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Update

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**BEYOND FINDING WORDS:
EMERGING ISSUES IN
FORENSIC INTERVIEWING
MARCH 6–9, 2006
TUNICA, MISSISSIPPI**

The September course in Gulfport, Mississippi, was cancelled. The rescheduled course will be held March 6–9, 2006, in Tunica, Mississippi. Those registered or on the waiting list for the September course have until November 15, 2005, to re-register for the March course. If you were registered to attend the September course, you will be given first priority to attend the March course. If you were on the waiting list for the September course, you will need to re-register and will be notified after November 15 if you are accepted for the March course. Open registration will begin on November 16, 2005, if spaces are still available. Go to our Web site at www.ndaa-apri.org to register online or call us at 703.549.4253 for more information.



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Key Factors in Forensic Interviews with Native American Children

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The ultimate challenge for the forensic interviewer is to make respectful attempts to reach every child and to listen to his or her unique life experiences. This article will specifically discuss the key factors to consider when interviewing children of Native American or Alaskan Indian descent with regard to sexual abuse allegations. According to the United States 2000 Census, over four million Native American individuals belong to more than 550 distinct federally recognized tribes.² The objective of this article is not to suggest a “cookie cutter” approach to interviewing Native American children, but to discuss strategies to increase sensitivity and improve our individual and systemic interactions with every Native American child.

Culture

When faced with the devastating impact of sexual abuse, cultural ties can be a major strength for many children and families. Generations of Native American families and tribes have struggled to remain resilient through countless harsh losses and traumas while successfully managing bicultural living. Naming ceremonies, talking circles, feasts, religious belief systems, ceremonial dress, and cohesive familial and community structures are components of the rich Native American culture. These strengths can help support children and families through this time of adversity. Therefore, recognizing and respecting the individual strengths of Native American families who may enter our agencies and systems is a critical first step.

Communication Styles

It is imperative that interviewers adjust their own communication styles to facilitate more accurate communication with the children being interviewed. For example:

Use of Interpreting and Translating Services: Professionals should encourage children to share information in the language that is most comfortable for them. Many children tend to use their native language during portions of their interviews, such as when labeling body parts or during a disclosure of maltreatment. Native American children may be more reluctant to use their native language given past historical pressure to become assimilated.³ Therefore, it is particularly important that Native American children be given permission to communicate in any language.

Kinship Terminology: For many Native American children, family members include parents, siblings, uncles, aunts, and grandparents, and non-blood related individuals.⁴ “Uncle” can refer to a friendly man, while

“Grandfather” can mean a friendly older man.⁵ A helpful interview technique may be to ask children who else is important to them, who lives with them, or with whom they may have frequent contact.⁶

Pausing and Silence: A slow and methodical speech pattern is common among Native Americans.⁷ Pausing before responding to questions, and even silence, can be integral parts of communication.⁸ It is important for interviewers to allow children to communicate at their own pace.

Nonverbal Awareness: Native American children may also “develop great skill in learning and absorbing information through indirection and innuendo...and pick up emotions and meanings from the tiniest nonverbal cues.”⁹ Interviewers must remain aware of their own nonverbal communication with a child. Any interpreted sign of discomfort or disinterest may halt a child’s disclosure of sexual abuse.

Eye Contact: Some cultures infer disrespect or dishonesty from minimal eye contact. In the Native American culture, however, an absence of eye contact may be an expression of respect.¹⁰ Interviewers should cautiously interpret Native American children’s amount of eye contact during the interviews.

Story Telling: The skill of story telling is often passed down through Native American generations and remains a form of communication for many tribes. Prompting children to “paint the picture” may be permission for children to share detailed accounts of their experiences.

Time Concepts: It is common for Native American children to mark life events by seasons, ceremonies, and daily activities.¹¹ When asking questions about time frames, be aware that Native American children may not respond in terms of dates or days of the week.

Use of Interview Tools: Interviewers should have ethnically appropriate body diagrams and anatomical dolls. If possible and appropriate, it may be helpful for children to select anatomical dolls that they believe best represent them.

Possible Blocks

Guarded Stance: If children appear to be tentative during the interview process, it may be helpful to provide reassuring statements and to further explore their feelings. Interviewers may gain valuable knowledge about the child’s level of discomfort with the interviewer and/or agency. Here are some possible dynamics for Native American children.

“Honor thy Elders”: This unquestioning loyalty and allegiance to the family and the community may out-

weigh a Native American child's individual needs. Native American children may not question their elders' behaviors toward them, or out of respect, they may keep their sexual abuse experiences private to avoid negative consequences being placed on their elders.

Systemic Distrust: A family or community may be hesitant to report a sexual abuse concern or may discourage a child from participating in an investigative process, given the historical mistrust of legal and social authorities. It is important to note the child's past interactions with law enforcement and child protection systems and whether or not the past contacts resulted positively from the child's perspective. During the interview, it may be important to gather information regarding any negative messages telling the child not to talk or negative experiences with professionals in the past.

Low Community Anonymity: It is common for a Native American child to have little or no community anonymity. It often appears that everyone knows each other through blood or kinship relationships within Native American communities, especially within communities located on reservations.¹² This can provide Native American children with a supportive close-knit community. However, Native children may be reluctant to share their sexual abuse experiences given the negative impact it may have on their relationships with their family, peers, and/or the community.

Levels of Trauma: It is generally not uncommon for children who report sexual abuse to also have experienced physical abuse, exposure to violence in their home, or institutional racism. These additional types of victimization tend to exacerbate the dynamics of sexual abuse, magnifying feelings of shame, betrayal, stigmatization, and isolation.¹³ Specifically, Native American children may have significant grief and loss issues given historical and present day events. The cumulative impact of multiple traumas may leave children more vulnerable and in need of mental health services. Children may present with symptoms of post-traumatic stress disorder (PTSD) or suicidal ideation. As many as 50 percent of sexually abused Native American children are referred to mental health services because of suicide attempts.¹⁴ In addition, alcoholism in Native American communities is six times higher than the national average, and children may present with cognitive and language delays related to Fetal Alcohol Spectrum Disorder (FASD).¹⁵ Professionals need to take into account the child's other experiences of maltreatment.

Issues Peripheral to the Interview Process

Resources: Agencies should be prepared to provide culturally specific resources to Native American children and their families. Referrals to culturally specific and experienced therapists, support groups, doctors, and psychiatrists may be warranted. Professionals should be knowledgeable of available services and funding through the Victims of Crimes Act (VOCA) and the Victim Assistance in Indian Country grant programs (VAIC) that specifically develop and establish reservation-based victim assistance programs.¹⁶ Professionals should seek out tribal or community resources that provide local prevention and treatment programs for children and families.

Teaming: All multi-disciplinary team members need to be culturally competent. In regard to Native American children, jurisdictional issues may arise between federal, state, and tribal governments. Poor systemic communication may result in a "duplication, delay, or complete failure in the investigation and prosecution of child sexual abuse cases."¹⁷ Careful and deliberate case teaming is an absolute necessity. If custodial issues are present, professionals need to be in compliance with the Indian Child Welfare Act (ICWA) and to notify the applicable tribal government(s).¹⁸ Tribal representatives should be represented on multi-disciplinary teams

and actively participate in interagency committee meetings. The sharing of knowledge and experiences should be fluid among disciplines serving children and families.

Conclusion

Achieving cultural competence is an ever-evolving goal. Best practices for serving Native American children in the forensic interview setting will be endlessly altered and improved. As forensic interviewers and multidisciplinary team members, we all have the opportunity and responsibility to ensure, provide, and share a culturally sensitive experience with each and every child that enters our professional lives.

- ¹ Child Interview Specialist and Trainer for CornerHouse, a Child Abuse Evaluation and Training Center, Minneapolis, MN. Research also compiled by Emily Benson, CornerHouse MSW Intern, Spring 2004.
- ² "Native Americans of North America," *Microsoft® Encarta® Online Encyclopedia*, 2004 ed. See www.encarta.msn.com.
- ³ Andrea Smith, "Soul Wound: The Legacy of Native American Schools." Amnesty Now, 2004. Article can be accessed at www.amnestyusa.org/amnestynow/soulwound.html.
- ⁴ Ian Canino, M.D. and Jeanne Spurlock, M.D., *Culturally Diverse Children and Adolescents: Assessment, Diagnosis, and Treatment* (New York: Guilford Press, 1994) 59.
- ⁵ Ann Graffam Walker, PhD, *Handbook on Questioning Children: A Linguistic Perspective*, 2nd Ed. (Washington D.C.: ABA Center on Children and the Law, 1999) 72.
- ⁶ Michael Harris, Ph.D., personal interview with MSW Intern Emily Benson, 12 April 2004.
- ⁷ Canino and Spurlock, *supra* note 4, at 10.
- ⁸ Walker, *supra* note 5, at 71.
- ⁹ The Minneapolis American Indian Center. *Reflections on Race: About American Indians* (Minneapolis: The League of Women Voters of Minneapolis, May 1991) 42.
- ¹⁰ Walker, *supra* note 5, at 23.
- ¹¹ Walker, *supra* note 5, at 72.
- ¹² National American Indian Court Judges Association. *Child Sexual Abuse in Native American Communities* (Washington: 1985) 5.
- ¹³ Gail E. Wyatt, "Sexual abuse of ethnic minority children: Identifying dimensions of victimization," *Professional Psychology: Research and Practice*, 2 (1990): 338.
- ¹⁴ Smith, *supra* note 3.
- ¹⁵ Smith, *supra* note 3.
- ¹⁶ Larry EcoHawk, "Child sexual abuse in Indian country: Is the guardian keeping in mind the seventh generation?" *NYU Law Journal* December 2001: 108-9. Article can be accessed at www.law.nyu.edu/journals-legislation-articles-vol5num1-echohawk.pdf.
- ¹⁷ EcoHawk, *supra* note 15, at 97.
- ¹⁸ "The Indian Child Welfare Act: The Need for a Separate Law." American Bar Association. This article can be accessed at www.abanet.org/genpractice/compleat/f95child.html.

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