

## FORENSIC INTERVIEWING OF CHILD WITNESSES BY LAW ENFORCEMENT PERSONNEL

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**ABSTRACT:** Children involved as witnesses in legal proceedings may have to tell their story on several occasions. This starts with the initial interview and may culminate in examination and cross-examination in court.

The primary reason for the existence of any investigation in the forensic scientific field is to gather information. The success of the investigation is directly related to the ability of the investigator to conduct effective interviews.

Of all the topics in law enforcement academies and criminal justice training centres, one of the critical topics that always seems to get poor, little, or even no attention at all is the forensic interview with children. However, the skill of interview is a technique that can be learned and must be included in the curricula.

The aim of this paper is to present forensic interviewing techniques with children which is evaluated by Istanbul University, Institute of Forensic Sciences as a course in the curriculum of law enforcement academies.

**KEY WORDS:** Interview techniques; Children; Police.

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Children who are involved or who witness a criminal event are to explain to the law enforcement personnel what they have seen. From time to time, success of investigations and clarification of offences may be entirely and solely dependent upon the statements of children [6, 9].

In Turkey, pursuant to Article 19 of the Child Courts Law, public prosecutors take statements from children of 12–15 ages. However, due to high population and lack of sufficient number of public prosecutors, in practice, first statements of children are generally taken by police.

To collect as much information as possible from the children statements is possible only if accurate and efficient interview techniques are employed in taking statements [5, 6].

In some cases, it may be needed to find out whether the statements of victim or witness children reflect the truth or not. Such analyses may be made only by specialised experts. For reliable analyses, the interview techniques used in taking statements must conform with scientific standards [13].

Taking statements from children is affected by many factors different from taking statements from adults. According to the results of the scientific study conducted, success of criminological interviews with children depends mainly on using the appropriate interview technique and having a good knowledge about the steps of growth of children [5, 6, 10, 13].

Statements from children are generally taken by police in Turkey, but there is not any commonly applied standard or a generally accepted protocol. Furthermore, the curriculum of police schools in Turkey does not contain child growth or child interview techniques.

In the global practice, it is noted that in some countries, police employ some certain interview protocols specifically designed for children in taking statements from children. Included among the important protocols are “The Memorandum of Good Practice” being used by the British police organisation, and an investigative protocol developed by APSAC (American Professional Society on the Abuse of Children) in the United States of America [4, 6, 8].

In our country, in order to close this significant gap, the Forensic Medicine Institute of the Istanbul University has prepared a training course on “Techniques of Forensic Interviewing of Children” for the police for the first time in Turkey, for inclusion in the curriculum of the last class in the Police Academy.

This course is being given to the Justice Ministry personnel and judges and public prosecutors who are designated by the law as the interviewers of children, and feedback is being received that the program is helpful and effective.

The suggested course program is of 24 hours in total, and the initial part of eight hours deals with child. This part of the program covers the following topics:

- levels of physical growth by age;
- stages of mental growth and language growth by age;
- concepts understood and used by children according to the growth levels;
- dialects;
- meanings of some concepts in different dialects;
- stages of emotional growth by age;
- probable damages in taking statements from children;
- interviewing in accordance with the individual characteristics of children;
- effects of suggestion on statements taken from children [5, 6, 10, 13].

In the second part of eight hours of the suggested program, the planning, preparation, application and termination stages of a criminological semi-or-

ganised interview protocol deemed to be appropriate for children will be reviewed in details.

In the planning stage, particularly the following topics will be dealt with:

- target of the interview;
- arrangement of the interview room;
- choice of seating;
- sound or image recorders to be used;
- getting prepared for all kinds of unexpected situations;
- asking questions specifically aimed at the information desired to be taken;
- general health situation of the child to be interviewed;
- being informed about the mental, emotional and physical growth levels in advance;
- arrangement of interview so that it will not be disrupted by third persons [5, 10, 11, 13, 14].

In the preparation stage, the participants will be informed about:

- welcoming and introducing himself;
- establishing eye contact;
- informing the child about the interview;
- clarification of the purpose of interview clearly and briefly;
- statement of commitment to the confidentiality principle except for legal requirements;
- taking informed consent from the child [5, 6, 10, 11].

In the application stage, the following topics will be explained in details:

- voice tone and accent of the interviewer during the interview;
- emotional situation of the child;
- what will be done in case of tension, resistance to communication and inattentiveness;
- patience to silence;
- waiting between questions;
- repeating the question;
- asking the same question again by using different words;
- asking open-ended questions;
- empty questions;
- no-comment questions;
- non-directive questions;
- direct questions;
- focus on what the child says;
- physical reactions and verbal exclamations about what you hear;
- focus on listening;
- active listening;

- replying questions of the child;
- proof in certain intervals;
- summarising the interview;
- checking whether the targeted information is taken or not;
- if required, a few final questions [1, 2, 3, 4, 5, 6, 7, 12, 14].

The termination stage consists of:

- terminating the interview;
- thanking the child;
- checking the interview records;
- preparing written records;
- documenting the sound records, if any;
- preparing the interview report [5, 6].

In the last program part of four hours, acceptable and unacceptable practices will be simulated by the participants with the role playing method and practical applications.

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