

That's Correct; She Did Not Cry.

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TELEVISION CRIME SHOWS, such as *Law and Order: Special Victims Unit*, appear to make every spectator and potential juror an “expert” in sexual assault. This is far from accurate. These shows portray child victims being interviewed at police stations, in their homes, at school, or even being stopped on the street for questioning. But in the real world, when a case of child sexual assault goes to court, juries often see a different portrayal. In some cases, they might see, in addition to the child himself or herself, a DVD of the child or teen victim being interviewed at a child advocacy center about their abuse. In some of these DVDs, children are shown calmly answering questions and talking in great detail about what happened to them. Jurors expect to see such children cry and show signs of distress. Who wouldn't cry after such traumatizing events? And yet, in real life, they see these children and teens calmly disclose to a trained forensic interviewer explicit details about their abuse that may traumatize even the jurors.

Defense attorneys know this of jurors. So they routinely ask forensic interviewers who testify in court hearings questions like, “This child did not seem upset or distressed, nor did the child cry or seem in pain when they told you about what happened to them, isn't that correct?” And often the answer is, “Yes, that's correct.” And of course, it is reasonable for people who are abhorred by such violence, including judges, defense attorneys, detectives, and juries to believe that a child or teenager who was sexually abused will cry and be emotionally distraught when talking about

it. If they don't show any emotion, they must be lying and making it up. How could a child or teen calmly talk about something as horrific as sexual abuse without a tear in their eye? This doesn't seem possible if what they are saying really happened to them.

While in some cases of reporting sexual abuse the child may cry and show emotion, the interview process is more comfortable for a child when interviewed in a children's advocacy center (CAC) and therefore, the child is more relaxed and calm. The foremost goal of the forensic interviewing techniques at a CAC is to keep from re-traumatizing the child victim. The CAC is set up to provide a child-fair, relaxing and safe setting for a child or teen to talk about what did or didn't happen. Forensic interviews conducted by a trained forensic interviewer in a CAC are specifically structured so as not to traumatize children. A CAC provides a psychologically safe place for children and teens to give their account of events. The lack of emotion has no bearing on whether the child is telling the truth. The process of giving their account at a CAC results in children seldom expressing the negative emotions that keep them from talking. Unfortunately, though, that may be then questioned in court.

The questioning techniques depicted on TV and in the movies are interrogative and influential. Consideration is not shown for the confidentiality and comfort of the child to be able to relate details of their abuse with all the details, in their own words. If it were done the way it is depicted in

the media, it would almost certainly be, in most cases, far more traumatic for children and teens.

I'm a forensic interviewer at a child advocacy center in Colorado. When people ask me what I do for a living, my answer usually stops them in their tracks. I tell them I interview children who have made outcries of sexual abuse, and they immediately say, "Whoa, how do you sleep at night? It must be so hard on you to hear children cry and see their pain." At that point I, like other forensic interviewers, often find myself defending a child's calm demeanor, just as I do in court.

The perception is that a child will be hysterical when reporting such awful information. But children cry when they are afraid; child advocacy centers are designed to allay fears and put children and families at ease. CACs are relatively new, but are now considered best practice in the investigation of abuse. Most people do not have any hands-on experience with a CAC and may picture an interrogation room like what they have seen on television. At my CAC there is a process for helping children ease into the environment. When they walk through the front door, the child and family are greeted by a victim advocate, given a tour, and shown the waiting rooms and playrooms to get settled in. While the investigative team, including a victim advocate, meets with the parent or caregiver in another room, the child plays and spends time with a second victim advocate. Safety and comfort for the child has already been established before the actual interview even begins.

One little girl said after her interview at our CAC, "I like the playrooms. The people who work here were nice to me." The comforting atmosphere established at the outset continues into the interview room with the trained forensic interviewer. Forensic interviewers are trained to be warm and friendly. They also have extensive training in researched-based forensic interviewing protocols that ensure interviews are neutral, and also developmentally and culturally appropriate. It is an art to talk with a child in a way that is compassionate, effective, non-leading, and non-suggestive.

Although interviewers ask the questions and initially guide the conversation, interviewers are trained to follow the child's pace in the conversation. Interviewers are also trained to be neutral. The most effective way for interviewers to avoid imposing their own beliefs on the child's state-

ments is to keep quiet while listening, preserve an open mind and avoid prejudging the facts of the case.¹

Children and teens report many disturbing and traumatic events to forensic interviewers. They describe being anal-ly penetrated, being forced to perform oral sex, being forced to watch pornography, being fondled, and other acts of sexual exploitation. The vast majority of the time, these offenses were committed by someone close to them, a person they loved or trusted: a parent, family member, teacher or coach.² Because of the close relationship between most abusers and the children they abuse, some kids feel guilty about getting the abuser in trouble. Or, they may wonder and worry about what the consequences could be. This is often because, despite the circumstances, they may yet have feelings for the person who hurt them.

Children are not interrogated during a forensic interview or questioned in an accusatory manner. The child is allowed to relate events while the reaction of the forensic interviewer remains calm and neutral, with attempts to further the questioning to try to get more information for the investigation. Children never hear shock, disdain, horror or disgust from an interviewer. Nor are they questioned in a way that challenges or tries to change what the child said. If a child does not talk, she is not made to feel bad or guilty or suffer any other repercussions for not talking about the allegation.

A critical phase of the forensic interview is rapport building. During this phase, the interviewer asks questions that invite the child or teen to talk about something unrelated to the incident that brought them in—something about themselves or what they like to do. "The rapport building phase is designed to create a relaxed, supportive environment and establish rapport between children and interviewers."³ One teen commented, "I felt at ease to talk about everything and felt no pressure to answer questions right away." Asking open-ended, non-leading and non-suggestible questions sets the tone for the interview. It provides an inviting environment to try to gather information and details from the child. One young child said she felt relieved to talk about what happened and another teenager said, "I felt very comfortable and at ease here. It's better than a police station."

Children react in a number of different ways during a forensic interview. Young children may giggle, be silly, or

become easily distractible. They may talk about the events matter-of-factly while coloring or moving around the room. In scenarios where young children are drawn into sexual activity by abusers referring to it as a game, some may not understand that “the special game” they were taught is even a crime. They may have been told they were playing a secret game, to be kept just between the two of them. Typically, young children are not hurt physically during sexual abuse. The manipulative grooming process is shown as “care” for the child or something similar. Instead of pain, the child may feel tickled or soothed. They may not feel any harm and may even receive rewards.

Teenagers, too, react in diverse ways. They may relate details of a sexual assault without showing much emotion, while engaged with the interviewer, smiling and acting relaxed. They may report things matter-of-factly, and this may allow them to keep themselves from falling apart. In some instances teens do not agree that what happened to them was bad. They believe they are in love and enjoy what they consider mutual affection. Others try to hide their embarrassment and the shame they feel by masking their emotions. When handled competently and compassionately, teens generally report feeling welcomed and respected at the CAC.

Unfortunately, the child or teen’s lack of emotional response can become a problem during the investigation. The very process of the forensic interview in a CAC is brought into question in court because the child did not show a typically presumed “traumatic reaction” when discussing the events of the abuse to the forensic interviewer. One teen commented, “[the] lady was nice and didn’t push me to talk about anything.” Because they seemed so relaxed and comfortable when providing the information and details, their truthfulness is called into question. Surely they would be upset, cry and express pain. How could they not? The very process of following best practice interview techniques for the benefit of the child puts that child’s credibility into question by the untrained observer.

There may be circumstances where a lack of displayed emotion could be due to the stress a child or teen is experiencing. While giving the appearance of being unaffected, the child is simply not engaging and shows little to no emotion or expression. Forensic interviewers are generally aware when this happens, but to some observers it is not

obvious. The forensic interviewer does not pressure a child who is not ready to talk or is unable to finish talking about such a sensitive topic. One child commented, “It is hard to talk about scary things, but I felt safe here.”

Sexual assault is a traumatic event. Children and teens are, of course, distressed and upset, and may have spent considerable time crying prior to the interview. They may go home and cry after the interview. Certainly there are interviews during which a child cries, becomes upset or agitated, avoids the topic, wants to end the interview or just leaves the room. These reactions might be considered the norm for children being interviewed, when actually they are not. “If an interview becomes traumatizing for a child, the interview should be stopped and resumed later...”⁴ The role of a children’s advocacy center is to provide a safe, child and family friendly and fair environment for children and teens who may have been a victim of a crime or witness to a crime. The purpose of a forensic interview is to try to gather information in a non-leading, non-suggestive manner and in a way that is not traumatizing for the child. When the child advocacy center is a good one, one that adheres to best practice techniques, has experienced staff and volunteers, and works hard to ensure a climate of caring, most children and teens will not cry or even show signs of distress during their interview. After being interviewed, many children and teens actually report that they feel safe and happy.

From the front door to the kitchen to the interview room, a child advocacy center provides a safe, comfortable place where children and teens are able to talk about what happened to them in their own words. As one young child said, “I was comfortable here because I got to tell them what happened to me.”

That’s correct, she did not cry.

References:

- ¹ Saywitz & Lyon, 2002, cited in Kathleen Coulborn Faller, (2007). *Interviewing Children about Sexual Abuse*. Oxford: University Press, 31.
- ² Darkness to Light and the U.S. Department of Justice.
- ³ Michael E. Lamb, Irit Hershkowitz, Yael Orbach, & Philip W. Esplin. (2008). *Tell me What Happened. Structured Investigative Interviews of Child Victims and Witnesses*. Wiley-Blackwell.
- ⁴ Kathleen Coulborn Faller. (2007). *Interviewing Children about Sexual Abuse*. Oxford: University Press, 29-30.

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