

# Child as a Witness

*resource materials*



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# Introduction

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In some cases disclosing an offence against a child and initiating a relevant legal intervention still results in a secondary trauma experienced by the child, who does not understand the legal procedures, feels scared of the unfamiliar situation, and experiences a strong emotional reaction to recalling the traumatic events. Organizations and institutions shaping the social policy in the area of helping abused children face the important task of presenting the threats to child witnesses and developing solutions aimed at improving the situation of child victims of crime.

Child witnesses require special care. Both eliciting a child's testimony, and evaluating and interpreting such information, requires extensive professional knowledge of child psychology, especially of cognitive processes and their determinants in children. We have developed these materials in cooperation with Polish psychologists, who present recent findings in areas important for children's functioning as court witnesses: developmental stages, memory processes, and the influence of stress on cognitive processes.

In the process of dynamic change in the practice of child victims' participation in legal proceedings, it is worth noting the projects and initiatives which direct and structure this process and contribute to developing new standards. Therefore we describe the innovative activities of the Nobody's Children Foundation leading to a real improvement in the situation of child witnesses.

Changing the practice of how child witnesses are treated, however, is not limited to the adoption of favorable legal regulations and systemic solutions. It is essential to raise the awareness and engagement among prosecutors, judges, and police officers, who should perceive child witnesses not only as sources of evidence, but also as confused, scared and deeply harmed human beings, who – as children – are particularly helpless and vulnerable. It should be also kept in mind that interviewing the child is just the initial stage in the process of helping abused children. Further stages, i.e., protecting the child, creating supportive family relationships, and offering social, medical, and therapeutic assistance, require interdisciplinary work of various services, which – acting within their scope of competence and using their partners' potential – cooperate to design and carry out effective strategies of helping abused children.

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## **International Standards of Protecting Victims of Crime**

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*This paper presents major international and national efforts aimed at improving the situation of crime victims, as well as developing regulations, which would define the standards of public institutions' conduct toward victims of crime. Special attention is devoted to victims who are most vulnerable and therefore require special support, i.e., child victims of crime. As the situation of victims depends not only on the content of criminal law, the information discussed in this paper will concern the broadly understood social policy, with major subjects including public services, non-governmental organizations, and other institutions.*

Organizations and institutions, whose responsibility or will is to provide assistance for victims of crime, often face difficulties stemming from a clear discrepancy between victims' interests and the functioning of law enforcement institutions, insufficient psychological and social help services for crime victims, or restraints in the process of claiming compensation or restitution for the harm suffered as a result of the offence. Although such problems continue to aggravate the already difficult situation of crime victims, it should be noted that the status of victims in criminal procedures – as defined in recently adopted documents – has been improving. The positive changes concern both the international standards of victims' rights, and the evolution of the Polish law toward observing and respecting these rights.

## The Council of Europe's standards

An important goal of all regulations adopted by the Council of Europe is to introduce similar legislation and public life practices in all member states. This principle applies to resolutions and conventions defining crime victims' rights in a way that ensures their equal treatment in all member states.

In mid 1970s the Council of Europe pointed to the problem of public (state) compensation for crime victims. At that time many of the Council of Europe's member states had regulations, which differed in the principles of granting such compensation. The Council of Europe's goal was to adopt uniform minimum rules for all member states.

### **European Convention on the Compensation of Victims of Violent Crimes, 1983 (not ratified by the Republic of Poland)**

In 1977 the Committee of Ministers of the Council of Europe adopted Resolution (77)27 on the compensation of the victims of crime, which recommended that member states provide for state compensations for victims. This resolution underlay the adoption of the European Convention on the Compensation of Victims of Violent Crimes in 1983. The Convention obliges the signatory states to provide for state compensation for **victims of intentional violent crimes** and for **the dependants of persons who have died as a result of a violent crime**.

Compensation from public funds is payable only where compensation is not fully available from the offender or from other sources. The Convention allows the setting of upper limits of state compensation, as well as other constraints. When the loss is verified in a particular case, state compensation should cover the following minimum items: loss of earnings, medical expenses, hospital fees, and loss of maintenance (in case of the victim's dependants).

The Convention also specifies the ways of avoiding double compensation: from the state and from other sources. Finally, it obliges signatory states to inform persons, who might be interested in applying for state compensation, about their compensation rights.

In the years that followed the Council of Europe adopted further regulations concerning the situation of victims of crime: Recommendation No. R(85)11 on the position of victim in the framework of criminal law and procedure, and Recommendation No. R(87)21 on assistance to victims and the prevention of victimization.

### **Recommendation No. R(85)11 on the position of victim in the framework of criminal law and procedure**

In 1985 the Committee of Ministers to Member States issued this Recommendation in order to change the traditional approach of the criminal law, which focused on the relationship between the state and the offender and tended to diminish the victim's problems.

The Recommendation includes guidelines aimed at protecting victims of crime and safeguarding their interests at each stage of the criminal procedure: at the police level, when questioning the victim, during court proceedings, and in the areas of compensation, protection of privacy, and special protection of the victim. The document also emphasizes the need of examining the possible advantages of mediation and conciliation schemes, as well as conducting research on the efficacy of provisions affecting victims.

The Recommendation devotes special attention to the **situation of interviewed child victims**; it underlines that children should be questioned in the presence of persons who may support and help them (such as their parents or guardians or other persons qualified to assist them).

### **Recommendation No. R(87)21 on assistance to victims and the prevention of victimization**

In 1987 the Committee of Ministers to Member States completed the document of 1985 with the *Recommendation on assistance to victims and the prevention of victimization*. The guidelines presented in this Recommendation aim at developing an aid and support system for victims, including both public services and non-governmental organizations.

The Recommendation lists measures that should be taken by the member states in order to develop assistance programs and structures for victims in general, for special categories of victims, and for victims of particular offences, such as rape, domestic violence, sexual abuse, organized crime, and racist violence.

**Children were described as a special category of victims, for whom assistance services should be created, developed, and extended.**

Moreover, the document recommends that member states take measures to prevent victimization, conduct research on victimization, and make every effort to raise the public awareness of victims' needs.

Guidelines concerning particular efforts to be made define major forms of assistance, i.e., satisfying the victim's immediate needs, especially the need for security; providing medical, psychological, social, and material help; providing information on the victim's rights and advice to prevent further victimization; providing assistance during the criminal process; finally, helping the victim in obtaining effective reparation or compensation.

In the guidelines concerning the development of the **aid system** the document recommends that member states identify the existing services and organizations able to help victims of crime, encourage voluntary aid, as well as train and increase the contribution of services, which have direct contact with victims of crime, such as medical and social services.

Important recommendations regard promoting the coordination of efforts, especially of victim assistance services operating on a public and private basis, and of victim assistance services with agencies of the criminal justice system and other public services. The document emphasizes the need to support the establishment of national organizations that advance the interests of victims. Detailed guidelines are provided concerning prevention programs in the closest neighborhood and among groups with specific victimization risks.

## **The European Union's standards**

The fundamental EU document concerning victims of crime is the Framework Decision of March 15, 2001, on the standing of victims in criminal proceedings, adopted by the Council of the European Union and binding on all member states since March 22, 2001. The Council is currently working on a Directive on state compensation for victims of crime<sup>1</sup>.

### **Framework Decision of March 15, 2001, on the standing of victims in criminal proceedings**

The documents defines the following terms: "victim", "victim support organization", "criminal proceedings", "proceedings", and "mediation in criminal cases".

The decision requires that EU member states adopt regulations ensuring that victims of crime enjoy the following **rights**: to respect and recognition, to be heard and to supply evidence, to receive information, to be protected, to compensation in the course of criminal

<sup>1</sup> **Directives** are binding as to the result, do not include legal norms, and require member states to take means necessary to achieve the goal defined in the directive, while allowing them to choose the form and methods of implementation. **Decisions** are binding on those addressed. The Council of the European Union addresses its decisions to member states, if it wishes to ban or permit a particular activity or to impose certain obligations or grant specific rights.

proceedings, to communication safeguards, to specific assistance to the victim, to reimbursement of expenses incurred as a result of their legitimate participation in criminal proceedings, to mediation in criminal cases, and to receive appropriate assistance and compensation if the victim is resident in another member state.

Specifying the right to respect and recognition as the right to being treated with due respect for dignity, and to recognition of the rights and legitimate interests of the victim, the document emphasizes the need to **provide special care for victims, who – for various reasons and circumstances – are particularly vulnerable, including children.**

The Framework Decision indicates the directions of the harmonization of legal regulations regarding the protection of victims of crime, aimed at a significant improvement of their situation.

Among other benefits, introducing the standards defined in this Framework Decision to member states' internal regulations makes it possible to provide better protection for child victims.

## **International standards of protecting children from violence and abuse**

The interest in the situation of victims of crime has drawn the international community's attention to the general problem of violence. In 1990s violence was acknowledged as a human rights problem. A report of the European Parliament defined violence as *"a violation of the human right to life, personal security, freedom, dignity, and physical and mental integrity, and thus an obstacle to full development of a human being"*.<sup>2</sup>

The situation of victims of crime and victims of various forms of violence, not necessarily classified as offences (such as domestic violence or school violence), have been a focus of attention of international organizations: the United Nations, the Council of Europe, and the European Union. These organizations finance special programs<sup>3</sup> aimed at preventing violence and helping both victims and offenders. They organize sessions and conferences concerning this subject, and pass documents and legal acts defining standards of prevention and assistance, which should be adopted in their member states.

The Council of Europe has issued recommendations and resolutions concerning particular categories of victims (e.g., victims of domestic violence or victims of organized crime). **Children, women, and representatives of national minorities have been described as victims who need special treatment and support.**

### **Selected regulations of the Council of Europe on the protection of children against violence:**

- Recommendation R(79)17 concerning the protection of children against ill-treatment
- Recommendation R(85)4 on violence in the family
- Recommendation R(90)2 on social measures concerning violence in the family
- Recommendation R(91)9 on emergency measures in family matters
- Recommendation 1371 (1998) on the abuse and neglect of children
- Recommendation 1065 (1987) on the traffic in children and other forms of child exploitation
- Recommendation 16 (2001) on the protection of children against sexual exploitation
- Recommendation 135 (2003) on local partnership for preventing and combating violence at school
- Resolution 135 (2003) on local partnership for preventing and combating violence at school

<sup>2</sup> *Jak chronić kobiety i dzieci przed przemocą?*, „Dialog Europejski. Magazyn na rzecz Integracji Europejskiej”, November/December 1999, 4, p. 20.

<sup>3</sup> Having defined violence as a public health problem, since 1997 the European Union has financed the „Daphne program” (the legal basis for this initiative is defined in the Treaty of the European Union, in the article on public health), aimed at resolving the problem of violence against women and children in EU member states.

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# The Child Interview. Practice Guidelines

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## I. Rapport building and developmental assessment

### Setting

- The place of interview should be a neutral place, quiet and secure, there should not be too many toys in the room, this distracts the child. It is useful to keep the paper and crayons ready.
- Sit in such a way as to allow an eye level contact with the child. If a small child is sitting on the floor, sit on the floor as well. Do not talk sitting behind a desk or a table, better sit at the table together with the child. Sit close to the child but not too close. Do not enter "the child's territory", it might be too endangering for him.
- Fewer people are present during your talk with a child, better it is. The best solution would be to have a person, specially trained in this field, conducting the talk with the child. The policeman and the prosecutor could observe the interview and prepare the report while sitting in a different room behind an one way mirror. In our realities this is difficult to realize. Under the regulations of the Polish law, a psychologist has to be present during the interviewing the child along with prosecutor or policeman. Since we do not have special premises for interviewing children, we should strive to limit the number of people to two persons – the policeman or the prosecutor and the psychologist, conducting the interview with the child. If a sexual abuse is suspected, the compliance of sexes between the person, conducting the interview and the child, the victim, can be the issue in certain age of the child, but the most important is the skills of the interviewer
- Allow a child to get used to the new place, to look the room over.

### Greeting, the first contact

- Greet a child by its first name.
- Be open and friendly.
- Tell the child where, during the interview, will be his/hers parents or caretakers.
- Introduce yourself to the child, introduce other people; tell the child who you are and what are you doing here and what is the role of other people in a manner, understandable to the child.
- Tell him/her what are you going to do.
- Be emphatic, pay attention to any symptoms of nervousness in the child.
- Start asking questions, beginning with questions pertaining to the child's life – where are you going to school or nursery, what do you like doing. Use the knowledge you have of the child to formulate the questions. For example: if you know that the child is lonely and does not have any friends, a question – "How is your best friend called?" is a bad question.
- Do not ask questions, that could be coercive such as "do you want to be my friend?, shall we stay friends?".
- Be sensitive to the child's needs, react if the child for example wants a drink or go to the toilette. Sometimes children, not wanting to talk about something, try to postpone this situation. They look for an excuses to escape. If the child says that it wants a drink and we will not permit him/her to do it, the resistance of the child might increase, our chance to established a good contact with the child, the basis for getting the information on what really happened, may diminished.

## **Assess Developmental Level and Check Suggestibility**

- While discussing familiar topic with the child listen to the child's speech and language, adapt your language and vocabulary
- Ask child to identify colors
- Have the child demonstrate counting, check understanding prepositions: behind, in front of etc.

## **2. Information gathering of**

### **Set the basic rules**

- Ask the child why it is here, what did the others told him about things that will happen here.
- Introduce the meaning of a lie and a truth (particularly important with little children).
- use an example to check whether the child differentiates these concepts, i.e. "If I said that I have green hair, would that be a truth or a lie?"
- explain to the child that today you want to talk only about the true things.
- A fear and a secret
  - do not ignore the fact that the child is frighten
  - explain that you are going to talk also about secrets
- In working with a child, we have to dedicate a lot of time to differentiate between a bad secret and a good secret. The offender is anxious to avoid the punishment, he is very keen for the child to keep the secret, not to tell it to anybody. He uses all kinds of pressures on the child, sometimes very obscure and cruel. Be aware that the child can be very frightened.
- Guessing versus not knowing
  - tell the child that if it does not know an answer to a question it should not guess, it should say "Don't know". Assure the child that it may not know answers to some of your questions and that it is ok to say I don't know.
  - You can give an example, to check whether the child understands this (particularly important with little children), for example ask: "Where did I go for holiday last summer?"

### **General Techniques for Interviewing**

- Use a language, understandable to the child.
- Use phrases containing only one question or one thought, simply words, simply tenses and short sentences, don't use double negatives
- Avoid the use if/then statements with young children
- Agree with the child common names, relating to persons, personal parts and sexual acts – ask him/her what names do they use.
- Use first names, i.e. uncle Andrew, do not use personal pronouns, such as he.
- Be specific in your questions – young children are very literal
- Always ask the child to explain the words or expressions which you do not understand.
- Adjust the pace of the interview according to the child's abilities to open up. Be patient.

- If the child covers its face or eyes, lowers its voice or whispers, when answering the questions – let him/her do it.
- Control your emotions, the tone of your voice, your mimics, do not show curiosity or shock, regardless of what the child says.
- If a child has difficulty in talking about abuse ask him to show on dolls or draw a picture
- Begin by encouraging a narrative account by using an open-ended questions such as “tell me what happened”.
- Prompt narrative by stating “tell me more” or “what happened next?”
- Move from general questions to more specific regarding critical people and events
- Be careful with yes-no questions
- Have a list of questions that you must not omit prepared (either in your head or on the paper).

### **3. What you must not do**

- Do not lecture during the interview.
- Never praise or promise an award for giving information.
- Do not coerce the answer, even if you know that the child is lying or is not disclosing a piece of information it must know. If you have an information that the child told somebody else something different, it is alright to ask the child to clarify your confusion. Do not pressure, if the child does not want to answer.
- Never ask the child how it would like to punish the offender, what, according to the child, should be the punishment for the things he did to the child.
- Do not judge any of the answers, given by the child.
- Do not correct the "wrong answer", ask for clarification.
- Do not lead the child by suggesting information regarding the abuse
- Do not show the annoyance, when you did not manage to get the information you wanted to hear, better stop and take a short break.
- Do not hurry the child, which is not ready to talk. Better arrange for another meeting.
- Do not ask the child why the offender hurt him. The child does not know and often blames itself.
- Do not ask whether the child loves the offender and whether the offender loves the child.
- Do not make promises you can't keep i.e. nothing bad is ever going to happen to you again.
- Never promise the child that you are not going tell anybody about things you will hear from him. It might be that this case has to be reported.

### **4. Closing the interview – very important**

- Explain to the child what will happen next
- Praise child for effort not for the content
- Address any questions the child might have

## Development Stages and Methods of Interviewing Children

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*This paper attempts to define the characteristics of a child's cognitive, emotional, motivational, and social development at different life stages, and formulate the resulting guidelines for interviewers, who elicit information about offences from children. Moreover, the article offers several recommendations concerning interviewing children, which stem from research on child witnesses' credibility.*

### Introduction

Children frequently perform the difficult witness's role in criminal proceedings. A child may be just a witness to an offence, but more often he or she is both a witness and the victim. In both cases the experience of being a witness is extremely difficult and distressful for the child. Undoubtedly, however, when the child has been victimized by the offender, the situation becomes traumatic. Unfortunately, more and more frequently the testimony of a child victim of physical or emotional violence or sexual abuse is the only way to stop the child's suffering and punish the offender. The person interviewing a child witness faces two major tasks:

1. to elicit a complete, credible account of the offence;
2. to protect the child's psychological well-being, which has been seriously harmed by the abuse experience.

Successful performance of these tasks requires deep understanding of developmental processes and age-related changes in children's psychological and social functioning.

In order to elicit information about an event, which the child has witnessed or participated in, the interviewer must have fundamental knowledge about the child's development on various dimensions: cognitive, emotional, motivational, and social. Such knowledge is necessary to obtain a credible account of the child's actual experiences. At the same time, the interviewer must keep in mind that returning to the drastic, traumatic, and often incomprehensible events, is in itself a strong distressful experience for the child. The adult interviewer's task is to talk to the child in a way that avoids reinforcing the traumatic experience through evoking it, and minimizes the effects of the interview-related stress.

Being aware of children's vulnerability in this difficult situation, psychologists believe that only professionals experienced in developmental, clinical, and forensic psychology, and prepared to conduct interviews with children victimized by adult offenders, are able to elicit complete information about the offence during such interviews (Dezwirek-Sas, 1992; Saywitz, 1993, in: Ackerman, 1999).

Thus psychologists interviewing child witnesses does not perform a limited role of an interrogator, as they are responsible not only for eliciting a complete account of the offence, but also for protecting the child's psychological well-being. In many countries special programs have been conducted, aimed at protecting children from multiple interviews at various stages of the law enforcement process. However, it is not always possible to avoid the child's appearance in court. Therefore child interviewers must have necessary knowledge about how to talk to children, taking into account the specifics of their developmental stages.

While establishing a rapport with a child victimized by adults, the interviewer has to dispel several fears experienced by abused children regardless of their age. First of all the child might feel guilty of the offence. This sense of guilt has often been instilled in the victim by the offender.

Children may also fear that they will be taken away from home and placed in jail or a house of detention. The younger the child, the poorer their understanding of the reported events and the stronger the fear they experience. While establishing contact with a child witness, it is recommended to release them from the promise to keep secret, which has been often extorted by the offender. Sattler (in: Ackerman, 1999) mentions this rule among 38 guidelines for psychologists interviewing maltreated children.

## **Developmental changes**

Describing changes that occur in the course of human development, Brzezińska (2000) identifies four basic levels:

1. Behavioral changes, manifesting in an increasing number of behaviors, their growing diversity, and their multi-level mutual connections.
2. Changes in personality structure, manifesting in personality organization and the number and quality of personality traits;
3. Changes in cognitive and motivational structures, manifesting in perception, evaluation, and processing of information coming from the environment and from the individual's body. These changes are both structural and functional.
4. Changes in the individual's relationship with the environment, concerning the person's social status, as well as their expectations from themselves and from others.

All four levels of developmental changes are displayed in the person's behavior, though proper interpretation of this behavior, especially in children, is not possible without thorough understanding of developmental processes occurring at various life stages.

## **The characteristics of children's functioning at different ages**

For purposes of clarity and transparency, I will use the concept of "developmental stage", defined by the child's age and changes occurring on the above-mentioned four levels. It is, however, important to remember that development should also be perceived as a sequence of transformations in the psychological structure, dependant on the person's individual behavior (Trempała, 2000). From this perspective, any drastic experience of child victims of maltreatment and sexual abuse has such strong effects on their psychological functioning, that it significantly changes their relationships with other people, especially their caregivers, affecting the ways such children perceive, remember, and describe the reality.

In cases of child witnesses we have to skip the first life stage, i.e., infancy (from birth to 12 months). It seems obvious that even though babies do fall victim to adult offenders, they are unable to perform the role of a witness. We should also keep in mind that children's development is a highly individualized process, thus although it is necessary to know the general changes typical to each stage, such knowledge is insufficient without considering individual characteristics of each child witness.

### **Early childhood (2–3 years)**

At this stage children learn autonomy in the basic aspects of self-service (i.e., eating, dressing, and personal hygiene), with parents being the trigger of their development. The child develops a sense of being separate from others. The development of speech facilitates social communication. Importantly to remember, at this stage children tend to overgeneralize word meanings, i.e. to apply the words they have acquired to all objects which are similar in some way. For example a child, who has a cat at home and therefore knows the name, may call all four-leg animals "kitties". At this stage speech performs two functions: expressive and impressive (i.e. influencing others). Children form relatively few short, two-word sentences.

At this age the source of children's emotions are their relationships with their parents. Children learn to express their feelings and recognize the emotions of others. The fundamental mechanism, essential for the child's proper social and emotional development, is attachment – a strong, durable bond with the mother or another person taking care of the child.

While assessing a child at this age, it is essential to make sure that the child understands all words and questions used by the adult. The assessment should be conducted in a playing situation. It is important to remember that children at this age feel secure only when accompanied by their caregivers; any interaction with a stranger may not only frighten them, but also make them submissive or willing to assent. With children under four it is difficult to conduct a full assessment, especially an interview.

### **Preschool age / middle childhood (4–6 years)**

Psychological and behavioral changes occurring at this stage are dynamic and extensive. Here they will be presented only briefly, in order to clarify the recommended rules of interviewing children, which will be discussed later.

This stage is characterized by intensive motor and cognitive development. Children learn several skills, which allow them to move freely and set specific goals, e.g. while playing. At the same time, the child's ability to concentrate on a single activity is seriously limited; the child gets tired easily and needs frequent shifts in types of activity. Obviously there are large individual differences associated with temperamental features.

This is also a period of fast cognitive development. Children begin to differentiate between the reality and their beliefs about the reality. They start to notice that people may have different opinions about the same event, and that judgments concerning specific problems may be true or false.

Orientation in the world changes, too. Children learn to set events in the order of occurrence, which does not mean, however, that they are able to indicate precisely the time when something occurred. Orientation in space is practical at this stage: children locate people and activities in specific places, familiar to them. They are also able to solve practical tasks that require defining causal relationships between facts.

The development of mental abilities at this stage includes ordering (e.g., bigger – smaller) and classifying (i.e., grouping objects, e.g., by similarity or using several criteria). Children also begin to understand the logic of conservation. They learn to recognize the causes of their emotions, however they attach more importance to external factors than to internal ones. They can also talk about the emotions they experience.

As a result of their social experience children learn to control their expression of emotions, such as anger or fear. They react with care and understanding for other people's feelings, which makes them vulnerable to manipulation through appealing to their kindness and empathy. Finally, their relations with other children change; by the end of this stage they are able to cooperate on certain tasks.

So what are the general guidelines for interviewing preschooler witnesses?

1. The vocabulary should be simple and comprehensible for the child, with short, active-voice sentences devoid of negations. Detailed analysis of how to word questions while interviewing children was presented by MacFarlane and Feldmeth (2002).
2. Open questions are least useful for collecting information about an event. For example, if you ask, "Why have you come to visit me today?", the child is most likely to answer, "I don't know". Schwartz, Kenny, et al. (in: Ackerman, 1999) compared preschool children, who gave free accounts, with their peers, who were interviewed. Among the interviewed children the percentage of accurate answers was significantly higher (52%) than among children who freely reported on the event (34%). Moreover children who gave free accounts were more likely to say, "I don't know", than the interviewed group (26% and 1%, respectively).
3. The interviewer should ask specific questions concerning the circumstances, the person (the alleged offender), and body parts (in cases of sexual abuse).
4. Yes or know questions make the child try to guess what the adult wants to hear and answer according to this assumption. Asking such questions, if this is really necessary, interviewers should make sure that they do not exert any pressure on the child with their tone or facial expressions. One should keep in mind that children tend to perceive adults as authority figures and try to satisfy them.

5. The interviewer should not ask about how many times the event occurred, as children at this age, even if they can count, are unable to apply this skill to defining the frequency of events. They can only distinguish between “much” and “little”.
6. At this stage children are still unable to define time either through dates and hours or relatively, e.g., “before”, “after”, “yesterday”, “today”, or “tomorrow”. Therefore the event in question should be located within activities familiar to the child (such as meals and daily routine: sleeping, watching TV, etc.) or in relation to specific persons and places.
7. When we repeat the same question, children may assume that we are not satisfied with their previous answer, that the answer was incorrect, or that we are checking up on them (Bull, 2003).
8. Children are also afraid to admit that they cannot meet adults’ expectations, so when they do not remember an event, they are reluctant to say: “I don’t know”. This means that the interviewer should openly tell the child that it is OK, if he or she does not know or remember answers to some questions.
9. Another problem is the effect of multiple interviews or information suggested to children by their parents or previous interviewers. Research conducted in 1995 by Ceci (in: Carson et. al, 2003) found that preschoolers were unable to distinguish between real events and imaginary ones. After 10 weeks of talking to an adult about real and fictitious events (once a week), when interviewed by another person 58% of the children claimed that at least one imaginary event had actually occurred, and 27% believed that all invented events had really taken place. When children at this age frequently think about a fictitious event, they are likely to start to report it realistically, coloring it with details.

A separate problem is associated with the use of anatomical dolls in the assessment of sexually abused children. Several studies, especially research by Bruck and his colleagues (2003), show that information elicited from children using such dolls is of little value. Both three- and five-year-olds examined using such dolls did not provide significantly more credible information than when they were regularly interviewed. Sexual and exploration play was equally frequent among sexually abused children and among children without such experiences. In 1991 the American Psychological Association pronounced that further research on the effectiveness of using such dolls was essential. At the moment they can only be used to facilitate communication with the child (Ackerman, 1999).

### **School age / late childhood (7–12 years)**

The child’s cognitive activity becomes selective, systematic, and voluntary. At this stage children have to perfect important social and school skills. They also master various memory strategies, which means they can remember events voluntarily. Children at this age can evaluate behaviors in moral terms, however their basic normative frame of reference consists of external bans and commands, formulated both by their parents and by peers. The child is able to adopt another person’s perspective and acknowledge others’ intentions when evaluating their actions.

At this stage, relationships with peers, especially experiences of being rejected or not having friends, become very important for the child’s development. These relationships, experiences with adults, and school successes or failures determine the child’s self image. The personality structure may significantly influence their manner of testifying. We should also keep in mind that traumatic experiences associated with the offence strongly affect the way children perceive their role in the event.

Preparing for the interview, one should remember that this stage of development is diversified by significant qualitative and quantitative changes. It is obvious that there are significant differences between the functioning of a seven-year-old and a twelve-year-old.

Therefore the discussion of this developmental stage is based on the general changes, which may be useful in identifying the rules of interviewing child witnesses.

1. The interviewer should use most general, open questions, allowing the child to provide a free account of the offence. Dent (in: Ackerman, 1999) has found that children’s free accounts are as accurate as adult’s testimonies. The author has concluded that girls provide more accurate and complete answers than their male peers.

2. Saywitz and Snyder (1996) developed an interviewing method based on a laboratory technique of enhancing memory in children at school age. The method comprises an instruction to report the event accurately and with details, but without inventing or guessing anything, followed by the introduction of categories that order the elicited report. Five categories introduced by the psychologist are then completed with details provided by the witness. If necessary, the process is facilitated by visual aids reminding the child about these categories, e.g., the scenery, the offender's appearance, etc. The authors proposed to apply this technique to invented situations – as a training method – before trying to elicit the account of the real event.
3. Children at school age are able to understand more elaborate statements and questions, though the interviewer should avoid legal terms, which might be incomprehensible or confusing, arousing fear and enhancing the child's sense of guilt.
4. It is important to determine the witness's motivation during the interview. This can be done, because children are able to evaluate their own behaviors and actions of others in moral terms. Identifying the child's motivation enables the interviewer to define his or her attitude toward the event and the offender, which may be crucial in the therapeutic process.

### **Early adolescence (13 – 18 years)**

In psychological terms, this is a particularly difficult developmental stage for young individuals. Biological processes (physical and sexual maturation) result in rapid emotional changes. Cognitive development often precedes emotional and social maturation. The development of identity, pursuing self-reliance and independence from adults, as well as the growing importance of peer groups are among the main social changes in this period.

When assessing an adolescent, one should pay special attention to:

1. Emotional factors that may disturb or hinder the witness's interaction with the interviewer: fear of confrontation with the offender or of his revenge, shame caused by the public disclosure of the adolescent's private, intimate experiences, sense of guilt, and fear of social stigmatization.
2. Motivations to testify; an attempt to estimate the psychological cost of participating in the legal procedures. What could be the potential reasons for making a false allegation: the need of manifestation, gaining approval in the peer group, revenge, etc.?

The methods of psychological assessment of adolescents do not differ from the diagnostic standards applied to adult victims. It should be kept in mind, however, that adolescent witnesses are extremely vulnerable, which may lead to strengthening and reinforcing the trauma being the subject of the interview.

## **Summary**

A forensic expert, who assesses a child victim of emotional, physical or sexual abuse, must have a complete understanding of the developmental processes typical for the witness's age, using it as the frame of reference for the evaluation of the child's individual characteristics and the level of his or her cognitive, emotional, and social development.

Factors, which can influence the accuracy of information provided by the child, include:

- the child's age,
- the level of cognitive, emotional, and social development,
- verbal reconstruction of the event (level of verbal development),
- the number of details (memory of events),
- information about the event received from other people (potential pressure exerted by the family),
- the way of establishing rapport by the psychologist,

- is the psychologist an authority figure for the child and how is he/she perceived (as threatening, helpful, etc. )?
- the interviewing style and the structure of questions,
- personality factors.

Taking all these factors under consideration, a psychologist who prepares for such an assessment, has to acknowledge that his task is not only to evaluate the psychological credibility of the child witness's testimony, but also to protect the child's psychological well-being.

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## The Cognitive Interview of Children

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*The cognitive interview is a method of enhancing memory through facilitating the process of recall. This method is used for interviewing witnesses, including child witnesses. The authors present the principles of the cognitive interview of children and describe its phases.*

### Introduction

The cognitive interview (CI) is a method of enhancing memory through improving the process of recall. It was developed between 1984 and 1985 by two American psychologists: Ronald Fisher and Edward Geiselman. Having conducted extensive research into memory processes, in 1980s they published several papers on the practical use of their findings, especially to improve the effectiveness of interviewing witnesses.

According to the authors of the CI, it focuses on two major problems related to interviewing witnesses: **memory processes** and **communication processes**. A witness must make much effort to recall the details of an event, and then communicate this information to the interviewer. Successful interviewing depends on both processes.

The fundamental principle of the cognitive interview is the guidance of memory scanning. The interviewer's task is to help the witness to recall important information through guiding him/her – using appropriate questions – towards various areas of memory, where such information may be encoded. The authors emphasize that it is **the witness, and not the interviewer**, who should play the central role in the interview, because it is the witness who has access to information. The interviewer's role is limited to reasoning about how the witness has learned the information, while subtly guiding the witness's recall processes, accompanying him/her, and suggesting effective strategies of searching the memory.

In order to encourage the witness's active engagement in the interview, the interviewer should create appropriate conditions to help the witness feel as comfortable and secure as possible. The witness should also have the feeling of being treated individually. Thus it is essential to **personalize the interview**, i.e., treat the witness as an individual with a unique set of traits and abilities. To achieve this goal the interviewer should start from establishing a rapport with the witness, express interest in his/her current emotional state and personal situation. The interviewer should encourage the witness to express his/her fears and emotions, so that the witness does not have to focus on them while recalling the event.

The other important element of an interview is communicating the recalled information. There may be problems associated both with how the witness phrases and communicates the report and with the way this information is understood and noted by the interviewer. Because every interview is an act of communication between two persons, each of them has to be aware of the other's needs and capabilities. In the CI communication is improved as a result of helping the witness to give a complete and comprehensible account, and helping the interviewer to understand and note this information and to acknowledge the witness's psychological needs (Fisher & Geiselman, 1992).

The cognitive interview is based on two fundamental laws concerning human memory:

1. A memory trace consists of several elements and the effectiveness of its recall is closely related to the number of overlapping elements, i.e., with the complexity of the event.
2. There are several possible ways of retrieving an encoded event, so information that cannot be retrieved in one way, may turn out accessible using another method.

Building on the above theoretical assumptions, the authors developed four basic techniques of retrieving memory traces of events during cognitive interviews. Two of these mnemonics have been designed to improve the effectiveness of recalling partially overlapping elements of a memory trace, while the other two concern the ways of retrieving information:

- **Report all details, regardless of their apparent importance.** The witness should give a free, complete account of the event, including information he/she may consider insignificant. The witness should present all details of the event he/she can recall, even those that seem unimportant, inconsistent or disordered.
- **Reinstate the context.** The witness is encouraged to relive the offence mentally in the personal and environmental context, in which the event occurred. The interviewer may ask the witness to imagine the experienced offence, trying to reestablish the details of the event, and the psychophysical states of all participants (his/her own and others').
- **Change the sequence of recall.** The interviewer should ask the witness to describe the event in various orders, e.g., in a reverse chronological sequence: starting from the last remembered episode.
- **Change the perspective.** The interviewer should prompt the witness to describe the event from a different perspective, e.g., from the perspective of another witness, the offender, or the victim.

The earliest experimental research, conducted by Geiselman and his colleagues among groups of students, confirmed the effectiveness of this interviewing technique. Comparing to standard methods of interviewing, the CI elicited from 20% to 35% more information without increasing the concomitant amount of errors and confabulations (Geiselman et al., 1986).

Geiselman and his colleagues attempted to verify the effectiveness of the cognitive interview when applied to child witnesses (Geiselman & Padilla, 1988). They studied children from 7 to 12 years old and found that the cognitive interview elicited 21% more information than standard interviewing methods, without changing the amount of errors and confabulations.

In general, however, children were more likely to make errors and confabulate than adults, which suggested that they might have misunderstood the instructions concerning various interviewing techniques. Therefore, in the years that followed researchers focused on adjusting interviewing procedures to the developmental characteristics of children. Their conclusion is that it seems most effective to use open-end questions, especially at the beginning of the interview, without moving to more guiding or specific questions before a general outline of the event is elicited (Fisher & McCauley 1991).

During the past twenty years the idea of cognitive interviewing has inspired research all over the world. In Europe it has sparked most interest among British, German, and Spanish psychologists. Researchers have tested selected elements of the technique and the frequency of their use, as well as how certain psychological processes may improve the process of recall.

The application of the technique to interviewing children has been studied by researchers such as Gunter Koehnken, who has developed a detailed procedure of the cognitive interview of child witnesses. Promising results of research conducted by psychologists in various countries and clear signals of the technique's practical usefulness make it strongly recommendable and worth promoting.

## **The procedure of the cognitive interview of children**

The procedure described below is based on training materials developed by Gunter Koehnken and offered to the Institute of Forensic Expert Opinions in Kraków in 1995.

The cognitive interview's goal is to help interviewed children in improving the process of recall, i.e. generating retrieved details without increasing the amount of inaccurate or invented data.

### **General guidelines concerning the interviewer's behavior**

The role of the interviewer, just as in case of interviewing adults, is to facilitate the process of retrieving information from the child's memory. It should be kept in mind that the child plays the

central role in the interview, because it is the child who has all the information that the interviewer is interested in. Therefore the interviewer should adjust the sequence of questions to the process of retrieving information from the child's memory.

Koehnken recommends that the interviewer should encourage the child witness to speak continuously, asking auxiliary questions only when it is really necessary. Therefore the interviewer should adhere to the following principles:

- Sit naturally, leaned toward the child.
- Express friendliness and support.
- Use eye contact frequently, but do not stare at the child.
- Speak slowly, use short sentences, and make pauses between sentences.
- Express your attention and interest through nodding, saying „aha“, etc., but do not use evaluative terms, such as „that's right“.
- Praise the child for his/her efforts.
- Avoid rapid movements or chaotic style of speaking.
- Don't interrupt the child.
- Allow breaks.
- Show patience.

### **Phases of the cognitive interview**

The cognitive interview of children consists of several phases. In the first one the interviewer's goal is to **personalize the interview and establish rapport** with the child. Therefore interviewers should start from greeting the child using his/her name, introducing themselves, and begin a brief conversation on a subject that is unlikely to make the child experience an internal conflict (conflict-generating subjects may include difficulties at school or relationships with others). The interviewer may ask the child about his/her interests or favorite leisure activities.

In the next phase the interviewer should **explain the goals of the interview** to the child. The interviewer should emphasize the importance of reporting as many details of the event as possible, and make it clear that the child is the only person having all the information. It is worth noting that the task is not going to be easy and will require much concentration from the child. The interviewer should also prompt the child to describe everything that will come to his/her mind, as soon as the thought emerges. This applies to all the details, including information that may seem trivial or redundant. It is also important to discourage the child from guessing or inventing things he/she cannot remember.

The subsequent phases are associated with the use of specific mnemonics, with **reinstating the context of the event** being the first of them.

The context may be reestablished by requesting the child directly to think about all environmental and personal circumstances of the event or by asking specific questions, which will make the child think about these circumstances. To ensure that this phase of the interview is effective, the interviewer should adhere to the following guidelines:

- Ask the child to listen to the instruction carefully. Emphasize that you want to help him/her to recall all details of the event;
- Give the child enough time to reinstate the context;
- Ask questions slowly, making intentional pauses;
- Ask one question at a time;
- Do not continue the interview before the child reestablishes the context.

Obtaining a **free account** of the event is another technique that should be used during the interview. One of the goals pursued in this phase is designing the strategy for the next part of the interview, i.e. the question asking phase. Therefore it is worth making brief notes and identifying subjects, which should be elaborated in the next phase.

In order to obtain a free narrative account, the interviewer should ask the child to describe his/her memories of the event. The interviewer must not interrupt the child or ask any specific questions. It might be helpful to paraphrase the child's last thought, without adding any details. Thus the interviewer should apply the techniques of active listening.

Koehnken points to several practical problems, which may emerge in the free account phase, and provides some advice on how to deal with them. For example the child may stop at some point of giving the account, even if there is more to say. The interviewer should demonstrate patience and stay quiet, even if the pauses in the child's report are long. It is important to remember that this phase precedes asking questions, and silence may be a very effective tool of eliciting more elaborate answers, if it is followed by open-end questions. When the child makes an impression of having finished the narrative account, the interviewer should not start asking questions immediately, but rather encourage the child to try to recall more details, by asking: "Do you remember anything else?", and waiting a few more seconds.

**Asking questions** is the next phase of the cognitive interview of children. Before moving on to this part, the interviewer should explain the child that he/she is going to be asked about the details of the event. It is important to emphasize once again that the child should describe everything that will come to his/her mind, without guessing or inventing anything. The interviewer may also add that this is going to be a difficult task, which requires much effort and attention. It seems useful here to briefly describe the types of questions, their advantages and limitations, and their potential effects on the answers provided by the child.

- **Open-end questions.** They allow the child to form more elaborate and extensive answers (e.g., *How did the teacher look like?*). The interview should be structured in such a way that most information is elicited from the child's narrative answers to open-end questions.
- **Close-end questions.** They require a precisely defined answer, usually one word or a short phrase (e.g., *What color were his trousers?*). This type of questions, however, has several drawbacks and should be avoided.
- **Multiple choice questions.** They provide a limited number of alternative answers, and the child has to choose the right one. This type of questions should be strongly avoided, as it seriously limits the amount of elicited information. If such questions cannot be avoided, they must be as simple as possible and should focus on one person or object.
- **Complex questions.** These contain many auxiliary questions. Children often make errors when responding to them, as they find it difficult to understand this type of questions and scan their memory at the same time. Instead of asking complex questions, the interviewer should use simple ones, giving the child enough time to answer each of them.
- **Grammatically complex questions.** Children find this type of questions difficult to comprehend, so they should be divided into a number of simpler ones.
- **Suggestive questions.** They suggest the answer, directly or indirectly, or contain facts unknown to the interviewee. They may influence both the content of the child's memory and what the child says, so they should be avoided at any cost.

The general rule is that questions must not suggest answers to the interviewed child and, most importantly, should be adjusted to the child's developmental stage. The cognitive interview is not based on questions prepared in advance. On the contrary, questions must be constantly adjusted to the process of recalling information.

Asking questions is associated with **activating imaginative pictures (or representations)** in the interviewee's mind. Asking a question makes the child use an imaginative picture and "read out" the required information. For example, if we request the child to describe his/her teacher, a picture of

that person will emerge in the child's consciousness. If the next question concerns the same picture (e.g., *What was he wearing?*), the child will continue to use the same picture. If, however, the next question concerns another imaginative representation (e.g., *Who else was there in the room?*), the first representation will be abandoned and the child will evoke another picture, corresponding to the question. Every single act of evoking a new representation interrupts the process of memory scanning and requires some mental effort. Therefore hopping from representation to representation may seriously reduce the amount of information recalled by the child.

Koehnken underlines repeatedly that asking questions in a way that minimizes the number of imaginative representations developed by the child is essential for a successful interview. When such a picture has already been evoked, the questions that follow should concern it directly. A new representation should not be activated before the content of the previous one has been completely exhausted.

Activating imaginative pictures begins in the phase of reinstating the psychological and environmental context of the event being the subject of the interview. The context is specific as it relates to a particular moment of the event.

Trying to evoke this representation, the interviewer should reconstruct the child's description as accurately as possible, using the original vocabulary and the child's reporting style. After reestablishing the context, the interviewer should ask the child to create a possibly clear mental picture of the place where the event occurred. This may take some time, so it is important that the interviewer remains silent when the child is trying to elaborate the picture. In some cases it is helpful to ask the child to close his/her eyes. This instruction, however, may only be used when the interviewer is certain that it is not going to make the child feel insecure.

Exploring the imaginative representations evoked by the child in the course of the interview is essential for its effectiveness. Koehnken recommends adhering to the following guidelines:

- Begin with an open-end question so that the child may provide an exhaustive answer;
- Ask the child directly to try to recall as many details as possible;
- Ask questions slowly and considerately, so that the child is able to maintain the evoked representation;
- Ask only relevant questions, do not stray from the core subject;
- Ask one question at a time;
- Continue exploring the picture with more specific questions only when the child has provided a complete answer to the first, open-end question;
- If the child does not provide any answer, repeating the question in the same form is unlikely to be effective; it is much better to rephrase it.

Numerous studies cited in literature, which have been designed to verify the effectiveness of particular techniques of the cognitive interview of children, have found that the best results are achieved using two of them: reinstating the context of the event and eliciting a spontaneous account, complemented with specific questions (in accordance with the previously described procedure).

In some cases, particularly among older children who have reached the appropriate level of cognitive development, when more details are needed concerning a particular circumstance of the event, the interviewer may try to use the **reversed sequence** mnemonic. The child may start such an account from the most recent episode or another important fact that has already been described, and then move on to describing earlier events. The interviewer may use information derived from the child's spontaneous report (noted by the interviewer), if the child suddenly stops. When applying this technique, it may be helpful to use the instruction suggested by Geiselman: *Tell me about it as if it was a movie played backward from the end* (Geiselman et. al, 1988).

As follows from literature, understanding the instruction concerning the **changed perspective** mnemonic, i.e. the instruction to report the event from the perspective of another person involved in the event, may prove difficult, especially for younger children. If, however, the interviewer tries to apply this technique, it may be helpful to use the instruction: *Tell me what your teddy-bear could see if it was there*.

The last phase of the interview is the **closure**. Koehnken emphasizes its importance for the child. When closing the interview, the interviewer should try to create a positive impression of the whole process. This may be done through thanking the child for his/her participation and effort, praising the child for the accurate, detailed report, and, first of all, expressing interest in the child's feelings and emotional state.

Research literature and practical experiences prove that the cognitive interview is unquestionably useful for forensic purposes. Obviously there is no need to apply this technique in all cases; there are situations, however, when eliciting as many details as possible from the witness is essential for solving a particular problem, for example for establishing the course of the investigated event, the witness's involvement, or a credible description of the offender.

It must be emphasized that this method may only be used by trained professionals. In some countries special training programs are conducted for police officers. For an experienced interviewer this is not a particularly time-consuming method, and eliciting a complete, detailed testimony during one interview prevents multiple interviewing.

Finally, we must not overlook the fact that this procedure, as it recognizes the child's psychological state and developmental abilities, may significantly contribute to minimizing the potential negative effects of the child's participation in legal proceedings.

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## **Helping child victims of crime at the Nobody's Children Foundation's "Mazowiecka" Child Advocacy Center**

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"Mazowiecka" Child Advocacy Center was established as a result of the Nobody's Children Foundation's twelve years' experience. Our experience with abused children, their families and caregivers, as well as our cooperation with a wide range of aid institutions and organizations made us realize that it was necessary to create a place, where child victims of crime would receive professional help adjusted to their needs.

Among our child clients there were cases that required legal intervention. Such decisions were made when the child was a victim of sexual abuse or physical and emotional maltreatment, or had witnessed dangerous acts of domestic violence and other crimes threatening his or her health or life.

More and more often such cases were reported to us by institutions such as the police, prosecutor's offices and courts, who requested us to provide assistance for abused children and their families. On the other hand, we tried to engage these institutions in our interventions, depending on the nature of the cases we dealt with.

The types of child victims' problems created challenges that we – as psychologists and pedagogues – had rarely faced in our previous practices. While accompanying children during interviews, protecting them against secondary victimization, learning the basic legal procedures, and trying to skillfully use the law to protect children, we realized that it was necessary to undertake systemic actions in order to effectively protect child victims of crime. The analysis of our experience in accompanying children throughout legal procedures, as well as multiple meetings with prosecutors, judges, police officers and psychologists – court experts, reinforced our belief that it was necessary to protect child victims, and helped us outline an institution that would perform such a role. During numerous discussions preceding the decision to launch such an institution, several important questions emerged.

The answer to the first one – Is such a place really necessary? – seemed obvious. Yes, it is, because there are child victims of crime, because legal regulations do not create special conditions for protecting children in legal procedures, because the regulations do not preclude creating such conditions, because we help children whose experience of testifying and appearing in court has negatively affected their emotional state and aggravated their trauma.

Another important question concerned the range of services. What do we wish and are able to offer to our prospective clients and who are going to be our future clients? The client definition obviously includes child victims of offences against life, health, and family, as well as sexual offenses. The institution's services are also addressed to such children's families and caregivers. Another client category includes police officers, judges, and psychologists for whom we perform a service role, offering them our facilities, equipment, and professional psychological knowledge. The third group of clients are all those, who seek advice, consultation or supervision in cases of children involved in legal procedures.

While trying to define, what we wish and can offer to our potential clients, we generated a few ideas. First, we wanted to create a place, where child witnesses would feel comfortable: a friendly place meeting children's needs and reducing their distress associated with the role of a court witness or a participant in court proceedings.

In order to create such a place we needed to arrange the space, select proper equipment, choose colors, and – more generally – give the facility the "right spirit". We were assisted by many

individuals and institutions, who offered money, equipment, their own ideas, and professional know-how. The devastated office space (270 m<sup>2</sup>) was gradually changing into a modern “child’s world”.

The very process of creating this “world” abounded with stressful moments. The first rooms completed were an interview room and a court trial room. With the assistance of the TVN Foundation, a TV show *Rozmowy w toku*, and the sponsors of another TV program, *Kto was tak urządził*, cozy and functional rooms were conjured in what appeared to be just a few moments, furnished with audio and video equipment, colorful furniture, curtains, and toys.

The ready-to-use rooms were being recorded by TV cameras when just a couple of meters away workers began general renovation of the walls and the floors. They were pulling out the old windows and doors, while electricians were laying down new cables. The camera operators were soon covered with dust from the walls that were being pulled down at the back of the building. There were moments when the renovation work appeared to be all chaotic and “upside down”, but the enthusiasm of both the “visionaries”, and the executors of the idea let us observe the progressing work with optimism.

## INTERVIEW ROOM

This room must meet both the psychophysical needs of children, and the formal requirements associated with legal interviews. The technical equipment includes a big one-way mirror, providing good visibility, a camera transmitting the image to the other room and recording the interview, as well as microphones registering sounds. Opposite to popular beliefs, we have not hidden the camera and the microphones. After all we do not make hidden-camera reportages and we never lie to the child that he or she is not going to be recorded, especially that the child’s recorded testimony is a major part of the evidence. Most children quickly get accustomed to the recording situation and soon forget about the camera.

The equipment in the interview room must be carefully selected. It is not a play room, so it needs to remain quite ascetic. Obviously it should be cozy, nice, and a bit “childish”. Nevertheless the selection of furniture, decorations, and toys has to be thoroughly considered and purposeful. It is indispensable to furnish such a room with two small tables: a lower one for younger children and a higher one for older ones. It is important that the child’s feet reach the floor, when he or she sits at the table. This will reduce the tension and discomfort experienced by the child. There may be soft toys in the room, but the diagnostic toys should rather be hidden. We should definitely provide paper, crayons, and markers. Our experience shows that it is also recommendable to provide soft drinks and paper tissues.

The room on the other side of the one-way mirror is designed for adult participants in the legal procedure. It has to be properly lit and furnished with a table and chairs. It is also equipped with the audio-video set, the microphone, and loud speakers necessary to stay in contact with the interviewer.

While designing the Center, we have not managed to avoid slight imperfections. It turned out, for example, that the room for adult participants is a bit too small, so we had to forgo some furniture, choosing comfort and functionality over the previously defined esthetics.

Furnishing the interview room was an extremely important yet merely the initial step towards changing the procedures of interviewing child victims of crime. The next step – and a much more difficult one – was to make the room really useful. We had to persuade judges, prosecutors, police officers, and expert psychologists that conducting interviews and court trials outside official buildings (i.e., their natural work places) was possible and beneficial for collecting evidence, simultaneously protecting child victims from secondary trauma.

The “Mazowiecka” Child Advocacy Center has developed a special offer addressed to judges, prosecutors, police officers, and expert psychologists, promoting interdisciplinary meetings of these professional groups’ representatives. Such meetings are aimed at improving the professionals’ com-



petences and enhancing their sensitivity to children's special role in legal procedures. Joint training sessions provide an opportunity to exchange experiences and develop rational standards of helping child victims of crime. Our biggest allies in promoting and implementing the idea of special treatment of children by law-enforcement institutions are judges, prosecutors, and police officers who have already used our services. Having the experience of interviewing children in the settings we have created, they tend to come back to handle further cases with child participants at our Center.

Nice interiors, the interview room, a small kitchen where we prepare snacks and drinks, and colorful mattresses ideal for jumping, are not everything we offer to children and their families.

The experience of being a victim or a witness of domestic violence or a victim of sexual abuse is by no means over at the interview stage. Nearly all children and their caregivers need psychological, legal, and (in many cases) medical assistance. The "Mazowiecka" Center offers such services. It provides individual therapy for children and their non-abusive caregivers. Many children suffer from post traumatic stress disorder and require long-term psychotherapy and psychiatric treatment.

The psychiatrists employed at the Center do not limit their work to filling prescriptions. They also conduct therapy and plan joint interventions with psychologists and lawyers.

***Kamila:** a 12-year-old girl living in a single-parent family. Since her mother's death four years ago she has been sexually abused by her father. A year ago, after an attempted suicide, the girl revealed the reasons of her desperate behavior to the hospital staff. Kamila has found herself in a dramatic situation: after losing her mother she has now lost her father, who has been arrested. The girl is currently residing in a public care institution. She shows a strong sense of guilt (blaming herself for her father's confinement), suffers from anorexia, hates herself, and has lost confidence in adults.*

*The girl is given antidepressant drugs, participates in psychotherapy, and is regularly visited by a volunteer who helps her with her schoolwork. Her premature sexual initiation has resulted in pathological changes in Kamila's reproductive organs, so the girl is also treated by a gynecologist. A caretaker from the public care institution systematically contacts the Center's lawyers to sort out the girl's complex legal issues.*

Lawyers play a significant role in the range of our services. Without them it would be impossible to provide full support for our clients. The generally low legal awareness, feelings of confusion and helplessness, inability to cope with the tangle of regulations, and mistrust towards law enforcement institutions make our clients unable to exercise their rights in the legal proceedings. The Center's lawyers patiently explain, instruct, "translate" the complicated legal language, write trial documents, and, most importantly, make sure that the rights of child victims and witnesses are observed in legal procedures.

When we talk about helping child victims of crime, we often emphasize that we take care not only of the child but also of his or her caregivers. Revealing the fact that the child has been victimized is usually a strong traumatic experience for the caregivers. Such parents need psychological support and advice or even psychotherapy. After all they have to provide support for their children; without parental support the child victim's recovery is extremely difficult.

The need for psychological assistance has turned out to be the most acute among mothers of child victims of incest and sexual abuse.

***Barbara:** the mother of an 8-year-old Szymon, who has been sexually abused by his father. Barbara got divorced to her husband six years ago. The court allowed Szymon's father to see his son outside Barbara's home. Szymon is a child with significant intellectual deficits and suffers from a serious speech defect. Barbara has two younger children with her current partner. The woman blames herself for not observing her oldest son carefully enough. She feels guilty because she used to encourage Szymon to visit his father and was quite pleased when her ex-husband eased her of taking care of three little children. Barbara has lost self-confidence as a mother, cannot cope with child-rearing problems concerning Szymon, feels stigmatized by her environment, and does not find any support in her family.*

For mothers such as Barbara a therapeutic group has been formed at the „Mazowiecka” Center. Children’s participation in the legal procedures, however, is not confined to legal interviews. Frequently courts and prosecutor’s offices request elaborate forensic psychological examinations. In such cases the Center’s psychologists are called in to perform the role of experts. Most cases requiring such examinations concern child sexual abuse; these are usually multi-faceted, complex cases. Our expert opinions appear to have gained trust among courts and prosecutor’s offices, as they submit cases not only from Warsaw, but also from other Polish towns and cities, such as Toruń, Siedlce, Białystok or Lublin.

Our frequent partners in resolving our clients’ complicated life issues are court guardians. They observe the child in his or her natural environment, and cooperate with schools and social services. The idea of interdisciplinary help may be quite difficult to implement at the Center. We take care of children from the entire Mazowsze province, and sometimes from distant places in Poland, so in many cases we do not know local partners or local help services. In such cases court guardians perform the role of a liaison between the Center and the local community. As such, they assume responsibility for activating interdisciplinary help for the children and their families in the local community.

Wishing to encourage court guardians to cooperation, establish closer contacts, and create a platform for joint actions, we have started the Court Guardians’ Club (in cooperation with the court). We meet regularly, once a month, to improve professional competences, exchange experiences, and provide supervision of most difficult cases of our – so often shared – clients.

For obvious reasons the Club’s sessions at the “Mazowiecka” Center are available only for court guardians from Warsaw and its surroundings. Our new initiative is to launch an Internet Court Guardians’ Club on the Foundation’s website, [www.fdn.pl](http://www.fdn.pl). The Internet will allow us to reach court guardians from all over Poland, creating a platform for sharing information, scientific reports, research findings, and help services.

We hope that, similarly to court guardians, psychologists – court experts treat the “Mazowiecka” Center as a friendly, helpful place. For a few months psychologists working as court experts have met regularly on Mondays, at their own club sessions. The formula of these meetings is open: the participants may use supervision, listen to lectures, or share their experiences over a cup of tea or coffee. Expert psychologists know each other mainly from corridors of court buildings and police stations. Due to the specific nature of their work they do not have a place for regular meetings. Hopefully they may find such a place at the “Mazowiecka” Center.

We hope to develop standards of child interviews in cooperation with psychologists acting as court experts. We also encourage them to participate in child interviews conducted in our rooms and to promote the Center among judges, court guardians, and police officers they cooperate with.

Analyzing our clients’ needs, we have noticed a major gap in our range of services. Quite clearly many of them require financial support. Many caregivers cannot afford bus tickets to participate regularly in therapeutic sessions and some of the children come to the Center hungry or cold, as they are not properly dressed. We try to address every such problem, however dedicated funds are needed for developing systemic solutions.

Another imperfection is the insufficient number of staff, as compared to the number of children needing help. As an NGO we have to raise funds for financing our activity on our own, which obviously limits our employment potential.

Recently another “therapist” or rather “ornitotherapist” joined our small team. It is a kakadu named Zuzia, which has been presented to us as a gift. Zuzia has given the Center a special spirit, changing it into a slightly unusual place, where children may talk to a parrot, which is a gifted listener able to keep even the deepest secrets.

The Center’s 28-month activity has shown that our services are needed and find their recipients. Child victims of crime are not an exceptional, marginal social problem. Unfortunately, many children fall victim to various types of offences, and a complex, systemic help offer is practically non-existent.

Summarizing the “Mazowiecka” Center’s experience, we have to emphasize that this is just the beginning of the process of developing a system for protecting child victims. The treatment of children still depends more on individual professionals’ good will, awareness, and resourcefulness, than on obligatory standards.

Hopefully the fact that the Center is now operating under the patronage of the Ministry of Justice, as well as our cooperation with the Ministry of Internal Affairs and Administration and the General Police Headquarters will contribute to promoting and perfecting these standards. We are also glad that the training program we have conducted since 2002 to promote child-friendly interview rooms – *Child under the Umbrella of Law* – has resulted in a higher awareness of child witnesses' special needs among judges, prosecutors and police officers working in many Polish law enforcement institutions. This program has inspired local authorities and aid organizations to launch new institutions, which perform a role similar to the Foundation's "Mazowiecka" Center. We believe that in the future a network of such specialized institutions, adhering to shared standards, and acting in cooperation with courts and prosecutor's offices will provide protection and support for child witnesses all over Poland.

## 2004: Year of child victims of crime

# Campaign “Child: Witness with Special Needs”

organized by the Nobody's Children Foundation and the Ministry of Justice

On February 22, 2004, during a ceremony organized by the Ministry of Justice and the Nobody's Children Foundation, 2004 was announced the **Year of Child Victims of Crime**. Moreover, several programs were inaugurated, aimed at protecting children from crime and supporting child victims of crime who participate in legal procedures. These programs include the “**Child: Witness with Special Needs**” social campaign, organized by the Nobody's Children Foundation in cooperation with the Ministry of Justice. One component of this campaign was the conference “Helping Child Victims of Crime”, held on October 25–26, 2004, and co-organized by three partners: The Office of the Capital City of Warsaw (Social Policy Bureau), The Ministry of Justice, and the Nobody's Children Foundation.

The campaign is addressed to professionals – judges, prosecutors, police officers, and psychologists acting as court experts – who participate in legal interventions or help children throughout the process. It is aimed at increasing these professional groups' sensitivity to children's special needs in criminal proceedings and improving their skills and competence related to interviewing children. Training programs were conducted for these professional groups as part of the campaign, organized in collaboration with the Ministry of Justice and the Mazowsze Social Policy Center. Professionals participating in such legal procedures are also the addressees of the campaign publications, which present research and theory concerning the psychological functioning of child victims and child witnesses, systemic solutions designed and applied in other countries to help such children, as well as Polish experiences in the field. Books, brochures, and the special edition of the Foundation's quarterly *Abused Child: Theory, Research, and Practice* are distributed during training sessions and conferences and sent to relevant law enforcement institutions. Thanks to the Foundation's cooperation with the National Police Headquarters and the Ministry of Justice the campaign posters: “**Your Honour, I'm scared**” – designed by VA Strategic Communication – have been displayed in most Polish police stations, prosecutor's offices and regional courts.

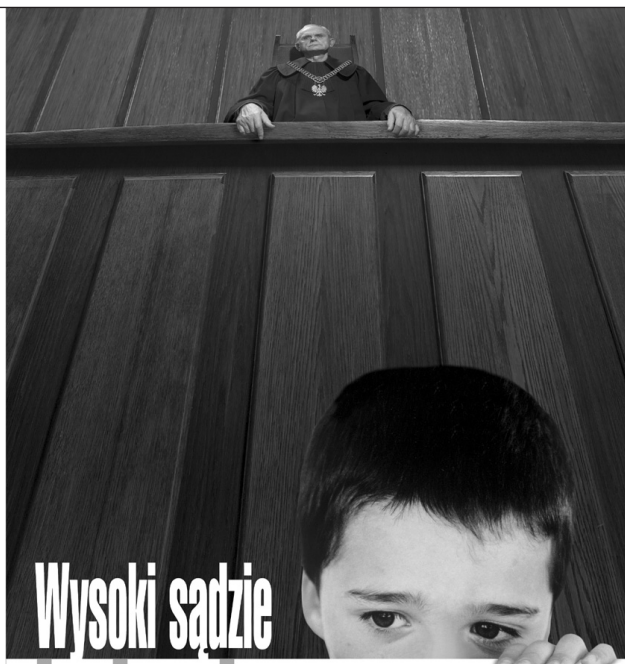
### Your Honour, I'm scared

An interview at a police station, at a prosecutor's office or in court is a traumatic experience for a child victim of crime. The child does not understand the procedures he or she has to participate in, feels guilty, and is afraid of an unknown situation and the potential consequences of accusing a close relative or another significant person.



### A CHILD IS A WITNESS WITH SPECIAL NEEDS

Let's interview children in child-friendly places, adjusting the interview's form and rate to children's psychological states and levels of development. Let's interview children only once, providing them with a mental health professional's support. Let's inform parents and children about their rights.

The Nobody's Children Foundation's campaign – “Child: Witness with Special Needs” – is carried out in cooperation with the Polish Ministry of Justice.



**Wysoki sędzie  
boję się**



Dla dziecka, które jest ofiarą przestępstwa przesłuchanie w komisariacie policji, prokuraturze lub sądzie, jest traumatycznym przeżyciem. Dziecko nie rozumie procedur, w których musi uczestniczyć, czuje się winne, boi się nieznanego i konsekwencji oskarżenia bliskich mu osób.

**DZIECKO JEST ŚWIADKIEM SZCZEGÓLNEJ TROSKI**

Przesłuchujmy dziecko w przyjaznym miejscu, dostosowując formę i tempo przesłuchania do poziomu rozwoju i stanu psychicznego dziecka. Przesłuchujmy dziecko tylko raz, zapewniając mu wsparcie psychologa. Informujmy rodziców i dziecko o przysługujących im prawach.

Kampania Fundacji Dzieci Niczyje „Dziecko – świadek szczególnej troski” prowadzona jest we współpracy z Ministerstwem Sprawiedliwości.

Plakat sponsorowany ze środków Unii Europejskiej

The campaign is also addressed to parents and caregivers of children who participate in the investigation process and court proceedings as victims of crime. As persons who have the closest relationship with the child and who are trusted by him or her, parents and caregivers play a crucial role in helping the child cope with the difficult experience of being interviewed by the prosecutor or in court. Their task is to prepare the child for the interaction with law enforcement officials and for the unfamiliar, perhaps frightening situation. In many cases, however, contact with law enforcement institutions is a new, unfamiliar, and difficult experience for the parents themselves, who may not know legal regulations or what to expect during the legal proceedings, and are sometimes unaware of how the child feels and how to protect him or her from stress. Therefore a brochure has been published, ***When your child is a witness in court***, addressed to child witnesses' parents and caregivers. How to help the child? Should I tell him or her in advance what is going to happen in court? The brochure provides answers to these and other important questions. Our goal has been to make this information available to all parents and caregivers who may need it, so the brochures have been distributed among police stations, prosecutor's offices, courts, and help institutions across Poland. Moreover, institutions providing psychological help for abused children have been provided with ***I go to court*** booklets, which instruct psychologists and parents about how to familiarize the child with the court, the persons he or she is going to meet there, and the situations to be expected during the court proceedings.

The campaign was carried out until the end of 2004, though programs initiated within the campaign are being continued. We hope that these activities will genuinely improve child witnesses' situation.

The campaign was sponsored by the Office of the Capital City of Warsaw, the Phare Civil Society Program, and the VA Strategic Communication advertising agency.

Monika Sajkowska  
Nobody's Children Foundation

# Child as a Witness

*resource materials*

# Child as a Witness

*resource materials*