

**RWANDA NATIONAL POLICE**

**CRIMINAL INVESTIGATION DEPARTMENT**

**CDGBVA**

**TRAINING MANUAL**

**JUNE 2008.**

## **INTRODUCTION**

Shrouded in secrecy sauced in maddening violence, challengingly difficult to detect, respond to and mitigate, child domestic and gender base violence and related abuses (CDGBVA) are acquiring a life of their own in Rwanda having soared to newer heights to claim the dubious honour of accounting for 75% of all serious crimes in Rwanda.

But that is not the worst of it. Helplessness that to fight CDGBVA related crimes one requires:

- ❖ Police officers who are well trained and equipped to prevent, respond to and mitigate the sufferings of the victims.
- ❖ Investigators who are particularly trained in investigating CDGBVA crimes.
- ❖ Victims who report cases to police and cooperate throughout until justice is realized.
- ❖ A community that has a better understanding of CDGBVA related crimes is supportive of victims and facilitate reporting of cases.

This calls for continuous training of law enforcers, sensitization of the public and empowerment of victims to avoid re-victimization.

## **OBJECTIVES OF THIS TRAINING**

- ❖ Manage all CDGBVA-related investigation.
- ❖ Effectively handle sample evidence and exhibits through the required chain of custody.
- ❖ Carry out interviews with victims and interrogate suspects productively.
- ❖ Professionally handle victims as to facilitate creation of rapport and trust between investigator and victim.
- ❖ Manage the documentation involved in CDGBVA-related investigation.
- ❖ Utilize professional investigative reports from and solving, of cases.
- ❖ Manage evidence and protect it from contamination of any kind.

## **CAUSES OF CDGBVA IN RWANDA**

### ***Dependence:***

Many victims particularly children and unemployed housewives depend on their tormentors for a livelihood and fear reporting cases because this move might affect their live hood as well. This silence creates impunity and makes the perpetrators to continue in total confidence, in the knowledge that nothing will happen.

### ***False value and importance of attached to marriage:***

Many, divorcees are viewed as failures in life irrespective of their successes elsewhere. They are even viewed as the cause of their marriage's failure. As a result many stick in violent marriages to keep their "married statuts" The perpetrators view this as acceptance of violence and perpetrate it further.

### ***Irresponsibility:***

Some people of both gender depending on upbringing are naturally irresponsible and this leads to a build up of negative emotions and violence in marriages.

### ***Being orphaned***

Orphaned young and dependant in youth the orphaned child is the most abused sexually and through child labour.

### ***Genocide ideology***

Interethnic differences which led to the 1994 genocide still plays on in marital homes as the unhealed anger hangs on.

### ***Economics difficulties***

Accounts for 80% of all abortions which is one of the leading violence against children and child labour and related abuses. It also accounts for domestic violence.

### ***Ignorance of the law***

Many victims don't even know that what is being done to them is punishable in law thus they don't bother to report. Consequently no deterrent measures thus the continuation.

### ***Problems in GACACA Courts***

Long hearings, poorly managed proceedings creates animosity and intense feelings of revenge hence the violence and death visited on genocide survivors.

### ***Genocide related traumatization:***

Violence against humanity started in Rwanda in 1959 and the killings went on till the 1994 genocide. Consequently many generations have been traumatized by violence and react violently to any provocation this is seen in the seemingly unprovoked killings of spouses and parents.

### ***Temperamental and provocative language:***

Kinyarwanda seems a very polite and courteous language from the surface but underneath it can be sharp, high pitched, provocative and entrighly violent.

Just by change of tone and pitch, the language can become violent provocative and emotional enough to start about of violence.

## **VICTIM HANDLING**

### ***1. Give immediate attention:***

Never turn the victim away for any reason. Receive the victim courteously treat with dignity and relate in confidence.

### ***2. Treat victim and related third party with respect and courtesy:***

All police officers and other individuals who may come in contact with the victim or related third party (those accompanying victim) must give express, exclusive and efficient service and treat them with courtesy and genuine respect.

### ***3. Assure safety and privacy***

Victims really want to tell their side of things or story so that they are helped to get justice but they also want privacy in their suffering and assurance that all will be alright and that they shall be helped to remain safe.

### ***4. Take complete statements***

Capture complete picture of what happened by using the victims. Words and expressions to capture the victim's pain and demotions. Let victims read through statement before signing it. Give victim the file number and copy of statement for own future reference.

### ***5. Contact specialized CDGBVA investigator***

CDGBVA case require specialized investigation contact one immediately as you continue offering initial services.

### ***6. Open a temporary case file***

Open temporary case file immediately put in the case number the complainant's initial statement, the medical examination referral form photographs and witness statement.

### ***7. Explain need and use of medical examination***

Convince victim as to why a comprehensive medical examination is vital after which escort her to the relevant referral medical facility.

### ***8. Inform victim of police and judicial procedures as per the law***

Victims are after confused and traumatized to an extent that they forget to ask the most basic questions. Take time to explain to the victim each procedure he or she is likely to be subjected to.

### ***9. Take statement of first human contact to which victim disclosed the incident.***

If victim disclose the incident to anyone else prior to reporting to police, a statement must be obtained from that person as to the time, day, date, the discussion took place, what he or she was told in the words of the victim, and comment on the victim's state of mind at that time.

#### ***10. Record own statement if you are the first contact***

Record statement as to the time, date and emotional state which victim reported case.

#### ***11. Take photographs***

Take photographs of victims especially torn clothes, any items she or he may be carrying number serialize and file them in case file.

#### ***12. Empower victim to avoid repeat victimization***

80% of victims are repeat cases. At the point of attack, they are receptive to advise on personal security tactfully utilize this period to do so.

#### ***13. Blame not***

Even though a victim may seem to be the cause of his or her victimization NEVER BLAME for that is not the reason for your employment.

#### ***14. Refer victim to other support services***

Maintain contact directories and personal lists with details on whom to contact for specialized services such as trauma, counselling, medico-legal services, safe accommodation, subsistence and psycho-social support.

#### ***15. Case to be first attended to where reported***

Irrespective of where offence took place, it shall be acted upon wherever it shall be reported victim shall only be referred to the station where the incident occurred later.

## II. INTERVIEWING CHILDREN

*During the interview aim to:*

- ❖ Realise that the child is a victim
- ❖ Protect the child's emotional, physical and psychological wellbeing.
- ❖ Minimize further trauma to the child.
- ❖ Elicit as much information as possible from the child as to build a strong case.
- ❖ Be impartial

*Preparing for the interview*

*Get full details of the child*

Read all reports, statements view all photographs and discuss the case with any investigators who might have spoken to the child prior to the interview.

Obtain all the information

Get all background information including:

- ❖ Child's family
- ❖ Identify of all witnesses
- ❖ What the child wants to happen
- ❖ Identify of suspect
- ❖ Significant person with whom the child has contact
- ❖ The child's daily routine
- ❖ Child's name
- ❖ Any physical or emotional disability
- ❖ Suspects relationship with the child
- ❖ From other informal or formal sources.
- ❖ Any display of behavioural problems.

## **Obtain details about the suspect**

- ❖ Establish relationship with victim
- ❖ Review prior statements made by suspect

### *Types of questions*

- ❖ Avoid leading questions
- ❖ Use general questions
- ❖ Utilize focused questions on people, circumstances of the abuse and body parts
- ❖ Use multiple choice to establish the circumstances of the abuse
- ❖ Use YES-No to establish who, what, when and where.  
NOT” Did, Does or was”

## **USE OF QUESTIONS IN INTERVIEWING CHILDREN**

- ❖ Avoid leading questions as they might cause a false accusation to the child.
- ❖ Use more open-ended questions.
- ❖ Use general questions as opening questions when an adult comes in for assessment or treatment.
- ❖ However, general questions are very, useful with older children but unsuitable with younger children.
- ❖ With younger children use open-ended questions as they allow for unlimited response from the child in own words. An example is “tell me in your own words what happened.
- ❖ Use focused questions is encouraged as they focus on peoples, circumstances of the abuse and questions focusing on body parts.
- ❖ Use multiple choice questions when information is not forthcoming from the child.

### *Strategic use of questions*

- ❖ Think about the questions you ask before you speak.
- ❖ Take your time (pauses are helpful and signal your willingness to listen).
- ❖ Open-ended questions are the best
- ❖ Focused are the next best



- ❖ Other types of questions may be acceptable but not leading questions.

### *Other techniques*

- ❖ Built rapport with the child.
- ❖ Recall neutral events as a way of acclimating the child to the interview environment.
- ❖ Discuss truth –interview starts with general questions as a tool to test the child’s level of understanding.
- ❖ Once the interviewer can determine that the child knows what the truth is he or she shall then begin to question the child about the significance of telling the truth and the consequences of lying.
- ❖ Once the concepts are understood, the interviewer then strikes an agreement with the child to only tell the truth no matter what it is.
- ❖ Explain the need to be truthful to the child.
- ❖ Have the child introduce the topic by beginning with general open-ended questions e.g” Do you know today?” proceed to more specific questions like “ has anything happened to you recently that you would like to share with me?”.
- ❖ Encourage free recall. This is a technique where you use targeted questioning to bring up the main topic.
- ❖ If after this the child has not brought out the topic, ask the child to draw a person and then label and discuss their body parts.
- ❖ Once the topic has been uncovered, the child is asked to discuss it from beginning to the end. This is similar to report everything from cognitive interviewing.

- ❖ The interviewer should not correct interpret or challenge anything the child says at this stage.
- ❖ Always LISTEN to the child, lean forward and make a friendly eye contact.
- ❖ Allow pauses especially after the child stops speaking and before continuing to the next question. These moments of silence allow the child to collect his or her thoughts before responding or continuing thereby providing a great amount of information.
- ❖ Let the child move at his/her own pace.
- ❖ If the child has been repeatedly abused, the interviewer can elicit the child's script of those events with questions like "can you tell me what usually happens?"
- ❖ Session of free narrative is followed by general then specific questions.
- ❖ Use interview aids at this stage. This includes draws or anatomically correct dolls.

### *Closing the interview*

- ❖ Give the child time to ask questions or voice concerns they may have over the interview process, the legal process or any other issues they may be facing at home and during the interview.
- ❖ In closing, explain to the child next in the criminal justice system and process.
- ❖ Thank the child for their help.
- ❖ Conclude interview with a clarification of reported information.
- ❖ An explanation about how the interviewer can be reached at a later time should other details need to be reported.
- ❖ Discuss a neutral, friendly interview to transition out of the interview.

## *Interviewing Aids*

1. Dolls (anatomical).
2. Drawings.
3. Limit questions to those beginning with *who when and where* at the beginning of the YES-NO questions e.g “ was it your step father who made your bottom to bleed?”.
4. Follow the YES-NO question phase with open-ended questions beginning with *did/does/was* these will cause you to suggest answers with the question.
5. Use of leading questions  
Leading question are the ones in which the desired answer is specified in the question. These are commonly encountered by witnesses when they are cross-examined in court. However they are not, appropriate when used in interviewing children. They are viewed as coercive as they seem to convey the interviewers own view of events.

Leading questions, therefore influence children’s interpretation of events and are likely to lead to an attack on the validity of the interview findings. Examples include “isn’t it true that you never reported the matter to anyone for a week?” “*was it a red car*”?

“Isn’t true that you cautioned her against lying about her step father in fat three times?”

6. Build rapport with the child.
  - ❖ Discuss things of interest to the child and which are not related to the main case.
  - ❖ These initial discussions will help the interview to assess the intelligence of the child. Truthful disposition power of recall and emotional disturbance level.
  - ❖ Let the child lead the talk as you encourage him or her on.

- ❖ Give the impression that you are interested in whatever the child is talking about and that you are not Judgemental in your attitude towards the events of the crime.

#### 7. Let the child recall neutral events

Ask the child to recall at least two important but neutral events fully like her birthday or her favourite game.

#### 8. Discuss truth

After beginning with general questions and events start by establishing the child's level of understanding what truth is. When you establish that the child knows what truth is begin by questioning the child about the significance of truth the need to tell it and the consequences of lying for any reason. Once the concept is understood, an agreement with the child to only tell the truth no matter what it is.

#### 9. Use pictures and drawings

“Draw me a picture of the perpetrator” Sometimes the child might draw the picture naked and with private parts indicated.

### **THE RELIABILITY OF CHILDREN AS WITNESSES**

- ❖ Along with other challenges to allegations of sexual abuse have come the questions of children as reliable witnesses. Questions regarding the accuracy of their memories and their suggestibility have been raised.
- ❖ However, these questions have been addressed through a series of experiments that simulate some of the circumstances of sexual abuse. In general these studies indicate that children can remember and that they are resistant to suggestion.
- ❖ Older children have a more complete recall than younger children do.
- ❖ However, studies have indicated that children as young as three years can recall experiences comparable to those found in sexual

abuse. Young children remember fewer details and recall central rather than peripheral events when compared to older children.

- ❖ Research shows that, children may not volunteer information relating to abuse but they are able to recall the abuses as adult meaning their perception of the same has a high level of accuracy.
- ❖ Children's ability to provide accurate accounts appear to be better facilitated by "props" such as anatomically explicit dolls regular dolls and anatomical drawings.
- ❖ As noted earlier children may require direct questions to provide accurate answers.
- ❖ Whereas children's memories can fade over time their recall can be enhanced by periodic recall by use of props for particular aspects of events to which they are exposed.

### *Children's suggestibility*

Research indicate that most children are resistant to giving "False positives" and when they do, they are generally limited to a nod or a simple "Yes"

- ❖ Older children are more resistant to suggestibility than younger ones.
- ❖ Children too are much more able to deny actual experiences, which are perceived as traumatic or unacceptable than to make false assertions about events that did not occur.
- ❖ However, one study found out that children are suggestible not with regard to factual data but to the interpretation of the facts.

### *Criteria to be used to substantiate Sexual Abuse.*

- ❖ Once data has been gathered from the child interview and other sources, the interviewer must decide whether the child was actually sexually abused.
- ❖ Research has indicated that substantiating information must go beyond affirmative responses to one or two questions. Some research suggest that a combination of descriptive detail and the child's emotional reaction to content.

- ❖ The criteria developed by Faller is better because it involved cases whose accuracy was substantiated by offender confession and tied to the independent account of the children in 98% of the accounts the children were correct in substance, truth and centrality of key issues but not details as obtained from the confessing offenders.

These are the three categories that should be assessed in the child's statement or behaviour.

- ❖ A description (either verbal or behavioural) of the sexual behaviour
- ❖ Information about the context of the sexual abuse.
- ❖ Emotional reaction consistent with the behaviour being described the child's functioning and the circumstances of the interview.

#### *A description of the sexual abuse*

In assessing the child's description of the sexual activity, the interviewer is looking for:

- ❖ Sexual knowledge beyond that expected for the child's developmental stage.
- ❖ An account consistent with a child's perspective.
- ❖ An explicit description of the sexual acts.

Advanced sexual knowledge and a child's perspective are of course more persuasive findings with younger children. An explicit account is relevant with children of all ages.

#### *Information about the context of the Sexual Abuse*

Information about the context of the sexual abuse might include:

- ❖ When it happened.
- ❖ Where it happened.
- ❖ Where other people in the family, environment school were.
- ❖ What the offender might have done or said to involve the child.
- ❖ What the victim and the offender were wearing and what clothing was removed.
- ❖ The frequency and duration of the abuse.
- ❖ Whether the offender said anything about telling or not telling.

- ❖ Whether the child told and if so whom, where and when did the child tell and what was the person's response.

The child may have been sexually abused many times and therefore, may not remember details about all instances.

It is best to tell the child to tell about the last time in order to obtain contextual information. On research on the criteria, the child was considered to have provided sufficient contextual material if she or he gave the pieces of contextual material/information preschool children have a hard time focusing on and describing the most recent incident.

In addition they don't have sufficient ability to abstract and say for example, "Sometimes it happened  
In the bathroom, at the basement and once at my grandmother's house."

As a consequence, their accounts of the context (and the abuse itself) may be confusing and apparently inconsistent. What may be happening is that the child may be recalling different incidents when being questioned by different people or at different times. It can also happen when they recount two or more different incidents or parts of them in the same interview.

### **An emotional reaction to an abuse being described**

Children may have a variety of emotional reactions to sexual abuse depending on the characteristics of the child and the abuse. The following are common emotional reaction and associated child or abuse characteristics:

- ❖ **Reluctance to disclose**

Characteristic of most children except possibly for every disturbed or very young children.

- ❖ **Embarrassment:**

A rather mild response often found in disturbed and young children.

❖ **Anger**

More characteristic of boy victims (but not always evident)

❖ **Anxiety:**

Noted frequently in adolescent girls

❖ **Disgust**

A typical reaction to oral sex

❖ **Depression :**

Often present in victims who care for the abuser or feel they are responsible

❖ **Fear:**

Typical of cases in which the child has been injured or threatened during the course of the victimization

❖ **Sexual arousal:**

Another response sometimes found in disturbed and young children.

**Where the criteria may not be found**

In separate studies it was found that 68% of the cases met all the criteria but 32% involving children failed to meet all the criteria by between 10-32%.

Younger children failed to provide accurate contextual detail and provided very little evidence of emotional response even when independent confession/ examinations indicated the abuse took place. Consequently boy victims were less likely to describe the abuse and to exhibit effect.

Failure to manifest the expected clinical criteria may be due to the fact that the trauma has already been addressed in treatment or if victim have been exposed to other previous abuses which were worse may not indicate emotions because compared to the previous abuse, this may



not be bad. It is therefore legitimate to substantiate a case with only a description of sexual abuse.

Moreover, it is important for police, prosecutors and judges to understand that a child's inability to describe sexual abuse does not mean it did not happen. It simply means sexual abuse cannot be confirmed but that is different from it not having happened. Researches on adult survivors indicate that many never tell and suppress their emotions.

### **Other ways of confirming allegations of sexual abuse from other sources.**

#### *❖ Suspect confession*

When the alleged offender confesses to all or most of the sexual activity described by the child. However all confessions whether full or partial must as a matter of principle be investigated before being used in the evidence.

#### *❖ Medical evidence*

Even without DNA sampling for identification, medical examination which tallies with the time, circumstances and support testimonies from other people like employers of an employee who vanishes after being accused of sexual abuse or in a case where the suspect was the only one with the kid.

#### *❖ Other physical evidence*

Any materials like pornography, sexual dolls which point to sexual perversity can be used to prove a case when considered with other collaborative evidence.

#### *❖ Eyewitnesses*

Occasionally there are other eye witnesses to sexual abuse like the child's play mates, neighbours who heard the child crying after the abuse came in and found the child bleeding while the accused was the only one around.

## ❖ Forming a conclusion about sexual Abuse

In order to arrive at a conclusion about the likelihood of sexual abuse, the professional weighs the clinical findings from the child's interview besides confirming evidence from other sources. Rarely is the investigator 100 –percent sure that the abuse occurred as described. There's always room to doubt. The trick lies in tying all the loose ends to ensure that the doubt is reduced to less than 0.5%.

On the other hand it is extremely difficult to determine without any doubt that the sexual abuse did not occur.

In this regard Jack Anon a clinical and forensic pathologist has developed a useful concept a continuum of certainty cases fall somewhere along a continuum from very likely to very unlikely.

The basic promise for these guidelines is that even young children may be able to provide reliable and accurate accounts of events that they have experienced or witnessed, provided that the interview is done appropriately, in a proper setting and without manipulation by the evaluator. These guidelines are based upon the clinical and laboratory research over a long period involving children of different ages levels of abuse and backgrounds.

### **GENERAL**

1. Conduct the interview as early as feasible after the first statement of possible abuse.
2. Ensure that the evaluation is carried out by a well-trained individual who is experienced in child development and in evaluating children and families.
3. Avoid forming preconceived impression of the incident. A way to accomplish this is for the evaluator to be relatively naïve as to the circumstances of the abuse and to avoid imposing any information that the child does not know or has disclosed. Otherwise the investigator may not be open information not fitting into information already obtained. Equally if the investigator has prior information he or she will place a lot of pressure on the child for specific responses and confirmation thus contradictory information may not be pursued.

4. Consider the demand characteristics of the interview setting. Avoid extremes, such as a room full of toys that give the impression of a playroom to the child or a bare star room with only adult furniture. Sit at a table at the same level as the child.
5. Use non distractive one way mirrors to monitor the child and hidden video cameras to record the reactions.
6. Dress in comfortable casual clothes rather than a law enforcement or medical uniform.
7. If there are to be observers or the interview is to be video or audiotaped, tell the child and ask the parent or legal guardian to sign an informed consent prior to the actual interview.

#### **The interview as a guideline to truth verification**

1. Videotape or at least audiotape all contacts with the child from introduction to farewell.
2. Interview the child a lone. The only other person in the room should be the child and the evaluator unless there's a compelling need to have another person in the room.
3. Don't introduce yourself with a title such as "detective" "officer" or "doctor" just state your name and something to the effect that "I am someone to likes takes talking to children..."
4. Establish rapport at the beginning. This is where general and non leading questions about home, school, games, friends may be asked. This is also where a baseline of the child's verbal and non verbal behaviour is noted during different areas of questioning for comparison later when talking about alleged abuse.
5. Be friendly rather than authoritarian with the child.
6. Assess the child's development level and the concepts that the child has in various areas use paper, crayons colours and blocks to find out how far the child can count and remember certain things

especially colours and concepts such as over, under besides in, on etc.

7. Find out if the child understands the different between telling the truth and telling lies and whether the child knows “ make belief and “reality”
8. Let the child know/no that you the investigator have prior knowledge and will rely solely on what she tells you. Tell the child to say “ I don’t know” if he or she don’t remember if he or she doesn’t remember make it clear that the child’s only task is to state on what was done, what she heard and not to say she/he thinks will please the investigator.
9. Give the child permission to correct the evaluator. For example see how the child reacts when the evaluator says “ Now you told me your brother is four years “ when in reality the child had said six years. Watch the child’s reaction, that is if he or she will let the evaluator get away with the lie.
10. Tell the child some questions are difficult and if he or she is unable to answer he or she state so rather than just answer.
11. Check out the child concept concerning body parts.
12. Some general questions could also be around concepts of games “Do you play games with dad? Mom, your brother, your sister your baby sitter etc? What kind of games?”
13. Don’t turn the interview into a play session as this may confuse the child and encourage him or her to give wrong information.
14. In focusing the child’s attention in certain areas as much as possible avoid direct, leading or suggestive questions or statements since this reduce the length and quality of the statements made by the child.
15. Use invitational statement in order or questions in order to elicit a more open-ended response from the child such as “and then what happened”? Or “would you please tell me more about that?”

16. Use verbal facilitators such as “Okay, I see” and restatement of the child’s previous statements.
17. Once the child starts to talk about an aspect of abuse allow the child to use free recall.
18. Stress the value of having everything which is remembered by the child being told regardless of whether he or she feels it is important. Let the child tell you as much as is recalled.
19. Once the child has narrated an incident gather more information by telling the child to start from the beginning and go either forward or backward.
20. Where necessary, open ended questions can be used and repeated a number of times. For example when the child stops talking ask “Now tell me more about what happened, when you walked into the bathroom?”
21. Closed-end questions should not be repeated otherwise the child might feel that previous answers were not acceptable by the evaluator.
22. At this time it is necessary to help the child in reconstructing events as they were at the time the crime was committed using cognitive interviewing techniques.
23. Avoid coercion of any type. Don’t ask questions which lead or suggest things to the child. Avoid questions such as “did you see the... ?” use such terms such as “what did you see?”
24. Use a neutral tone with no urgency.
25. Avoid repeated accusations of alleged offence against the suspect. Let the child be at the centre of the interview.
26. Do not ignore contradictions in the child’s story. Follow them up open-endedly for clarification.
27. Avoid questions which begin with why..?

28. Check out the level of suggestibility in the child for example the investigator might ask “ a lot of children in your situation experience a lot of pain in the left arm, how about you?” If the child goes with the suggestion then he or she has a high level of suggestibility because the child would have stated earlier that he or she is not in pain.
29. Give the child permission to decline to discuss certain things or say some things.
30. If the child tells you he or she would like to stop the interview please do so immediately but don't say “ we will do so immediately you tell me the following”
31. Throughout the interview test alternative hypothesis that is that something else happened but not what you were told and not as told.
32. Thank the child for the time spent and for the way he or she helped the investigator to understand what really happened. If possible end the interview with a mental question such as “ what he or she is going to do after the interview”

## **EVALUATION OF THE INTERVIEW**

- a. In evaluating the interview look for external consistency. Does the child give the same account to different people or are there serious inconsistencies in details or time sequence between different versions of the same incident?
- b. Look at internal consistency. Does the child's story make sense? Do the time sequences locations, descriptive details change over the time of the interview, when the child is asked to go back aspects of the same incident?
- c. Look at internal details. Is there sufficient details? Sometime children can give extremely accurate description for these details. Sometimes children can be extremely accurate while in other incidences they may not. Be aware of such generalized statements such as “He raped me.”

- d. Look at child's emotional display and compare with the descriptive narrative.
- e. Notice the susceptibility to suggestion. Find out if the evaluator or yourself if ever induced the child to change parts of the story or adopt new ideas inconsistent with the original offence.
- f. Notice any reaction to challenges you or the evaluator may have posed. For example when asked whether he or she made up the story what was the child's response-shock? Denial? tears? Silence? Argument? Anger? explanation?

**Understand reason why some children don't tell the truth.**

Five areas have been researched.

- (i) Children will lie to avoid punishment.
- (ii) Children can be induced to tell a lie in the context of a game.
- (iii) Children will lie to keep promises (children as young as two years will omit important information about transgression and accidents if adults ask them to do so)
- (iv) Children may lie for personal gain (in order to gain acceptance in a group or gain material acceptance)
- (v) Children may lie in order to avoid embarrassment.

**INTERVIEWING ADULTS**

Adults are very important for their role in supporting evidence on which the Court has to rely on to decide the cases before it. Information obtained from adult witnesses or victims can corroborate other evidence in investigation. It is therefore very important that adult witnesses including victims be professionally handled at all stages of contact including interviewing and statement recording to get all the facts needed to prove a case against a suspect before court.

The value of adult witnesses goes beyond just giving information. Adult witnesses are also allowed to testify in Court physically. If poorly handed at any stage of contact either at investigative prosecution or courtroom level, they are be disoriented, non factual, biased and a liability to the prosecution's case.

Indeed many are the cases which are lost in Court because of weaknesses in getting information from adult witnesses or in fitting the information to support your case.

Interviewing is based on the premise that:

- ❖ Information solves crimes.
- ❖ The best information to support a case against a suspect is that obtained from a person who witnessed the act, linked the exhibit from the scene to the suspect, was a victim of the crime knows the suspect and the suspect and the person who interviewed both parties to establish the link.
- ❖ The best information is obtained by listening to people tell about themselves and their roles in what we are interested in.
- ❖ The timing in the interviewing of a witness is critical in obtaining reliable information when it is still fresh in the mind of the witness.
- ❖ Interviewees provide leads which can facilitate break through in investigation.
- ❖ Interviewing and attendant information increase chances of catching the “unknown perpetrator of the crime.
- ❖ Interviewing equally increases chances of probable successful prosecution of suspects in Court.
- ❖ The more details they give and the more accurate the information they give the better because of this the skill style, procedure method and technique of interviewing is important.

## **INTERVIEWING AND INTERROGETING ETHICS**

The only force a law enforcer inform of a police officer or prosecutor has is the LAW. The law is so important and so powerful that a law enforcer needs nothing else to effect his or her work.



- ❖ The criminal procedure code clearly states the procedures to be followed in obtaining evidence including interviewing and interrogation.
- ❖ The relationship between the investigator and the witness is governed strictly by ethical conduct which is meant to enhance confidence and credibility of the investigator in the eyes of the public.
- ❖ An investigator's behaviour and conduct is so crucial particularly before a vulnerable witness or victim and this relationship can have dramatic impact on the quality of information.

*It is therefore important not to:*

- ❖ Make threats.
- ❖ Make illegal and unenforceable promises.
- ❖ Use coercion.
- ❖ Use duress.
- ❖ Use force or threats of force.
- ❖ Refer to aspects not provided for in the law.
- ❖ Quote probable punishments as provided for in the law in order to influence cooperation of the suspect or witness.
- ❖ Falsely imprison in order to break suspect down.
- ❖ Threaten to effect witness as suspect if he she doesn't volunteer to witness in Court against a suspect.
- ❖ Use demeaning language.
- ❖ Apply threats.
- ❖ Treat them as being guilty.

*Before the interview*

- ❖ Separate witnesses and instruct them to stop discussing details of the occurrence with each other.
- ❖ No witness should hear other witnesses' accounts.
- ❖ Verify the identities of the witness(es).
- ❖ Obtain and document valid forms of identification and contact information for each witness.
- ❖ List all witnesses in a written report.

### **Establish rapport**

- ❖ Treat witness as you would want to be treated if you were one.
- ❖ Make the witness comfortable (comfortable witness=information).
- ❖ Light general conversation with the witness helps you understand the communication style of the witness, accents, education level and intention for witnessing.

### **Discover more about witness**

- ❖ Language and level of education.
- ❖ Drug use.
- ❖ Temperament.
- ❖ Stress level.
- ❖ Pressing problem.
- ❖ Relationship with other witnesses or suspect.
- ❖ Probable level of honesty.
- ❖ Medication and ailments.

## **DURING THE INTERVIEW**

*Use:*

- i) Open-ended questions e.g what can you tell me about the house? Not was the house a flat?
  - ii) Tell me in your own words what happened. Not did you stab him?
- ❖ These open-ended questions helps the witness to play an active role in the interview thereby, generating a greater amount of unsolicited information.
  - ❖ The questions also tend to be more accurate and promote more effective listening on the part of the investigator.

### *Clarify the information*

- ❖ Clarify terms and details to ensure that the information has been understood and accurately recorded.
- ❖ Ask witness if he/she can remember anything else or if there's anything to be added.
- ❖ If you are unclear about any details terms or descriptions used by the witness this is the time to ask.

### **Document the information**

- ❖ If it is not written down, it never happened thus the need to document facts from the interview properly.
- ❖ Include personal details of the witness including contacts.
- ❖ Record information in a format which has a natural flow.
- ❖ Be neat, precise and complete.

- ❖ Remember your report shall be utilized by others in your absence hence the need to have it answer all the questions on what, who, where, when, why and how.

*Encourage witness to contact you with any extra information.*

- ❖ Encourage witness to contact you any time after the interview whenever he or she feels like talking to you or has additional information.
- ❖ Convert witness into a potential informer through friendship and persuasion.
- ❖ Let witness contact you once he or she has come across any other potential witness.
- ❖ Assure of confidentiality of all information received and that to be yet received from witness.
- ❖ However don't ask the witness for personal opinion on the case or information given.
- ❖ Thank witness for his or her time, after going through the script and signing it.

**Discourage witness from talking to the press on the case:**

Information obtained through investigation is protected information under the criminal procedure code.

- ❖ Therefore the witness is to be cautioned to:
  - Avoid contact with media concerning the case.
  - Avoid use of media information in the interview.
  - Sell his part of the incidents account to the press.

## **Interrogation of suspects**

They are partners to investigators in each of truth with which to establish what happened. Knowing what happened is more important than just getting someone imprisoned.

Therefore treat them as potential witness to crime not suspects.

## **Technique**

Increase anxiety proper

e.g.

- ❖ I would hate to see you ten years from now worrying that your wife or employer might find out what you did and having to face the consequences then it's not worth it.
- ❖ Listen, if you don't start telling the truth I'm going to lose my temper and get angry. Believe me, you don't want to get me angry (interrogator slaps hand down on desk top and is 6 inches from suspect's face).
- ❖ If this is something you planned out long in advance that tells me you're basically a dishonest person. But, if this happened on the spur of the moment, that would be important for people to know.
- ❖ I'm sure this has been bothering you ever since it happened. You probably haven't slept well at night and perhaps have been smoking and drinking more than you usually do. Put your life back on a normal track-let's get this thing straightened out!.
- ❖ I certainly did not have to come in here and talk to you about this. I could have simply turned in my report without your explanation. From talking with you earlier I thought you were a decent person but maybe I was wrong.

Maybe you don't care about what people think or about your future at all. If that's the case I'm wasting your time and mine.

The use of follow-up questions during interview

- ❖ Your best interviews are often your second one with the witness or suspect.
- ❖ Write down your questions before suspect arrives.
- ❖ Think through suspects possible answers.
- ❖ If you were the interviewee, how would you have responded to the question and how would such an answer help the investigator establish the truth?

### *Interrogation rules*

1. When the suspects response to the initial question is evasive, find something within the response to agree with then re-ask the original question.
2. When the subjects' response includes an inappropriate memory qualifier, ask "is it possible...?" as illustrated below.

Q1. "Have you handled a gun in the last two weeks?"

R: "I don't believe so".

Q2. "Is it possible you handled a gun in the last two weeks?"

R: "Mmmmmm.."

Memory qualifiers include use of terms such as:

"To the best of my knowledge", "As far as I remember",  
 "I believe" and "If my memory serves me correctly".

If the investigators question addresses a common occurrence in the past, the subject's use of memory qualifiers may be appropriate.

However, when the subject should reasonably know the answer to the investigators question but, nonetheless, incorporates a memory qualifier within his or her response, this is an indication that is an indication that the subject is either not a bold liar or is concerned that evidence that may contradict his response.

In either situation, it is often productive to ask the hypothetical follow-up question "Is it possible?" In many instances, this follow up question has resulted in the subject acknowledging that possibility which is very critical.

### Rule 3.

When the subject offers a specific denial, ask a follow-up questions that address what the subject is not denying.

Q1: " Did you cause the injuries to your wife?"

R : " I didn't strike her with anything!"

Q2: " Did you hit her with your hand or fist?"

R : " No!"

Q3: " Did you push her down?"

R: " What do you mean?"

Q4:" Did you kick her?"

R: " Quite!"

### Principle " A"

A guilt subject knows exactly what he did or did not do during the commission of the crime.

To avoid lying to the investigator, the subject may deny some narrow aspects of the question.

This is called specific denial. In the above example, the husband is probably telling the truth when he specifically denies striking his wife with anything e.g an object, however this does not mean that he's not responsible for causing his wife's injuries. Thus the investigator needs to ask follow-up questions that address other possible ways that the husband may have used.

### Rule 4

When the subject asks the investigator to clarify an interview question, in most cases the original question should be repeated word for word.

The only exception is when the investigator's question was to his knowledge confusing or ambiguous.

Q: "Were you involved in a brawl with your wife last night in your home?"

R: "What do you mean?"

Q: "What I'm asking is whether or not you were involved in a brawl with your wife last night in your home"

Q1: "Have you ever been asked to leave a job?"

R: When I was sixteen I worked in a sandwich shop that was about seven miles from my home and I had a hard time getting to work on time. After being late on a number of occasions they let me go".

Q2: "Other than the sandwich shop, have you been asked to leave any other job".

R: "Actually I was. For a short period of time I worked as a messenger and there was some confusion about what happened to some money I was supposed to deliver"

Q3: "Other than those two jobs have you been asked to leave any other jobs"

R: "Come to think of it there was a misunderstanding with my last job..."

Principle: Omission (failure to volunteer the entire truth) is such a common occurrence in our world that it is not even legally considered a lie. To be guilty of perjury or obstruction of justice, it must be proven that the defendant knowingly offered false information. The subtle distinction between lies of omission and commission is not lost on subjects during an investigative interview. Without question, the easiest way to keep an investigator from learning the whole truth is by offering a small part of the truth through a non-incriminating statement. To learn the whole truth, the investigator must stick with the present line of questioning until the suspect offers a definitive denial.