

Tips for Addressing Suggestibility in Child Abuse Cases

Transcript

I am Tanya Duffy. I am the Barnes County State's Attorney, and today I'm going to give you some tips, suggestions, and what I feel are best practices for prosecuting child abuse cases.

1. Understand the Forensic Interview Structure

Prosecutors need to be familiar with the structure that the interviewer is trained on — including:

- The **layout of the room**
- The fact that **other people are observing** from a separate location
- The **style of questions** that are asked

Interviewers are specially trained professionals who follow a consistent process in each interview.

Get to know your forensic interviewer. They can teach you a lot. Ask them:

- About rapport-building
- Why they explain the rules of the room
- Why they describe the room itself
- Why they ask questions a certain way

2. Understanding Suggestibility

In order to understand how to address suggestibility, you first have to understand what it is.

Suggestibility occurs when an interviewer communicates to a child — either verbally or non-verbally — in a way that could influence the child to say something.

3. Combatting Claims of Suggestibility

How do prosecutors address claims of suggestibility? It begins with understanding the **research behind memory and suggestibility**.

There's a large amount of research available online that covers:

- Memory issues
- How suggestibility can occur within forensic interviews

Pay attention to how often a child **corrects the interviewer** during the interview. If the child corrects them at all, it shows two things:

1. The child is paying attention to the details the interviewer is taking in.
2. The child's answers are not being suggested by the interviewer — because the child is actively correcting them.

4. Deviations from Protocol

Sometimes there are deviations from the standard forensic interview protocol. It's important to understand why.

Possible reasons include:

- **Multiple perpetrators** — disclosure of a second abuser may come later.
- **Information withheld** during the initial interview — later disclosed in a subsequent interview.
- **Comfort level of the child** — the child may not be ready to disclose during the first interview but opens up later.

When new disclosures occur later, an additional interview is scheduled. For example:

- The child initially reports some abuse.
- Later, they disclose more abuse to someone else.
- A second interview is then conducted to gather that new information.

5. The Importance of Question Type

Another key factor in addressing suggestibility is the **type of questions** the interviewer uses.

Typically, interviewers use **non-suggestive, non-leading** questions. This point should be emphasized in:

- **Direct examination** of the interviewer

- **Redirect examination**, if necessary

6. Addressing Claims About Tools Used in Interviews

It may be suggested that using **Play-Doh** during an interview is suggestive.

It's important for the interviewer to explain that Play-Doh is **not suggestive** — it is a **coping mechanism** to help the child talk about difficult topics.

Similarly, **anatomical drawings** are sometimes claimed to be suggestive. Interviewers should be able to testify that:

- Anatomical drawings are **not suggestive**.
- They are used only for **clarification purposes**.

7. Interviewer Neutrality

Finally, it's important for interviewers to explain that they **do not have personal bias** in these cases. They do not know any of the parties involved and are there only to gather accurate information from the child.