



Ref 16/9465/1

9 March 2017

Mr Ross Francis

By email: [fyi-request-4722-6c52fe7c@requests.fyi.org.nz](mailto:fyi-request-4722-6c52fe7c@requests.fyi.org.nz)

Dear Mr Francis

**Official Information Act 1982 request**

I refer to your Official Information Act 1982 request dated 15 November 2016 in which you requested:

- 1. In 2015, how many child witnesses deemed to be at-risk were interviewed five times in regards to the same event, and what were the age(s) of those child witnesses?*
- 2. In 1992, how many child witnesses deemed to be at-risk were interviewed five times in regards to the same event, and what were the age(s) of those child witnesses?*
- 3. What is the rationale for the assertion, as per police guidelines for interviewing at-risk children that '[in] most cases one forensic video interview will be sufficient?'*
- 4. Under what circumstances (if any) would five forensic interview be acceptable for an at-risk child?*

- 1. In 2015, how many child witnesses deemed to be at-risk were interviewed five times in regards to the same event, and what were the age(s) of those child witnesses?***
- 2. In 1992, how many child witnesses deemed to be at-risk were interviewed five times in regards to the same event, and what were the age(s) of those child witnesses?***

The information you have requested in questions 1 and 2 is not recorded in police statistical data, to respond would require a manual search of all files involving child witnesses to ascertain the number of times each child was interviewed.

Therefore your request has been refused pursuant to s 18(f) of the Official Information Act 1982 as the information requested cannot be made available without substantial collation or research.

- 3. What is the rationale for the assertion, as per police guidelines for interviewing at-risk children that '[in] most cases one forensic video interview will be sufficient?'***

Please refer to the information under *Number and Duration of Interviews* on page 13 of the *Video recorded forensic interviews with at-risk children and young people* for a list of circumstances in which one forensic interview may be insufficient.

**4. Under what circumstances (if any) would five forensic interview be acceptable for an at-risk child?**

Please refer to the list under *Interviewing Number and Duration of Interviews Guidelines* on page 9 of the *Specialist Child Witness Interview Guide* for circumstances where subsequent interviews may be appropriate. The *Specialist Child Witness Interview Guide* has not been attached as you have already acknowledged receipt of this.

You have the right, under section 28(3) of the Official Information Act 1982, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Kirby', with a long horizontal flourish extending to the right.

David Kirby  
Detective Inspector



# Video recorded forensic interviews with at-risk children and young people

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

This chapter contains these topics:

Summary

Roles and responsibilities

Interviewing

Before the Forensic Video Interview

Conducting the Forensic Video Interview

After the Forensic Video Interview

Video Recordings

Appendix 1 - Questioning terminology

Appendix 2 - Evidence Regulations 2007

Appendix 3 - Standard Consent Form

Appendix 4 - Interpreter Confidentiality Statement



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## Summary

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

## Overview

Child, Youth and Family and the New Zealand Police have a joint commitment to providing specialist forensic video interviewing services for children.

The policy and operating guidelines ensure forensic video interviews are conducted and recorded in accordance with the Evidence Act 2006 and the Evidence Regulations 2007. The policy and guidelines have been agreed jointly by Child, Youth and Family and the New Zealand Police.

## Scope of document

This document is for trained forensic interviewers of Child, Youth and Family and the Police, and their supervisors and managers.

Forensic video interviewing is a skilled task which requires specific training and supervised practice. A forensic video interview cannot be conducted successfully and competently just by following the policy and guidelines in this document.

This document should be read in conjunction with:

- sections 103, 104, 105, 106 and 107 of the Evidence Act 2006
- the Evidence Regulations 2007
- the Child Protection Protocol between New Zealand Police and Child Youth and Family, for the reporting and investigation of serious child abuse which is available from the respective agencies intranet.

Child, Youth and Family and the Police recognise that some interviewing situations may call for procedures not specifically referred to within this document. Where this occurs the interviewer should exercise his or her discretion with care, taking into account the welfare of the child being interviewed while also considering the legal implications of such action. These situations require consultation and agreement between interviewer and the monitor and/or other experienced person.

The practice guidelines within this policy are current at point of publication. Practice changes may have occurred since publication as a result of court precedent, research and literature.

## Video Recorded Forensic Interviews

A video recorded forensic interview (forensic video interview) may be used as part of an investigation into a concern where a child has, or may have been, abused or witnessed a serious crime. It may later be used as part of court evidence.

A forensic video interview is conducted in a manner that complies with the Evidence Regulations 2007.

A forensic video interview can be used:

- as the basis of prosecution to present all or part of the evidence-in-chief in court under sections 103, 104, 105, 106 and 107 of the Evidence Act 2006
- as evidence in proceedings for a declaration in the Family Court
- for those purposes outlined in regulation 20 of the Evidence Regulations 2007.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

Version : 11.0

Video recording of forensic interviews is considered the best way to meet both the child's needs and interests, and the interests of justice. It meets the child's needs in that:

- the interview process is focused on the child and allows them to state clearly and freely what (if anything) has happened while also capturing the information according to the rules of evidence
- the video recorded interview can be used for criminal prosecution and care and protection purposes. This lessens the number of times that a child needs to recount their statement.

This serves the interests of justice in that:

- the interview process is conducted according to the rules of evidence in order to meet the standards necessary for criminal prosecution
- video recorded interviews are a transparent method of interviewing and therefore have the greatest level of accountability
- it allows the Family Court, in Children, Young Persons, and Their Families Act (1989) proceedings, the best opportunity to view the child's evidence, while limiting the impact on the child.

### **Joint Child, Youth and Family/Police Video Recording Forensic Interview Policy**

#### **Policy**

A forensic video interview of a child who has, or may have, been abused or who has, or may have, witnessed a serious crime must be video recorded.

Forensic video interviews must be conducted according to the rules of evidence and the Evidence Act 2006 and Evidence Regulations 2007.

If there is more than one alleged offender separate forensic video interviews should be conducted to discuss the incident(s) relating to each alleged offender, unless the alleged offences were co-perpetrated.

A forensic video interview must be carried out by an interviewer with specialist training in the forensic interviewing of children and the requirements of the Evidence Regulations 2007.

Every forensic video interview must be monitored. The monitor must be a Child, Youth and Family child forensic interviewer or a police officer trained in interviewing and/or monitoring.

The interview must take place in a child friendly environment. It should not take place in an offender interviewing room.

Police must supply the videotape or DVD on which the forensic interview is recorded.

#### **Guidelines**

Referral for a forensic video interview is indicated when:

- a child has made allegations of sexual abuse, serious physical abuse, serious neglect, serious family violence where the child is a witness
- medical findings indicate possible abuse or neglect
- there are extreme and persistent patterns of sexual behaviour
- there has been unsupervised contact with a known offender
- abuse is witnessed by a third party
- abuse is admitted by an offender

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

- a serious crime has been witnessed
- there is a recent complaint witness.

### Definitions

The following definitions identify the meaning of key terminology within this document.

Term	Definition
Child	Child or young person under the age of 17 years.
Emotional / psychological abuse	Emotional abuse is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a child. It may include but is not restricted to: <ul style="list-style-type: none"><li>• rejection, isolation or oppression</li><li>• deprivation of affection or cognitive stimulation</li><li>• inappropriate and continued criticism, threats, humiliation, accusations, expectations of, or towards, the child</li><li>• exposure to family violence</li><li>• corruption of the child through exposure to, or involvement in, illegal or anti-social activities</li><li>• the negative impact of the mental or emotional condition of the parent or caregiver</li><li>• the negative impact of substance abuse by anyone living in the same residence and the child.</li></ul>
Forensic Video Interview	A video recorded interview that is conducted in accordance with the Evidence Regulations 2007, and can therefore be used in court.
Interpreter	A suitably qualified interpreter who can assist the child, where their first or preferred language is other than English, or the child is has a communication disability.
Interviewer	A person with specialist training in the skills associated with forensic interviewing of children, having successfully completed the Forensic (Evidential) Interviewing of Children Course.
Monitor	A trained Child, Youth and Family forensic interviewer or Police officer who monitors the interview from a remote location and assists the interviewer.
Monitor Break	A pause in the interview to allow the Interviewer and Monitor to confer.
Movement Sheet	A form attached to the video record that records the location of the video record and forms a record for the chain of evidence.
Neglect	Neglect is any act or omission that results in impaired physical functioning, injury, and/or development of a child. It may include but is not restricted to: <ul style="list-style-type: none"><li>• physical neglect – failure to provide the necessities to sustain the life or health of the child</li><li>• neglectful supervision – failure to provide developmentally appropriate and/or legally required supervision of the child, leading to an increased risk of harm</li><li>• medical neglect – failure to seek, obtain or follow through with medical care for the child resulting in their impaired functioning and/or development</li><li>• abandonment – leaving a child in any situation with arranging necessary care for them and with no intention of returning</li><li>• lack of parental responsibility – unwillingness or inability to provide appropriate care or control of a child.</li></ul>

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

Parent	The usual fulltime caregiver or legal guardian of the child. This may include biological parent/s, step-parent/s, wider whānau or family or anyone with caregiver responsibilities (the parent or guardian or usual carer/custodian may arrange or ask for you to arrange another adult to fulfil the role of supporting the child).
Recent Complaint Person/Recent Complaint Evidence	Recent complaint person is the first person that a child disclosed to. They can be called to give evidence in sexual abuse cases where an exception to hearsay can be made. Recent Complaint Evidence is the evidence provided by recent complaint person – this evidence is only about the demeanour of the child at the time of disclosure.
Regulations	The Evidence Regulations 2007.
Serious Physical Abuse	Serious Physical Abuse is the actions of a perpetrator that result in or could potentially result in physical harm or injury being inflicted on a child. The Child Protection Protocol defines a test for seriousness which is determined by considering the action, the injury and the circumstances (factors of the case).
Sexual Abuse	Sexual Abuse includes, but is not limited to an act involving circumstances of indecency with, or sexual violation of, a child, or using a child in the making of sexual imaging.
Support Person	Any person (other than the alleged offender(s)) who supports the child throughout the interview process.
Vulnerable Witness	Child witness to a serious crime.



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## Roles and responsibilities

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

## The Forensic Interviewer

### Policy

A forensic video interview must be carried out by a trained forensic interviewer from Child, Youth and Family, or a Police interviewer trained in forensic video interviewing of children (having successfully completed the Forensic (Evidential) Interviewing of Children Course) and the requirements of the Evidence Regulations 2007.

The forensic interviewer must:

- ensure he/she is aware of the provisions of the Evidence Regulations 2007, in particular regulations 5, 6, 7, 8, 9, 10, 11, 12 and 13 inclusive
- cover the points listed in regulation 8 of the Evidence Regulations 2007
- provide a non-threatening environment
- facilitate a process where a child can talk about what, if anything, has happened
- report key observations/conclusions to the referring social worker and Police following the interview
- recommend any further action needed to the social worker
- provide evidence in court for criminal prosecution or other proceedings if required.

The forensic interviewer must **not**:

- engage in therapy with the child, or their family members
- assess whether the alleged offender is guilty or not
- assume social work responsibility for the child's case (except Police may manage the criminal case, in some circumstances)
- conduct the wider investigation and assessment (except Police may conduct the wider investigation, in some circumstances).

## The Monitor

### Policy

A forensic video interview must be monitored by a trained forensic interviewer from Child, Youth and Family or police officer trained in forensic interviewing of children and the requirements of the Evidence Regulations 2007.

The Monitor must:

- ensure video recording equipment is set up and functioning
- operate the equipment where required during the interview
- be present in the monitor's room throughout the interview
- take accurate, comprehensive and legible interview notes. Attempts should be made to make these verbatim when they relate to the child's allegation or details about the alleged offender
- provide support to the interviewer by identifying areas that are missing from the interview or which need clarifying or expanding
- record the time at significant points throughout the interview – this must include beginning and end of interview and all breaks.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.





## **Video recorded forensic interviews with at-risk children and young people, Continued...**

Version : 11.0

### **Guidelines**

The monitor should:

- have knowledge of the referral information. This may mean sitting in on a parent interview
- be alone in the monitor's room unless other professional support is required due to the child's special needs or the needs of the investigation
- during breaks, keep discussion with the interviewer to a minimum
- only interrupt the interview if it is absolutely necessary, for example if a legal requirement is missed, or equipment failure
- take notes of any relevant pre- or post-interview discussion the interviewer has with the child
- assist the child, and monitor the child's interactions with other people, should they leave the room for any reason.

### **Child, Youth and Family and Police Managers**

#### **Policy**

Child, Youth and Family Managers and Police District Commanders (or their nominees) must ensure that children have access to forensic interviewing services. This includes

- trained and skilled forensic interviewers
- adequate interviewing facilities and resources i.e. venue, video-recording and interview equipment
- access to these services as soon as practicable on receipt of forensic video interview referrals.

In highly complex cases, such as those involving allegations of abuse of a number of children, it is important that there is a high level of consultation and co-ordination between the investigating team and the forensic interviewer. It is the responsibility of the Child, Youth and Family Manager and the Police District Commander (or their nominees) to ensure this occurs.

#### **Staff**

Where Child, Youth and Family or Police staff are designated as forensic interviewers, their managers must ensure that they receive specialised training as well as regular and appropriate clinical supervision (refer Training and Development and Supervision).

The Child, Youth and Family Manager and the Police District Commander (or nominees) must ensure that interviewers have opportunities to meet with one another to improve and standardise their practice.

#### **Facilities**

The recording equipment must:

- be high quality both for sound and picture
- be in stereo
- have a wide angle lens
- have the capacity to make two video records ]
- be compatible with court equipment.

It is also helpful if, wherever practicable, there is a time recording facility on the video footage for later reference and for court editing purposes.

The interview room must have a simple, clear-faced clock with a second hand fixed in the interview room so that it is visible to the camera [Reg. 8(g)]. A digital clock cannot be used, as it has no second sweep hand.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## Guidelines

Agencies can provide forensic video interviewing services by the following means:

- using established interviewing units where staff have been appropriately trained
- designating and training social work or Police employees as forensic interviewers
- contracting approved forensically trained professionals to conduct forensic video interviews.

Locations should have sufficient forensic interviewers available to relieve and co-work.

It is ideal for an interviewing facility to have these areas:

- reception area
- waiting room
- playroom
- interview room
- monitor's room
- toilet
- tea/coffee facilities.

The interview and monitor's rooms should be located away from the public waiting room, and insulated from traffic and corridor noise in order that the noise does not rebound. Evenly distributed fluorescent lighting must be adequate for the video camera. Windows require window coverings (curtains or blinds) to ensure optimum video production and privacy.

A range of appropriate interviewing tools should be available and in good condition. (Refer Interviewing Tools below).

## Training and Development

### Policy

All Interviewers must have completed the nationally recognised training course in Forensic (Evidential) Interviewing of Children before undertaking forensic video interviews of a child.

### Guidelines

Training should be:

- nationally consistent
- conducted by an experienced practitioner
- up-to-date with changing literature and court precedent
- available regularly, for both for beginners and experienced practitioners.

A component of the training should include observing experienced interviewers through working as a monitor.

Basic training for forensic video interviewing needs to include:

- knowledge of:
  - Evidence Act 2006 and Evidence Regulations 2007
  - Children Young Persons, and Their Families Act 1989 (CYP&F Act)
  - other relevant legislation
  - requirements for gathering evidence
  - components of specific offences relating to child abuse
  - sexual, physical and other forms of abuse
  - child development, including normative sexual development
  - family dynamics and cultural differences
  - memory, recall and suggestibility
  - relevant research
- skills in:

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

- appropriate questioning and use of interviewing tools
- exploratory questioning
- relating to and communicating with children (adapting the interview to the child's needs, simplicity of language)
- liaison and communication with other adults and professionals involved
- handling challenging behaviours, e.g. aggression, silence, withdrawal, sexualised behaviour
- understanding non-verbal communication and emotional states
- recognising the child's cognitive competence and developmental level
- giving evidence in court.

Forensic interviewers need to keep their skills and knowledge up-to-date. They should also keep up-to-date on case law decisions and current literature related to their area of work. Interviewers should seek the legal advice regarding case law as appropriate. Interviewers should have opportunities to meet with one another to share knowledge, understanding and practical experience on these topics. This should include regular attendance at local, regional and national Peer Review meetings, and attendance at advanced training specifically for experienced staff.

### Supervision

#### Policy

Child, Youth and Family Site Managers and Police District Commanders (or their nominees) must ensure that forensic interviewers receive supervision of the following nature:

- regular and frequent clinical supervision from a person with recognised professional training in clinical work with children
- personal supervision from a person with expertise in stress management and debriefing
- practice review by a person or people with sound up-to-date knowledge and experience in this area
- cultural supervision from a person recognised as qualified and appropriate to the task
- administrative oversight.

#### Guidelines

It is likely that the components of supervision cannot be carried out by one person and within one agency. Therefore it may be necessary to contract-in some aspects of supervision from an external supervisor.

Practice and clinical supervisors need to be fully conversant with literature in these areas:

- culturally appropriate responses to and from children
- dynamics and indicators of abuse
- children's memory
- trauma
- interviewing children
- child as a witness
- the requirements of the Child Protection Protocol between New Zealand Police and Child Youth and Family
- false allegations
- retractions
- process of disclosure
- staff stress and vicarious trauma.

Supervision needs to cover review of video records, reports, court affidavits and processes. The video record review component of supervision also serves to monitor and

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

standardise forensic interviewing practice, which is important as this area of work is continually evolving. Peer tape review by a psychologist, crown lawyer and Police are excellent complements to individual supervision.

### Social Workers and Police - The Interface with Interviewers and Monitors

A forensic video interview usually takes place as a part of the investigation and assessment process. The forensic video interview is a tool to help Child, Youth and Family and Police to establish if:

- the child is in need of care or protection
- there is evidence that a criminal offence has been committed.

The forensic interviewer is responsible for the forensic video interview and specific tasks relating to the interview (refer [Tasks in relation to a Forensic Video Interview](#)).

The Child, Youth and Family and Police CPP supervisors are responsible for the other tasks relating to the care and protection of the child as follows:

The primary functions of Child Youth and Family are to assess the safety and wellbeing of children and provide care and protection where this is needed. The primary functions of Police are addressing the immediate safety of children, investigating and holding perpetrators to account wherever possible.

Stage	Description	Responsibility
Intake	Report of concern received. Child, Youth and Family and Police advise each other about the report of concern they have received and make a CPP referral (as per agreed protocol)	Child, Youth and Family and Police CPP Supervisors
Consultation on the case	Child, Youth and Family and Police staff at the local level should share information about the referral and discuss what approach is to be taken. This consultation may occur at the same time as the case was referred.	Child, Youth and Family and Police CPP Supervisors
Agreement to Investigation Plan	All child protection protocol cases will have an agreed investigation plan so that staff involved in the case agree and understand: <ul style="list-style-type: none"> <li>• who is involved in this case</li> <li>• what they will do</li> <li>• when they will do it.</li> </ul> The investigation plan must consider: <ul style="list-style-type: none"> <li>• the safety of the child</li> <li>• any joint visits needed</li> <li>• the management of the initial interview of the child</li> <li>• the need for a child forensic interview, interviews of alleged perpetrator and other, including protective caregiver or parent</li> <li>• collection of forensic evidence</li> <li>• referral to a medical practitioner.</li> </ul>	Child, Youth and Family and Police CPP Supervisors  Social worker in conjunction with supervisor and co-workers and where appropriate the Police investigator
Child and Family	If the case is not confirmed as a child protection protocol case Child, Youth	Child, Youth and Family and Police CPP Supervisors

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

Assessment	and Family will continue to work on the case as required under their differential response process. Police will electronically close the case and this will be noted in the investigation plan. A child forensic interview can still be conducted in an assessment phase.	
Social work intervention	<ul style="list-style-type: none"> <li>• care and protection assessment based on the information from the interview or assessment and all other information gathered during the investigation</li> <li>• decide whether the child is in need of care or protection and level of intervention required</li> <li>• implement the intervention needed</li> </ul>	Social worker in conjunction with supervisor and co-workers
Criminal processes	<ul style="list-style-type: none"> <li>• review interview information as part of the criminal investigation</li> <li>• decide whether to prosecute or not</li> <li>• decide how to present the case (i.e.: whether or not to use the video record)</li> <li>• decide how evidence will be given</li> <li>• apply to the courts for mode of evidence</li> <li>• refer to Court Victim Advisors for any necessary court education</li> </ul>	Police and Police prosecutor

### Tasks in relation to a forensic video interview

The following table details the tasks required through the stages of the forensic video interview process and where responsibility for the tasks sits.

Stage	Social Worker/ Police	Forensic Interviewer and/or Monitor
Referral	<ul style="list-style-type: none"> <li>• preliminary consultation with interviewer about referral</li> <li>• complete full written referral</li> <li>• advise the interviewer if the child has special needs or if there are any contentious family or contextual issues</li> <li>• discuss the referral with the child and their family</li> </ul>	<ul style="list-style-type: none"> <li>• preliminary consultation with social worker about referral</li> <li>• receive written referral</li> <li>• arrange interview</li> </ul>
Before the Interview	<ul style="list-style-type: none"> <li>• provide information to the child and parent</li> <li>• ensure an appropriate parent or support person will accompany the child to the interview</li> <li>• obtain consent if the parent will not be at the interview</li> <li>• clarify if therapy or counselling of the child has taken place prior to interview and if so be aware of the circumstances under which this has occurred</li> <li>• identify the appropriate agency for</li> </ul>	<ul style="list-style-type: none"> <li>• read referral and background information</li> <li>• plan interview in consultation relevant persons (monitor and interviewer)</li> <li>• interview parent to clarify information on interview, its recording, use</li> <li>• clarify and/or obtain further background information from them</li> <li>• obtain consent (preferably written)</li> </ul>

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

	<p>advice and organise assistance if the child has special needs (language, hearing)</p> <ul style="list-style-type: none"> <li>• relay any new information to the interviewer</li> <li>• Social worker</li> <li>• assess the need for the child to have counselling</li> <li>• accompany the child to the interview</li> <li>• provide support and advice re: counselling.</li> </ul>	<ul style="list-style-type: none"> <li>• describe interview procedure to the child or arrange for the monitor to do; note this occurred, read referral and background information</li> <li>• (monitor) assist with interviews with the child and parent, guardian, caregiver or support person.</li> </ul>
--	--	--

	<b>Social Worker/ Police</b>	<b>Forensic Interviewer</b>	<b>Monitor</b>
Interview	<ul style="list-style-type: none"> <li>• support parent throughout the interview process</li> <li>• support child pre and post interview</li> </ul>	<ul style="list-style-type: none"> <li>• interview the child</li> </ul>	<ul style="list-style-type: none"> <li>• monitor equipment</li> <li>• ensure interview meets regulations</li> <li>• ensure all relevant areas of evidence are covered in the interview</li> <li>• take accurate and comprehensive notes that reflect the content of the whole interview</li> </ul>
After the Interview	<p><b>Social Worker:</b></p> <ul style="list-style-type: none"> <li>• assess information</li> <li>• arrange a medical assessment if necessary</li> <li>• make care and protection decisions in consultation with supervisor</li> <li>• provide support and advice re: counselling</li> <li>• explain to the child, parent what will happen next. (This may be done in conjunction with Police.)</li> <li>• complete recording requirements</li> </ul> <p><b>Police:</b></p> <ul style="list-style-type: none"> <li>• carry out relevant criminal investigation</li> <li>• notify parties of prosecution</li> </ul>	<ul style="list-style-type: none"> <li>• talk to child to answer questions</li> <li>• talk to the social worker (this may need to be done first and separately), caregiver or support person about what has been said in the interview</li> <li>• seal, label and secure video record</li> <li>• arrange for security of video record</li> <li>• file diagrams and drawings</li> <li>• complete Summary Report</li> <li>• prepare formal written statements, review video records and check against transcripts</li> <li>• appear in court if required</li> </ul>	<ul style="list-style-type: none"> <li>• assist with interviewer's tasks as required</li> </ul>



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## Interviewing

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

### Interviewing Principles

- a) Approach the interview with the understanding that the child may have nothing to tell or they may not be ready to talk about what has happened to them.
- b) Provide sufficient structure and direction to help the child to engage and feel comfortable.
- c) Conduct the interview in a confident, straightforward and respectful way to minimise the child's anxiety.
- d) Communicate using language and sentence structure that is appropriate to the child's age, developmental level and cultural background.
- e) Facilitate the child to give as much information as possible in their own words and follow the pace and direction of their narrative.
- f) Ask questions in such a way so as to promote the child's ability to express themselves in a free narrative way. [Refer Appendix 2].
- g) Set clear contexts for the questions asked and respond to what the child says to avoid confusing them - avoid out of context questioning.
- h) Help them to put a structure to their account, such as a beginning, middle and end to the incident.
- i) Check and clarify their responses to avoid assumptions and ambiguity.
- j) Be attentive to the child's reasons for distracting, non compliant or regressive behaviours and assess how to respond appropriately. Sometimes this may mean terminating the interview.
- k) Be aware of your own body language, voice tone, gestures, verbal responses and their potential messages to the child.
- l) Be aware of the range of feelings and reactions a child may experience during the interview process
- m) Keep the interview to a reasonable length unless there are good reasons to vary this, (Refer Number and Duration of Interviews).

## Number and Duration of Interviews

### Guidelines

In most cases one forensic video interview will be sufficient. It may be appropriate to conduct a second forensic video interview where:

- the child becomes tired or distressed and is unable or unwilling to complete the interview
- makes an allegation or further allegations late in the interview and is willing to undertake a further interview
- spontaneously reveals further information outside the interview
- has special needs, for example, an interpreter or technical aid to communicate
- gives new information indicating a more serious offence
- gives information about a second perpetrator unconnected with the first interview
- equipment fails
- other considerations arise following consultation with the investigation team.

Most interviews take 45-75 minutes. A forensic video interview should last no longer than 90 minutes, unless special circumstances exist.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## Interviewing Tools

Younger children communicate better with the help of objects.

## Policy

Any piece of equipment in the interview room must be suitable for forensic video interviewing.

The waiting room should not contain books and toys that relate to child abuse.

## Guidelines

Suitable and unsuitable toys and equipment for forensic video interviewing

Use	Don't Use
<ul style="list-style-type: none"> <li>• appropriate body outlines*</li> <li>• plain paper (quality A4 that can be filed)</li> <li>• pens (non-toxic, thick, strong colours to show up on video)</li> <li>• play dough</li> <li>• beakers/cups for concepts with under 6s</li> <li>• blocks</li> <li>• clothed rag dolls **</li> <li>• koosh balls</li> <li>• tissues</li> <li>• or other relevant materials</li> </ul>	<ul style="list-style-type: none"> <li>• dolls' house</li> <li>• books</li> <li>• food, sweets or rewards</li> <li>• distracting toys e.g. construction toys, bouncing balls</li> <li>• anatomically detailed dolls</li> <li>• other children's drawings in the interview room</li> </ul>

\*If a body outline is introduced it is preferable that this is towards the end of the interview and only after a verbal allegation had been made by the child. The purpose is to clarify the part that the child has referred to in the interview when this has remained unclear from their verbal statements.

\*\*Dolls may be used for clarification of body positioning only after a verbal statement about positioning has been made, and the interviewer needs further clarification on what the child means. The use of the dolls must have a direct relationship to the child's statement.

## Breaks, including Monitor Breaks

In both ingredients of alleged offences format and exploratory format the interviewer should break the interview and confer with the monitor to check that all key areas of questioning have been covered.

Breaks may occur for other reasons, for example, if the child needs to use the toilet, the equipment malfunctions or there is a fire alarm.

There are no restrictions on the number of monitor breaks; however, they should be kept to a minimum as too many checks become disruptive. There may be times where it may be preferable for the monitor to pass a written message to the interviewer to avoid the need for an additional monitor break. All written notes must be retained on the interview file.

Before leaving the interview room, the Interviewer should state the time, purpose and expected length of the break; on return to the interview room, they should state the time.





## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

The child should remain in the view of the camera during the break. Interpreters and support people must not confer with the child during the break.

The monitor should supervise the child if they leave the room.

### Support Person

#### Allowed by law

The interviewer may allow a support person to be present during the interview where they consider it is in the child's best interests Reg. 6(2). The support person must be an appropriate person to support the witness; it is up to the discretion of the interviewer to deem whether it is appropriate for a parent to be that person.

The support person must not take part in the interview (Reg. 6(2)), identify themselves on video at the beginning of the interview and be clearly visible throughout the video recorded interview (Reg 11).

#### Policy

The child should be interviewed alone unless there are exceptional circumstances; where it is in the best interests of the child and not likely to influence the narrative or responses of the child.

The interviewer must clearly inform the support person about their role. The support person must be clearly informed that they cannot participate in any way during the interview.

The interviewer should ensure that any support person has signed a statement of confidentiality prior to the interview.

### Interpreters

#### Allowed by law

A suitably qualified interpreter may be present with the child where their first or preferred language is other than English or where there is a communication disability, such as hearing impairment (Reg 7(b)).

The interpreter must identify themselves, at the beginning of the interview state their role in the interview and promise to accurately and completely translate the words of the witness (Reg 8(e)), and be clearly visible throughout the video recorded interview.

#### Policy

The interviewer must clearly inform the interpreter about their role in the interview. They are to interpret the interviewer's questions for the child and to translate the answers back for the interviewer. The interpretation and translations needs to be as verbatim as possible.

The interpreter needs to be visible on video at all times and should leave the room with the interviewer at any monitor breaks.

### Guidelines

The interviewer should ask the interpreter to sign a confidentiality statement prior to the interview taking place. [Refer [Appendix 4](#)]

The interviewer should spend time after the interview with the interpreter to answer any questions that the interpreter may have about the process of the interview.



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

---

Version : 11.0

If the child, and the family of the child, require interpreters a different interpreter from the one used in the forensic video interview should interpret for the family.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

### Before the Forensic Video Interview

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

### Preparation

#### Guidelines

Practice experience has shown that good preparation and planning are integral to the forensic video interview. It is essential for the interviewer to have an interview plan which may or may not be written.

When planning the forensic video interview consider:

- if the child has any special needs? If so, liaise with the social worker to identify the appropriate agency for preliminary assessments, advice and/or organising assistance. This could include an interpreter or support person present at the interview (Regs. 6 & 7)
- what information and supportive preparation need to be provided to the child.
- whether the referral and background information are clear? You should be familiar with the information provided
- who will accompany the child to the interview. The child should be accompanied to the interview unit by their parent or a support person. The child's social worker should also be present and available to the parent/support person, and the interviewer after the interview.

When developing the interview plan and structure, consider:

- the Regulations and interview procedures
- the roles and tasks of the interviewer and monitor
- the interview structure
- strategies for handling different situations, e.g.: if the interview is disrupted
- arranging the room and equipment.

### Consultation with the Parent and Social Worker

#### Policy

The interviewer must have:

- taken all steps to ensure that relevant information is known before the interview with the child. This should include a meeting or telephone consultation with the child's social worker.
- informed the parent and social worker about the possibility that the interview with the child may not result in clarification of the referral concerns. Alternative explanations for the concerns may need to be considered.
- informed the parent and social worker about the recording, number and use of the interview
- obtained informed consent [Refer Appendix 3] to video record the interview with the child.

The child must not be present at any consultation with the parent or social worker. Notes should be made during the consultation with the parent as soon as practicable afterwards. Any issues of contention or concern should be declared, resolved and recorded.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

At the discretion of the interviewer, the monitor may be present at the consultation with the parent or social worker.

### Guidelines

Wherever relevant the following information should be clarified with the parent prior to the undertaking of the forensic video interview:

- Understanding of the Interview Process
  - Information they have about the interview.
  - What the child has been told about the interview.
- Allegation and/or concerns
  - What they know about the report of concern
  - The context of the allegations or concerns, for example: how often the child sees the alleged offender; how long concerns have been present?
  - As much detail as possible about the questions asked of the child.
  - As much detail as possible about the child's words in response.
  - What the adults' response was to the child first telling of the alleged abuse.
  - Anything the child has said that is of concern (in as much detail as possible).
  - What has been said by key adults to the child and what information key adults have received from other adults about the allegations.
- Context of the allegation or concerns
  - Any changes in their behaviour over time.
  - Any observed sexual behaviour.
  - Their behaviour and performance at pre-school or school.
  - Their daily routine.
  - Significant people they are in contact with.
  - Whether they are avoiding any person or situation.
  - Whether they have been exposed to pornographic material or sexual behaviour between adults.
  - Child's access to electronic communication.
- Child's vocabulary and conceptual level
  - Their words for different parts of the body and level of sexual knowledge (where appropriate).
  - Any developmental issues.
- Factors impacting on the interview
  - How the child feels at the moment.
  - Behaviour when under stress.
  - Issues that may impact on the interview, for example: custody dispute or any other relationship or family context issues involving the adults or child concerned.
  - Health and medication.
- Parents/family
  - Any previous history of abuse allegations.
  - Parental attitudes and beliefs regarding sexual conduct and norms (where appropriate) for example: response to nudity, sex education.
  - History of the family/whanau, for example: marital separation or conflict, exposure to family violence, trauma, exposure to pornography or explicit material, drug and alcohol use.
  - Parental attitudes and beliefs regarding discipline and punishment.
  - Child's relationships with significant others.

### Consent

Informed consent should be obtained from the parent or guardian, wherever practicable and appropriate. It is preferable that this consent is written.

Where appropriate, consent should also be obtained from the child to be interviewed.

Interviews with a child should not proceed if the child is unwilling to be interviewed.

[Refer [Appendix 3](#) Standard Consent Form]

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

---

Version : 11.0

If parental consent is refused the interview may proceed, with written consent from the social worker or their supervisor provided that the Chief Executive has custody of the child.

If a parent refuses consent and the child is not in the custody of the Chief Executive, the social worker must seek legal advice with a view to seeking a warrant. In some cases a young person may be of sufficient capacity and understanding to consent to an interview on their own account, without the need for parental consent or custody. Extreme caution must be exercised and prior legal advice must be obtained.

Consultation with legal services may also be appropriate, for example, where the parent or guardian is an alleged offender.

### **Pre-interview with the Child**

#### **Policy**

Depending on the child's age and level of maturity, the interviewer or monitor will endeavour to explain to them about the interview procedure, its recording and use.

#### **Guidelines**

It is desirable that any discussion with the child is recorded in writing.

It is useful if any discussion with the child is monitored.

The child may need some time to settle and familiarise herself/himself with the surroundings before the interview begins.

Be honest with the child. Do not make promises that cannot be kept. The interviewer cannot promise:

- absolute confidentiality
- the child will not have to appear in court
- who will see the transcript and video
- what the court outcome will be.



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## Conducting the Forensic Video Interview

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

### Structure of Interview

All forensic video interviews must be conducted in accordance with the Evidence Regulations 2007. The phases and steps within the forensic video interview are fully explained and practised within the national forensic video interviewing training course that all forensic interviewers attend before conducting interviews. What is presented below is a summary and practice changes may have occurred since publication as a result of court precedent, research and literature.

All forensic video interviews are divided into three phases. All three phases are video recorded.

### Summary of phases of a forensic video interview

Phase	Purpose
1. Introduction: Rapport and Regulations	<ul style="list-style-type: none"> <li>• Cover Regulation requirements.</li> <li>• Explaining ground rules.</li> <li>• Rapport building practicing free narrative techniques on one or two episodic events.</li> <li>• Checking out of conceptual understanding (generally for children under the age of six).</li> <li>• Establishing understanding of truth/lies and promises and obtaining a promise.</li> </ul>
2. Middle: Ingredients of Alleged Offences or Exploratory Format (if the child makes no allegation) <b>Note:</b> this Phase will be punctuated by a monitor's break	<ul style="list-style-type: none"> <li>• Encourage the child to talk about anything that has happened using a free narrative approach.</li> <li>• Obtain details of any allegations that are made and ingredients of any alleged offences that the child discloses.</li> <li>• Obtain a sense of chronology/frequency.</li> <li>• Recent complaint evidence.</li> <li>• Body diagram (if required).</li> <li>• Monitor's break – cover Regulation 9 requirements.</li> </ul>
3. Closure:	<ul style="list-style-type: none"> <li>• Ask questions for further clarification if required.</li> <li>• Sign any exhibits used.</li> <li>• Opportunity for child to ask any questions.</li> <li>• Divert to a neutral topic.</li> <li>• Close the interview.</li> </ul>

### Interview Procedures

These procedures consist of instructions and guidelines. The instructions are based on the Evidence Regulations 2007 and best practice. The guidelines are to assist the interviewer to carry out these instructions. What is presented below is a summary and practice changes may have occurred since publication as a result of court precedent, research and literature.

This interviewing model may be used for interviewing other vulnerable witnesses (i.e. child witnesses to serious crime).



## Video recorded forensic interviews with at-risk children and young people, continued...

Version : 11.0

### Before starting

Step	Instruction	Guidelines
1	Turn on the equipment and make sure it is working. Position the camera at the level of the child.	Once the interview begins the monitor should be alone in the monitors' room unless other professional support is required due to the child's special needs or needs of the investigation.
2	Set up the interview situation: <ul style="list-style-type: none"> <li>the child must be seated with their face visible to the camera during the entire interview</li> <li>a support person or interpreter, if required, must be seated out of the child's sight but in view of the camera (Regs. <u>11</u> &amp; <u>12</u>)</li> </ul> <p>If the interpreter is using sign language they must be in the full view of the child and the camera at all times.</p> <p>A simple, clear-faced analogue clock with a second hand, correctly recording the time, must be fixed and visible throughout the interview (Reg. <u>8(g)</u>).</p>	

**Note:** If at any time during the interview the child is unable to proceed, or exhibits continuing unwillingness to proceed, with the interview the interviewer should conclude the interview and, if appropriate, reschedule another appointment for a further interview.

### Phase 1: Introduction: Rapport and Regulations

Step	Instruction	Guidelines
3	State the interviewer's name State the place, date and time of the interview (Reg. <u>8(a)</u> (b)).	
4	State that the interview is being monitored and the monitor's name and designation	
5	Ask the child to give their name and age (Reg. <u>8(b)</u> ).	It is preferable not to ask the child to give their school, teacher or address as this information should not be seen or heard by the defendant in court. This may put the child's safety at risk.
6	If present, the interpreter and/or support person must state their name (Reg. <u>8</u> ). The interpreter must promise to interpret accurately (Reg. <u>12</u> ) and accurately and completely translate the words of the witness (Reg. <u>8(e)</u> ).	
7	<b>Ground rules</b> Give the child permission to say if they	It may also be useful to practice setting ground rules, using neutral

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

	do not know or do not remember or do not understand. Give them permission to correct the interviewer if they feel the interviewer has misunderstood them.	topics, to ensure the child has understood.
8	<p><b>Rapport Building And Free Narrative Practice</b></p> <p>Use two neutral topics such as last birthday, yesterday at school, to allow the child to practise using a free narrative style.</p>	<p>E.g. Phrases such as "tell me everything that you did on your last birthday" and "what else can you tell me about that" are useful to enhance narrative.</p> <p>Use time segmentation (zooming) techniques.</p>
9	<p><b>Concepts</b></p> <p>If the child is under six years, or where appropriate for developmentally delayed, establish their understanding of concepts</p>	<p>Using blocks or beakers as objects, test out the child's knowledge of the following:</p> <p>For example</p> <ul style="list-style-type: none"> <li>• primary colours</li> <li>• big/small</li> <li>• first/last</li> <li>• inside/outside</li> <li>• on top/underneath</li> <li>• in front/behind</li> <li>• next to/in between/middle</li> <li>• same/different</li> <li>• counting using objects</li> </ul>
10	<p><b>Truth and Lies</b></p> <p>Inform the child that it is important to tell the truth and not tell any lies NB: Although the Regulations only require an over 12 year old to tell the truth it is recommended that the same steps are followed.</p> <p>Use examples to establish if the child can differentiate between the truth and lies.</p> <p>Establish the child understanding of the consequences of lying. (Reg. 8(c) &amp; (d).</p>	<p>Impart solemnity by telling the child it is important to tell the truth and not tell any lies.</p> <p>Use one or two age appropriate examples of truth and one or two examples of lies to clarify their understanding of these words. Older children might be able to provide their own examples.</p> <p>Don't use authority figures in examples, use "someone" in examples e.g. if someone said your name was _____ would that be the truth or a lie?</p> <p>To increase the sense of solemnity and gauge their understanding of consequences ask children if it is best to tell the truth or best to tell lies and how come?</p>





## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

11	<p><b>Promises</b> Establish the child's understanding of promises. Ask the child what a promise is and what happens if they promise to do something (Reg. 8(c) &amp; (d)).</p>	<p>Ways of exploring this are. Have you heard the word promise? What does making a promise mean? Wait for the child's explanation and use one or two examples to clarify. Don't use authority figures in examples, use "someone" in examples e.g. if you promised someone that you would sit with them at lunchtime what would you do? If they are having problems with this try Is a promise something you have to keep or don't have to keep Is a promise important or not important If you make a promise do you keep it or break it?</p>
12	<p><b>Obtaining a promise</b> Directly following Step 11 ask the child to promise to tell the truth today in the interview room (Reg. 8(c) &amp; (d)). If a child becomes distracted, it may be necessary to check or reiterate steps 10-11 before again asking the child to promise to tell the truth.</p>	<p>Remind the child that it is very important that everything they talk about in this room today is the truth. Ask them: "Will/do you promise to tell the truth in this room today?" If the child nods, ask what that means, or say: "I need to hear you say that word". The child needs to make a verbal response. If the word promise is not understood, other alternatives are to get the child to 'make a deal', 'keep their word' or seek the agreement of the child, for example. Will you agree to tell the truth in this room today? Will you agree not to tell any lies? Will you keep your word today to tell the truth?</p>

### Phase 2: Middle: Determining Ingredients of Alleged Offences Format or Exploratory

#### Format

The first step in Phase 2 (step 13) will determine whether the interview will gather ingredients of alleged offences or follow a more exploratory format (if child makes no allegation).

Step	Instruction	Guidelines
13	<p>a) Ask the child what they have come to talk about.</p>	<p>Example: "What have you come here to talk about today?"</p>
	<p>b) If they don't know, ask further invitational and transitional questions:</p>	<p>"Who brought you here today?" "Was there anything he/she said about coming here today?" "What do you think it might be about?" "Is there anything that you don't want to talk about today?"</p>

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, continued...

Version : 11.0

		As a last resort a question such as "Mum/social worker said that you had something you need to talk about – tell me about that?"
	c) If the child still does not know proceed to an exploratory format. This sometimes requires more than one forensic video interview.	If a child goes on to allege abuse during the exploratory format, the interviewer must revert to Step 14 of the ingredients of alleged offences format and proceed from there.
	d) If the child alleges abuse in Step 13, proceed with an <b>ingredients of alleged offences format</b> .	

### Phase 2: Middle: Ingredients Of Alleged Offences Format and Exploratory Format

Step	Ingredients Of Alleged Offences Format		Exploratory Format	
	Instruction	Guidelines	Instruction	Guidelines
14.	Invite child to narrate and then use free narrative techniques to assist the child to elaborate.	Ask the child to tell you all about what happened. When their free narrative reaches an end, assist them to elaborate by questions such as "Tell me about that," or "Then what happened?" or "What else can you remember about that?"	Consider the factors that may constrain the child's engagement, e.g. shyness, anxiety.	Use neutral topics to explore different aspects of the child's situation.
15.	Briefly clarify range of alleged offences.	Briefly clarify whether anything else like that has occurred (with the same alleged offender), and an idea of frequency in order to allow the interviewer to structure and pace the rest of the interview.	Engage the child in a discussion that allows them to give information freely.	Use "free-narrative" techniques to do this.
16.	Obtain in depth detail of each alleged offence, or a selection of alleged offences using questioning techniques (refer <a href="#">Appendix 1</a> for questioning	In the course of the interview obtain the following information if possible: <ul style="list-style-type: none"> <li>• details of alleged offences</li> </ul>	Enquire about a range of things in the child's environment.	Use information that the child has previously offered and general events in children's lives. Be alert to issues of concern expressed by the

This is an uncontrolled document printed for reference only.  
The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

	terminology).	<ul style="list-style-type: none"> <li>• locations and times</li> <li>• content of conversations</li> <li>• factual detail such as colours smells and other observations</li> <li>• corroborative evidence</li> <li>• identify witnesses</li> <li>• description of injuries</li> <li>• other relevant information.</li> </ul>		child.
17.	Gather recent complaint information, or if not, information about why no complaint was made at the time.	<ul style="list-style-type: none"> <li>• who the first person was that they told</li> <li>• when they told them</li> <li>• how come they decided to tell then</li> <li>• how come they didn't tell before (if there's been a delay)</li> <li>• gather any information about the child's demeanour, as the recent complaint witness can give evidence on this at trial.</li> </ul>	Focus on target areas of concern. If the child does make any allegations during this phase – revert to step 14 Ingredients of Alleged Offences Format.	Directly relate this to what the child has already spoken about. Get them to clarify these areas of concern. Without raising prior knowledge attempt to clarify any issues of concern identified in the referral or consultation process that the child has not previously spoken about during the interview.

### Phase 2: Middle: Monitor Break

Step	Instruction	Guidelines
18	a) Before the end of the interview the interviewer should break the interview and confer with the monitor to check that all key areas of questioning have been covered.	The monitor's notes will assist the monitor to determine any areas or points that may have been missed in the interview. Usually the interviewer will break the interview to confer with the monitor. There are no restrictions on the number of monitor breaks; however, they should be kept to a minimum as too many checks become disruptive.
	b) Before leaving the interview	Whenever there is a break in the

This is an uncontrolled document printed for reference only.  
The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

	room, state the time, the estimated duration of the break and the reason for leaving; (Regs 9 (a),(b) & (c).	interview steps b and c must be followed. The interviewer should explain to the child the purpose of the monitor's break and the expected length of the break. The child should remain in the view of the camera during the break. Interpreters and support people must not confer with the child during the break.
	c) on return to the interview room, state the time.	

### Phase 3: Closure: Steps 19-34 apply to all forensic video interviews (both exploratory and where allegations have been made)

Steps	Instruction	Guidelines
19.	Clarify any issues raised by the monitor.	
20.	Offer the child the opportunity to add to or correct any information provided or to ask questions.	
21.	In order to identify exhibits, ensure all material produced during the interview has the child's name, and is signed and dated.	You may hold all plans, outlines and drawings up to the camera, showing both sides of the page.
22.	Introduce a neutral topic, e.g. what they have missed at school today. Let the child narrate. Acknowledge the child's participation in the interview.	If the interview has followed the exploratory interview format, the interviewer may talk to the child about the possible need to return for a further interview.
23	State the time at the end of the interview (Reg 8(h)).	
24.	Turn off the video equipment.	

### Phase 3: Closure: Tasks for the interviewer

Step	Instructions	Guidelines
26.	Label both video records.	
28.	Complete required schedules – one for the master copy, one for the working copy.	
29.	Seal master schedule with master video record and sign seals (initials are sufficient).	
30.	Attach the working schedule to the working video record.	
31.	Complete the office video record log book which should be kept up-to-date at all times.	Each office needs to set up and maintain these log books: interview log book to record the interviews conducted; video log book to record the videos made (could be included in the

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

		interview log book); video movement book to record the inward, internal and outward; movement sheet attached to each video record.
--	--	--

### Phase 3: Closure: Uplifting the video record - The Police Officer

Step	Instruction	Guidelines
32	If the video record is subsequently moved the video movement book must be signed indicating which video record is being moved and the schedule must be noted.	<p>Every movement of the video record must be recorded.</p> <p>It is imperative that the chain of evidence is maintained as the video record may not be admitted in court if there is any infringement of the Regulations.</p> <p>Develop a clear system with your local police for moving video record. Video records should be transported by hand or if that is not possible either by courier or registered mail.</p> <p>The person who is entrusted with the video record must be fully informed of the legal requirements.</p>
33	Deposit the video record for storage in a secure place.	
34	If the video records come back to the Interviewer (for verifying transcripts or any other purpose), the person receiving the video record must complete step 28.	



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## After the Forensic Video Interview

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

### Debriefing

The role of the interviewer post interview is to provide the referrer and the support person/carer, with information about what has been said in the interview.

### Policy

The interviewer must inform the referrer and where appropriate Police of the interview outcome.

### Guidelines

The interviewer needs to talk to the child, in a way that is appropriate to their age and maturity, to:

- acknowledge and affirm their participation in the interview
- check how they are feeling
- explain that you will be speaking with the adult(s) who are supporting the child through the interview process
- explain what will happen to the video records and who may see them
- explain that you will be talking to their social worker about what will happen next e.g. (counselling, medical, court)
- answer any questions but if the child asks about future safety explain that their social worker will talk to them about that.

With older children it may be appropriate to ask if they want to be present when you are talking to the parent.

The interviewer needs to talk to the parent (wherever possible with the social worker and/or the Police employee present, although some times it may be necessary to talk to the social worker alone first) to:

- give them feedback on the interview in appropriate detail
- explain what will happen to the video records and who may see them;
- explain what will happen next regarding your role
- talk about how the child is feeling and check out how the adult is feeling.

\* Discuss the child's immediate safety needs with the social worker and the family when a child has made an allegation of abuse in the interview.

Record significant points from these debriefings and date, sign and file this record.

The interviewer and monitor should, where possible, meet to debrief after the interview.

## Summary Report

### Policy

The interviewer must secure every outline, drawing, monitor's message and note made during the interview as these may be used as evidence.

The interviewer must complete and send a Summary Report to:

- the referrer
- Police in every case where allegations have been made.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

---

Version : 11.0

The Summary Report must be marked confidential and may only be used with the permission of Child, Youth and Family and Police, in consultation with the interviewer and according to legal guidelines.

### **Guidelines**

The report is not a verbatim account. It should contain a factual summary of the interview and the allegations. State that full details of the child's statement are available on video record.

The report must:

- state whether the child alleged abuse
- present factual notes about what they said or did.

The report may include recommendations for further social work follow up.

### **Role of the Forensic Interviewer in Court**

Where the child's evidence is presented on video record in court, the interviewer can be called as witness. The interviewer can be cross examined on any aspect of the interview.

- Preparation of the child.
- Truth, lies and promises.
- Inconsistencies in the child's account.
- Questioning style.
- Any other aspect of the interview or general interviewing practices that may cast doubt on the child's or the interviewer's credibility as a witness e.g.: supervision, training, current literature.

### **Guidelines**

When presenting evidence in court preparation is crucial.

- Go through the transcript thoroughly.
- Go through the transcript with another interviewer or supervisor to identify areas where you are likely to be cross-examined.
- Where ever possible review the video carefully, as you are unlikely to be able to view it in court.
- Consult with, and seek advice from, a Child, Youth and Family solicitor.

The Crown Prosecutor is acting for Police in these matters. Child, Youth and Family staff should seek advice from the site solicitor to avoid any conflict of interest. If aspects of the criminal process are not within the immediate knowledge of the site solicitor, it is their role to find someone who can assist the interviewer.

As criminal cases are determined through an adversarial process, the prosecution must prove guilt beyond reasonable doubt. The defence lawyer may attempt to cast doubt on the evidence presented. As a result of this process, the interviewer may feel as if they are on trial. It is important to remember that it is not a personal attack.

Where the interviewer's credibility is questioned, it is important to emphasise qualifications, training and experience. It is useful if the interviewer can be specific about the number of interviews they have conducted.

In criminal court it is important to give definite answers where possible. Witnesses should not be afraid to say if they don't understand a question or to ask for the question to be restated or rephrased.

Do not be afraid to acknowledge any shortcomings in the interview for example, a contentious question. One or two mistakes do not invalidate the entire interview.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

---

Version : 11.0

The interviewer must not be drawn into giving an opinion about whether or not the child is telling the truth. The interviewer's task in the interview was to create a situation that enabled the child to say what (if anything) happened. The judge and jury must determine whether or not the case is proven.

The interviewer needs to utilise their own personal strategies, and forms of support provided by their employer/organisation, for coping in stressful situations. The interviewer's task is demanding and difficult and it is important for them to be confident about their professionalism and competence.

### **Transcripts**

#### **Legal requirements**

A transcript is required where the video record is used as evidence in a criminal proceeding (Reg 28).

#### **Policy**

Police are responsible for preparing the transcripts where criminal charges follow and may lead to court proceedings.

The transcript should contain all noticeable non-verbal communication.

The interviewer must check the transcript against the video record for accuracy and acknowledge in their formal written statement that this has occurred.

If a transcript has been prepared a copy must be kept on Police files.





## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

### Video recordings

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

### Video Record Security and Access

Whoever holds a copy of the video record is responsible for:

- the safe keeping of the video record
- registering who has viewed the video record
- recording all movements of the video record.

### Legal requirements

The master copy of a forensic video record where a child has made an allegation must be sealed with a completed certificate as contained in the Schedule to the Evidence Regulations and placed in the safe custody of Police (Reg 17(2)).

Police must keep a record of the date the master video record was placed in their custody and details of any subsequent dealings with the master copy and the reason for that (Reg 17(2)(b)(i)&(ii)).

A working copy of a forensic video record must be identified as such and placed in the safe custody of Police, with a completed copy of the certificate as contained in the Schedule to the Evidence Regulations Reg (18(1)).

A record must be kept with the working copy identifying the name and designation of anyone who views the video record and the date of viewing (Reg 18(2)).

Under regulation 21, Child, Youth and Family may request a copy of the video record to

- show the child
- enable the Chief Executive or a social worker to discharge duties under any Act.

When a copy of a video record is provided to Child, Youth and Family, if produced the transcript must also be provided.

Child, Youth and Family may only show a copy of any transcript to a person if it is in the interests of the child who is the subject of proceedings (under the Care of Children Act 2004 or CYPFA) and it is not likely to jeopardise any pending criminal proceeding and a record is kept of every person who is shown the transcript.

Regulation 20 defines the purposes for which a video record may be shown by Police.

### Policy

Access to the video record must be in accordance with the Evidence Regulations 2007. The video record must be used in keeping with the principles of the Children, Young Persons, and Their Families Act (1989) and, where appropriate, the Privacy Act (1993) and the Official Information Act (1982).

### Guidelines

The decision to allow access to the video record must be guided by the child's best interests. Police should consult with Child, Youth and Family to assess this.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

---

Version : 11.0

### Video Record Retention and Destruction

#### Legal requirements

All forensic interview video records must be kept for a predetermined number of years. Under regulation 40, Police must keep the master video record until:

- it is produced to court as an exhibit and becomes its property;
- seven years after the date the video record is made, in the event that no prosecution is brought (Reg 40(1)(b)).

Where there are court proceedings master video records must be kept for ten years by the courts, measured from the date when the proceedings are finally determined or discontinued (Reg 39).

The master video record and working video records are to be destroyed or erased by the destruction date.

Refer to regulations 36 to 48 as to who is responsible for destroying or erasing the master video record, working copy or any copies of either.



# Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

## Appendix 1 - Questioning terminology

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

**Note:** Forensic Interviewers are trained in the appropriate use of these questions.

### 1. General questions

Open-ended enquiry about the child's well-being or salient issues; it does not assume an event or experience.

**Example:**

"How can I help you"  
"How are you feeling today?"  
"Is there anything you want to talk about?"

### 2. Narrative invitations

A broad open-ended enquiry or statement that encourages the child to talk in a free narrative style about an event without interruption from the interviewer. These sorts of questions have been shown to increase the detail and accuracy of children's statements.

**Example:**

"Tell me what you've come to talk to me about today."  
"Tell me what happened."  
"What else can you remember about that?"  
"Tell me more about that".

### 3. Facilitative cues

Interviewer gesture or utterance aimed at encouraging more narration

**Example:**

"Un huh"  
"Anything else?"  
"Mmhmm"

### 4. Time segmentation/ Zooming

Probing for details by asking about a particular time during an event described by the child – breaking down a reported segment of time.

**Example:**

"You told me about your birthday party. Tell me what you did from the time your friends came to your party until you opened your presents."  
"You said that Uncle Harry came in your room. Tell me everything that happened from when he came in your room until he left"

### 5. Open-ended prompts

Questions that allow for a broad range of responses, while minimising leading or suggestive material that could be introduced in the interview. Open ended questions are useful throughout the interview process as a method of providing some structure to the child's recall without being overly suggestive or leading.

**Example:**

"Tell me everything that happened, even if you don't think it's important."

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

Version : 11.0

"Tell me about your family."

"What happened next?"

### 6. Cued invitations

Questions that focus the child on a particular topic, place, or person, but refrain from providing information about the subject. These questions also serve to trigger memory and can be conceptualised as a way of framing a question to narrow the child onto the topic the interviewer is enquiring about. These questions are more specific than open-ended questions.

#### Example:

"You said that Uncle Harry touched you. Tell me what you mean by "touched".

"You said you and Uncle Harry were in the caravan. Tell me everything that happened in the caravan."

### 7. Direct questions (5WH)

Questions that start with words such as what, when, where, how, and how come, that may be necessary to elicit specific information that has not been clarified by the more open-ended questions above. It is often useful to pair these questions with open questions.

#### Example:

"What were you wearing when that happened? (Child responds) Tell me about that."

"Where were you when that happened. (Child responds) Tell me everything that happened when you were in that shed."

### 8. Option-posing questions

Questions that are yes/no and multiple-choice are sometimes necessary after open-ended techniques and direct questions have failed to elicit relevant information. Although these questions may be useful to cue the child's memory they should be carefully phrased to reduce the amount of new information introduced in the question. Multiple-choice questions should include all relevant options and a catchall category "or something else" at the end. These questions are more suggestive than direct questions and should be paired with more open questions.

#### Example:

"When that happened were you sitting, standing up, lying down or something else?" (Child responds). Tell me all about that".

"I'm just wondering whether that happened in the morning, afternoon or night time?" (Child responds). Tell me what happened from the start to the finish.

### 9. Externally derived questions

A question that relies on information not disclosed by the child in the interview. Although there are times when it may be appropriate to introduce prior knowledge (for example, if the child has a sexually transmitted disease) these questions should not normally be asked as they may lead or mislead the child. They should only be used with extreme caution and in a planned way, if all other avenues are exhausted and there are clear care and protection concerns indicated.

#### Example:

"Do you remember anything about a camera?"

"Your Mum said that you went to the doctor yesterday. Tell me all about that".

### 10. Leading questions

A statement the child is asked to affirm. These questions should never be asked.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Video recorded forensic interviews with at-risk children and young people, Continued...

---

Version : 11.0

**Example:**

"Isn't it true that your brother touched your fanny?"  
"So your dad gave you that bruise didn't he?"

### **11. Misleading questions**

A question that assumes a fact that is not true, which the child is explicitly or implicitly asked to confirm. These questions should never be asked.

**Example:**

"What colour scarf was the nurse wearing?" (When she wasn't wearing one)  
"Show me where he touched you". (When no touching has been alleged by the child)

### **12. Coercion**

The use of inappropriate inducements to get cooperation. These sorts of statements should never be used.

**Example:**

"If you tell me what your mother did, we can go for ice cream".  
"You can play with that after you've told me all about what Uncle Harry has done."  
"If you tell me we can put him in jail and keep other children safe".



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

---

Version : 11.0

### **Appendix 2 – Evidence regulations 2007**

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

Refer to the Evidence Regulations 2007.



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

---

Version : 11.0

### **Appendix 3 – Standard Consent Form**

These guidelines are an interim version. The practice, training and accreditation of Child Forensic Interviewers is currently being subject to a comprehensive review by a joint Police/CYF project. Any questions in relation to these guidelines should be addressed to the Investigative Interviewing Team, NCIG at Police National Headquarters.

Download the Standard Consent Form (word document, 33 KB).



## **Video recorded forensic interviews with at-risk children and young people, Continued...**

---

Version : 11.0

### **Appendix 4 - Interpreter Confidentiality Statement**

Download the [Interpreter Confidentiality Statement](#) (word document, 34 KB).