

<sup>4</sup> Piaget, J. *The Construction of Reality in the Child*. (New York, N.Y. Ballantine Books 1954). See also Walker, A. G. *HANDBOOK ON QUESTIONING CHILDREN: A LINGUISTIC PERSPECTIVE*. Washington, DC: American Bar Association Center on Children and the Law (1999).

<sup>5</sup> Saywitz, K.J., Nathanson, R., & Snyder, L. S. *Credibility of Child Witnesses: The Role of Communicative Competence*. TOPICS IN LANGUAGE DISORDERS, Vol. 13, (1993) at 59-78.

<sup>6</sup> Dalenberg, C., Hyland, K., & Cuevas, C. SOURCES OF FANTASTIC ELEMENTS IN ALLEGATIONS OF ABUSE BY ADULTS AND CHILDREN IN MEMORY AND SUGGESTIBILITY IN THE FORENSIC INTERVIEW, (M. Eisen, J. Quas, & G. Goodman) (2002) at 185-204. See also Saywitz et al., *supra* note 5; Piaget, *supra* note 4.

<sup>7</sup> Walker, A.G. *HANDBOOK ON QUESTIONING CHILDREN: A LINGUISTIC PERSPECTIVE*. Washington, D.C. ABA Center on Children and the Law (1999).

<sup>8</sup> Bourg, W., Broderick, R., Flager, R., Kelly, D.M., Ervin, D.L., & Butler, J., A CHILD INTERVIEWER'S GUIDEBOOK, (Thousand Oaks, CA: Sage Pub. 1999).

<sup>9</sup> Everson, *supra* note 3; Everson, M.D. and Boat, B.W., *False Allegations of Sexual Abuse by Children and Adolescents*. JOURNAL OF THE AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY, Vol. 28, (1989), at 230-235.

<sup>10</sup> FORENSIC INTERVIEW TRAINING MANUAL (CornerHouse, 2006). (CH has creat-

ed an Age Appropriate Guidelines Chart© identifying general information children may be developmentally capable of providing).

<sup>11</sup> *Supra* note 2.

<sup>12</sup> Everson, *supra* note 3; and Perona, A.R., Bottoms, B.L. & Sorenson, E. *Research-based Guidelines for Child Forensic Interviews*; in ENDING CHILD ABUSE, (Vieth, V., Bottoms, B.L. & Perona, A.R.) (2004) at 81-130.

<sup>13</sup> *Supra* note 2.

<sup>14</sup> Engelberg, E., & Christianson, S., STRESS, TRAUMA AND MEMORY, IN MEMORY AND SUGGESTIBILITY IN THE FORENSIC INTERVIEW, (M. Eisen, J. Quas, & G. Goodman)(2002), at 143-164. Also Dalenberg et al, *supra* note 6; and Everson, *supra* note 3.

<sup>15</sup> Everson, *supra* note 3 at 137.

<sup>16</sup> Everson, *supra* note 3 at 138.

<sup>17</sup> Based on clinical experience of this author. See also, Hewitt, S.K., ASSESSING ALLEGATIONS OF SEXUAL ABUSE IN PRESCHOOL CHILDREN: UNDERSTANDING SMALL VOICES. (Thousand Oaks, CA. Sage Pub. 1999). (Acknowledging that once young children have lost focus, they begin to answer questions randomly, without thought or application).

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# Bizarre & Fantastic Elements: A Forensic Interviewer's Response, Part III

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*(Author's Note: As previously noted, these categories are based in clinical experience<sup>2</sup> and draw on the theorized mechanisms identified in Everson's 1997 publication "Understanding Bizarre, Improbable and Fantastic Elements in Children's Accounts of Abuse."<sup>3</sup> Strategies and techniques are also offered to assist interviewers in determining how to best respond to the appearance of bizarre or fantastic information.)*

## Exaggeration

Exaggeration is similar to Distortion (see Part II) because it is based in reality. While it may involve some deliberate creation of mistruths, exaggerations are more often embellishments, fueled by a child's need for sympathy, approval or attention.<sup>4</sup> An even more likely motivation for elaboration is the desire to be believed. A child who has been abused may feel the need to convince an interviewer that he or she was abused and may add details in an attempt to accomplish this. The child may elaborate on statements made by the perpetrator, the number of times things happened, or threatening elements, such as weapons. Some exaggerations overlap with empowerment statements. A child struggling with culpability may feel the need to justify why he did not do anything to "stop" the abuse or why "he" "let it happen."

Interviewers can diffuse exaggeration by offering reassurance that addresses the perceived motivation of the child. For example, with a child who is concerned about being believed, the interviewer can say, "I don't ask kids all these questions because I don't believe them, I just ask because I want know exactly what happened."

After a brief interval, the interviewer can return to the improbable information and, as previously discussed, approach in a way that does not trap the child. This does not mean that the child should be confronted with the seemingly implausible information; instead, the interviewer can simply express his or her confusion and request clarification (e.g., "I'm kind of mixed-up. Before, you said something about a gun. Did she have a gun, or were you afraid that she might have a gun, or something else?")

## Contamination

Contamination is the intentional or unintentional influence of external sources on a child's report. This could include what Everson refers to as

"Cultural Influences" (educational curriculums, cultural events and media), as well as "Cross Tainting."<sup>5</sup> Cross tainting can be found in multiple-victim cases when children are exposed to the reports of others, either through direct or secondhand sharing of information. When a case is highly publicized, children may be exposed to media coverage that provides details of others' experiences. Contamination issues are sometimes difficult to ascertain, as they are often associated with immature source-monitoring skills.<sup>6</sup>

In attempting to address Contamination, interviewers can employ a strategy similar to the one suggested for Reality Distortion. Because it is often an issue of source attribution, clarification of contamination issues requires further exploration of knowledge sources. Essentially, this means asking the child how they know about something. Although older children can literally be asked how they know, such an abstract question is difficult for preschool children. Interviewers may have to ask source monitoring questions in more concrete terms (see previous section regarding Developmental Issues). Even with such prompts, some children may be developmentally unable to explain *how* they know something.

## Accurate Description of Reality

As bizarre as a child's report may seem, there is always the possibility that he is providing an accurate description of his experience. As noted by Everson, "Unusual, bizarre or grotesque behavior should not be dismissed on the basis of novelty or rarity alone."<sup>7</sup> Information that conflicts with an interviewer's scope of knowledge should not be categorized as implausible simply because it is unusual or unfamiliar. It may be based in sexual activities, cultural practices, or spiritual beliefs unknown to the interviewer. For example, during one interview, a child reported that after being sexually assaulted he was taken to a building where all the adults were "drinking blood." It was later learned that the child was referring to a Roman Catholic mass, a Christian faith service where they spoke of, and symbolically partook of, Christ's flesh and blood by eating unleavened bread and drinking wine.

Determining the accuracy of seemingly bizarre information is often difficult. While questions about actual fantasy may invite more fantasy, the failure to ask questions may result in missed information or an inaccurate assumption regarding the child's credibility. If a child uses a word or a

phrase that is unfamiliar, the interviewer can seek clarification (without inviting fantasy) by simply asking what it means. Sensory-based inquiries are also helpful, as they allow children of all ages to provide firsthand, personally experienced information. Sensory questions focus on what the child heard, saw, tasted, smelled or felt; they often result in idiosyncratic details that enhance, rather than diminish, a child's credibility in regards to his or her experiences.

### Playful Teasing

On occasion, children may introduce unlikely information in a casual, playful, or even mischievous manner. Anecdotally, this seems to occur more often in the early stages of a forensic interview, rather than the stages more often associated with abuse disclosures, which may explain why it is not typically mentioned as an origin for fantastic elements. However, seemingly improbable information may be viewed as problematic regardless of where or when it appears in the interview. For example, if an interviewer asks a preschooler how old he is and he jokingly responds, "Fourteen," the remainder of his report may be attacked for its veracity. Although the child deliberately provides inaccurate data, the intent is not to deceive the interviewer, but to engage in a particular type of social interaction.

Under these circumstances, it may be necessary to gently redirect a child with a non-accusatory statement such as, "In this room, we only talk about things that really happened." When the teasing occurs early in the interview, the interviewer should address it immediately to prevent further occurrences. Mirroring the child's affect, the interviewer can ask, "Are you teasing me?" Regardless of the child's response, the interviewer has created the opportunity to inform the child that although teasing is okay, it is not something that is done in the interview room. During this exchange, the interviewer must actively avoid any stance that could convey authority or criticism.

Although this strategy can be employed with a variety of fantastic elements, it should be used with caution, only when the interviewer is fair-

ly certain that an improbable element is truly improbable and there is no other explanation for the child's unusual report.

In conclusion, interviewers must walk a fine line, deciding on an individual basis when and how to pursue the clarification of bizarre or fantastic elements. Addressing improbable information in a forensic interview obligates an interviewer to have a solid understanding of its possible origins. The explanations mentioned above are not exhaustive, and further research in this area is unquestionably needed. However, it is hoped that the possibilities offered will remind interviewers that there are numerous explanations for the appearance of unusual information and that it is essential to maintain an open, nonjudgmental and nonconfrontational position. Seemingly bizarre or fantastic elements cannot and should not be viewed as justification for the dismissal of a child's disclosure.

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### Endnotes

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<sup>2</sup> The examples used in this article are based on the author's own clinical experience.

<sup>3</sup> Everson, M. Understanding Bizarre, *Improbable and Fantastic Elements in Children's Accounts of Abuse*, CHILD MALTREATMENT, Vol.2, No. 2. (May 1997) at 134-149.

<sup>4</sup> Perona, A.R., Bottoms, B.L. & Sorenson, E. *Research-based Guidelines for Child Forensic Interviews*; in ENDING CHILD ABUSE, (Vieth, V., Bottoms, B.L. & Perona, A.R.) (2004) at 81-130.

<sup>5</sup> Everson, *supra* note 3 (p.146).

<sup>6</sup> Saywitz, K.J., Nathanson, R., & Snyder, L.S., *Credibility of Child Witnesses: The Role of Communicative Competence*, TOPICS IN LANGUAGE DISORDERS, Vol. 13, (1993), at 59-78. See also Dalenberg, C., *Fantastic Elements in Child Disclosure of Abuse*. APSAC ADVISOR, Vol. 9 No. 2, (1996), at 5-9. (Developmentally young children may not differentiate what they know firsthand from what they have heard).

<sup>7</sup> Everson, *supra* note 3 at 136

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# Strategies for Interviewing Child Victims of Human Trafficking

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Interviewing victims of human trafficking is a critical component in the investigation and prosecution of human trafficking cases. Given the difficulties associated with identifying victims of human trafficking and recognizing human trafficking cases as such, the forensic interviewing of victims is crucial to improving our ability to bring justice to these victims.<sup>3</sup> Forensic interviewing strategies for minor victims of human trafficking will be examined in this article with a specific focus on domestic victims of human trafficking. Awareness of available federal and state resources is the most critical component of any institutional response to human trafficking cases. Appropriate training is also important given the unique dynamics of these cases. Interviewers need to recognize that the format of forensic interviewing and the dynamics of these interviews may be significantly different than interviews for more traditional child sexual abuse interviews.

Investigating and prosecuting human trafficking requires complex law enforcement activities, an understanding of the dynamics of human trafficking in all of its permutations (sex trafficking, labor trafficking, trafficking of both foreign born and domestic victims), an often complex jurisdictional analyses, familiarity with federal, state, local and nongovernmental resources and collaboration with multiple agencies/organizations at all levels. Additionally, the statutory framework for trafficking is relatively new;<sup>4</sup> learning to recognize trafficking cases and appropriately identify victims of trafficking is, therefore, critical if we are to protect these victims. Despite the challenges of pursuing these cases, the reality of

human trafficking as the modern face of slavery in our communities demands an appropriate institutional response.

State and local law enforcement are key partners in the national efforts to address the commercial sexual exploitation of children in the United States through the Innocence Lost Initiative.<sup>5</sup> Numerous federal and state task forces are also in place to ensure thorough investigations and prosecutions of human trafficking. Familiarity with the various federal and state resources<sup>6</sup> ensures that resources available for victims are accessed and that appropriate jurisdictional choices are made for these very complex cases.

Training is also important given the unique dynamics of many human trafficking investigations. Understanding developmental issues associated with adolescents is critical; adolescents often reject any outreach that is perceived as condescending. Many of the strategies forensic interviewers employ for young children are less effective with adolescents; for example, trying to clarify specific language can be a challenge if the adolescent feels the attempt at clarification is condescending.<sup>7</sup> Adolescents are less likely to ask for clarification if they don't understand a question or language being used. Adolescents often wish to be seen as "adult;" asking for clarification undermines that wish. Accurate information can be gleaned if interviewers understand developmental issues associated with adolescents and compliant victim dynamics. Since the relationship between these juvenile victims of prostitution and the individuals controlling these victims is often abusive and manipulative interview-