

## **Analysis of the system of training for professionals who interview child victims and witnesses in Poland**

This paper focuses on the analysis of training that concerns interviewing children specifically, rather than broadly understood child abuse. It also covers issues which are significant, even if only indirectly related to the interviewing procedure, e.g. the effect of trauma on children's functioning, the Child Sexual Accommodation Syndrome, or reasons for why children do not disclose abuse.

After amendments to the Polish Code of Criminal Procedure and the introduction of article 185 a and b, a child under 15 who is a victim of sexual abuse or physical abuse, is interviewed directly by the judge with the participation of a psychologist. This means that an investigative interview serves as a court testimony; those children will not testify in court and will be usually interviewed only once.

- Child witnesses under 15 (children who are not victims) can be interviewed once by the judge, but it is not obligatory, so they can be also interviewed by prosecutors and later testify in court.
- Child victims over 15 are interviewed by the prosecutor (very rarely by the police) and later testify in court .

Art.185a, Section 1 of the Polish Code of Criminal Procedure stipulates:

*With regard to the offence of sexual abuse, a victim who was under 15 at the time of the offence, shall not be interviewed as a witness more than once, unless new important circumstances emerge, which need to be explained, or unless another interview is demanded by the defendant, who did not have a legal representative at the time of the first interview of the victim.*

*Section 2. The interview shall be conducted by the court at a session attended by an expert psychologist. The prosecutor, the counsel for the defence, and the defendant's attorney may participate in the interview. The child's legal guardian shall also have the right to be present at the interview, unless his or her presence may restrain the freedom of the interviewed child's account.*

*Section 3. The minutes of the interview shall be read out during the main trial; if the interview has been audio-recorded, the material shall be reproduced.*

*Guidelines of the Ministry of Justice recommend that the child be interviewed outside the court room. The police, the prosecutor, and the counsel for the defence are present during the interview, however they stay in the room on the other side of the one-way mirror.*

It has become a common practice to have an expert psychologist participate in the interview. The regulation on interviewing children has been amended; in the past, the psychology expert's role was more restricted: "The interview shall be conducted in the presence of a psychology expert" has been changed into: "The interview shall be conducted with the participation of a psychology expert", which implies the expert's active involvement.

Professionals who need to be trained on the topic of interviewing children include:

- Judges
- Prosecutors
- Psychologists

Police officers (however, after amendments to the existing law their role in interviewing children has become restricted; in many cases interviews are conducted by the prosecutor in the presence of a psychologist, while the police collects other types of evidence and questions adult witnesses.

In 2007 the Nobody's Children Foundation conducted a group-administered questionnaire on a sample of judges and prosecutors. 61 judges and prosecutors (35 women and 26 men) took part in this anonymous survey. Almost all the respondents (95%) had participated in criminal cases that involved interviewing children.

The respondents were asked about difficulties they encountered while interviewing child witnesses – about situations or children's behaviour that they found difficult to cope with. The question was asked in the open-end form. The most frequently mentioned difficulties included problems in communicating with the child, difficulties with establishing rapport and encouraging the child to break silence, and the child's sudden withdrawal from the interaction. Moreover, judges and prosecutors experience difficulties in using developmentally appropriate vocabulary, in explaining to the child what rights he or she has, and in progressing from the preliminary (general) stage of the interview to asking specific, detailed questions about the investigated

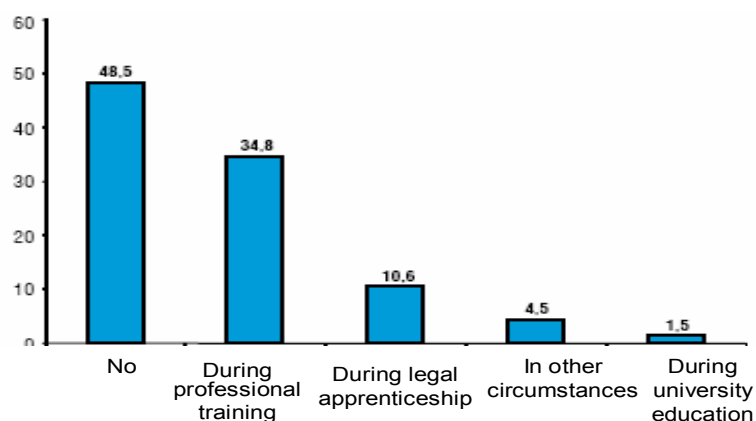
event. Lawyers feel insecure when children show emotions such as shame, anxiety, or sadness; they do not know who to respond when the child starts crying.

The subjects' responses to this question show how important it is for these professionals to have not only theoretical legal and procedural knowledge, but also an understanding of the child's development and clinical psychology. Preparation for an interview involves not only acquiring theoretical knowledge in various fields, but also developing practical skills in how to build rapport with a child, how to ask appropriate questions, and how to cope with the child's reluctance manifested in crying, withdrawal, anger or fear.

The respondents were asked whether they had had an opportunity to develop such knowledge and skills before interviewing children. Almost half of them (48.5%) did not have such an opportunity. Only one person mentioned university education as the source of such knowledge, while 10.6% reported they had acquired it during judicial/prosecutorial apprenticeship. 34.8% of the subjects gained such skills and knowledge at professional training sessions, and 4.5% - in other circumstances.

Table 1

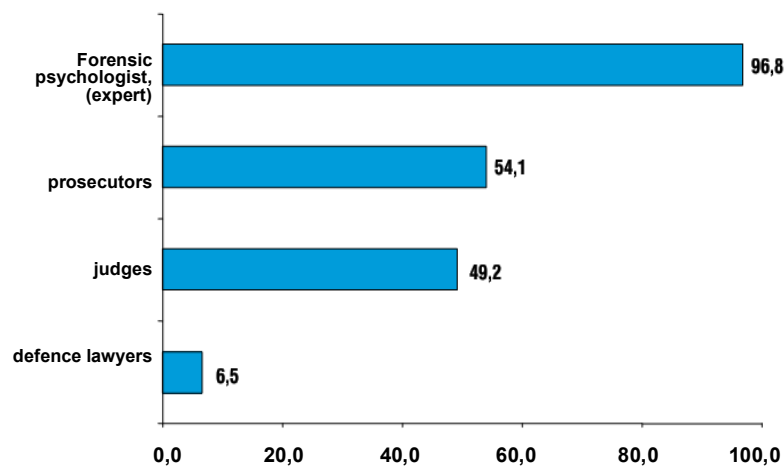
### **Have you had an opportunity to prepare for interviewing children? In what form? (N = 61, in %)**



The respondents – judges and prosecutors – were asked which professionals, in their opinion, were the most competent in interviewing children. The highest rated group were forensic psychology experts (96% of the subjects considered them to be properly prepared for this task), while defence counsels were the lowest in the ranking (6.6%). Only half of the respondents assessed their own professional groups' (i.e., judges and prosecutors') skills in this area as sufficient. In general, according to the respondents, only one in two professionals is properly prepared for interviewing child witnesses. The results show how important it is to provide training in how to interview children.

Table 2

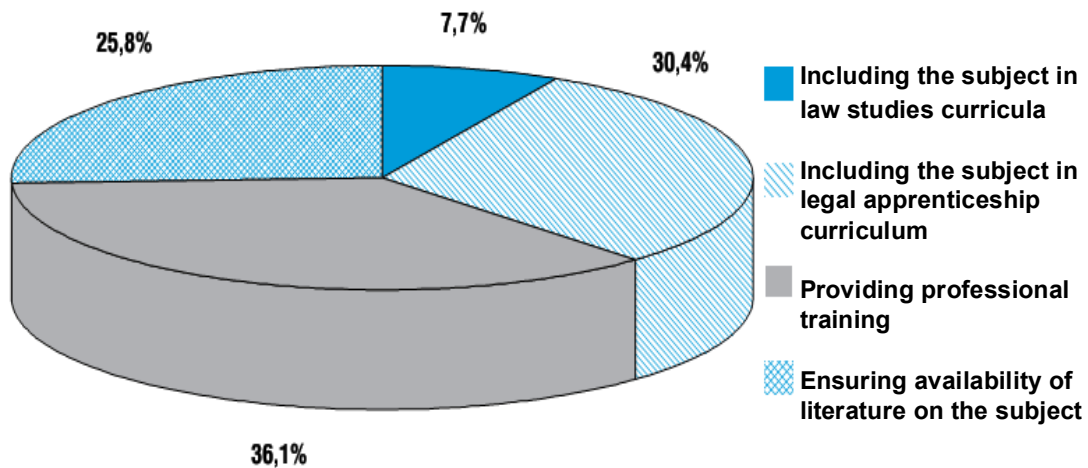
**Do professionals participating in child interviewing have, in your opinion, enough skills to communicate with children?**



Asked about desired and most appropriate forms of preparing professionals for interviewing children, the respondents pointed to specialized training programmes as the best form (36.1%). 30.4% of the subjects opted for including this subject in the legal apprenticeship curriculum. Smaller percentages of the subjects mentioned the availability of scientific literature on the subject (25.8%) and the need to include child interviewing in university curricula (7.7%).

Table 3

**What kind of child interviewing training would be, in your opinion, the best for lawyers?**



To sum up, the survey has shown that judges and prosecutors have not had sufficient opportunities to acquire knowledge and skills related to interviewing children. The respondents find the situation of interviewing a child witness difficult, as it is associated with anxiety and the feeling of incompetence.

The respondents recognize the need for training on the subject, realizing that such training would enhance their functioning as interviewers and improve the situation of a child witness, and thus would help them obtain better evidence at the stage of preparatory proceedings.

Source: J. Konaszewska "Dziecko jako świadek w postępowaniu karnym. Postawy i doświadczenia sędziów i prokuratorów", Dziecko Krzywdzone 3/20 2007, FDN

## **Training on how to interview children: Lawyers**

### 1. Law studies

Interviewing children is not a subject of a dedicated course but may be included in courses on forensic psychology and criminal procedure.

#### *Warsaw University, Law and Administration*

In 1999 – 2004 a 30-hour optional course for graduate students, “Child Abuse from Psychological, Sociological, and Legal Perspectives”, including 4 hours dedicated to interviewing a child witness. The classes were conducted by employees of the Nobody’s Children Foundation (they were attended by 200 students).

Currently, the issues related to interviewing children are included in lectures and classes on the criminal procedure. However, this is limited to discussing legal regulations, without practice or developing skills in interviewing child witnesses. This subject is also addressed – though quite narrowly – during forensic psychology classes (a specialization lecture on criminology) and optional classes on criminology combined with victimology. In all these cases the subject of interviewing child witnesses is dealt with theoretically rather than practically.

*Wroclaw University, Opole University* – classes on criminology with elements of victimology,

*Lodz University, Rzeszow University* – classes on criminological psychology

*Szczecin University* – classes on victim protection in criminal proceedings.

All such classes are optional for law students! The scope of discussing the subject of interviewing children remains at the teacher’s discretion. None of the classes are devoted solely to interviewing child witnesses, but some aspects of the subject may be incorporated in the classes.

To sum up, university law studies do not prepare future prosecutors and judges for the task of interviewing children.

## 2. Prosecutorial apprenticeship (3 years)

The subject of interviewing child witnesses is addressed during criminology classes. Criminology classes are conducted for 3 years, but interviewing children – as just one of specific interview forms – is usually discussed during a one-hour class (at the teacher's discretion). The legal aspect of interviewing children is discussed within lectures on criminal proceedings, usually for not longer than 30 minutes.

## 3. Judicial apprenticeship (3 years)

Criminology classes are usually limited to 5 hours within 3 years. This time has to be sufficient for the lecturer to discuss the whole range of criminology issues, and not only questioning/interviewing.

In the academic year 2008/2009 a new model of judicial-prosecutorial apprenticeship is going to be introduced. The necessary legal acts have not been yet passed and the new curriculum is not known, either. The new model is supposed to offer more practical and workshop classes than the present one, but it is hard to predict how much time and space will be devoted to interviewing children in the new curriculum.

## 4. Training programmes for judges and prosecutors

The National Training Centre for the of Officials of Common Courts and Public Prosecutor's Office

This is an institution operating under the Ministry of Justice which provides ongoing training programmes for legal professionals.

A lot of training courses for legal professionals such as judges, prosecutors, court guardians, and assistants to judges on different topics have been provided in 2008.

Only 3 out of 166 (two days long) such courses addressed the topic of interviewing children. There were no training programmes devoted specifically to this issue.

1. Title, content: Psychological aspects and techniques of interviewing witness (including children). Developing skills in recognizing and controlling nonverbal behaviour, and drawing the right conclusions.

Trainees: prosecution assistants (60)

Time: 4 training hours

Trainer: prosecutor

2. Title, content: Psychological aspects of interviewing children

Trainees: judges (77)

Time: 4 training hours

Trainers: psychologists from Institute of Forensic Research

3. Specialized course: The tactics and techniques of interviewing various witnesses, suspects, and defendants.

Trainees: prosecutors (21)

Time: 8 training hours

Trainers: psychologists from Institute of Forensic Research

\*\* Prof. Jan Sehn Institute of Forensic Research in Cracow

The Institute is the only research centre of its kind under the aegis of the Ministry of Justice in Poland. Its statutory duties include: research in the field of forensic science, preparation of expert opinions for courts and public prosecutor's offices in certain criminal and civil cases, and the development and promotion of the forensic sciences, especially amongst lawyers and professionals of the administration of justice. The Institute carries out expert investigations and research also in forensic psychology.

The employees of this Institute conduct training on interviewing children.

Training for prosecutors:

In 2007 – Investigative psychology – 223 participants

Child as a victim of crime – 60 participants

Judges

2004 – Family pathology, 4 hours about interviewing children - 37 participants

\*\* Nobody's Children Foundation, NGO (operates since 1991)

The Foundation has conducted training on interviewing children for judges and prosecutors since 1997. The training is provided in the workshop format, with only a few lectures, and the usual duration is 20 hours.

In 2008 120 prosecutors and judges nationwide have been trained by the Foundation's experts. The training lasts three days and involves active participation of the trainees, role playing, case discussions, etc.

Besides the training, since 2004 the Nobody's Children Foundation has organized an annual nationwide conference "Helping Child Victims of Crime" . Every year the conference lasts two days and is attended by about 600 professionals, including 200 judges and prosecutors.

Apart from plenary sessions, there are 5 concurrent sessions, including workshops. Different aspects of interviewing children are discussed and presented.

During each conference there is a dedicated workshop for judges and prosecutors on how to interview children.

The Police

Since 2002 the Nobody's Children Foundation in cooperation with The National Police Training Center in Legionowo has organized 30 hours of training for police officers nationwide.

The training programmes have addressed a variety of issues, including those related to interviewing child witnesses. However now, when the police are rarely involved in the procedure of questioning children, the training does not concentrate on this aspect.

\*\*\* Apart from the three main institutions mentioned above, which conduct training for legal professionals, Regional Centres for Social Policy, Association of Forensic Psychology or some NGOs like The Committee for the Protection of Children's Rights in Poznan sometimes organize training courses on this subject. It is however difficult to track these initiatives as they are very rare and do not occur on regular basis.

Training on interviewing children: Psychologists  
University, Department of Psychology

Students of psychology may choose a specialization course in forensic psychology, where issues related to interviewing children are addressed to some extent.

### **Training**

The Nobody's Children Foundation conducts an intensive training course for psychologists interviewing children – those who serve as forensic experts.

This training is accredited by the Polish Association of Psychologists.

There have been two types of this training course, one lasted 180 hours (2007/2008), and the other one 120 hours (2008). The participating psychologists (nationwide) meet for one session per month (20 hours).

The trainers are employees of the NCF, clinical and forensic psychologists.

50 psychologists have been trained within these module.

Apart from that, shorter training courses on different occasions were provided.

### **Ongoing support and training**

The Nobody's Children Foundation

A Club for Psychology Expert Witnesses was launched. The participants in the club are forensic psychologists. The meeting is organized once a month for 3 hours at the Foundation's premises. Each meeting comprises a lecture and a discussion of difficult cases. Two meetings in 2008 were devoted to interviewing children (cognitive interview, interview of small children).

The Nobody's Children Foundation has formed the Coalition for Child-Friendly Interviewing. The goal of the Coalition is to protect child victims in criminal proceedings

through promoting and implementing the idea of interviewing children in a friendly setting and by competent, well-trained professionals.

Members of the Coalition include:

- institutions conducting interviews of child witnesses (prosecution offices, courts)
- institutions running child-friendly interview rooms (courts, the police, NGOs, and other institutions)
- professionals involved in interviewing children.

At the moment the Coalition comprises 145 institutional members (courts, prosecution offices, NGOs, self-government organizations) and 67 professionals who interview children. The Coalition's website, [www.dzieckoswiadek.pl](http://www.dzieckoswiadek.pl) serves as a forum for exchanging experience and as a source of knowledge on interviewing children (the website has been visited about 266,542 times per year and 22,000 times per month). Coalition members receive a monthly newsletter (at the moment issue no. 15 is being distributed) providing the latest news, new publications, information on available training, and relevant court rulings. Services provided by the Coalition's website include a discussion forum.

### **Summary**

There are no dedicated specialists in interviewing children in Poland. Such interviews are also conducted by people who haven't been trained in this area. Recently some courts and prosecutor's offices have appointed one or two judges and prosecutors responsible for interviewing children. This is a direction that should be taken by institutions across the country. This would be helpful in concentrating efforts on preparing the people who will specialize in interviewing children. Currently a judge or prosecutor may be trained and later have little to do with interviewing children.

### **Shortcomings**

Poland does not have a system of ongoing development and improvement of interviewing skills, supervision, and longer practical training in interviewing children. There is no division between elementary and advanced training and no clear certification system. Training courses are often haphazard, organized irregularly by various NGOs. There are no regulations requiring that only professionally trained persons may interview child witnesses.

It is often the case that children are interviewed by persons with no previous training in this area. Such people do not know how to build rapport with children or how to ask questions adequate for the child's development stage.

### **Resources**

There is a growing body of literature on interviewing children. The Nobody's Children Foundation runs a dedicated website focusing on this subject. Recently, the Foundation has published a manual for judges, How to interview a child? Much potential can be found in institutions having experience in the area.

### **Propositions**

Developing a minimum training standard at each stage of education – from university studies, apprenticeship, and further professional training.

Adopting regulations requiring that only professionally trained persons may interview children.

A child interviewer should have access to supervision and the obligation of continuous professional training.

Training should be obligatory for child interviewers.

Training on a broad range of issues related to child abuse and communicating with children (but not conducting formal interviews of children) should be provided for all professionals who work with children, i.e., pedagogic counsellors, physicians, nurses, teachers, scouting activists etc.