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Interviewing Lucas

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A Case on Polyvictimization

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General Overview

The following case study describes a situation of polyvictimization – the occurrence of multiple forms of harm or abuse to a single victim. The fact pattern is based on an actual case, but names and some facts have been changed to protect the confidences of the victims. Polyvictimization is common but may not be accurately assessed during the forensic interview. This case study seeks to guide a multidisciplinary team (MDT) in identifying and understanding the full extent of the victimization.

A child abuse case began when seven-year-old Lucas disclosed to his parents that he had been sexually abused by a neighbor. His parents brought him to their local child advocacy center (CAC) to participate in a forensic interview. Initially, the multidisciplinary team (MDT) were not provided many details about the incident. Lucas's parents identified the alleged perpetrating neighbor by a description but not a name, and they had few other details to support a search or arrest warrant.

While his parents waited in another room, Lucas participated in a forensic interview. The interviewer led him through holistic questions that examined all parts of Lucas's life. Through this conversation, Lucas revealed details that implicated his parents – not for the sexual abuse, but for a pattern of torture and neglect that enabled the sexual abuse to occur. The scope of the case expanded from sexual abuse to a broader and longer experience of polyvictimization.

The following guidelines will aid the forensic interviewers, prosecutors, law enforcement, child protective workers, victim advocates, and mental health professionals composing an MDT to conduct a thorough and comprehensive forensic interview, with the lens of polyvictimization in mind:

1. Identify the interview's parameters in advance.
2. Create a space in which the child feels as comfortable and safe as possible.

3. Observe and check in about the child's demeanor.
4. Rely on the ChildFirst® Decision Tree.
5. Follow the child's lead and trust their timing and verbiage.
6. Ask for clarity, instead of assuming, and proceed slowly.
7. Be prepared to act in real time.
8. Put the pieces together.
9. Identify other victims, witnesses, and suspects.
10. Think beyond the interview room.

1. Identify the interview's parameters in advance.

A preliminary meeting with MDT members is imperative to optimize preparation of the physical space and develop an individualized forensic interview for the child. Different members' perspectives, including access they may have to different pieces of relevant information, will inform the forensic interview process that takes place. It is therefore important that all investigative and legal MDT members are present for the preliminary meeting, as they can support the forensic interviewer in soliciting information that satisfies all aspects of the investigation, as well as any potential interventions for the victim's needs. The preliminary meeting can limit the need for duplicative interviews by determining the following:

- Which MDT members will witness the interview from the observation room.
  In Lucas's case, the team members included a prosecutor, a law enforcement investigator, and a child protective services investigator.

- If the child or family has any prior history with the justice system.
  Prior history with the justice system can impact an interview in a variety of ways. The child or family's dissatisfaction with prior justice system interactions can create blocks or barriers in the interview, such as a reluctance to fully trust the interviewer. The child's caregiver may not be supportive during or in the days leading up to the interview which can impact the child's willingness to participate in the interview. On the contrary, satisfaction with prior interactions with the justice system can facilitate the interview. *The preliminary meeting in Lucas's case revealed that neither he nor his family had any prior history with the justice system.*

- If the child or family will need cultural and/or linguistic considerations.
  When the child or family are not native English speakers, MDTs must take special care to ensure that the child is understood correctly, and the translation reflects what the child

intended to articulate. Any language-based miscommunications, in addition to the age-appropriateness of a child's statements, can impact a statement's testimonial implications. For example, idiomatic and colloquial differences between languages could be literally lost in translation or not clearly "convert" to English. Linguistic considerations can also relate to abilities, disabilities, or idiosyncratic attributes of the individual child's language skills. Cultural considerations may also affect the forensic interview, and an interviewer could be challenged by an interviewee's distrust of government authorities. For instance, immigrant or refugee family members may hesitate to participate in the criminal justice process because they do not understand the system, have had prior negative experiences with authorities in the United States or other cultural contexts, or fear how the integration of systems providers in their family or community could impact themselves or others. *In Lucas's case, the main cultural consideration was that Lucas's family had a low socioeconomic status, which impacted the family's access to resources and support.*

- If the child has any disabilities and how to accommodate them.
  In general, context from a school-age student's individual education plan (IEP) or 504 plan, speech language therapy, or other diagnostic information can be valuable, but the MDT should also consult parents, caregivers, or other sources of support in the child's life for information about how to accommodate any disabilities. *Lucas had a minor stutter, but he was able to participate in the interview process without an assistive device or interpreter.*

- If the child has any mental health challenges, such as anxiety or stress triggers, that could necessitate modifications to the interview or its environment.
  The MDT should make any accommodations necessary to create a more accessible environment for the child, while still maintaining the forensic interview's purpose and defensibility. Sensitivities or particular lighting, seating, smells, sounds, and/or tactile input needs should be considered. *Lucas had no mental health challenges that could have impacted his interview.*

- If the child has any medical healthcare needs. In addition to COVID-19 pandemic safety protocols,[1] the interview should always evaluate the child's general physical health. Children who have been abused—particularly those abused in multiple ways—often have medical

[1] *See* Victor Vieth, Rita Farrell, Rachel Johnson, and Robert Peters, *Conducting and Defending a Pandemic-Era Forensic Interview,* ZERO ABUSE PROJECT (2020); Victor I. Vieth, Robert J. Peters, Tyler Counsil, Rita Farrell, Rachel Johnson, Stacie Leblanc, Alison Feigh, Jane Straub, and Pete Singer, *Responding to Child Abuse During a Pandemic: 25 Tips for MDTs,* ZERO ABUSE PROJECT (2020).

health issues that may impact them during the forensic interview.[2] For example, antibiotics can cause diarrhea and thus limit the time the child can stay in the interview. Pain medication for a broken bone, cold medicine, or even medications for ADHD or bipolar disorder could affect how a child presents in an interview. Even simple ailments such as an untreated cold can impair a child's ability to hear or focus. While MDTs gather information about these considerations prior to the interview, it should be noted that the child may disclose information during the interview that necessitates the need for medical intervention afterwards. Sometimes, the child may simply benefit from meeting with a medical professional to ask questions or address concerns about their body, particularly when the perpetrator has instilled misinformation or fear in the child about their body as a form of grooming and manipulation. Teams should be prepared to make the necessary referrals as needs emerge. *During his interview, Lucas disclosed physical injuries that required later intervention.*

2. Create a space in which the child feels as comfortable and safe as possible.

Each of the previously stated guidelines is an essential element to create an environment in which the child feels safe and comfortable enough to disclose the full extent of what happened to them, including any additional harm. This is especially critical as research shows that 66% of victims experience more than one form of maltreatment,[3] and these additional forms may not be part of the original outcry or hotline report. Initially, the child may not want to disclose the full extent of their abuse, may not recall some details at the time of disclosure, or may not even recognize the maltreatment as abuse.

Forensic interviewers should not view attaining a disclosure as the metric of success in an interview. Instead, they should aim to provide a space that allows the child to trust the interviewer and share all

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[2] Vincent J. Felitti and Robert F. Anda, *The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders and Sexual Behavior: Implications for Healthcare,* in RUTH A. LANIUS, ERIC VERMETTEN, AND CLARE PAIN, THE IMPACT OF EARLY LIFE TRAUMA ON HEALTH AND DISEASE: THE HIDDEN EPIDEMIC (Cambridge University Press 2010).

[3] Heather A. Turner, David Finkelhor, and Richard Omrod, *Poly-Victimization in a National Sample of Children and Youth,* 38(3) AMERICAN JOURNAL OF PREVENTIVE MEDICINE 323 (2010); David

the challenges that they are facing in their life. Sometimes, interviewers—whether law enforcement, forensic interviewers, or even first responders in the context of a FIRST response interview (also known as a cursory or minimal facts interview)—may wholly focus the interview on the child's disclosure, causing them to miss the opportunity to engage deeply with the child and learn about their experiences. To most effectively achieve the long-term goal to protect the child, the forensic interviewer must take all opportunities to bring additional charges against perpetrators and identify other safety concerns.

3. Observe and check in about the child's demeanor,

Once a safe and trusting environment is created, the forensic interviewer can focus on facilitating an open conversation with the child. Just as in social conversations, nonverbal cues offer critical information in a forensic interview that cannot be ascertained by simply recorded words. These nonverbal cues may include the child covering their face, putting their head down, starting to cry, turning away from the interviewer, or making their body physically smaller. Interviewers should not assume the meaning or emotion behind a child's body language, but they should instead nonjudgmentally ask the child about changes they notice.

In this case, the interviewer noticed that Lucas was sitting with his feet on the chair and his knees pressed close to his body. Rather than assume the meaning of the child's posture, the interviewer asked Lucas how he was feeling. Through Lucas's answer and his subsequent behavior, the interviewer evaluated that Lucas was experiencing reluctance to fully engage in the interview. By noticing the behavior and asking the child about his emotions, the interviewer embraced the opportunity to gather more information about Lucas and any of his potential mental blocks. Lucas was still willing to participate in the process, and the interview proceeded,

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Finkelhor, Richard K. Omrod, Heather A. Turner, *Poly-Victimization: A Neglected Component in Child Victimization,* 31 JOURNAL OF CHILD ABUSE & NEGLECT 7 (2007).

4. Rely on the ChildFirst® Decision Tree.

The "Decision Tree"4 in the ChildFirst® Forensic Interviewing Protocol5 helps the interviewer to navigate a flexible process, regardless of a child's willingness or capacity to divulge information. The Decision Tree offers the child various structures to communicate about maltreatment after the interviewer transitions from the Rapport phase.

In the beginning of the Rapport phase, the interviewer introduces themselves and the interview setting, including any recording equipment6 and interview instructions based on the child's age. In some jurisdictions, the interviewer may need to establish whether the child knows the difference between truth and a lie based on jurisdictional procedures.7 Once the preliminaries are established, the interviewer begins learning more about the child. The interviewer then conducts a narrative event practice, in which the interviewer uses a neutral tropic to allow the child to practice answering the spectrum of question types that will be posed throughout the forensic interview. After the Rapport phase, the interviewer will utilize the Decision Tree to make the appropriate transition to the topic of concern.

In the Rapport phase of Lucas's interview, he was a bit shy and had no questions for the interviewer, but he was very willing to participate. He agreed to only talk about things that were real and really happened. In the narrative event practice, Lucas talked extensively about his love for jumping on the

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[4] The decision tree was developed by Mark Everson and his colleagues as part of the RADAR forensic interview training program and, with their permission, was also incorporated into the ChildFirst® program. To learn more about RADAR, *see*: Mark Everson, et al., *Why RADAR? Why Now? An Overview of RADAR Child Interview Models,* AMERICAN PROFESSIONAL SOCIETY ON THE ABUSE OF CHILDREN, APSAC Advisor, Volume 32, Issue 2: Special Issue on Forensic Interviewing (Nov. 4, 2020), www.apsac.org/single-post/2020/09/16/new-apsac-advisor-volume-32-issue-2-special-issue-on-forensic-interviewing.

[5] Rita Farrell and Victor Vieth, *ChildFirst® Forensic Interview Training Program*, AMERICAN PROFESSIONAL SOCIETY ON THE ABUSE OF CHILDREN, APSAC Advisor, Volume 32, Issue 2: Special Issue on Forensic Interviewing (Nov. 4, 2020), www.apsac.org/single-post/2020/09/16/new-apsac-advisor-volume-32-issue-2-special-issue-on-forensic-interviewing.

[6] Recording a forensic interview is critical, as research supports that many details are lost if the interview is not recorded. In a case of polyvictimization, a child may give details that are not immediately grasped as being significant but later may become meaningful. Thus, it is critical that this evidence is captured. For more information, *see*: https://www.ojp.gov/ncjrs/virtual-library/abstracts/accuracy-investigations-verbatim-notes-their-forensic-interviews.

[7] Angela D. Evans and Thomas D. Lyon, *Assessing Children's Competency to Take the Oath in Court: The Influence of Question Type on Children's Accuracy,* LAW & HUMAN BEHAVIOR, 36, 195-205 (2012). Available at https://works.bepress.com/thomaslyon/75/.

trampoline. Lucas' episodic memory training8 revealed many valuable, idiosyncratic sensory details, which not only gave the interviewer a sense of Lucas's clarity and command of his own memory and language, but it also helped shape how he might discuss the abuse he had experienced. The interviewer then transitioned to discussing family and asked Lucas to describe things that he did with his mother, father, and two dogs. While on this topic, Lucas mentioned that he was very excited about macaroni and cheese.

5. Follow the child's lead and trust their timing and verbiage.

Children sometimes connect points and topics that may not seem like a linear progression to adults. Instead of redirecting a child and risking losing details that they were going to share, interviewers should, when possible, follow the topics that the child suggests. Similarly, allowing the child to choose when they feel comfortable discussing certain topics will produce a more fruitful conversation than if the topics are dictated in a predefined order by the interviewer. Finally, children sometimes do not use interviewers' measured and nonjudgmental verbiage to describe their own experiences. Joining children in using their word choices establishes a common language and allows children to authentically describe their experiences.

In Lucas's case, the interviewer noted his spontaneous mention of macaroni and cheese. The interviewer saw that Lucas freely introduced the topic and was clearly comfortable discussing it. The interviewer followed Lucas's lead, asking him to share more about his favorite food.

The interviewer asked who cooked Lucas's macaroni and cheese for him, and Lucas responded that "Mommy does the good cooking, and Daddy does the bad cooking." Although the interviewer would normally avoid language that makes value judgements, they prioritized using Lucas's verbiage and asked for details about his mother's "good" cooking. Lucas described receiving bags of food from a church's food pantry, and how the food had "numbers" (expiration dates) on it. These details were potential leads to corroborating evidence.

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[8] Episodic memory retrieval refers to the ability to recall and reconstruct specific episodes from one's memory or experiences. For information on episodic memory retrieval, see the Child Abuse Library Online's (CALiO) bibliography on episodic and script memory (https://calio.org/wp-content/uploads/2020/04/episodic-script-memory-bib.pdf) and CALiO's bibliography on narrative event practice (https://calio.org/wp-content/uploads/2020/05/narrative-practice-bib1.pdf).

6. Ask for clarity, instead of assuming, and proceed slowly.

Frequently, MDT members unintentionally assign adult meanings to words used by children, forgetting that children's language is limited and may only crudely represent their intended meaning. Interviewers should remain open-minded and acknowledge that children do not always describe and share experiences how adults expect.

Minimizing assumptions is also important in the initial outcry or complaint, and MDTs should consider that abuse, particularly online, could predate the crime in question. MDTs are encouraged to include a digital forensics or Internet Crimes Against Children task force expert to investigate beyond the initial complaint. For example, a suspect in a contact sexual offense may have amassed, produced, or distributed a collection of electronic child sexual exploitation material prior to the contact offense.[9] This material can be linked to the contact offense as evidence of intent.

The interviewer's role is a neutral information-gatherer accompanying the child along the sequential path of their conversation. The slow pace of this progression allows the child to choose if the discussion continues on the same topic or diverts to another. It also encourages the conversation to remain on each of the child's answers, rather than rushing toward the interviewer's desired information. Additionally, the slow sequential movement both allows the interviewer to thoughtfully consider the child's statements and helps to build rapport and trust with the child.

After hearing details about "Mommy's good cooking," the interviewer asked Lucas about "Daddy's bad cooking," which could be assumed to refer to Lucas's father burning or otherwise mis-preparing food. However, by allowing Lucas to direct the conversation, the interviewer learned that during the "bad cooking," the boy's father used big pots, covered the windows with foil, and made the home smell bad. Lucas then pulled up his sleeves, displaying severe rope burns around his arms. They had gone unnoticed at school because it was wintertime and he was wearing long sleeves. When asked for more information, Lucas said that his father tied him to his bed during his sessions of "bad cooking." Lucas *was restrained for several hours and sometimes wet himself (and the carpet) when he needed, but was not able to use the bathroom. He also described where his father stored the ropes.*

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[9] Robert J. Peters, et al., *Not an Ocean Away, Only a Moment Away: A Prosecutor's Primer for Obtaining Remotely Stored Data*, 47 Mitchell Hamline Law Review 1073 (2021). Available at: https://open.mitchellhamline.edu/mhlr/vol47/iss3/6.

Not only were these details sufficient to support a charge of child torture,10 they also introduced the possibility for a drug investigation, even though the MDT had no prior indication of any drug use or manufacturing in Lucas's home.

7. Be prepared to act in real time.

Surprise disclosures may support the need for a search warrant or other legal process to be served on a location. If the MDT had not planned these steps in advance, the forensic interview may need to be prolonged.

With Lucas's mother and father sitting in the CAC's waiting room, investigators needed to ensure the child's safety once the interview was complete. Although offenders are not allowed on CAC premises by policy, the MDT needed enough proof to take one or both of Lucas's parents into custody.

While the interview progressed, law enforcement obtained a search warrant for Lucas's home, and narcotics investigators discovered evidence of a methamphetamine lab for manufacturing more product than expected for personal use.

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8. Pull the pieces together.

As the interview moves toward its conclusion, the interviewer should prioritize continuing to follow the child's lead on discussion topics, although they may also need to circle back to previous topics for greater detail. As stated previously, interviewers should remain vigilant to any new disclosures of abuse, and each response should be carefully examined

To better understand the environment in Lucas's home, the MDT needed to know if Lucas's mother was aware of the drug manufacturing and child abuse in her home. The interviewer followed the boy's natural line of conversation to the "cooking parties" his parents threw. When asked for more details, Lucas disclosed that his parents' friends would come over, and he would be untied from his bed. Then he and two other children would be sent to the neighbor's house, where "bad things" would happen to him.

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[10] Barbara L. Knox, et al., *Child Torture as a Form of Child Abuse,* JOURNAL OF CHILD & ADOLESCENT TRAUMA, 7, 37–49 (2014), https://doi.org/10.1007/s40653-014-0009-9.

The interview had returned to the original allegation, but it had arrived there organically. Instead of initially focusing on the neighbor, as a first responder may, the interview helped the MDT construct a far more complete picture of Lucas's daily life.

9. Identify other victims, witnesses, and suspects.

Multiple forms and instances of abuse could produce a long list of people in the child's life who could be potential victims, witnesses, and suspects. Any person who spends significant time with the child may need to be evaluated. Particularly because information from children is sometimes seen as less credible than information from adults, MDT members should always observe the interview with an eye towards corroboration.

In mentioning the "cooking parties," Lucas was able to identify two other victims of sexual abuse by the same neighbor. Later that day, the forensic interviewer followed up with both children, who not only corroborated Lucas's experiences and statement but also disclosed their own experiences for the first time.

Further assessment of Lucas's interview revealed many investigatory leads for followup. From his mention of the church food pantry, investigators could confirm the family's receipt of groceries. Attendees who Lucas said came over for the "cooking parties" could be potential witnesses, have knowledge about the child being tied up, or confirm the child was home during the parties. Neighbors could also confirm guests being at the house. It is also possible that a search warrant could yield the rope with which Lucas was tied up, urine on the carpet and/or the clothes he was wearing, or even evidence related to the sexual abuse: inducements; trace evidence on clothing, bedding, or upholstery; objects that were used during the abuse; and more. A medical exam could document further injuries or confirm exposure to methamphetamine.

10. Practicing holistic thinking beyond the interview room.

A child's outcry is not the only way a report of abuse enters the criminal justice system. Sometimes the report is made by a family member or mandated reporter, such as a teacher or medical professional. Even if a case is screened out, it can provide an important dimension to a larger case of polyvictimization.

Take, for instance, the state of Arkansas, which had the third highest child fatalities rate in the nation in 2016. A governor's report from 2016 showed that before a child died, on average, seven to ten reports of abuse—or more frequently, neglect—had been made to the state's hotline.[11]

In those instances, even if a case is screened in, child protection investigators may focus only on whether a home is dirty or children are unsupervised, rather than be open and actively questioning if more forms of abuse are still hidden. At best, they may put services in place without an investigation or never follow up after an interview. In turn, this can lead to a cycle of families continuing to appear in a state system without their needs ever being addressed and the root causes or abuses being prevented before they begin. By addressing polyvictimization—taking the time to explore multiple facets of a single outcry, which leads to a larger scale vision of a child's experiences in a family or community—MDTs can move toward reducing the number of families in the system over the long term.

Conclusion

In this case, Lucas's parents were arrested, charged, and convicted, and they are currently serving jail time. Lucas was placed with a foster family and has since been adopted. Unfortunately, this outcome, where the perpetrators are convicted and the child is safe, is not simple or common. The MDT's buy-in, in addition to the skilled interviewer who was willing to follow the child, ensured that Lucas would not be returned to his parents to lengthy and ongoing suffering. Lucas's case plainly demonstrates that a holistic, child-led approach to the forensic interview, with an exploration of polyvictimization, are integral parts of ensuring child safety and building more stable communities.

[11] The Child Welfare Policy & Practice Group, *A Review of the Arkansas Division of Children and Family Services (July 6, 2015)*