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Interviewing Children in Technology Facilitated Crimes

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Children’s access to technology has significantly increased in this century. While technology’s capacity to connect people becomes easier, children’s access to people outside of their family units, schools, day-care centers, faith-based communities, and extracurricular activities also increases. It is not only through smart phones that children can contact and be contacted by others. Gaming systems and devices that connect to the Internet provide this opportunity as well.



Although there has been a recent push for safety programs that protect children from online predators, it should be noted that most children are abused by people close to them. Research shows that 10–28% of sex offenders are family members. When acquaintance offenders are included, the number increases to 71–85% (Finkelhor, Hammer & Sedlak, 2008; Finkelhor & Ormrod, 2000). The large majority of victims in forcible and nonforcible sex acts range in age from 12–17 years (Finkelhor & Ormrod, 2000). Wolak and Finkelhor (2013) indicate that the dynamics in online and offline offending of children are similar. Online predators are not the only offenders using technology. Offenders known to children also use technology in the act of sex offending.

During an investigation of child sexual abuse, law enforcement investigators collect data from a variety of sources. One of the primary sources of data is the alleged child victim. From this alleged child victim interview, investigators create a plan for further investigation. Children have the ability to provide information about crime scenes and witnesses. Children’s statements assist law enforcement in creating a strategy for the interview and interrogation of the suspect. When child forensic interviewers ask narrative-inviting questions about details regarding an event, corroboration potential is maximized.



The interview of the child is but one component of any given investigation; however, it offers an opportunity for the multidisciplinary team (MDT) to understand the context of a reported act. Although a child who reports abuse in an interview cannot be expected to offer the motivation of the suspect (as only the suspect knows what the suspect was thinking at the time), other information gathered from the child might indicate possible reasons for the suspect’s behavior and help the investigator sort out whether the behavior had sexual intention. Communications with the offender offer some insight into the motivation of the offender, as well as context for the reported event.

Inquiries about conversations, texts, and other forms of communication can be very instructive. Much of this communication is electronic. Those communications that are electronic, when accessed by law enforcement, also become evidence. Finding this evidence changes the focus of the case from “he said/she said” to a comprehensively supported victim statement with evidence. The dynamic changes, however, when the case is initiated with pictures or videos found by law enforcement and seized. No longer is it a situation of “he said/she said,” and the suspect’s intentions or motivations are clear. The dynamics of these investigations are different.

It is important to recognize that technology-facilitated crime inquiries occur in a variety of cases. Because technology is used in intrafamilial and known offender cases, child pornography



(Internet Crimes Against Children-ICAC) cases, and human trafficking (commercial sexual exploitation of minors) cases, there are some differences in approaching the use of technology. Interviewers should consider the implications of technology

inquiries as they relate to case type. For example, in an intrafamilial sex abuse case where the father is the offender, technology-related inquiries would be added to the interview to assess communication, motive, possible creation of child pornography, or using pornography to decrease the reticence of the child to engage in the act (among other uses). These inquiries often feel like “fishing expeditions” but offer insight into some of the dynamics of the abuse.

In cases where the victim is identified through child pornography prior to the interview, the interviewer is already aware that technology has been used and must consider how to incorporate this knowledge into the interview as well as whether or not the pictures will be used during the interview with the child. The use of evidence in child forensic interviews requires much planning. A trained interviewer should conduct the interview and should ensure that the child’s needs supersede the needs of the investigation. In

human trafficking cases, technology is often used as a marketing tool and is used as a communication tool between the pimp and the child. These pieces of information are very important to obtain.

Regardless of the forensic interview training model an interviewer has completed, each interviewer can incorporate technology-related



questions into the interview. For the purpose of simplicity, the interview will be broken down into three components: engagement, event discussion, and conclusion. Suggestions for incorporating technology-related questions will be offered in each of the three components.

Engagement occurs in the beginning of the interview. The child is typically oriented to the interview room, the role of the interviewer, observers, and how the interview will be documented. At this phase of the interview, the child can be



asked about technology. Some examples for technology inquiries are listed below:

- Do you have a cell phone? Tell me about your phone. What kinds of things do you use your phone for? What are your favorite apps? What mobile service do you use? Do your parents monitor your phone/are there rules about your phone? Tell me about that.
- What gaming system do you use? Do you have the ability to talk with others while playing? How does that work? Tell me about the people that you chat with.
- Do you have computers at home? Tell me about the computers. Which one(s) do you use? Are there rules about computer use? Tell me about that. Do you have privacy when using the computer? Tell me about that. Do the computers/laptops have webcams or built in cameras? Tell me about how the cameras work.



These are just examples of technology-related question strategies that might be used early in the interview to assess the child's access to technology and possible uses. There are several other components completed at this phase of the interview that are not being discussed here.

Event discussion occurs after a transition is made to the topic of concern. This is the part of the interview where details are sought regarding the acts being discussed. It is crucial for interviewers to continue to ask narrative-inviting questions throughout this phase of the interview. "Tell me all about the camera" is much more effective than a closed-ended question, such as, "Was it a camera on the phone or something else?"

Details about technology will be based on what the child discloses. This might also depend on whether the suspect is a family member, acquaintance, or stranger. Things such as screen names, usernames, and passwords are useful but might also make the child reluctant to disclose. Assess the child's willingness to share this information before inquiring. If the child is protective of the suspect, it is unlikely that the interviewer will acquire this information.

Other topics that are helpful include, but are not limited to: how the relationship started (in acquaintance or stranger sex abuse case, ICAC cases, and human trafficking cases), timelines (good or bad time to communicate with the suspect), rules about use or engagement (fake names, codes, etc.), favorite apps for communication, and who knows about the communication or relationship.



Note that questions should be asked in a narrative format. The questions below are not intended to be asked in a closed-ended way. These are suggestions of content to engage the child in a conversation. Based on the case information and dynamics, additional topics might include:

- Was the device purchased as a gift by the suspect?
- Do caregivers know about the device?
- If the device is a gaming system, does the child have headphones?
- Is there a camera function or video function on the device?
- How is privacy created for the child to be able to communicate with the suspect? Is the device password-protected? Do others use the device?
- Were pictures/videos requested or shared?
- Is sexual language used?
- Have caregivers or others ever seen a communication from the suspect (including pictures or videos)?
- Do caregivers track the child's whereabouts or use of the device? (This is a crucial question for the caregivers as well.)
- Who pays the bill for the device?
- Are there group messages or chats?
- Was the child aware of any pictures or recording of sex acts for hands-on offenders?
- Was there masturbation in electronic conversations?
- Were there ever threats or sextortion?
- Was there any online marketing (Back Page, Craigslist, etc.)?

If the child is being interviewed due to a child pornography search warrant, the MDT should discuss whether the evidence will be used in the interview and how. (See the article by Catherine Connell and Martha Finnegan in the American Professional Society on the Abuse of Children (APSAC) Advisor for details about incorporating pictures into child forensic interviews.)

Before finishing the event discussion, the interviewer should communicate with the team to see what information has been missed. This could occur with the interviewer taking a break and leaving the room to meet with the team, or through some communication device (e.g., bug in the ear). The interviewer will follow up with the child and ask about the missing content.

Technology is still relevant in the last interview phase:

Conclusion. The interviewer can ask follow-up, general questions about technology as the interview is winding down, especially if the child has shown interest in the topic before. "You told me you really like to play video games? What is your favorite game? Tell me about that." This general inquiry shifts the tone of the interview from the previous topics and allows the child time to come away from discussing abuse or criminal acts. In addition, it allows the interviewer to continue to show interest and maintain rapport with the child.



Some issues to consider during the conclusion have long-term impact on your case. In some situations, the information gathered in the interview will indicate that the child's phone has evidence on it. Seizing the child's phone must be handled in a delicate manner and should be done after the interview is completed. Most adults could not handle having their devices taken (especially on short notice). Child victims will likely have difficulty giving up their devices. Discuss the process for seizing the phone with your team. If at all possible, this should be done by engaging the child in the decision.

This article offers suggestions for interviewers in cases where technology is used in the context of child abuse. The lists are intended to help interviewers and teams generate narrative-inviting questions that relate to each individual case. These lists are not all-inclusive. Note that the lists are built as topics, not verbatim questions. Interviewers should concentrate on getting children to talk in a narrative format and this ability is directly related to interviewer question type. Children's use and interest in technology makes it possible to weave technology questions throughout the interview.

References:

Finkelhor, D., Hammer, H., & Sedlak, J. (2008). Sexually Assaulted Children: National Estimates and Characteristics. *Juvenile Justice Bulletin*, OJJDP, Office of Justice Programs. Washington, DC.

Finkelhor, D., & Ormrod, R. (2000). Characteristics of Crimes Against Juveniles. *Juvenile Justice Bulletin*, OJJDP, Office of Justice Programs. Washington, DC.

Wolak, J., & Finkelhor, D. (2013). Are Crimes by Online Predators Different From Crimes by Sex Offenders Who Know Youth In-Person? *Journal of Adolescent Health*.

Suggested Resource:

Connell, C.S., & Finnegan, M.J. (2013). A Picture Is Worth a Thousand Words: Incorporating Child Pornography Images in the Forensic Interview. *APSAC Advisor*, Volume 25, Number 4.

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