

Adapted Forensic Interview Protocol for Children and Adolescents when Exploitation and/or Trafficking is Suspected

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Adapted Forensic Interview Protocol for Children and Adolescents when Exploitation and/or Trafficking is Suspected

Children's Advocacy Centers are increasingly asked to provide forensic interviewing services for children and adolescents where there are allegations of exploitation and/or trafficking. These interviews produce unique challenges which have not been addressed by evidence-based practice recommendations. This adapted protocol provides a flexible structure for a forensic interview of child/adolescent victims involved in an investigation of exploitation and/or trafficking. The structure addresses the variety in exploitation/trafficking cases, as well as the developmental, cultural, and trauma needs of the children/adolescents being interviewed. As the field evolves, recommendations will need to be revisited and further adapted as new practice and research information emerges.

I. Pre-Interview Preparation and Planning

A Pre-interview preparation meeting is recommended for all forensic interviews conducted at a Children's Advocacy Center (CAC), and routinely includes law enforcement and child protection investigators assigned to the case, the identified forensic interviewer, and the family/victim advocate. Other Multidisciplinary Team (MDT) members may be included, as recommended by the Memorandum of Understanding agreement of the CAC/MDT. Sharing of available information about the child and the child's level of functioning, all information contained in the reports made to law enforcement and/or child protective services, and any history that the family or the alleged offender has with either investigative organization can be helpful to the interviewer, particularly when a child is reluctant, young or otherwise challenged to communicate clearly, or has been threatened or influenced in some way.

Cases with allegations of trafficking or other exploitation require additional preparation and planning. More than one law enforcement agency may be involved, and both federal and local agencies may have jurisdiction. The responsibilities of child protective services may be different, and advocacy needs will differ. Exploitation and trafficking cases often did not originate with an outcry from the suspected victim, who may be frightened, angry, confused, or traumatized. Some children will have a long and complex history of maltreatment, neglect and poly-victimization. In some cases, there will be evidence that either indicates the possibility or provides definitive proof of a crime which might be used during the forensic interview. Evidence may include electronic media or communications, social media websites, handwritten letters, notes, or the like.

Adaptations for pre-interview preparation and planning may include:

- Schedule the forensic interview (FI) of the child at a time that allows all investigators to be present with all information available to them.

- Allow for adequate time for review of information, discussion of the investigative concerns and goals of each agency, and all information available about the child, including level of functioning and known history.
- Review evidence and discuss possible use during the interview of the child.
- Considerations for use of evidence include:
 - Type of material and any possible traumatic impact for child
 - Child’s knowledge of the existence of pornographic images
 - Sanitizing of explicit images
 - Order of presentation, typically beginning with most neutral material first
 - Agreement on decisions about material that should not be included
- While the interviewer maintains primary responsibility for the direction and progression of the interview, it is helpful to talk through an initial plan with the investigative team and to discuss how the interviewer will communicate with observers to maintain coordination.
- When working with an unfamiliar investigative agency or multiple agencies, there may be a greater need for clarity in communication beginning with the initial planning phase.

II. Engagement and Rapport

The importance of building rapport with a child witness is universally recognized as important and necessary. Research provides direction for interviewers speaking with children who have made an outcry, are supported by a caregiver or important family member, and possess adequate cognitive and linguistic skills to describe their experiences. Recommendations from research for building rapport within a forensic interview include an expression of non-judgmental interest in the child, a predominance of open questions inviting narrative responses, the inclusion of interview instructions, and an opportunity to describe in detail a recent neutral or positive event. However, there has been little concrete direction provided to interviewers encountering reluctant, frightened, traumatized, or threatened children, often seen in trafficking or exploitation cases. Concerns about exploitation or trafficking do not arise in ways typically encountered in most cases seen at a CAC. Trafficked or exploited adolescents may experience conflicted and confusing feelings about their relationship with the accused, as well as shame, guilt, loyalty, and legitimate fear of consequences. The forensic interviewer may be offering the child or adolescent the first opportunity to talk about their experiences; and despite all the best efforts of the forensic interviewer and the investigators to “open the door” to the child, it may not be enough.

Adaptations for engagement may include:

- Offer supportive approach from the very outset of the forensic interview
- Use the child’s name
- Adopt a relaxed, conversational, friendly approach
- Provide emotional support as needed throughout the interview
- Be sensitive to signs of stress and physical disengagement
- Expand the initial engagement with the child prior to transitioning to the allegation
- Maintain rapport throughout the FI as needed

- Provide specific reassurance in response to statements of distress or behavioral indicators
- Ask, “How can I make it easier for you?”
- Be patient

Revised interview instructions:

- “It is very important that I understand everything you have to say. If I ask a question and you know the answer, it is helpful for you to answer the question.”
- “If I ask a question and you do not know or remember the answer, please tell me. I don’t want you to guess.”
- “If I ask a question and you are not comfortable answering the question, please let me know that. We will try to figure it out.”
- “I want you to feel as comfortable as possible when talking with me today.”
- “I may say things back to you that I heard you say. If I get anything wrong, please tell me. I want to be sure that I understand you.”
- “Let me know if you want a break or something to drink.”

Adaptations for narrative practice:

Narrative practice is typically included in the pre-substantive phase of a FI, as it allows the child to better understand the level of detail being sought and to practice providing a detailed description of a personal event. However, in some situations, the inclusion of narrative practice may interfere with the development of rapport, especially with an adolescent who appears hostile, extremely frightened or traumatized and reluctant to allow rapport. In such cases, a better approach may be to seek greater narrative during expanded engagement.

III. Inquiry about Feelings and Possible Barriers

Interviewers typically look and listen for clues from the background information on the case and/or the child, as well as the child’s statements or behaviors during the interview to intuit concerns and potential hurdles for the child in sharing information. Additionally, most children do not spontaneously describe their emotions and thoughts either during the abuse episode(s) or about being interviewed about their experiences. Expressing interests in the child/adolescent’s feelings or concerns may encourage them to share that information. Further, an expressed willingness to hear and to respond to concerns that arise during the interview process may encourage a child/adolescent to communicate their needs, fears, and wishes to the interviewer.

Suggested inquiries may include:

- “I want to know how you are feeling about being here today and speaking with me.”
- “Is there something that you are worried about when talking with me and/or answering questions?”
- “Is there someone else that is worried about you talking with me today?”

- “What can I do to help you feel more comfortable while we are speaking?”
- “If there is something that I can do to help you feel more comfortable, please let me know.”
- “My goal today is to listen to what you have to say and to be helpful in learning about how we can keep you safe.”
- “Please let me know if you would like to take a break or need something to drink.”
- “I will periodically check in with you to see how you are doing. Is that okay with you?”

IV. Transition to Allegation-Focused Topics

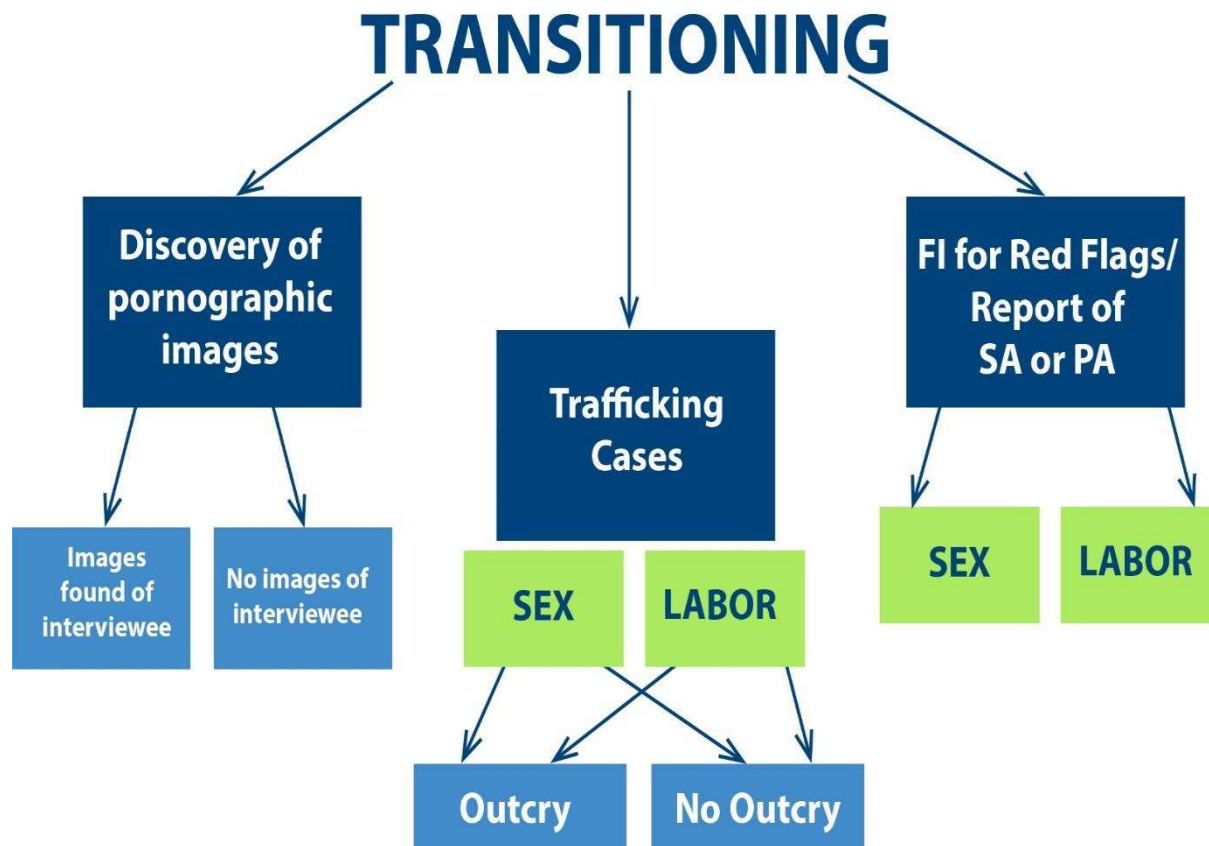
Forensic interviewers should initiate the transition to the allegation-focused topic with the recommended open prompts; but be prepared with planned additional transitional questions developed during the pre-interview planning meeting.

Standard transitional prompts:

- “What are you here to talk to me about today?”
- “What do you know about why you are here to talk with me?”
- “I sometimes talk to children/teens when someone is worried about them or when something has happened.”

Planned transitions will vary depending on allegations, information available at the time of the forensic interview, age and emotional state of the child, availability of evidence and decisions about introduction of evidence in the FI, level of certainty as to whether the child is a victim of a crime, safety concerns and assessment of need of protection for the child. While every case and involved child is unique, several categories of exploitation and/or trafficking should be considered.

The following graphic provides a roadmap for the forensic interviewer and MDT to review along with the case-specific allegations and accompanying information, in order to develop focused transition prompts and strategies.



V. Discovery of Pornographic Images of Child/Adolescent

A. Child identified in pornographic images

There is an alarming increase of cases arising from the discovery of either pornographic images of children/adolescents, created by others or by the child, or images depicting sexual acts between adults and children. These cases may come to the CAC in a variety of ways. Images may have been created and shared locally, often with an adult known to the child/adolescent and perhaps to the family. These cases may involve local law enforcement only and/or may involve the Federal Bureau of Investigation (FBI) or Homeland Security Investigations (HSI). In some cases, the initial report comes from a national or international source. In many of those cases, the child/adolescent to be interviewed has been identified through the images.

Adaptations for transitioning to the allegation focused topic:

- The child/adolescent should be informed that the interviewer has [some things, pictures, messages] that they may want to show the child/adolescent and ask them about.

- Other additional focused prompts, as decided in the pre-interview planning meeting, may be used before introducing the images.
- Images, organized in the order in which they will be introduced and placed in a plain envelope, will be introduced one at a time.
- Child/adolescent will be invited to “tell me about this picture.” All statements from the child will be followed up on with invitations to “tell me more about [....]”
- Open prompts can be followed with more specific “wh” questions to gather additional details about location, participants, actions that were occurring, etc.
- Interviewer should be attentive to disengagement from the interview process indicating fear, reluctance, ambivalence, etc. and address such with additional questions or reassurances.

B. Child not identified in pornographic images

In some cases, a report is made to the FBI or HSI about a local resident who is involved in a larger child pornography exchange. The request to conduct a FI at the CAC is made because there are minor children in the home, even when there is no initially-identified involvement of the children. When there are large amounts of images to be reviewed, it may be deemed necessary to assess the safety of the children in the home before the review of all evidence is complete. Forensic interviewers may be requested to do a safety assessment interview of the children, often without revealing any information about the existence of the pornography.

Adaptations for safety assessment interview:

- Engage child in broader conversation about family members, interactions, likes and dislikes, worries, etc.
- Inquire about electronic devices in the home (location, primary user, access to social media, etc.)
- Inquire about exposure to social media that makes them uncomfortable or that they dislike.
- Inquire about understanding of rules and practices for keeping oneself safe on-line and in day-to-day life.
- Follow-up on any concerns expressed.
- Leave the “door open” for speaking with the child/adolescent again.

VI. Concern of Exploitation/Trafficking with Confirmation

A. Outcry from child/adolescent

While most investigations of exploitation or trafficking arise from sources other than a child’s disclosure, cases occasionally come to the investigator’s attention through an outcry from a possible victim. A younger child may outcry to a trusted adult; adolescents often confide in a peer who then encourages them to report to an adult. Alternatively, disclosures of sexual abuse, exploitation, and trafficking can arise from an assessment interview of a child or adolescent as part

of a treatment or intervention evaluation, or during a juvenile detention screening. Even when there are previous statements from the child/adolescent, they may still require additional support, reassurance, and time, especially if the exploitation is long-standing and threats have been made against the child or others. Consideration should be given to the existence of evidence such as images, text messages, voicemail messages, messages on social media, etc., in addition to statements by the child/adolescent, as to how these items may be used during the forensic interview.

Adaptations for exploitation or trafficking with outcry:

- Plan incremental transitions during pre-interview planning meeting.
- Be prepared for child to experience and demonstrate many of the same emotions as children who have not yet made a verbal outcry (ambivalence, shame, guilt, fear of disbelief or reactions of others, etc.).
- Pay attention to indicators of child's motivation and receptivity to participating in the conversation.
- Provide support and reassurance as needed. Inquire about child's feelings and concerns.
- Begin with open prompts.
- Consider using known reliable information, such as child's previous statements, before introduction of any available evidence.
- Consider the possible need for more than one interview session with child.

B. No outcry from child/adolescent

When authorities have serious concerns and potential proof of the trafficking or exploitation of a child or adolescent, the forensic interviewer may be engaging with a young person who is traumatized, angry, frightened, hostile, and mistrustful. Building rapport and winning some degree of trust and cooperation can be a lengthy process and the step of conducting a forensic interview may only take place after physical, medical, and safety needs have been addressed. In addition to an expanded and tailored rapport building and information sharing process, the transitions to the allegation focused topics must be carefully and uniquely developed to meet the needs of each child and case. Based on prior information, the presence of verifiable information, availability of electronic or other evidence, the investigative team should plan a series of funneled approaches and questions. There may be a need for those plans to be adjusted as the process continues and information is provided by the child/adolescent.

Adaptations for exploitation or trafficking without outcry:

- Be sensitive to numerous blocks that may impact the interview, including:
 - Perpetrator induced blocks
 - Trauma induced blocks
 - Physical setting induced blocks
 - Victim blocks
 - Health concern blocks

- Interviewer induced blocks
- Maintain a supportive, non-judgmental, and engaged demeanor throughout the process
- Be patient and take the long view
- Do not demonstrate frustration or react to off-putting behavior from the child/adolescent
- Accommodate the child/adolescent's unique needs when possible
- Be sensitive to the possibility of trauma bonding with the alleged perpetrator. Do not engage in negative characterization of the alleged perpetrator
- Be respectful of the child/adolescent's view of themselves either as a victim or as a free actor or protected child/girlfriend/friend
- Begin transition with open inquiry and move to the incremental and more specific questions or approaches previously planned
- Continue assessing if child/adolescent is willing to move forward
- Check in periodically to see how child/adolescent is feeling
- Consider using externally verifiable information when applicable
- Consult with the investigative team as the interview progresses

VII. Concerns of Exploitation/Trafficking with No Disclosure or Confirmation

Concerns about the possibility of exploitation or trafficking may arise during a forensic interview of a child regarding allegations of sexual abuse (SA) or physical abuse (PA). The concern may come from statements from the child about multiple offenders, the dynamics of the abuse, fears or concerns expressed by the child/adolescent, or the context of the abusive acts discussed. Concerns may also rise when an adolescent has a history of repeated allegations of abuse by different perpetrators or under unusual circumstances. Adolescents are at times discovered in the company of adult non-family members in a location where the adolescents do not reside.

In addition to gathering detailed information and description from the child about all alleged events and participants, it may be helpful to include additional questions to address the possibility of exploitation or trafficking.

Adaptations when there is concern about the possibility of trafficking:

- Consider the use of additional focused questions that inquire about a child/adolescent's circumstances.
- Express your support and willingness to help the child/adolescent if there are people or places where they feel unsafe
- Follow-up questions can focus on:
 - People – individuals, friends, family
 - Environments – current living environment, home, workplace
 - Threats or coercion
 - Work setting
 - Behaviors or feelings
 - Tattoos or other observable marks

- See Appendix A for possible additional questions
- Leave the door open for the child/adolescent to return if there are other things they wish to talk about in the future

VIII. Gathering Details and Clarification

The interviewer should always begin by inviting a free narrative, allowing the child/adolescent to begin talking about his/her experiences in his/her preferred way. The interviewer may wish to take minimal notes of information provided by the child/adolescent to follow up on. The interviewer should make good use of focused narrative questions that incorporate the child/adolescent's words or previous statements. Good questioning approaches should be used throughout the interview with minimal use of option-posing questions. Avoid interrupting the child/adolescent unless the narrative becomes lengthy and full of details that appear avoidant and unrelated to the circumstances under discussion. Non-verbal attending strategies, supportive statements, and encouragement can be used in addition to open questions. Allow the use of written responses or drawing if the child/adolescent is struggling to communicate verbally. The interviewer may check in with the child periodically, especially if signs of distress or disengagement are demonstrated. Breaks can be provided as needed. If the child/adolescent becomes emotional, allow time for recovery and inquire about additional needs. Continue to assess the well-being of the child/adolescent.

Adaptations for gathering details and clarification from exploited or trafficked child/adolescent:

- Consider use of multiple interview sessions

Research and literature provide support and guidance for the efficacy of multiple session forensic interviews, particularly in cases where children are extremely reluctant, traumatized, or have extensive victimization. Interview sessions should not be duplicative and should not include suggestive or coercive questioning. The sessions should be conducted by the same interviewer to allow for greater rapport and increased capacity for the interviewer to adapt to the child's cognitive and linguistic style.

The unique needs of children/adolescents involved in these complex cases may call for additional time to be spent at any stage of the interview. It is also not possible to suggest a strict time frame in which the sessions should be conducted. The standard recommendation is for sessions to be held closely together; however, certain cases may require a different time frame because of processing of evidence or trauma, medical, or physical needs of the child/adolescent. There is no recommended number of sessions.

- Even if the child/adolescent is not willing to discuss personal experiences, they may provide identification of or key information about evidence, such as:
 - Questions surrounding the production of images
 - Location

- Names of parties involved
- Circumstances
- Others present at the location
- Time frames, to the best of the child/adolescent's ability
- Other details
- Note and respond to behaviors demonstrated during the FI
 - Tell me what you were thinking/feeling when you [note behavior].
 - I see that you are [note behavior] when you talk about [person/event/place].
 - Tell me how you feel about everything that has happened.
 - What are you most worried about?
 - What are you most afraid of?
 - What would you like to have happen?
 - If there is one thing you could change, what would that be?
- Ask about concerns about child/adolescent's safety or safety of others
 - Are you afraid of anyone?
 - Did anyone ever threaten you or your family?
 - Have you ever been unable to obtain food and/or water from more than a day?
 - Were you ever held against your will? By force, or verbal, or physical threats?
 - Has anyone ever enticed you to stay by offering gifts or money?
 - Where are you staying now?
 - Where is your family?
 - Do you feel safe returning home?

IX. Closure

Closure can vary from interview to interview, depending on the child/adolescent and their emotional needs. The conversation should return to rapport-building topics and any follow-up statements or information about next steps that are deemed appropriate. Children/adolescents who have become distressed or anxious during the interview may require additional time to recompose themselves and re-engage in everyday conversation. If there is a need for a follow-up interview, the interviewer may talk briefly about the plan. Additionally, some interviewers ask children if they have questions about the things that were discussed during the interview. The closure portion of the interview can be adjusted to the needs of the child and case.

Appendix A:
Additional Focused Questions for Concerns of Trafficking

Appendix A: Additional Focused Questions for Concerns of Trafficking

Disclaimer: Groups of questions (prompts) are arranged by topic area. These prompts are not intended to be used as a screening tool, nor should all topics be addressed in any one interview. Rather, the following prompts and questions are intended as potential conversation starters about identified areas of concern. The wording of any question will need to be adjusted to the language and communication style of the child/adolescent being interviewed.

These questions are only to initiate a conversation or exploration of a topic. A positive response should be followed by an invitation to “tell me more about [....].” The child/adolescent’s response to any of the questions should guide the interviewer’s comments and further questions.

I. People-Focused Questions

A. Individual

- Tell me about [....]
- Tell me about when you first met [....]?
- How long have you known each other?
- What do you and [....] do together?
- What do you do alone with [....]?
- What do you like about [....]?
- Are there any things [....] does to you that you don’t like?
- Is there anything that worries you about [....]?
- What has changed between you and [....]?
- Who does [....] spend time with?

B. Friends

- Tell me about your friends.
- Do you have a best friend? Tell me about that person.
- Tell me some things you do with your friend(s).
- Where do you go with your friend(s)?
- Is there someone who used to be your friend, but is no longer a friend? Tell me about what happened.
- Do your friends ever want you to do things that make you uncomfortable?
- Is there someone you are worried about?
- Is there someone who is worried about you?

C. Family

- Who is in your family?
- Do you have a boyfriend or girlfriend?
- If something happens to you that you do not like, what do you do?
- Who do you contact in an emergency?
- Who can you count on?

II. Environment-Focused Questions

A. Current Living Environment

- Where do you live? Who lives there?
- How long have you lived there?
- What do you like about living there?
- Are there things that you do not like?
- Are you free to go and come as you wish?
- Are you free to leave at any point?
- Are there things that you must do in order to live there?
- Who is the boss of the place where you live?
- Where did you live before this place? Why do you no longer live there?
- Where did you stay last night?
- Do you ever feel unsafe where you live?
- Have you ever lived anywhere else?
- What happens when you leave?
- What happens when you return?

B. Childhood Environment

- Where did you grow up?
- Who did you live with?
- When did you leave there?
- Why did you choose to leave?
- Do you ever talk to or see the people you lived with as a child?

C. Threats or Coercion

- Do you ever feel threatened or forced to do something you do not want to do?
- Were you ever threatened or harmed by someone?
- Did you ever witness threats against another person?
- Has anyone threatened to harm someone you care for?
- Is there something or someone that you are afraid of?
- Did someone ever pay you to do things?

- Did someone ever pay you to do things that you did not want to do?
- Did someone ever take intimate pictures of you? What were they used for?
- Do you have any concerns about your or others' safety?
- Were you ever confined to a room or other space for a prolonged period?

D. Employment (for older adolescents)

- Do you have a job?
- Where do you work?
- How did you find your job?
- Tell me how you get along with your boss.
- What do you call your boss?
- Tell me about your work day from start to finish.
- What hours do you have to work?
- How are you paid?
- Tell me everything that happens after work until you go to sleep.
- Are there times that you ever feel unsafe at work?
- Do you ever feel pressured to do something you don't feel comfortable with?
- What were your expectations about the job before you started? Does your experience match your expectations?

III. Additional Concerns

A. Tattoos

- Do you have any tattoos?
- Tell me about your tattoo.
- Tell me about how the tattoo looks.
- Tell me about what this tattoo means.
- Tell me how you got this tattoo.
- Was there anyone else with you when you got this tattoo?
- Does your tattoo mean something special?

B. Drugs and Alcohol

- Do you ever use alcohol or drugs to relax, feel better about yourself, or to fit in?
- Do you ever use alcohol/drugs while you are by yourself/alone?
- Do your family or friends ever tell you that you should cut down on your alcohol or drug use?
- Have you ever ridden in a car driven by someone (including yourself) who was "high" or had been using alcohol or drugs?
- Were you ever forced to use alcohol or drugs?

- How did you get the alcohol/drugs?
- Has anyone ever given you alcohol or drugs when you didn't know about it?

C. Prior Violence

- Were you ever hit, kicked, thrown down, cut, choked, tortured, or burned?
- Were you ever bound and/or gagged?
- Did you ever sustain injuries from another person?
- Did you ever need medical attention for those injuries?
- Did you ever lie about what happened when seeking medical attention?
- Did you purposefully go to a different medical facility/clinic/doctor because you did not want them to remember you from another time?

D. Safety Assessment for Older Children

- Are you safe right now?
- Are you concerned that you are being watched or monitored by someone?
- Do you have access to your own money or resources?
- Are you free to leave the place where you are living/staying?
- Is there a time limit on your ability to be away or talk?
- Do you have control of your identification documents?
- Have you been threatened?
- What are your immediate needs?
- Do you have someone that you feel you can trust to help you?