

**PROTOCOL FOR VIDEOTAPING INVESTIGATORY
INTERVIEWS WITH CHILD SEXUAL ABUSE COMPLAINANTS**

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The Videotaping Project was initiated as a pilot project jointly funded by the Manitoba Department of Justice and the federal Department of Justice. The project began in March 1986 and will continue to December 1989.

One of the main objectives of the pilot phase of the project was to determine whether trauma to child sexual abuse victims could be ameliorated by videotaping early disclosures, thereby reducing the need for numerous professionals to obtain repeated disclosures. Additional objectives are to develop protocol for videotaping and to produce tapes that can be used by professionals in the investigation, assessment and treatment of sexual abuse cases, both in and outside the criminal justice system. With the proclamation of Bill C-15 January 1, 1988, protocols were revised to meet the evidentiary requirements of criminal trials.

The pilot was conducted in Winnipeg and the Parklands region of Manitoba, which is a large rural area covering the western part of the province. Both native and non-native Child & Family Services agencies were included.

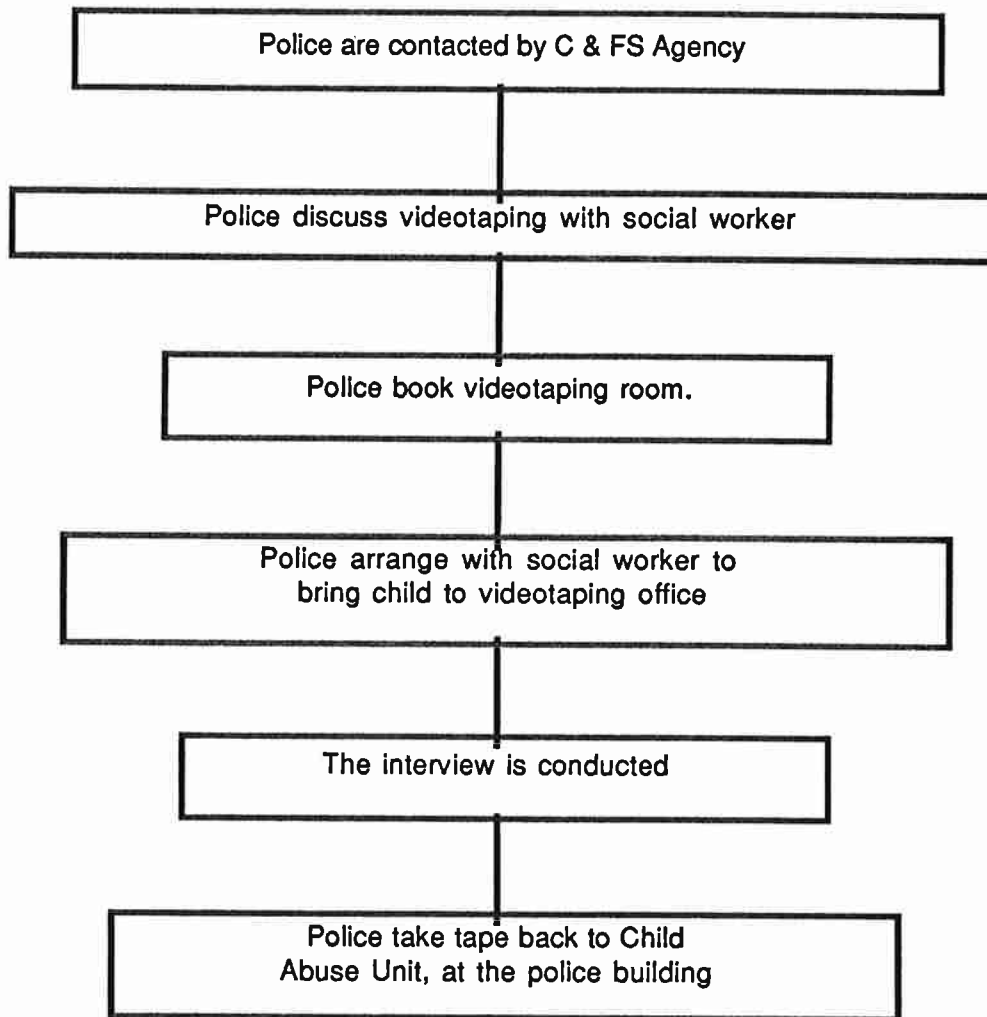
By December 31, 1988, over 250 videotapes had been made by the two participating police forces, the Winnipeg Police Department and the Dauphin Subdivision of the Royal Canadian Mounted Police. In 1988 and early 1989 police forces, child protection agencies and Crown Attorneys throughout the province received training in conducting and utilizing the videotaped interviews. By June 30, 1989, over 350 videotapes had been produced throughout the province.

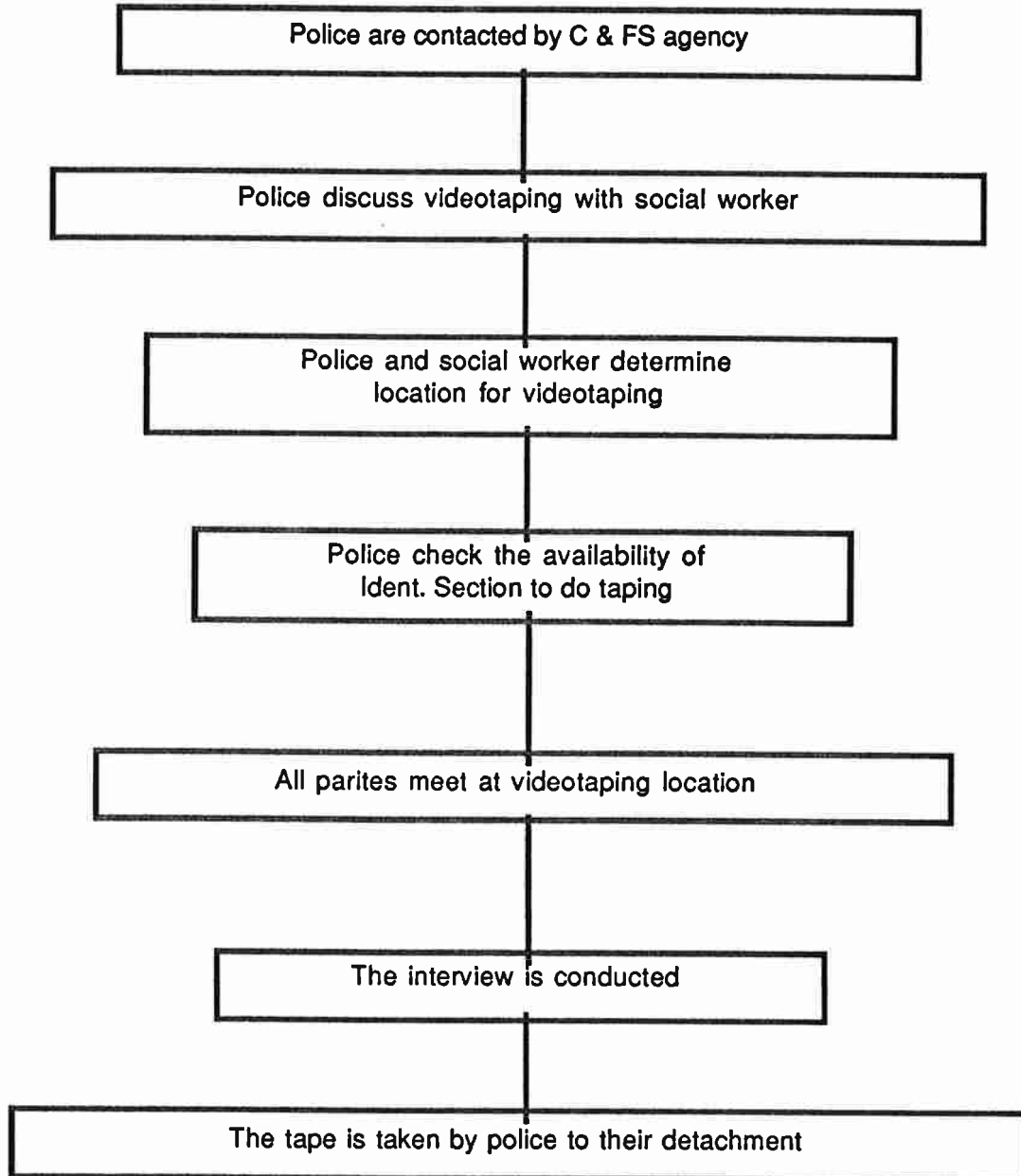
Videotapes have been admitted in three preliminary inquiries in Manitoba. Additionally, the videotapes have been utilized by many professionals in numerous ways:

- * *by investigating police officers*
 - to review children's statements for information and for police reports
 - to improve interviewing techniques and skills
 - to show to accused in an effort to obtain confessions
- * *by social workers in child & family services*
 - to assess protection issues, and therapeutic needs
 - to show to non-offending parents to increase support to victims
 - for supervision
 - to show to foster parents to gain support for a new foster child
- * *by therapists*
 - to show to non-supportive parents to gain support for the child
 - to show to offenders in treatment
- * *In Criminal Cases:*
 - * *by Crown Attorneys*
 - to determine whether and what charges should be laid
 - to prepare child witnesses for court
 - to advise defence counsel of the Crown's evidence
 - * *by Defence Counsel*
 - case preparation/review of Crown's evidence
- * *In Child Protection and Child Custody Cases*
 - * to show in court
 - * case preparation

Procedure for Videotaping

Winnipeg



Parklands Region

The Videotaping Project isolated eight areas in which to develop protocol when the project began. These are:

1. Criteria for Taping
2. Timing of Taping
3. Location of Taping
4. Equipment
5. Interviewers
6. The Interview
7. People Present During the Interview
8. Security and Access to Tapes

1. Criteria for Taping

Prior to the passage of Bill C-15 the major criteria for videotaping were that the child had made a complaint of sexual abuse and was under eighteen years of age. Section 715 of the Criminal Code now requires also that the videotape is made "within a reasonable period of time" after the alleged offense occurred. Police videotape as soon after the report is made as possible, although they are not excluding videotaped interviews on this basis, as no case law has yet been developed in this area. The legislation also allows that people over the age of eighteen are videotaped, providing they were under eighteen years of age at the time of the offense. Police are prioritizing children under the age of six, or children developmentally at that age, as these children can most benefit from having their interview videotaped. Children as young as two and as old as seventeen have been videotaped.

Any child that can communicate verbally or demonstratively, such as with sign language or with the aid of anatomical dolls, may be videotaped. Mentally disabled and deaf children have been videotaped successfully.

The child is apprised of the videotaping procedure and is in agreement with having their interview videotaped. The consent obtained from the child to be videotaped is verbal and informal. Few children have appeared nervous about videotaping; those children who have declined to have their interviews videotaped are not surprisingly adolescents who are in a much better position to give or withhold consent.

Logistical considerations also determine whether a child can be taped. The rooms and the equipment must be available. In the Parklands Region the R.C.M.P. and the two Child and Family Services agencies have agreed there must be consensus between the police officer and the social worker before a child is videotaped.

Additional conditions or situations which may determine whether or not to videotape are left to police discretion. During the data collection phase of the project, police would indicate reasons for not taping children on the police report as well as on a form provided by the Project. Preliminary findings indicate that the most common additional reason that a child is not videotaped is because of urgency in the police investigation. This may occur when the suspected abuser is in the home of the complainant or may have frequent access to her. Police do not have sufficient time to make the necessary arrangements to videotape the interview. Additionally, a number of children were not videotaped in the early stages of the pilot because police or social workers believed they were too shy, withdrawn or nervous to an extent that videotaping would

have caused more trauma. Experience with the use of video has shown however, that younger children do not seem to be adversely affected by the procedure at all.

2. Timing of Taping

Optimally, the videotaped interview is conducted shortly after disclosure, so the full benefit of videotaping to reduce the number of times the child has to disclose to various professionals is felt. The videotaped interview is generally the first contact with police; there is no preparatory pre-videotaped meeting or interview. The camera is turned on from the time the police interviewer and the child enter the videotaping room.

A second videotape will be made only in cases where the child has something further of a significant nature to report. This second videotape is then treated as a supplement to the first videotape. This has only occurred five times among all the cases videotaped.

3. Location of Taping

A number of factors were important in choosing a suitable location for videotaping. In Winnipeg it was felt a fixed location would be most suitable, in a setting that was both non-threatening and non-distracting for children. A location with an observation room was sought, to allow for the camera to be on the other side of a one-way window. In the Parklands Region the large geographic area dictates that a number of locations in various communities must be used. None of the facilities have a one-way window.

In Winnipeg, videotaping is done in the same provincial government building as the Project office. The interview is conducted in a large family therapy room with comfortable couches and chairs. This room is separated from a board room with a one-way window. The videotaping equipment and any observers are positioned in the adjoining board room.

The interview room is devoid of any distractions, such as toys. Generally, the interviewers use only the anatomically correct dolls and sometimes coloring books as aids in the interview.

Extra lighting was installed in the interview room, to ensure a clear, bright picture on tape. Castors were affixed to some of the furniture, so it could be easily re-positioned by the interviewers. A table-top microphone used for sound has proven to be sufficient. The adjoining board room must be as dark as possible to ensure there is no glare from the one-way glass and so that the equipment and observers cannot be seen and distract the child. Outlining the edges of the windows not covered by the blinds with black paper and covering windows above the doors achieved this.

The videotaping equipment is stored in an adjacent office.

Because of the nature of the work done by the office where the videotaped interviews are done, it is common for children and adults to come into the office. A play room with toys has been utilized for the children while the interviewers are setting up the equipment and preparing for the interview.

In the Parklands Region videotaping has occurred in R.C.M.P. detachments, Child and Family Services offices, hospitals, and schools. The videotaping equipment and operator are in the same

room as the child and the interviewer. The T.V. monitor is often set up in a room close by, so observers can watch the interview. The camera operator will leave the interview room when it is obvious the child is uncomfortable with his presence.

4. Equipment

In Winnipeg equipment had to be purchased, whereas in the Parklands Region the equipment utilized is that owned by the R.C.M.P. Identification Section.

In Winnipeg a Panasonic WV-F2 colour camera is used, along with a Panasonic NV8420 VHS video cassette recorder and Panasonic 11" monitor, Model CT110MCA. Necessary features for our situation include :

Camera:

- Ease of set-up and operation, due to multiple users. All the equipment is set up on a movable cart, so that the operators simply have to wheel the cart into the observation room and turn on switches on the adaptor (Panasonic NVB58 AC), the VCR, monitor and camera.
- Power zoom, to allow for close-up shots of the child's demonstrations with anatomically-correct dolls or drawings
- Auto/manual focus
- Auto tracing white balance
- Capable of high quality operation through a one-way window with little or no light in the operating room.
- Character generator, title and date

VCR:

- 2 hour record capability
- remote control operation from camera

Monitor

- Audio facilities
- Video and audio input and output jacks
- Front controls: brightness, contrast, colour tint, sharpness and vertical

A portable play back unit was also purchased, to be kept at the police station for viewing the tapes. The Panasonic AG-500 is a self-contained VTR/TV monitor with a 10' screen, weighing 26 pounds. It also has fast reverse, forward, slow motion, and pause capabilities. A second video cassette recorder is kept at the police station, for the purpose of making copies of the videotapes.

The table top microphone used is a Fostex Model M411.

An infra-red transmitter-reciever system has also been added, which allows the police officer operating the equipment to communicate with the police interviewer during the interview. The operator speaks into a microphone which can be heard by his or her partner by means of a

wireless ear phone. This allows the police to operate as a team during the interview. This device has also been used in child protection hearings, where the offending parent is in a separate room from the hearing, but can observe it through a one way window. It will also be useful in cases where the closed circuit television provision is utilized. It allows communication between the accused and his counsel.

The R.C.M.P. equipment used in the Parklands Region is also VHS equipment. The addition of a lapel microphone worn by the child has solved audio difficulties on earlier videotapes where the RCMP were relying solely on the microphone condenser in the camera. The RCMP camera has an additional useful feature of a time generator, which displays the time on the tape in hours, minutes and a flashing dot representing seconds. This is useful in demonstrating the tape has not been tampered with in any way.

5. Interviewers

The primary interviewers are the police both in Winnipeg and in the Parklands Region. In addition, in the Parklands Region, the R.C.M.P. and the Child and Family Services agencies have agreed that in principle, a police officer and a social worker conduct the interview jointly. The two interviewers decide between them who leads the interview. In practise, this has been the police officer. The social worker is present, and asks additional questions, or passes notes to the police officer to get them to ask questions.

There are six police officers who investigate child abuse cases, forming the Child Abuse Unit with the Winnipeg Police Department. All of these officers are participating in the Videotaping Project. In February 1988 the Youth Division received training from the Project in conducting videotaped interviews, bringing another 21 police officers into the project. In the Parklands Region, leadership was taken from a constable in the General Investigations Section with Dauphin Subdivision who has a number of years experience in investigating child abuse cases.

In some cases where the police officer is having difficulty getting a disclosure, other people present have talked to the child. These have included social workers from Child and Family Services agencies, a teacher's aide and a supportive parent. The police officer is either in the same room as the interviewer and the child, or is in the observation room. This is not recommended procedure for potential evidentiary tapes however.

-Training of Interviewers

The key for the interviewer is not what discipline they are from, but what training and experience they have in interviewing children and in doing investigatory interviews with child sexual abuse victims. Prior to commencing videotaping in the Parklands Region in 1986, a half day session was conducted on interviewing skills with children, including practise conducting interviews on camera.

A similar session planned for Winnipeg in 1986 was cancelled for reasons of time. Group and team sessions on operating the equipment were conducted with the officers from the Child Abuse Unit. Formal training was conducted in January 1988 with the Child Abuse Unit officers and in February 1988 with the Youth Division. Training is now being conducted beyond the pilot areas, involving RCMP and municipal police forces.

The new evidentiary changes to the Criminal Code and the Evidence Act required that specialized

training is done for those conducting videotaped interviews because it is a new process and the interview will have new features:

i). it is the single interview conducted for both social work and police purposes, therefore it must be comprehensive;

ii). it is videotaped, therefore interviewers must become comfortable being taped and must be trained in "what the camera sees";

iii). because these tapes may be used in court, extra steps must be taken to preserve the integrity of the evidence;

iv). for purposes of validating the complaint and if valid, impressing the truthfulness of the complaint on the court, extra skill in interviewing the child witness must be taken to obtain a full and candid disclosure of what happened, without the use of leading questions.

Key is that these videotapes may be used in criminal court and so must meet the standards of evidence, while at the same time must be beneficial to the child victim, in terms of being the sole full disclosure of what happened to them. Following is the agenda used for the one-day training session. Training is conducted by the Project Coordinator, a Crown Attorney, child psychologist and a police officer.

One Day Training

Conducting Videotaped Investigative Interviews with Child Sexual Abuse Victims

8:30 a.m.	Introduction
8:45	Overview of Bill C - 15
9:30	Coffee Break
9:45	Examples of charging sections, Bill C-15
10:15	Developmental considerations when interviewing children
11:00	Protocols for conducting videotaped interviews and handling of the videotapes
12:00	Lunch
1:00	Conducting the videotaped investigatory interview
2:00	Showing of training videotape and discussion
3:00	Coffee break
3:15	Showing of videotape, continued
3:45	Wrap-up

6. The Interview

The camera is turned on at the very beginning of contact with the child. The police officer identifies him or herself, the child and the social worker, who is often present in the Parklands Region. The camera operator pans the room, showing the layout of the room and all persons present. In Winnipeg the child's name and the date of the interview are included on the tape with the use of a character-generator. In the Parklands region the running time of the interview appears on the screen. The police use an interview format that was developed by the Project, which follows:

1. *Identify each person in the room.*
2. *Establish date, time, and place of the interview.*
3. *Establish child's developmental level.*

This is done by asking the child simple, non-threatening questions which elicit information about the child's verbal, cognitive and memory capabilities. This is important for the investigator to establish a base line of questioning. It is also useful for the court in determining the capability of the witness. Very young children are often asked questions about colours, counting, the alphabet, and names of their family members. School age and older children are asked about their families, questions about school, their favourite subjects, and birthdates.

4. *Establish the parameters of the interview.*

Children need guidelines for what is expected of them during the investigative interview. There are two main aspects which police cover in establishing the parameters:

1). The roles of both the interviewer and the child. They discuss the 'jobs' of each person in the interview. The police officer explains that they are a police officer and what type of police work they do. They explain to the child that their job in the interview is to answer questions, and elicit agreement from the child that they will do their job. This discussion is tailored to the child's developmental age.

2). During this discussion of 'jobs' the police officer further explains to the child that if they do not know an answer or cannot remember an answer, they can respond "I don't know" or "I can't remember." This is important especially for young children who wish to please and think that they should have an answer for every question.

5. *Establish child's understanding and ability to differentiate between the truth and lying.*

Children are asked if they know the difference between telling the truth and lying. Most pre-school and many school age children do not understand this on a conceptual level, but can be asked more specific questions, such as "If I said this (red) pen was blue, would I be telling the truth or telling a lie?" or "If I said this (table) was a chair, would I be telling the truth or telling a lie?" Children are usually asked the question in its general form, then asked to give examples, then asked specific questions about truth and lying. The interviewer then gets the child to agree to tell the truth throughout the interview.

6. *Elicit child's words for body parts and discussion of sexual activities.*

This is done with the anatomically-correct dolls, or with drawings, starting with non-threatening parts of the body. Once the child has named the parts in their own language, the

Interviewer refers to these parts using the child's words.

7. The disclosure

- *initiating the disclosure*

The discussion of the abuse can be opened in a number of ways. With older children and teenagers, it is appropriate for the interviewer to say, "Do you know why you're here today to talk with me?", and "I would like you to tell me about it." With young children the interviewers may try:

- during the discussion of 'jobs' the police officer may say part of their job is to talk to children about bad things that have happened to them, and ask the child if a bad thing has happened to them
- during the discussion of body parts the police officer may ask if there are any parts of the body the child really likes or really doesn't like, and if there are parts the child doesn't like, they can be asked why
- the police officer may refer to the fact that they know the child has told their mother, social worker, teacher, or whomever, that something bad has happened to them, and they would now like the child to tell them about it

- *use open-ended, non-leading questions when possible*

A leading question is one which has the answer within it, such as, "Uncle Don made you touch his privates, didn't he?"

- *give child choices for answers when leading questions must be used.*

When the police officer has reason to believe the child is not disclosing some piece of information, they may ask, instead, "Did Uncle Don ask you to touch his privates, his leg or any other part of his body?" which is still leading, but provides the child with more options for answering.

- *attempt to establish time and place of incident(s).*

With young children whose concept of time is not well-developed, the officer can approximate dates, by asking questions about whether this occurred when there was snow on the ground, was it around Christmas time, were they in school, was it still light outside after supper, etc.

- *attempt to establish the identity of alleged perpetrator and details of incident(s)*

Pay attention to detail. When there is more than one incident, assist the child in keeping each incident separate. This may be done by giving each incident a name, for example, "The rec. room time", "the car time", and so on. Finish gathering all the details about one incident before moving on to the next incident. The same methodical approach can be used when there is more than one perpetrator and/or more than one victim involved.

- *look for corroboration*

Were there any other witnesses, has the perpetrator done this to anyone else, what was on t.v. at the time, were there photographs, or a video camera? - all these can potentially provide additional evidence.

8. Closing the interview

In closing, it is important to praise the child for talking to you, and to recognize how difficult the disclosure has been for them.

7. People Present During the Interview

As few people as possible are in the interview room with the child. In the Parklands Region this is generally the police interviewer and the camera operator. The social worker, investigating officer and a parent, if present, are usually watching the monitor in another room. Typically in Winnipeg, only one police officer is in the room with the child. The people who brought the child to the interview are usually observing from the adjoining room. These may be a social worker, parent, guidance counsellor or teacher.

8. Security of and Access to Tapes

The police take the tape back to the Child Abuse Unit office in Winnipeg or to the Investigating R.C.M.P. detachment in the Parklands Region. The tapes stay in the police office, where they are labelled, logged and handled in the same way as exhibits. A copy of the tape is made for viewing in cases where charges are laid, so the original can be kept in police stores. Where there are no charges, the original is kept for viewing by those personnel involved in the investigation, assessment, treatment and legal handling of the case. These are: social workers, medical personnel, therapists, defence counsel, counsel in child protection cases, Crown Attorneys and child witness workers. Tapes are also shown to accused by police and by their counsel. Defence counsel are advised tapes exist by means of a stickers police put on that part of the police report counsel has access to.

Tapes are generally viewed only in the police buildings, or in the presence of a police officer. Exceptions are that Crown Attorneys receive copies of the tapes, and in Winnipeg, copies of tapes are sent upon request to the Child Protection Centre (a medical/treatment centre for child abuse victims). Tapes are transferred between R.C.M.P. detachments to provide easier access to involved personnel who want to view the tapes. Copies are filed with the registrar in child protection matters in the Court of Queen's Bench at the request of child welfare lawyers who may want to use the tapes in child protection hearings.

**PROTOCOL FOR WINNIPEG POLICE OFFICERS CONDUCTING VIDEOTAPED
INTERVIEWS WITH CHILD SEXUAL ABUSE VICTIMS**

A. CHILDREN TO BE VIDEOTAPED

Any victim of sexual abuse, who was under 18 years of age at the time of the incident, who is able to communicate (either verbally or demonstrably), may be videotaped, with her/his informal consent and the informal consent of the guardian. If workload is such that not all such victims can be videotaped, then prioritize cases as follows:

1. victims 6 years of age or younger, or older children with developmental disabilities placing them in that age group.
2. victims from 6 to 13 years of age of normal development.
3. victims 14 years of age or older. (videotapes of cases where the abuse occurred when the victim was under 18, but the disclosure is not for a period of years, will not be admissible under the new legislation)

B. LOCATION

Currently, the 9th Floor of the Woodsworth Building, 405 Broadway Avenue, utilizing the "couch" and "board" rooms located in the Family Conciliation offices on that floor.

C. TIME

Interviews may be done at any time of the day, but the two rooms must be booked in advance. Call the Family Conciliation receptionist at 945-7236 to book the rooms. After 5 p.m. and on weekends police and all others must sign in and out with security on the first floor of the building. Arrange videotaped interviews as soon as possible after the initial disclosure is made. Consideration for the age of the child and their normal bedtime should be made when setting up the interviews.

D. INTERVIEW PROCEDURE

1. Use a new tape for each interview. (numbered tapes stored with video equipment)
2. Record entire interview, with no interruptions.
3. One officer interviews the child, while the other officer operates the camera.
4. The camera operator should show the time the interview started and ended by focussing on the wall clock at the beginning and end of the interview. Also use the character generator on the camera to show the victim's name and the date of the interview on the tape.
5. Verbally identify yourself, the child and any other persons in the room.
6. The camera operator should pan the room at the beginning of the interview, as you are introducing all people in the room.
7. The camera operator should monitor the interview to verify that the tape is an accurate reproduction of the interview, and make a note of this in his/her notebook.

8. Try to arrange the interview so that it will not be interrupted by the child leaving the room, or by someone else entering. (Young children should be taken to the bathroom by the parent/social worker before the interview begins.)
9. The child should be interviewed alone, unless this would make the child so uncomfortable that the interview could not be done.
10. During the interview ask the child some questions that will help determine the child's developmental level and their understanding of truth and lying.
11. A formal written statement is not necessary in videotaped cases.

F. POST-INTERVIEW PROCEDURES

1. After the interview is completed, break off the tab on the back of the tape, then label the tape with the subject's name, police report number, tape number, date and the names of the investigators involved in the interview, tape length in minutes and whether or not there is a disclosure on the tape.
2. Enter required information in the log book.
3. If charges are laid, make a copy of the videotape and put the original in police stores. Keep the copy in the cabinet provided for that purpose in the Child Abuse Unit.
4. The tapes are to be viewed by other involved professionals in the Youth Division offices. Exceptions to are Crown Attorneys and the Child Protection Centre. The names of the people viewing the tape are to be recorded in the log book kept with the tapes.
5. In writing the police report, note the counter numbers at which point the child made certain disclosures, for use by the Crown Attorney. Also provide your opinion on the evidentiary strengths or weakness of the statement, for the Crown's use.
6. Videotape subsequent interviews of children only if the interview will result in additional potential charges or if the new disclosure is of a major nature.
7. Indicate that a videotape was made on the pink copy of the P6 by means of attaching a sticker provided by the Videotaping Project office which reads, "VIDEOTAPE OF VICTIM. Defence Counsel wishing to view tape should contact "A" Court Crown Attorney."
8. Prior to court, where a videotape is to be entered as evidence, the officer who reviewed the tape to verify its accuracy after the interview, should review it again so that they will be able to testify that the tape was not tampered with.
9. Once a case has gone through the criminal justice process, return it to the Videotaping Project Office for storage until the end of the project. A policy on tape retention/destruction is under development.

Synopsis of Experience

Cynthia Devine
Winnipeg, Manitoba

Professional Experience

Coordinator, Videotaping Project, Manitoba Department of Justice, March 1986 - present.

Co-researched and wrote feasibility study for development of long-term treatment facility for women who been sexually abused as children, in Winnipeg, 1985

Three years experience sexual assault and sexual abuse counselling at a Winnipeg community health centre, 1982-1985 (combination volunteer and paid work)

Two years experience as a vocational and employment counsellor for the visually impaired and for women, 1983-1984

Consultant for an umbrella board of three organizations which offered crisis intervention, counselling, life skills and employment services to women. Saskatoon, 1982-83.

Journalist for Network, provincial newspaper published by Saskatchewan Action Committee on the Status of Women. Saskatoon, 1981.

Executive Director, Saskatchewan Association on Human Rights. Saskatoon, 1980.

Education/Training

Bachelor of Arts with a major in History, University of Saskatchewan

Life Skills Leaders Training.

Publications

Child Sexual Abuse. Conducting the Videotaped Investigative Interview, VHS training videotape and companion manual, Manitoba Justice, 1989

Implementing Bill C-15: A Manual for Crown Attorneys Prosecuting Child Sexual Abuse Cases
Manitoba Justice, 1989

Videotaping Project Progress Reports and Protocol papers, 1986-89

"The Evidentiary Videotaped Investigatory Interview with Child Sexual Abuse Victims", Crown Counsels' Review, Manitoba, 1987

"Meeting the Needs of Adult Women Sexual Abuse Survivors: A Feasibility Study", Klinik Community Health Centre, Winnipeg, 1985