted in 2001 using 147 children between the ages of two and sixteen for a period of two years. Eight sessions were conducted with the children and the findings indicated that children began to make disclosures from the fourth session onwards. However, 95% of full credible disclosure in these cases was obtained from the sixth session onwards (Cronch, Viljoen and Hansen, (2005)).

Williams, et al. (2013) states that another study was conducted using 137 children in 2011. The focus was on four to eight sessions of interviews. The outcome of this study showed that eight session interviews had a higher credibility of disclosure than four session interviews. This study revealed that 95% of disclosure took place before the seventh interview. Both of these studies therefore, suggest that children give full credible disclosure during the sixth session. Social workers are cautioned that multiple interviewing, coupled with leading and suggestive questions can result in suggestibility and false information. It is therefore, advised that conducting an evidence-based child forensic interview can guide social workers to avoid suggestive interviews (Saywitz, et al., (2015); Saywitz, Lyon and Goodman, (2017)).

3.7 Conclusion

South Africa promotes the best interests of the child in cases of abuse. It is evident that children suffer direct trauma at the hands of the perpetrator and indirectly, at the hands of the professional. Advocacy centres such as the South African Professional Society on the Abuse of Children (SAPSAC) were developed in South Africa with the intention to promote the protection of children (Van Deventer, (2012)). Chapter one states that when sexual abuse allegations are reported, a trained neutral person is expected to utilise a researched structured

interviewing procedure (protocol), as well as an informed interviewing technique (Newlin, et al., (2015)). Protocols such as the NICHD, the Memorandum of Good Practice, the Seven Phases of Forensic Interviewing Protocol and the Cornerhouse RATAAC Protocol have been discussed, and most of these protocols have commonalities on how the interviewers should proceed during the interview.

The manner in which the interviewer portrays him or herself during the interview also plays a great role. It is important that the interviewer ensures that the interview setting will be conducive for the interview to take place. Proper opening of the interview and building of rapport, facilitates a positive outcome in terms of disclosure. It is also important that the interviewer end the interview session positively with the shifting from the topic to a neutral topic. Following a structured procedure not only benefits the child, it also assists the interviewer to prepare for the interview and ask questions appropriate to the development of the child. There are various dynamics of disclosure that one needs to be aware of (Sorenson and Snow, (1991)). Disclosure is a process and sometimes children do not share all the information about sexual abuse. There are certain aspects that professionals such as social workers need to know about the field of forensic interviewing. Apart from the issues of disclosure that Sorenson and Snow (1991) mention, forensic interviewers should learn best practices on how to facilitate disclosure from children. One of the things that one needs to take into account is considering engaging the child in multiple interviews (Williams, et al., (2013)). This further assists the interviewer to address other issues that might have been misunderstood during the first or previous interview. Following a structured protocol on how to conduct interviews also helps the interviewer to deal with the difficult aspects of the interview (La Rooy, et al., (2015)). La Rooy, et al. (2015) further advise the forensic interviewer to use open-ended questions because they elicit more information from the child. Forensic interviewers should use simple concepts with children and avoid using difficult concepts which might not be understood by the child (Saywitz, et al., (2015)). Understanding different cultures guides the interviewer as to how different each interview is, as well as understanding those who are being interviewed, and Fontes and Plumber (2010) caution forensic interviewers that culture can be a barrier during the interview. Finally, forensic interviewers need to bear in mind that when conducting forensic interviews, the information obtained will be used in the criminal justice system.

CHAPTER FOUR

LESSONS FROM OTHER COUNTRIES ON CHILD FORENSIC INTERVIEWING PROTOCOLS AND TECHNIQUES

4.1 Introduction

Courts rely on the information obtained by other professionals in order to make their findings (Msimango, 2015). Therefore, it is important that those who interview children who have been exposed to any kind of abuse obtain clear and detailed information, as it will be used in the broader criminal justice system (Newlin, et al., (2015)). Generally, social workers are the first people to interview victims of sexual abuse, thus, an inclusive understanding of forensic interviewing is expected of them in order to conduct quality interviews.

This chapter aims to establish the lessons social workers in South Africa can learn in order to achieve best practices and methods in forensic interviews. As a result of the critique on how interviews were conducted and intensive research conducted on the effectiveness of interviewing protocols, many countries have adopted the use of protocols when interviewing children. To answer the proposed question on what social workers in South Africa can learn from countries such as England and the USA, the researcher focused on the impact of the NICHD protocol as it is the most researched, tested, adopted and utilised protocol. This protocol has been adopted by 27 countries internationally, including Israel, Canada, Japan, Portugal, England, the USA, Finland and Norway, just to mention a few (Hershkowitz, et al., (2012); Brown and Lamb, (2015); La Rooy, et al., (2015)). Below are studies from different countries which prove the positive impact of protocols on child forensic interviews.

4.2 International research on the effectiveness of the protocols

According to Harris (2010), when forensic interviewing protocols are followed, children provide more information on their abuse. The study conducted in the Salt Lake County Children's Justice Centre in Utah tested and proved the effectiveness of using a protocol. The aim of this study was to examine the outcome of cases before and after eleven police detectives were trained on the NICHD investigating and interviewing protocol. This study was conducted by researchers from City University in New York and Cambridge University

in England (Harris, (2010)). In this study an examination of 1280 sexual abuse cases was conducted. Eleven detectives from Utah were selected as participants to conduct 551 interviews with children before receiving training on the use of the NICHD protocol. Another 729 interviews were then conducted using the same detectives, after they had received training on the NICHD protocol (Harris, (2010)). Prosecutors and judges were also included in the training. The study results revealed that in those cases conducted after training, the number of charges laid against the perpetrators of child sexual abuse increased from 45% to 54%. Harris (2010) states that despite the small number of cases that went to trial (30 out of 513 cases had charges laid), 94% were prosecuted after implementation of the NICHD protocol, compared to 54% of the cases before the implementation of the protocol. This showed that when the protocol was followed there was an increased likelihood for the cases to proceed for prosecution.

Another study conducted in 2013 in the USA involved interviewers who had attended training on the different protocols. The study also evaluated the number of advocacy centres who attended training on the different protocols (Faller, (2014)). This study consolidated the statistics on the different training conducted using the different protocols. According to Faller (2014), the results from the study showed that out of 916 child advocacy centres in the USA, 320 participated. The study showed that 32% of the interviewers had attended training on the Cornerhouse Forensic Interviewing Protocol; 32% had attended training on the RATAAC protocol; 14% had attended training on protocols facilitated by the American Professional Society on the Abuse of Children; 10% had attended training on the NICHD protocol and 35% had attended state-based training on the protocols. The statistics on the attendance of training by the different child advocacy centres showed that despite the past criticism of the way in which interviewers conducted interviews, countries such as the USA were committed and believed that protocols could improve the standard of the interviewing of children (Faller, (2014)). Despite training most interviewers in the United States, Faller (2014) reveals that some of the interviewers still faced difficulties in using the protocol and therefore suggested the following; a) training be provided to the interviewers in an understandable “quick guides”; b) on going weekly supervision to monitor the use of the protocols; and c) conducting peer reviews. According to Faller (2014) this will enable the interviewer to make use of the protocol appropriately. South Africa can learn from the above mentioned statistics that improving knowledge and skills in child forensic interviewing will improve and increase the prosecution of perpetrators who sexually abuse children. Another lesson that can be

learned is that training alone is not enough; there should be continuous supervision to monitor whether interviewers are utilising protocols correctly and also that peer evaluation is important as interviewers can critically evaluate each other.

A Canadian study was conducted in 2008 using trained and untrained interviewers when conducting interviews with children with low and average verbal abilities (Luther, et al., (2015)). The study examined 17 interviews using 12 police officers and included social workers as participants. Luther, et al. (2015) stated that the results showed that 6% of the interviewers who had not received training issued fewer invitations than those who had been trained (19%). Invitations are open-ended questions which ask for elaboration. For example, “tell me everything that you remember” (Brown, et al., (2017)). Six percent of untrained interviewers used suggestive questions and 3% of trained interviewers used suggestive questions. This study proved that when interviewers were trained on how to use a protocol, chances were higher that they would follow the techniques and be able to gain more information on the suspected incident.

Cyr (2011) and La Rooy et al. (2015) states that research conducted in Quebec determined the extent to which the French had adapted to the use of a protocol (NICHD). This study was conducted to assist police officers to increase the use of open-ended questions when conducting interviews. In this study, eight police officials participated in the study on training on the use of protocols. According to La Rooy, et al. (2015), to test the effectiveness of the protocol, 45 pre-training interviews on the protocol were conducted. Another 45 respondents who had received training on the use of the NICHD protocol conducted the interviews. The results showed that those who had not received training on any protocol tripled the number of leading questions from 7% to 33%. However, after training specifically on the NICHD protocol, the amount of leading questions was reduced by 32.8%. This study thus, showed that following a protocol as a guide when conducting interviews was indeed effective.

Another study was conducted in Britain using 100 British children between the ages of 4-13 years of age (Hershwitz, et al., (2012)). In this study, the children were interviewed by the police. The aim of this study was to establish whether the use of an interviewing protocol improved the forensic interviews conducted on British children. This was done through utilising open-ended questions and focus questions and by doing so; children seem to provide more information rather than when using close-ended questions (Hershwitz, et al., (2012)).

4.3 Impact of using a protocol: Lessons for South African social workers

According to Cyr (2011), protocols integrate knowledge about memory functions. Furthermore, protocols could be used not only with children who were sexually abused, but also with those who were physically abused, those who had witnessed a crime, and those in families affected by domestic violence who were reluctant to disclose this abuse. Harris (2010) states that techniques developed under the auspices of the NICHD constituted the only protocol for forensic interviewing which was tested systematically. Based on the above studies, South Africa could draw many lessons from other countries that had developed, tested, implemented and evaluated different protocols in the field of child forensic interviewing. The following, it is submitted, are lessons that South African social workers could adopt from other countries:

4.3.1 Lesson one

United States' police officers and social workers who had been trained and were using protocols in their interviewing practice had noted a drastic increase in the number of suspects charged and found guilty of child abuse (Brown et al. (2017)). In South Africa, the police interview children with the intention to obtain statements from them. Social workers who practice forensic social work interview children as well, especially when conducting their assessments. Sometimes the police officers refer children to social workers when they encounter difficulties in obtaining statements from them. To this end, social workers who practice forensic social work within the South African Police Service are mandated to assist investigating officers when they encounter problems in obtaining statements from children (Jonkers, (2012); SAPS Forensic Social Work Service Standing Operating Procedure, (2016)).

4.3.2 Lesson two

In the United States, when a specific protocol was followed, it automatically promoted the use of open-ended questions, and by doing so, children who were interviewed were likely to provide proportionally more quality information (Brown, et al., (2017); La Rooy, et al., (2015)). Researchers in the United Kingdom believe that when the interviewer follows a structured protocol, all children are given an equal opportunity to disclose or not to disclose information.

4.3.3 Lesson three

Researchers such as Harris (2010); Faller (2014); and La Rooy, et al., (2015) are of the view that interview protocols served to guide interviewers. Because the interviewer would be following specific steps, there would be no biasness from the interviewer and they would always know how to proceed with the interview (Faller, (2007); La Rooy, et al., (2015)).

4.3.4 Lesson four

The United States study on the training of forensic interviewers on the use of protocols revealed that practicing how to use the protocol before using it in real cases, decreased anxiety and increased confidence in interviewing children (La Rooy, et al., (2015)). Interviewers were given a chance to practice a mock interview during training using a protocol, and they received feedback from other colleagues based on their interview (La Rooy, et al., (2015)). This practice would therefore, assist the interviewer to correct any mistakes before conducting real case interviews. This can also be seen as a way of conducting peer review and as well as evaluate and providing supervision to interviewers (Faller, (2014)).

4.4 Conclusion

The United States and the United Kingdom are well developed countries with adequate resources. These two countries have adopted the use of protocols in their forensic interviewing practice, and many studies have been done to evaluate the effectiveness of these protocols in these countries. Based on the international research on the importance of following a protocol when conducting interviews, it was clear that most countries had noted their importance and impact. By using a protocol, interviewers would not only be able to follow a structured procedure; they would also be able to use it as a guide. For example, most protocols would assist interviewers with what technique best helped to elicit information from a child. Despite extensive research on how to conduct interviews using a protocol, Faller (2014) still foresaw challenges that interviewers would face, even after being trained. According to Faller (2014), despite intensive training on how to use a protocol, professionals would still find it difficult to follow structured interviews. Therefore, it was important that peer review and supervision was conducted. Faller (2014) also proposed that when training was facilitated for the interviewers, a summary of the protocol should be provided. Faller

(2014) further proposed continuous peer review on the use of protocols to monitor or supervise whether interviewers still adhered to the stipulations of the protocol.

CHAPTER FIVE

CONCLUSION

5.1 Summary of the chapters

The aim of the study was to familiarise social workers with the international and national forensic interviewing protocols that could be regarded as best practices, as well as to adopt lessons that could be learnt by social workers in South Africa.

The first objective of the research study was achieved in chapter two through unpacking of how forensic interviewing was conceptualised in literature. Research on sexual abuse and its impact laid the background for a broader understanding of why it was important to apply scientific principles and methods when investigating child sexual abuse. The research has collected information that led to the conceptualisation of forensic interviews. Through the research, different kinds of interviews such as clinical, therapeutic and forensic interviews have been clarified. The researcher also elaborated on why forensic interviews were conducted. The phases and what to consider during forensic interviews were also discussed in chapter two. The advantages and disadvantages highlighted why it was important to conduct forensic interviews properly.

Chapter three of the research study was based on forensic interviewing protocols and techniques. To achieve this objective the researcher noted that protocols were classified according to their structures. There were those protocols which were scripted in structure, semi-structured and those with flexible structures. Phases that could have been included were also discussed in this chapter. Different protocols were unpacked and the researcher noted various commonalities in their structures. All protocols started with an introduction and ended with thanking the child for sharing the information regarding their alleged abuse. Protocols such as the National Institute for Child Health and Human Development (NICHD), the Cornerhouse Forensic Interviewing Protocol (RATAC), the Memorandum of Good Practice and the Seven-Phases of Interviewing Protocol were discussed. Forensic interviewing techniques such as allegation blind interviews, open-ended questions and touch surveys were discussed in chapter three. Best practices in relation to conducting interviews in an environment which was conducive was recommended. The use of open-ended questions as a tool for eliciting information was seen as a best practice to increase the quality and amount

of information received during the interviews. The impact of culture on the interviews was also explained, and interviewers were encouraged to use a relaxed and friendly atmosphere. Asking multiple interviews was recommended as the best practice which can address all issues surrounding the sexual abuse as it allows the interviewer to schedule numerous sessions.

Chapter four dealt with what lessons could be learnt by South African social workers to improve their interviewing of children, and based on the information obtained, South Africa had a lot to learn. The important aspects of using protocols was that they were believed to enhance disclosures from victims. The United States and the United Kingdom have tested and proved that using an interview protocol increased the number of charges laid and a successful prosecution rate. Because it served as a guide, it automatically promoted the use of open-ended questions and resulted in interviewers being unbiased during the interviews. What was also learnt about protocols was that they decreased anxiety and increased the confidence of the interviewers.

Chapter five recommends below the use of South Africa's developed protocol and states that a study should also be conducted to test the effectiveness of the Seven-Phases of Forensic Interviewing Protocol. The researcher recommends the establishment of an interview setting that promotes the privacy of the victims of sexual abuse, and training programmes for first responders in sexual abuse cases is also recommended. Research and training on how to deal with people who have developmental challenges is recommended by the researcher, and Chapter five also recommends the debriefing of those who work with cases of children who experience sexual abuse on a daily basis.

5.2 Recommendations

5.2.1 Conducting research on the effectiveness of the seven-phases of forensic interviewing protocol

Fouchè and Joubert (2009) developed the South African based protocol called the Seven-Phases of Interviewing Protocol. Further research on this protocol is recommended, and the researcher strongly argues that this protocol needs to be tested to determine its effectiveness. It is also recommended that the research not only be based on children with normal abilities, but that it be extended to include those with developmental challenges as well.

5.2.2 Using South African developed protocols

The researcher recommends that governmental and non-governmental organisations (the Department of Social Development and Child Welfare of South Africa, Bobby Bear and the SAPS) which employ social workers who conduct forensic interviews should promote the work that has been developed in South Africa by conducting training on the Seven-Phases of Forensic Interviewing Protocol and also conduct more research in the field of child forensic interviewing that will help to develop more interviewing protocols.

5.2.3 Establishing conducive interview environments

One of the best practices noted by Johns (2012) was the interview setting. The manner in which victims are questioned has become the centre of debate in South Africa, as structures such as police stations lack privacy and there is no confidentiality for the victim of abuse. Offices that will provide privacy for the victim need to be established. Also, the manner in which people who visit police stations to report sexual abuse cases are dealt with, needs to be channelled professionally.

5.2.4 Developing more training programmes on forensic interviewing

There is a need for the development of forensic interviewing training programmes. The researcher recommends that all first responders to the allegations of sexual abuse should be trained in this regard. If first responders are educated on how to interview victims properly, the victims will not find themselves being questioned repeatedly about the alleged offence. All stakeholders who interact with people who are sexually abused should also receive training on the protocols.

5.2.5 Research on how to deal with children who are physically challenged

Dealing with people who have developmental challenges is still a challenge in South Africa, and studies need to be conducted to equip people on how to deal with sexually abused children who have developmental challenges (Zantsi, (2014)). Through awareness programmes, parents also need to be educated to enrol their children in an institution where skills such as sign language and life skills can be learned by the child. The researcher has noted that sometimes, even though a professional interpreter may be available to interpret, there is still a problem as the child can only communicate with his or her parent. Life skills

can help educate physically challenged about the dangers of life and what to do if one encounter life threatening problem.

5.2.6 Dealing with vicarious trauma

Cases which involve the abuse of children are emotionally exhausting, and social workers, police and prosecutors can suffer vicarious trauma or burnout due to their high caseloads. Employers therefore, need to prioritise the health and wellness of these employees, and debriefing of these employees needs to be done at least once in three months.

5.3 Conclusion

Forensic interviewing plays a crucial role in investigating child abuse cases and determines how the rest of the investigative processes should proceed (La Rooy, et al., (2015)). The aim of this research was to familiarise social workers with the international and national forensic interviewing protocols. In addition, the researcher aimed to explore the best practices and methods of child forensic interviewing. Furthermore, the study looked at lessons from other countries.

Research has revealed a high occurrence of sexual abuse against children in South Africa and internationally. Researchers such as Sorenson and Snow (1991); Fouché and Joubert (2009); La Rooy, et al. (2015); and Newlin, et al. (2015) have recognised the dynamics of sexual abuse. Although there has been significant effort in South Africa emphasising the training of professionals on the protection of children, emphasis should also be placed on conducting evidence-based interviews.

Secondly, the researcher wanted to familiarise social workers in South Africa with the international and national protocols that existed in the field of forensic practice. While this research provided clarity on the difference between clinical and forensic interviews, it was clear that the reason behind the development of forensic interviews was to move away from a general investigation to an approach which recognises children's needs and also took into account the rights of the accused person. A great deal of focus and attention in this research was on how to correct the manner in which children were being interviewed by untrained officials. This research clearly educated forensic interviewers (social workers) that following

a protocol when conducting interviews and using the appropriate techniques increased the chances of getting more reliable information from children during forensic interviews.

Lastly, the researcher wanted to find out what social workers could learn from other countries to improve the standard of child forensic interviewing in South Africa, and the research findings from different countries recommended a structured approach to conducting child forensic interviews. South Africa has only just begun to recognise the field of forensic practice, and although there was not much literature on research of the forensic interviewing of children, there was a promising light that South Africa was developing in the field of forensic interviewing. The South African Seven-Phases of Forensic Interviewing Protocol developed by Fouchè and Joubert (2009) was proof that South Africa was improving in the field of forensic interviewing, and this protocol could serve as a guideline for forensic social workers employed by the SAPS. Studies conducted internationally on the role played by protocols in sexual abuse investigation clearly showed that South Africa could learn more on how to conduct its own empirical studies on forensic interviewing. To conclude, social workers and other professionals who conducted interviews with children needed to learn more about how to use protocols and techniques when conducting interviews with children.

REFERENCES

- American Professional Society on the Abuse of Children, 2012. *Practice guideline: forensic interviewing in cases of suspected child abuse*. Chicago: APSAC.pp.1-28.
- Anderson, J., Ellefson, J., Lashley, J., Miller, A.L., Olinger, S., Russell, A., Stauffer, J. and Weigman, J., 2012. *The Cornerhouse Forensic Interview Protocol: RATAAC*,12,pp. 193-331.
- Babbie, E.R. and Mouton, J., 2012. *The practice of social research*. Cape Town: Oxford University Press.
- Brown, D.A. and Lamb, M.E., 2015. Can children be useful witnesses? It depends how they are questioned. *Child Development Perspectives*, 9(4),pp. 250–255.
- Brown, D., Lewis, C., Stephens, E., and Lamb, M., 2017. Interviewers' approaches to questioning vulnerable child witnesses: The influences of developmental level versus intellectual disability status. *Legal and Criminological Psychology*, 22,pp.332-349.
- Churr, C., 2010. Child witness. The battle to testify. *University of South Africa*, 73,pp.384-401.
- Cronch, L.E., Viljoen, J.L. and Hansen, D.J., 2005. Forensic interviewing in child sexual abuse cases: current techniques and future directions. *Aggregation and Violent Behaviour*,11(3), pp.195-207.
- Cyr, M., 2011. NICHHD protocol: cutting edge practice for investigative interviews with children. Université de Montréal. cac-cae.ca/wpcontent/uploads/Cyr... accessed on 2016.05.04
- Du Plessis, M., 2012. The validity and reliability of the General Child Assessment Model as a pre-forensic screening instrument for children between three and five years old. North West University, South Africa. (MA-dissertation: Social Work: Forensic Practice).
- Faller, K. C., 2007. *Interviewing children about sexual abuse: controversies and best practice*. New York: Oxford University Press.
- Faller, K. C., 2014. Forty years of forensic interviewing of children suspected of sexual abuse, 1974–2014: historical benchmarks. *Journal of Social Sciences*,4,pp.34–65.
- Faller, K.C., Grabarek, M., Nelson-Gardell, D. and Williams, J., 2011. Techniques employed by forensic interviewers conducting extended assessments: results from a multi-site study. *Journal of Child and Adolescent Trauma*, 20(3), pp.237–259.

- Fontes, L.A. and Plumber, C., 2010. Cultural issues in disclosures of child sexual abuse. *Journal of Child Sexual Abuse*, 19(5), pp.491- 518.
- Fouchè, A., 2009. Chapter 5. Forensic interviewing for Social Workers. University of Pretoria.pp.255-287.<http://repositor.up.as.za>handle>. accessed on 2017.02.05
- Fouchè, A. and Joubert, J.M.C., 2009. Facilitating disclosure of child sexual abuse victims in the middle childhood: a seven-phase forensic interviewing protocol. North West University. *Acta Criminologica*. 22, 2 pp41-59
- Fouchè, C.B. and Delpont, C.S.L., 2015. Writing the research proposal. In De Vos, A.S. Strydom, H., Fouché C.B. and C.S.L. Delpont, C.S.L.eds.2011.*Research at grass roots: for the social sciences and human services professions*. Pretoria: Van Schaik. p.107.
- Fouchè, C.B. and Schurink, W., 2015. Qualitative research designs. In De Vos A.S. Strydom, H., Fouché, A. and C.S.L. Delpont, eds.2011.*Research at grass roots: for the social sciences and human services professions*. Pretoria: Van Schaik. p.316.
- Frinkelor, D. and Brown, A., 1989. The traumatic impact of child sexual abuse: a conceptualisation. *University of New Hampshire, Durham*,55(4).
- Gogela, S., 2013. *Reasons for reluctance to disclose sexual abuse by middle childhood children*. North West University, South Africa. (MA-dissertation: Social Work: Forensic Practice).
- Harris, S. 2010. Towards a better way to interviewing child victims of sexual abuse. *A study test interview protocols in hope of getting better case outcomes*. NIJ Journal. 267,pp.1-17.
- Hershkowitz, I., Lamb, M.E, Orbach, Y., Katz, C. and Dvora-Horowitz, D., 2012. The development of communicative and narrative skills among pre-schoolers: lessons from forensic interviews about child abuse. *Child Development*, 83(2), pp.611–622.
- Hewitt, S.K., 1998.*Assessing allegations of sexual abuse in preschool children: understanding small voices*. Thousand Oaks, CA: Sage Publications.
- Hjelmsater, E.R. and Landstrom, S., 2013. *Interviewing child witnesses. The cognitive interview*. Police Academy of Netherlands. House of Legal. pp.1-64.
- Howes, N., 2014.Using the Trauma Model to understand the impact of sexual exploitation on children. <http://www.nscb.org.uk>default >files> accessed on 2017.02.05
- Jiya, N. 2015. Factors contributing to delays in the conviction process of child sexual abuse cases in the rural arrears of the Easter Cape. North West University. (MA-dissertation: Social Work: Forensic Practice).

- Johns, A., 2012. A descriptive analysis of statements taken by police officers from child complainants in sexual offence cases that examines the degree to which the form and content of the statements accord with best practice across a range of variables. pp.1-148.
- Jonkers, G., 2012. Roles and responsibilities of forensic social workers in the family violence sexual offence unit. Potchefstroom .North West University. (MA-dissertation: Social Work: Forensic Practice).
- Lamb, M., Orbach, Y., Hershkowitz, I., Esplin, P. and D. Horowitz., 2007. Structured forensic interview protocols improve the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse & Neglect*, 31, pp.1201-1231.
- Lamb, M.E., 2015. The NICHD Protocol: a review of an internationally-used evidence-based tool for training child forensic interviewers *Article in Psychology, Crime & Law*. University of Cambridge. United Kingdom, pp. 1-31
- Larney, C. and Loftus, E.F., 2016. Chapter 1. *History of forensic interviewing*. Springer, Cham. Research Gate. pp.1-17.
- La Rooy, D., Brubacher, S.P., Aromäki-stratos, A., Cyr, M., Hershkowitz, I., Korkman, J., Myklebust, T., Naka, M., Peixoto, C.E., Roberts, K.P., Stewart, H. and Lamb, M.E., 2015. The NICHD Protocol: a review of an internationally-used evidence-based tool for training child forensic interviewers. *Journal of Criminological Research, Policy and Practice*, 2, pp.76-89.
- Leedy, P.D. and Ormord J.E. 2005. *Practical research: Planning and design*. 8th edition. Ohio. Merrill Prentice Hall.
- Luther, K., Snook, B., Barron, T. and Lamb, M.E., 2015. Child interviewing practices in Canada: a box score from field observations. New York: Springer. 30, pp.204–212
- Makhija, N.J., 2014. The relationship between Traumagenic Dynamic Responses towards childhood sexual abuse, ethnic identity, social support, trauma, and attitude towards interpersonal relationships in adolescent females. Seton Hall University.(Degree of Doctor of Psychology in Counseling Psychology).
- Mart, E.G., 2010. Common errors in the assessment of allegations of child sexual abuse. *Journal of Psychiatry and Law*. 38,3. pp.325-343.
- Mathews, S., Jameson, L., Lake, L. and Smith, S., 2014. *South African Child Gauge*. Children's Institute: University of Cape Town. Cape Town: University of Cape Town. pp.1-120.

- Msimango, K.I., 2015. Interviewing child victims: improve communication and understanding child behaviour. University of South Africa. Pretoria. (Degree in M-Tech: Forensic Investigation).
- Muller, K. and Hollely, K., 2009. Introducing the child witness. South Africa. Port Elizabeth: Printrite.
- Newlin, C., Steele, L.C., Chamberlin, A., Anderson, J., Kenniston, J., Russel, A., Stewart, H. and Vaughan-Eden, V., 2015. Child forensic interviewing: best practices. *North Carolina Division of Social Service Newsletter*, 20(2),pp.1-16.
- North Carolina Division of Social Service. 2015.
- Osadan, R. and Reid, E. 2015. Child sexual abuse and sexual aggregation in children. *International Journal of Human and Social Sciences*,5(6)(1),pp.31-42.
- Toth, P. 2011. Compering the NICHD and RATAAC child forensic interview approaches-do difference matter? *The Link ISPAN Newsletter*. Northern Spring/Southern Autumn.1, pp4-6
- Saywitz, K.J., Larson, R.P., Hobbs, S.D. and Wells, C.R.,2015. Developing Rapport with Children in Forensic Interviews: Systematic Review of Experimental Research. *Behavioral Sciences and the Law*.33(4) pp372-389.
- Saywitz, K.J., Lyon, T.D. and Goodman, G.S., 2017. When Interviewing children. A Review and Update. *Centre for Law and Social Sciences*. 17(2) pp.1-24.
- State of Michigan Governor's Task Force on Child Abuse and Neglect and Department of Human Services. 'Forensic Interviewing Protocol', 3rd ed. http://www.michigan.gov/documents/dhs/DHS-PUB-0779_211637_7.pdf accessed 2017.02.05
- South African Professional Society on the Abuse of Children,2014. Children in court rooms: legally relevant and developmental issues regarding a child witness. *Newsletter. Child Abuse Research a South African journal*,pp.5 (2) pp1-3.
- Spies. G. M. 2006. *Sexual abuse: dynamics, assessment and healing*. Pretoria: Van Schaik Publishers. pp.15-24.
- Sorensen, T. and Snow, B., 1991. How children tell: The process of disclosure in child sexual abuse. *Journal of Policy, Practice and Program*. 70(1), pp.3-15.
- South Africa,1996. *Constitution of the Republic of South Africa, Act, no 108 of 1996*. Pretoria: Government Printer.
- South Africa,2005. *Children's Act, No. 38 of 2005*. Pretoria: Government Printer.

- South Africa, 2007. *Criminal Law (sexual offences and related matters) Amendment Act No.32 of 2007*. Pretoria. Government Printer.
- South Africa, 1977. *Criminal Procedure Act, No. 51 of 1977*. Pretoria. Government printer.
- South African Police Service, 2016.*Forensic social work service standing operating procedure*. Pretoria: Government Printer.
- South African Police Service. 2016. Forensic Social Work Standing Operating Procedure Manual. Government Printer.
- Stonehouse, D., 2014. Communication and the support worker. *British Journal*,8(8),pp. 394-397.
- Strydom, H. and Delpont, C.S.L., 2015. Information collection: documentary study and secondary analysis. In De Vos A. S., Strydom Fouchè and Delpont. *Research at grass roots I: for social science and human service professions. eds*. Pretoria: Van Schaik. pp.115-376.
- Teoh, Y.S. and Lamb, M.E., 2011. Interviewer demeanour in forensic interviews of children. *Article in Psychology, Crime & Law*. Routledge. United Kingdom,1. pp.1-15.
- United Nation Convention on the Rights of Children, 1989.
- Van Deventer, A., 2012. An evaluation of the necessity to use structured protocols to conduct forensic interviews. North West University, South Africa.(MA-dissertation: Social Work: Forensic Practice).
- Vetten, L., 2014.Rape and other forms of sexual violence in South Africa. Institute for Security Studies. *Policy Brief*. 72.pp.1-7.
- Vieth, V., 2009. Forensic interviewer at a trial: guidelines for the admission and scope of expert witness testimony concerning an investigative interview in a child abuse case. *William Mitchell Law Review*,36, 1 pp.186-219.
- Walker-Williams, H.J., 2012. Coping behaviour, posttraumatic growth and psychological well-being in women who experience childhood sexual abuse.North West University, South Africa. (Degree in PhD in Psychology).
- Williams, J., Nelson-Gardell, D., Faller, K.C., Cordisco-Steele L. and Tishelman, A., 2013. Is there a place for extended assessments for evaluating concerns about child sexual abuse? Perceptions of 1,294 child maltreatment professionals. *Journal of Forensic Social Work*, 3(2), pp.88-105.
- World Health Organisation, 2003. *Guidelines for medico-legal care for victims of sexual abuse*. Geneva: WHO.

Zantsi, N.T., 2014. Beliefs and knowledge of IsiXhosa speaking people about child sexual abuse in rural areas. Potchefstroom. North West University. (MA-dissertation: Social Work: Forensic Practice).



29 May 2017

Ms Nondumiso Precious Mabaso (215081032)
School of Law
Pietermaritzburg Campus

Dear Ms Mabaso,

Protocol reference number: HSS/0633/017M

Project title: Forensic interviewing in child abuse cases: Exploring Best Practices and Methods for Professionals

Full Approval – No Risk / Exempt Application

In response to your application received on 07 April 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

.....
Dr Shenuka Singh (Chair)

/ms

Cc Supervisor: Ms Rowena Bernard and Dr Maud Mthembu
cc Academic leader Research: Dr Shannon Bosch
cc School administrator: Ms Robynne Louw

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4000

Telephone: +27 (0) 31 260 3587/8350/4557 Facsimile: +27 (0) 31 260 4609 Email: ximbap@ukzn.ac.za / snymnm@ukzn.ac.za / mohunp@ukzn.ac.za

Website: www.ukzn.ac.za

