

## 兒少及智能障礙性侵害案件詢問工作國際研討會

### Conference on the Forensic Interviewing of Children and People with Intellectual Disabilities in Sexual Abuse Cases

#### 壹、緣起(Background)

兒童及心智障礙性侵害被害人因其認知、記憶、語言等能力發展的限制，造成詢問案情與製作筆錄的困難，加上此類案件延遲報案機率高，跡證及現場採證相對困難，證據保全不易。若無其他外傷、DNA 等相關證據佐證，僅有兒童、身心障礙者證詞作為唯一證據時，往往使得被告獲無罪判決比例偏高。NICHD 訪談程序(The NICHD Investigative interview Protocol)是目前被廣為運用且具有實證基礎的訪談系統，該訪談程序分為七個階段：1.介紹(introduction)、2.建立關係(rapport-building)、3.敘說練習(narrative training)、4.取得指控階段(transitional phase)、5.真實問案階段(substantive phase)、6.通報的信息(disclosure)、7.結束(closing)，在這程序中關注兒童發展的議題，包含：語言能力、記憶、受暗示性、法庭需求、會談者的行為、創傷和壓力的影響...等，以提升與兒童的偵查會談品質。

衛生福利部為提升我國性侵害防治工作之國際視野，促進國際化交流及發展本土工作模式，強化科學辦案與行為證據之偵處知能，委託本會辦理『培力兒童、智能障礙者性侵害案件詢問人才資源計畫—兒少及智能障礙性侵害案件詢問工作國際研討會/國際焦點團體（工作坊）』，邀請 NICHD 訪談程序之國際權威專家學者透過課程講授、經驗分享，和討論演練，增進臺灣性侵害防治網絡專業人員實務操作能力。

#### 貳、主辦單位(Hosts)：

衛生福利部 Ministry of Health and Welfare

#### 參、承辦單位(Organizer)：

財團法人現代婦女教育基金會 Modern Women's Foundation

#### 肆、協辦單位(Co-Organizers)：

國立臺灣大學中國信託慈善基金會兒少暨家庭研究中心 NTU Children and Family Research Center

高雄市政府 Kaohsiung City Government

臺北律師公會編輯委員會 Taipei Bar Association

兒童福利聯盟文教基金會 Child Welfare League Foundation

伍、會議時間 (Time)

2013 年 09 月 09 日 (一) 到 2013 年 09 月 10 日 (二)

陸、會議地點 (Location)

國立台北科技大學第六教學大樓 B1 國際會議廳

International Convention Hall, 6th Teaching Building, National Taipei  
University of Technology

## 國際研討會議程

第一天：2013 月 09 月 09 日（一）

時間		主持人/發表人/與談人
08:00~08:40	報到	工作人員
08:40~09:00	開幕式	衛生福利部保護服務司張秀鴛司長 現代婦女基金會潘維剛董事長 國立臺灣大學張慶瑞行政副校長/臺大兒少暨家庭研究中心諮詢委員會委員
09:00~10:00	專題演講 兒童性侵害：一場揭露的戰爭 Child sexual abuse: The disclosure wars	主持人： 衛生福利部保護服務司張秀鴛司長 講師： Dr. <u>Michael Lamb</u> , Professor, Department of Psychology, University of Cambridge
10:00~10:10		休息
10:10~12:10	專題研討 1： 兒童、智能障礙者作證能力— 記憶與受暗示性  (1) 兒童的記憶 Children's Memory  (2) 兒童的易受暗示性 Children's Suggestibility	主持人： 高雄市立凱旋醫院周煌智副院長 發表人： (1) Dr. <u>Kim P. Roberts</u> , Professor, Department of Psychology, Wilfrid Laurier University (2) Dr. <u>Thomas D. Lyon</u> , Professor, Department of Law and Psychology, University of Southern California 與談人： (1) 臺灣高等法院檢察署陳正芬檢察官 (2) 律州法律事務所賴芳玉律師
12:10~13:10		午餐
13:10~15:10	專題研討 2： 兒童、智能障礙者作證能力— 陳述能力、社會情緒與動機 (1) 成人與兒童的互動：加強溝通 Adult-Child Interaction: Improving Communication (2) 影響兒童揭露的社會情緒及動機因素 Socioemotional and motivational factors on children's disclosure	主持人： 國立臺灣大學社會工作學系沈瓊桃教授 發表人： (1) Dr. <u>Kim P. Roberts</u> , Professor, Department of Psychology, Wilfrid Laurier University (2) 桃園療養院兒童精神科劉士愷醫師 與談人： (1) 高雄市政府社會局葉玉如副局長 (2) Dr. <u>Michael Lamb</u> , Professor, Department of Psychology, University of Cambridge

時間	主持人/發表人/與談人	
15:10~15:20	茶敘時間	
15:20~17:20	<p>專題研討 3：</p> <p>兒童性侵害案件詢(訊)問實務的挑戰與策略</p> <p>(1) 挑戰與策略－遲疑揭露的兒童 Challenges and strategies for reluctant disclosing children</p> <p>(2) 智能障礙與發展障礙者司法訪談的挑戰與策略 Challenges and strategies in forensic interview for individuals with intellectual disability or developmental disorders</p>	<p>主持人：</p> <p>國立暨南國際大學社會政策與社會工作學系 <u>王珮玲</u> 副教授</p> <p>發表人：</p> <p>(1) Dr. <u>Thomas D. Lyon</u>, Professor, Department of Law and Psychology, University of Southern California</p> <p>(2) 臺大醫院精神醫學部 <u>丘彥南</u> 醫師</p> <p>與談人：</p> <p>(1) 臺東縣警察局婦幼隊 <u>余麗娟</u> 副隊長</p> <p>(2) 臺灣高等法院 <u>蘇素娥</u> 庭長</p>
17:20~	賦歸	

## 第二天：2013 月 09 月 10 日（二）

時間		主持人/發表人/與談人
08:40~09:00	報到	工作人員
09:00~10:00	研討會發表 兒童證人與司法訪談 Children's testimony and the forensic Interview	主持人： 臺灣警察專科學校張錦麗副教授 講師： 國立臺灣大學心理學系暨研究所趙儀珊助理教授
10:00~10:10		休息
10:10~12:10	專題研討 4： 認識 NICHD 訪談程序  (1) NICHD 訪談標準程序之發展與實作 The Development and Implementation of the NICHD Protocol  (2) NICHD 訪談程序特殊技巧-如何取得時間性記憶與重複事件記憶 Special Techniques: Temporal and Repeated Event Memory	主持人：新北地方法院檢察署蔡碧玉檢察長  發表人： (1) Dr. <u>Michael Lamb</u> , Professor, Department of Psychology, University of Cambridge (2) Dr. <u>Kim P. Roberts</u> , Professor, Department of Psychology, Wilfrid Laurier University  與談人： (1) 臺北市政府家庭暴力暨性侵害防治中心張美美主任 (2) 臺灣士林地方法院檢察署孟玉梅檢察官
12:10~13:10		午餐
13:10~14:40	專題演講 NICHD 訪談程序會談結構簡介（台灣中文版） NICHD Child Forensic Interview Structure(Taiwan)	主持人： 法務部保護司黃怡君副司長  講師： 國立臺灣大學心理學系暨研究所趙儀珊助理教授
14:40~14:50		茶敘時間
14:50~15:50	專題演講 兒童調查訪談評估 Assessing the Quality of Investigative Interviews with Children	主持人： 中央警察大學行政警察學系葉毓蘭主任兼警察政策研究所所長 講師： Dr. <u>Thomas D. Lyon</u> , Professor, Department of Law and Psychology, University of Southern California
15:50~16:00		休息

時間		主持人/發表人/與談人
16:00~17:30	<p>綜合焦點研析暨座談</p> <p>如何在臺灣運用 NICHD 訪談程序</p> <p>Using the NICHD Protocol in Taiwan</p>	<p>主持人：衛生福利部保護服務司<u>張秀鴛</u>司長</p> <p>與談人：</p> <p>Dr. <u>Michael Lamb</u>, Professor, Department of Psychology, University of Cambridge</p> <p>Dr. <u>Thomas D. Lyon</u>, Professor, Department of Law and Psychology, University of Southern California</p> <p>Dr. <u>Kim P. Roberts</u>, Professor, Department of Psychology, Wilfrid Laurier University</p> <p>法務部保護司<u>黃怡君</u>副司長</p> <p>警政署代表</p> <p>現代婦女基金會<u>林美薰</u>副執行長</p> <p>中華民國智障者家長總會<u>曾雅倫</u>副主任</p>
17:30~		賦歸

## 2013 CONFERENCE ON THE FORENSIC INTERVIEWING OF CHILDREN AND PEOPLE WITH INTELLECTUAL DISABILITIES IN SEXUAL ABUSE CASES

### CONFERENCE SCHEDULE

2013/09/09 (Mon.)

Time		Moderator/Speaker/Discussant
08:00~08:40	Registration	
08:40~09:00	Welcoming Remarks	<p><i>Ms. Hsiu-Yuan Chang</i> , Director-General, Department of Protective Services, Ministry of Health and Welfare</p> <p><i>Ms. Wei-Kang Pan</i>, President, Modern Women's Foundation</p> <p><i>Dr. Ching-Ray Chang</i>, Vice President for Administrative Affairs, National Taiwan University; Advisory Committee Member, Children and Family Research Center, National Taiwan University</p>
09:00~10:00	Keynote Speech	<p style="text-align: center;"><b>Child Sexual Abuse: The Disclosure Wars</b></p> <p><b>Moderator :</b> <i>Ms. Hsiu-Yuan Chang</i> , Director-General, Department of Protective Services, Ministry of Health and Welfare</p> <p><b>Speaker :</b> <i>Dr. Michael Lamb</i>, Professor, Department of Psychology, University of Cambridge</p>
10:00~10:10		Break
10:10~12:10	Session 1	<p style="text-align: center;"><b>The Testimony of Children and People with Intellectual Disabilities: Memory and Suggestibility</b></p> <p><b>Moderator :</b> <i>Dr. Frank Huang-Chih Chou</i>, Deputy Superintendent, Kai-Syuan Psychiatric Hospital</p> <p><b><u>Topic I: Children's Eyewitness Memory</u></b> <b>Speaker :</b> <i>Dr. Kim P. Roberts</i>, Professor, Department of Psychology, Wilfrid Laurier University</p> <p><b>Discussant :</b> <i>Ms. Cheng-Fen Chen</i>, Prosecutor , Taiwan High Prosecutors Office</p> <p><b><u>Topic II: Typically and Atypically Developing Children's Suggestibility</u></b> <b>Speaker :</b> <i>Dr. Thomas D. Lyon</i>, Professor, Department of Law and Psychology, University of Southern California</p> <p><b>Discussant :</b> <i>Ms. Fang-Yu Lai</i>, Attorney at Law, Oasis Law Firm</p>
12:10~13:10		Lunch

Time		Moderator/Speaker/Discussant
13:10~15:10	Session 2	<p data-bbox="608 255 1390 360"><b>The Testimony of Children and People with Intellectual Disabilities: Communicative Ability and Social-emotional Factors</b></p> <p data-bbox="563 405 1434 477"><b>Moderator : <i>Dr. April C-T Shen</i></b>, Professor, Department of Social Work, National Taiwan University</p> <p data-bbox="563 517 1342 589"><b><u>Topic I: Adult-Child Interaction in a Forensic Interview: Communication Breakdown?</u></b></p> <p data-bbox="563 618 1294 689"><b>Speaker : <i>Dr. Kim P. Roberts</i></b>, Professor, Department of Psychology, Wilfrid Laurier University</p> <p data-bbox="563 707 1370 779"><b>Discussant : <i>Ms. Yu- Ju Yeh</i></b>, Deputy Director-General, Social Affairs Bureau of Kaohsiung City Government</p> <p data-bbox="563 819 1310 891"><b><u>Topic II: Socio-emotional and Motivational Factors on Children's Disclosure</u></b></p> <p data-bbox="563 909 1434 981"><b>Speaker : <i>Dr. Shih-Kai Liu</i></b>, Staff Psychiatrist, Department of Child and Adolescent Psychiatry, Taoyuan Mental Hospital</p> <p data-bbox="563 999 1326 1070"><b>Discussant : <i>Dr. Michael Lamb</i></b>, Professor, Department of Psychology, University of Cambridge</p>
15:10~15:20		Tea Break
15:20~17:20	Session 3	<p data-bbox="563 1128 1434 1160"><b>Child Sexual Abuse Cases in Taiwan : Challenges and Strategies</b></p> <p data-bbox="563 1205 1434 1310"><b>Moderator : <i>Dr. Pei-Ling Wang</i></b>, Associate Professor, Department of Social Policy and Social Work, National Chi-Nan University</p> <p data-bbox="563 1355 1374 1426"><b><u>Topic I: Challenges and Strategies for Reluctant Disclosing Children</u></b></p> <p data-bbox="563 1453 1434 1525"><b>Speaker : <i>Dr. Thomas D. Lyon</i></b>, Professor, Department of Law and Psychology, University of Southern California</p> <p data-bbox="563 1543 1370 1648"><b>Discussant : <i>Ms. Li-Chuan Yu</i></b>, Deputy Captain, Women and Children Protection Brigade, Taitung County Police Bureau</p> <p data-bbox="563 1693 1434 1765"><b><u>Topic II: Challenges and Strategies for People with Intellectual Disability</u></b></p> <p data-bbox="563 1783 1434 1854"><b>Speaker : <i>Dr. Yen-Nan Chiu</i></b>, Attending Physician, Department of Psychiatry, National Taiwan University Hospital</p> <p data-bbox="563 1872 1390 1904"><b>Discussant : <i>Ms. Su- E Su</i></b>, Presiding Judge, Taiwan High Court</p>
17:20~		Closing



2013/09/10 (Tue.)

Time		Moderator/Speaker/Discussant
08:40~09:00	Registration	
09:00~10:00	Presentation	<p align="center"><b>Children's Testimony and the Forensic Interview</b></p> <p><b>Moderator :</b> <i>Dr. Amy Ching-Li Chang</i>, Associate Professor, Taiwan Police College</p> <p><b>Speaker :</b> <i>Dr. Yee-San Teoh</i>, Assistant Professor, Department of Psychology, National Taiwan University</p>
10:00~10:10		Break
10:10~12:10	Session4	<p align="center"><b>Introduction of the NICHD Protocol</b></p> <p><b>Moderator :</b> <i>Ms. Pi-Yu Tsai</i>, Chief Prosecutor, New Taipei District Prosecutors Office</p> <p><b><u>Topic I: The Development of the NICHD Protocol</u></b></p> <p><b>Speaker :</b> <i>Dr. Michael Lamb</i>, Professor, Department of Psychology, University of Cambridge</p> <p><b>Discussant :</b> <i>Ms. Mei-Mei Chang</i>, Director, Taipei City Center for Prevention of Domestic Violence and sexual Assault</p> <p><b><u>Topic II: Specialized Techniques: Temporal and Repeated Event Memory</u></b></p> <p><b>Speaker :</b> <i>Dr. Kim P. Roberts</i>, Professor, Department of Psychology, Wilfrid Laurier University</p> <p><b>Discussant :</b> <i>Ms. Yu-Mei Meng</i>, Senior Public Prosecutor, Shih-Lin District Prosecutors Office</p>
12:10~13:10		Lunch
13:10~14:40	Presentation	<p align="center"><b>The Taiwanese version of the NICHD Investigative Interview Protocol</b></p> <p><b>Moderator :</b> <i>Ms. Yi-Chun Huang</i>, Deputy Director-General, Department of Prevention, Rehabilitation and Protection, Ministry of Justice</p> <p><b>Speaker:</b> <i>Dr. Yee-San Teoh</i>, Assistant Professor, Department of Psychology, National Taiwan University</p>
14:40~14:50		Tea Break

Time		Moderator/Speaker/Discussant
14:50~15:50	Presentation	<p align="center"><b>Assessing the Quality of Investigative Interviews with Children</b></p> <p><b>Moderator</b> : <i>Dr. Sandy Yu-Lan Yeh</i>, Chair , Department of Administrative Police, Central Police University  <b>Speaker</b> : <i>Dr. Thomas D. Lyon</i>, Professor, Department of Law and Psychology, University of Southern California</p>
15:50~16:00	Break	
16:00~17:30	Discussion Panel	<p align="center"><b>Using the NICHD Protocol in Taiwan</b></p> <p><b>Moderator</b> : <i>Ms. Hsiu-Yuan Chang</i> , Director-General, Department of Protective Services, Ministry of Health and Welfare</p> <p><b>Discussants</b> :</p> <p><i>Dr. Michael Lamb</i>, Professor, Department of Psychology, University of Cambridge  <i>Dr. Thomas D. Lyon</i>, Professor, Department of Law and Psychology, University of Southern California  <i>Dr. Kim P. Roberts</i>, Professor, Department of Psychology, Wilfrid Laurier University  <i>Ms. Yi-Chun Huang</i>, Deputy Director-General, Department of Prevention,  <i>(Representative)</i>, National Police Agency  <i>Ms. Mei-Hsun Lin</i>, Deputy Chief Executive Officer , Modern Women's Foundation  <i>Ms. Ya-Lun Tseng</i>, Vice Director of Parents' Association for Persons with Intellectual Disability</p>
17:30~	Closing	

Day1 : 2013/09/09

## **Keynote Speech**

## **專題演講**

**09:00~10:00**

### **Child Sexual Abuse: The Disclosure Wars**

**兒童性侵害：一場揭露的戰爭**

Moderator 主持人

**張秀鴛司長 Hsiu-Yuan Chang, Director-general**

**學術專長 / Research Interests**

性侵害、性騷擾、家庭暴力防制及調查工作

Sexual Assault; Sexual Harassment; Precaution and Investigation of Domestic Violence

**經歷 / Positions**

**現任 / Current Positions**

衛生福利部保護服務司司長

Director-general, Department of Protective Services, Ministry of Health and Welfare

**曾任 / Professional Experiences**

內政部兒童局長；內政部家庭暴力及性侵害防治委員會簡任秘書兼副執行秘書；內政部家庭暴力及性侵害防治委員會科員、專員、編審

Director, Child Welfare Bureau, Ministry of Interior R.O.C (CBI); Unit chief, Domestic Violence and Sexual Assault Prevention Committee, Ministry of Interior

**學歷 / Education**

國立政治大學民族社會系學士；世新大學性別研究所碩士

Bachelor, Department of Ethnology and Sociology, National Cheng-Chi University (NCCU); Master, Graduate School of Gender Studies, Shih Hsin University

Speaker 講師

## **Dr. Michael E. Lamb**

### **經歷 / Positions**

#### **現任 / Current Position**

英國劍橋大學社會科學院心理學系教授、社會與政治科學院教職員

Professor of Psychology in the Social Sciences, Faculty of Social and Political Sciences, University of Cambridge

#### **曾任 / Professional Experiences**

美國威斯康辛大學麥迪遜分校心理學系助理教授；美國密西根大學心理學系助理教授；美國猶他大學心理與精神醫學併小兒醫學系教授；以色列哈發大學社會工作學院訪問教授；日本北海道大學札幌分校教育學院訪問教授；國立兒童健康與發展機構社會與情緒發展部門主任暨資深研究員；德國奧斯納布呂克大學心理學系訪問教授；德國馬丁路德大學哈樂威特堡分校心理學系訪問教授；美國耶魯大學醫學院小兒科訪問教授

Assistant Professor of Psychology, University of Wisconsin-Madison; Assistant Professor of Psychology, University of Michigan; Professor of Psychology, Psychiatry, and Pediatrics, University of Utah; Visiting Professor, School of Social Work, University of Haifa (Israel); Visiting Professor, School of Education, University of Hokkaido, Sapporo (Japan); Senior Research Scientist and Chief, Section on Social and Emotional Development, National Institute of Child Health and Human Development; Visiting Professor, Department of Psychology, University of Osnabrück (Germany); Visiting Professor, Department of Psychology, Martin-Luther University of Halle-Wittenberg (Germany); Weiswasser Visiting Professor of Pediatrics, Yale University School of Medicine

### **學歷 / Education**

英國那塔大學杜邦分校(南非)學士；美國約翰霍普金斯大學人文碩士；美國耶魯大學科學碩士；美國耶魯大學哲學碩士；美國耶魯大學博士

BA, University of Natal, Durban (South Africa); MA, Johns Hopkins University; MS, Yale University; M. Phil, Yale University; PhD, Yale University

## **著作 / Publications**

- Department of Child and Adolescent Psychiatry, Oxford University, June 20, 2006.
- Institute of Behavioural Sciences, University of Linköping (Sweden), September 22, 2006.
- Child Study Centre, Yale University, April 24, 2007.
- Developmental Psychopathology Group, University of Manchester, February 20, 2008.
- Department of Child and Adolescent Psychiatry, Oxford University, December 2, 2008.
- Institute of Criminology, University of Cambridge, February 5, 2009.
- Department of Psychology, University of California, Davis, May 20, 2009.
- Department of Psychology, Arizona State University, Tempe, 28 January 2010.
- National Association of Parenting Researchers, Kings College London, 26 April 2010.
- Department of Developmental Psychiatry, Cambridge University, 26 January 2011.
- Institute for Social and Economic Research, University of Essex, Colchester, 21 January 2011.
- Institute for Applied Psychology, Lisbon, 18 February 2011.
- Centre d'expertise Marie-Vincent, Montreal, 30 March 2011.
- Department of Child and Youth Studies, University of Stockholm, 27 October 2011.
- Department of Psychology, Florida International University, 25 March 2013.

# **Child Sexual Abuse: The Disclosure Wars**

## **Outline**

The 'discovery' of child abuse

The battered child  
syndrome

Sexual abuse

Sources of information about  
abuse

The disclosure wars

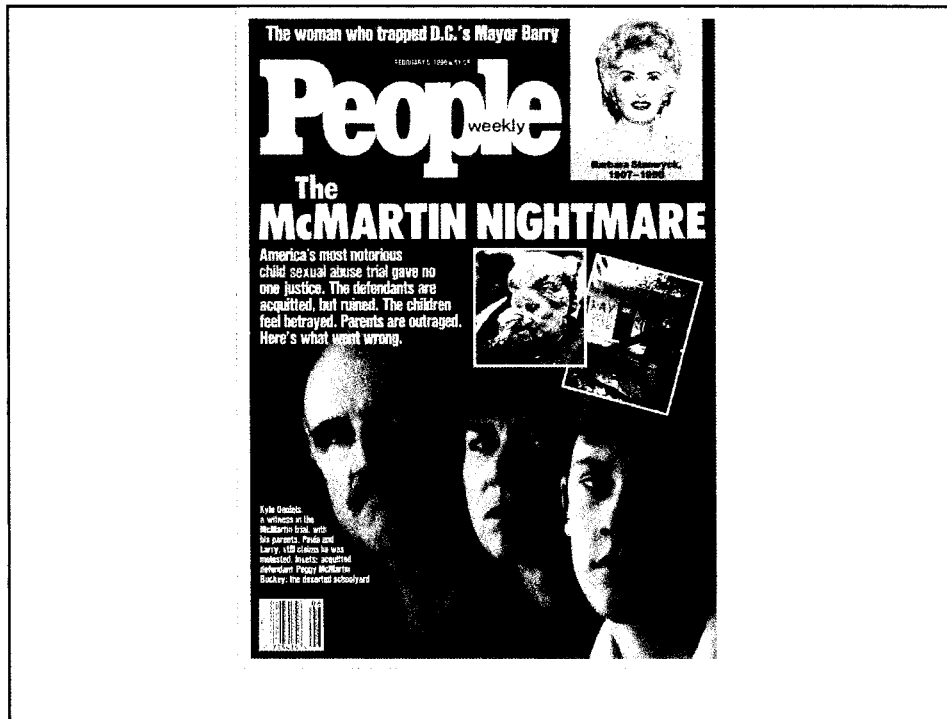
## **Discovering Abuse**

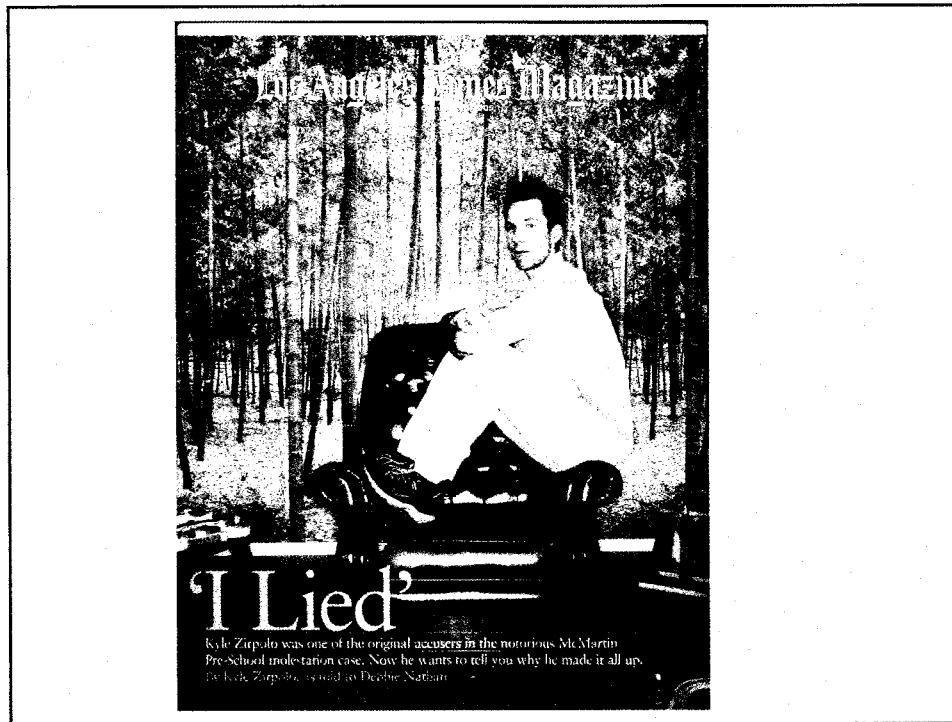
- The Battered Child Syndrome
- Kempe, Silverman, Steele, Droegemueller, & Silver.
- *JAMA*, 1962,181(1), 17-24.

## **Child Sexual Abuse**

- Views in the 1960s:
- Rare
- Pathological
- Predominantly intrafamilial







- McMartin, California (1983)
- Amirault/Fells Acres, Mass (1984)
- Michaels/Wee Care, NJ (1985)
- Cleveland, UK (1987)
- Bobby Finje, Florida (1989)
- Little Rascals, North Carolina (1989)
- Christchurch Civic Creche, NZ (1991)
- Faith Chapel Church, California (1991)
- Bjugn, Norway (1992)
- South Shields, UK (1993)
- Wenatchee, Washington (1994)
- Rignano Flaminio, Italy (2007)

# Why Do We Care So Much About the Accuracy of Children's Accounts?

## **Sources Of Information**

Medical Signs

Behavioural Symptoms

Physical Evidence

Perpetrators

Child Victims

- Children are often the only available sources of information about their victimisation.

## The Disclosure Wars

- Children never lie but can be so traumatised that they must be suggestively interviewed to encourage disclosure.
  - » VS
- Children are easily confused and will often assent or acquiesce to suggestion.

## **The research legacy**

Children's frailties: Suggestibility, memory limitations, poor communication skills, and a propensity to fantasise

The interview context as an interaction between children and interviewers

## **Children's capacities**

- Memory
- Social norms
- Suggestibility
- Language

- **Children are competent informants when they are competently interviewed**

- **To fight Sexual Abuse effectively, investigators must be trained to conduct developmentally appropriate interviews that allow children to explain what happened to them.**

Most suspected incidents of abuse do not result in either supportive services or criminal charges -- often because children were inadequately interviewed.

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# 兒童性侵害：一場揭露的戰爭

## 綱要

「發現」兒童虐待  
受虐兒童症候群  
性侵害  
虐待的相關資訊來源  
一場揭露的戰爭

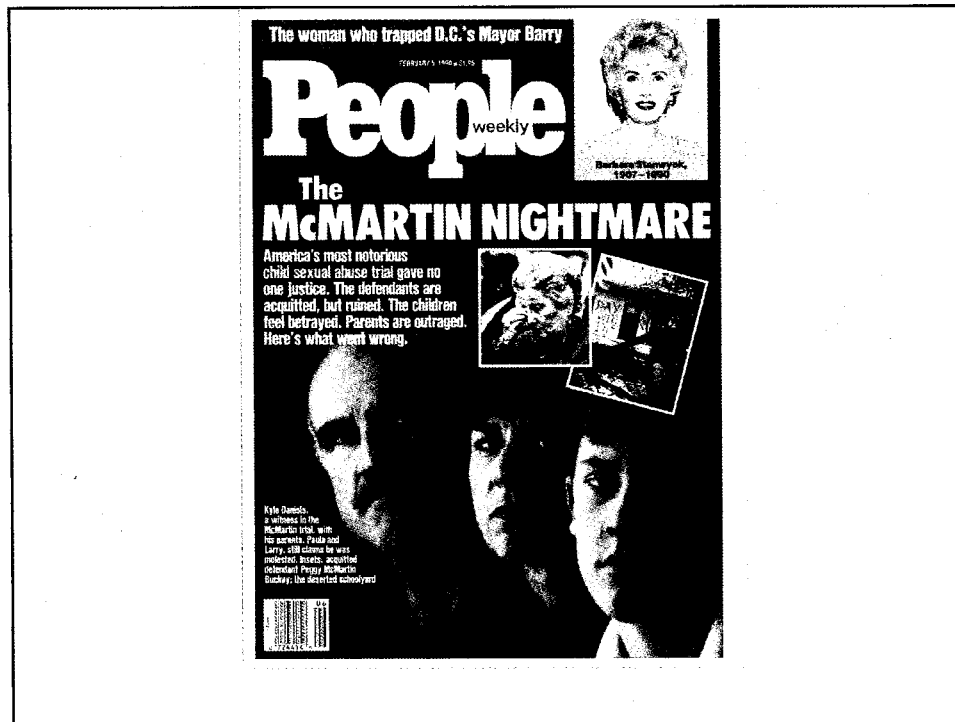
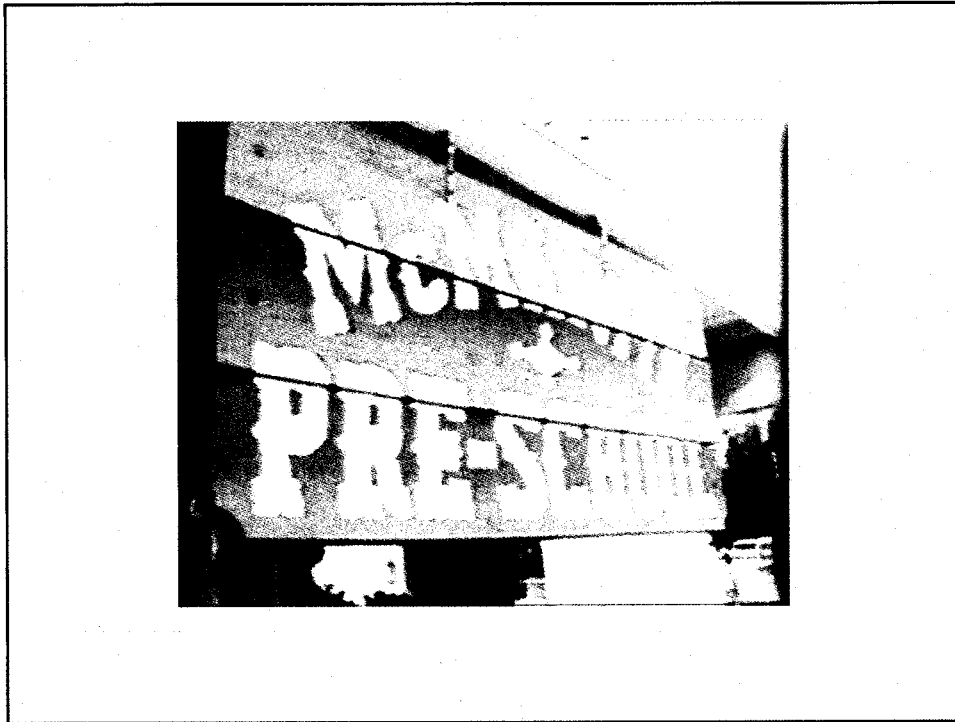


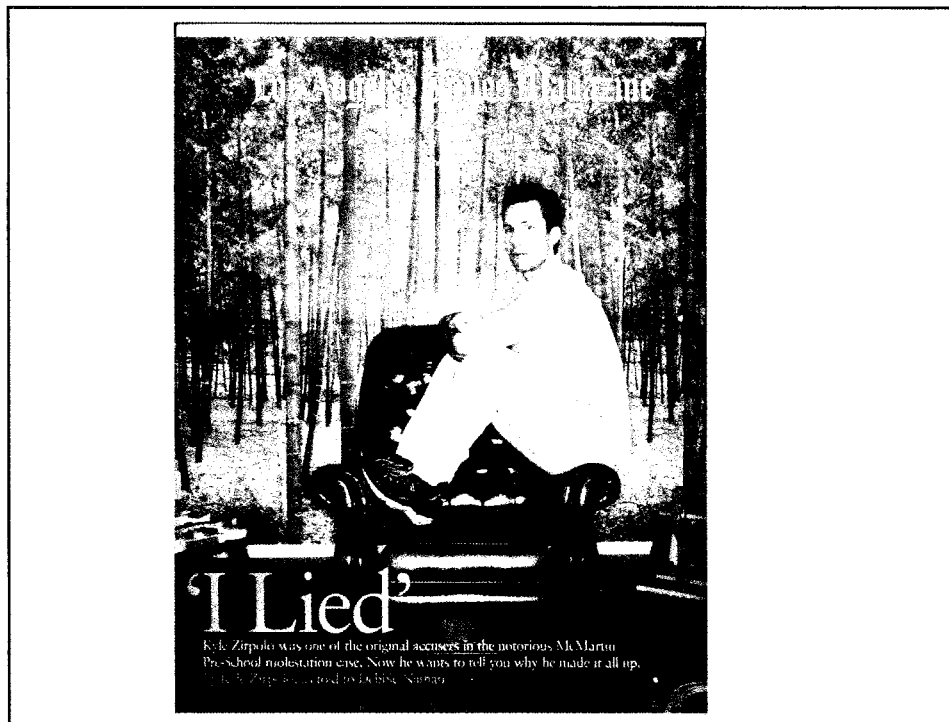
## 發現虐待情形

- 受虐兒童症候群
- 作者：Kempe, Silverman, Steele, Droegemueller, & Silver
- 出處：美國醫學會雜誌 (*JAMA*), 1962,181(1), 17-24.

## 兒童性侵害

- 1960 年代的觀點：
- 罕見
- 病態
- 主要發生在家庭內





美國加州 McMartin 家族幼稚園案 (1983年)  
 美國麻州 Amirault 家族 Fells Acres 幼稚園案  
 (1984年)  
 美國新澤西州 Wee Care 托兒所 Michaels 兒童性  
 侵案 (1985年)  
 英國克利夫蘭郡 (Cleveland) 案 (1987年)  
 美國佛州 Bobby Finje 案 (1989年)  
 美國北卡羅萊納州 Little Rascals 托兒所案 (1989  
 年)  
 紐西蘭 Christchurch 托兒所案 (1991年)  
 美國加州 Faith Chapel 教堂案 (1991年)  
 挪威比於恩 (Bjugn) 案 (1992年)  
 英國南希爾茲鎮 (South Shields) 案 (1993年)  
 美國華盛頓州韋納奇市 (Wenatchee) 案 (1994年)  
 義大利里尼亞諾夫拉米尼奧市鎮 (Rignano  
 Flaminio) 案 (2007年)

我們爲什麼這麼重視兒童提供資訊的準確性？

## 資訊來源

醫學跡象  
行爲症狀  
實體證據  
加害人  
受害的兒童

- 受害的兒童往往是虐待情形唯一的資訊來源。

## 一場揭露的戰爭

- 兒童絕不會說謊，但因受到極度創傷，而需要透過充滿暗示的訪談以揭露真相。  
» VS
- 兒童容易混淆事實，並往往會同意或默認提出的暗示。

## 研究發現

兒童的弱點：受暗示性，記憶力受到限制，溝通能力不足及傾向於幻想

將訪談情境視為兒童與訪談者之間的互動

## 兒童的能力

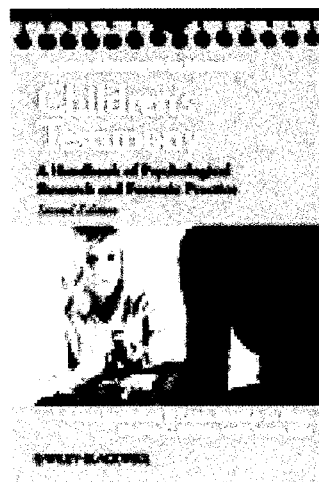
- 記憶力
- 社會規範
- 受暗示性
- 語言

- 透過適當的訪談方式，兒童能提供可靠的資訊。

- 為有效打擊性侵害，調查人必須接受訓練，以進行符合兒童發展的訪談，讓兒童說明發生的事情。

大多數涉嫌虐待事件沒有得到支援服務，加害人也沒遭到刑事起訴，往往是因為兒童沒有受到適當的訪談。

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Day1 : 2013/09/09

## Session 1

# 專題研討一

**10:10~12:10**

The Testimony of Children and People  
with Intellectual Disabilities: Memory  
and Suggestibility

兒童、智能障礙者作證能力—記憶與受  
暗示性

Moderator 主持人

## 周煌智 副院長 Dr. Frank Huang-Chih Chou

### **學術專長 / Research Interests**

一般及社會精神醫學、心身醫學（憂鬱及自殺防治）、司法精神醫學（家性暴評估、鑑定與處遇）、諮商與心理治療、流行病學、醫務管理

Community Psychiatry (including Disaster Psychiatry and Suicide Prevention), Psychiatric Epidemiology (including using NHIRD data for approaching severe mental illness) and Forensic Psychiatry (including Treatment and Evaluation in Sex Offender and Domestic Violence).

### **經歷 / Positions**

#### **現任 / Current Position**

高雄市立凱旋醫院醫療副院長、台灣精神醫學會理事長、美和科技大學兼任副教授、精神專科醫師甄審委員會主任委員

Deputy Superintendent, Kai-Syuan Psychiatric Hospital, Taiwan; President, Taiwanese Society of Psychiatry; Adjunct Associate Professor, MeiHo University

#### **曾任 / Previous position**

台灣精神醫學會理事及出版委員會主任委員；專科醫師甄審委員會委員、通訊總編輯；台灣身心健康促進學會理事長；台灣自殺防治學會常務理事；台灣家庭暴力暨性侵害處遇協會理事；內政部及高雄市政府社會局家庭暴力及性侵害防治中心諮詢委員、委員會委員；高雄市政府身心障礙者保護委員會委員；高雄市立凱旋醫院代理院長；行政院青少年事務委員會委員；高雄市立凱旋醫院成人精神科、社區精神科醫師兼科主任；高雄市立凱旋醫院員工消費合作社理事主席；美國、加拿大家性暴防治考察；輔英科技大學、高雄醫學大學兼任講師、義守大學助理教授

### **學歷 / Education**

國立陽明大學公共衛生研究所流行病學組博士；國立陽明大學醫務管理研究所碩士；衛生署預防醫學研究所流行病學班結業；國立陽明醫學院醫學系醫學士 Ph.D., Institute of Public Health, National Yang Ming University, Taiwan ; M.S., National Yang Ming University, Taiwan; M.D., National Yang Ming University, Taiwan

Speaker 講師

## ***Dr. Kim P. Roberts***

### **經歷 / Positions**

#### **現任 / Current Position**

加拿大威爾福瑞德勞瑞大學心理學系教授

Professor, Department of Psychology, Wilfrid Laurier University, Waterloo, Canada

#### **曾任 / Professional Experiences**

加拿大威爾福瑞德勞瑞大學心理學系助理教授；加拿大威爾福瑞德勞瑞大學心理學系助理教授；加拿大西安大略大學心理學系講師；國家兒童健康與人類發展機構貝沙達分部博士後訪問學者；英國雪菲爾大學心理學系榮譽論文督導；英國雪菲爾哈蘭大學健康與社區研究學院講師；英國雪菲爾大學心理學系一年級生導師

Associate Professor, Department of Psychology, Wilfrid Laurier University, Canada.; Assistant Professor, Department of Psychology, Wilfrid Laurier University, Canada.; Instructor, Department of Psychology, University of Western Ontario, London, ON.; Visiting Post-Doctoral Fellow. National Institute of Child Health and Human Development, Bethesda, MD; Honours Thesis supervisor. Department of Psychology, University of Sheffield, UK.; Lecturer. School of Health and Community Studies, Sheffield Hallam University, UK.; Lecturer. Department of Psychology, University of Sheffield, UK.; First year Tutor. Department of Psychology, University of Sheffield, UK.

### **學歷 / Education**

英國雪菲德大學心理學博士；英國雪菲德大學心理學學士(第一名畢業)

Ph.D. in Psychology, University of Sheffield, UK.; BA (Hons) Psychology, University of Sheffield, UK. First class Honours

### **著作 / Publications**

- Roberts, K.P., & Blades, M. (Eds.) (2000). *Children's source monitoring: Current trends and future directions*. Mahwah, NJ: Lawrence Erlbaum Associates, Inc.

- Vrij, A., Edward, K., Roberts, K.P., & Bull, R. (2000). Detecting deceit via analyzing verbal and nonverbal behavior. *Journal of Non-Verbal Behavior*, 24, 239-263. DOI: 10.1023/A:1006610329284
- Powell, M.B., Roberts, K.P., Ceci, S.J., & Hembrooke, H.H. (1999). The effects of repeated experience on children's suggestibility. *Developmental Psychology*, 35, 1462-77. DOI: 10.1037/0012-1649.35.6.1462
- Roberts, K.P., & Blades, M. (1999). Children's memory and source monitoring for real-life and televised events. *Journal of Applied Developmental Psychology*, 20, 575-596. DOI: 10.1016/S0193-3973(99)00030-1
- Roberts, K.P., & Lamb, M.E. (1999) Children's responses when interviewers distort details during investigative interviews.
- Roberts, K.P., Lamb, M.E., & Sternberg, K.J. (1999). Effects of the timing of postevent information on preschoolers' memories of an event. *Applied Cognitive Psychology*, 13, 541-559. DOI: 10.1002/(SICI)1099-0720(199912)13:6
- Roberts, K.P., & Blades, M. (1998). The effects of interacting with events on children's memory and source monitoring. *Applied Cognitive Psychology*, 12, 489-503. DOI: 10.1002/(SICI)1099-0720(199810)12:5
- Roberts, K.P. (1996). How research on source monitoring can inform cognitive interview techniques: Commentary on Memon and Stevenage (1996). *Psychology*, 7 (44) witness-memory.15.roberts [peer-reviewed electronic journal]. (<http://www.cogsci.ecs.soton.ac.uk/cgi/psyc/psummary?7.44>)
- Roberts, K.P., & Blades, M. (1995). Children's discrimination of memories for actual and pretend actions in a hiding task. *British Journal of Developmental Psychology*, 13, 321-334. DOI: 10.1111/j.2044-835X.1995.tb00683
- Roberts, K.P., & Blades, M. (1995). Do children confuse memories of TV programs and real life in their testimony? *Forensic Update*, 41, 18-22.

Discussant 與談人

## 陳正芬檢察官 Cheng-Fen Chen, Prosecutor

### **經歷 / Positions**

#### **現任 / Current Positions**

臺灣高等法院檢察署檢察官；臺灣板橋地方法院檢察署被害人補償審議委員會委員；內政部家庭暴力及性侵害防治委員會委員

Prosecutor, Taiwan High Prosecutors Office

#### **曾任 / Professional Experiences**

臺灣高雄地方法院檢察署檢察官；臺灣臺北地方法院檢察署檢察官；國立清華大學科技法律研究所講師；臺北縣政府家庭暴力暨性侵害防治委員會委員；內政部不予許可及禁止出國案件審查委員會委員；內政部認定違法經營移民業務審查小組委員；司法官訓練所講座（49、50期司法官）及「人口販運被害人鑑別及保護」專題課程講座；參與「人口販運防制法」立法；參與「性侵害案件被害人減少重複陳述作業要點」修正；參與「修復式司法」之推動；性侵害、性騷擾、家暴、兒少性交易、人口販運案件偵查實務之講授；校園性侵性騷之防治宣導及師資培訓工作坊；國語日報「少年法律」之撰文

Prosecutor of Kaohsiung District Prosecutors Office; Prosecutor of Taipei District Prosecutors Office; Head Prosecutor of Banciao (New Taipei) District Prosecutors Office; Deputy Chief Prosecutor of Banciao (New Taipei) District Prosecutors Office; Lecturer, Institute of Law for Science and Technology, National Tsing Hua University; Lecturer, Judges and Prosecutors Training Institute (JPTI); Member of Domestic Violence and Sexual Assault Prevention Committee, Ministry of the Interior.

### **學歷 / Education**

德國慕尼黑大學法學院法學碩士；國立臺灣大學法學士

LL.M. University of Munich, Germany; Bachelor of Laws, National Taiwan University

Dr Kim P. Roberts  
Head, Child Memory Lab  
Wilfrid Laurier University

## CHILDREN'S MEMORY

Eliciting reliable and complete information

### INTERVIEW PHASES

- Preparation
- Environment
- Rapport Building
- Ground Rules & Competency
- Practice Interview
- Substantive Phase (discussing the allegation)
- Closure

## ATTENTION

- True or false?
  - Children pay less attention when completing a task than adults do.
  - Children and adults pay attention to different things when in the same surroundings
- As they get older, children become better at FOCUSING on relevant information

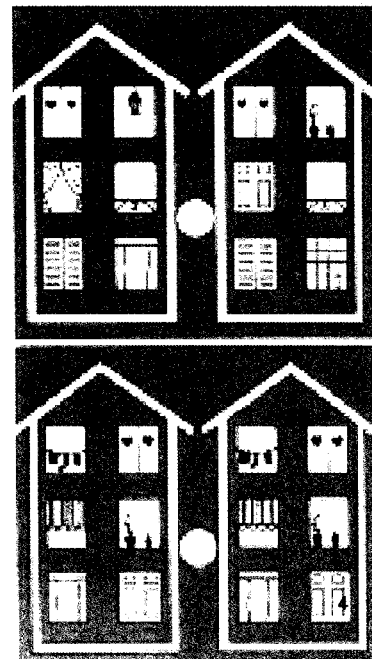


Figure 7.7. Pairs of houses used as stimuli in the Waples (1980) study. After searching each pair, children indicated whether the houses were the same or different. (From E. Kaminer, 1988, "The Development of Searching Strategies and Their Relation to Visual Differentiation," *Journal of Experimental Child Psychology*, 5, 114. Reprinted by permission.)

## ATTENTION

- Children become better at FOCUSING on relevant information
- Also improve at INHIBITION
  - *e.g., the “incidental learning” paradigm*

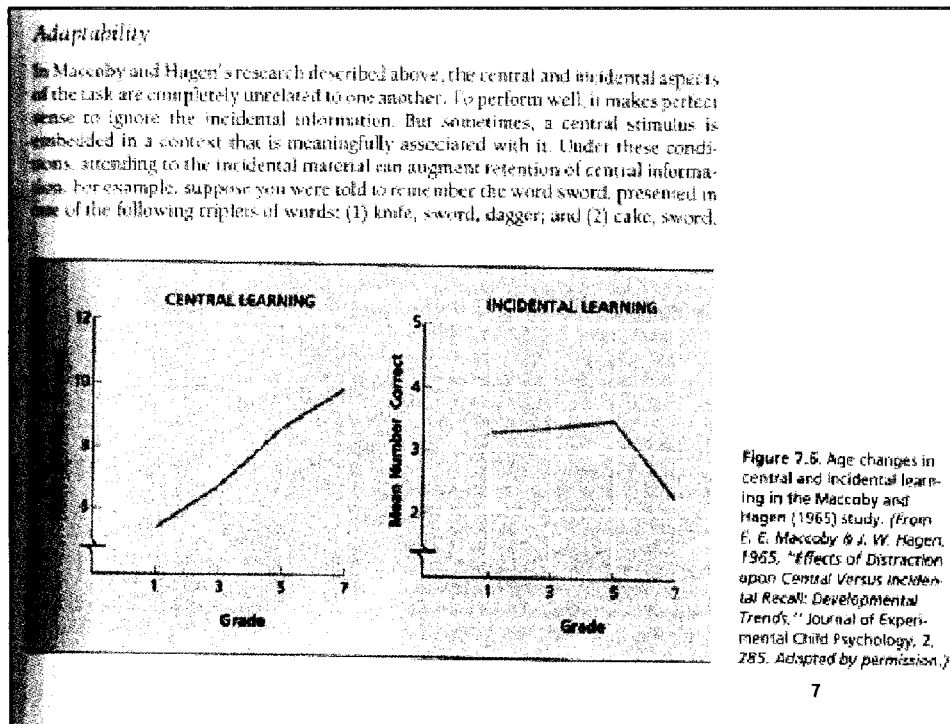
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## ATTENTION

- BUT children become better at FOCUSING on relevant information
- Also improve at INHIBITION
  - *e.g., the “incidental learning” paradigm*
  - Adults remember what they were asked to remember
  - Children also remember what they were NOT asked to remember

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## ATTENTION

- Children become better at FOCUSING on relevant information
- Also improve at INHIBITION
  - e.g., the "incidental learning" paradigm
- Brain Development
  - Brain changes (prefrontal cortex) around birth to 2, and then 4-7, and continues

[picture of brain]
- Context
  - Show better attentional control in tasks that they have a lot of knowledge about

## WHAT OTHER FACTORS INFLUENCE CHILDREN'S ATTENTION?

- *Working memory*
  - 1 item per age
  
- *Difficulty of task*
  - The harder the task, the earlier children will be tired)
  - Difficulty could be long delays, repeated events
  
- **Need to *monitor* during interviews**



## WHAT DOES THIS MEAN IN PRACTICE?

- **Encoding of "target" events**
  - What do children encode?
  - Trivial vs critical details
  - If child does not remember what an adult considers a critical detail, doesn't mean event did not happen.
- **Interview Environment**
  - Toys
- **Limited time to get information in the Interview**
  - Review goals of interview before starting.
  - If child is very young, may need to skip some things or perhaps do developmental assessment in a different session
- **Breaks**



## WHAT MEAN IN PRACTICE (CONTINUED)

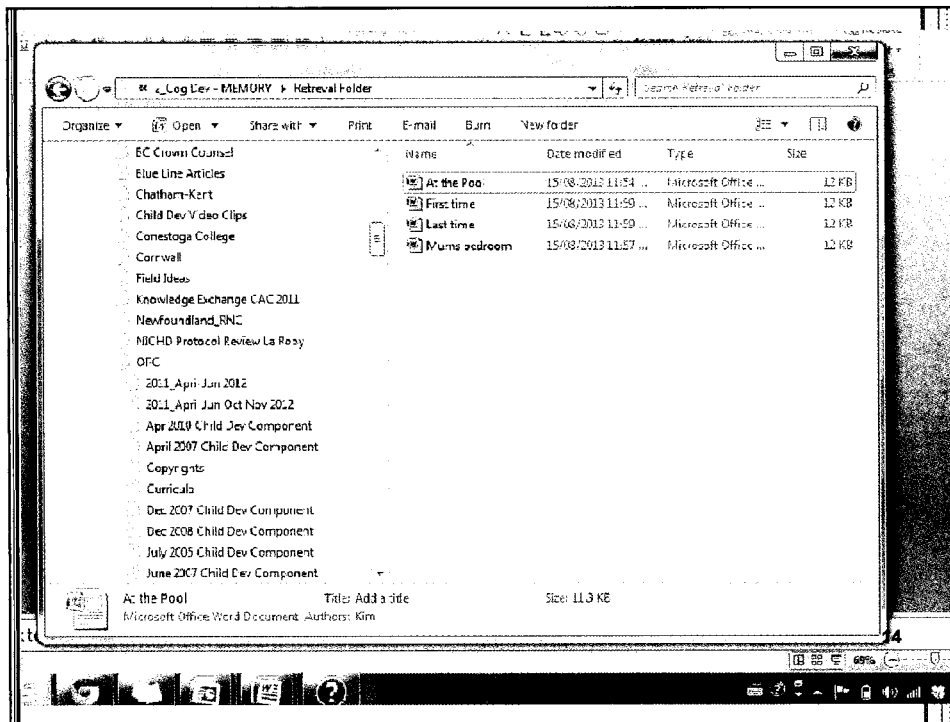
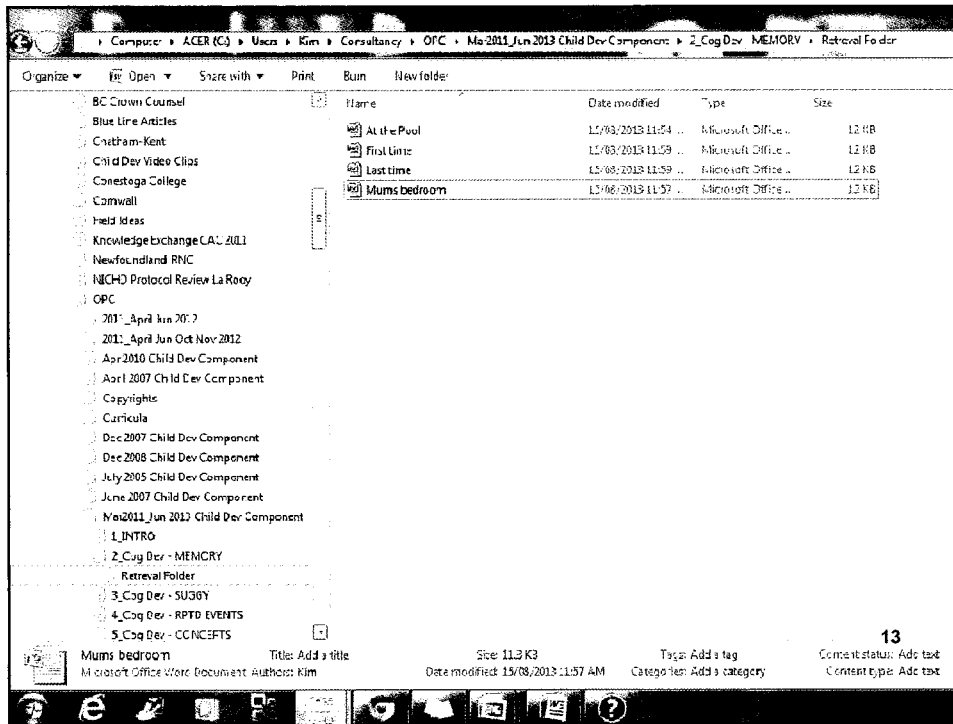
- **Communicating aims of interview**
  - Limited cognitive resources
  - Clearly communicate purpose, aims, and provide clear expectations
  - Inattentiveness can cause misunderstanding
  
- **Topic-shifting**
  - Interviewer: Be sure to signal change in topic
  - Child: Bring child back on topic (maybe reiterate aims) when child seems to be drifting

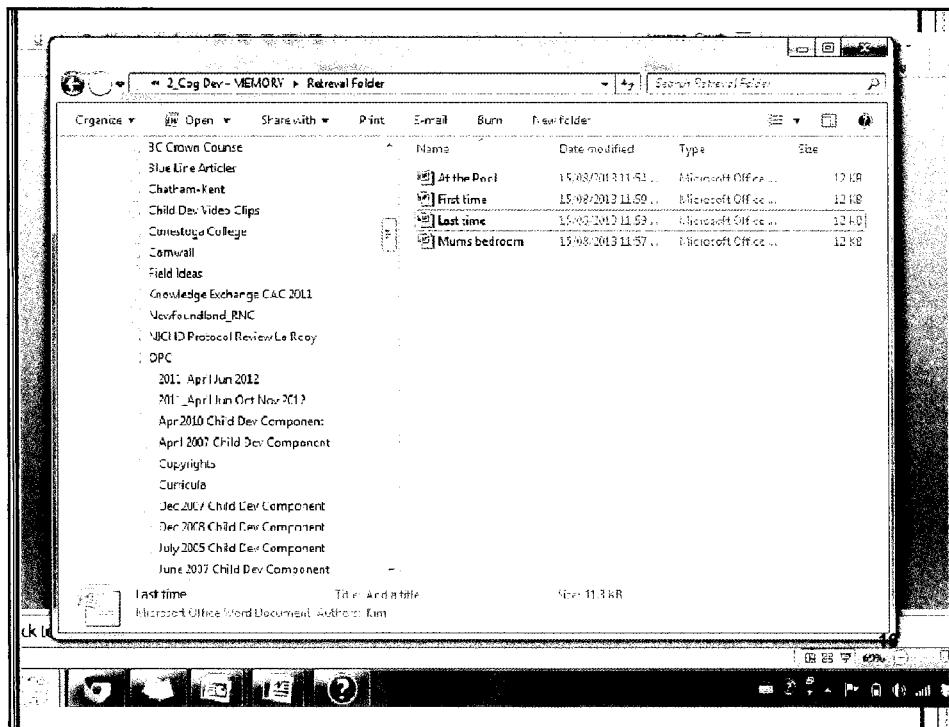
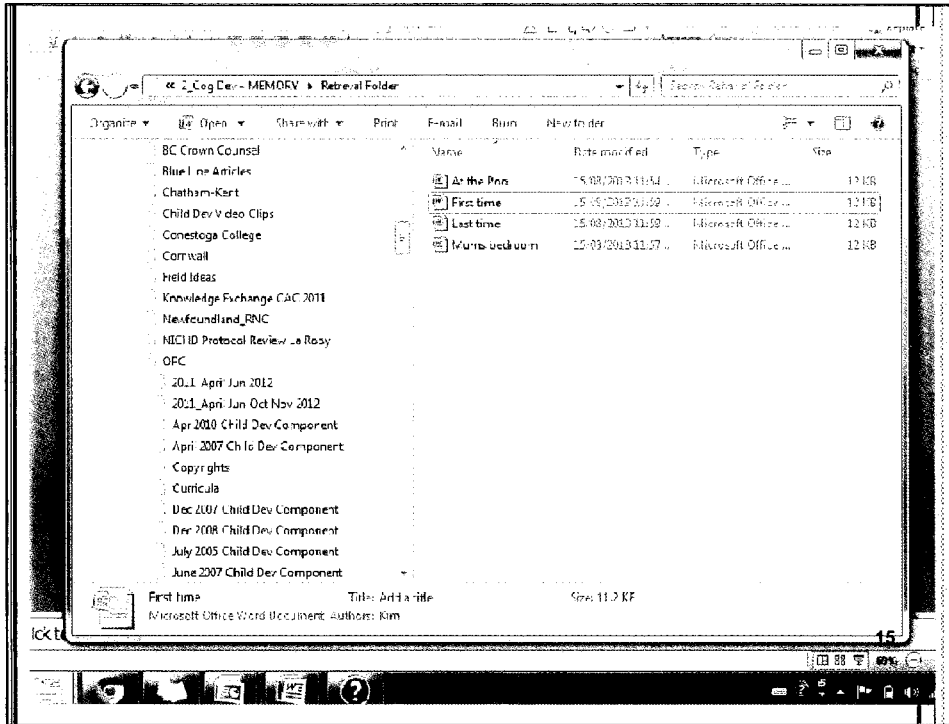
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## RETRIEVAL

- Difficulty is getting to the information that need from child
- Think of brain as like a computer, and you need to get the right label for the right file
  - *Remember that child's label may not be the same as your own*

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## FACTORS AFFECTING RETRIEVAL

- Recognition develops earlier than recall
  - *Using specific cues with younger children*
  - *Using cues is not problematic in itself – suggesting cues is, and phrasing questions in anything but an open-ended way*
- Gist versus details
  - *Gist - what event was about*
  - *Exact details eg time, colours, objects*
- Details decay faster than gist

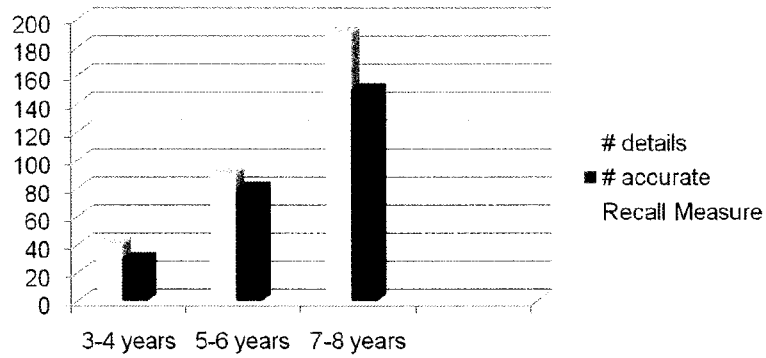


## ELICITING INFORMATION FROM CHILDREN

- **Open-ended versus Narrow questions**
  - **Open-ended questions**
    - Definition: Require a multiple-word, descriptive response
    - Examples:
      - Free Narrative – *Tell me what happened*
      - Cued Recall – *Tell me more about [something child just mentioned]*
      - Some Wh- questions – *What things were in his house?*
  - **Narrow questions**
    - Definition: About specific details and usually require one-word responses
    - Examples:
      - *Did he touch you?*
      - *What was his name?*
      - *Was she in the bedroom or the bathroom?*



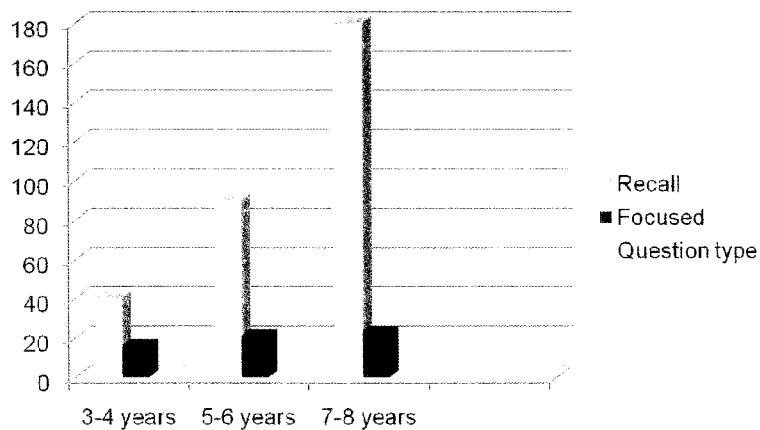
## WHAT CAN CHILDREN REMEMBER?



From: Roberts, K.P., Lamb, M.E., & Sternberg, K.J. (2004). The effects of rapport-building style on children's reports of a staged event. *Applied Cognitive Psychology, 18*, 189-202.

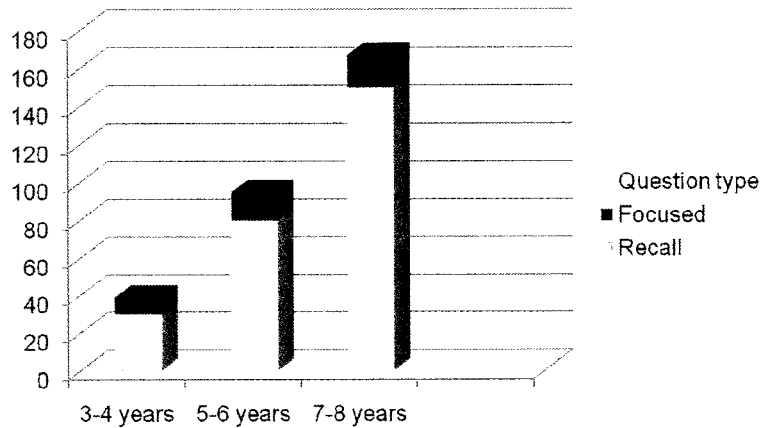
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## HOW QUESTION TYPE AFFECTS THE AMOUNT OF INFORMATION CHILDREN REPORT:



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## HOW QUESTION TYPE AFFECTS THE ACCURACY OF INFORMATION:



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## EXERCIZES

### o Exercise:

- Read the excerpt from an interview of a child involved in an investigation
- Note in the margin which qs are open-ended and which are narrow

### o How old do you think the child is?

#### o Exercise:

- With a partner, get a statement about everything that happened yesterday using only open-ended questions. Your job is to understand every detail and get a complete account.

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## RECONSTRUCTION



- Remember the *gist* in place of the details
- Report *gist-consistent* details
  - i.e., not necessarily the actual details
- Brain works to make sense of experiences
  - But...can lead to further distortion
- Example:
  - George is.....a fox
  - .....from Planet of the Apes

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## FACTORS IN RETRIEVAL (CONT'D)

- Type of material
  - Well-learned material remembered better
  - Context-specific
    - → *elaboration strategy*
- Involvement in event
  - Participant witnesses generally remember more than bystanders
  - BUT “*weapon effect*”:
    - *Focus on central aspect to detriment of peripheral details*
- And remember that young children tend to focus on “irrelevant” details as much as relevant details.

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- Delays
  - What was the first string of numbers I asked to remember? What was the last string?
  - Information becomes less and less accessible
  - Totally forgotten?
  - The *time window*
  
- Rehearsal

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## FACTORS IN RETRIEVAL (CONT'D)

- **Metamemory**
  - “thinking about our memories”
  - Self-evaluation
  - Preschoolers have rudimentary understanding of mental states
  - Don’t use strategies really until about age 6
  - Can execute strategies spontaneously at ages 10-12
  
- **What does it mean in practice?**
  - Young children remember less than older children and adults
  - Young children may not be motivated to remember
  - Children vary in their “cognitive tools”

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## SAMPLE INTERVIEW

- **Example of how specific questions could have limited understanding of this event:**
  - **Teacher: Tell me exactly what happened.**
  - **Child: He just came over, right and he just bashed this guy's head in. The guy's a psycho.**
  - **Teacher: He just came over....?**
  - **Child: Yeah, I mean he was like, going on and on, saying stuff, like, you know, 'I'll show you, dick', then he was swinging his arms round and kicking him and everything.**
  - **Teacher: Swinging his arms around...?**
  - **Child: Yeah, like this [child demonstrates], he was like, standing on top of the poor guy and yelling.**
  - **Teacher : [nodding] ah-hah.**
  - **Child: I mean John tried to pull him off and give him back his knife. I wouldn't of, I would have kept it. He's such a psycho...**

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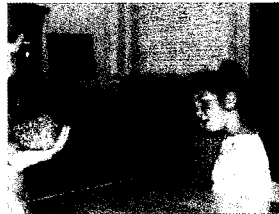
## CHILDREN'S UNDERSTANDING OF THE WORLD AND THE PEOPLE IN IT

- Physical matter
  - *Conservation*
- False belief
  - Children think you know everything

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## CHILDREN'S UNDERSTANDING OF THE WORLD

### o Development of symbolic function



### o Centration:

- What you see is what it is
- Appearance-reality
- Can only focus on one aspect at a time
- Deceived by appearances
- Preschoolers do not understand that changes in one dimension do not necessarily signal changes in other dimension

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## WORLD KNOWLEDGE

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## WHICH WORDS DID YOU HEAR?

smooth	uneven
bed	rough
road	shoe
tough	rugged
sandpaper	sand
yawn	boards
ready	goat
coarse	gravel

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## AGE TRENDS IN SUGGESTIBILITY

- Suggestibility decreases with age
  - children in the 3- to 6-year-old range most at risk
- BUT, sometimes no age differences in suggestibility
  - E.g., with well-learned material
- AND, sometimes an increase in suggestibility
  - E.g., gist-based suggestions (“rough”)
  - World knowledge

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## EXERCIZES

### o Exercise:

- Read the excerpt from an interview of a child involved in an investigation
- Note in the margin which qs are open-ended and which are narrow

### o How old do you think the child is?

### o Exercise:

- With a partner, get a statement about everything that happened yesterday using only open-ended questions. Your job is to understand every detail and get a complete account.

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## WHAT DOES THIS MEAN IN PRACTICE?

- Rely on open-ended as main questioning technique.
- Pros
  - o Open-ended
    - o *Gets most accurate information*
    - o *Gets most detail*
    - o *Gives child chance to give a convincing description*
    - o *→ aids prosecution (e.g., likelihood of accused admitting offence)*
  - o Narrow
    - o *Can be useful to clear up misunderstandings*
    - o *Can be useful to get a particular detail of importance*
- Cons
  - o Open-ended
    - o *Takes practice to question children this way (not really a con)*
    - o *Potentially takes longer to ask these questions and wait for child's answer*
    - o *BUT may get all the information (or at least more of it) than you would with just little questions. Even with specific qs, children's brains still need time to think*
  - o Narrow
    - o *What if you use the wrong cue?*
    - o *What if you don't present the right options?*
    - o *Encourages children to "dry up"*
    - o *What if child doesn't know the answer?*
    - o *Make child feel like being tested*

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## SUMMARY

- Children sometimes *encode* different things to adults
  - Attention
  - Inhibition
- Children can remember both the *gist* and the *details* of events, even several years later
- Children get better at using *strategies* to help them remember
- Children (if verbal) can provide information in response to *open-ended* questions.



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兒童記憶實驗室主任  
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# 兒童的記憶

引出可靠且完整的資訊

## 訪談階段

- 準備
- 環境
- 建立關係
- 基本原則與能力
- 練習訪談
- 實際問案階段 (討論指控內容)
- 結束



## 注意力

- 對或錯？
  - 兒童完成工作時的專注程度低於成人。
  - 在相同的環境下，兒童注意的事物與成人不同
- 隨著年齡的增長，兒童越來越能專注於相關資訊

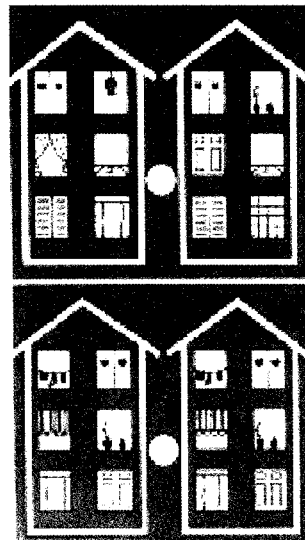


圖 7.7 Vurpillot (1948 年) 的研究以成對的房屋作為視覺刺激。在瀏覽每對房屋之後，兒童必須指出兩者是否相同或不同。(出自 E. Vurpillot, 1968 年, 「The Development of Scanning Strategies and Their Relation to Visual Differentiation」, 兒童實驗心理學期刊, 第 6 期, 第 614 頁, 已獲得翻印許可。)

## 注意力

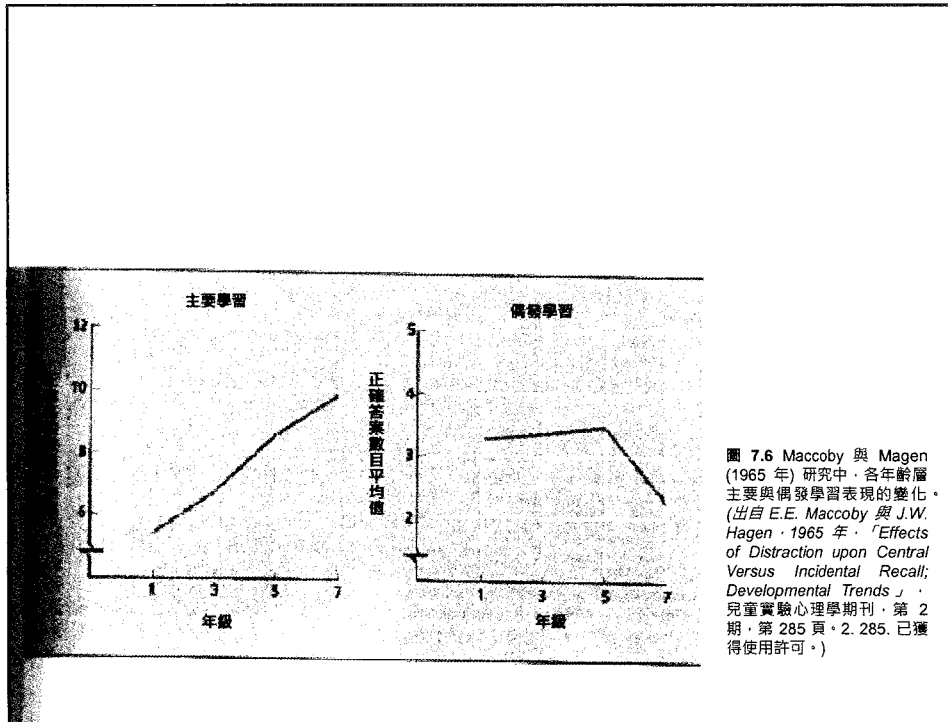
- 兒童會逐漸提升注意相關資訊的能力
- 也會提升抑制能力
  - 例如「偶發學習」模式

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## 注意力

- 然而兒童會逐漸提升注意相關資訊的能力
- 也會提升抑制能力
  - 例如「偶發學習」模式
  - 成人記得他人要求他們記住的事物
  - 兒童也會記得他人並未要求他們記住的事物





## 注意力

- 兒童會逐漸提升注意相關資訊的能力
- 也會提升抑制能力
  - 例如「偶發學習」模式
- 腦部發育
  - 腦部在出生後至 2 歲之間，以及 4 歲至 7 歲之間發生變化 (前額葉皮質區)，之後持續演變

[腦部圖片]

- 背景
  - 針對自身相當瞭解的工作，兒童較能控制其注意力

## 兒童注意力還受到哪些因素的影響？

### ○ 工作記憶

- 年紀增加 1 歲便增加 1 個項目

### ○ 任務難度

- (任務難度越高，兒童越快感到倦怠)
- 難以記得延遲時間較長的重複性事件

- 訪談時必須 監控這些問題



## 實際訪談時該怎麼做？

- 「目標」事件的記憶
  - 兒童記住哪些事物？
  - 瑣碎與重要細節
  - 兒童不記得成人心目中的重要細節，並不代表該事件並未發生。
- 訪談環境
  - 玩具
- 訪談中取得資訊的時間有限
  - 在開始訪談之前先檢視訪談目標。
  - 若兒童相當年幼，可能需要省略某些部分，或在另一次訪談中進行發展評估
- 休息時間

## 實際訪談時該怎麼做？(續)

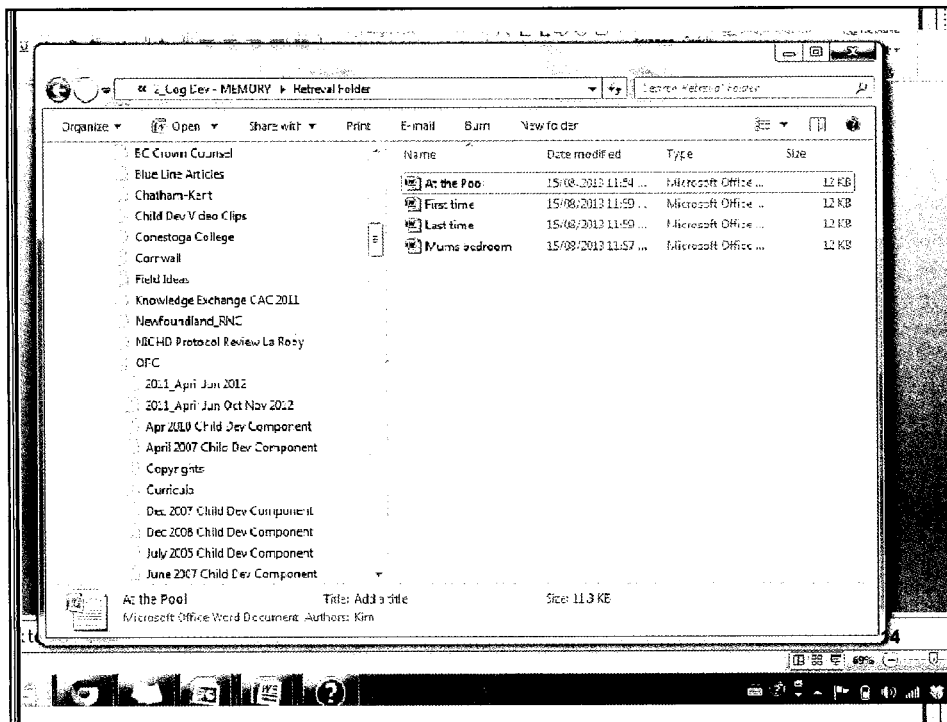
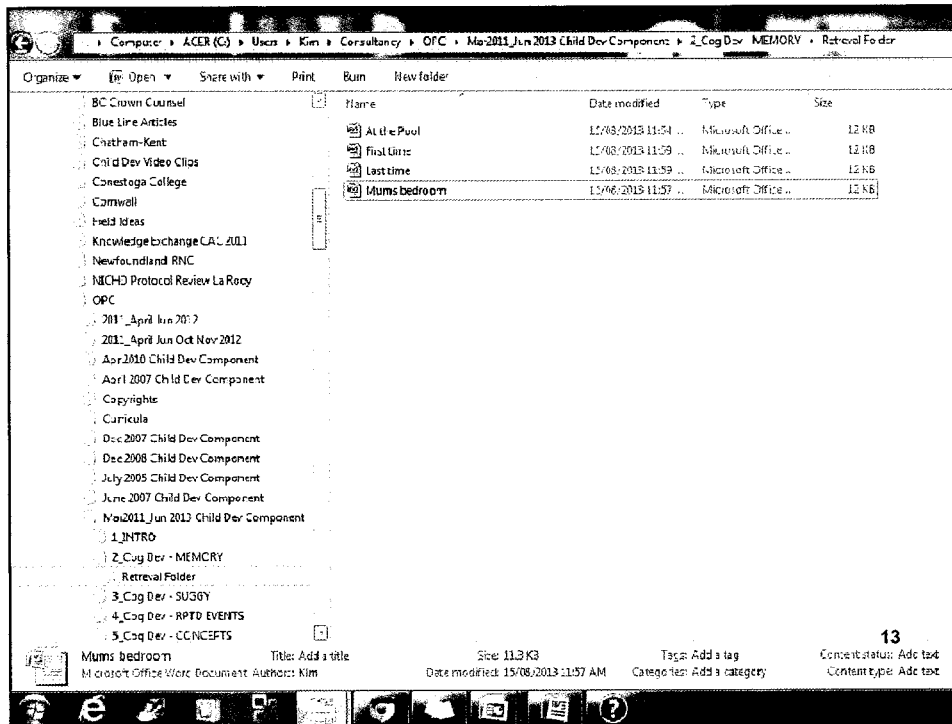
- 說明訪談目標
  - 認知資源有限
  - 清楚說明用意與目標，同時明確表達期望
  - 注意力不集中可能引起誤解
  
- 轉移話題
  - 訪談者：務必在改變話題時提醒兒童
  - 兒童：當兒童開始轉移話題時，便引導兒童回歸原來的話題 (可能需要重申目標)

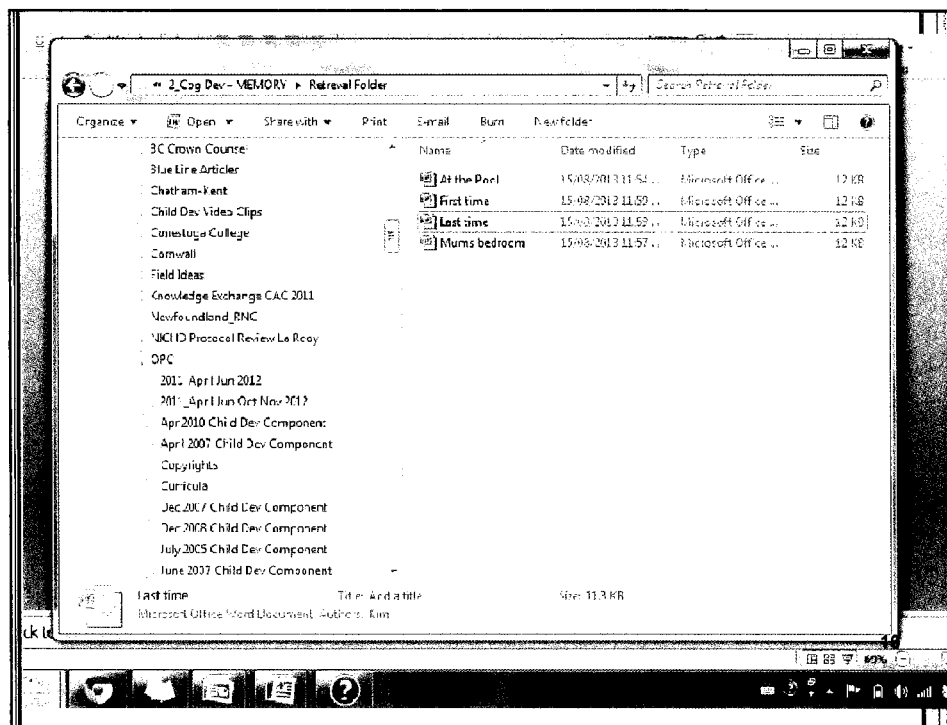
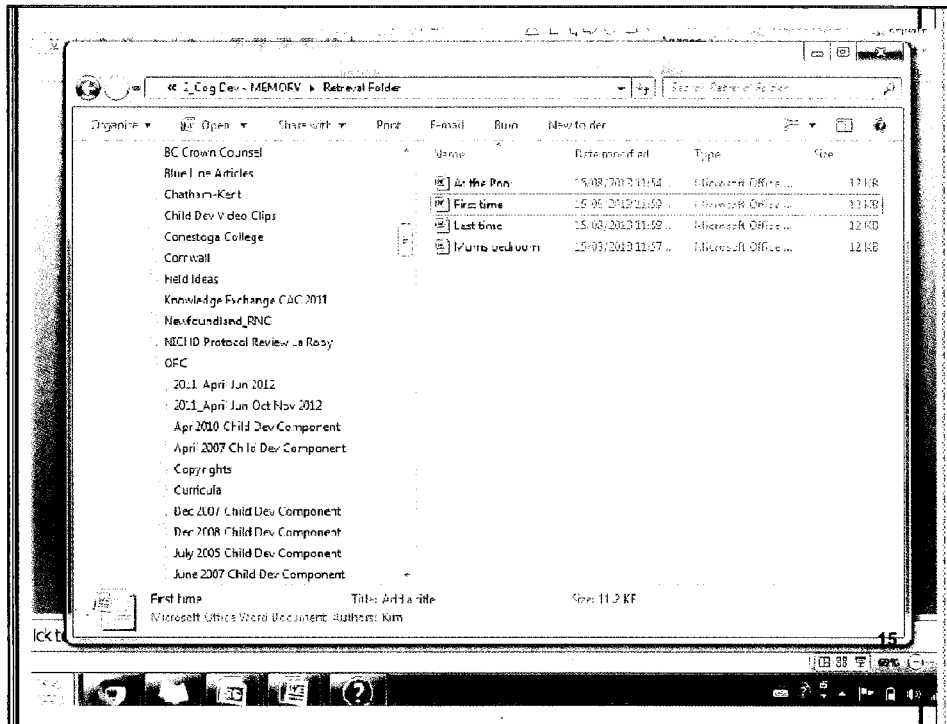
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## 取得資訊

- 難以誘導兒童提供必要資訊
- 不妨將腦部想像成一部電腦，各位必須針對正確的檔案取得正確的標籤
  - 請別忘了，兒童與各位的標籤可能有所不同

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## 影響資訊取得的因素

- 認知能力的發展早於回憶能力
  - 針對年紀較小的兒童運用特定提示
  - 運用提示一事並無不妥 - 但不應運用暗示性提示與非開放式問題
- 重點與細節
  - 重點 - 事件內容
  - 細節 - 時間、顏色、物品等
- 細節遭到遺忘的速度快於重點

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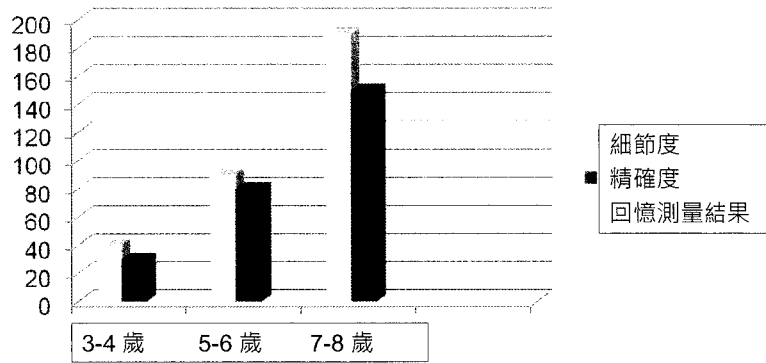
## 誘導兒童提充資訊

- 開放式與狹隘式問題
  - 開放式問題
    - 定義：需要運用許多字詞描述答案
    - 例如：
      - 自由敘事 - 告訴我當時發生什麼事
      - 提示型回憶 - 再多說一點 [兒童先前提到的某件事]
      - 若干「Wh」問句 - 他的家裡有哪些東西呢？
  - 狹隘式問題
    - 定義：論及特定細節，答案通常相當簡短
    - 例如：
      - 他碰過你的身體嗎？
      - 他叫什麼名字呢？
      - 那時她在臥室還是浴室裡呢？

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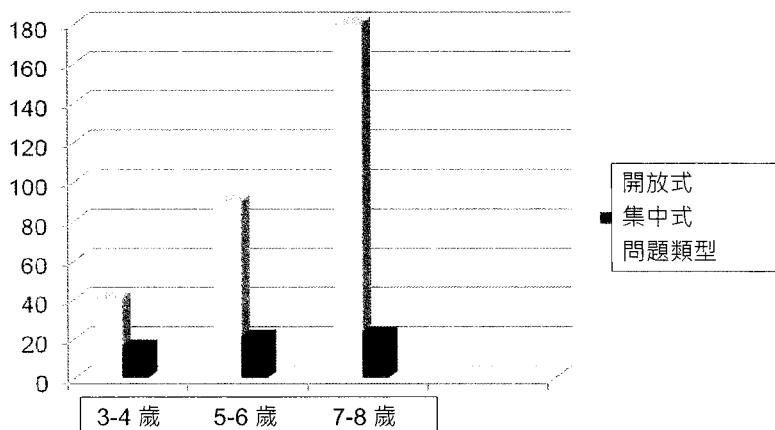
### 兒童能記得什麼？



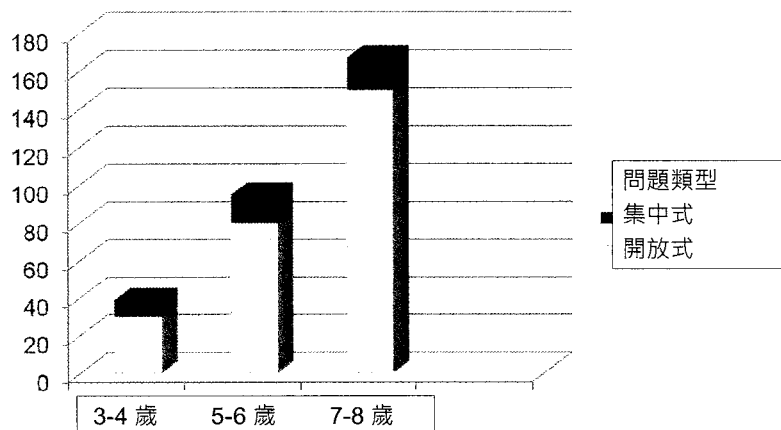
資料來源：K.P. Roberts、M. E. Lamb 與 K. J. Sternberg (2004 年) 建立關係的方式如何影響兒童對於刻意安排事件的報告內容。『應用認知心理學』期刊，第 18 期，第 189-202 頁。



### 問題類型如何影響兒童提供的資訊數量：



### 問題類型如何影響資訊精確度：



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### 練習

#### ○ 練習：

- 請閱讀某位參與調查的兒童的訪談摘要
- 請在邊緣註明問題屬於開放式或狹隘式問題

#### ○ 各位覺得這名兒童的年紀多大？

#### ○ 練習：

- 請找一位同伴並讓對方陳述昨天發生的所有事件，過程中只能提出開放式問題。各位的工作在於瞭解所有細節並取得完整的描述。

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## 重建



- 記住以 **重點** 取代細節
- 使用與 **重點** 一致的方式說明細節
  - 亦即，未必是實際細節
- 大腦會設法使得經驗趨於合理
  - 卻有可能進一步扭曲事實
- 例如：
  - 喬治是.....一隻狐狸
  - .....來自電影「決戰猩球」

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## 影響資訊取得的因素 (續)

- 資料類型
  - 熟悉的資料通常記得更牢
  - 與事件背景有關
    - → 詳述細節的策略
- 涉入事件的程度
  - 參與其事的證人記得的情節通常比旁觀者更多
  - 但會有「**武器效應**」：
    - 專注於核心層面而難以記得次要細節
- 請別忘了，幼童對於「**不相關**」細節的專注程度通常與相關細節相同。

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- 延遲

- 剛才我請各位記住的第一組數字為何？最後一組數字為何？
- 資訊越來越難取得
- 完全忘記？
- 時間空窗

- 復述

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## 影響資訊取得的因素 (續)

- 後設記憶

- 「思考自身的記憶」
- 自我評估
- 學齡前兒童對於心理狀態已有基本認知
- 兒童到了 6 歲左右才會真正運用策略
- 10 至 12 歲的兒童已能主動執行策略

- 實際訪談時該怎麼做？

- 幼童記得情節的能力不如年紀較大的兒童與成人
- 幼童可能無法在他人激勵下記起情節
- 兒童的「認知工具」各有不同

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## 訪談範例

- 以下範例顯示特定問題釐清事件經過的效果有限：
  - 老師：告訴我到底發生了什麼事。
  - 兒童：他就走過來，對，然後他用力打這個人的頭。他是個瘋子。
  - 老師：他就走過來嗎.....？
  - 兒童：是的，我是說，他一直說「混蛋，我要給你點顏色瞧瞧」，然後一直伸手打他還踢他。
  - 老師：伸手打他嗎.....？
  - 兒童：對啊，就像這樣 [兒童示範]，他踩著那個可憐的人，然後一直大叫。
  - 老師：[點頭] 原來如此。
  - 兒童：我是說約翰試著把他拉開然後把刀子還給他。我就不會這樣做，我會拿走刀子。他根本就是瘋子.....

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## 兒童對這個世界與世人的理解

- 實體物質
  - *Conservation*
- 錯誤的信念
  - 兒童以為你什麼都知道

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## 兒童對於這個世界的理解

### ○ 符號功能的發展



### ○ 專注：

- 眼前的景象就是真相
- 以為表象就是事實
- 每次只能專注於某個層面
- 被表象欺騙
- 學齡前兒童無法理解「某個層面的改變未必代表其他層面的改變」這種觀念

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## 對世界的知識

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## 各位聽見哪些字詞？

光滑	不平坦
床	粗魯
道路	鞋子
困難	高低不平
砂紙	沙子
呵欠	木板
作好準備	山羊
粗糙	碎石

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## 年齡與受暗示性的關係

- 受暗示性隨著年齡增長而降低
  - 3 至 6 歲的兒童最容易接受暗示
- 然而有時受暗示性並不會因年齡而異
  - 例如熟悉的資料
- 此外，有時受暗示性反而會增加
  - 例如以重點作為基礎的暗示（「粗魯」）
  - 對世界的知識

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## 練習

### ○ 練習：

- 請閱讀某位參與調查的兒童的訪談摘要
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### ○ 各位覺得這名兒童的年紀多大？

### ○ 練習：

- 請找一位同伴並讓對方陳述昨天發生的所有事件，過程中只能提出開放式問題。各位的工作在於瞭解所有細節並取得完整的描述。

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## 實際訪談時該怎麼做？

- 以開放式問題作為主要的發問技巧。
- 優點
  - 開放式
    - 獲得最精確的資訊
    - 瞭解最多細節
    - 讓兒童有機會作出具有說服力的陳述
    - → 輔助起訴 (例如：被告認罪的可能性)
  - 狹隘式
    - 可用於消除誤解
    - 可用於瞭解特定的重要細節
- 缺點
  - 開放式
    - 這種偵訊兒童的方式需要練習 (不算是真正的缺點)
    - 陳述這類問題與等待兒童回答的時間可能較長。
    - 然而相較於提出少數問題的方式，此舉或許能取得所有資訊 (至少是大部分的資訊)。即使面臨特定問題，兒童的腦部仍需要時間思考
  - 狹隘式
    - 提示使用不當時又該如何？
    - 萬一您並未提供正確的選項？
    - 鼓勵兒童「努力思考」
    - 兒童不知道答案時又該如何？
    - 讓兒童覺得這是一場考試

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## 摘要

- 有時兒童 *記住* 的事物與成人不同
  - 注意力
  - 抑制
- 兒童能記得事件的 *重點與細節*，即使時隔數年亦然
- 兒童將逐漸學會運用 *策略* 協助自己記事物
- 兒童 (若能言語) 能針對 *開放式* 問題提供資訊。



Speaker 講師

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### **著作 / Publications**

- Lyon, T.D. (2002). Scientific Support for Expert Testimony on Child Sexual Abuse Accommodation In J.R. Conte (Ed.), Critical issues in child sexual abuse (pp. 107-138). Newbury Park, CA: Sage.
- Saywitz, K.J., Goodman, G.S., & Lyon, T.D. (2002). Interviewing children in and out of court: Current research and practice implications. In J. Myers, L.

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家庭暴力防治法（保護令事件）、婚姻事件、收養事件、繼承事件、遺產規劃、性侵害犯罪防治法、兒童及少年性交易防治條例、強制執行程序、專家證人制度之研究、婦女保障議題之研究、新移民女性之研究、推動新版結婚證書、婚姻契約、參與家庭暴力防治法修法聯盟之修法工作、參與家事審判法之立法工作

Domestic Violence Prevention (Protective order), Matrimonial Matters, Adoption, Inheritance and Succession, Sexual Assault Prevention Law, Law on the Child and Juvenile Protection, Enforcement procedure, Study on the expert witness system, Study on the issues of women's welfare, Study on the foreign spouses and Chinese spouses, Working on the measures shall be brought forward on a new version of Marriage Certificate and Marriage Contract, Participation in the revision of the "Prevention of Domestic Violence Act" (Law-Amending League), Participation in the drafting of a new "Domestic Trial Law".

**經歷 / Positions**

**現任 / Current Positions**

律州聯合法律事務所主持律師、行政院人權保障推動小組委員、行政院人事行政總處訴願審議委員會委員、外交部訴願審議委員會委員、內政部性騷擾申訴調查小組委員、內政部居住台灣地區之人民受歧視申訴審議小組委員、內政部廉政會報委員、法務部犯罪預防及法治教育督導會報委員、新北市兒童及少年福利政策諮詢委員會委員、新北市婦女權益促進委員會委員、現代婦女基金會受暴婦女訴訟扶助委員會委員（召集人）、現代婦女基金會董事、台北律師公會律師雜誌編輯委員會主任委員、中華民國律師公會全國聯合會全國律師雜誌編輯委員會委員、台北市報業商業同業公會兒少新聞自律委員會委員、中天電視股份有限公司倫理委員會委員、八大電視股份有限公司倫理委員會委員

Partner, Oasis Law Firm; Member, Committee of Protecting and Promoting Human Rights, Executive Yuan; Member, Administrative Appeals Committee, Directorate-General of Personal Administrative, Executive Yuan; Member, Administrative Appeals Committee, Ministry of Foreign Affairs; Member,

Conference on Against Corruption, Ministry of the Interior; Member, Committee of Investigating Sexual Harassment, Ministry of the Interior; Member, Committee of Investigating Sexual Harassment, Ministry of the Interior; Member, Taiwan Area Residents Discrimination Petition Review Committee, Ministry of the Interior; Member, Conference on Crime Prevention and Legal Education, Ministry of the Justice; Member, Consulting Committee of Children and Youths Welfare Policy, New Taipei City Government; Member, Committee of Promoting Women Rights, New Taipei City Government; Convener, Committee of the legal assistance for the victims of domestic violence, Modern Women's Foundation; Director, Modern Women's Foundation; Member, Women Status Commission, Taipei Bar Association; Chief, Lawyers Magazine Editing Committee, Taipei Bar Association; Member, National Lawyer Magazine Editing Committee, Taiwan Bar Association; Member, Self-disciplinary Committee on Children and Youths News, Taipei Newspaper Association; Member, Ethical Committee, CTI Television Inc; Member, Ethical Committee, Gala Television Corporation.

### **曾任 / Professional Experiences**

行政院環境保護署人權工作小組委員、內政部家庭暴力及性侵害防治委員會委員、國防部聯勤司令部官兵權益保障委員會委員、台北市性別工作平等委員會委員、中華民國律師公會全國聯合會婦女委員會主任委員、台北律師公會青少年及兒童問題委員會委員、財團法人民間司改基金會執行委員、榮獲內政部表揚為九十三年推動家庭暴力暨性侵害防治有功人士

Member, Human Rights Committee, Environmental Protection Administration; Member, Committee of Prevention of Domestic Violence and Sexual Assaults, Ministry of the Interior; Member, Committee of Officers and Soldiers' Rights Protection, Combined Logistics Command, Ministry of National Defense; Member, Committee of the Gender Equity in Employment, Taipei City Government; Member, Women Committee, Taiwan Bar Association; Member, Committee of Youths and Children' Problems, Taipei Bar Association; Executive member, Judicial Reform Foundation; Honored by the Ministry of the Interior as a Significant Contributor of Prevention of Domestic Violence and Sexual Assaults, 2004.

### **學歷 / Education**

東海大學法學士

Tung Hai University (LL.B.)

## Children's Suggestibility

Thomas D. Lyon  
University of Southern California  
Modern Women's  
Foundation Conference on the Forensic Interviewing of  
Children and People with Intellectual Disabilities in Sexual  
Abuse Cases, Taipei, Taiwan, September 9, 2013

## Sources of Inaccuracy

- Intentional errors
  - Pretending
  - Confabulation/lying
  - Acquiescence
- Unintentional errors
  - Misremembering
- Intentional errors can turn into Unintentional errors
  - Child comes to believe statements over time

## Sources of Suggestion

- Telling vs. Asking
  - Children are most suggestible when they are told information, rather than when they are asked about information
- Leading questions
  - E.g. “did he hurt you” is more leading if asked as “he hurt you, didn’t he?”
- Encouraging imagination
  - Telling the child to imagine how something might have occurred
- Stereotype induction
  - Telling the child about bad things that the suspect has done
- Selective reinforcement
  - Rewarding desired answers and punishing or ignoring undesired answers
- Repeating yes-no questions
- Rumors/Overheard information

## The Problem

- Most conversational questions are yes-no
- Interviewers find it difficult to ask open-ended questions
- Children are unaccustomed to being asked open-ended questions
- Interviewers feel compelled to ask yes-no questions
  - When they need specific information
  - When they think the child is reluctant

## Case Study: Jana J. (4 years old)

- Double homicide
- Jana J. only eyewitness
- Mother the chief suspect (“Kenya”)
- Victims: Jana J.’s great grandmother (“Gramma Great”) and her caretaker
- Police interview Jana day after the murders.
- Potential defense:
  - Misidentification: Kenya had argument with Gramma Great and left before the murders occurred.

### Direct Approach (Jana J., 4 years old)

Q: Let me ask you something Jana, you’re a very smart girl, and because the other officers were telling me you’re very smart,



<p>Q: We wanted to know what happened yesterday at the house, at the apartment on Coco avenue there. Can you tell me in your own words what happened yesterday?</p> <p>A: Hm?</p> <p>Q: What happened yesterday? At the apartment. Did somebody get hurt?</p> <p>A: Hm?</p> <p>Q: Did somebody get hurt yesterday? Who got hurt? Who got hurt?</p> <p>A: Kenya.</p> <p>Q: Could, could, can you tell me what happened?</p> <p>A: Yes.</p> <p>Q: Okay, what happened? Can I see that for a sec? Okay, I'll give you that in just a second. Wondering what happened?</p> <p>A: Hm?</p>	<ol style="list-style-type: none"> <li>1. Interviewer uses words that child may not know/understand (house, apartment, Coco Avenue)</li> <li>2. Jana uses "hm" to indicate non-comprehension, but with yes/no questions, easy to mistake for "yes" or "what?"</li> <li>3. Nods in response to yes/no question keeps Jana non-verbal</li> <li>4. Turning good question into yes/no question leads to "yes" (Can you tell me what happened).</li> </ol>	<p><b>5. Problem: "What happened" doesn't seem to work. What then?</b></p>
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## Before Disclosure: Narrative Practice

- Tell me everything you did for your last birthday.
- (or) Tell me everything you did from when you got up to when you came here.

## Narrative approach (Jana J., 4 years old)

Q: Tell me everything that happened on your last birthday.

A: You remember I had ice cream and chocolate and cake.

Q: You had what?

A: Ice cream and chocolate and cake.

Q: Oh. Ice cream and chocolate and cake. Tell me more about...

A: Kenya made it for me.

Q: Kenya made it for you.

A: Yes. Kenya put chocolate on the cake, cause it wasn't sweet when it was no chocolate on it.

1. Repeating child's words is often enough.
2. Followup with "tell me more"
3. Followup with "what happened next/after/first" (but be careful with "before")

## Disclosure Phase (Jana J., 4 years old)

## Disclosure Phase

Q: Now that I know you a little better, Jana, tell me why you came to talk to me....

Q: Well, I heard something about Kenya. Tell me what happened.

A: I heard Kenya fighting... Grandma Great.

Q: Oh.

A: Yes. Kenya was killing her. By the bike, Yes. My grandmother's bike. That's what Kenya was doing....

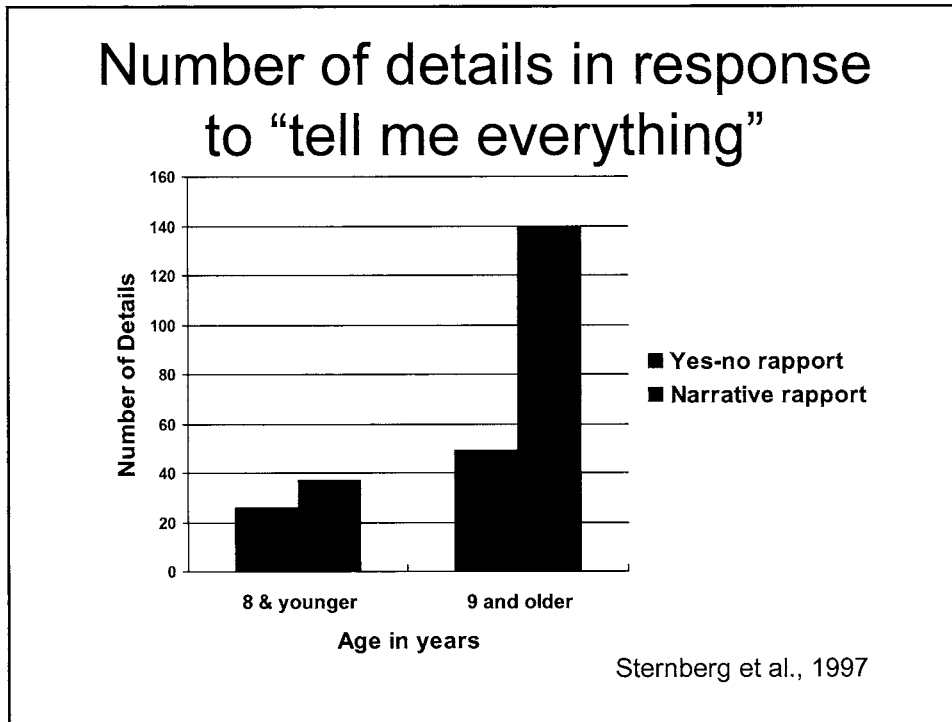
Q: And how did she kill her?

A: With a sharp knife.

1. Use wait-time. E.g., 10 seconds after "tell me why you came to talk to me"

2. "Tell me why" will work 50% of the time children disclose abuse.

3. Script follow-up disclosure phase questions in advance. "I heard something about"



## From Narrative Practice to Disclosure (Ashley V., LAPD #348161)

Q: Now that I know you a little bit better, I wanna talk to you about why you came to talk to me today. Tell me why you came to talk to me today.

A: Cause my dad shot my mom.

Q: Uh-huh. Okay now I need you to tell me everything that happened from the beginning to the end.

(long pause)

A: Do I have to?

Q: It's really important that we know everything that happened. Okay?

## Why not closed-ended?

- Because children will answer with a single word rather than use their words.
- Because they often suggest what *you think happened* rather than what the child knows.
- Because they require you to use *your words*, and those words may be difficult or ambiguous.
- Because sometimes children have response biases (always say yes, always say no).
- Because children will guess when they don't know the answer.

## Discussion

- With narrative practice, both interviewers and children are better at asking/answering open-ended questions
- Open-ended questions don't just reduce the risk of suggestibility, but increase the amount of information children can produce.

## For more information

- [tlyon@law.usc.edu](mailto:tlyon@law.usc.edu)
- Search “bepress lyon” for reprints of articles, etc.

## 兒童的易受暗示性

Thomas D. Lyon

美國南加州大學

現代婦女基金會

兒少及智能障礙性侵害案件詢問工作研討會，台灣台北，

2013年9月9日

## 不正確資訊的來源

- 刻意犯錯
  - 假裝
  - 虛構內容/說謊
  - 默認
- 非刻意犯錯
  - 記憶錯誤
- 刻意犯錯可能轉變成非刻意的犯錯
  - 時間越久，兒童會越來越相信陳述的內容



## 暗示的來源

- 告知 vs. 詢問
  - 比起詢問資訊，告知兒童資訊時，比較容易讓兒童受到暗示
- 引導式問題
  - 例如，「他傷害你了，對吧？」比「他有傷害你嗎？」更具引導性
- 鼓勵想像
  - 要求孩子想像某事可能的發生經過
- 誘導刻板印象
  - 告訴孩子嫌犯曾經做過的壞事
- 選擇性強化
  - 得到期望的答案就給予獎賞；得到非期望的答案，則給予懲罰或忽視
- 重覆是/否問句
- 謠言/無意中聽到的訊息

## 問題重點

- 大部分對話屬於是/否問句
- 訪談者會覺得很難使用開放式問題
- 兒童不習慣回答開放式問題
- 訪談者認為必須使用是/否問句
  - 訪談者需要特定資訊時
  - 訪談者認為孩子抗拒回答時

## 案例研究：珍娜 J. (4 歲)

- 雙屍命案
- 珍娜 J. 是唯一的目擊證人
- 母親是首要嫌犯 (「肯雅」)
- 被害人：珍娜 J. 的曾祖母 (「大祖母」) 與其照顧者
- 命案發生後隔天，警方對珍娜進行訪談。
- 可能的辯護：
  - 誤認：肯雅和大祖母爭吵後、在命案發生前離開。

### 直接法 (珍娜 J. , 4 歲)

問：我問妳，珍娜，我知道妳是個聰明的女孩，其他警官都跟我說妳很聰明。

<p>問：我們想知道，昨天在可可大道的房子，那間公寓裡發生了什麼事。妳可以用妳自己的話，告訴我昨天發生了什麼事嗎？</p> <p>答：嗯？</p> <p>問：昨天發生了什麼事？在公寓裡，有人受傷嗎？</p> <p>答：嗯？</p> <p>問：昨天有人受傷嗎？誰受傷了？誰受傷了？</p> <p>答：亨雅。</p> <p>問：妳是否，是否，妳可不可以告訴我發生了什麼事？</p> <p>答：可以。</p> <p>問：好，發生了什麼事？那個可以借我看一下嗎？好，我馬上就會還給妳。妳知道發生了什麼事？</p> <p>答：嗯？</p>	<ol style="list-style-type: none"> <li>1. 訪談者使用孩子可能不知道或不瞭解的詞彙 (房子、公寓、可可大道)</li> <li>2. 珍娜用「嗯」的回答表示她不了解問題，但是使用是/否問句時，很容易會誤以為她回答的代表「是」或是「什麼？」</li> <li>3. 珍娜會用點頭回應是/否問句，不開口說話</li> <li>4. 把一個好問題變成是/否問句，只會獲得「是」的回答 (你可以告訴我發生了什麼事嗎)。</li> </ol> <p>5. 問題：「發生了什麼事？」這個問題無法獲得回答。接下來該怎麼辦？</p>
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## 在揭露之前： 敘事練習

- 告訴我上次過生日時，妳做過的所有事情。
- (或是) 告訴我，妳起床之後一直到來到這裡之前，妳做過的所有事情。

## 敘事法 (珍娜 J. · 4 歲)

問：告訴我妳上次過生日時，做過的所有事情。

答：你記得我吃了冰淇淋和巧克力和蛋糕。

問：妳吃了什麼？

答：冰淇淋和巧克力  
和蛋糕。

問：噢。冰淇淋和  
巧克力和蛋糕。  
再多說一點...

答：是肯雅做給我  
吃的。

問：是肯雅做給妳  
吃的。

答：對。肯雅把巧克  
力放在蛋糕上，  
因為沒有巧克力  
就不夠甜。

1. 通常只要重覆兒童說過的話就夠了。

2. 用「再多說一點」追問

3. 追問「接下來/後來/一開始發生什麼  
事」(「之前」則需謹慎使用)

## 揭露階段 (珍娜 J. · 4 歲)

### 揭露階段

問：現在我比較瞭解妳了，珍娜，告訴我，妳為什麼會來這裡和我說話...

問：我聽說了一些有關肯雅的事情。告訴我發生了什麼事。

答：我聽到肯雅... 大祖母吵架。

問：噢。

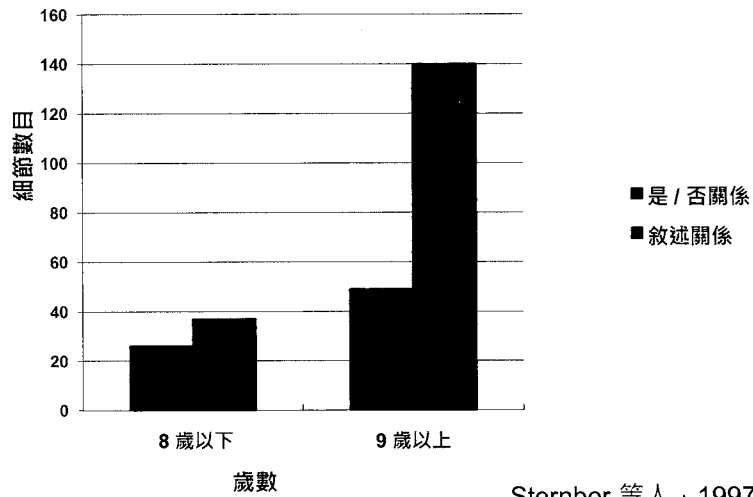
答：對。肯雅在殺她。在腳踏車旁邊，對。我祖母的腳踏車。肯雅就是在那樣...

問：那她怎麼殺她的？

答：用一把很利的刀。

1. 善用等待。比方說，講完「告訴我，妳為什麼會來這裡和我說話」之後，等待 10 秒鐘。
2. 在兒童揭露的受虐案件中，「告訴我為什麼」這個問題有 50% 有效。
3. 事先擬定揭露階段中可以追問的問題。「我聽說...」

## 「告訴我事情的全部經過」取得的 細節



## 由敘事練習至揭露

(艾許莉 V. 洛杉磯警局 #348161)

問：現在我比較瞭解你了，我想和你聊聊為什麼你今天要來和我說話。告訴我，為什麼你今天要來和我說話。

答：因為我爸槍殺了我媽。

問：然後呢？我需要你告訴我事情從頭到尾的全部經過。

(長時間的停頓)

答：我一定要說嗎？

問：我們必須要知道事情的全部經過，這很重要。  
懂嗎？

## 為何不用封閉式問題？

- 因為兒童只會用單字回答這種問題，而不會用自己的話描述。
- 因為兒童通常會暗示 *你認為發生的事*，而非他們所知道的事。
- 因為兒童需要你用 *你的詞句*，而這些詞句可能較為困難或模稜兩可。
- 因為有時候兒童會有反應偏差 (總是回答是，或總是回答否)。
- 因為兒童不知道答案時會用猜的。

## 討論

- 藉由敘事練習，訪談者和兒童都能更容易提出或回答開放式問題
- 開放式問題不只能降低兒童受到暗示的風險，也能讓兒童提供更多資訊。



## 聯絡資訊

- [tlyon@law.usc.edu](mailto:tlyon@law.usc.edu)
- 如需文章複本，請搜尋「bepress lyon」。

Day1 : 2013/09/09

## Session 2

# 專題研討二

13:10~15:10

The Testimony of Children and People  
with Intellectual Disabilities:  
Communicative Ability and  
Social-emotional Factors

兒童、智能障礙者作證能力—陳述能  
力、社會情緒與動機

Moderator 主持人

沈瓊桃博士

**April Chiung-Tao Shen, Ph.D.**

**學術專長 / Research Interests**

家庭暴力防治與保護、婚姻與家庭、目睹兒童、約會暴力、婚暴併兒虐

**經歷 / Positions**

**現任 / Current Positions**

國立台灣大學社會工作學系教授；國立臺灣大學中國信託慈善基金會兒少暨家庭研究中心執行長/兼代理主任；國立台灣大學社會工作學刊主編；國立台灣大學性別平等委員會委員；苗栗家暴防治委員會委員

Professor, Department of Social Work, National Taiwan University; CEO/Acting Director, NTU Children and Family Research Center; Editor-in-Chief, NTU Social Work Review (TSSCI journal); Committee Member, NTU Gender Equality Education Committee; Committee Member, Miaoli County Government Family Violence Prevention Committee

**曾任 / Previous positions**

國立台灣大學學生心理輔導中心主任；馬偕醫院精神科社工師

Director, Student Counseling Center, National Taiwan University; Psychiatric Social Worker, Mackay Hospital

**學歷 / Education**

美國明尼蘇達大學社會工作博士；美國密西根大學社會工作碩士

Ph.D., University of Minnesota, Major: Social Work; Master in Social Work, University of Michigan

Speaker 講師：Dr. Kim P. Roberts 簡歷，詳見專題研討一(Session1)。

Discussant 與談人

**葉玉如 副局長 Yu-Ju Yeh, Deputy Director-General**

### **經歷 / Positions**

#### **現任 / Current Positions**

高雄市政府社會局副局長

Deputy Director-General, Kaohsiung City Government Social Affairs Bureau

#### **曾任 / Professional Experiences**

台北市政府社會局約聘社會工作人員、科員；彰化縣政府社會處科員；高雄市政府社會局社會工作人員、輔導員、科員、股長、專員、主任；高雄市政府社會局兒童福利服務中心主任；高雄市政府社會局家庭暴力及性侵害防治中心主任

Director, Domestic Violence And Sexual Assault Prevention Center Bureau of Social Affairs, Kaohsiung City; Director, Child Welfare service center, Kaohsiung City; Division Chief, Specialist, Social Affairs Bureau, Kaohsiung City Government. Social Worker, Department of Social Welfare, Taipei City Government.

### **學歷 / Education**

屏東科技大學社會工作系社會工作學碩士；東吳大學社會學系社工組  
Master, Department of Social Work, National Pingtung University of Science and Technology (NPUST); Bachelor, Department of Sociology, Tunghai University

# Adult-Child Interactions

Improving communication

at the Laurier University

▶ *Picture this*

- Child in school
- Teacher asks: What is  $12 + 9$ ?
- Child responds 21.
- Teacher says 'correct'

▶ *And picture this....*

- Child goes to the zoo with Dad. Later they chat
- Dad says: Did you see the giraffes at the zoo today?
- Child says 'yes'
- Dad: And did you see any pandas?
- Child: Yes

## The Retrieval Stage (Interview)

### ▶ Questions leading to a particular answer

- Yes/no questions
  - *'yes' bias, especially in very young children*
  - *children may try and answer nonsensical questions*
- Multiple-choice questions
  - *last-option bias*
  - *was it in the bedroom, bathroom, or your mum's bedroom?*

## Social pressures (continued)

### ▶ Introducing new information not mentioned by child

- Even if use open-ended questions to do so
  - *Tell me about what happened with Uncle R.*
  - *Child hasn't yet mentioned Uncle R*
  - *Be aware of your own reconstructive memory (source-monitoring)*

## Social pressures and incentives

- *Other people* – heard from other source
  - “Some of the other children told me ...”
  - Add “But I wasn’t there and I need you to tell me everything that happened”

## Social pressures (continued)

- *Already answered*
  - “I know we talked about this earlier, but I want to make sure I know everything.”
- *Re-asking a question that received a denial*
  - I just want to be sure I’ve got this right”
- *Inviting speculation*
  - “Just guess a bit”, “Think of the classroom, who was there, what do you see....”
- *Stereotypes*
  - “Jack’s creepy”

## Minimizing suggestive questions

I: Tell me what happened

C: He did some stuff..

I: Some stuff. What exactly did he do to you?

C: (pause) I hate him

I: What did R. do?

## Question repetition

- Sometimes bad:

- Children think adults know everything
- Adults' questions are tests of children's knowledge  
→ response-shifting

- Sometimes good IF open-ended

- Children report more with subsequent retrievals



## Response shifting:

I: Where did it happen?

C: At [sounds like 'carty']

I: At carty?

C: [carty]

I: Stacey, can you tell me where it happened?

C: No

I: Did it happen at carty?

C: No

I: Where did it happen?

C: At school

▶ Karate club

I: Where did it happen?

C: A long time ago

I: Where were you?

C: Last week

I: When did it happen?

C: A long time ago

I: OK, let's do this again. Where did it happen?

C: [child is silent]

## Question Repetition

- ▶ How do you phrase repeated questions?
  - Give rationale
    - e.g., “I know we talked about this earlier, but I need to know more about what happened”
  - Be sincere about confusion
    - “I’m confused. Can you help me? Earlier you said....and you also told me.....”

## What does it mean in practice?

- **Preparation**
  - Craft questions carefully
    - Be comfortable with re-phrasing
    - “Did he..? Sorry, tell me what happened after he touched your sister”
  - Find out if there are any suggestive influences
  - Know age of child
  - Use information in your own decision-making

## What does it mean in practice?

### ◦ Interview Environment

- Are you intimidating?
- Are you giving the impression that you already know what happened?
- Is there an atmosphere of accusation?
- Always explain why need to re-ask questions
- Transfer control
  - Let children lead where the interview goes

## What does it mean in practice?

### ◦ Communicating aims of interview

- Explain in ground rules that interviewer makes mistakes
- Let child know what to do in that circumstance
- Give child practice in saying “That’s not quite right. I remember .....”
  - Child trusts that you won’t punish for ‘wrong’ answers
- Explain can say “I don’t know” rather than guess

- ▶ When child makes a disclosure
  - “He put his pee pee in my pee pee”
- ▶ Follow up by giving them opportunity to describe what mean
- ▶ Helpful phrases
  - “Its really important....”
  - “I know we talked about it already. But I need to know more about what happened.”

## Unclear speech

- Ask child to repeat phrase (with rationale)
- Follow up with appropriate questions
  - Child mentions person
    - “I didn’t hear that...what did you say?”
    - “Who is that?”
  - Child mentions action
    - “I don’t know that word. Tell me what he did” or “Tell me how he did that”
- Use rapport-building phase to learn child’s vocabulary, speech habits, etc.

## Vocabulary

- Use vs. understanding

Mum: We'll go tomorrow

(next day) Child: Is today tomorrow?

## Word meanings

- Superordinates (from Poole & Lamb)

I: Did he take off your clothes?

C: No

I: I'm confused. You told me he touched you on your skin

C: He took off my bathing suit

- Phonological errors

- In English, *Jury* sounds like *jewellery*

- Multiple/Common meanings

- *Court* is where you play basketball

## Acquisition of vocabulary

- A 6-year-old knows:
  - a) 11,000 words
  - b) 1000 words
  - c) 100 words
- Answer is 11,000
- A 6-year-old knows between 8,000 and 14,000 words
- Fast mapping
  - Learning words after a single exposure
  - Between age 1 and 6, children learn 5-8 new words every day

## What does this mean in practice?

- Children can learn words during the course of the investigation
- Need to use child's words as much as possible (e.g., body parts, actions)
  - Ask for clarification but do *not* interrupt their account.
  - Example from the beginning of an interview
    - “He molested me”

## Context

- **Context**

- Children can appear to understand words in one context before another
- Use *before* and *after* appropriately when describing scripted sequences,
- But do not use them well when describing a *unique* occurrence of an event

## What can I do?

- Use simple, concrete words
  - *Dog* instead of *animal*
  - *Chair* instead of *furniture*
- Follow up with appropriate questions
  - *What does that look like?*
  - *Tell me more*
  - *What else can you tell me?*
- Use child's words for as long as it takes to get a reasonable picture of what happened: *pocketbook*, *pee pee*, *molested*

## What can I do?

- If using specific questions, probe one detail at a time (remember to follow up with open-ended if possible!)
- Give child time to respond
- Pause yourself if need to think about how to formulate a question

## What does this mean in practice?

- ▶ Wide range of uses and interpretations of questions
  - error or misinterpretation
- ▶ Especially very young children
  - Developing linguistic and cognitive abilities decrease their communicative competence

*Inform and practice* children in saying  
“I don’t know” or “I don’t understand”



## Exercise

- Tell me about that in more detail...
- Can you describe the man....
- Can you clarify whether...
- You alleged that...
- In regard to the first time...
- Approximately when did...
- Can you indicate when...
- Did the suspect say anything?
- Talk me through the incident...
- Let's review the last time..
- Did you hear the conversation...

- Tell me about that in more detail...Tell me more about the touching
- Can you describe the man....Tell me what the man looked like
- Can you clarify whether...Tell me more about
- You alleged that...You said that
- In regard to the first time...I need to ask you about the first time. Tell me more about..or About the first time,
- Approximately when did...About when did..

- Can you indicate when...Tell me when
- Did the suspect say anything?...Did [name if provided]..or Did the person who may have done something wrong (cf photographer = person who takes photos)
- Talk me through the incident...Tell me what happened
- Let's review the last time..Let's go over the last time
- Did you hear the conversation...Did you hear what Jen and Steve said

## Exercise

- Interview a partner about a fictitious incident that occurred this morning. Imagine you are a young child. Help each other see which words and phrases that you think you may use with adults, and think about how you might be used to using, and help each other come up with some alternatives that you will now have to use with child witnesses instead of your old phrases.

## Revisiting children's responses.....

*He put his pee-pee in my pee-pee*

- Pee pee usually refers to part of body where pee comes from

*I pulled a bone*

- Bone is slang for a male erection

*Come and see his testicles*

*Dickless*

- An insult suggesting a lack of bravery

# 成人與兒童的互動

加強溝通

華僑大學

## ▶ 想像此一場景

- 兒童在校內上課
- 老師問道：12 + 9 等於多少？
- 兒童的答案是 21。
- 老師說：「答對了」

## ▶ 請再想像此一場景.....

- 兒童與父親到動物園去。後來兩人聊了起來
- 父親說：今天你在動物園裡看到了長頸鹿嗎？
- 兒童說：「是的」
- 父親：你看到了熊貓嗎？
- 兒童：是的

## 資訊取得階段 (訪談)

### ▶ 引導出特定答案的問題

- 是非題
  - 答案通常為「是的」，年紀很小的兒童尤其如此
  - 兒童可能會試著回答荒謬無理的問題
- 選擇題
  - 通常選擇最後一個選項
  - 在你的臥室、浴室或是媽媽的臥室裡呢？

## 社會壓力 (續)

### ▶ 提出兒童並未提及的新資訊

- 即使是運用開放式問題提供這類資訊
  - 告訴我R叔叔對你做了什麼。
  - 兒童尚未提到R叔叔
  - 請注意各位的重建式記憶 (來源監控)

## 社會壓力與誘因

- *其他人* – 得自其他來源的資訊
  - 「其他孩子告訴我.....」
  - 加上「但是我不在那裡，我需要你告訴我事情的全部經過」

## 社會壓力 (續)

- *已經回答*
  - 「我知道我們剛才談過這件事了，但是我想確定我已經了解所有經過。」
- *重新提出某個遭到否認的問題*
  - 我想確定自己沒有聽錯」
- *誘導式推測*
  - 「猜猜看嘛」、「我們來想想教室，誰在教室裡呢？你看到了什麼？.....」
- *刻板印象*
  - 「傑克好可怕」

## 盡量不要運用暗示性問題

訪問者：告訴我發生了什麼事

兒童：他做了一些事.....

訪問者：一些事？他到底對你做了什麼？

兒童：(停頓) 我討厭他

訪問者：R 叔叔做了什麼？

## 重複提問

- 有時並不妥當：
  - 兒童認為成人什麼都知道
  - 成人的問題彷彿在測試兒童的知識
    - 答案轉變
- 有時帶來助益，但僅限於開放式問題
  - 兒童在後續的資訊取得過程中提供更多資訊

## 答案轉變：

訪問者：這件事在哪裡發生的？

兒童：在 [聽起來像是「道館」]

成人：在道館裡嗎？

兒童：[道館]

訪問者：史黛西，妳能告訴我這件事在哪裡發生的嗎？

兒童：不行

訪問者：在道館裡發生的嗎？

兒童：不是

訪問者：這件事在哪裡發生的？

兒童：在學校裡

▶ 空手道館

訪問者：這件事在哪裡發生的？

兒童：很久以前

訪問者：那時妳在哪裡？

兒童：上個星期

訪問者：這件事什麼時候發生的？

兒童：很久以前

訪問者：好吧，我們重來一次。這件事在哪裡發生的？

兒童：[兒童沉默不語]



## 重複提問

### ▶ 如何提出重複的問題？

#### ◦ 說明理由

例如，「我知道我們剛才談過這件事了，但是我需要更瞭解事情經過」

#### ◦ 以誠懇的態度表達困惑

「我弄糊塗了。你能幫助我嗎？你之前說.....然後你又告訴我.....」

## 在實際訪談中有什麼意義？

### ◦ 準備

#### • 小心地設計問題

• 以自在的態度換句話說

• 「他有沒有.....？對不起，告訴我他摸了你的姊姊之後，發生了什麼事」

• 查明兒童是否受到任何暗示性影響

• 瞭解兒童的年齡

• 決策時運用資訊

## 在實際訪談中有什麼意義？

### ◦ 訪談環境

- 各位是否令人畏懼？
- 是否讓人覺得你已經知道事件經過？
- 各位的語氣是否讓人覺得遭到指控？
- 務必說明重新提出問題的必要性
- 移轉控制權
  - 讓兒童主導訪談的走向

## 在實際訪談中有什麼意義？

### ◦ 說明訪談目標

- 在說明基本原則時，指出訪談者也會犯錯
- 讓兒童知道他們在這種情況下該怎麼做
- 讓兒童練習說「不是這樣。我記得.....」
  - 讓兒童相信自己不會因為答案「錯誤」而受到各位的處罰
- 告訴兒童可以說「我不知道」，不需隨便猜想

- ▶ 兒童揭露資訊時
  - 「他把他的小鳥放進我尿尿的地方」
- ▶ 繼續追問，給他們機會描述事件經過
- ▶ 有幫助的句子
  - 「.....真的很重要」
  - 「我知道我們談過這件事了，但是我需要更瞭解事情經過」

## 語意不明

- 請兒童再說一次 (說明理由)
- 進一步提出適當的問題
  - 兒童提到某個人物
    - 「我沒聽清楚.....你剛才說什麼呢？」
    - 「他是誰啊？」
  - 兒童提到行爲
    - 「我沒聽過那個詞。告訴我他做了什麼」或是「告訴我他是怎麼做那件事的」
- 運用建立關係的階段瞭解兒童的詞彙與說話習慣等。

## 詞彙

- 使用與理解

母親：我們明天才去  
(隔天) 兒童：今天是明天嗎？

## 字詞的意義

- 上義詞 (資料來源：Poole & Lamb)
  - 訪問者：他有脫掉你的衣服嗎？
  - 兒童：沒有
  - 訪問者：我弄糊塗了。你剛說他摸你的皮膚
  - 兒童：他脫掉我的泳衣
- 字詞發音相近而引起誤會
  - 英語中「陪審團」(*Jury*)的發音與「珠寶」(*jewellery*)相似
- 多重/通用意義
  - *Court* 可以是法庭，也可以是打籃球的地方

## 學習詞彙

- 6 歲兒童認識：
  - a) 11,000 個字詞
  - b) 1000 個字詞
  - c) 100 個字詞
- 答案是 11,000 個
- 6 歲兒童認識 8,000 至 14,000 個字詞
- 學習速度快
  - 只要接觸字詞一次就會認識
  - 1 至 6 歲的兒童每天學會 5 至 8 個新字詞

## 在實際訪談中有什麼意義？

- 兒童能在調查過程中學習字詞
- 需要盡量運用兒童的用語 (例如身體部位與行動)
  - 可以在兒童描述情況時請他們提出說明，但是不要打岔。
  - 訪談開場部分的範例
    - 「他亂摸我」

## 背景

### • 背景

- 兒童似乎能瞭解某種言談背景中的字詞
- 描述連續事件的順序時能妥善運用「之前」與「之後」兩詞
- 描述某種偶發事件時卻無法妥善運用這兩個詞語

## 該怎麼做？

- 運用簡單具體的詞語
  - 使用「狗」而非「動物」
  - 使用「椅子」而非「家具」
- 進一步提出適當的問題
  - 那看起來像什麼？
  - 再多說一點
  - 你還能告訴我哪些事情呢？
- 只要能勾勒出合理的情境，不妨運用兒童的用語：小書、小鳥、亂摸

## 該怎麼做？

- 若要運用特定問題，則每次探究一項細節即可(可能的話，請記得進一步提出開放式問題！)
- 讓兒童有時間回答問題
- 必要時可以主動停頓片刻，以便思考如何設計問題

## 在實際訪談中有什麼意義？

- ▶ 問題의用途廣泛，或是可以有多种詮釋方式
  - 造成錯誤或誤解
- ▶ 年紀極小的兒童尤其如此
  - 他們的語言與認知能力仍在發展之中，因此溝通能力偏低

*提出說明並協助他們練習說  
「我不知道」或「我聽不懂」*

## 練習

- 請你更詳細地說明這個部分.....
- 你能不能描述那男人的長相.....
- 請你說清楚.....
- 你先前宣稱.....
- 針對第一次.....
- 當時大概是什麼時候.....
- 你能不能說明時間.....
- 嫌犯是否說了什麼？
- 請說明事件經過.....
- 我們來回顧上一次.....
- 你聽到他們的對話嗎.....

- 請你更詳細地說明這個部分.....再多說一點他怎麼摸你
- 你能不能描述那男人的長相.....告訴我那個男人長什麼樣子
- 請你說清楚.....再多說一點
- 你先前宣稱.....你說過
- 針對第一次.....我需要你告訴我第一次的情況。再多說一點.....  
或是我們來談談第一次的情況，
- 當時大概是什麼時候.....這是什麼時候的事.....



- 你能不能說明時間.....告訴我這是什麼時候的事
- 嫌犯是否說了什麼? .....[若兒童已說出姓名] 有沒有.....或是這個可能做了壞事的人有沒有(用詞比較: 攝影師 = 拍照片的人)
- 請說明事件經過.....告訴我發生了什麼事
- 我們來回想上一次.....我們來談談上一次
- 你聽到他們的對話嗎.....你聽到簡恩和史帝夫說了什麼嗎

## 練習

- 針對今天早上發生的虛構事件訪問一位同伴。想像自己是一名幼童。彼此協助，找出各位認為兒童與成人交談時會運用的詞語和句子，思考自己的習慣用語，再協助彼此想出日後訊問兒童證人時必須使用的句子，用以取代過去使用的句子。

## 重新檢視兒童的答覆.....

他把他的「小鳥」放進我尿尿的地方

- 「小鳥」通常是指身體的排尿部位

我犯了大錯 (*I pulled a bone*)

- 口語中的「Bone」是指男性勃起

來看他的睪丸

沒種

- 羞辱他人的用詞，意指缺乏勇氣

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**著作 / Publications****中文著作 / Publications in Chinese**

- 反轉變體症候群：一例報告。郭千哲、鄧惠泉、劉士愷、陳坤波、陳喬琪。台灣精神醫學第十二卷第一期中華民國八十七年三月
- 精神分裂症患者服用 CLOZAPINE 出現強迫症狀：二例報告。蘇聖茶、劉士愷、蔡長哲、林世光、陳俊澤、林式穀。台灣精神醫學第十四卷第二期中華民國八十九年六月。
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Discussant 與談人: Dr. Michael E. Lamb 簡歷, 詳見專題演講(Keynote)。

## SOCIOEMOTIONAL AND MOTIVATIONAL FACTORS ON CHILDREN'S DISCLOSURE (OF SEXUAL ABUSE)

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**NO ONE EVER KEEPS A  
SECRET SO WELL AS  
A CHILD.**



--Victor Hugo, *Les Misérables*

## Children Really Keeps it as a Secret?

- Researches indicated children often significantly delay disclosure of sexual abuse or keep the abuse a secret into adulthood. (Finkelhor, Hotaling, Lewis, & Smith, 1990; Smith et al., 2000; Sorenson & Snow, 1991)
- 46 to 69 % of adults (sexually) abused as children never disclosed it in their childhood. (Smith et al., 2007; Kogan, 2005; Jonzon and Lindblad, 2004)

## Disclosure: the key to stop the abuses

- In a large proportion of validated sexual abuse cases, the victim's statement constitutes the only evidence that abuse has occurred. (Rieser, 1991)
- Many victims (22%) recanted their statements only to re-affirm them later (93% of recantations). (Sorenson and Snow, 1991)
- Denials and recantations tend to compromise the child's credibility and complicate the legal response in sexual abuse allegations. (Myers, 1992)
- Children who experience abuse over longer periods of time are at greater risk of negative long-term outcome. (Arata, 1998; Conte & Schuerman, 1987; Kendall-Tackett, Williams, & Finkelhor, 1993)

## What is Disclosure?

- In a narrow sense: a singular “telling” event that happens in an official context. (e.g. telling the Police or a social worker)
- In reality: disclosure may happen in different situations and in different ways. (Alaggia, 2004)
  - accidental disclosure
  - purposeful disclosure
  - prompted/elicited disclosure

## Non-verbal Disclosure

- When non-verbal cues are viewed as part of the disclosure process, disclosure is potentially a much more complex process involving cumulative acts of ‘telling’, consciously or unconsciously.(Alaggia, 2004; Lindblad, 2007)
- ➔ It is not very easy to be recognized.



## Latency to Disclosure

- When children do (verbally) disclose, it often takes them a long time to do so. (London *et al.*, 2007 )
  - Although 37 to 42 per cent of the children disclosed abuse within 48 hours of it happening, for many others it took between 6 to 12 months. (Goodman *et al.*, 1992)
  - Less than one in four victims disclose immediately. (Gomes-Schwartz *et al.*, 1990; Kelley *et al.*, 1993)
  - A mean delay of 3 years was found between the onset of sexual abuse and disclosure. (Oxman-Martinez, Rowe, Straka, & Thibault, 1997)

## Even When the Abuse was Evident...

- 39% of children had never reported their sexual victimization prior to presenting for treatment.
  - An additional 17% of the children had delayed reporting their sexual victimization for more than a year.
- (Gomes-Schwartz *et al.*, 1990).

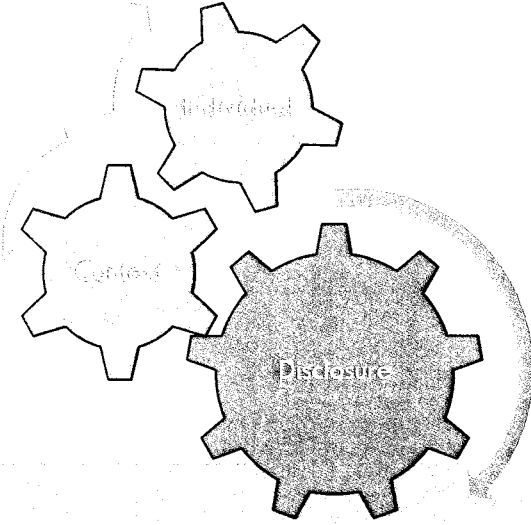
## Another Issue: Recantations

- Not as high as previously thought.
- But still, 4 to 27 per cent of children were said to have recanted their initial disclosures. (Bradley and Wood, 1996; Gonzales et al, 1993; Bybee and Mowbray, 1993)

- So, What Barriers are in the way for Children to Disclose?

Cosette, A character OF Les Misérables





The diagram consists of three interlocking gears. The top gear is labeled 'Individual', the middle gear is labeled 'Context', and the bottom gear is labeled 'Disclosure'. The 'Disclosure' gear is shaded in a dark, stippled pattern, while the other two are white with black outlines. A faint circular arrow surrounds the gears, indicating a cyclical or interconnected relationship between the factors.

**11**

The literature highlights the importance of understanding how individual and contextual factors may inhibit or encourage disclosure of abuse in a child's life. (Allnock , 2010)

## The Context of Sexual Abuse

**12**

- Abuse and victim characteristics
- Victim–perpetrator relationship
- Perpetrator's selection and grooming process
- Strategies used to gain and maintain compliance and secrecy

## ABUSE AND VICTIM CHARACTERISTICS AND DISCLOSURE

Severity of Abusive Patterns

Gender

Age

Children with Disabilities

## Severity of Abusive Patterns

14

- Children at the extremes of the spectrum of severity were least likely to disclose their sexual victimization. (Gomes-Schwartz *et al.*, 1990)
  - 54% subjected to intercourse did not disclose;
  - 50% of those who experienced attempted sexual activity or noncontact forms of sexual abuse did not disclose

## Gender and Disclosure

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- Studies have yielded mixed findings.
- But underreporting may be a significant problem among boys. (Violato & Genius, 1993)
- Adolescent boys are least likely to report. (Hecht & Hansen, 1999; Lamb & Edgar-Smith, 1994; Watkins & Bentovim, 1992)
  - ▣ The socialized role of male: brave men; taboo of homosexuality;
  - ▣ Boys fear being stigmatized as a homosexual and/or victim (Alaggia, 2005) ;
  - ▣ (\*In the old days?) The “older woman/young boy” sexual relationships and fantasies (Hecht & Hansen, 1999; Jennings, 1993).

## The Age (at onset of abuse)

16

- Many studies didn't make distinction on this issue; for those did, the evidence to date is inconsistent. (Allnock, 2010)
- One study revealed younger girls (<14y/o) disclosed more than the older.(Kogan, 2004)
- But some other in reverse. (Everill and Waller, 1995; Kellogg and Hoffman, 1995)
- Child age at onset of abuse may establish the upper limit of what a child can disclose. (Brilleslijper-Kater et al., 2004)

## The Age (at forensic interview)

- A child's age affects his or her ability to understand the abuse, to keep secrets, and to describe events verbally, all of which can influence the likelihood of disclosure at forensic interviews.
- Many studies reported that older, versus younger, children are more likely to disclose during a forensic interview. (Lippert, et al., 2009)
- For the details and credit of disclosure: some said the younger the vaguer, some said no correlations, but one study said the younger (<5y/o) provided explicit disclosure.(70% vs. 34%) (Bybee and Mowbray, 1993)

## The Preschoolers

- Preschool age children have been observed to be significantly less likely to disclose during the context of formal investigation. (Dipietro, Runyan, & Fredrickson, 1997; Keary & Fitzpatrick, 1994)
- Younger children were more likely to require a second interview before disclosing.(Gries, Goh, & Cavanaugh, 1996)
- Preinvestigation disclosures (e.g. to the police or social service) of preschool age, versus older, children appear more often to be unplanned and associated with an immediate precipitating event rather than purposeful. (Campis, Hebden-Curtis, & Demaso, 1993)

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第一次會談(媽媽陪)：沉默不語、戒備。  
 第二次會談(哥哥陪)：玩遊戲時可以有短句口語回應。遊戲中被詢問到身體部位時，變得非常焦慮。哥哥被問到有關親戚的事時，變得非常防衛。「你問這個幹麼?!」  
 第三次會談(媽媽陪)：可以和(女性)社工師玩電話交談遊戲，但是對回答問題仍顯得抗拒。  
 第四次會談(媽媽陪)：畫圖時可以分享；玩電話交談遊戲時可以被問問題，但是問到和案情相關的時候，就低頭或背對，只答「忘記了」。  
 第五次會談(媽媽陪)：玩了三十分鐘，安排媽媽去洗手間。個案邊玩邊透露：「阿公戳我屁屁」。

~評估時3歲11個月，女性。發生一次(以上?)手指性侵。  
 案母表示評估前7個月，個案即曾提及「屁屁痛痛」、「是阿公」。但請案父聽個案陳述時，個案就不肯再說。  
 評估前一個半月左右，個案有再度提到「阿公壞壞」、「爸爸進來用拳頭搥阿公」等事，但案母想要詢問詳情時，個案又說「沒有」、「爸爸說不能說」。

## Children with Disabilities

- Disproportionately higher numbers of children with disabilities are victims of sexual abuse. (Browning & Boatman, 1977; Goldman, 1994; Sullivan & Knutzon, 2000)
  - visual, hearing, speech/language, or health impairment; mental retardation; learning or physical disability; behavior disorder
- They are likely to encounter special problems disclosing their abuse. (Goldman, 1994; Saywitz *et al.*, 1993)
  - physical and social isolation related to their disability, impaired ability to communicate, and increased dependency and vulnerability.
  - Their disclosures are less likely to be viewed as credible (especially those with cognitive impairments).

## 2011年性侵害事件通報被害及加害人概況統計

	合計	非身心障礙	智障	視障	精神病患	聲(語)障	聽障	肢障	多重障礙	其他障礙
計	6,049	5,019	540	11	206	23	62	44	46	98
男	605	453	78	1	11	1	19	5	10	27
女	5,352	4,497	449	10	192	22	41	39	33	69
不詳	92	69	13	-	3	-	2	-	3	2

## Obstacles to Disclosure in Ethnic and Cultural minorities

- Individuals of ethnic and cultural minorities are likely to encounter additional obstacles to disclosure. (Paine, 2002)
- Possible “extra” barriers to telling: Language barriers, social isolation, concerns related to immigration status or deportation, discrimination, lack of knowledge and familiarity with community support systems, absence of culture specific services, racism, and cultural insensitivity in mainstream programs, variations in belief systems and value orientations. (Kazarian and Kazarian, 1998)



## The Context of Sexual Abuse

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- Abuse and victim characteristics
- Victim–perpetrator relationship
- Perpetrator’s selection and grooming process
- Strategies used to gain and maintain compliance and secrecy

## Victim–Perpetrator Relationship

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- The perpetrator is frequently in a position of power and authority over the child and/or charged with providing for the child’s care (Berliner & Conte, 1995; Elliott *et al.*, 1995; Sorenson & Snow, 1991).
- The perpetrator also often filled significant deficits in the child’s life in many cases (Berliner & Conte, 1990).
  - Most of the children described their relationship with the perpetrator as positive.
  - Many expressed ambivalent feelings toward the perpetrator.

## Familiar, Emotionally Close and Significant Perpetrators

- Intra-familial abuse (in particular the degree of closeness of the child to the perpetrator) has been found across a large number of studies to delay disclosure of the abuse. (Smith et al, 2000; Goodman-Brown et al, 2003; Hershkowitz, et al, 2007; Sauzier, 1989; DiPietro, 1997; Sas, 1993; Sjoberg and Lindblad, 2002; Wyatt and Newcomb, 1990; Ussher and Dewberry, 1995)
- The longer children are abused, the more hesitant they may be to disclose their abuse. (Arata, 1998; Mendelsohn, 1994)
- Possible reasons: with greater fears about betraying a parent, or punishment and/or other negative consequences as a result of their disclosure.

## Perpetrator's Selection and Grooming Process

- Perpetrators revealed a preference for abusing their own children and/or choosing "passive, quiet, troubled, lonely children from single parent or broken homes." (Budin & Johnson, 1989)
  - They may seek out children who are particularly trusting (Conte et al., 1987) and work proactively to establish a trusting relationship with them before assaulting them. (Budin & Johnson, 1989; Conte, Wolfe, & Smith, 1989; Elliott et al., 1995; Warner-Kearney, 1987)
  - Not infrequently, with the victim's family as well. (Elliott et al., 1995)
- ➔ To achieve greater access to and control of the child in many ways!

## Strategies Used to Gain and Maintain Compliance and Secrecy

27

- Studies identified a **gradual process** whereby perpetrators employ insidiously that the abuse is often well under way before the child recognizes the situation as sexual or inappropriate. (Berliner & Conte, 1990; Conte *et al.*, 1989)
- Strategies employed to gain the compliance, include:
  - Addition and withdrawal of inducements (attention, material goods, and privileges).
  - Misrepresentation of society's morals and standards and/or the abusive acts.
  - Externalization of responsibility for the abuse onto the victim.
  - Warning the children of being judged negatively, blamed, and/or punished.

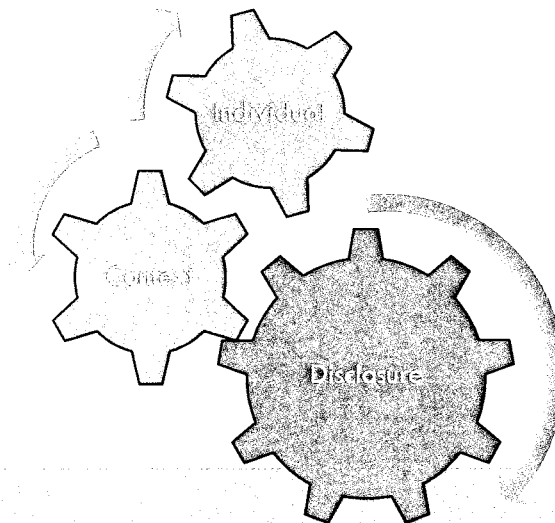
## Context of Children's Disclosures

28

- Disclosure to the confidant

## Choices of Confidant

- Most children(41.8–57%) make their initial disclosure to a parent or parent-figure. (Berliner & Conte, 1995; Gomes-Schwartz *et al.*, 1990; Lamb & Edgar-Smith,1994; Lynch *et al.*, 1993; Roesler & Wind, 1994)
  - Choose the person(s) they think are most likely to believe their account. (Abrahams, 1996)
  - As likely to disclose to a parent (29%) as they were to a friend (27%). (Henry, 1994)
  - Close friends were the most common confidants, followed by mothers, other relatives and non-familial members of the community. (NSPCC (of UK), 2005 ;Elliott and Briere, 1994)
- In one study of female undergraduate reporting history of CSA: in the 40% disclosed, 58% chose their mother as their confidant. 54% reported that they disclosed to a sibling or a friend, 36% to their father, and 26% told another adult.(Arata, 1998)
  - Close friends or Mother>Father>Other adults



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The literature highlights the importance of understanding how individual and contextual factors may inhibit or encourage disclosure of abuse in a child's life. (Allnock , 2010)

## Motivational factors inhibiting self-disclosure

31

- Concerns pertaining to self
- Concerns pertaining to family/loved ones
- Concerns pertaining to the perpetrator

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## CONCERNS PERTAINING TO SELF

Responsibility as “participants”

Feelings of shame and stigma associated with sexual abuse

Fears of disbelief of others

Threatened by the offender

## Responsibility as “Participants”

- Most children feel responsible for their own abuse. (Ney, Moore, McPhee, & Trought, 1986)
  - perceiving themselves as willing participants in a “relationship” with the offender (Berliner & Conte, 1990; Kaufman *et al.*, 1996).
  - perceiving themselves as “coconspirators”, acting to maintain the secret of the abuse (Furniss, 1991; Summit, 1983).

## Feelings of Shame and Stigma

- For fear they will be blamed or judged negatively by others. (Berliner & Conte, 1995; Gomes-Schwartz *et al.*, 1990; Sauzier, 1989)
- Hesitating to break their promise to keep the secret. (Bussey, Lee, & Richard, 1990, reported in Bussey & Grimbeek, 1995)
- Additional barriers like sexual stereotypes and stigma of homosexuality for male victims. (Lynch *et al.*, 1993; Reinhart, 1987; Summit, 1983; Watkins & Bentovim, 1992).

## Fears of Disbelief of Others

35

- Children's initial disclosures failed to lead to any intervention in 17% of the cases. (Gomes-Schwartz *et al.*, 1990)
  - Lack of intervention was attributed to the disbelief of the confidant in approximately half of these cases.
  - The remainder were attributed to the failure of the confidant to take any effective action to halt the abuse.
- Nearly 52% of adult incest survivors reported their abuse continued for a year or more following their disclosure to a parent. (Roesler & Wind, 1994)

## Threatened by the Offender

36

- Perpetrators often ask, bribe, and/or threaten victims to keep the abuse secret. (Berliner & Conte, 1990; Pipe & Goodman, 1991; Kaufman *et al.*, 1996)
- Personal threats to the victim may include threats of physical harm, punishment, and withdrawal of material goods, privileges, or affection.

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「我有跟媽媽說，不要爸爸幫我洗澡...」

「我不敢跟他說」，「因為他很兇、怕他會罵人。」

~評估時10歲5個月，女性。受侵害約6年多。  
案母因為遭遇家暴，社工到校探視個案及案妹才發現，進而安置。案母承認個案及案妹曾經向自己表示不想讓案父協助洗澡，但是自己忽略了。

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## CONCERNS PERTAINING TO FAMILY/LOVED ONES

Protect Them from Hurts

Keep the Family Together



## Protect Them from Hurts

39

- Children are often admonished that their family or loved ones will be hurt emotionally and/or physically if they divulge their abuse (Berliner & Conte, 1990; Lyon, 1996; Sauzier, 1989, Summit, 1983)
- Children were often given with
  - a sense of responsibility for the safety and well-being of the perpetrator and/or the child's family.
  - the power to keep their family and/or the perpetrator safe by maintaining the secret. (Summit, 1983)

## Keep the Family Together

40

- Children fear that disclosure will result in the disruption or dissolution of their family through divorce, separation, or placement of the child and their siblings into foster care (Sauzier, 1989; Summit, 1983).
- In some cases, the child is pressured by family members and/or others to maintain the secret. (Furniss, 1991; Rieser, 1991; Sorenson & Snow, 1991; Summit, 1983)

## CONCERNS PERTAINING TO THE PERPETRATOR

Traumatic bonding

Accommodation to abuse dynamics

42

- Perpetrators tend to target emotionally needy, vulnerable children, exploiting not only their sexuality but their needs for attention and affection.
- Sometimes they threaten that they will commit suicide or harm themselves if the victim reveals the abuse.
- Traumatic bonding (deYoung & Lowry, 1992; Furniss, 1991)
- Accommodation to abuse dynamics (Summit, 1983, 1992)

## Traumatic bonding (deYoung & Lowry, 1992)

43

- The evolution of emotional dependency between two persons of unequal power — an adult and a child, within a relationship characterized by periodic sexual abuse.
- The nature of this bond is distinguished by feelings of intense attachment, cognitive distortions, and behavioral strategies of both individuals that paradoxically strengthen and maintain the bond.

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- a “pseudonormal” interactional pattern
  - “The camp guard and the terrorist are not only people who threaten life and integrity. They are at the time the perverted provider of life, maintenance and external care, and even of positive emotional attention.”
  - A primary punitive approach towards abusers is therefore a strong external factor for children to maintain secrecy and not to disclose
- (Furniss, 1991, p. 30)

## Models of the disclosure process

48

- The Child Sexual Abuse Accommodation Syndrome
- Social Exchange Model of Disclosure
- Social–Cognitive Model

## The Child Sexual Abuse Accommodation Syndrome

49

- Proposed by Summit in 1983.
- It has not been empirically validated, but has been widely used by clinicians. (Bussey & Grimbeek, 1995)
- five components: (a) secrecy; (b) helplessness; (c) entrapment and accommodation; (d) delayed, unconvincing disclosure; and (e) retraction.

47

- But CSAAS was not evident in a replication of the study (Sorenson and Snow, 1991), and was later explained as: (Bradley and Wood, 1996)
  - In different settings
  - Different techniques of the interviewers
  - Different social expectancies of the children
  - Different sources of data
- ➔ Perhaps the disclosure phenomenon observed by earlier clinicians and researchers have changed as a result of advancements in the field of CSA.

## Social Exchange Model of Disclosure

48

- Proposed by Leonard in 1996 on CSAAS.
- “individuals pursue those social relationships and interactions in which, based on perceptions of rewards and costs, they get the best payoffs, or the greatest reward for the least cost”.
- Entrapment: subjected to repeated sexual abuse without intervention, the child victim holds little hope for rescue or a timely end to the abuse.
- Accommodation: psychological equity is achieved by distorting reality in order to convince themselves that the treatment they are receiving is deserved.

## Social–Cognitive Model

49

- Proposed by Bussey and Grimbeek in 1995, with citation of the Bandura's theory.
- Four sociocognitive determinants of disclosure: attention; retention; production; and motivation.
- “The course of disclosure will vary according to children's cognitive capabilities, social experience, and the particular situation in which they find themselves.”
- Lower rates of disclosure among older children: with increased cognitive abilities and social experience, children become more aware of the costs and benefits of disclosure.  
→ children's disclosure will be more self-regulated as they mature.

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## PRACTICE AND POLICY IMPLICATIONS

## Ways to prompt disclosure

51

- Fostering an environment where children feel safe to talk about things that are worrying them and feel they have someone they can turn to.
- Services reaching out through awareness-raising campaigns
  - Emphasise things such as confidentiality and respect, which children feel are important
  - Promoting services in schools
  - Developing child- and young person-friendly methods of accessing services (e.g. eye-catching leaflets and websites).

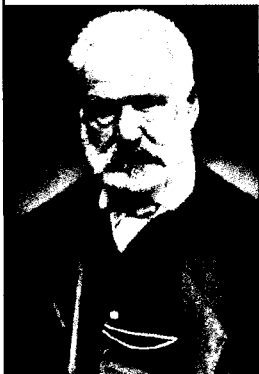
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THANKS FOR YOUR  
PARTICIPATION!

## 影響兒童揭露(受性侵害)的 社會情緒及動機因素

行政院衛生福利部桃園療養院  
兒童青少年精神科主治醫師 劉士愷

**NO ONE EVER KEEPS A  
SECRET SO WELL AS  
A CHILD.**



--Victor Hugo, *Les Misérables*



## 兒童真的不會說出受性侵經驗?

- 許多研究顯示兒童經常延遲揭露受性侵的經驗，或者到成年都還保密。(Finkelhor, Hotaling, Lewis, & Smith, 1990; Smith et al., 2000; Sorenson & Snow, 1991)
- 46 to 69 % 童年受性侵的成人倖存者從未在兒童期透露此事。(Smith et al., 2007; Kogan, 2005; Jonzon and Lindblad, 2004)

## 揭露：停止侵害的鑰匙

- 大部分確認起訴的性侵案件中，受害人的證詞是性侵事件的(唯一)主要證據。(Rieser, 1991)
- 兒童受害人常會撤回告訴，然後又再提出確認。(93% of recantations). (Sorenson and Snow, 1991)
- 否認與撤回常會影響兒童證詞的說服力，並導致性侵案的司法狀態更為複雜。(Myers, 1992)
- 兒童承受侵害的時間越久，對於長期不良預後的風險性越高。(Arata, 1998; Conte & Schuerman, 1987; Kendall-Tackett, Williams, & Finkelhor, 1993)

## 什麼是「揭露」?

- 狹義來說，是指在官方情境中單次的「陳述」  
(例如在警局筆錄或社工會談)
- 在現實中，揭露受性侵的經驗可以發生在多種情境及使用多種方式。(Alaggia, 2004)
  - 意外性的揭露(accidental disclosure)
  - 目的性的揭露(purposeful disclosure)
  - 激勵下或誘導下的揭露(prompted/elicited disclosure)

## 非語言的揭露

- 當非語言性的線索也被視為揭露的一部分，揭露就成為一種更為複雜的過程，涉及意識或無意識的「陳述」行為的累積。(Alaggia, 2004; Lindblad, 2007)
- ➔ 並不容易辨識出來。

## 揭露的潛伏期

- 當兒童真的說出受侵害的情形，通常已經過相當長的時間。(London *et al.*, 2007 )
  - 即使有37-42%的個案在案發48小時內就揭露，其他個案常延遲到六至十二個月。(Goodman *et al.*,1992)
  - 不到1/4的個案會立即揭露。(Gomes-Schwartz *et al.*, 1990; Kelley *et al.*, 1993)
  - 有研究顯示平均延遲的揭露時間為3年。(Oxman-Martinez, Rowe, Straka, & Thibault, 1997)

## 即使當證據十分足夠...

- 39% 的兒童個案在接受治療之前，從未透露自己受性侵的經驗。
- 其中有17%的個案受侵害已經超過一年以上。(Gomes-Schwartz *et al.*,1990).

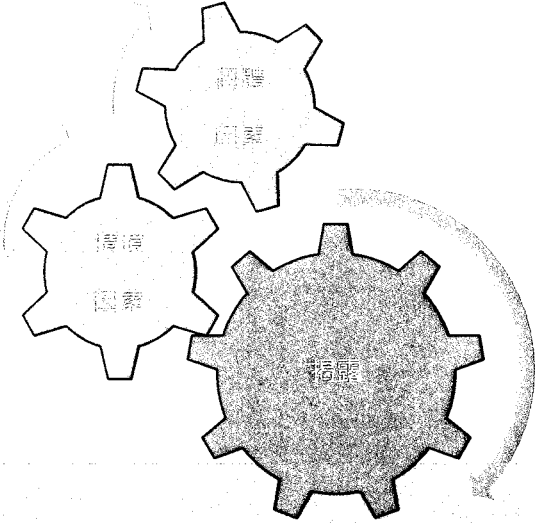
## 其他問題:撤回

- 撤回其實並不如之前以為的量高。
- 但是還是有4-27%的兒童個案被報告有撤回初次揭露的情形。(Bradley and Wood, 1996; Gonzales et al, 1993; Bybee and Mowbray, 1993)

□ 所以，甚麼阻擋了兒童揭露？

Cosette, A character OF Les Misérables





11

過去的研究文獻均強調：了解**個體及情境因素**如何抑制或鼓勵揭露性侵害事件的重要性。(Allnock, 2010)

## 性侵害的情境因素

- 侵害情形及受害者的特性
- 受害者與加害者的關係
- 加害者選擇與調教(grooming)的過程
- (加害者)取得與維持(受害者)順從與保密的策略

## 侵害情形及受害者的特性

侵害的嚴重程度  
性別  
年齡  
身心障礙兒童  
種族與文化弱勢者

## 侵害的嚴重程度

- 一項大型研究顯示，兒童受侵害的嚴重程度最極端者，最不容易揭露。(Gomes-Schwartz *et al.*, 1990)
  - ▣ 54% 遭受性交(intercourse)的個案不曾揭露;
  - ▣ 50% 遇到對方性行動的企圖(attempted sexual activity)或未接觸的性侵害(noncontact forms of sexual abuse)的個案不曾揭露。

## 性別與揭露

15

- 關於兩者的相關性，研究有不一致的結論。
- 但是男孩受侵害的低報告(underreport)應為顯著的問題。(Violato & Genius, 1993)
- 多項研究顯示，青春期男性最少提出自身受性侵害的報告。(Hecht & Hansen, 1999; Lamb & Edgar-Smith, 1994; Watkins & Bentovim, 1992)
  - 男性的社會化角色：勇敢、同性戀的禁忌；
  - 男孩害怕被標籤化(stigmatized)為同性戀和/或受害人 (Alaggia, 2005)；
  - (\*以前的情形?) 成熟女性/年輕男孩的性關係與遐想 (fantasies) (Hecht & Hansen, 1999; Jennings, 1993).

## 性侵事件發生時的年齡

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- 多數的研究並未在(案發或評估時)年齡議題上做區分；有此嘗試者則得出不一致的結論。(Allnock, 2010)
- 有一項研究顯示受害青春期女性年紀較輕(<14y/o)者，較年長者會揭露的較多。(Kogan, 2004)
- 有些研究則呈現相反結果。(Everill and Waller, 1995; Kellogg and Hoffman, 1995)
- 不過，兒童在性侵事件發生時的年齡可能會成為其所能揭露程度的上限。(Brilleslijper-Kater et al., 2004)

## 司法會談時的年齡

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- 兒童的年齡會影響其理解性侵害、保守秘密、口頭描述事件的能力，而影響了司法會談時揭露的可能性。
- 多數研究顯示較年長的兒童比較可能在司法會談中揭露。(Lippert, et al., 2009)
- 但是，就揭露的細節及可靠度：有些研究顯示年幼者的陳述較模糊，但有些則認為無相關。有一項研究則顯示五歲以下幼童比較大者，反而可以提供較清楚的揭露(70% vs. 34%)。(Bybee and Mowbray, 1993)

## 學齡前兒童

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- 在正式的調查情境中，學齡前兒童明顯較不容易說出。(Dipietro, Runyan, & Fredrickson, 1997; Keary & Fitzpatrick, 1994)
- 年幼兒童在揭露前，較(年長者)可能需要第二次會談。(Gries, Goh, & Cavanaugh, 1996)
- 學齡前兒童在正式調查前的揭露(例如對警察或社工)，與年長者相較，比較像是未經計劃的(unplanned)，而且與當下某一促成事件相關，而非目的性的。(Campis, Hebden-Curtis, & Demaso, 1993)



第一次會談(媽媽陪)：沉默不語、戒備。

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第二次會談(哥哥陪)：玩遊戲時可以有短句口語回應。遊戲中被詢問到身體部位時，變得非常焦慮。哥哥被問到有關親戚的事時，變得非常防衛。「你問這個幹麼?!」

第三次會談(媽媽陪)：可以和(女性)社工師玩電話交談遊戲，但是對回答問題仍顯得抗拒。

第四次會談(媽媽陪)：畫圖時可以分享；玩電話交談遊戲時可以被問問題，但是問到和案情相關的時候，就低頭或背對，只答「忘記了」。

第五次會談(媽媽陪)：玩了三十分鐘，安排媽媽去洗手間。個案邊玩邊透露：「阿公戳我屁屁」。

~評估時3歲11個月，女性。發生一次(以上?)手指性侵。

案母表示評估前7個月，個案即曾提及「屁屁痛痛」、「是阿公」。但請案父聽個案陳述時，個案就不肯再說。

評估前一個半月左右，個案有再度提到「阿公壞壞」、「爸爸進來用拳頭拋阿公」等事，但案母想要詢問詳情時，個案又說「沒有」、「爸爸說不能說」。

## 身心障礙兒童

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- 多項研究提到極高比例的身心障礙兒童為性侵害的受害人。(Browning & Boatman, 1977; Goldman, 1994; Sullivan & Knutzon, 2000)
  - 視障、聽障、語言障礙、健康狀況不良、智能障礙、學習或肢體有障礙、行為障礙等。
- 身心障礙兒童在揭露時更容易遇到特別的困難。(Goldman, 1994; Saywitz et al., 1993)
  - 因其障礙所致的身體及社會的孤立無援(isolation)，溝通能力的障礙，較一般人需要依賴與易受傷性(vulnerability)。
  - 其揭露(尤其認知功能有損害者)較容易被認為缺乏可靠性。

## 2011年性侵害事件通報被害及加害人概況統計

	合計	非身心障礙	智障	視障	精神病患	聲(語)障	聽障	肢障	多重障礙	其他障礙
計	6,049	5,019	540	11	206	23	62	44	46	98
男	605	453	78	1	11	1	19	5	10	27
女	5,352	4,497	449	10	192	22	41	39	33	69
不詳	92	69	13	-	3	-	2	-	3	2

## 種族與文化弱勢者

- 種族與文化弱勢者揭露時可能有更多的阻礙。(Paine, 2002)
- 可能的「額外的」揭露阻礙：語言隔閡，社會孤立，擔憂移民狀態或被驅逐出境，不公平待遇，缺乏對家庭及社區支持系統的知識，缺乏對特定族群的服務機制，種族歧視，主流架構對文化議題的不敏感性，信仰系統的差異性及價值觀的不同。(Kazarian and Kazarian, 1998)

## 性侵害的情境因素

- 侵害情形及受害者的特性
- 受害者與加害者的關係
- 加害者選擇與調教(grooming)的過程
- (加害者)取得與維持(受害者)順從與保密的策略

## 受害者與加害者的關係

- 加害人相較於受害兒童，經常處於力量及權威(power and authority)的位置，而且/或負責提供兒童照顧的角色。(Berliner & Conte, 1995; Elliott et al., 1995; Sorenson & Snow, 1991).
- 在許多案例中，加害人也經常是受害兒童生活中填補其重要的匱乏的角色。(Berliner & Conte, 1990).
  - 多數受害兒童對於與加害人的關係的描述為正向的。
  - 有許多則對加害人呈現了矛盾的情緒(ambivalent feelings)。

## 熟悉，情感上親近和重要的加害人

- 相當多的研究均顯示，對家內性侵(尤其兒童與加害人關係親近程度高時)揭露的時間會延遲。(Smith et al, 2000; Goodman-Brown et al, 2003; Hershkowitz, et al, 2007; Sauzier, 1989; DiPietro, 1997; Sca, 1993; Sjoberg and Lindblad, 2002; Wyatt and Newcomb, 1990; Ussher and Dewberry, 1995)
- 而且，侵害的時間越長，兒童對揭露會越感遲疑。(Arata, 1998; Mendelsohn, 1994)
- 可能的理由：有較強的恐懼會背叛父或母親，會被懲罰及/或其他不利後果。

## 加害者選擇與調教(grooming)的過程

- 研究顯示，加害者有選擇特定加害對象(自己的小孩，及/或選擇「被動、安靜、有困擾的(troubled)、孤單的兒童，來自單親或破碎家庭」)的傾向。(Budin & Johnson, 1989)
  - 他們可能會尋找特別會信任他人的兒童(Conte et al., 1987) 並預先安排建立信任關係，然後再實施侵害。(Budin & Johnson, 1989; Conte, Wolfe, & Smith, 1989; Elliott et al., 1995; Warner-Kearney, 1987)
  - 和被害家屬建立信任關係的情形也並不少見。(Elliott et al., 1995)
- ➔ 以建立更容易接近及控制兒童的管道！

## (加害者)取得與維持(受害者)順從與保密的策略

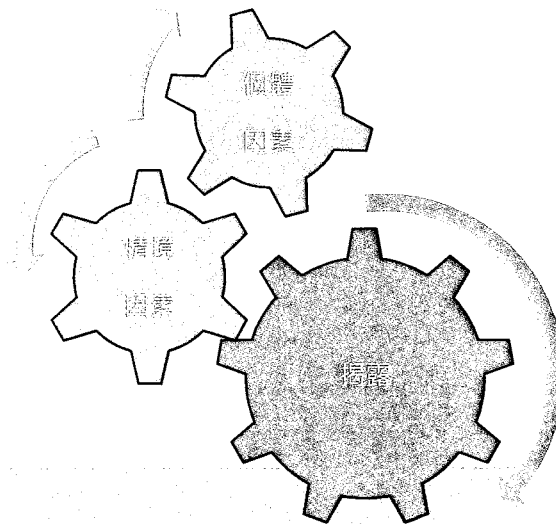
- 研究顯示加害人會採用漸進的過程( **gradual process**)，而使侵害是在兒童發覺其有性相關(**sexual**)或不恰當的情境前，已然進行。(Berliner & Conte, 1990; Conte *et al.*, 1989)
- 取得與維持(受害者)順從與保密的策略，包括：
  - 增加或減少引誘物(注意程度、物質、特殊權力)
  - 扭曲社會道德或標準，和/或侵害行為(的意義)
  - 將對性侵的責任外化，加諸於兒童
  - 警告兒童會被負面評價、指責、和/或懲罰。

## 兒童揭露的情境因素

- 對信賴者的揭露

## 信賴者的選擇

- 大多數兒童(41.8–57%)第一次揭露的對象為父母親或是父母形象(parent-figure)的對象。(Berliner & Conte, 1995; Gomes-Schwartz *et al.*, 1990; Lamb & Edgar-Smith, 1994; Lynch *et al.*, 1993; Roesler & Wind, 1994)
  - 選擇他們認為最可能相信自己陳述的人 (Abrahams, 1996)
  - 有些研究顯示對父母(29%)和對朋友(27%)是相當的。(Henry, 1994)
  - 有些則以密友為最多，其次為母親、其他親人及社區中的非家人。(NSPCC (of UK), 2005 ;Elliott and Briere, 1994)
- 在一項以報告有兒時受性侵的女性大學生研究中，自述有揭露的40%中，58%告訴自己的母親，54%告訴手足或朋友，36%告訴父親，而26%告訴其他成人。  
→密友或母親>父親>其他成人



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過去的研究文獻均強調：了解個體及情境因素如何抑制或鼓勵揭露性侵害事件的重要性。(Allnock, 2010)

## 影響揭露的動機因素

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- 與自我(self)相關者
- 與家庭/所愛的人相關者
- 與加害者相關者

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## 與自我(SELF)相關者

「參與者」的責任  
對性侵的羞恥感與標籤化  
擔心不被他人相信  
被加害人威脅

## 「參與者」的責任

- 多數兒童感覺到自己對於受侵害事件有責任。  
(Ney, Moore, McPhee, & Trought, 1986)
  - 感知到在與加害者的「關係」中，自己為有意願的參與者 (Berliner & Conte, 1990; Kaufman *et al.*, 1996)
  - 感知到自己是「共謀者」，為維持保密而努力。  
(Furniss, 1991; Summit, 1983)

## 對性侵的羞恥感與標籤化

- 擔憂會被其他人指責或負面地評價。(Berliner & Conte, 1995; Gomes-Schwartz *et al.*, 1990; Sauzier, 1989)
- 對於打破答應守密的承諾而遲疑。(Bussey, Lee, & Richard, 1990, reported in Bussey & Grimbeek, 1995)
- 如前述，男性受害者還有對性的固定思考模式和對同性戀的標籤化的困境。(Lynch *et al.*, 1993; Reinhart, 1987; Summit, 1983; Watkins & Bentovim, 1992).



## 擔心不被他人相信

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- 研究顯示，有17%的兒童的初次揭露，最後並未獲得介入。(Gomes-Schwartz *et al.*, 1990)
  - 這些個案約有一半對未獲介入的歸因是，因為自己所信賴的人不相信自己。
  - 其他個案則歸因為自己所信賴的人未能成功阻止性侵犯的繼續發生。
- 大約52%的亂倫成人倖免者報告，在對雙親的另一位揭露後，侵害仍然持續了一年以上。(Roesler & Wind, 1994)

## 被加害人威脅

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- 加害人經常會要求、賄賂，及/或威脅受害者保密。(Berliner & Conte, 1990; Pipe & Goodman, 1991; Kaufman *et al.*, 1996)
- 對個人的威脅可能包括身體傷害、懲罰、縮減物質提供、特權，或是情感(的支持)。

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「我有跟媽媽說，不要爸爸幫我洗澡...」

「我不敢跟他說」，「因為他很兇、怕他會罵人。」

~評估時10歲5個月，女性。受侵害約6年多。  
案母因為遭遇家暴，社工到校探視個案及案妹才發現，進而安置。案母承認個案及案妹曾經向自己表示不想讓案父協助洗澡，但是自己忽略了。

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## 與家庭/所愛的人相關者

保護家人不受傷害

保持家庭團聚

## 保護家人不受傷害

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- 兒童經常被警告如果洩密，他們的家人或所愛的人會有情緒上或身體上的傷害。(Berliner & Conte, 1990; Lyon, 1996; Sauzier, 1989, Summit, 1983)
- 兒童也經常被賦予：
  - 對於加害人及/或自己家人的安全與福祉有責任。
  - 藉由保密而有保護家人及/或加害人的力量。(Summit, 1983)

## 保持家庭團聚

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- 兒童會害怕揭露將因為離婚、分居、安置兒童及手足，導致中斷或瓦解家庭。(Sauzier, 1989; Summit, 1983).
- 在某些個案，兒童甚至是被家庭成員或其他人施壓，要求保密。(Furniss, 1991; Rieser, 1991; Sorenson & Snow, 1991; Summit, 1983)

## 與加害者相關者

創傷連結  
順應性侵害關係的動力

## 與加害者相關者

- 加害者傾向鎖定有情緒需求、易受傷害的兒童，不僅利用他們的性慾(*sexuality*)，也利用他們對注意力和情感的需求。
- 有時加害者會威脅如果兒童洩密，將要自殺或自傷。
- 創傷鏈結(*Traumatic bonding*) (deYoung & Lowry, 1992; Furniss, 1991)
- 順應性侵害關係的動力(*Accommodation to abuse dynamics*) (Summit, 1983, 1992)

## 創傷連結

### Traumatic bonding (deYoung & Lowry, 1992)

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- The evolution of emotional dependency between two persons of unequal power — an adult and a child, within a relationship characterized by periodic sexual abuse.
- The nature of this bond is distinguished by feelings of intense attachment, cognitive distortions, and behavioral strategies of both individuals that paradoxically strengthen and maintain the bond.

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- a “pseudonormal” interactional pattern
- “The camp guard and the terrorist are not only people who threaten life and integrity. They are at the time the perverted provider of life, maintenance and external care, and even of positive emotional attention.”
- A primary punitive approach towards abusers is therefore a strong external factor for children to maintain secrecy and not to disclose  
(Furniss, 1991, p. 30)

## 揭露過程的模式

- 兒童性侵害順應症候群(The Child Sexual Abuse Accommodation Syndrome, CSAAS)
- 揭露的社會交換模式(Social Exchange Model of Disclosure)
- 社會認知模式(Social-Cognitive Model)

## 兒童性侵害順應症候群(The Child Sexual Abuse Accommodation Syndrome, CSAAS)

- 1983年由Summit提出。
- 並未經由實證確認，但是廣受臨床工作者運用。(Bussey & Grimbeek, 1995)
- 五種組成: (a) 保守秘密(secretcy); (b)無助感(helplessness); (c)陷入困境並調適(entrapment and accommodation); (d)延遲揭露(delayed, unconvincing disclosure); 及 (e)撤回說法(retraction)。

- 但是CSAAS並未在重複研究中出現相同的結論 (Sorenson and Snow, 1991), 之後的回顧分析如此解釋 (Bradley and Wood, 1996) :
  - ▣ 研究的環境不同(心理治療室vs.兒童保護機構)
  - ▣ 不同的會談技術
  - ▣ 兒童有不同的社會期待
  - ▣ 研究資料來源不同
- 或許早期臨床人員觀察到的揭露現象，因為兒童性侵害研究領域的進展，已經有所改變。

## 揭露的社會交換模式

### Social Exchange Model of Disclosure

- Proposed by Leonard in 1996 on CSAAS.
- “individuals pursue those social relationships and interactions in which, based on perceptions of rewards and costs, they get the best payoffs, or the greatest reward for the least cost”.
- Entrapment: subjected to repeated sexual abuse without intervention, the child victim holds little hope for rescue or a timely end to the abuse.
- Accommodation: psychological equity is achieved by distorting reality in order to convince themselves that the treatment they are receiving is deserved.

## 社會認知模式 Social-Cognitive Model

- Proposed by Bussey and Grimbeek in 1995, with citation of the Bandura's theory.
- Four sociocognitive determinants of disclosure: attention; retention; production; and motivation.
- "The course of disclosure will vary according to children's cognitive capabilities, social experience, and the particular situation in which they find themselves."
- Lower rates of disclosure among older children: with increased cognitive abilities and social experience, children become more aware of the costs and benefits of disclosure.  
→ children's disclosure will be more self-regulated as they mature.

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實務與政策的應用



## 促進揭露的可能方法

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- 建立一個讓兒童談論他們擔憂的事情，可以感覺安全的環境，並覺得有人可以求助。
  - 經由提升知覺的活動，將服務深入社區
  - 強調保密性及尊重等，兒童重視的議題
  - 在學校中宣導服務(內容與方式)
  - 發展出對兒童青少年友善的接觸服務方式(例如引人注目的宣傳品和網站)

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謝謝您的參與！

Day1 : 2013/09/09

## Session 3

# 專題研討三

15:20~17:20

Child Sexual Abuse Cases in Taiwan :  
Challenges and Strategies

兒童性侵害案件詢(訊)問實務的挑戰  
與策略

Moderator 主持人

**王珮玲博士 Wang, Pei-ling, Ph. D.**

### **學術專長 / Research Interests**

家庭暴力防治、性別與暴力、危險評估、網絡合作方案倡議與評估

Domestic Violence, Gender and Violence, Violence against Women, Risk Assessment

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Before joining the university faculty in 2004, Dr. Wang was police officer of Criminal Investigation Bureau, and section chief of the Domestic Violence and Sexual Assault Prevention Committee, Ministry of Interior, Taiwan. She collaborated with authorities to establish police protocols for responding to domestic violence, and initiated the TIPVDA to assist practitioners to assess the abused women's danger. Dr. Wang's research to date has focused on gender and violence issues, including intimate partner violence, risk assessment, domestic violence, and the effects of protection order.

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Ph.D., Criminal Justice, School of Criminal Justice, Rutgers University, U.S.A.

Speaker 講師：Dr. Thomas D. Lyon 簡歷，詳見專題研討一(Session1)。

Discussant 與談人

**余麗娟副隊長 Li-Chuan Yu, Deputy Captain**

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## Challenges and strategies for reluctant disclosing children

Thomas D. Lyon  
University of Southern California  
Modern Women's

Foundation Conference on the Forensic Interviewing of  
Children and People with Intellectual Disabilities in Sexual  
Abuse Cases, Taipei, Taiwan, September 9, 2013

## Rates of non-disclosure and recantation

- Most adult survey respondents reporting sexual abuse never disclosed as child (London et al., 2008; Lyon, in press)
- Children seen at hospital with genital gonorrhoea without prior suspicion of abuse: < 50% initially disclose abuse (Lyon, 2007)
- High rates of disclosure in forensic samples attributable to fact that most sexual abuse is discovered *because the child discloses*.
- 23% of sexually abused children in dependency court recanted (Malloy, Lyon, & Quas, 2007)

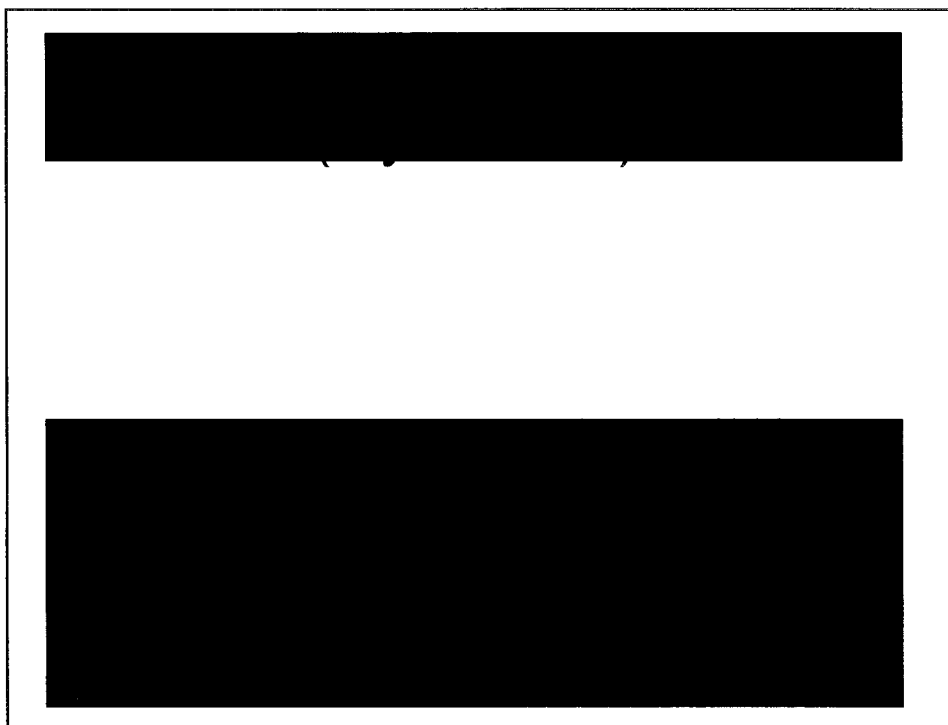
## Why Recantations Occur

- Children under ten (Gordon & Jaudes, 1996; Gries et al., 1996; Keary & Fitzpatrick, 1994; Malloy, Lyon, & Quas, 2007)
- Unsupportive caretaker (Elliot & Briere, 1994; Malloy et al., 2007)
- Perpetrator in the household (Malloy, et al., 2007)
- Foster care?
  - Actually showed slightly lower rates of recantation (Malloy et al., 2007)
- Indication that initial allegation was false?
  - Recantation rates not lower among cases with more corroborative evidence (which one should expect if recantation is evidence that the allegation is false) (Malloy et al., 2007).

## Recantation recommendations:

### 1) Ask about prior disclosures

- Child likely to
  - Acknowledge prior disclosures, which may evolve into new disclosure
  - Deny prior disclosures, which can be easily impeached



Q: Now I heard something about, um, when you were living, um, before you were living with AJ. Can you tell me about that?

A: Before?

(long pause)

A: I told a lie about my Grandma.

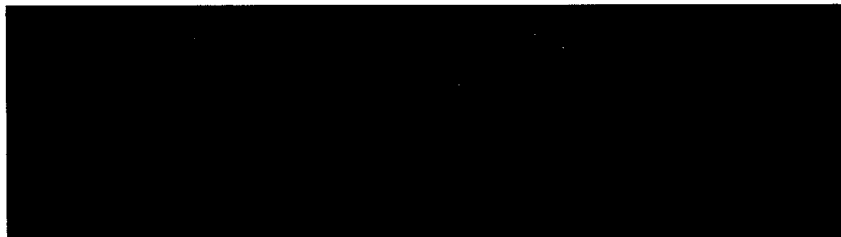
Q: Mm-hm.

A: And I told the truth, it didn't happen. Q: I see, you told a lie about your Grandma, and you told the truth, it didn't happen. Tell me more about that.

A: Like, I said guys were coming over to do inappropriate stuff with me, but they weren't...

Q: And what did you say about, about the white stuff.  
A: I said I had to like, suck it...  
Q: What did you mean by that?  
A: Choked on the white stuff... Q: Uh-huh?  
A: ...and everything.  
Q: Yeah, and then what happened?  
A: And then... and then, I almost choked... Q: Uh-huh?  
A: And then and then he went out the window.  
Q: I see. You said you almost choked?  
A: Yeah. Q: What did you mean by that?  
A: Choked on the white stuff...

## Case Study: Stephanie (12 years old)





## Denial of prior disclosures

A: I was talking about a movie to, to that lady, and.

Q: Tell me about the movie you were talking about.

A: It was like a cartoon, but she went to go tell a different story to the, to the principal, and I'm like, "Nothing has happened to me. Nothing has, nobody has never touched me. I'm taking care of myself. Nobody has ever touched me." And the principal went to go, went to go call the police, but I'm like, "But nothing has never happened to me," and the lady that I told you that told on me was very....But it was just like a cartoon only. And she went to go tell a different story. And I told, and I told the principal, "You know what, he has never touched me. I love my step dad, and I don't know what she's talking about because she's been completely out of her mind."

## Recantation Recommendations: 3) Inquire into motivations

- Non-judgmental interview can elicit parental pressures
- Child will have difficulty in explaining why she would make a false allegation (particularly if she hopes to convince you that the perpetrator is flawless).

## Explanation of Motive

Q: Help me understand how or why you kept saying the same thing to them if it really did not happen.

A: You know, I made this up because I was, like I told you, I was very upset.

Q: Mm-hmm.

A: I was very upset and um.

Q: What was it that your step dad did to you that made you mad?

A: He didn't do nothing to me.

Q: But you said you were upset because you were mad at him.

A: I wasn't mad at him.

Q: OK, so why did you, why did you keep saying all these things about him if it wasn't true?

A: Because a lie came up to my heart. [Plus?] I'm swearing to the judge, and I will never tell lies again, and my mom because I love my mom and I don't want her to get sad.

## Questions for prior disclosures & motivations

- Tell me everything you said...
- What made you say those things...
- What did your mom think/say about
  - The things you said?
  - Your stepfather?
  - What will happen now?
- How did you feel about going to foster care?
- What do you want to happen now?

## Recantation recommendations:

### 3) Elicit a promise to tell the truth

- Talwar, Lee, Bala, & Lindsay, 2002
- Talwar, Lee, Bala, & Lindsay, 2004
- Leach, Talwar, Lee, Bala, & Lindsay, 2004
- Lyon & Dorado, 2008
- Lyon, Malloy, Quas, & Talwar, 2008
- Evans & Lee, 2010

Stephanie (12 years old)

Promise to tell the truth

Q: OK, I'm going to ask you some questions, Stephanie, about what did happen, or how this whole thing started, but we talked about a truth and a lie. Do you promise to tell *me* the truth today?

A: Um, [pause] I don't, I don't [pause]

Q: You're not sure?

A: I don't know because um, like I told you, I told my lawyer a lie. I told her a lie. He had *never* touched me. Never, ever touched me.

## For more information

- [tlyon@law.usc.edu](mailto:tlyon@law.usc.edu)
- Search “bepress lyon” for reprints of articles, etc.

## 挑戰與策略 - 遲疑揭露的兒童

Thomas D. Lyon

美國南加州大學

現代婦女基金會

兒少及智能障礙性侵害案件詢問工作研討會 · 台灣台北 ·

2013 年 9 月 9 日

## 不揭露與撤銷證詞之比率

- 大部分在訪問中自述曾遭性虐待的成人受訪者，不曾在兒童期揭露此事 (London et al., 2008; Lyon, 付印中)
- 在醫院發現有生殖器淋病，而先前未曾被懷疑受虐的兒童： $< 50\%$  在一開始就會揭露虐待 (Lyon, 2007)
- 鑑識樣本的高揭露率，可歸因於大部分性虐待被發現的契機來自兒童揭露。
- 監護失職裁判中，有  $23\%$  受到性虐待的兒童撤銷證詞 (Malloy, Lyon, & Quas, 2007)

## 為何會撤銷證詞

- 10 歲以下兒童 (Gordon & Jaudes, 1996; Gries et al., 1996; Keary & Fitzpatrick, 1994; Malloy, Lyon, & Quas, 2007)
- 照顧者未給予支持 (Elliot & Briere, 1994; Malloy et al., 2007)
- 加害人同住家中 (Malloy, et al., 2007)
- 寄養？
  - 實際上撤銷證詞的比率略低 (Malloy et al., 2007)
- 表示自己原先的指控為誣告？
  - 證據較為確切的案例，撤銷證詞的比率並未較低 (這是合理的結果，因為撤銷證詞即可能表示撤銷證詞顯然代表原先的指控為誣告) (Malloy et al., 2007)。

## 對撤銷證詞的建議：

### 1) 詢問先前的揭露內容

- 孩子可能會
  - 承認先前的揭露內容，並可能繼續揭露新的內容
  - 否認先前的揭露內容，很可能受到質疑



問：我聽說，妳和 AJ 一起住以前，  
發生過一些事。可以告訴我嗎？

答：以前嗎？

(長時間的停頓)

答：祖母的事情，我說謊了。

問：嗯。

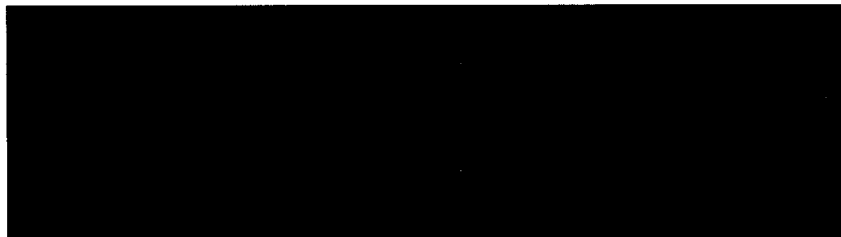
答：然後我改說實話，沒發生過那  
些事。

問：我瞭解了，妳祖母的事情，妳說  
了謊。然後妳又改說實話，沒發  
生過那些事。跟我多說一些。

答：比方說，我說那些傢伙來和我做  
不該做的事，但其實他們沒有...

問：之前妳提過白白的東西，妳說了什麼？  
答：我說我得，吸...  
問：妳的意思是？  
答：被白白的東西嗆到...  
問：然後呢？  
答：...之類的。  
問：好，然後發生什麼事？  
答：然後...然後，我差點嗆到...  
問：然後呢？  
答：然後，然後，他就從窗戶離開。  
問：我瞭解了。你說妳差點嗆到？  
答：對。  
問：妳的意思是？  
答：被白白的東西嗆到...

## 案例研究：史蒂芬妮 (12 歲)





## 否認先前的揭露內容

答：我正在跟，那位女士聊一部電影，然後。

問：告訴我妳們在聊什麼電影。

答：那是一部卡通，但是她跑去跟，跟校長說的內容完全不一樣，然後我就說：「什麼事都沒有。沒事，沒人碰過我。我自己照顧自己。從來沒人碰我。」然後校長就去，去打電話報警，可是我說：「但是什麼事都沒有。」然後我剛剛跟你說那個打小報告的女士她很...但是那就只是一部卡通片。然後她就跑去說不一樣的事。然後我，我就跟校長說：「你知道嗎，他從來沒有碰過我。我愛我的繼父，我不知道她在說什麼，因為她完全是在發神經。」

## 對撤銷證詞的建議：

### 3) 調查動機

- 非批判性的訪談可以誘導孩子說出是否有家長的壓力
- 孩子會無法說明之所以誣告的原因 (尤其是在她想說服你加害者的人格十分完美時)。

## 解釋動機

問：我不太懂，如果沒發生事情的話，為什麼妳要重複說同一件事，內容也都一樣，可以跟我說嗎？

答：嗯，那是我編出來的，因為我，我說過啦，我很不開心。

問：嗯。

答：我很不開心，呃。

問：繼父做的什麼事讓妳很生氣？

答：他什麼也沒做。

問：可是妳說過，因為妳很生他的氣所以不開心。

答：我沒有生他的氣。

問：好，如果不是真的，那妳，那妳為什麼要一直說他的這些事呢？

答：因為我就突然想到那個謊話。[還有？]

我有跟法官發誓，我絕對不會再說謊了，我媽，因為我愛我媽，我不想讓她難過。

## 與原先之揭露 & 動機有關的問題

- 告訴我你說的全部內容...
- 為什麼你會說...
- 你媽媽是怎麼想的/說了什麼，關於...
  - 你說過的話？
  - 你的繼父？
  - 現在會怎麼樣？
- 去寄養家庭讓你有什麼感覺？
- 你現在希望怎麼樣？

## 對撤銷證詞的建議：

### 3) 引導孩子說實話

- Talwar, Lee, Bala, & Lindsay, 2002
- Talwar, Lee, Bala, & Lindsay, 2004
- Leach, Talwar, Lee, Bala, & Lindsay, 2004
- Lyon & Dorado, 2008
- Lyon, Malloy, Quas, & Talwar, 2008
- Evans & Lee, 2010

## 史蒂芬妮 (12 歲)

### 答應說出實情

問：好，史蒂芬妮，我要問妳幾個問題，才能知道究竟發生了什麼事，或是整件事是如何開始的。我們已經討論過說實話和說謊的問題了。妳能答應我，等一下會對我說實話嗎？

答：呃，[停頓] 我，我不能 [停頓]

問：妳不確定？

答：我不知道，因為，嗯，我說過啦，我對律師撒了謊，我對律師說謊。他從來沒有碰過我。從來就沒有碰過我。

## 聯絡資訊

- [tlyon@law.usc.edu](mailto:tlyon@law.usc.edu)
- 如需文章複本，請搜尋「bepress lyon」。

Speaker 講師

## 丘彥南醫師 Yen-Nan Chiu, Attending Physician

### 學術專長 / Research Interests

兒童青少年精神醫學；兒童虐待；司法精神醫學；心理治療；社區及照會精神醫學

Child and Adolescent Psychiatry; Child Abuse; Forensic Psychiatry; Psychotherapy; Community and Consultation Psychiatry

### 經歷 / Positions

#### 現任 / Current Positionss

臺大醫院精神醫學部主治醫師；台北市少年輔導委員會指導小組委員；臺灣兒童青少年精神醫學會常務理事；台北市教育局特殊教育學生鑑定及就學輔導委員會委員；亞洲兒童青少年精神醫學會(ASCAPAP)財務長；國立臺灣大學醫學院醫學系精神科兼任講師；臺灣精神醫學會會員；臺灣兒童青少年精神醫學會會員；中華心理衛生協會會員

Attending physician, Department of Psychiatry, National Taiwan University Hospital; Standing director, Taiwanese Society of Child and Adolescent Psychiatry; Committee member, Committee for Assessment and Guidance of Students with Special needs, Educational Bureau of Taipei City; Treasurer, Asian Society for Child and Adolescent Psychiatry and Allied Professions; Lecturer, Department of Psychiatry, College of Medicine, National Taiwan University; Association for Medical Doctors of R.O.C.; Member, Association for Medical Doctors of Taipei City; Member, Taiwanese Society of Psychiatry; Member, Chinese Mental Health Association; Member, Taiwanese Society of Child and Adolescent Psychiatry; Supervisor consultant, Work Team of Committee of Adolescent Guidance Affair, Taipei City.

**曾任 / Professional Experiences**

中華民國少尉醫官；臺大醫院精神科住院醫師；署立桃園療養院兼任主治醫師、兒童青少年精神醫療團隊督導醫師；羅東博愛醫院兼任主治醫師；中華民國財團法人自閉症基金會顧問；中華民國精神醫學會（臺灣精神醫學會）副秘書長；國立成功大學附設醫院精神科兒童青少年醫療督導醫師；勵馨社會福利事業基金會顧問；光智社會事業基金會士林地區青少年心理衛生中心兼任主治醫師；中華民國過動兒協會理事；中華心理衛生協會副秘書長；台北市少年輔導委員會指導小組委員；臺灣兒童青少年精神醫學會理事、理事長、常務理事；第三屆亞洲兒童青少年精神醫學學術研討會學術節目委員會委員；亞洲兒童青少年精神醫學會(ASCAPAP)副秘書長；財團法人臺大景福基金會景福醫訊編輯委員；臺北市家庭暴力暨性侵害防治委員會委員；第十九屆世界兒童青少年精神醫學學術研討會暨第六屆亞洲兒童青少年精神醫學學術研討會學術節目委員會委員(the 19<sup>th</sup> IACAPAP World Congress and the 6<sup>th</sup> ASCAPAP Congress)；國際健康功能與身心障礙分類系統（ICF）推動計畫：心智與神經系統功能構造小組召集人

Lieutenant medical officer, Military service; Resident Department of Psychiatry, National Taiwan University Hospital; Consultant physician (in child psychiatry), National Taoyuan Mental Hospital; Consultant physician(in psychiatry), Department of Psychiatry, Po-Ai Hospital; Consultant, Foundation for Autistic children of Taiwan; Vice general secretary, Taiwanese Society of Psychiatry; Consultant physician (in child psychiatry), Department of Psychiatry, National Chung Kong University Hospital; Consultant, Lisheen Social Welfare Foundation; Consultant physician (in child psychiatry), Shi-Lin Child and Adolescent Mental Health Center, Kwanchie Social Welfare Foundation; Director, Association for Hyperactive Children of R.O.C; Vice General Secretary, Chinese Mental Health Association; Supervisor consultant, Work Team of Committee of Adolescent Guidance Affair, Taipei City; Director, Taiwanese Society of Child and Adolescent Psychiatry; President, Taiwanese Society of Child and Adolescent Psychiatry; Committee member, Committee of Continuous Medical Education, Taiwanese Society of Psychiatry; Committee member, Academic Committee of the 3rd Congress of Asian Society for Child and Adolescent Psychiatry and Allied

Professions; Vice secretary, Asian Society for Child and Adolescent Psychiatry and Allied Professions; Editorial member Jin-Fu Medical Bulletin; Committee member, Committee for Prevention and Intervention of Family Violence and Sexual Assault of Taipei City; Committee member, Academic Committee of the 19th IACAPAP World Congress and the 6d ASCAPAP Congress

### 證照 / Boards

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Medical Doctor of R.O.C.; Board of Psychiatry, Taiwan, R.O.C.; Board of Child and Adolescent Psychiatry (Taiwan, R.O.C.)

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## 蘇素娥庭長 Su-E Su, Presiding Judge

### **經歷 / Positions**

#### **現任 / Current Positions**

臺灣高等法院庭長；法務部司法官訓練所司法官班第 51 期、第 52 期講座

Presiding Judge, Taiwan High Court; Lecturer, the 51th & 52th Class, Judges & Prosecutors Training Institute, Ministry of Justice

#### **曾任 / Professional Experiences**

法務部司法官訓練所司法官班 30 期結業；臺灣士林地方法院法官；福建金門地方法院法官；臺灣士林地方法院法官；司法院刑事廳調辦事法官；臺灣士林地方法院法官；臺灣高等法院法官；臺灣臺北地方法院法官兼庭長；臺灣高等法院法官；司法院刑事廳調辦事法官；臺灣高等法院法官

Graduate of the 30th Class, Judge & Prosecutors Training Institute, Ministry of Justice.; Judge, Taiwan Shihlin District Court; Judge, Fuchien Kimen District Court; Judge, Taiwan Shihlin District Court; Judge, Criminal Department, Judicial Yuan; Judge, Taiwan Shihlin District Court; Judge, Taiwan High Court; Judge and Presiding Judge, Taiwan Taipei District Court; Judge, Taiwan High Court; Judge, Criminal Department, Judicial Yuan; Judge, Taiwan High Court

### **學歷 / Education**

國立臺灣大學法律系學士；美國加州大學柏克萊分校法律研究所碩士

LL.B., National Taiwan University; LL.M., U.C. Berkeley



# **Challenges and Strategies in Forensic Interview for Individuals with Intellectual Disability or Developmental Disorders**

YEN-NAN CHIU  
Department of Psychiatry, National Taiwan University Hospital

2013.9.9.

## **Introduction**

## Variables that affect the accuracy of children's statements

### Estimator Variables

Estimator variables refer to the qualities or conditions of a child (such as the child's age or whether the child's parents have coached the child on how to give testimonies).

These qualities or conditions cannot be controlled by the estimator.

However, if the estimator can learn of these variables, then the estimator can use the information to assess the authenticity of the child's testimony.

### System Variables

System variables refer to factors that can be controlled (such as suggestive questions or whether a child has been prepared prior to the procedure) by the legal professionals involved in the case (such as judges or attorneys), and these factors can affect the authenticity of a child's testimony. The accuracy of a child's testimony can be improved by adjusting the case or meetings after understanding these system variables. (Seelau & Wells, 1995)

## ***Problematic cases for the early forensic inquiry process.***

1. The child victim and the perpetrator were not separated and the child fled out of fear and requested armed protection from bailiffs.
2. After the police apprehended the sexual assault suspect, they asked the victim to identify the perpetrator and suggested the victim to whip the perpetrator (an adolescent) with a belt.
3. The police interview time was too long and continued late into the night. The child witness was tired and cried. The police threatened or joked that the child would be taken home.

## ***Examples of police interview problems***

1. Suggested or lead attacks towards the doll which represents the suspected perpetrator.
2. Threats of "You must tell before you can play or go back."
3. Bribed the child.
4. Allowing family members to intervene in the interview.
5. Excessive question repetitions.
6. Suggestive interview methods / use of dolls / identification.
7. Discussion in front of a child witness: discussing the case, or commenting the suspect.

## ***Can We Surmount Challenges over and Minimize the Suffering from the Debate on False Allegation of Child Sexual Abuse through Forensic Psychiatric Team Work? --A Case Report of a Child with Pervasive Developmental Disorder***

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4. Department of Psychiatry, Dalin Tzu - Chi General Hospital, Taiwan

5. Laboratory of Neuro Imaging, Department of Neurology, University of California, Los Angeles

## Introduction (1)

- Prof. Loftus E.
- Memory v.s. Traumatic memory
- Historical truth v.s. Memory's truth
- Researches on children implanted with memories on events that did not occur

## Introduction (2)

- Maggie Bruck & Stephen J. Ceci (2002)
- Children can remember distinct events that they have experienced at 2 years old. The younger the child, the faster the child forgets. Open questions will not produce much information, but the answers provided tend to be more accurate. Specific recall strategies may yield more information, but they tend to have more errors as well.
- Appraisal evaluation must pay attention to the naturalness of the tone during questioning, to avoid misleading questions, and whether there are any motives for the child to provide false allegations.

## Introduction (3)

- Maggie Bruck & Stephen J. Ceci (2002)
- If a child had been subjected to suggestive interviews, there is currently no scientific method to determine whether the child's statements are true or not.
- If a child had been subjected to extremely suggestive interviews, it is impossible to verify the reliability and accuracy of the allegations made by the abused child.

## Case Presentation (1)

- Male, the case occurred when the boy was 5 years old, and the case was assessed when he was 9 years old.
- Received psychological counseling assessments right after the incident. The evaluation report concluded that the case subject was sexually abused and suffered from post-traumatic stress disorder.
- The case subject gave two police interview statements within two weeks after the case incident, and testified once in court a year later.
- The first incidence court requested another expert assessment of the case subject's videotape records, and the expert opined that the case subject had indeed suffered a "significant negative impact," but could not determine which kind of negative impact.

## Case Presentation (2)

- First instance verdict: There was no adequate evidence to prove that the case subject had been abused.
- The case subject's parents appealed and requested reappraisal. The defendant appealed that reappraisal was unnecessary and questioned its appropriateness.
- The second instance judge transferred the case for psychiatric evaluation. Key points: **To appraise the credibility of the statements made by the sexually assaulted victim based on the victims' physical, psychological, and behavioral responses as well as cognitive development.**
- The appraisal team invited expert psychologists to participate. The team performed a preliminary review of the evidence, watched the police interview and psychological assessment videotapes, and discussed the appraisal process, methods, and tools to be used.

## Case Presentation (3)

- Direct assessment authentication: Case subject psychological assessment (3 times), case subject individual interview assessment (2 times), interview assessment with the case subjects' parents (3 times), interview assessment with the case subjects' siblings (once), and interview assessment (at school) with the case subjects' teachers (2 teachers).
- Authentication of videotape record: Police interview videotapes (2 tapes), psychological counseling (17 times), and cassette tape (1 cassette).
- The appraisal evidence and case subject's developmental record (including medical visits and education)

## Case Presentation (4)

- Authentication results: (18 page report, attachments: 6 page psychological assessment report and 5 pages of tape transcribed texts)
- The case subject and the case factor:
  - Can speak meaningful words at 1 to 1.5 years old, can speak simple sentences at 3 to 4 years old, and still has dysarthria and pragmatic expression problems at present.
  - Has rigid behavioral pattern and strong emotional reactions.
  - Interaction with others is not very good, but improved.
  - The case subject was enrolled into a bilingual kindergarten approximately 4 to 5 months prior to the case occurred.

## Case Presentation (5)

- One night after the case subject had attended the bilingual kindergarten for 4 to 5 months, his mother questioned him about his school avoidance. Then, his mother was convinced that the case subject has been sexually abused by a member of school staff and discontinued the case subject from the school. The case subject's parents stated that the case subject exhibited features such as nightmares, night terrors, bedwetting, and refusal to go to school prior the case incident.
- After the case incident, the case subject became significantly more easily startled and was afraid to go outside for a year. Sensitive to touching on the limbs during 1st grade at elementary school. The subject drew messy black images, just sat there and would not move during class, and still remained on this seat when the class was over. The case subject became more able to play with schoolmates at the second semester of the 1st grade, can provide better expressions after the 3rd grade, and refrained from getting on the home elevator with strangers.

## Case Presentation (6)

- Kindergarten record: The case subject's pronunciation and hand-eye coordination tended to be weak, could not write smoothly, was dependent on a teacher aid, and the teacher aid had to assist the case subject to hold a pen when writing. Two weeks prior to the case, the caregiver took maternity leave. The client's mother mentioned that the client did not like to go to school because he could not understand English and someone would touch him.
- Elementary school teacher's statement: He could speak clearly at first grade, and kids would make fun of him. He could not use the phonetic spelling correctly, fell down easily while walking, had problems holding a pencil when drawing, and could only hold a pencil firmly at second grade. Still had pronunciation problems at third grade and rejects other students. Got better at the second semester of the third grade and was emotionally stable, could concentrate well at school, could make sentences well, received "A" grades, and played chess with friends after school.

## Case Presentation (7)

- Summary of Results of Psychological Assessment :
  - WISC-III:VIQ 99, PIQ 100, FIQ 99; Relatively more impulsive and hasty.
  - CPT: Attention problems were uncertain.
  - Had an average level facial and name recognition memory abilities, but few life event memory descriptions.
  - There may be pressure on academic learning, less ability in problem-solving skills, more dependence on the mother, no apparent sense of insecurity in perceptions toward the outside world, and may worry a little bit about health.
  - The third assessment: No obvious difficulties in language comprehension, and expression (except in pronunciation), able to make emotional recognition based on facial expressions or tone of voice. Made slightly more mistakes when writing; no difficulty in shifting attention; and his executive functions were poor because they were limited by his impatience and emotional instability. The primary problem was emotional regulation. Had threatened to break the computer and to throw it into the sea. Once out of the assessment room, the case subject appeared happy.



## Case Presentation (8)

- Case subject interview evaluation:
  - Behavioral characteristics: Appeared a bit shy before entering the interview room. Once inside, the case subject appeared innocent, active, open, had numerous small movements, and enjoyed being mischievous and having fun. The case subject also showed a lack of patience.
  - Had phonological problem. Could provide pertinent responses, but mostly in easy and short phrases or sentences. Had poorer semantic fluency when trying to express using longer sentences, and even showed expression leaps.
  - Showed no short-term memory problems, but had errors in long-term memory.
  - Did not like English lessons. Had a lot of English words he did not know, and he became upset when encountering unknown English words. However, he still went to the English lessons despite feeling "extremely unhappy" when learning English.
  - Remembered the name of the kindergarten, the English teacher was a "dark faced" male foreigner that only spoke English, and all other teachers were female and spoke Mandarin. Could not remember the teachers who taught him. Could not remember what he liked or disliked at that time. Denied not wanting to go to school. Could not remember whether he had ever taken the school bus. Denied having experienced things that is especially frightful, but did not want to go back and check.

## Case Presentation (9)

- Was not afraid of taking the elevator, but disliked the smell of cigarette smoke and perfume, which made him very uncomfortable. Hated seeing strangers in the home building, which upset him greatly. Did not like to go to department stores or supermarkets, and did not like seeing a lot of people.
- Laughed quite a bit when talking about his favorite quilt, indicating that the quilt had a "certain smell" and was discovered in 2001. Refused to say what smell it was because that was a secret.
- When asked: "What will happen if you meet pedestrians or strangers on a street?" He indicated: "It'll be okay, unless he manhandled me, then I'll freak out and attack him!"

## Case Presentation (10)

- Appraisal Summary
  - The case subject was diagnosed with pervasive developmental disorder NOS and phonological disorder.
  - In terms of memory, the case subject was susceptible to being affected by attention, emotion, environment, motive, and suggestions.
  - The case subject had a special case of developmental language disorders, and people should interpret his language reaction with caution.
  - The forensic evidence video data showed numerous suggestive behaviors that affected the testimony. The case subject showed apparent discrepancies during court testimony.

## Case Presentation (11)

- Analysis and appraisal of the voice recording which was the least interferred: When the case subject told his mother at home that he did not want to go to school because of the "fear of teachers and bad guys." The bad guys most likely referred to the classmates. Because of his special developmental disabilities and pronunciation problems, when the case subject started to learn the non-native English language, he tended to confuse pronouns, thus triggered subsequent misunderstandings.

## Case Presentation (12)

- Special Instructions and recommendations
  - Atypical pervasive developmental disorder is often difficult to diagnose and confirm during the preschool stage, and is often misdiagnosed as other problems. It is often associated with other neurological developmental disabilities or emotional and behavioral disorders, and is prone to cause adjustment disorders when the environment changes at different developmental stages.
  - This case have caused the relevant parties to feel stress, pain, and distress because the parties may not understand the developmental psychopathology of the child well. It was suggested that the parties had better to take an attitude of mutual understanding and forgiveness in facing the impacts of this case.

## Case Presentation (13)

- Court testimony: Cross-examination; as well as reactions of the prosecution and the defense.
- Second instance court verdict: The defendant was found not guilty.
- Reflection:
  - 1. Forensic system.
  - 2. Forensic psychiatry in practices.
  - 3. Impacts of the case and psychological counseling.
- Expectations:
  - 1. Improvement of the related professional knowledge in terms of quality.
  - 2. Reform the system by allowing child victims in sexual abuse cases to receive the fastest and best quality joint psychiatric evaluations or psychological assessments in order to reduce pains suffered by all parties and to facilitate truth finding in cases.

## **Forensic Assessment of Psychological Trauma in Children**

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2010.11.7.

### **Research methods**

- Samples: Cases undertaken by the child and adolescent forensic psychiatric team of a hospital for children under 18 years of age from 2001 to September 2010.
- Statistics and analysis of the evaluation reports

## Research results

- A total of 40 cases (38 direct appraisal and 2 appraisals based on written evidence)
- 35 criminal cases: 29 sexual assault victimization cases\*  
4 sexual assault perpetration cases  
1 non-sexual assault victimization case\*  
1 non-sexual assault perpetration case
- 6 civil cases: 3 injury cases (2 car accident cases, 1 corporal punishment case)\*, 2 interdiction cases, 1 criminal sexual assault victimization case.

## **Criminal sexual assault victimization case (I) direct appraisal (27 cases)**

- Male: 5 cases, Female: 22 cases
- 6 years old or younger: 10 cases
- Between 7 to 12 years old: 9 cases  
\*(4 cases occurred when the victims were under 6 years old)  
Older than 12 years old : 8 cases

### **Criminal sexual assault victimization (III) Direct appraisal (27 cases) Case diagnostic analysis**

- PTSD/(partial): 7/(1); R/O:1; Acute stress D: 1;
- ADHD/(suspect): 5/(4);
- Borderline intelligence: 4;
- Developmental D.: 3(PDD, language D.); Learning D.: 1;
- Phobic anxiety D.: 2; Emotional D.: 1; Dysthymia: 1;  
Adjustment D.: 1; Traumatic psychological reaction:1;  
Other emotion and behavior problems: 3;
- Automatic somatoform D.(suspect): 1;
- Conduct D.: 1;
- No diagnosis: 5(18.5%)

### **Criminal sexual assault victimization (III) Direct appraisal (27 cases) testimonial credibility analysis**

- Non-focus: 1case
- Cannot be determined: 2 cases
- high: 12 cases
- low: 12 cases (all contaminated):
  - ADHD (included suspected cases): 7 cases (58%)
  - 6 years old or younger: 7 cases (70%);
  - ADHD (included suspected cases): 5 cases
  - From 7 to 12 years old: 5 cases (46%);
  - ADHD (included suspected cases): 2 cases;
  - Autism spectrum disorder: 1 case;
  - Conduct disorder: 1 case;
  - Borderline Intelligence: 1 case;
  - Older than 12 years old: 0 case

## National Taiwan University Hospital underage sexual assault case study

- 24 testimonial credibility analysis
- High credibility – 12 cases; Low credibility – 12 cases
- Related factors: Age, with attention deficit hyperactivity disorder traits and post-traumatic stress disorder.
- Impact factors: Caregivers, inquirer, and the case subject

## Discussion

- Juvenile mental trauma related forensic psychiatry is conducive to judicial proceeding demands, including mental state, diseases and their correlation to the case/testimonial credibility appraisal, and assistance to clarify the case/opinions on custody visitation.
- Possible relevant factors that may affect testimonial credibility: age, contamination, and mental disorders.
- In terms of the early and proper interrogation of children/psychiatric evaluation, maybe the judicial proceedings can be shortened to reduce harm.
- The education and training for social workers, those performing assessments in the judicial system, or child interrogation personnel should be improved in order to obtain credible testimonies that can help to clarify the case, prevent testimonial contamination and harm, and reduce repeated interrogations.
- The relevant professionals must cooperate.

## Diagnosis and definition of mental retardation / intellectual disability

Means mental development stopped or was incomplete. Characteristics during development include generalized retardation in cognitive, language, motor, and social skills.

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## Mild mental retardation

Patients with mild mental retardation learn language slower. Even if these patients learn far more slowly compared to normal people, most can learn the language required for everyday life, and can talk and participate in clinical meetings. Moreover, most of them can take care of themselves independently (eating, washing, dressing and undressing, and control bladder or bowel movements) and perform actual household chores. They primarily experience difficulties in academic areas and many have reading and writing difficulties. However, specially designed education methods can help these patients and remedy the difficulties. Patients with higher levels of mental retardation are more capable of performing the required operations instead of academic abilities, such as non-technical or semi-skilled labor work. In a social culture that require less academic achievement requirements, mild disabilities may not present any problems. However, if the condition also comprises significant emotional instability and social immaturity, the disability will be presented. (IQ is normally between 50 and 69)

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## Moderate mental retardation

These patients had a delay in language understanding and development. Self-care and motor skill developments are also delayed, and some patients may rely on the care of others for life. Schoolwork learning is limited; however, some of the patients can learn the basic reading, writing, and calculation skills. Education courses provide an opportunity for these patients to learn some basic skills despite their limited potential, which is particularly suitable for people with learning delays and limited successes. If work itself has been structurally arranged and has skill supervisions, adults with moderate mental retardation can usually handle simple and operational work. Full independent living for such adults is unlikely. They can usually walk freely and be physically active. Most of the patients have the ability to establish social relationships with others, communicate with words, and can participate in simple social activities. (IQ is normally between 35 and 49)

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## Severe mental retardation

In this category of clinical presentation, the existing organic causes and concurrent disorders are similar with which of moderate mental retardation. The lower achievement mentioned above regarding to moderate mental retardation is most common in this type of diagnosis. Most people with severe mental retardation exhibit movement disorders and other concurrent defects, which indicated central nervous system damage or stunted development under clinical definition. Everyday verbal communication vocabulary is quite limited and requires communication aids. (IQ is normally between 20 and 34)

Limited ability to receive basic daily living training skills

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## Profound mental retardation

These patients have extremely limited ability to understand or follow orders, or abilities to request from others or give directions to others. Most of these patients are unable to move or have fairly limited ability to move. They are incontinent, and can only communicate through non-verbal means. They have almost no ability to deal with their own basic needs, and require continuous help and care.

Their understanding of language can only reach up to some basic commands and express some simple requests. They can learn the most basic and simple visual-spatial classification and matching skills. Therefore, they can participate in some household chores or operational tasks under appropriate supervision and guidance. Organic causes can be found in most patients.

(IQ below 20)

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## Morbidity of physical and mental illness

- More physical illness morbidity; shorter life expectancy.
- Higher morbidity of mental illness.(2 to 7 times)
  - All diseases: 25-40%
  - ADHD: 7-15%; Depressive disorder: 1.1-11%;
  - Psychosis: 1-9%
- Adjustment disorder/emotional and behavioral disorders/habit disorders/ stereotyped behaviors/self-injurious behaviors/pica...
- Autism: Approximately 50% to 70% suffer from mental retardation.
- Selective mutism: Approximately 20% to 40% suffer from mild mental retardation.

## **Strategies for forensic Interviews with People with Mental Retardation and Developmental Disabilities**

- Take care of the subjects' legal rights and provide a brief description of the basic procedures.
- Use various methods to facilitate/help the communications (cards, computer, hand gestures, symbols, drawing, etc.)
- Progress gently, help the subject to relax, start with simple and routine dialogues, use of interest/inclinations, assess the general cognitive and verbal abilities, and ask short and clear questions.
- Clarify and confirm the alleged body parts as well as the sexual behavior related language.
- Use the recap skills to confirm the content of the statement.
- Consideration: Lack of experience, insufficient education, the level of obedience, fear of authority, and other factors.

## **Discussion of other cases**

Learning and training,  
observation and exchanges

Greater progress!

**Thank you for your  
participation!  
We look forward to your  
comments!**

# 智能障礙與發展障礙者 司法訪談的挑戰與策略

## Challenges and Strategies in Forensic Interview for Individuals with Intellectual Disability or Developmental Disorders

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## 導言

## 影響兒童陳述準確性之變項

- 評估者變項 (estimator variables)  
評估者變項，是指某些兒童的特質或條件（例如，兒童之年齡，或者是否兒童之父母親有教唆兒童如何陳述等），這些特質或條件並非評估者所可掌控，但是若是這些變項可為評估者得知，則評估者將可以運用這些資訊來評估兒童陳述之真實性。
- 系統變項 (system variables)  
系統變項，則是參與案件之法律成員（法官、律師等）可以控制的因素（例如，是否有誘導問題，在程序進行之前或後，是否對兒童做了這些變項之調整，以影響其陳述之準確性。Seelau & Wells, 1995）

## 早期司法偵訊過程中之問題案例

1. 受害兒童與加害人未隔離，兒童害怕往外逃，要求法警用槍保護。
2. 警察抓到性侵害嫌犯，要求受害者指認後拿皮帶抽打加害者(青少年)。
3. 警訊時間過長至深夜，兒童累、哭；威脅或開玩笑說要帶兒童回家。

## 詢問中有問題之舉例

1. 暗示/引導攻擊象徵加害者之人偶。
2. 威脅「講了才能玩或才能回去」。
3. 利誘。
4. 讓家屬介入詢問。
5. 過度重複詢問。
6. 誘導式問法或使用人偶或指認。
7. 在兒童面前討論或評論案情或加害嫌疑人。

## 司法精神鑑定團隊工作可能超越錯誤指兒童 性侵害訴訟案件所帶來的挑戰並減少苦痛嗎？ 一例廣泛性發展障礙兒童個案報告

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## 前言(一)

- Prof. Loftus E.
- 記憶 v.s. 創憶
- 歷史的真實 v.s. 記憶的真實
- 兒童被植入未發生事件之記憶研究

## 前言(二)

- Maggie Bruck & Stephen J. Ceci(2002)
- 兩歲兒童即可記憶親身經歷的鮮明事件，愈小忘得愈快，開放問句得到資訊不多，但較正確。使用特定回憶策略，可得到較多資訊，但錯誤會增多。
- 鑑定評估要注意詢問語調之自然、避免使用會誤導之問法、兒童是否存有錯誤指控之任何動機。



### 前言(三)

- Maggie Bruck & Stephen J. Ceci(2002)
- 若兒童曾遭受誘導式會談(suggestive interview)，目前無任何科學有效的檢測方法以確認該名兒童的陳述是否真確。
- 若兒童遭受極度的誘導式會談，則不可能確認該兒童對虐待事件指控之可信度及正確度。

### 案例簡報(一)

- 男性，鑑定時九歲，案發時五歲。
- 案發後即接受心理諮商評估，評估報告認為案主遭受性侵害，並有創傷後壓力障礙。
- 案主案發後兩週內曾接受兩次警訊作證，隔一年後曾出庭作證一次。
- 一審法庭請另一專家就心理諮商之錄影帶紀錄評估案主，該專家意見為案主確有遭遇”某種重大負面衝擊”，但未能確定為何。

## 案例簡報（二）

- 一審判決：無足夠證據認定案主受被告侵害。
- 案父母提出上訴，並要求再鑑定，被告申訴狀認為無鑑定必要，並對再度鑑定提出質疑。
- 二審法官裁送精神鑑定。主旨：就被害人生理、心理、行為反應、認知發展，鑑定被害人陳述遭受性侵害之可信度。
- 鑑定小組邀心理學家參與鑑定工作。先期審閱卷證，共同檢視警訊及心理評估錄影帶，並討論鑑定流程、方式及使用工具。

## 案例簡報（三）

- 直接評估鑑定：案主心理衡鑑（分三次）、案主個別會談評估（分兩次）、案主父母會談評估（分三次）、案兄個別會談評估（一次）、案主之學校導師（二人）會談評估（校訪）。
- 鑑定影音紀錄：警訊錄影帶（二卷）、心理諮商（十七次）、錄音帶（一卷）。
- 鑑定卷證及案主成長紀錄（包括醫療及教育）。

## 案例簡報（四）

- 鑑定結果：（報告書十八頁，附件：心理衡鑑報告六頁，錄音帶譯文五頁）
- 案主及事件簡史：
  - 一歲至一歲半間會說有意義的單字，三至四歲間才會說簡單句子，迄今仍有構音及語用表達之問題。
  - 有固執的行為習性及強烈情緒反應模式。
  - 人際互動不是很好，但較改善。
  - 案發時為案主上雙語幼稚園，約四~五個月。

## 案例簡報（五）

- 案發時為案主上雙語幼稚園後約四~五個月，在某晚案母問案主後，認為其遭學校員工性侵害後即停止上學。案父母陳述案主於案發前有作惡夢、夜驚、尿床、抗拒上學等現象。
- 案發後，有明顯易驚嚇反應，約有一年不敢出門；小一上時對肢體碰觸敏感，畫圖則「烏漆嘛黑」，上課都坐著不動，下課仍留在座位；小一下學期才較能與同學玩，小三上才較會表達，會避免與陌生人同搭住家之電梯。

## 案例簡報（六）

- 幼稚園紀錄：案主之發音與手眼協調較弱，書寫不流暢，對保育員依賴，該保育員協助其握筆書寫。案發前兩週，該保育員請產假。案母曾提案主不想上學的原因有：聽不懂英文、有人會碰觸他。
- 小學老師陳述：小一時講話不清楚，同學會捉弄他。注音拼音不正確，走路易跌倒，畫圖、握筆有問題，到小二握筆才穩定。小三時仍有發音問題，會排斥同學，三下較好，情緒穩定，上課專心，造句能力佳，成績均為甲等，下課會與同學下棋。

## 案例簡報（七）

- 心理衡鑑結果摘要：
  - WISC-III：VIQ 99，PIQ 100，FIQ 99。較衝動草率。
  - CPT：注意力不確定有問題。
  - 臉孔、名字記憶中等水準，對生活事件的記憶描述較少。
  - 課業學習可能有壓力，問題解決能力較不足，較依賴母親，對外界的知覺沒有明顯不安全感顯現，可能有些過於擔心身體的健康。
  - 第三次評估：依表情、語調作情緒辨識無明顯困難，語言理解及表達亦同（除咬音外）。書寫錯字稍多，注意力轉換無困難，執行功能受限於耐性及情緒的穩定而表現不佳。情緒調節為主要問題，曾威脅要把電腦敲壞，丟到海裡。一出衡鑑室，馬上眉開眼笑。

## 案例簡報（八）

### ■ 案主會談評估：

- 行為特性：未入會談室前顯得怯生，入會談室後，顯天真、好動、不畏生，有許多小動作及嘻笑作怪、突兀的言語及動作，缺乏持久之耐性。
- 有構音障礙，可切題回應，但多用簡短語詞或句子，在較長內容的表達時，語意流暢性較差，甚至有跳躍式表達之情形。
- 近期時間記憶無問題，長期時間記憶會有誤差。
- 對英文課不喜歡，英文有很多聽不懂，聽不懂會不高興，但還是要去學，學英文時均覺得「不高興」。
- 記得幼稚園的名稱，英文老師是「黑臉的」男性外國人，只會說英文，別的老師都是女的，說國語。不記得教他的老師，不記得當時有喜歡或不喜歡做什麼，否認有不想上學，不記得有無坐過娃娃車，否認有碰到特別害怕的事情，但不想回去看。

## 案例簡報（九）

- 沒有不敢搭電梯，但不喜歡煙味及香水味，會很不舒服。討厭在住家大樓看到不認識的人，看到會不高興。不喜歡去百貨公司或超級市場，不喜歡看到很多人。
- 談到所喜歡的棉被時大笑，表示那棉被「有味道」，是90年發現的，不願說是什麼味道，因為那是秘密。
- 對於問及：「若在街上碰到路人、陌生人會怎樣？」他表示：「還好，除了對我動粗的，我才會發飆、攻擊他！」

## 案例簡報（十）

### ■ 鑑定總結

- 案主具有非特定性廣泛性發展障礙及構音障礙之診斷。
- 記憶方面之表現容易受專注力、情緒、情境、動機、誘導等因素之影響。
- 案主具有特殊之發展性語言障礙，在解讀其語文反應時宜謹慎。
- 司法物證之音紀錄資料中，存在許多影響證詞之誘導作為，案主在法庭之證詞中，顯現數處前後不一致之陳述。

## 案例簡報（十一）

- 以案主最少受到後涉因素干擾之錄音紀錄分析研判：案主在家中對案母表達不要上學是「怕老師和壞人」的意含中，其所敘述的壞人，最有可能是其同班同學。因為其特殊之發展障礙及構音問題，剛開始學習非母語之英語，以至發生代名詞稱謂混淆之情事，從而引發後續之誤解。

## 案例簡報（十二）

- 特殊說明及建議
  - 非典型廣泛性發展障礙之案例常不易於學齡前之階段確定診斷，也常被誤解為其他診斷或問題，常合併其他神經發展障礙或情緒及行為障礙，在不同發展階段之環境改變時，易發生適應障礙。
  - 本案件可能是因為各方對兒童之發展病理的不瞭解，而導致相關各方之精神壓力、痛苦及困擾，各方宜互諒及以包容之態度共同面對本案件所帶來的影響。

## 案例簡報（十三）

- 出庭作證：交互詰問、控方及辯方之反應。
- 二審判決結果：被告無罪。
- 省思：
  - 1. 司法制度。
  - 2. 精神鑑定實務。
  - 3. 案例所受之衝擊及心理諮商輔導。
- 期待：
  - 1. 相關專業知能在質的方面的提昇。
  - 2. 制度之改革，讓受性侵害案件中之兒童受到最快速而良好的聯合精神鑑定或心理評估，以減少各方痛苦，並有利案件之澄清。

# 兒童精神創傷之司法精神鑑定 Forensic Assessment of Psychological Trauma in Children

丘彥南

台大醫院精神醫學部

2010.11.7.

## 研究方法

- 樣本:2001至2010.9.某醫院兒童青少年精神鑑定團隊接案之十八歲以下案例
- 鑑定報告之統計與分析



## 研究結果

- 共40例(38例直接鑑定， 2例書面鑑定)
- 刑事35例:性侵害受害案29例\*
  - 性侵害加害案4例
  - 非性侵害受害案1例\*
  - 非性侵害犯罪案1例
- 民事6例:傷害案3例(2例車禍案， 1例體罰案)\*，禁治產2例，同時為刑事性侵害受害案1例。

## 刑事性侵害受害案(I) 直接鑑定(27例)

- 男:5人，女:22人
- 小於六歲(含):10人
  - 七至十二歲(含):9人
  - \* (4人案件發生在六歲前)
- 大於十二歲:8人

## 刑事性侵害受害案(III) 直接鑑定(27例) 案例診斷分析

- 創傷後壓力障礙症/(部份): 7/(1); 待排除:1;  
急性壓力障礙症: 1; 創傷心理反應:1;
- 注意力不足過動症/(疑): 5/(4);
- 臨界智能: 4;
- 發展障礙: 3(自閉症類群, 語言類); 學習障礙: 1;
- 畏懼焦慮症.: 2; 情緒障礙: 1; 持久性憂鬱症: 1;  
適應障礙: 1; 其他情緒行為問題: 3;
- 擬身體化症(疑): 1;
- 行為規範障礙症: 1;
- 無: 5(18.5%)

## 刑事性侵害受害案(III) 直接鑑定(27例) 證詞可信度分析

- 非焦點: 1例
- 無法研判: 2例
- 高: 12例
- 低: 12例(皆受污染):
  - 注意力不足過動症(含疑似):7例(58%)
  - 小於六歲(含): 7例(70%);
    - 注意力不足過動症(含疑似):5例
  - 七至十二歲(含): 5例(46%);
    - 注意力不足過動症(含疑似):2例;
    - 自閉症類群障礙:1例;
    - 行為規範障礙症:1例;
    - 臨界智能:1例;
  - 大於十二歲:0例

## 台大醫院未成年受性侵害案件 案例分析

- 24例證詞可信度分析
- 可信度高—12例；低—12例
- 相關因素：年齡、具注意力不足過動症特質、創傷後壓力障礙症。
- 影響因素：照顧者、詢問者、案主本身。

## 討論

- 兒童精神創傷相關之司法精神鑑定有助於司法審理需求，包括：精神狀態、疾病及其與案件之相關性/證詞之可信度等之研判，協助案情澄清/監護探視之意見等。
- 影響證詞可信度之可能相關之因素：年齡、污染精神疾患。
- 兒童及早進行妥善之訊問及/或精神鑑定，或許可縮短司法審理流程，並減少傷害
- 社會工作及司法系統執行評估或訊問兒童之人員皆應接受完善之教育訓練，以取得有助於案情釐清、可信度高之證詞，避免造成證詞污染及傷害，並達到減少重覆訊問之目的。
- 各相關專業需合作。

## 智能障礙之診斷與定義

指心智的發展停止或不完全，其特徵為在發展期間，包括認知、語言、運動、社交能力的全盤智力障礙。

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## 輕度智能不足

- 輕度智能不足患者的語言學習較慢，即使學習遠比正常人慢，但大多數都能學會日常生活所需的語言，可與人交談而且可以參與臨床會談。同時他們大都能獨力自我照顧(進食、盥洗、穿脫衣物、大小便控制)及實際操作家務。主要的困難在課業方面，很多都有閱讀及書寫的困難。但是，經由特別設計的教育方式可幫助他們，彌補這些困難。程度較高的智能不足患者，他們較能勝任需操作能力而非學業能力的工作，包括非技術性或半技術性的勞力工作。在一個對學業成就要求較少的社會文化中，某些輕度障礙者可能不會呈現任何問題。但是，假如同時有顯著的情緒及社交不成熟，此智能障礙的影響就會呈現出來。(智商通常在50至69之間)

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## 中度智能不足

- 這類患者語言的理解及使用發展遲滯，而且在這方面最終的成果也有限。自我照顧及運動技能發展也很遲滯，有些患者終身需靠他人照料。學校的功課學習有限，但是也有一部分患者可學會閱讀、書寫及計算的基本技巧。教育課程可使他們在有限的潛能中，有機會學到一些基本技能，對學習遲緩而又成就有限的人頗為適合。假如工作本身經過結構性安排，並提供技巧的監督，中度智能不足的成人通常都能勝任簡單、操作性的工作。完全的獨立生活對這類成人來說，可能性很小。但他們通常是可以自由行走、體能活躍，大多數的患者有能力與他人建立社交關係、用言語溝通，且可參與簡單的社交活動。(智商通常在35至49之間)

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## 重度智能不足

- 這一類在臨床表現、器質性病因的存在、併發障礙與中度智能不足類似。中度智能不足中所提到較低的成就，在這類診斷中最常見，大多數人有明顯的運動障礙及其他併發的缺陷，意味著臨床上有意義的中樞神經系統損害或發育不良。日常言語溝通詞彙相當有限，常需溝通輔具。  
(智商通常在20至34之間)
- 可訓練基本生活自理之程度有限。

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## 診斷與定義(六) 極重度智能不足

- 這些患者了解或服從要求或指示的能力極為有限。大多數的患者無法行動，或其行動能力相當有限，大小便失禁而且頂多只能用原始的非語言形式來溝通。他們幾乎沒有能力自己處理基本需求，需要持續的幫助及照顧。

對語言的理解及使用最多只能達到了解一些基本命令及表達一些簡單要求。他們也可能學得最基本最簡單的視覺空間的歸類及配對技巧，因而在適當的監督及指導下可參與少部分的家事及操作性工作。大多數患者可找到器質性病因。

(智商在20以下)

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## 身體及精神疾病罹病率

- 身體疾病罹病率較高，壽命較短。
- 精神疾病罹病率較高。(二至七倍)  
全部共病：25-40%  
過動症：7-15%；憂鬱症：1.1-11%；  
精神病：1-9%
- 適應障礙/情緒行為障礙/習慣障礙/  
常同行為/自傷行為/異食癖…
- 自閉症：約50-70%為智能不足。
- 選擇性不語症：約20-40%為輕度智能不足。

## 與智能障礙發展障礙者 進行司法訪談的策略

注意其法律權益、簡要說明基本程序。

- 用各種方法促發/協助溝通(圖卡、電腦、手勢、符號、畫圖等)
- 和緩漸進、協助放輕鬆、由日常簡單中性之對話入門、運用所好、評估一般認知及言語能力、問題簡短而明確。
- 澄清確認指稱身體部位及性相關行為的用語。
- 善用複述技巧再確認陳述之內容。
- 考慮：缺乏經驗、教育不足、服從之程度、懼怕權威等因素。

## 其他案例討論

研習訓練 觀摩切磋

精進再精進!

謝謝聆聽!

敬請指教!



Day2 : 2013/09/10

## **Presentation 1**

# **專題演講**

**09:00~10:00**

## **Children's Testimony and the Forensic Interview**

**兒童證人與司法訪談**

Moderator 主持人

**張錦麗博士 Amy Ching-Li Chang, Ph.D.**

### **經歷 / Positions**

#### **現任 / Current Positions**

臺灣警察專科學校專任副教授；台北大學社工系兼任副教授；台灣防暴聯盟理事長；行政院性別平等會委員

Associate Professor, Taiwan Police College; Part-time Associate Professor, Department of Social Work, National Taipei University; President, Taiwan Coalition Against Violence; Member, Gender Equality Committee, Executive Yuan.

#### **曾任 / Professional Experiences**

現代婦女基金會執行長；桃園縣社會局長；內政部家庭暴力及性侵害防治委員；台北市女性權益促進委員會委員

Chief Executive, Modern Women's Foundation; Director, Social affairs Department, Taoyuan County Government; Member, Domestic Violence & Sexual Assault Prevention Committee, Ministry of Interior; Member, Committee for the Promotion of Women's Right, Taipei City Government,

### **學歷 / Education**

國立暨南國際大學社會政策及社工系博士

Ph.D. of Chi-Nan University in Department & Graduate Institute of Social Policy & Social Work

Speaker 講師

**趙儀珊博士 Yee-San Teoh, Ph. D.**

### **學術專長 / Research Interests**

發展法律心理學；兒童證人記憶、兒童司法訪談；兒童虐待和疏忽、家庭暴力

Forensic Developmental Psychology; Children's Eyewitness Memory, Forensic Interviewing of Children; Child Abuse and Neglect, Family Violence

### **經歷 / Positions**

#### **現任 / Current Positions**

國立臺灣大學心理學系暨研究所助理教授；國立臺灣大學中國信託慈善基金會兒少暨家庭研究中心研究員；美國司法心理學會會員；美國心理學會第七部門會員；東部心理協會會員

Assistant Professor, Department of Psychology, National Taiwan University; Researcher, National Taiwan University Chinatrust Charitable Foundation Children & Family Research Center; Member, American Psychology-Law Society; Member, American Psychological Association Division 7; Member, Eastern Psychological Association.

#### **曾任 / Professional Experiences**

國立臺灣大學心理學系暨研究所客座助理教授；國立臺灣大學法律學院客座助理教授；紐約市立大學布魯克林學院心理學系兼任助理教授；紐約市立大學布魯克林學院心理學系博士後；英國劍橋大學社會及發展心理學系研究助理

Visiting Asst Professor, Department of Psychology, National Taiwan University; Visiting Asst Professor, Department of Law, National Taiwan University; Adjunct Assistant Professor, Department of Psychology, Brooklyn College, City University of New York; Postdoctoral Fellow, Department of Psychology, Brooklyn College, City University of New York; Research Assistant, Department of Social & Developmental Psychology, University of Cambridge.

### **學歷 / Education**

英國劍橋大學社會與發展心理學博士；英國劍橋大學社會與發展心理學碩士；

英國德倫大學心理學學士

PhD. in Social & Developmental Psychology, University of Cambridge; MPhil in Social & Developmental Psychology, University of Cambridge; BSc in Psychology, University of Durham.

## Children's Testimony and the Forensic Interview

Teoh Yee-San

Department of Psychology, National Taiwan  
University  
Department of Psychology, National Taiwan University

## The Role of Children as Witnesses

- Children are often the only witnesses in sexual assault cases.
- Children's ability to testify may be limited, and they may not be able to remember key parts when they testify or clearly express their experiences to the jurists.
- Can child witnesses be trusted?
- How should the police, social workers, prosecutors, judges, etc., interview/interrogate children?

## The Difficulties of Participating in the Judicial System

- Children sometimes testify in courts during emergencies, and they will face tremendous pressure if unprepared
- Testifying in court without sufficient time to understand the court proceedings
- Reception of numerous interviews
- Anxiety caused by the unfamiliarity with the situation in the court
- Adverse judgments against children

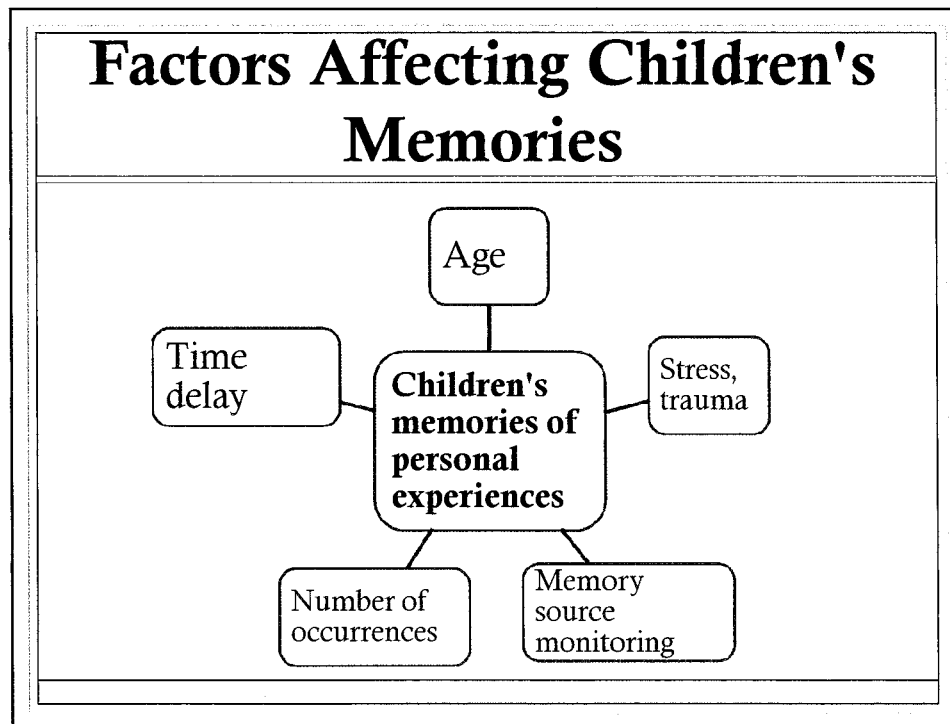
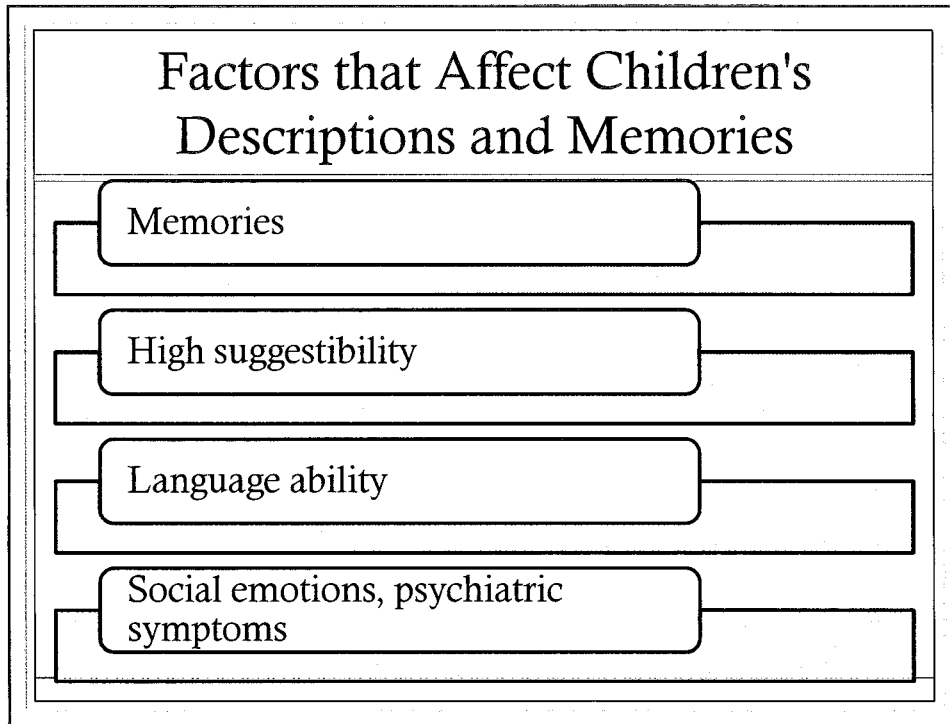
## Children's ability to testify

### Basic ability to testify

- Do children have the ability to perceive, recall, and illustrate experiences or past events

### The ability to distinguish the difference between truths and lies

- Can children understand the difference between truths and lies, and the importance of telling the truth



## High suggestibility

- When compared with adults, children's memories are more limited, are less mature, and more suggestible (Bruck and Ceci).
- Children at the preschool level are most vulnerable to the problem of being led by suggestive questions.
- Suggestive questions contain information not mentioned by the child being interviewed
- If a child is an active participant in the incident, the child will be less prone to suggestive influences compared to passive bystanders

## Children's Suggestibility (induction) Factors

- When a child's memory is vague
- Stressful feelings resulting from the experiences of the event
- Believing the previous answer was wrong, or that the interviewer desires another answer
- Did not understand the problem, but was too scared to ask for clarification.
- Unaware of the issue at hand, such as sexual intercourse
  
- The higher the interviewer's status
- The interviewer is an adult, not a child



*“...we cannot assume that the question the child ‘heard’ was the one the adult asked.” (Poole & Lamb, 1998)*

*“...we cannot assume that the question the child ‘heard’ was the one the adult asked.” (Poole & Lamb, 1998)*

Dialogue role

Syntax

Vocabulary

## The influence of social emotions

- Concern that the statement will affect the judgment
- Fear from the threat of retaliation
- If the parents are the perpetrators, the parent-child intimacy relationship will bring great distress to the child. The more intimate the relationship between the child and the offender, the lower the likelihood that the child will disclose information
- The child believes that he/she is at fault and fears retribution for testifying
- The perpetrator used persuasive methods to convince the victim that the incident was not wrong

## Psychiatric Symptoms Caused by Sexual Abuse

- Depression
- Anxiety
- Low self-esteem
- Drug use
- Self-mutilation, suicide

(McLeer, Deblinger, Atkins, Foa, and Ralphe, 1988)

## Child abuse/sexual and domestic violence

- Foreign and domestic studies indicated that approximately 40% of child abuse cases occur in families with domestic violence
- Polyvictimization - (child abuse, sexual abuse, and witnessing domestic violence).
- There are more ill effects from child abuse or domestic violence combined with sexual assault than the effects solely from either child abuse or witnessing domestic violence.

## The method and technique of interviewing/interrogating a child.

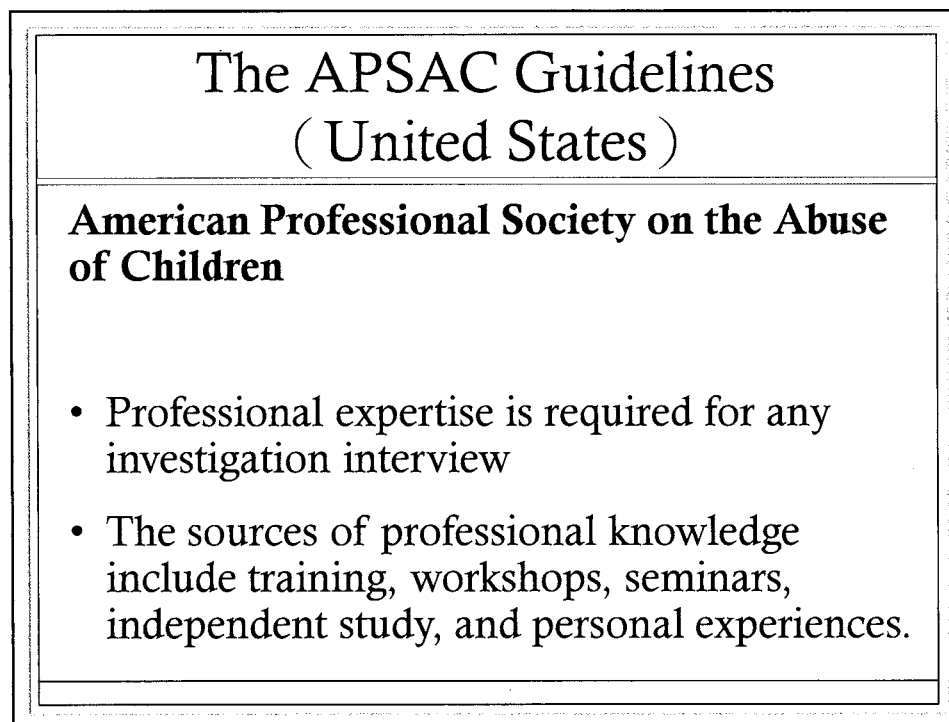
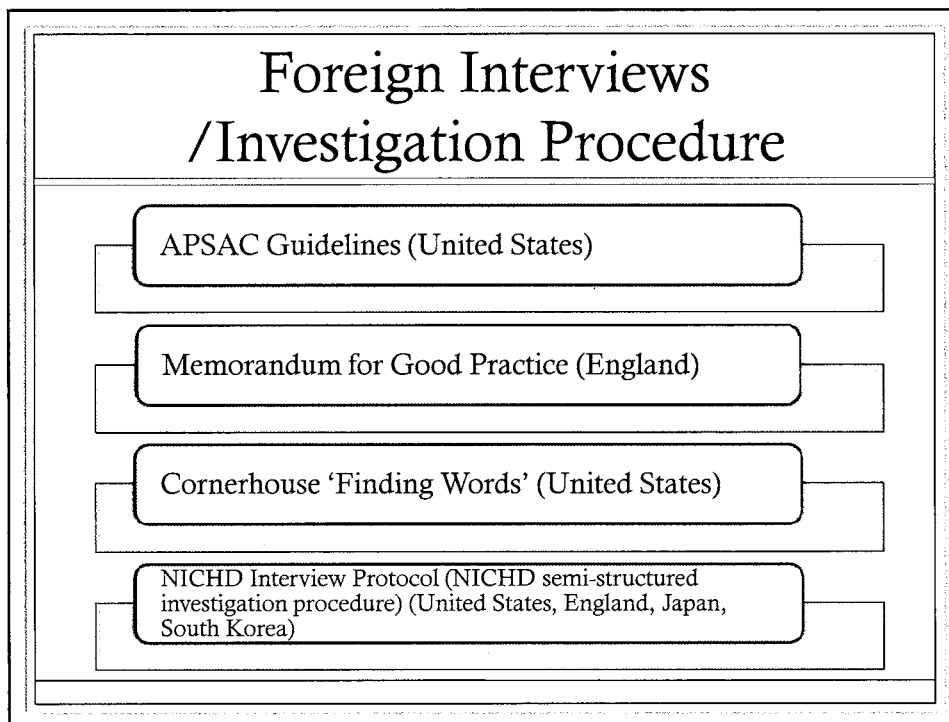
### **Children are often asked**

- Embarrassing questions
- Unrelated questions
- Assumed facts not proven by evidence
- Confusing, misleading, vague, incomprehensible, or complicated questions

According to the American Professional Society on the Abuse of Children (APSAC), the main goal of an investigation interview is:

“In order to urge the child or adolescent victim to complete a report accurately and completely to confirm whether the child or adolescent has been abused or sexually assaulted (or is in imminent danger of abuse or sexual assault)”

(APSAC, 2002, p. 2).



## The APSAC Guidelines

### Primary Professional Knowledge

- Basic developmental psychology, children's ability for self-expression
- Child abuse, sexual assault, the dynamics of witnessing domestic violence
- Information required for a full investigation
- Interview methods that conform with ethical and legal requirements and use of auxiliary interview props.

## Memorandum for Good Practice (England)

### Primary Recommendations

- Interview the witnesses in as short a time as possible after the incident.
- Child witnesses should be interviewed by professional children interviewers.
- Interviews should take place at an informal location (not in a police station or court).
- Each child witness should have the opportunity to express his/her own experiences (tell their own story) and at any time use explicit questions to obtain information.

- The interviewer should use a "stepped" approach and begin with open-ended questions when interviewing children. Direct questions should only be used when critical details are missing.
- The interview time should not exceed 1 hour.

## Cornerhouse Finding Words: RATAC

**R**apport

Establish relationships

**A**natomy identification

Point out the parts of the body using images of the human body

**T**ouch inquiry

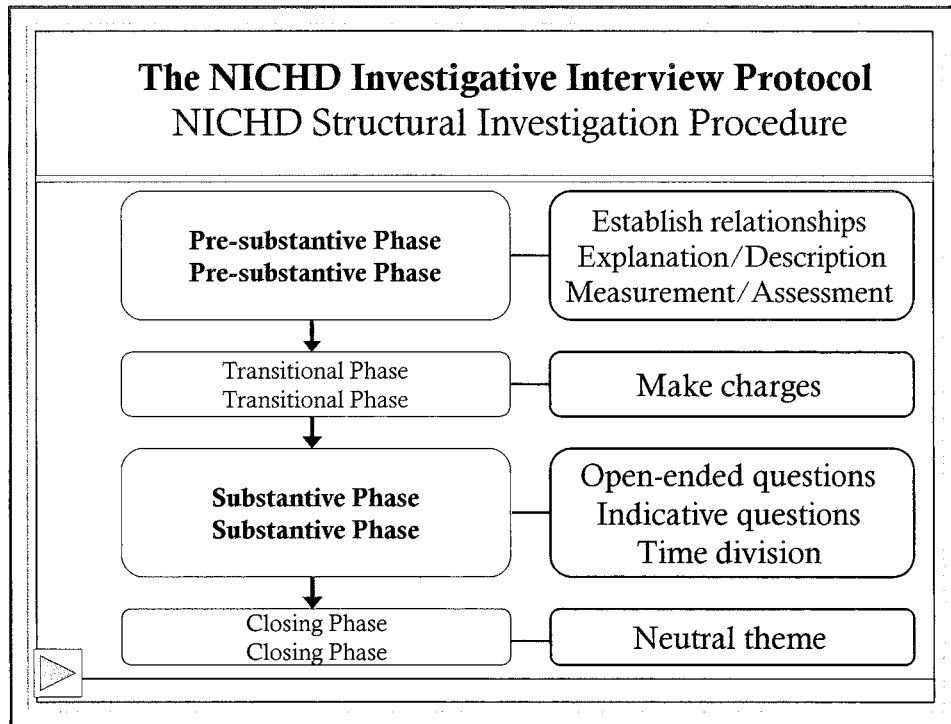
Discussing good touch, bad touch

**A**buse scenario

Investigation of abuse/  
sexual assault incidents

**C**losure

End of interview



## Interview planning

Message planning and interview procedures  
used in cases with child witnesses (*Smith and Milne, 2011*)

## Case information

Category of the crime

---

Time, instance, and location of the incident

---

Bulletin Information

---

Threatening or intimidating factors

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## Information on Child Witnesses

1. Age
2. Gender
3. Race, culture, religion, and primary language
4. Nickname or preferred name
5. Family situation, whether the child is in a state of crisis
6. Psychological or cognitive impairment that may affect the testimony
7. Pharmacological substances that may affect the testimony
8. Prior interaction with the police, judiciary, or social worker systems
9. Relationship with the perpetrator
10. Current mental state
11. Possible trauma resulting from interviewing/testifying



## How should one interview child witnesses?

### Initial step

- Spend enough time to build a relationship with the child interviewee in order to obtain the child's trust.
- Pay attention to the child's feelings at the moment to avoid misleading the child.
- Let the child know that it is acceptable to "not know" or "not remember" the answer; also that it is acceptable to correct or disagree with any statements or questions made by the interviewer.
- Allow the child to recount recent [non-case related] incidents (such as those relating to holiday activities or classmates)\*

### Main Interview

- Ask open-ended questions as much as possible, unless the child is unresponsive to the interviewer (tell me what happened?).
- Try as much as possible to base questions on the information provided by the child witness; avoid leading or suggestive language.
- Use suggestive language only in the case that the child witness cannot recall any more information (such as: when did this happen? what did he look like?); use auxiliary props or body images during the interrogation.
- Use selective questions only if critical details are still missing and after all possible open-ended suggestive questions have been asked (such as: truth or false questions or multiple-choice questions)
- If the events occurred in a series, try to focus the questions on one specific instance of the event.

## Interviewer's Behavior

The interactions between the interviewer and the child interviewee may be affected by the interviewer's behavior.

- (a) Prejudice
- (b) Support
- (c) Non-verbal behavior
- (d) Attitude, style

Investigation assistance doll

Body part images

Objects related to the case

Drawing

Model of the room

## Interview location

- The emotions and the expressive capabilities of the child are easily affected by the location of the interview or interrogation.
- Develop a standardized inquiry room - colorful walls with small furniture, toys and provided with natural lighting

## Conclusion

Develop a standardized inquiry procedure. Scientific and evaluative operation procedures can be more conducive to the reliability and validity of the child witness.

# 兒童證人與司法訪談

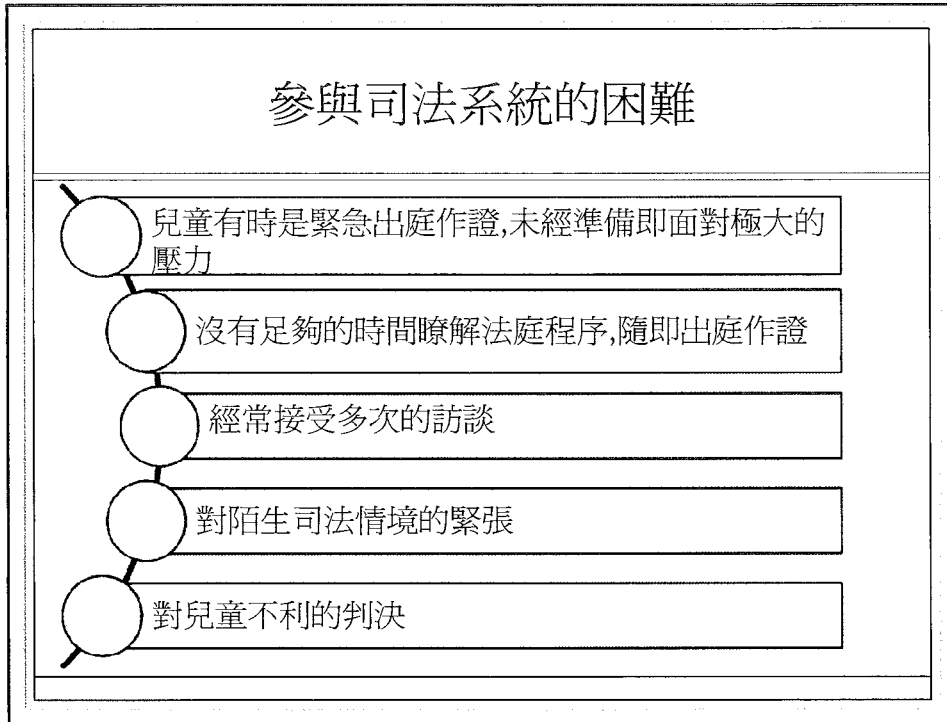
## Children's Testimony and the Forensic Interview

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Department of Psychology, National Taiwan University

## 兒童證人的角色

- 兒童常常是性侵害案件中唯一的證人。
- 兒童的作證能力可能有限，或於陳述證詞時無法記得案情關鍵部分，或者無法清楚地對聽審者進行表達。
- 兒童證人可不可信？
- 警察，社工，檢察官，法官等應該如何詢／訊問兒童？



### 兒童作證能力

基本作證能力	區別真實與謊言 不同之能力
<ul style="list-style-type: none"> <li>• 兒童是否有能力感知,回憶及陳述自己的經驗,事件</li> </ul>	<ul style="list-style-type: none"> <li>• 兒童是否可以明白及區別實話與謊言之不同,說實話的重要性</li> </ul>

## 影響兒童陳述及記憶之因素

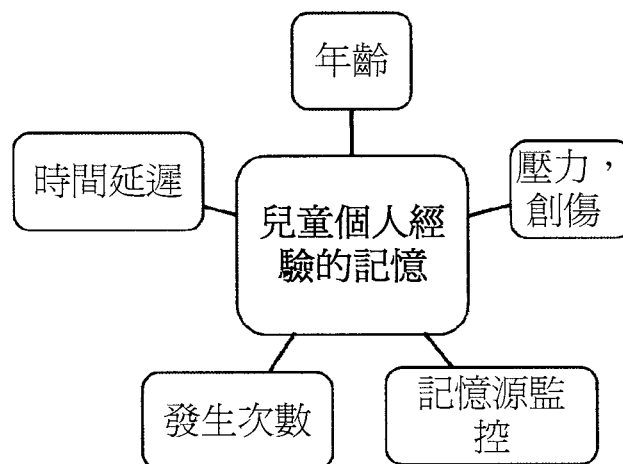
記憶

易受暗示性 (suggestibility)

語言能力

社會情緒，精神症狀

## 影響兒童的記憶之因素



## 易受暗示性 Suggestibility

- 由於兒童的記憶比成人更為有限,也較不成熟、容易受暗示 (Bruck 與 Ceci)。
- 學齡前兒童最容易受暗示性問題之引導
- 暗示性問題含有兒童未提及的內容
- 若兒童於事件中為主動參與者,則較其為被動旁觀者不受暗示性影響

## 兒童受暗示(被誘導)的因素

- 當兒童本身的記憶模糊
- 對事件經驗有壓力
- 認為之前的答案是錯的,或詢問者想聽另一個答案
- 聽不懂問題,可是不敢說不知道
- 對議題不了解,例如性交
  
- 詢問者地位愈高
- 詢問者是成人而不是小孩

“...我們不能認為孩童所聽見的問題是問問題的人想問的” (Poole 與 Lamb, 1998)

“...we cannot assume that the question the child 'heard' was the one the adult asked.” (Poole & Lamb, 1998)

對話角色

句法

詞彙

## 社會情緒之影響

- 擔憂陳述會影響判決
- 恐懼對方的威脅報復
- 如果父母是加害人，親子關係的親密度會讓兒童感受到極大困擾；兒童與加害人之間的關係愈親密，兒童洩露的可能性愈低
- 兒童認為自己有錯，擔心作證會被處罰
- 加害人使用有說服力的方式讓兒童不知事件的不對之處



## 受虐或性侵引起的精神症狀

- 憂鬱症
- 焦慮
- 低自信
- 吸毒
- 自殘，自殺

(McLeer, Deblinger, Atkins, Foa, 與 Ralphe, 1988)

## 兒虐/性侵併婚暴

- 國外及國內的研究表示有百分之四十的兒虐案件同時有婚暴－雙重暴力家庭
- Polyvictimization – 聚受害 (兒虐，性侵，目睹家暴)。
- 兒虐或性侵併婚暴的影響比單純的兒虐或目睹家暴更嚴重。

## 詢/訊問兒童的方式，技巧

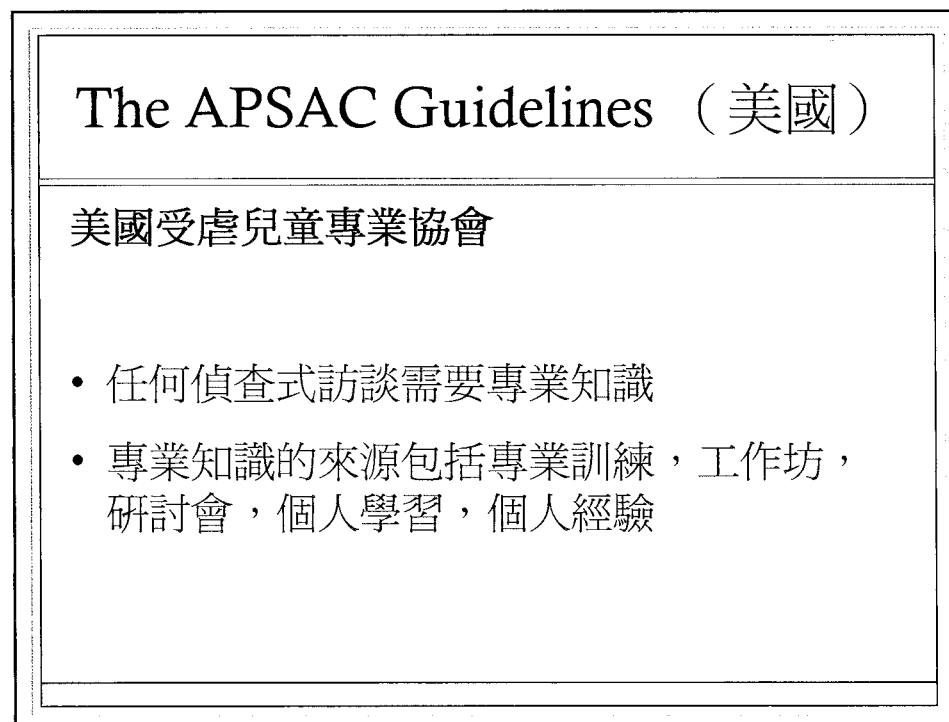
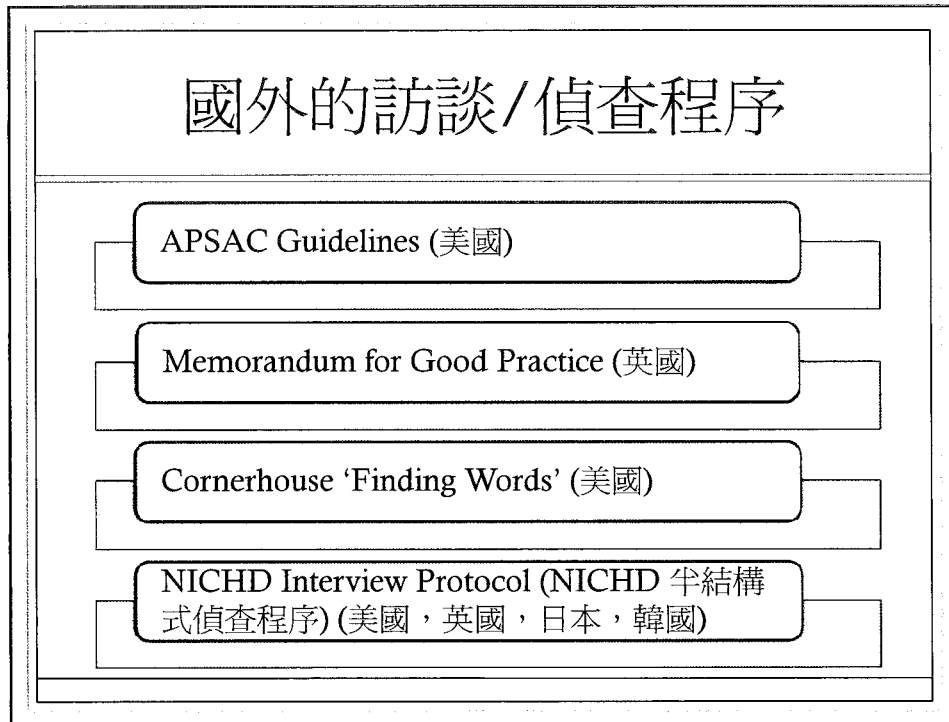
### 兒童經常被問

- 令人難堪的問題
- 無關聯性的問題
- 假設證據上所沒有的事實
- 混淆、誤導、模糊、無法理解、複雜之問題

根據美國受虐兒童專業協會 (APSAC), 偵查訪談的主要目的是

“爲了激發被指控的兒童或青少年受害者盡可能完整和準確的報告，以確定兒童或青少年是否已被虐待或性侵（或有即將受虐或性侵的危險）”

(APSAC, 2002, p. 2).



## The APSAC Guidelines

### 主要的專業知識

- 基本發展心理學，兒童表達能力
- 兒虐，性侵，目睹家暴之動態
- 完整偵查需要的信息
- 符合倫理及法律規定的訪談方式，使用輔助訪談道具。

## The Memorandum for Good Practice (英國)

### 主要建議

- 儘快訪談證人。
- 兒童證人應該由專業的兒童訪談者詢問。
- 訪談應該在一個非正式地點(非警察局，法庭)進行。
- 每一個兒童證人應該有機會自己陳述自己的經驗(Tell their own story)，勿使用明確的問題取得信息。

- 訪談者應該使用步驟式方法，從開放式問題開始訪問孩童，如果還有重要細節遺漏才使用直接的問題。
- 訪談時間不應該超越1小時。

### Cornerhouse Finding Words: RATAC

Rapport

建立關係

Anatomy identification

利用人體圖片指出身體部位

Touch inquiry

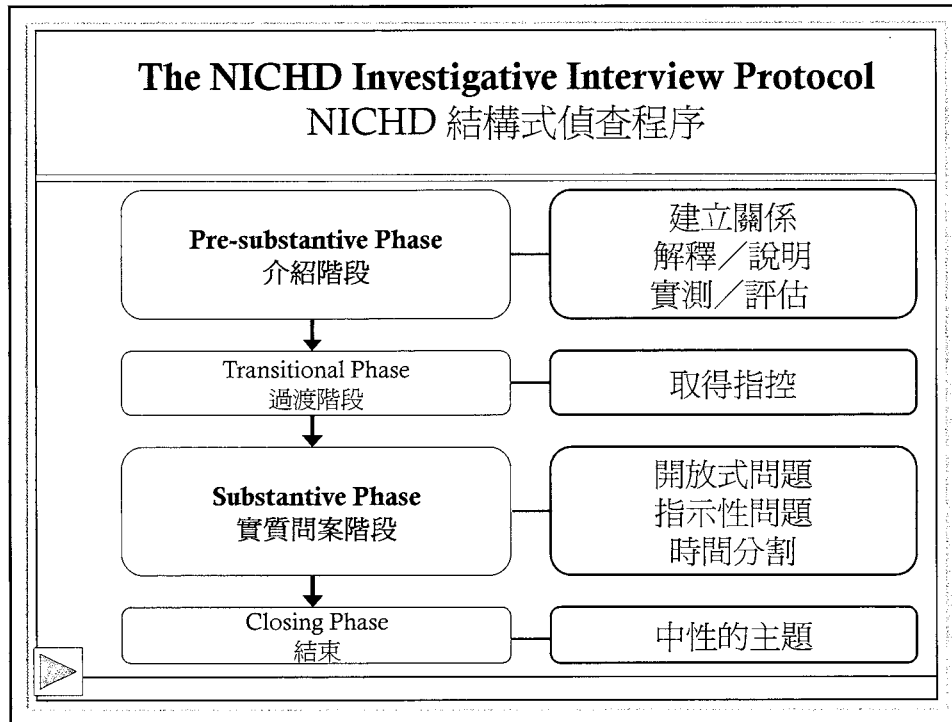
討論 good touch, bad touch

Abuse scenario

偵查受虐／性侵的事件

Closure

訪談結束



## 訪談的規劃

使用案件與兒童證人的訊息規劃訪談程序  
(Smith 與 Milne, 2011)

## 案件資訊

罪行種類

案件時間，次數，地點

通報資訊

任何威脅或恐嚇之因素

## 兒童證人之資料

1. 年齡
2. 性別
3. 種族，文化，宗教，主要語言
4. 外號或喜歡的名稱
5. 家庭情況，兒童是否有危機
6. 可能影響證詞之心理或認知障礙
7. 可能影響證詞之藥物
8. 之前與警方，司法，社工系統之關係
9. 與加害人的關係
10. 目前心理狀態
11. 訪談/作證可能產生的創傷

## 如何詢問兒童證人？

### 初步

- 花足夠的時間和受訪兒童建立關係，取得他的信任。
- 重視兒童之當下感覺，以避免其受誤導之害。
- 讓兒童知道，可以「我不知道」或「我不記得」應答，並可隨時糾正或反對訪談者之陳述或發問。
- 讓兒童練習陳述最近發生[非本案]的事件(例如假日活動，學校朋友)\*

### 主要詢問

- 除非受訪兒童無法有所回應外，盡量以開放式問題詢問兒童(告訴我發生什麼事了?)。
- 盡量以兒童提出的訊息發問，避免引導或暗示。
- 只有在兒童的自由回想已經無法獲得更多信息後，才用指示性問題(例如:這件事是什麼時候發生的?他長什麼樣子?)
- 有問完所有可能的開放式與指示性問題後如果還有重要細節遺漏，才用選擇性問題(例如:是非或是有選項得問題)
- 如果事件發生多次，盡量集中問題於某一個事件。



## 詢問者的行爲

兒童與訪談者之間的互動有可能受訪談者行爲的影響。

- (a) 偏見
- (b) 支持
- (c) 非言語行爲
- (d) 態度，風格

偵訊輔助娃娃

人體圖片

案件有關的事物

畫畫

房間小模型

## 訪談地點

- 兒童的情緒，陳述能力容易受訪談或詢問場地的影響。
- 發展標準化的詢問室－豐富多彩，小型傢俱，玩具，採光好

## 結論

發展標準化的詢問步驟、具科學的、可評量的操作流程,對於兒童作為證人的信效度上會有更多的助益。

Day2 : 2013/09/10

## **Session 4**

# **專題研討四**

**10:10~12:10**

**Introduction of the NICHD Protocol**

**認識 NICHD 訪談程序**

Moderator 主持人

**蔡碧玉檢察長 Pi-Yu Tsai, Chief Prosecutor**

**學術專長 / Research Interests**

刑事訴訟法、刑法、檢察制度

The Code of Criminal Procedure

**經歷 / Positions**

**現任 / Current Positions**

臺灣新北地方法院檢察署檢察長

Chief Prosecutor, New Taipei District Prosecutors Office

**曾任 / Professional Experiences**

司法官特考及格、高雄地檢署檢察官、臺北地檢署檢察官、司法官訓練所導師、法務部檢察司調辦事檢察官、臺灣高等法院檢察署檢察官（調檢察司辦事）、司法官訓練所檢察實務課程講座、檢察司副司長、法務部檢察司司長、臺灣高等法院檢察署主任檢察官

Division Head Prosecutor ,Taiwan High Public Prosecutors Office; Director, Department Prosecutorial Affairs , Ministry of Justice; Deputy Director, Prosecutorial Department, Ministry of Justice; Public Prosecutor, Taiwan High Prosecutors Office; Instructor, The Judges and Prosecutors Training Institute; Public Prosecutor, Taipei District Prosecutors Office; Public Prosecutor, Taipei District Prosecutors Office; Public Prosecutor, Kaoshiung District Prosecutors Office.

**學歷 / Education**

政治大學法律系、法律研究所碩士班畢業；臺灣大學政治研究所碩士班

Master of Arts, Department of Political Science College of Social Sciences; Master of Law, National Cheng-Chi University; Bachelor of Law, National Cheng-Chi University.

Speaker 講師：Dr. Michael E. Lamb 簡歷，詳見專題演講（Keynote）。

Discussant 與談人

**張美美主任 Mei- Mei Chang, Director**

### **經歷 / Positions**

#### **現任 / Current Positions**

臺北市家庭暴力暨性侵害防治中心主任

Director, Taipei City Center for Prevention of Domestic Violence and sexual Assault, Department of Social Welfare Taipei City Government

#### **曾任 / Professional Experiences**

臺北市政府社會局科長、主任、專員、股長、社會工作人員

Division Chief, Specialist, Sub-division chief, Department of Social Welfare Taipei City Government

### **學歷 / Education**

國立臺灣師範大學社會教育學系碩士畢業；私立東吳大學社會系畢業；93年專門職業及技術人員社會工作師檢覈及格

Master degree, Department of Adult & Continuing Education, National Taiwan Normal University

# **The Development and Implementation of the NICHD Protocol**

## **Outline**

Research on children's capacities  
Research on interviewer behaviour  
The NICHD Protocol  
Working with younger children  
Practice makes perfect  
What difference does it make?  
Conclusion

## And Thanks to.....

Kathy Sternberg, Yael Orbach, Irit Hershkowitz, Phillip Esplin, Mel Pipe, Ann-Christen Cederborg, Carmit Katz, Dvora Horowitz and colleagues (Israeli Department of Youth Investigation), Heather Stewart & Susanne Mitchell (Salt Lake Children's Justice Center), Karen Thierry, Graham Davies, Jan Aldridge, Mireille Cyr, Kim Roberts, Lindsay Malloy, Montreal and Trois Rivieres Police and Mental Health Departments, Salt Lake Police and Sheriffs Departments, Lynne Bowler (Derbyshire Constabulary), Tony Butler (ACPO), hundreds of forensic investigators in Israel, Quebec, the UK, and the US, and dozens of dedicated coders.

## Children's capacities

- Memory
- Social norms
- Suggestibility
- Language

## Children's capacities

- Memory
  - Age and accuracy
  - Constructionism
  - Recall and recognition

## Children's capacities

- Memory
- Social norms
  - Testing
  - Brevity
  - Social approval



## Children's capacities

- Memory
- Social norms
- Suggestibility
  - Age
  - Social approval
  - Memory strength

## Children's capacities

- Memory
- Social norms
- Suggestibility
- Language
  - Vocabulary
  - Comprehension
  - Question styles

## Children's capacities

- Memory
- Social norms
- Suggestibility
- Language

## What NOT to do

- Ask suggestive questions
- Introduce information
- Behave coercively
- Ask confusing or complex questions
- Ask children to pretend or guess
- Delay the interview(s)

## What TO do

- Clarify roles and purpose of interview
- Explain ground rules
- Establish rapport
- Practice narrative responding
- Introduce substantive issues neutrally
- Maximize use of recall prompts
- Emphasize event-specific information

## What Do Interviewers Do?

- ***Most*** try to build rapport
- ***Some*** explain ground rules
- ***Some*** let children mention abuse first
- ***Most*** introduce and suggest information
- ***Most*** ask compound questions
- ***Most*** ask many direct questions
- ***Few*** use open questions adequately

# Studying the dynamics of investigative interviews with children

## INTERVIEWER UTTERANCE TYPES

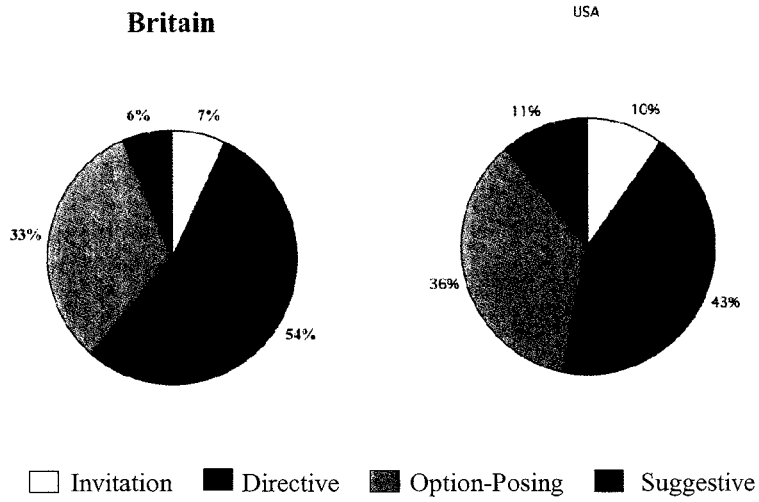
Invitations attempt to elicit free-recall responses from the child.  
("And then what happened.")

Directive utterances request additional information about something the child mentioned earlier. ("What color was the shirt?")

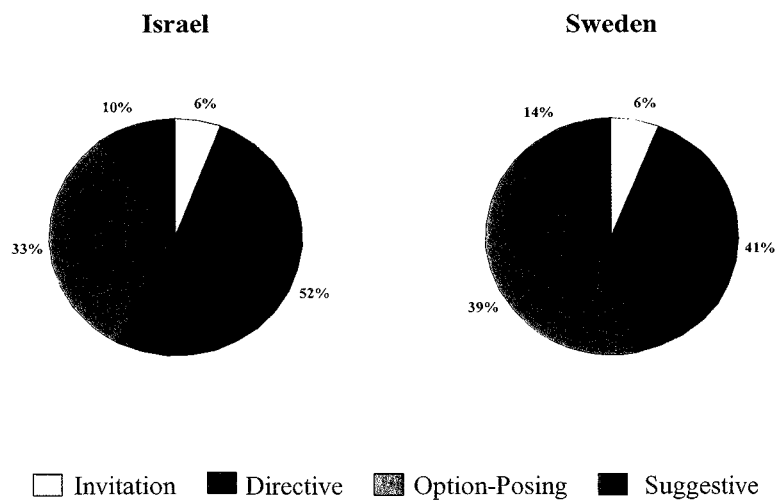
Option-posing utterances focus on details not mentioned by the child and require choice among options offered by the interviewer. ("Did he touch you?")

Suggestive utterances assume information not disclosed by the child or suggest an expected response. ("He touched you, didn't he?")

## Distribution of Utterance Types



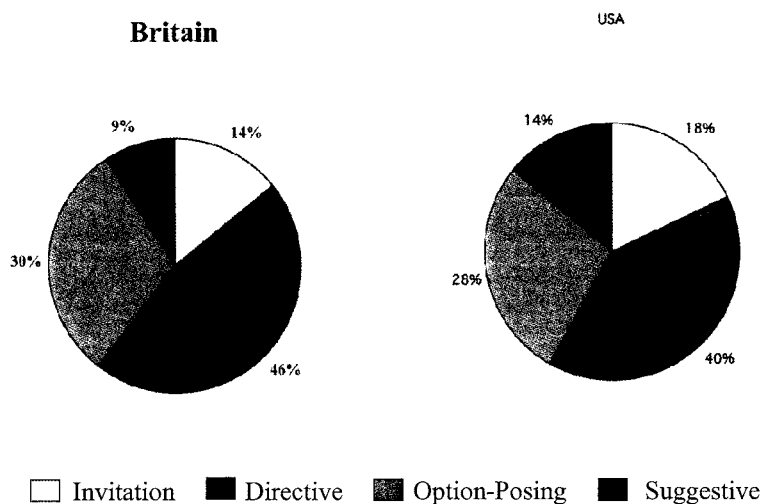
## Distribution of Utterance Types

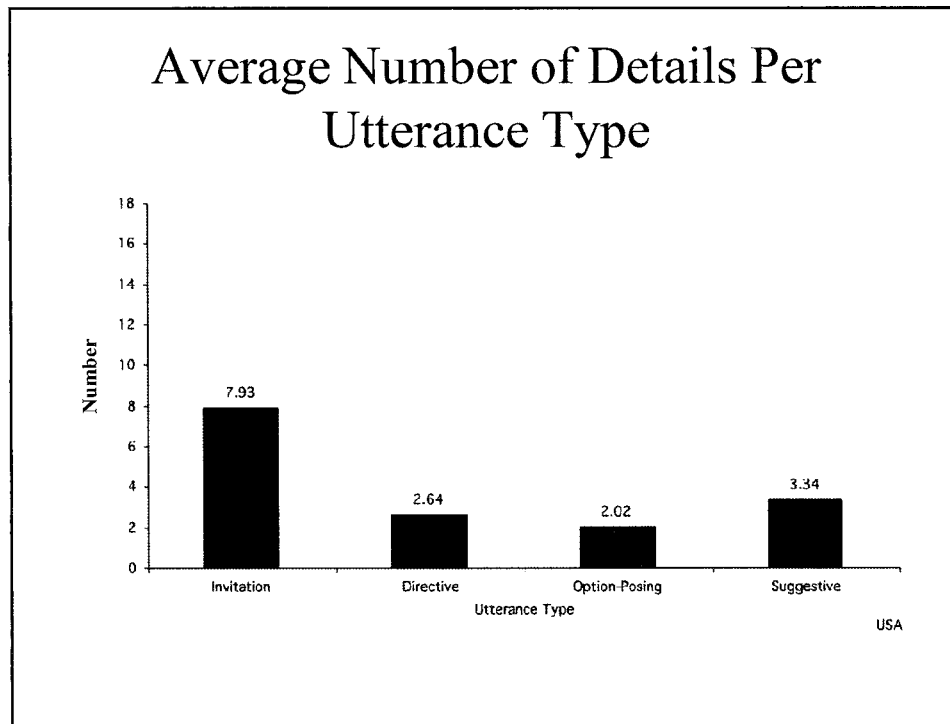
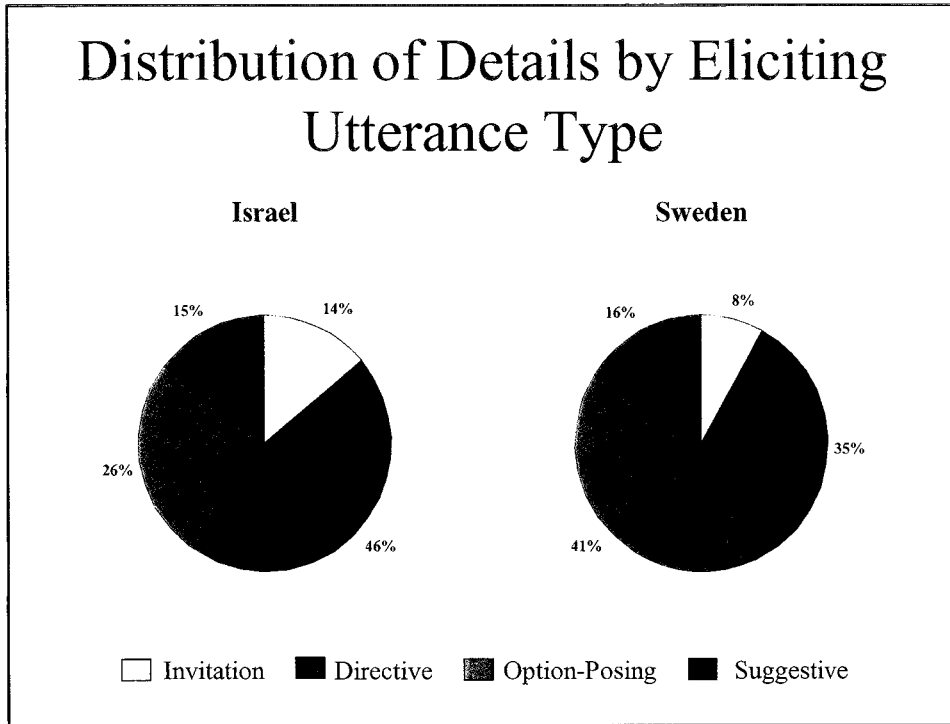


## SUBSTANTIVE DETAILS

Name, identify, or describe individual(s), object(s), event(s), place(s), action(s), emotion(s), thought(s), and sensation(s) related to an alleged incident. Only counted once.

### Distribution of Details by Eliciting Utterance Type





**Interviewers Do Not  
Implement Best  
Practices Even When  
They Know Them and  
Think They Are  
Complying**

The NICHD Investigative  
Interview Protocol Translates  
Best-Practice Recommendations  
into Operational Guidelines



# THE NICHD PROTOCOL

## INTRODUCTION AND GROUND RULES



## RAPPORT BUILDING



## EPISODIC MEMORY TRAINING

FREE-RECALL

CUE QUESTIONS

PAIRED INVITATIONS

TIME SEGMENTATION



## SUBSTANTIVE PHASE

IS THERE AN ALLEGATION?

PRINCIPAL INVITATION

“ONE TIME OR MORE THAN ONE TIME?”

*FOR EACH INCIDENT:*

CUED-RECALL Qs

DIRECTIVE Qs

OPTION-POSING Qs ABOUT UNDISCLOSED  
INFORMATION



## DISCLOSURE PHASE



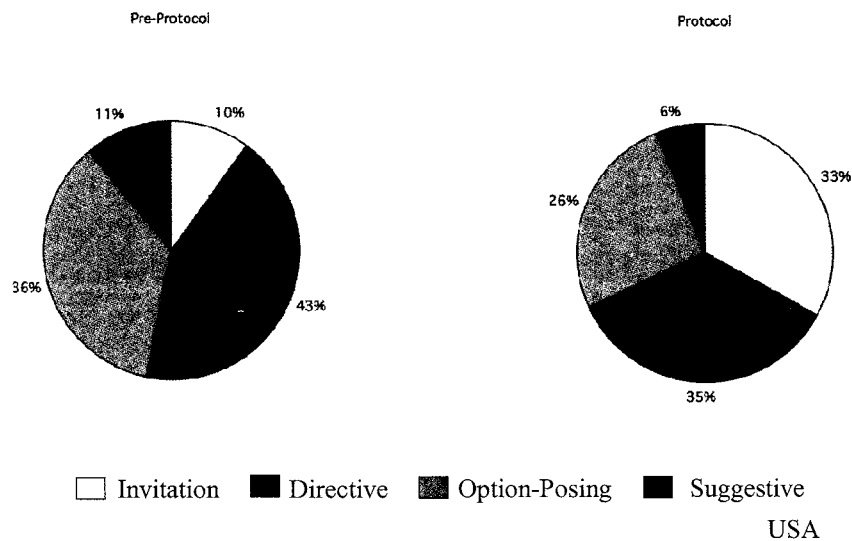
## CLOSING

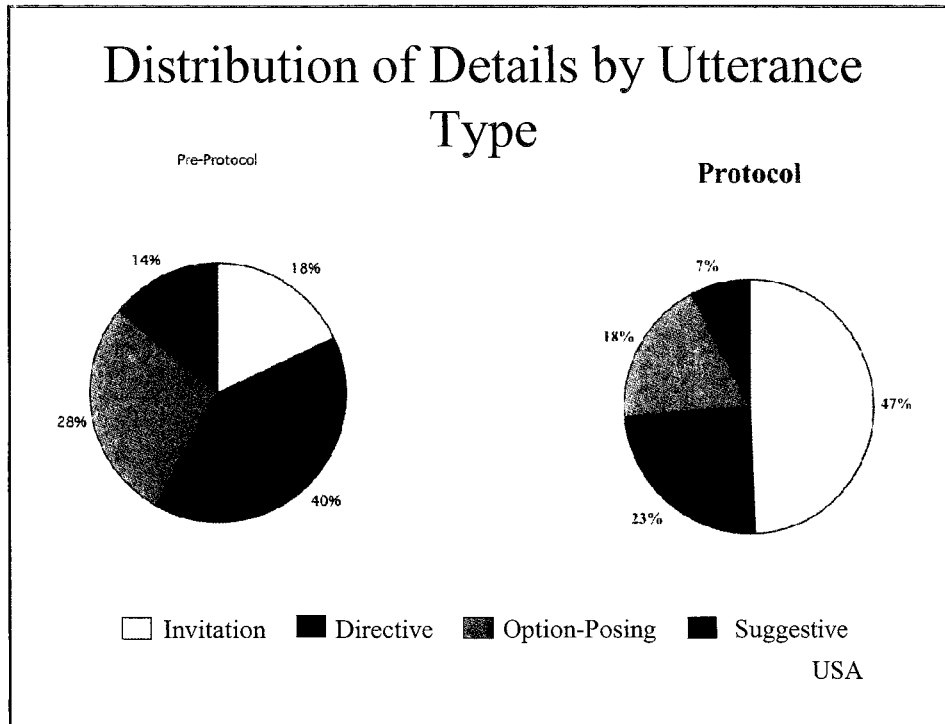
NEUTRAL TOPIC

## PROTOCOL STUDIES

**Pre- And Post-Protocol Cases  
Matched On Age (4 To 13  
Years), Type And Frequency  
Of Abuse, Interviewer, And  
Relationship Between Victim  
and Suspect.**

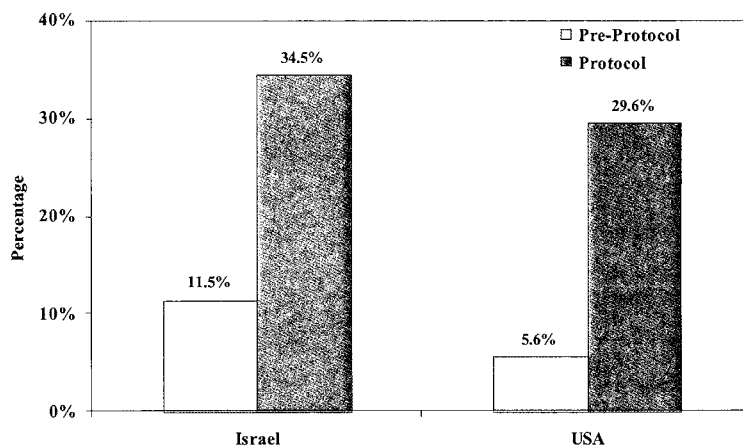
### Distribution of Utterance Types



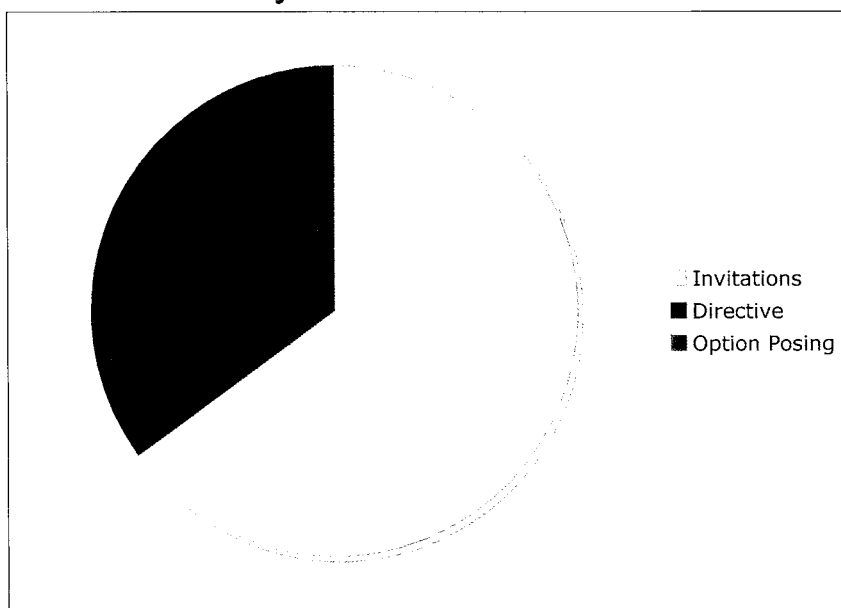


When interviewers do pose ‘risky’ questions, they should do so as late as possible in the interview.

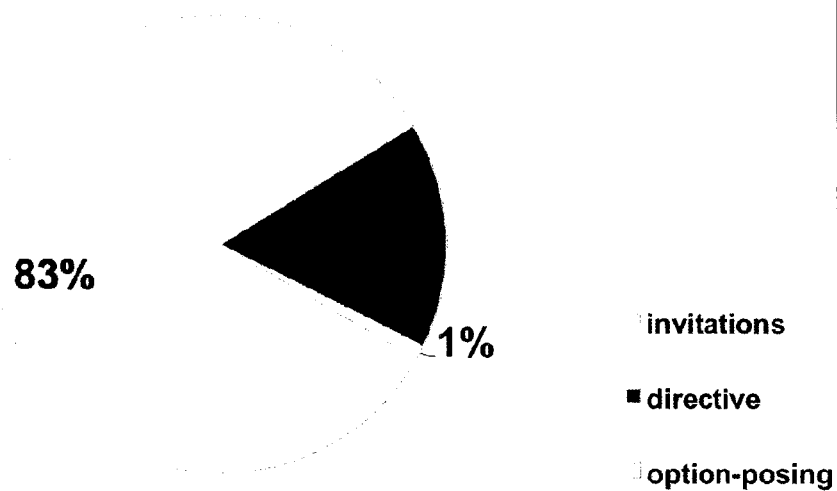
### Proportion of Details Before the First Option-Posing Utterance



### Quality of Utterances

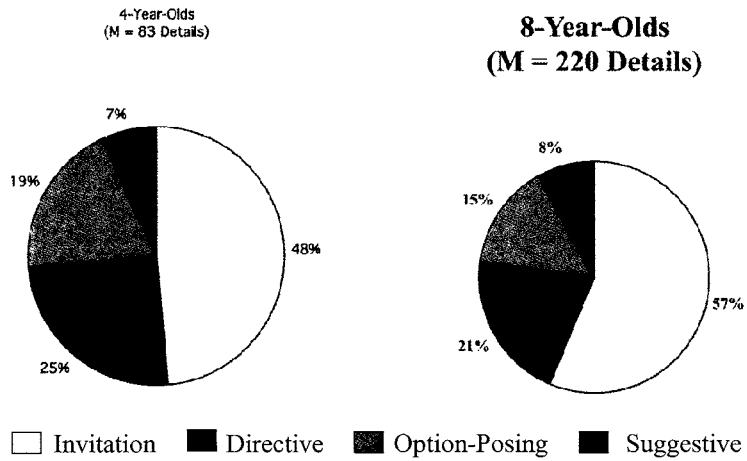


## Proportions of details elicited from each utterance type

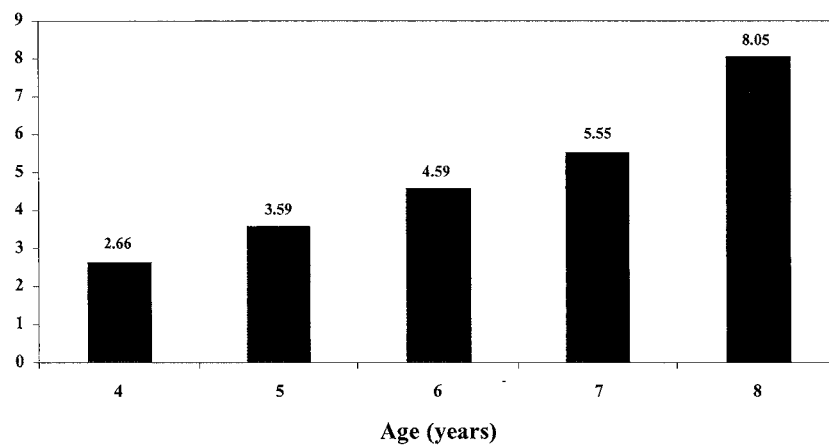


Aren't very young children unable to respond to invitations?

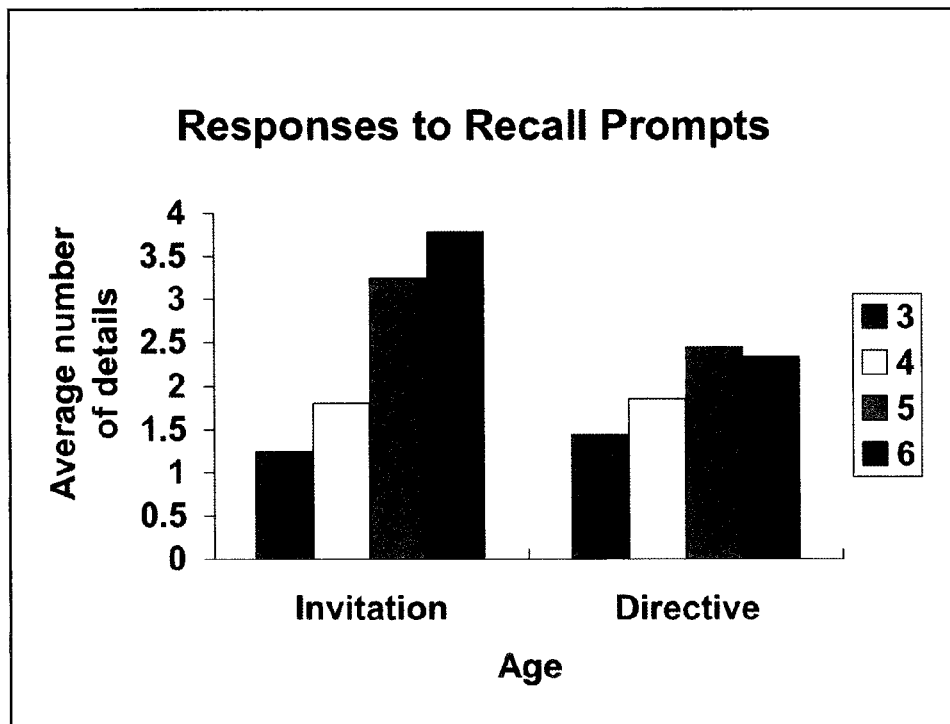
## Elicitation of Details from 4- and 8-Year-Olds



## Average Number of Details per Invitation



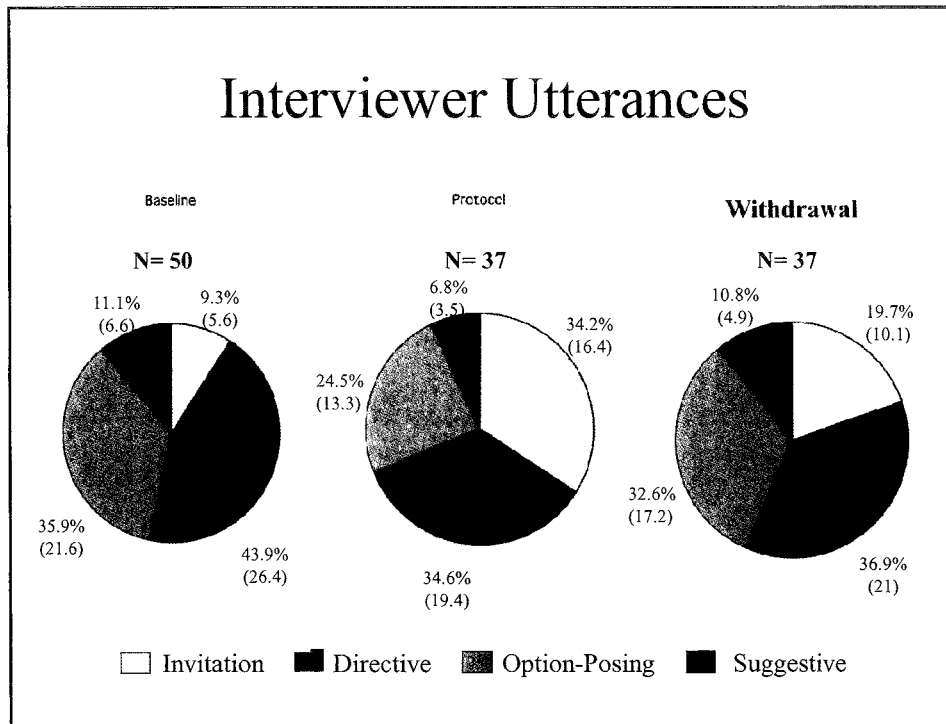
What about younger?



- Even 3-year-olds can be informative witnesses.
- Free-recall narrative-eliciting prompts may not be effective under 4.
- Instead, interviewers can use directives, not risky recognition prompts.

It is Difficult to Develop  
***and*** Maintain  
Interviewing Skills





Especially for 4 to 8 year olds,  
 the value of child witnesses  
 depends on timely interviewing  
 using best practice  
 procedures, but few countries  
 adequately train and monitor  
 interviewers, while ensuring  
 prompt investigation and  
 adjudication.

## **What Difference Does Good Interviewing Make?**

Protocol interviews contain  
more narratives which  
Produce more, stronger, and  
more verifiable leads.

## **What Difference Does Good Interviewing Make?**

1280 cases: 551 Non-, 729  
-Protocol  
3- to 14-year-old suspected  
CSA victims

Charges filed : 47% of cases

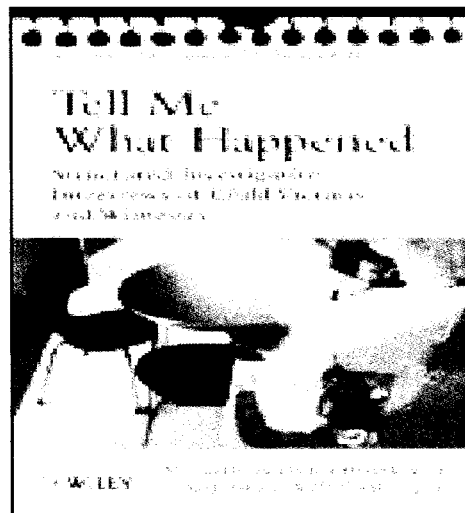
Charges 1.5 times more likely  
for Protocol interviews

\* Most (80%) charged suspects  
pleaded guilty

\* At trial, 16/17 Protocol cases  
and 7/13 non-Protocol cases  
yielded convictions

## GENERAL CONCLUSIONS

- Children CAN be informative.
- 3- to 4-yr-olds CAN respond to recall prompts.
- Interview quality needs to be maintained.
- Good interviewing promotes justice.
- Most children disclose.
- .
- Suggestion DOESN' T overcome reluctance.



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# NICHD 訪談標準程序之發展與實作

## 大綱

兒童能力研究 訪談者行為研究

NICHD 訪談標準程序

與孩童一起努力

熟能生巧

能帶來什麼改變？

結語

## 感謝名單：

Kathy Sternberg, Yael Orbach, Irit Hershkowitz, Phillip Esplin, Mel Pipe, Ann-Christen Cederborg, Carmit Katz, Dvora Horowitz and colleagues (Israeli Department of Youth Investigation), Heather Stewart & Susanne Mitchell (Salt Lake Children's Justice Center), Karen Thierry, Graham Davies, Jan Aldridge, Mireille Cyr, Kim Roberts, Lindsay Malloy, Montreal and Trois Rivieres Police and Mental Health Departments, Salt Lake Police and Sheriffs Departments, Lynne Bowler (Derbyshire Constabulary), Tony Butler (ACPO), hundreds of forensic investigators in Israel, Quebec, the UK, and the US, and dozens of dedicated coders.

## 兒童的能力

- 記憶
- 社會規範
- 受暗示性
- 語言

## 兒童的能力

- 記憶
  - 年齡與準確性
  - 建構主義
  - 回憶與辨認

## 兒童的能力

- 記憶
- 社會規範
  - 測試
  - 簡短
  - 社會認可

## 兒童的能力

- 記憶
- 社會規範
- 受暗示性
  - 年齡
  - 社會認可
  - 記憶強度

## 兒童的能力

- 記憶
- 社會規範
- 受暗示性
- 語言
  - 字彙
  - 理解力
  - 提問方式



## 兒童的能力

- 記憶
- 社會規範
- 受暗示性
- 語言

## 應避免

- 提出暗示性問題
- 給予資訊
- 態度強勢
- 問題不明確或過於複雜
- 要求兒童假裝或猜測
- 延後訪談

## 應做到

- 清楚說明訪談目的及雙方的角色
- 解釋基本原則
- 建立關係
- 練習敘述式回應
- 以中性語言帶入實際問案內容
- 盡量引導兒童回憶
- 著重於事件相關的資訊

## 訪談者的做法是？

- 大多數試著建立關係
- 有些人解釋基本原則
- 有些人讓兒童主動開始提起虐待
- 大多數給予且暗示資訊
- 大多數使用複合問句
- 大多數提問過於直接
- 極少數正確使用開放式問句

# 調查訪談兒童動態的 研究

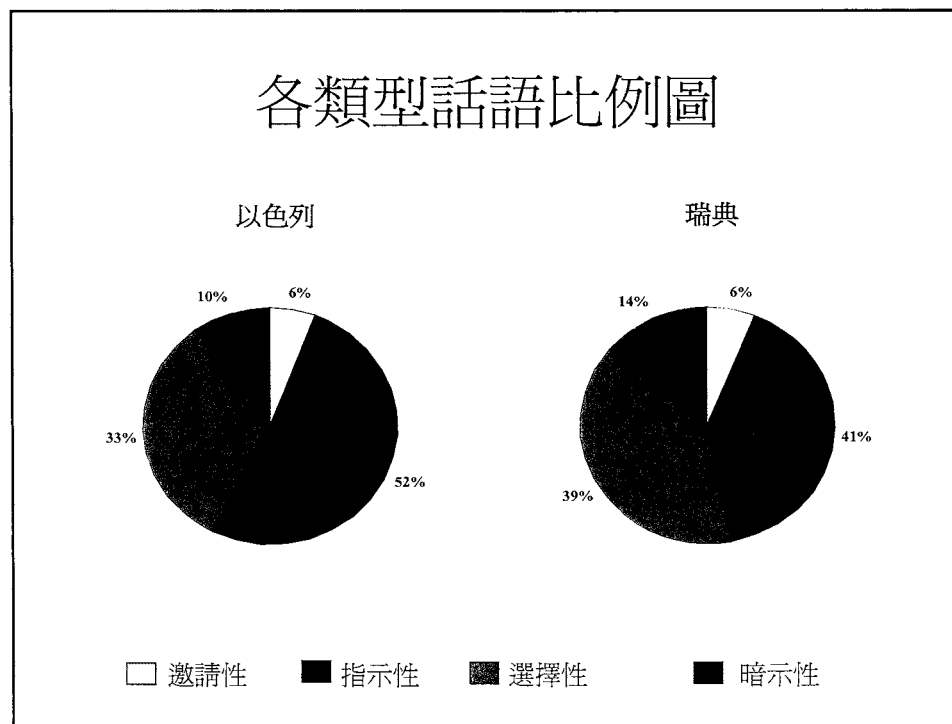
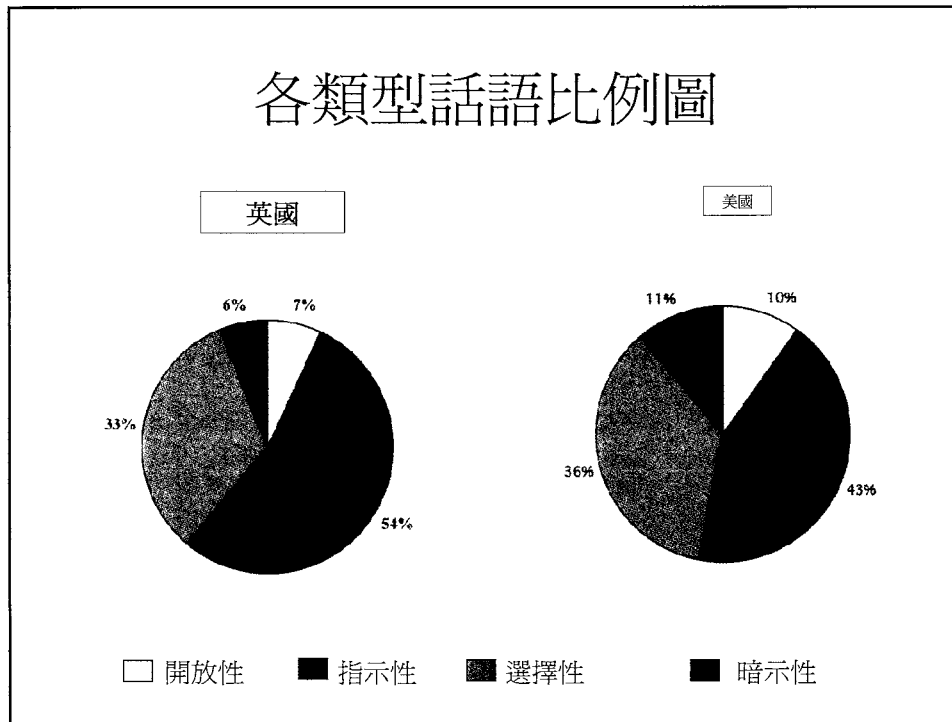
## 訪談者話語類型

開放性話語，試著取得兒童自由回憶後回答。（「然後發生了什麼事。」）

指示性話語，針對兒童提起的事物，詢問進一步的資訊。（「那件襯衫是什麼顏色？」）

提出選項式的話語，針對兒童未提起的細節提問，並要求兒童以訪談者給予的選項回答。（「他有碰你嗎？」）

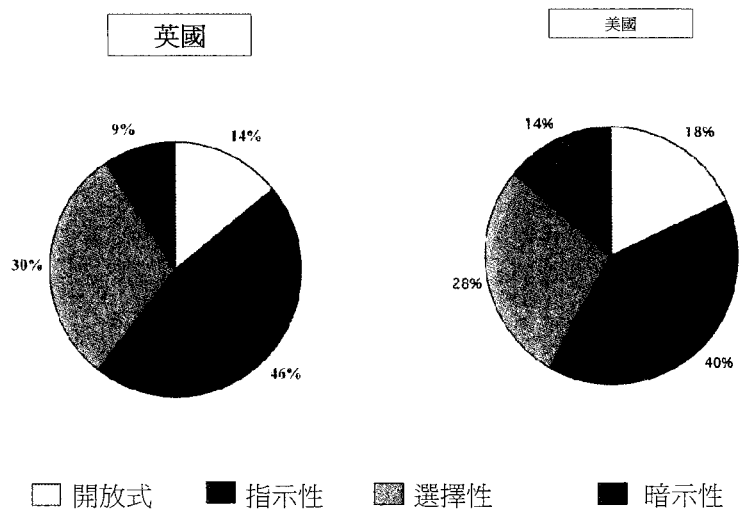
暗示性話語，對兒童未揭露的資訊已有預設立場，或提供期望中的答案。（「他碰了你，對吧？」）



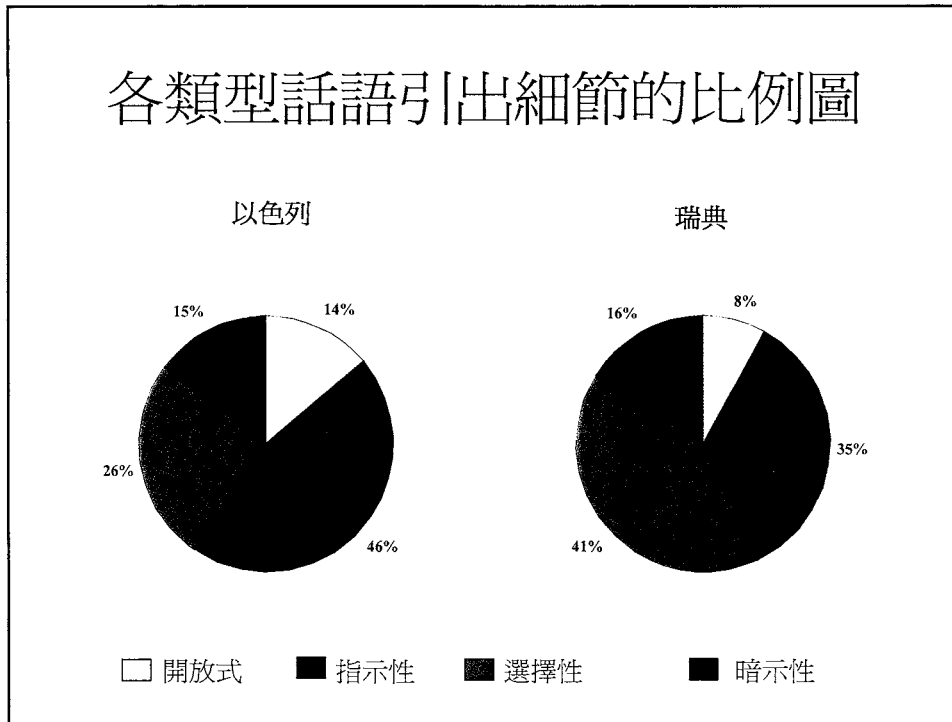
## 實際問案細節

指名、辨認或描述與指控事件相關的個人、物品、事件、地方、行動、情緒、想法及感受。  
僅以一次計。

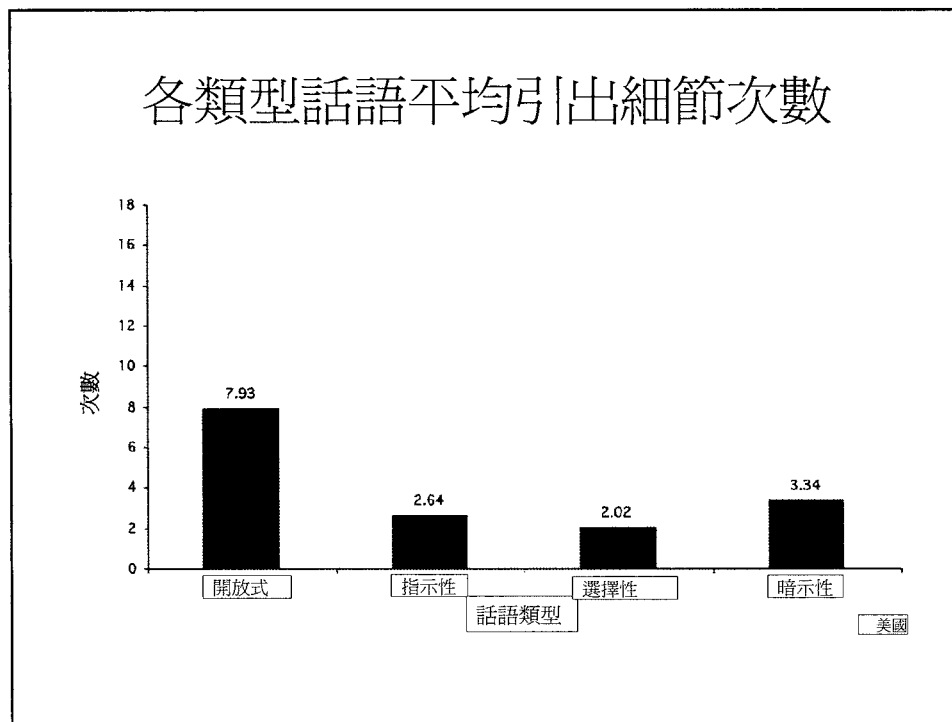
## 各類型話語引出細節的比例圖



### 各類型話語引出細節的比例圖



### 各類型話語平均引出細節次數



訪談者即使了解並自認遵守最佳的訪談方式，實際上仍未應用。

NICHD 調查訪談標準程序介紹最佳的訪談方式，並將這些建議轉化為行動準則。

# NICHD 訪談標準程序

開場白與基本原則



建立關係



情節記憶訓練

自由回憶

提示問題

搭配的誘引性提問

時間區隔



實際問案階段

是否有指控？

主要誘引

「一次或是不只一次？」

針對個別事件：

提示性回憶的問題

指示性問題

針對未揭露資訊提問並提出選項



揭露階段



結束

中性話題

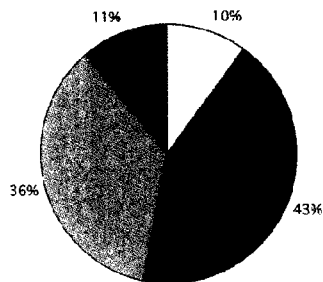


## 訪談標準程序研究

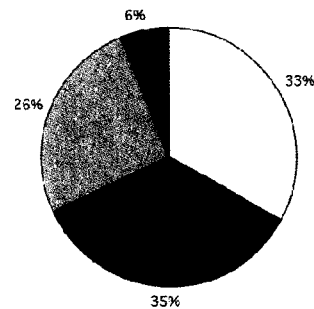
訪談程序施行前後的案例調查，  
前後案例依下列條件配對：年  
齡 (4 至 13 歲)、虐待型態與頻  
率、訪談者、受害人與嫌犯之  
間關係。

## 各類型話語比例圖

訪談標準程序施行前

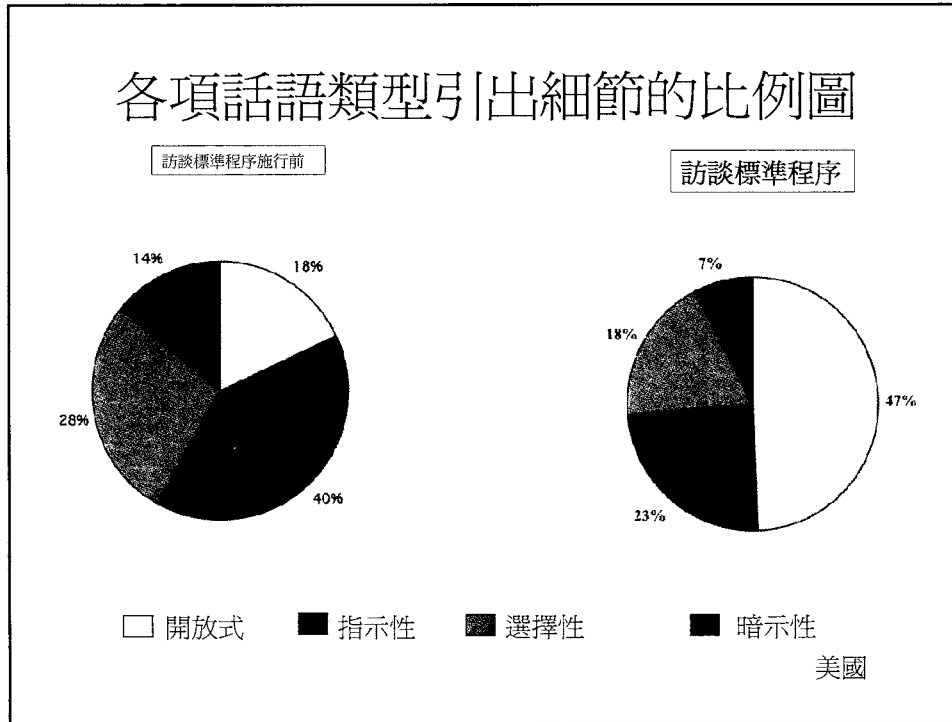


訪談標準程序



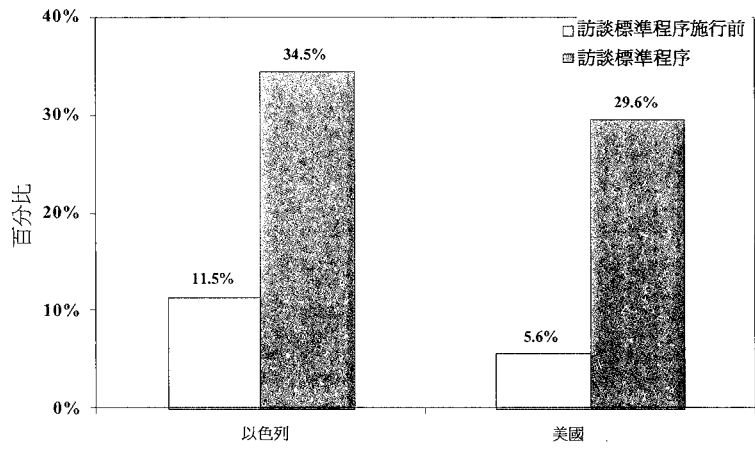
□ 開放式    ■ 指示性    ▨ 選擇性    ■ 暗示性

美國

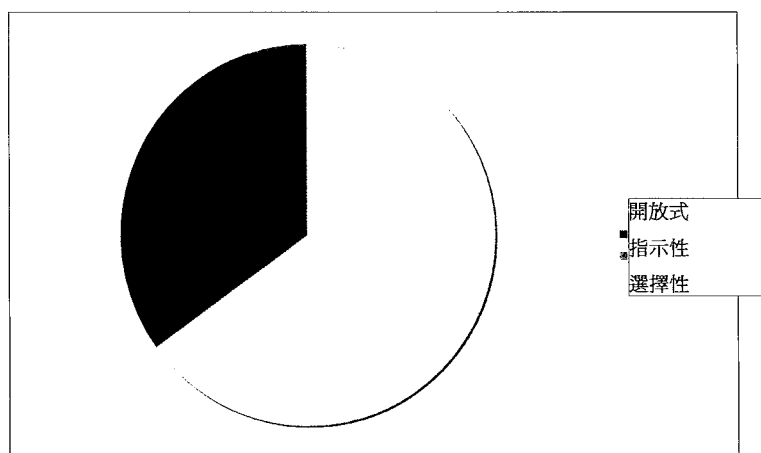


訪談者如需提出較「冒險」的問題，於訪談中應盡可能晚一些提出。

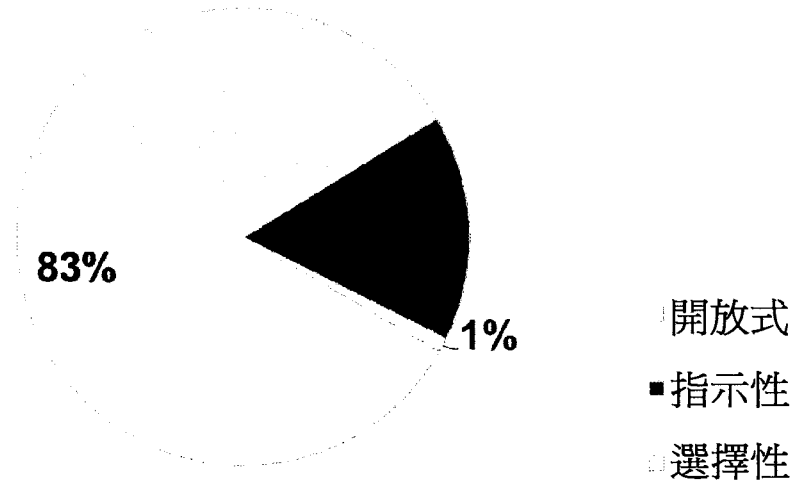
### 提出選項前即引出細節的比例



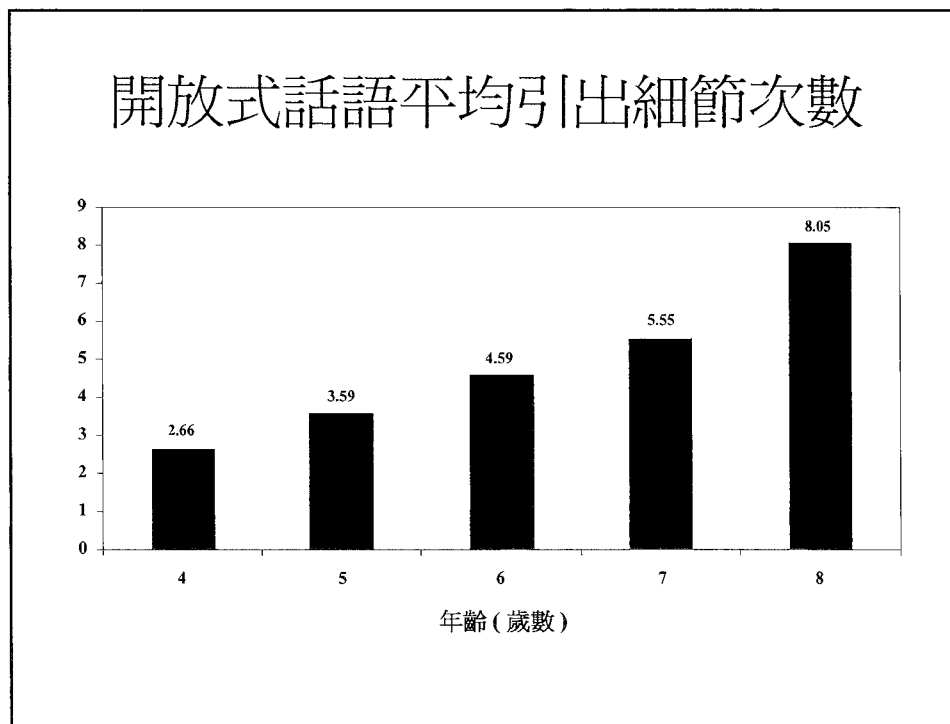
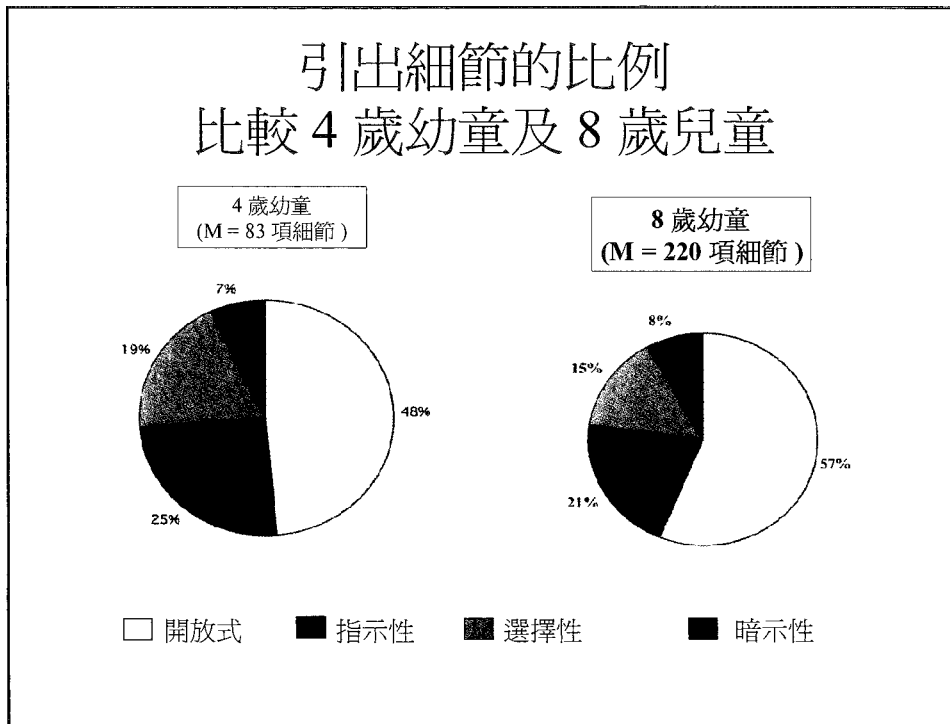
### 話語品質



## 各種話語類型引導出的細節比例

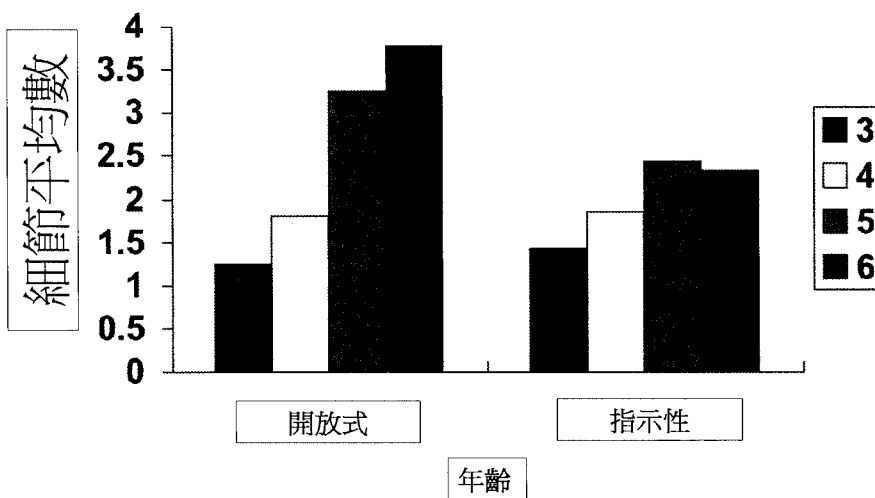


幼童是否無法回答開放式問題？



更小的孩子呢？

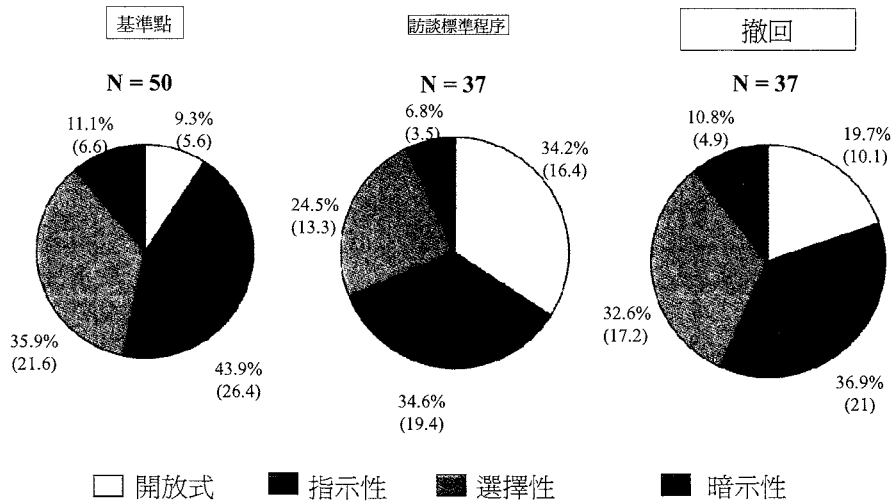
引導回憶提示得到的回答



- 即便 3 歲的幼童也能提供資訊。
- 對小於 4 歲的幼童使用自由回憶引導敘事法，可能難有效果。
- 訪談者可改用指示性話語，避免冒險的辨認記憶提示。

發展及維持訪問技巧都十分  
困難

## 訪談者使用的話語



尤其面對 4 至 8 歲的兒童時，使用最好的訪談程序及時進行訪談，才能獲得兒童有價值的證詞，然而大多數國家儘管能夠及時調查與裁決，卻缺乏對訪談者的充分訓練與監督。



良好的訪談能帶來什麼改變？

依照標準程序的訪談有更多敘述  
，  
能引出更多、更有力且可供驗證  
的線索。

良好的訪談能帶來什麼改變？

1280 件案例：551 例未使用標準  
程序、729 例  
使用標準程序，  
對象為 3 至 14 歲，疑似遭性侵  
(CSA) 之受害者

起訴：占所有案例 47%

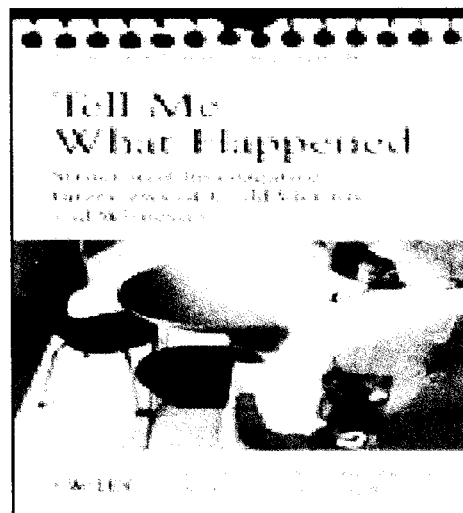
依照標準程序訪談，能起訴的機會增為 1.5 倍

\* 大多數 (80%) 遭起訴的嫌犯皆否認犯行

\* 審判中定罪的比例，依照標準程序訪談的案例為 16/17、未依照的案例為 7/13。

## 總結

- 兒童能提供許多資訊。
- 3 至 4 歲的幼童能回答引導回憶性的問題。
- 必須維持訪談品質。
- 良好的訪談能伸張正義。
- 大多數的兒童會揭露資訊。
- .
- 暗示性話語對猶豫的態度沒有幫助。



[mel37@cam.ac.uk](mailto:mel37@cam.ac.uk)

Discussant 與談人:Dr. Kim P. Roberts 簡歷,詳見專題研討一 (Session1)。

Discussant 與談人

## 孟玉梅資深檢察官 Yu-Mei Meng, Senior Public Prosecutor

### **經歷 / Positions**

#### 現任 / Current Positions

臺灣士林地方法院檢察署資深檢察官

Senior Public Prosecutor of Shih-Lin District Prosecutors Office

#### 曾任 / Professional Experiences

臺灣士林地方法院檢察署主任檢察官；臺灣新竹地方法院檢察署主任檢察官；法務部調檢察司辦事檢察官；柏克萊加州大學訪問學者；臺灣臺北、桃園、新竹及花蓮地方法院檢察署檢察官

Head Public Prosecutor, Shih-Lin District Prosecutors Office; Head Public Prosecutor, Shinchu District Prosecutors Office; Visiting Scholar, University of California Berkeley; Public Prosecutor, Department of Prosecutorial Affairs, Ministry of Justice: Handing and drafting the police about prevention of sexual crime, domestic violence and child and youth sexual transaction crime; Public Prosecutor, Taipei District Prosecutors Office; Public Prosecutor, Taoyuan District Prosecutors Office; Public Prosecutor, Shinchu District Prosecutors Office; Public Prosecutor, Hualien District Prosecutors Office.

### **學歷 / Education**

東吳大學法學士

LL.B, Soochow University School

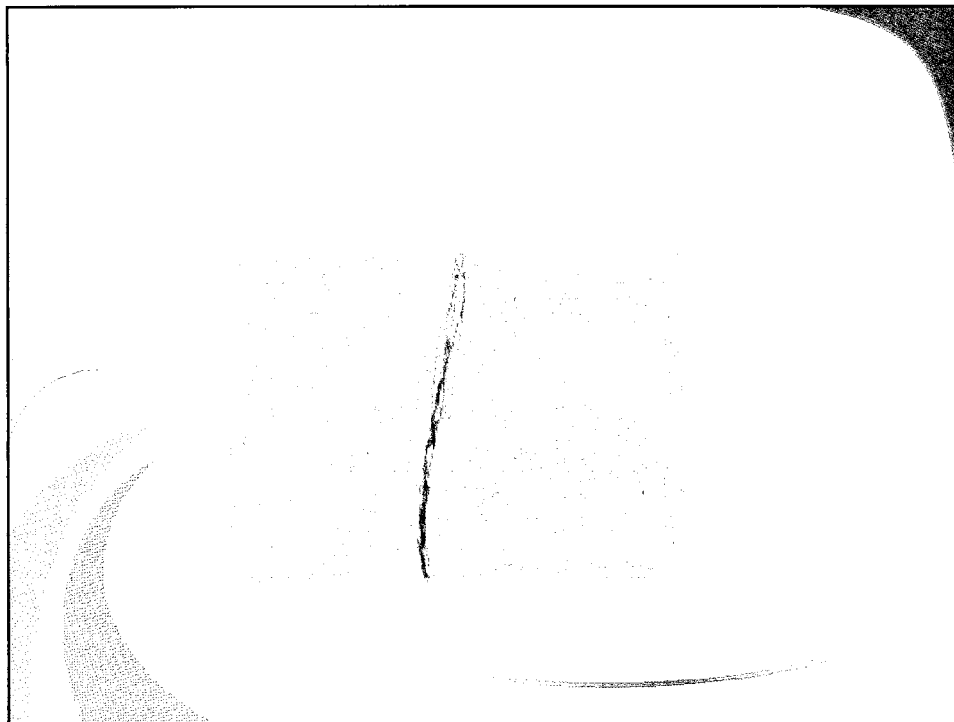
# Other Techniques

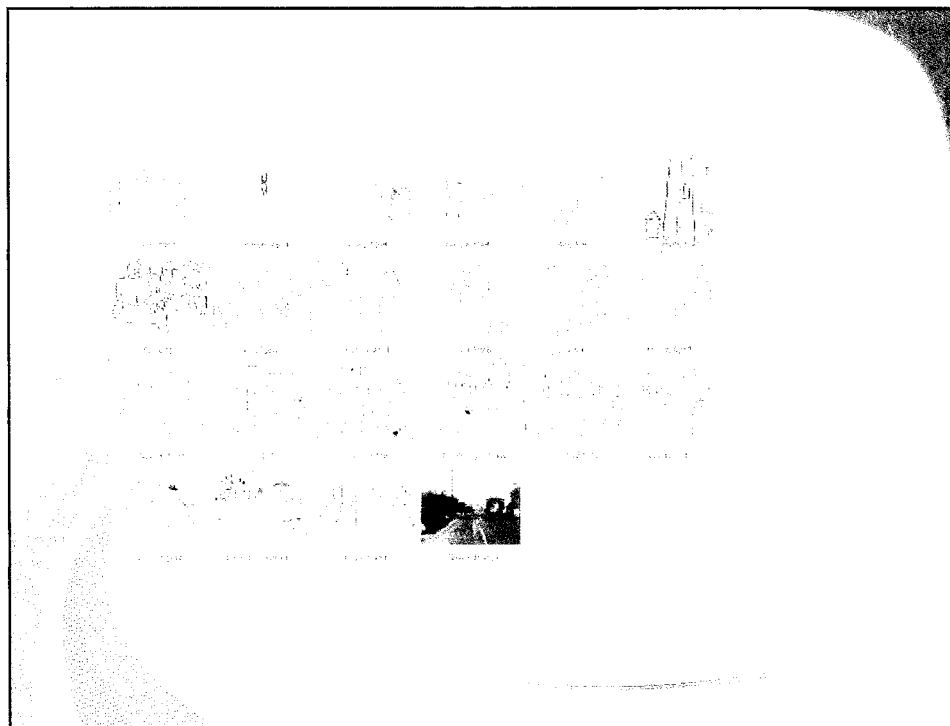
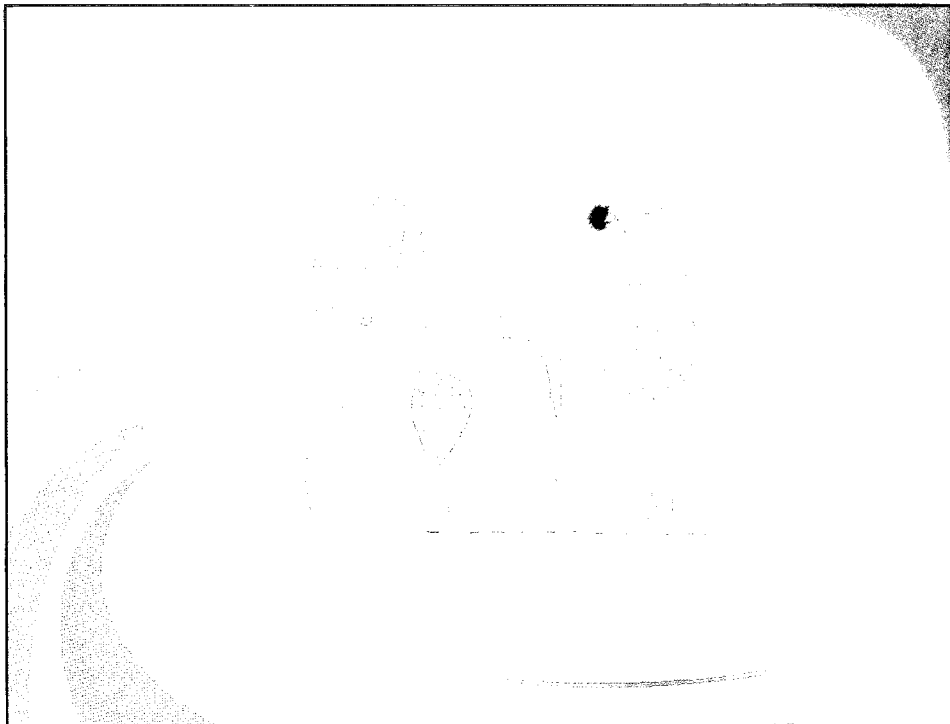
Temporal memory  
Repeated event memory

Kim Roberts, Wilfrid Laurier University

## Using Symbols

- **Language**
  - 18 months: Car
  - 2 years: Daddy car
  - 3 years: Daddy push car
  - 4 years: Daddy is pushing the car
  
- **Maps**





## Using Symbols



- Development between age 2-11
- Appearance-Reality (around age 3):
  - What you see is what it is
  - Can only focus on one aspect at a time
  - Don't understand that appearances can be deceiving
  - Don't yet understand that one dimension can change at the same time as another dimension does not change.
    - E.g., glasses of water, counting buttons

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## Temporal Memory



- Symbols for visible things
- Now symbols for abstract things
  - E.g., hot/cold
- *TIME* is an abstract concept
- Development from preschool to age 8-10 years
- Language use before true conceptual understanding
  - E.g., “yesterday”, “five weeks”

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## Understanding and Remembering Time

- Different time scales
- Young children (< 6 years) can recall events from a specific time period
  - E.g., from birthday, Halloween
- But don't understand the relation between them, that they are in a particular sequence
  - “islands of time”

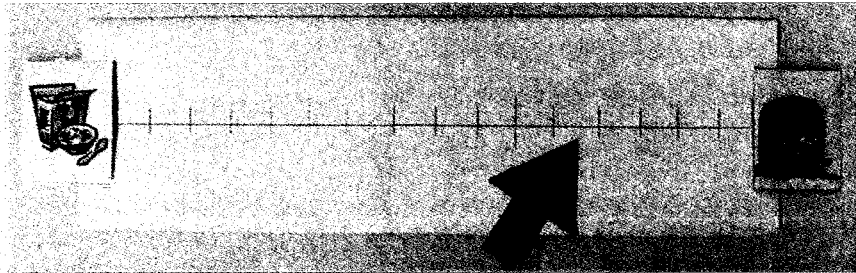
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## What does it mean in practice?

- Ask about events that happened before/after the disclosed incident (rather than abstract temporal questions)
  - “What happened before.....?”
  - Use significant events: “Was it before or after your *birthday*?” (follow with open-ended)
- Consider the age of the child when using temporal terms
  - e.g., *what day was it?*
  - e.g., *was it an hour, two hours?*

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## A Sample Time Line



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## Children's Use of Time Lines

- 7-8 year olds can use the time-line
- 5-6 year olds can use the time-line for some things (e.g., before/after lunch) but not others (e.g., short time/long time)
- 4 year olds show some basic (very basic) skills
- 3 year-olds had no understanding

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## What does this mean in practice?

- Need careful consideration of:
  - Child's age
  - Anchors
  - Attempts to verbally elicit temporal information
  - 'Last resort'



BEST TECHNIQUE IS TO VERBALLY ELICIT

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## Survey of investigative interviewers

- 93% of the respondents have to question witnesses about individual incidents always or often
- Very common to find interviewing victims of multiple alleged incidents difficult (only one claimed that it was not difficult)
- 38% said it was *often* difficult to interview such victims.
- Difficulties:
  - 86% specifically claimed it was difficult to orient witnesses to different incidents
  - extrapolating the order in which different incidents occurred
  - witnesses going "back and forth" between different incidents
  - witnesses getting confused between the incidents

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## Script memory



- What is a “script”?
  - General description of a repeated event
  - Correctly sequenced actions within the event
- Even 3-year-olds can accurately describe temporally and causally-connected sequences
- Younger children take longer time to build a script
- Scripts are easily formed after just a few occurrences by children around 7 years old.

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## What does this mean in practice?

- Children can provide general descriptions but are often required to describe specific incidents
- Need to know exactly how specific testimony needs to be

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## Memory for repeated experiences



Always do the puzzle

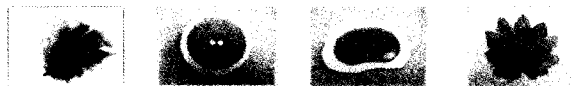
### Fixed details (identical each time)

- Excellent memory even with young children
- Perfect recall of at least 75% of the details.
- 3-5 year-olds as accurate as 6- to 8 year-olds
- Remember for much longer than details in an event that happens just one time

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## Variable details

Children wear a different badge each day



- Very poor accuracy at all ages
- What do they do?
  - They remember the gist – that they wore a badge each time.
  - They can provide a list (feather, button...)
  - They are aware that the badge was always different
  - BUT not very good at linking the right badge to the right day

(unless something salient, e.g., an interruption)

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## Exercise:

**Lori didn't know much about sex until she was sexually abused by her uncle. Jenny had been sexually abused multiple times. How might their memories differ?**

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## Interviewing children about repeated events

### The Practice Interview

– *Before* discussing allegations, encourage child to describe a recent pleasant event

- **Repeated event; Last instance**

– E.g., Last swimming lesson

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## Practice recalling an instance of a repeated event

- Children report earlier in the interview that the event happened more than once
- They report *more* information
- They give *unique* labels to events (helpful)
  - E.g., “time in the pool”

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## Order of questioning

- Script first
- Then individual instances
  - First time
  - Last time
  - Elect a time



Asking first about the incidents *in general* increases the amount of information when later describing specific incidents.

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## More Suggestions

- Explicitly **label** incidents
- [insert example]
- **Phrasing** of questions
  - If need to introduce specific detail:
    - *First* ask “did x ever happen?”
    - *Before* “did x happen the time when...?”
- **Avoid** temporal terms
  - e.g., instead of “*was it the second time?*”
  - Ask “*Was it the time you went to Florida?*” (child already mentioned Florida)



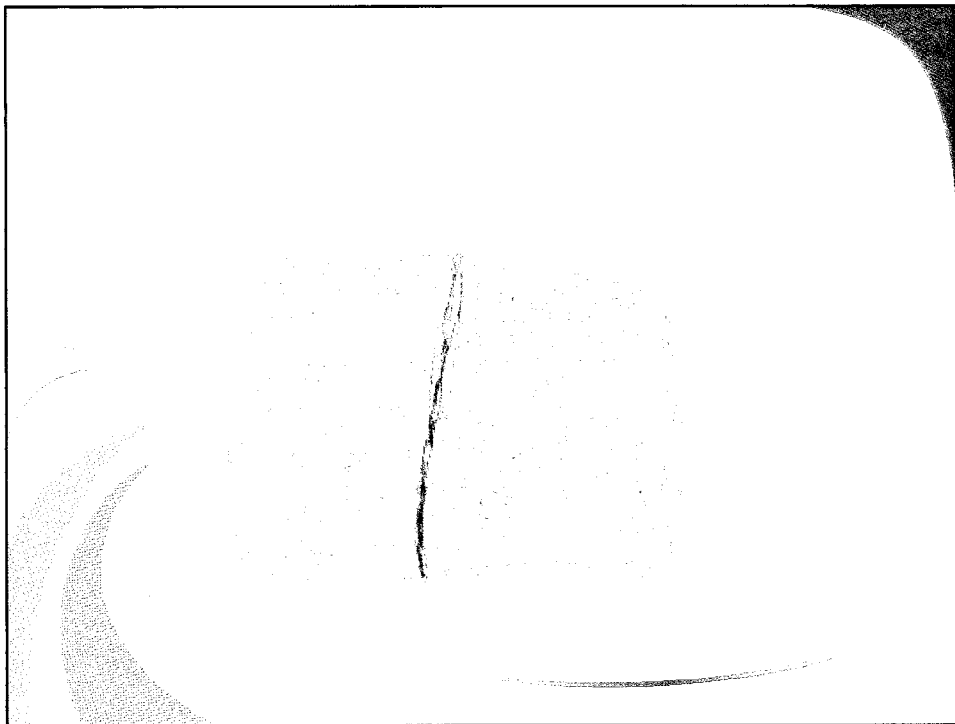
# 其他技巧

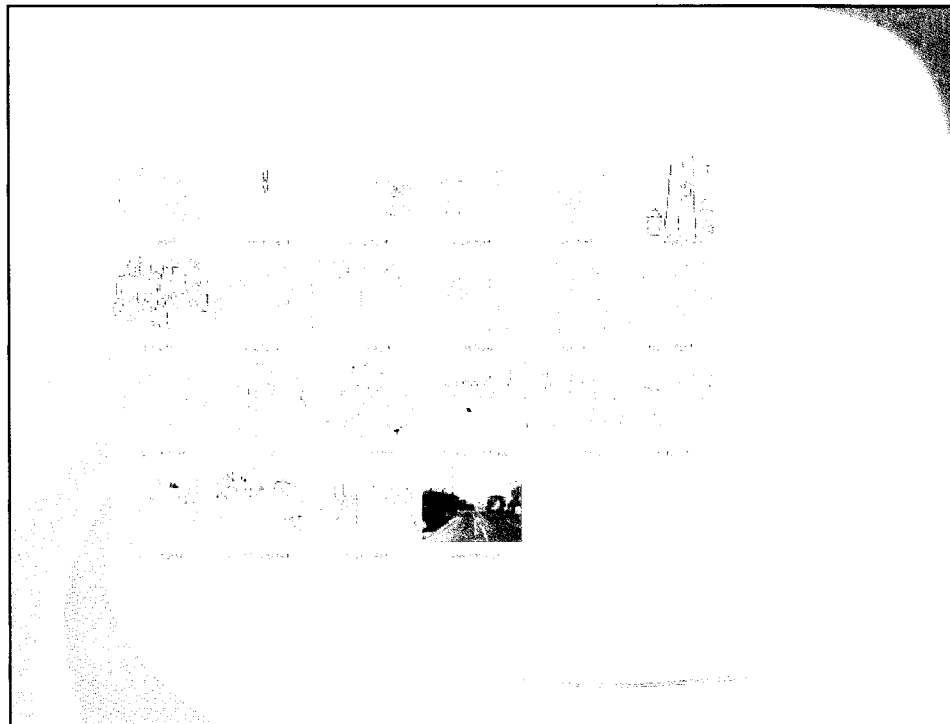
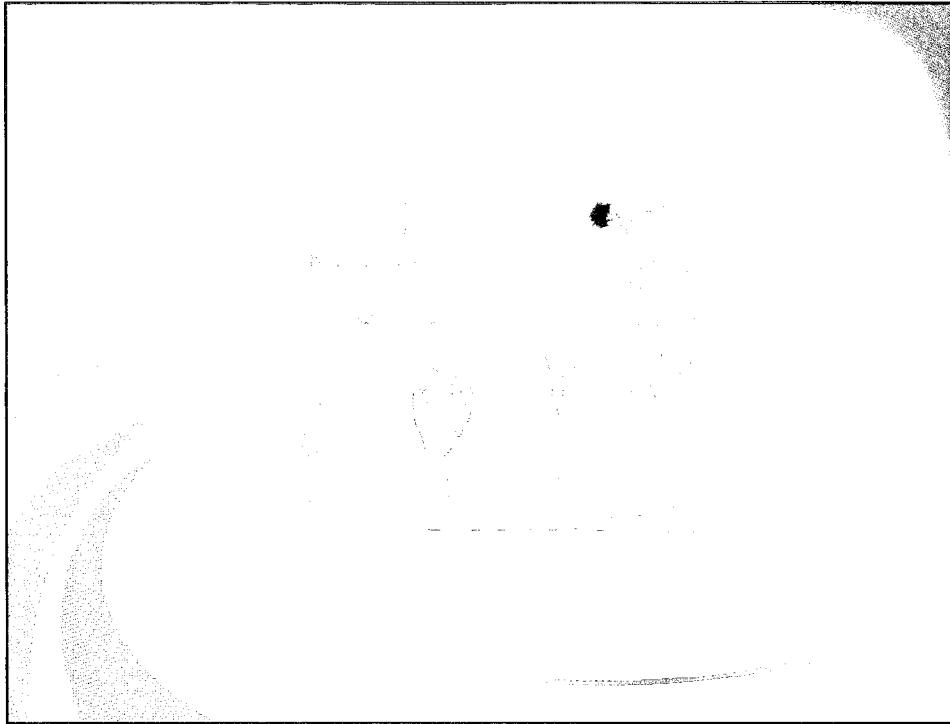
時間記憶  
重複性事件的記憶

Kim Roberts, 勞瑞爾大學

## 運用象徵

- 語言
  - 18 個月：車子
  - 2 歲：爸爸車子
  - 3 歲：爸爸推車子
  - 4 歲：爸爸正在推車子
- 地圖





## 運用象徵



- 2 至 11 歲的發展狀況
- 以為表象就是事實 (3 歲左右)：
  - 眼前的景象就是真相
  - 每次只能專注於某個層面
  - 不瞭解表象可能蒙蔽真相
  - 尚未理解「某個層面出現改變、其他層面卻未改變」這種觀念。
    - 例如裝了水的杯子、數鈕扣

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## 時間記憶



- 肉眼可見事物的象徵
- 接著瞭解抽象事物的象徵
  - 例如，冷/熱
- 時間屬於抽象概念
- 學前時期到 8 至 10 歲時期的發展
- 能夠運用語言，但尚未真正瞭解其概念
  - 例如「昨天」、「5 個星期」

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## 瞭解並記得時間

- 不同的計時方式
- 幼童(未滿6歲)能回想特定時期的事件
  - 例如生日、萬聖節
- 卻不瞭解事件之間的關係，也不瞭解這類事件有其順序
  - 「時間之島」

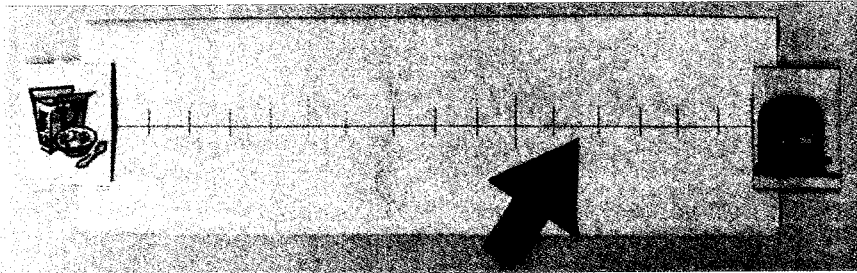
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## 在實際訪談中有什麼意義？

- 詢問已揭露事件之前/之後發生的事件(而非抽象的時間問題)
  - 「在.....之前發生了什麼事？」
  - 運用重大事件：「這件事發生在你的生日之前還是之後呢？」(進一步提出開放式問題)
- 運用時間詞彙時必須考量兒童的年齡
  - 例如，那一天是星期幾呢？
  - 例如，是1個小時或2個小時呢？

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## 時間線範本



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## 兒童運用時間線的情形

- 7 至 8 歲的兒童能運用時間線
- 5 至 6 歲的兒童能針對若干事物運用時間線 (例如，午餐之前/之後)，卻無法針對其他事物運用時間線 (例如，較短/較長的時間)
- 4 歲兒童已具備若干基本 (非常基本的) 技能
- 3 歲兒童無法理解

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## 在實際訪談中有什麼意義？

- 必須審慎考量：
  - 兒童的年齡
  - 重要的時間點
  - 設法透過口頭交談取得時間資訊
  - 「最後的手段」

 最佳技巧便是透過口頭交談取得資訊

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## 對研究訪談者進行的調查

- 93% 的參與者總是或經常必須針對個別事件訊問證人
- 經常發現難以訪問指控發生多次事件的受害者 (只有 1 位參與者表示並不困難)
- 38% 的參與者指出這類受害者通常難以訪問。
- 難處：
  - 86% 的參與者明確表示，他們難以引導證人回想不同的事件
  - 推斷不同事件的發生順序
  - 證人「來回檢視」不同的事件
  - 證人對於不同事件的記憶產生混淆

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## 腳本記憶



- 何謂「腳本」？
  - 重復事件的籠統描述
  - 事件中各項行動的正確順序
- 3 歲兒童也能精確描述不定期事件的時間順序
- 年紀較小的兒童建立連續事件的「腳本」需要較長的時間
- 對於 7 歲左右的兒童，相同事件只要發生幾次，便能建立腳本記憶。

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## 在實際訪談中有什麼意義？

- 兒童能提供籠統的描述，然而他們通常必須描述特定事件
- 必須清楚瞭解證詞內容的明確性應達到何種程度

16



## 重複性經驗的記憶



總是像在玩拼圖

### 固定細節 (每次的內容完全相同)

- 幼童也有絕佳的記憶力
- 至少能完全回想起 75% 的細節。
- 3 至 5 歲兒童的記憶精確度與 6 至 8 歲兒童相同
- 相較於偶發事件的細節，兒童對於重複性經驗的記憶能維持更長的時間

17

## 多變細節

兒童每天配戴不同的胸章



- 記憶精確度極低，不論年齡為何皆然
- 他們的記憶方式為何？
  - 他們記得重點 - 即他們每次都配戴胸章。
  - 他們可以列出項目 (羽毛、鈕扣.....)
  - 他們知道每個胸章都不一樣
  - 卻不善於連結胸章與正確的日期

(除非發生重要的事情，例如過程中斷)

18

## 練習：

蘿莉在遭到叔叔性侵之前的性知識不多。珍妮多次遭到性侵。她們的記憶可能有何差異？

19

## 針對重複性事件訪問兒童

### 練習訪談

– 在討論指控內容之前，先鼓勵兒童描述最近一項愉快的事件

- 重複性事件；上次的情況
  - 例如，最後一堂游泳課

20

## 練習回想重複性事件當中的某個例子

- 兒童在訪談中稍早曾指出該事件發生一次以上
- 他們提供*更多*資訊
- 他們為事件加上*特有的*標記 (有所助益)
  - 例如「游泳池那一次」

21

## 提問的順序

- 先詢問「腳本」/大致情況
- 再查明每一次的情況
  - 第一次
  - 最後一次
  - 選出其中一次



先詢問事件的*大致情況*，將有助於提升稍後描述特定事件時的資訊量。

22

## 更多建議

- 顯然相當重要的標記事件
- [插入範例]
- 設計問題
  - 必要時應提及特定細節：
    - 先問「x 是否發生過？」
    - 再問「x 發生的時間是不是.....？」
- 避免使用時間詞彙
  - 例如，與其說「這是第二次嗎？」
  - 不如說「這是你去佛羅里達州時發生的事嗎？」(兒童已經提過佛羅里達州)

Day2 : 2013/09/10

## **Presentation 2**

# **專題演講**

**13:10~14:40**

**NICHD Child Forensic Interview  
Structure(Taiwan)**

**NICHD 訪談程序會談結構簡介  
(臺灣版)**

Moderator 主持人

**黃怡君副司長 Yi-Chun Huang, Deputy Director-General**

**學術專長 / Research Interests**

性侵害、性騷擾、家庭暴力防制及調查工作

Sexual Assault; Sexual Harassment; Precaution and Investigation of Domestic Violence

**經歷 / Positions**

**現任 / Current Positions**

法務部保護司副司長

Deputy Director-General, Department of Prevention, Rehabilitation and Protection, Ministry of Justice

**曾任 / Professional Experiences**

各縣市婦女權益促進委員會委員；各縣市性別平等教育委員會委員

Member of Committee for the Promotion of Women's Right; Member of Gender Equality Committee.

**學歷 / Education**

東吳大學法律系學士

LL.B, Soochow University School

Speaker 講師：Dr. Yee-San Teoh 簡歷，詳見專題演講(Presentation1)。

# NICHD 訪談程序結構簡介 (台灣中文版)

趙儀珊 Teoh Yee-San

國立臺灣大學 心理學系暨研究所  
Department of Psychology, National Taiwan University

## 作者

國家兒童健康與人類發展中心  
(National Institute of Child Health and Development)

Michael Lamb, Kathy Sternberg, Yael Orbach, Irit Hershkowitz, Phillip Esplin, Mel Pipe, Ann-Christen Cederborg, Carmit Katz, Dvora Horowitz and colleagues (Israeli Department of Youth Investigation), Heather Stewart & Susanne Mitchell (Salt Lake Children's Justice Center), Karen Thierry, Graham Davies, Jan Aldridge, Mireille Cyr, Kim Roberts, Lindsay Malloy, Montreal and Trois Rivieres Police and Mental Health Departments, Salt Lake Police and Sheriffs Departments, Lynne Bowler (Derbyshire Constabulary), Tony Butler (ACPO), the many forensic investigators and coders.

## 翻譯/編修



國立臺灣大學中國信託慈善基金會  
兒少暨家庭研究中心  
兒少保護與家暴防治組

建構本土化的兒童訪談程序: 培訓相關專業人員成爲司法訪談者(Forensic Interviewer)，以取得有證據力的兒童證詞，保障兒童的司法權益(包括性侵害案件、兒保案件、目睹兒童等)

9

9

- 計畫歷時：9個月
- 會議次數：9次
- 專家審查次數：3次

9

9



	時間	事件
2012	11/16	第01次會議
	12/20	*徵得Prof. Michael Lamb同意進行翻譯
2013	01/07	*完成NICHHD訪談程序翻譯(英翻中)、沈瓊桃老師修改
	01/28	完成NICHHD訪談程序翻譯(中翻英)
	02/05	第02次會議
	03/04	第03次會議
	03/07	*完成第一次專家審查
	04/08	第04次會議
	04/12	*完成第二次專家審查
	04/29	第05次會議(針對專家審查的意見進行討論)
	05/13	第06次會議(針對專家審查的意見進行討論)
	06/06	第07次會議
	07/07	*完成第三次專家審查
	07/08	第08次會議
	08/12	第09次會議

# NICHHD 訪談程序

## 台灣中文版

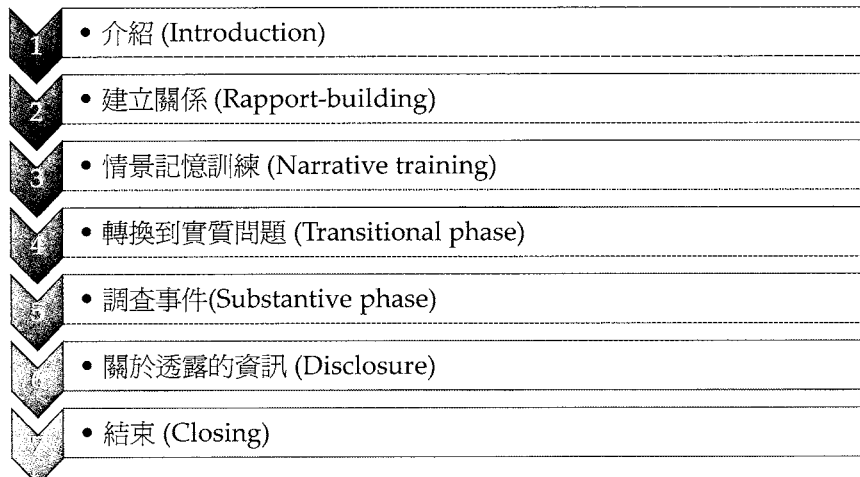
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## \*NICHHD 訪談程序使用者請 務必接受訓練\*

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訓練的必要：  
深入了解訪談程序的準則，結構，詢問方式；角  
色扮演，feedback

## 結構

- 
- 介紹 (Introduction)
  - 建立關係 (Rapport-building)
  - 情景記憶訓練 (Narrative training)
  - 轉換到實質問題 (Transitional phase)
  - 調查事件 (Substantive phase)
  - 關於透露的資訊 (Disclosure)
  - 結束 (Closing)

## 介紹 (Introduction)

- 「你好，我的名字叫做\_\_\_\_\_，我是警察 (檢察官、法官)。〔介紹房間內的其他人，例如社工；最好沒有其他人在場。〕
- 可以請受訪兒童自我介紹〕
- 「你可以看到這裡有錄影機和麥克風.....」
- 「我的工作跟像你一樣的小朋友〔青少年〕說一說你的事...」
- 「好，在我們開始聊之前，我要確定你知道說實話、說真話是很重要的。」〔對年紀較小的受訪兒童，解釋如下：「小朋友要說實話、說真話，不可以說謊話、假話」〕

## 建立關係 (Rapport-building)

- 「現在我想多認識你。」
- 「跟我說一說，你喜歡做什麼事？」〔可以用受訪兒童現在的實際狀況(例如穿著)為題材提問，以建立關係〕
- 「我真的很想多認識你，你可以告訴我你喜歡做的事、喜歡的人、喜歡玩的東西、喜歡唱的歌。」
- 「你可以多說一點關於〔受訪兒童提到的活動。避免強調電視、影片或幻想事物〕的事。」

## 情景記憶訓練 (Narrative training)

特別活動/昨天/今天

〔註：本節視事件不同而有變化。〕

〔訪談前應確定受訪兒童最近經歷過的特別活動，例如開學第一天、慶生活動、節日慶典等。然後詢問有關該活動的問題。若可以，請選擇與指稱或疑似虐待事件發生時間相近的活動。若指稱的虐待事件發生於特定日子或特定活動期間，詢問受訪兒童其他不同的活動〕

\*

\*

「我想多知道一些你的事，多了解你一些。」

1. 「前幾〔天/週〕是〔節日/生日/開學第一天/其他〕。告訴我〔你生日、過年，其他活動〕的所有事情。」〔若不知道受訪兒童最近的經歷或活動，可以先問家長。〕

1a. 「仔細想想〔活動或事件〕，然後告訴我，那一天從你起床開始一直到〔前一題受訪兒童所提事件的某個部分〕發生的每一件事。」

1b. 「然後呢？」

1c. 「想一想，告訴我。那一天的〔特別活動〕結束之後，一直到那天晚上你上床睡覺前，所發生的每一件事。」

1d. 「多告訴我關於〔受訪兒童提及的活動〕的事。」

1e. 「你之前提到〔受訪兒童提及的活動〕，把〔受訪兒童提及的活動〕的事情都告訴我。」(有提過但是沒有詳述的)

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\*

## 轉換到實質問題 (Transitional phase)

「我現在已經稍微認識你，比較知道你的事情了，你知道今天爲什麼來這裡？」。

1. 「我知道可能發生了一些事情，你可以把所有的事情從頭到尾都告訴我。」
2. 「我剛剛說過，我的工作是要跟小朋友聊聊他們發生的事情。現在很重要的是，你要跟我說爲什麼〔你今天會在這裡／你今天會到這裡來／我今天會在這裡〕。跟我說，你覺得爲什麼我今天會來跟你聊天？」

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## 調查事件 (Substantive phase)

### 開放式問題

10. 〔若受訪兒童小於 6 歲，以受訪兒童自己說的話複述指控事件，但勿提供受訪兒童未提及的細節或姓名。〕

〔然後說：〕

「把〔受訪兒童提及事件〕都告訴我」

10a. 「然後呢？」或「跟我多說一點。」

3

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## 將問題集中於受訪兒童提及的資訊

〔若詢問開放式問題後，仍缺少指控事件的關鍵細節或細節不明確，才使用直接問題。最重要的是在適當時機，使用直接問題搭配開放式問題。〕

〔註：首先將受訪兒童的注意力集中於提到的細節，然後詢問直接問題〔如何／何時／何地／誰／何物／什麼〕。〕

11. 「你提到〔人、事、物〕，〔進行直接問題。〕

例句：「你說當時你在店裡，是在店裡的哪裡？」〔停頓等受訪兒童回答〕「跟我說那間店的事。」

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## 分開每次不同的事件

12. 「這件事只發生一次？還是不只一次？」

## 探討特定事件的開放式問題

13. 「告訴我最近一次發生的事。」〔儘量以時間、地點、活動、人物去具體化問題〕

13a. 「然後呢？」或「多告訴我一點。」

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## 聚焦在受訪兒童提及的資訊

〔若詢問開放式問題後，仍缺少指控事件的關鍵細節或細節不明確，使用直接問題(如何／何時／何地／誰／何物／什麼)。最重要的是在任何適當時機，使用直接問題搭配開放式問題。〕

〔註：首先將受訪兒童的注意力集中於提到的細節，然後詢問直接問題。〕

14. 「你提過〔人、事、物〕，  
〔如何／何時／何地／誰／何物／什麼〕〔詢問直接問題。〕

例句「你剛剛說你在(某個地方)看電視，那個時候發生了什麼事？」

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## 休息

「謝謝你願意告訴我這些事情，現在我們先休息一下下，我們待會再繼續。」

〔休息時間，檢視您取得的資訊，若是性侵害案件則填寫性侵害案件減少被害人重複陳述作業訊問被害人須知(Forensic checklist)，檢查還缺少什麼資訊，規劃接下來的訪談。〕

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## 取得受訪兒童尚未提到的其他資訊

〔只有在您已嘗試過其他方法，但還是覺得缺少某些重要資訊，您才得以詢問封閉式問題(是非題或選擇題)。在可能的情況下，應儘量搭配開放式問題(「告訴我那件事的所有細節」)〕。

〔註：若有多項事件，您應該以受訪兒童自己說的話，讓受訪兒童集中於相關事件，必須讓受訪兒童有機會闡述重要細節後，才能詢問集中式問題。〕

〔詢問下一個事件前，請確保已取得每一個事件尚缺的所有關鍵細節。〕

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## 詢問受訪兒童尚未提及資訊的封閉式問題通用格式

「你之前跟我說〔特定的事件(以時間或地點)〕，你提到〔人、事、物〕。是不是/有沒有〔封閉式問題〕」

〔等受訪兒童回答。〕

〔適當時，詢問開放式問題；說：〕

「把關於〔特定的事件(以時間或地點)〕的所有事情都告訴我。」

例句：「你告訴我，最近這一次發生的事情是〔他摸你〕，那個時候他是隔著你的衣服摸你？還是伸進衣服裡面摸你？」

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## 關於透露的資訊 (Disclosure)

「有沒有其他人知道發生了什麼事？」

「是誰知道？」

「我現在想瞭解其他人怎麼知道〔最後一次事件〕。」

「除了你和〔犯罪行為人〕外，誰是第一個知道〔受訪兒童描述的指控受虐事件〕？」

## 結束

### (Closing)

「你今天告訴我很多事，非常感謝你的幫忙。謝謝你告訴我，你非常勇敢。」

1. 「你認為還有什麼事情我應該知道嗎？」
2. 「你還有什麼事情要告訴我？」
3. 「你有沒有問題想問我？」

中性話題(neutral topic)

「待會離開這裡以後，你要做些什麼？」

Day2 : 2013/09/10

## **Presentation 3**

## **專題演講**

**14:50~15:50**

### **Assessing the Quality of Investigative Interviews with Children**

**兒童調查訪談評估**

Moderator 主持人

**葉毓蘭博士 Sandy Yu-Lan Yeh, Ph. D.**

### **學術專長 / Research Interests**

性別主流化與性別平權議題、危機處理與媒體因應、性別暴力防治、婦幼安全，警察教育訓練、社區警政，政策評估、公共政策，警察政策，警察行政

Gender Equality/Gender Mainstreaming, Criminal Justice Policies, Anti-Human Trafficking, Community Policing, Prevention on Domestic Violence/Sexual Assault/Sexual Harassment

### **經歷 / Positions**

#### **現任 / Current Positions**

總統府人權諮詢委員會委員、行政院防制人口販運協調會報委員、行政院永續發展委員會委員、內政部人權小組委員、內政部家庭暴力及性侵害防治委員會委員、經濟部性別平等委員、交通部性別平等委員、海巡署性別平等委員、警政署性別平等委員、內政部犯罪防治研究中心委員、內政部外籍配偶照顧輔導基金管理委員、內政部新移民火炬計畫中央推動小組委員、內政部警政署廉政會報委員、台北市政府市政顧問(民政組、治安組)、台北市家庭暴力及性侵害防治委員會委員、新北市家庭暴力及性侵害防治委員會委員、桃園縣家庭暴力及性侵害防治委員會委員、國立台灣藝術大學性別平等委員會委員、台北市立體育學院性別平等委員會委員、國立中央大學性別平等委員會委員、中央警察大學性別平等委員會委員、桃園縣政府婦女權益促進委員會委員、台灣民主基金會監察人、中華警政研究學會理事、中華公共事務管理學會理事、北一女校友會理事、李士珍警察子弟獎學金基金會董事、中央警察大學行政警察學系主任兼警察政策研究所所長

Chair , Department of Administrative Police, Central Police University; Director, Graduate School of Police Policy, Central Police University; Member, Presidential Advisory Committee on Human Rights; Member, Anti-human Trafficking Coordination/Supervisory Council, Executive Yuan; Member, National Continuing Development Committee, Executive Yuan; Commissioner, Prevention and Control of Domestic Violence/ Sex Offenses Committee, Ministry of Interior; Policy Advisor to Mayor of Taipei; Policy Advisor to Magistrate of Taoyuan County; Supervisory Board Member, Taiwan Foundation for Democracy; Secretary General,

Chinese Association of Police Studies; Board Member, Chinese Association of Public Affairs; Lecturer & Project Advisor, Government Official Training Institute, Taipei Government; Advisor to the Director General, Taiwan Provincial Police Administration; Associate Professor, Central Police University.

### **曾任 / Professional Experiences**

美國布魯金斯研究院訪問學者(2011)、英國曼徹斯特大學訪問學者(2003)、亞洲警察學會會長(2009-2010)、行政院人權保障推動小組委員、婦女救援基金會董事長暨董事、中央警察大學外事警察學系主任、中央警察大學圖書館兼世界警察博物館館長、中央警察大學推廣教育訓練中心主任、台北市政府婦女權益促進委員會委員、教育部性別平等教育委員會委員、台北市性別平等教育委員會委員、高雄縣政府家庭暴力防治委員會委員

Visiting Fellow, Center for Northeast Asian Policy Studies, Brookings Institution; President, Association of Asian Police Studies; Member, Board of Trustees, Taipei Women Rescue Foundation; President, Taipei Women's Rescue Foundation; Commissioner, Gender Equity Education Committee, Ministry of Education; Chair, Department of Foreign Affairs Police, Central Police University; Commissioner, Gender Equality Education Committee, Ministry of Education; Commissioner, Women's Right Promotion Committee, Taipei City; Director, University Library & the World Police Museum, Central Police University; Director, Center for Continuing Education & Training, Central Police University; Producer and Host, "Sunday Forum", National Public Broadcasting System

### **學歷 / Education**

美國伊利諾大學（芝加哥）公共政策分析博士

Ph. D., Public Policy Analysis-Political Science, University of Illinois at Chicago

Speaker 講師：Dr. Thomas D. Lyon 簡歷，詳見專題研討一(Session1)。

## Assessing the Quality of Investigative Interviews with Children

Thomas D. Lyon

University of Southern California

Modern Women's

Foundation Conference on the Forensic Interviewing of  
Children and People with Intellectual Disabilities in Sexual  
Abuse Cases, Taipei, Taiwan, September 10, 2013

## What to consider

- Age of the child
- Question-type
  - Suggestive vs. Closed-ended
  - Spontaneous information
  - Open-ended followups (pairing)
- Original allegation/disclosure
- Motives of adults involved in the case
- Expect child to be able to describe actions/reactions
- Don't expect child to describe time and number

## Actions/Reactions vs. Time/Number: Brandon (11-year-old)

- Originally reported that man with gun and mask had raped him.
- Changed story to accuse a 16-year-old gang member

## Interview #1 (number and duration)

Q: What did he do?

A: Rape me.

Q: **How many times did he rape you?**

A: About ten times.

Q: Multiple times?

A: Yes.

Q: **How long do you think you were there with him when he was raping you?**

A: I don't know.

Q: Can you guess?

A: About [pause], about a minute or two. [inaudible]

Q: A minute or two?

A: Yes.

Q: Could you tell his penis moving in and out of your butt?

A: Yes.

Q: How many times?

A: It's probably more than ten times.

Q: More than ten times?

A: It's probably more, but I'm just guessing.

Q: Guessing? But it seemed like a lot of times?

A: Yes.

Q: When he was doing that, did you say anything to him?

A: No.

Q: Did he say anything to you?

A: No.

Q: He didn't say anything?

A: No.

## Interview #1 (number and duration)

A: Rape me.

A: About ten times.

A: Yes.

A: I don't know.

A: About [pause], about a minute or two. [inaudible]

A: Yes.

A: Yes.

A: It's probably more than ten times.

A: It's probably more, but I'm just guessing.

A: Yes.

A: No.

A: No.

A: No.

## Interview #2 (actions and reactions)

Q: Yeah. And then you said he spit on it and you could feel it and then what happened right after that?

A: He stucked his thing inside of me.

Q: Okay. And, what sounds did you hear when he did that?

A: He was like 'oh yeah' and stuff.

Q: Uh huh. And where were his hands when he did that?

A: On the side of my waist right here.

Q: Okay and how did it feel when he did that?

A: Ill.

Q: What?

A: It don't feel good.

Q: Yeah. Okay you said eww it don't feel good. Tell me more about that.

A: About his hand on my waist?

Q: No, I'm saying when he put his penis inside you. How did that feel.

A: Hard.

Q: Yeah. Hard? Tell me about that.

A: Nasty.

Q: Yeah. Why nasty?

A: Cause it's sick.

Q: Yeah. And how did, what did you think when he put his penis inside you?

A: That he was going to kill me.

Q: Uh huh. And what made you think that?

A: Because he had the knife and he was threatening me.

Q: Yeah, yeah. And what did you feel right after, when he was putting his penis in you how did he do it? How was he moving?

A: I was down and he was over me like this.

Q: Yeah. Was he still or was he moving, what was he doing?

A: He was telling me to move back, right there and stuff.

## Interview #2 (actions and feelings)

A: He stucked his thing inside of me.

A: He was like 'oh yeah' and stuff.

A: On the side of my waist right here.

A: Ill.

A: It don't feel good.

A: Hard.

A: Nasty.

A: Cause it's sick.

A: That he was going to kill me.

A: Because he had the knife and he was threatening me.

A: I was down and he was over me like this.

A: He was telling me to move back, right there and stuff.

## Interview #2 (actions and feelings)

Q: He was telling you move back? [A: Yeah] Right there? I see, I see and what was his body doing?

A: Um, just still, just--

Q: Do you understand? So tell me was he, and what did you feel after like right at the end when he was putting his penis into you

A: When he was done it feel watery.

Q: Yeah, why did it feel watery? What made it feel watery?

A: I think he eject his stuff inside me.

Q: Oh. How do you know he ejected his stuff inside you?

A: Because it feel like baby oil, real, real watery.



## Interview #2 (actions and feelings)

A: Um, just still, just--

A: When he was done it feel watery.

A: I think he eject his stuff inside me.

A: Because it feel like baby oil, real, real watery.

## Lessons from Brandon

- Avoid questions about time and number.
- Don't ask duration questions ("how long").
- Do ask about actions and reactions
  - Tell me everything that happened
  - You said X. Tell me more about that.
  - What happened next
  - What did you hear
  - What did you see
  - How did that make you feel
  - What did that make you think

## Can children estimate significant dates and numbers?

Psychology, Public Policy, and Law

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0893-3200/11/\$12.00 DOI: 10.1037/a0024812

### MALTREATED CHILDREN'S ABILITY TO ESTIMATE TEMPORAL LOCATION AND NUMEROSITY OF PLACEMENT CHANGES AND COURT VISITS

Lindsay Wandrey  
University of California

Thomas D. Lyon  
University of Southern California

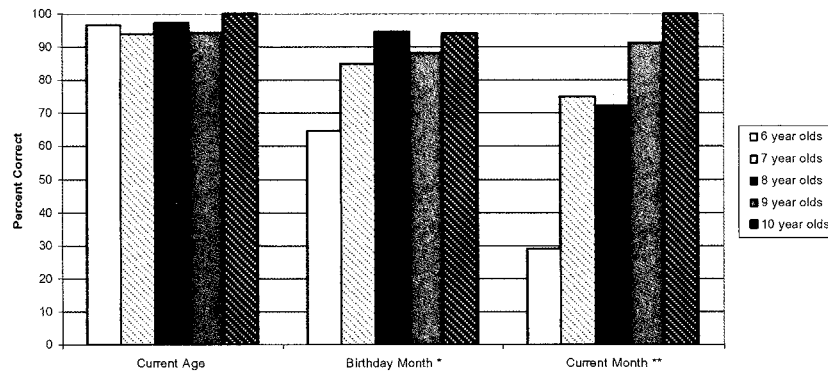
Jodi A. Quas  
University of California

William J. Friedman  
Oberlin College

## Method

- 167 6- to 10-year-old children in dependency court
- ½ asked about prior placements, ½ about court visits
- Asked about current age, birthday, current month
- Asked about age/month at first/last placement or court visit
- Asked about number of placements or court visits

## Current age, birthday month, current month



## Time of Placement?

- Age at first placement ( $M = 2.3$  years ago)?
- 42% correct
- Month at first placement?
- No better than chance
  
- Age at last placement ( $M = 1.5$  years ago)?
- 54% correct
- Month at last placement?
- No better than chance

## Time of court visit?

- Age at first court visit ( $M = 1.7$  years ago)
- 52% correct
- Month at first court visit?
- No better than chance
  
- Age at last court visit ( $M = 6$  months ago)
- 59% correct
- Month at last court visit?
- Older children better than chance (20% correct)
- No other age differences in accuracy

## Number of placements?

- How many placements? ( $M = 3$ )
- 23% correct
- One or more than one?
- 67% correct
- No age improvement

## Number of court visits?

- How many visits? ( $M = 3.2$ )
- 14% correct
- One or more than one?
- 62% correct
- No age improvement

## Conclusions

- Children are unlikely to remember their age when describing remote events.
- Children have difficulty enumerating repeated events.
- Children's knowledge of current time (age, birthday, month) doesn't predict ability to estimate when something occurred.

## Time recommendations

- Do ask “what happened next/first”
  - Be careful with “what happened before”
- Do ask “when” questions, including what was happening when abuse occurred
  - vs. what year, how old, what grade...
- Do ask “where” questions, which often allow you to date abuse
  - Residences, Vacations

## Number recommendations

- Asking “how many times...” is a bad idea.
- Even “once or more than once” is risky.
- Better to ask child to narrate individual episodes and to rely on contextual clues to timing.
  - Tell me everything that happened the time you remember the most
  - The first time
  - The last time
  - Tell me about something different he did
  - Tell me about the worst thing he did

## For more information

- [tlyon@law.usc.edu](mailto:tlyon@law.usc.edu)
- Search “bepress lyon” for reprints of articles, etc.

## 兒童調查訪談評估

Thomas D. Lyon

美國南加州大學

財團法人現代婦女教育基金會

兒少及智能障礙性侵害案件詢問工作研討會·台灣台北·

2013年9月10日

## 考量因素

- 兒童年齡
- 問題類型
  - 暗示性 vs. 封閉式
  - 主動提供的資訊
  - 開放式追問問題 (配對)
- 原先的指控/揭露
- 涉案成人的動機
- 期望兒童能描述行為/反應
- 不要期望兒童能描述時間和次數



## 行為/反應 vs. 時間/次數： 布蘭登 (11 歲)

- 報案時表示一位戴面罩、拿槍的男人對他性侵。
- 但後來改變證詞指控一名 16 歲的幫派份子

## 訪談 #1 (次數和時間)

- 問：他做了什麼？  
 答：他對我性侵。  
 問：他性侵了你幾次？  
 答：大概 10 次。  
 問：很多次嗎？  
 答：對。  
 問：他性侵你的時間，大概有多久？  
 答：我不知道。  
 問：你可以估計一下嗎？  
 答：大約 [停頓]：大約一、兩分鐘。[聽不清楚]  
 問：一、兩分鐘？  
 答：對。  
 問：你有感覺他的陰莖進出你的屁股嗎？  
 答：對。  
 問：有幾次？  
 答：大概超過 10 次吧。  
 問：超過 10 次？  
 答：也可能更多次，我用猜的。  
 問：猜的？但是感覺好像有很多次？  
 答：對。  
 問：他這麼做的時候，你有對他說什麼嗎？  
 答：沒有。  
 問：他有對你說什麼嗎？  
 答：沒有。  
 問：他什麼也沒說？  
 答：沒有。

## 訪談 #1 (次數和時間)

答：性侵我。

答：大概 10 次。

答：對。

答：我不知道。

答：大約 [停頓]，大約一、兩分鐘。[聽不清楚]

答：對。

答：對。

答：大概超過 10 次吧。

答：也可能更多次，我用猜的。

答：對。

答：沒有。

答：沒有。

答：沒有。

## 訪談 #2 (行為和反應)

問：好。然後你說他在上面吐口水，你有感覺到，在那之後又發生什麼事？

答：他把他那玩意兒塞進我身體裡面。

問：好。那他這麼做的時候，你聽到什麼聲音？

答：他發出「好爽」之類的聲音。

問：嗯。他這麼做的時候，雙手放在哪裡？

答：放在我的腰旁邊，在這裡。

問：那他這麼做的時候，你有什麼感覺？

答：噁。

問：什麼？

答：感覺不舒服。

問：好。你剛才說噁心、感覺不舒服。再多說一些。

答：有關他的手放在我的腰旁邊？

問：不，我是說，他把陰莖插入你身體裡面的時候，你感覺如何？

答：很硬。

問：嗯。很硬？可以形容一下嗎。

答：醜醜。

問：嗯。為什麼醜醜？

答：因為很變態。

問：嗯。他把陰莖插入你身體裡的時候，你有什麼想法？

答：他會殺了我。

問：嗯。為什麼你會這麼想？

答：因為他手上拿著一把刀威脅我。

問：好的。然後你有什麼感覺，他把陰莖插入你身體裡的時候，他是怎麼做的？他是怎麼移動的？

答：我在下面，他像這樣趴在我身上。

問：好。他不動嗎？還是他有移動？他在做什麼？

答：他叫我後退一點，就是那裡，之類的。

## 訪談 #2 (行為和感覺)

答：他把他那玩意兒塞進我身體裡面。

答：他發出「好爽」之類的聲音。

答：放在我的腰旁邊，在這裡。

答：噁。

答：感覺不舒服。

答：很硬。

答：齷齪。

答：因為很變態。

答：他會殺了我。

答：因為他手上拿著一把刀威脅我。

答：我在下面，他像這樣趴在我身上。

答：他叫我後退一點，就是那裡，之類的。

## 訪談 #2 (行為和感覺)

問：他叫你後退一點？[答：對] 就是那裡？我知道了，那時他的身體在做什麼？

答：噁，他就是...

問：你懂嗎？那麼，告訴我，之後你有什麼感覺？他的陰莖在你體內，結束的時候。

答：他結束的時候，感覺濕濕的。

問：為什麼感覺濕濕的？是什麼讓你感覺濕濕的？

答：我想是他射在我裡面了。

問：噢，你怎知道他射在你裡面了？

答：因為感覺像嬰兒油，很濕很濕。

## 訪談 #2 (行為和感覺)

答：嗯，他就是...

答：他結束的時候，感覺濕濕的。

答：我想是他射在我裡面了。

答：因為感覺像嬰兒油，很濕很濕。

## 由布蘭登學到的經驗

- 避免詢問時間和次數。
- 不要詢問有關時間的問題（「多久」）。
- 應該要詢問行為和反應
  - 告訴我事情的全部經過
  - 你剛才說 XX。再多說一些。
  - 然後發生什麼事
  - 你聽見什麼
  - 你看到什麼
  - 你有什麼感覺
  - 那讓你有什麼想法

## 兒童能估計重要的日期和次數嗎？

心理學、公共政策與法律

© 2011 美國心理學會  
1076-8971/11/\$12.00 DOI: 10.1037/a0024812

### 受虐兒童估計安置處所變動與 出庭經驗之時間與次數的能力

Lindsay Wandrey  
美國加州大學

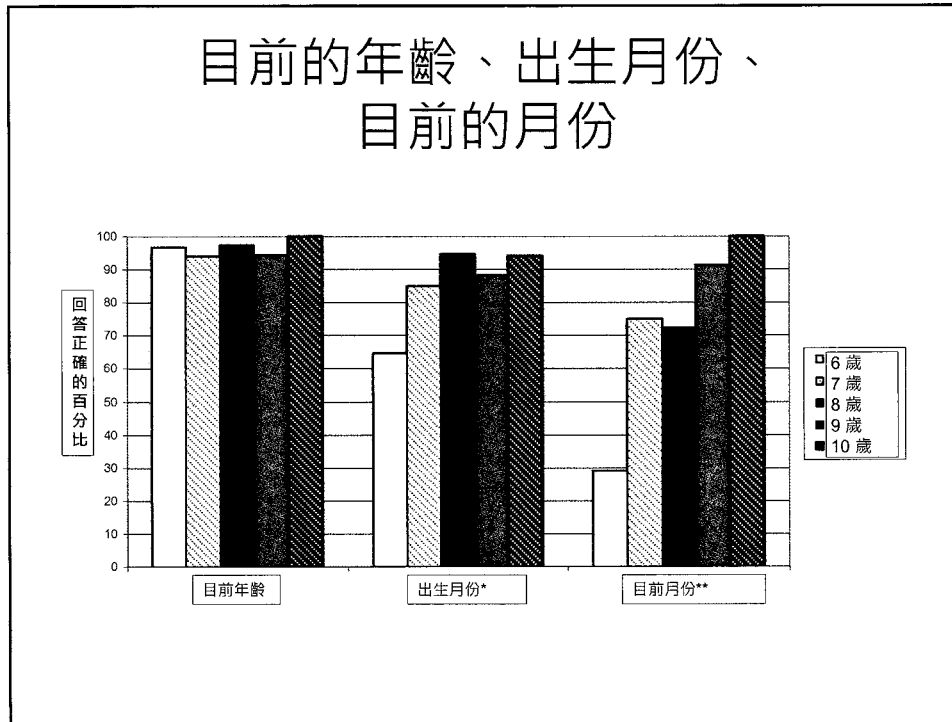
Thomas D. Lyon  
美國南加州大學

Jodi A. Quas  
美國加州大學

William J. Friedman  
歐柏林學院

## 方法

- 167 名曾經出席監護失職裁判的 6 至 10 歲兒童
- 詢問其中 ½ 兒童先前的安置處所，½ 兒童出庭經驗
- 詢問兒童目前的年齡、生日、目前的月份
- 詢問兒童在最初/最後安置處所或出庭時的年齡/月份
- 詢問兒童安置或出庭的次數



## 安置的時間？

- 初次安置的年齡 ( $M = 2.3$  年前)？
- 42% 正確
- 初次安置的月份？
- 正確率沒有高於隨機回答
  
- 最後一次安置的年齡 ( $M = 1.5$  年前)？
- 54% 正確
- 最後一次安置的月份？
- 正確率沒有高於隨機回答

## 出庭的時間？

- 初次出庭的年齡 ( $M = 1.7$  年前)
- 52% 正確
- 初次出庭的月份？
- 正確率沒有高於隨機回答
  
- 最後一次出庭的年齡 ( $M = 6$  個月前)
- 59% 正確
- 最後一次出庭的月份？
- 年齡較大的兒童，正確率高於隨機回答 (20% 正確)
- 正確率無其他年齡差異

## 安置次數？

- 安置過幾次？ ( $M = 3$ )
- 23% 正確
- 一次或是不只一次？
- 67% 正確
- 正確率並未隨年齡提高

## 出庭次數？

- 出庭過幾次？( $M = 3.2$ )
- 14% 正確
- 一次或是不只一次？
- 62% 正確
- 正確率並未隨年齡提高

## 結論

- 描述很久以前的事件時，兒童不太可能記得當時的年齡。
- 兒童無法計算出重複發生事件的次數。
- 即使兒童知道目前的時間（年齡、生日、月份），也不見得就能估計某事件的發生時間。



## 關於時間的建議

- 應該問「接下來/一開始發生什麼事」
  - 應小心使用「之前發生什麼事」
- 應該問有「何時」的問題，包含虐待時發生了什麼事
  - 避免問哪一年、你幾歲、幾年級...
- 應該問「在哪裡」的問題，通常可以從中追溯出虐待的時間
  - 在家裡、在度假

## 關於次數的建議

- 不要問「...有幾次」。
- 即使使用「一次或不只一次」也有風險。
- 最好是要要求兒童描述該次事件的詳情，再由其來龍去脈當中，找到時間的線索。
  - 告訴我，你記得最清楚的那一次，事情的全部經過
  - 第一次
  - 最後一次
  - 告訴我他做了什麼不同的事
  - 告訴我他做過最糟糕的事

## 聯絡資訊

- [tlyon@law.usc.edu](mailto:tlyon@law.usc.edu)
- 如需文章複本，請搜尋「bepress lyon」。

Day2 : 2013/09/10

**Q&A**

**Discussion Panel**

**綜合焦點研析暨座談**

**16:00~17:30**

Using the NICHD Protocol in Taiwan

如何在臺灣運用 NICHD 訪談程序

Moderator 主持人:Ms. Hsiu-Yuan Chang 簡歷，詳見專題演講(Keynote)。

Discussant 與談人:Dr. Michael E. Lamb 簡歷，詳見專題演講(Keynote)。

Discussant 與談人:Dr. Thomas D. Lyon 簡歷，詳見專題研討一(Session1)。

Discussant 與談人:Dr. Kim P. Roberts 簡歷，詳見專題研討一(Session1)。

Discussant 與談人:Ms. Yi-Chun Huang 簡歷，詳見專題演講(Presentation2)。

Discussant 與談人:Representative, National Police Agency 。

Discussant 與談人

## 林美薰副執行長 Mei-Hsun, Lin, Deputy Chief Executive

### **學術專長 / Research Interests**

婦女暴力：家庭暴力、性侵害、性騷擾、婦女權利、被害人權益、家庭司法正義；創傷與修復：被害人諮商、壓力管理、嚴重創傷照護關懷

Violence against Women: Domestic Violence, Sexual Assault, Sexual Harassment, Women's Right, Victims' Right, Family Justice in Court; Trauma and recovery: Victims' Counseling, Stress Management, Vicarious Trauma of Helping Professions

### **經歷 / Positions**

#### **現任 / Current Position**

現代婦女基金會副執行長；諮商心理師；北市家庭暴力暨性侵害防治委員會；女性權益促進委員會委員；新竹縣性騷擾防治委員會委員；桃園縣心理健康促進委員會委員

Deputy Chief Executive, Modern Women's Foundation; Counseling Psychologist; Member, Board of Domestic Violence and Sexual Assault Prevention, Taipei City; Member, Board of Sexual Harassment Prevention, Hsinchu County; Member, Board of Community Psychological Health Centers, Taoyuan County

### 曾任 / Previous position

現代婦女基金會輔導組長；台北縣及台北市家庭暴力及性侵害防治中心特約諮商心理師；警專講師；慈濟大學社工系兼任講師；士林地院調解委員；機構外聘督導；性侵害犯罪防治法實施一週年總體評估；建立性侵害犯罪加害人登記與公告制度之研究；台北市原住民家庭暴力現況及影響因素之探討；減少性侵害被害人重複陳述作業方案評估研究；台中縣家庭暴力及性侵害被害人服務滿意度研究；台灣家庭暴力研究

Counselor and Supervisor, Modern Women's Foundation; Counseling Psychologist, Taipei City and Taipei County Domestic Violence and Sexual Assault Prevention Center; Lecturer, Taiwan Police College and Tzu-chi University; Mediator, Shi-Lin District Court, Taipei City

### 證照 / Boards

諮商心理師合格

Counseling Psychologist, Taiwan

### 學歷 / Education

英國倫敦大學政經學院(LSE)社會心理學碩士；英國諾丁漢大學心理系文憑碩士  
美國、加拿大遊戲治療與創傷治療進修

MSc. in Social Psychology, London School of Economics, University of London, UK; Dip. in Psychology, Nottingham University, UK

Discussant 與談人

**曾雅倫副主任 Ya-Lun Tseng, Vice Director**

**學術專長 / Research Interests**

智障者法律權益、信託法之運用、智障者人身安全教育

Persons with Intellectual Disability Legal Rights, Trust for Disabilities, Persons with Intellectual Disability safety education

**經歷 / Positions**

**現任 / Current Position**

中華民國智障者家長總會副主任

Vice Director of Parents' Association for Persons with Intellectual Disability R.O.C.

**曾任 / Professional Experiences**

內政部「智能障礙者人身安全保護教材」執行編輯；中華民國信託商業同業公會「身心障礙者信託規劃之相關議題」研究成員；中華民國智障者家長總會「智能障礙法律個案服務工作手冊」執行編輯；94 年度內政部社會工作專業人員服務績優類獲獎；100 年度內政部全國推動家庭暴力及性侵害防治工作有功人員 Executive Editor, " Persons with Intellectual Disability Safety Protection materials", Ministry of Interior; Researcher, "Disability trust Planning Issues Related to", Trust Association Of R.O.C.; Executive Editor, " Persons with intellectual disabilities Legal Casework Handbook" ,Parents' Association for Persons with Intellectual Disability R.O.C.; Performance Award of social worker ,2005, Ministry of Interior; Meritorious officers ,2011 Annual National Family Violence and Sexual Assault Prevention , Ministry of Interior

**學歷 / Education**

東海大學社會工作學系畢業

BA in Department of Social Work Tunghai University

## APPENDIX

# The National Institute of Child Health and Human Development (NICHD) Protocol: Interview Guide

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## I. INTRODUCTION

1. **'Hello, my name is \_\_\_\_\_ and I am a police officer. [Introduce anyone else in the room; ideally, nobody else will be present.] Today is \_\_\_\_\_ and it is now \_\_\_\_\_ o'clock. I am interviewing \_\_\_\_\_ at \_\_\_\_\_.'**

**'As you can see, we have a video-camera and microphones here. They will record our conversation so I can remember everything you tell me. Sometimes I forget things and the recorder allows me to listen to you without having to write everything down.'**

**'Part of my job is to talk to children [teenagers] about things that have happened to them. I meet with lots of children [teenagers] so that they can tell me the truth about things that have happened to them. So, before we begin, I want to make sure that you understand how important it is to**

**tell the truth.'** [For younger children, explain: **'What is true and what is not true'**].

**'If I say that my shoes are red (or green) is that true or not true?'**

[Wait for an answer, then say:]

2. **'That would not be true, because my shoes are really [black/blue/etc.]. And if I say that I am sitting down now, would that be true or not true [right or not right]?''**

[Wait for an answer.]

3. **'It would be [true/right], because you can see I am really sitting down.'**

**'I see that you understand what telling the truth means. It is very important that you only tell me the truth today. You should only tell me about things that really happened to you.'**

[Pause.]

4. **'If I ask a question that you don't understand, just say, "I don't understand." Okay?'**

[Pause]

**'If I don't understand what *you* say, I'll ask you to explain.'**

[Pause.]

5. **'If I ask a question, and you don't know the answer, just tell me, "I don't know".'**

**'So, if I ask you, "What is my dog's name?" [Or "my son's name"] what would you say?'**

[Wait for an answer.]

[If the child says, 'I don't know', say:]

6. **'Right. You don't know, do you?'**

[If the child offers a GUESS, say:]

**'No, you don't know because you don't know me. When you don't know the answer, don't guess - say that you don't know.'**

[Pause.]

7. **'And if I say things that are wrong, you should tell me. Okay?'**

[Wait for an answer.]



8. **‘So if I said that you are a 2-year-old girl [when interviewing a 5-year-old boy, etc.], what would you say?’**

[If the child denies and does not correct you, say:]

- ‘What would you say if I made a mistake and called you a 2-year-old girl [when interviewing a 5-year-old boy, etc.]?’**

[Wait for an answer.]

9. **‘That’s right. Now you know you should tell me if I make a mistake or say something that is not right.’**

[Pause.]

10. **‘So if I said you were standing up, what would you say?’**

[Wait for an answer.]

**‘OK.’**

## II. RAPPORT BUILDING

**‘Now I want to get to know you better.’**

1. **‘Tell me about things you like to do.’**

[Wait for child to respond.]

[If the child gives a fairly detailed response, skip to question 3.]

[If the child does not answer, gives a short answer, or gets stuck, you can ask:]

2. **‘I really want to know you better. I need you to tell me about the things you like to do.’**

[Wait for an answer.]

3. **‘Tell me more about [activity the child has mentioned in his/her account. AVOID FOCUSING ON TV, VIDEOS, AND FANTASY].’**

[Wait for an answer.]

## III. TRAINING IN EPISODIC MEMORY

### Special Event

[NOTE: THIS SECTION CHANGES DEPENDING ON THE INCIDENT.]

[BEFORE THE INTERVIEW, IDENTIFY A RECENT EVENT THE CHILD EXPERIENCED – FIRST DAY OF SCHOOL, BIRTHDAY PARTY, HOLIDAY CELEBRATION, ETC. – THEN ASK THESE QUESTIONS ABOUT THAT EVENT. IF POSSIBLE, CHOOSE AN EVENT THAT TOOK PLACE AT ABOUT THE SAME TIME AS THE ALLEGED OR SUSPECTED ABUSE. IF THE ALLEGED ABUSE TOOK PLACE DURING A SPECIFIC DAY OR EVENT, ASK ABOUT A DIFFERENT EVENT.]

**'I want to know more about you and the things you do.'**

1. **'A few [days/weeks] ago was [holiday/ birthday party/ the first day of school/ other event]. Tell me everything that happened on [your birthday, Easter, etc].'**

[Wait for an answer.]

- 1a. **'Think hard about [activity or event] and tell me what happened on that day from the time you got up that morning until [some portion of the event mentioned by the child in response to the previous question].'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

- 1b. **'And then what happened?'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

- 1c. **'Tell me everything that happened after [some portion of the event mentioned by the child] until you went to bed that night.'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

- 1d. **'Tell me more about [activity mentioned by the child].'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

- 1e. **'Earlier you mentioned [activity mentioned by the child]. Tell me everything about that.'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

[If the child gives a poor description of the event, continue with questions 2–2e.]

[Note: If the child gives a detailed description of the event, say:

***‘It is very important that you tell me everything you remember about things that have happened to you. You can tell me both good things and bad things.’***

### Yesterday

2. **‘I really want to know about things that happen to you. Tell me everything that happened yesterday, from the time you woke up until you went to bed.’**

[Wait for an answer.]

- 2a. **‘I don’t want you to leave anything out. Tell me everything that happened from the time you woke up until [some activity or portion of the event mentioned by the child in response to the previous question].’**

[Wait for an answer.]

- 2b. **‘Then what happened?’**

[Wait for an answer.]

[Note: Use this question *as often as needed* throughout this section.]

- 2c. **‘Tell me everything that happened after [some activity or portion of the event mentioned by the child] until you went to bed.’**

[Wait for an answer.]

- 2d. **‘Tell me more about [activity mentioned by the child].’**

[Wait for an answer.]

[Note: Use this question *as often as needed* throughout this section.]

- 2e. **‘Earlier you mentioned [activity mentioned by the child]. Tell me everything about that.’**

[Wait for an answer.]

[Note: Use this question *as often as needed* throughout this section.]

### Today

IF THE CHILD DOES NOT PROVIDE AN ADEQUATELY DETAILED NARRATIVE ABOUT YESTERDAY, REPEAT QUESTIONS 2–2E ABOUT TODAY, USING ‘THE TIME YOU CAME HERE’ AS THE CLOSING EVENT.

**‘It is very important that you tell me everything about things that have *really* happened to you.’**

## THE SUBSTANTIVE PART OF THE INTERVIEW

### IV. TRANSITION TO SUBSTANTIVE ISSUES

**‘Now that I know you a little better, I want to talk about why [you are here] today.’**

[If the child starts to answer, wait.]

[If the child gives a summary of the allegation (e.g., ‘David touched my wee-pee’, or

‘Daddy hit me’), go to question 10]

[If the child gives a detailed description, go to question 10a]

[If the child does not make an allegation, continue with question 1.]

**1. ‘I understand that something may have happened to you. Tell me everything that happened from the beginning to the end.’**

[Wait for an answer.]

[If the child makes an allegation, go to question 10.]

[If the child gives a detailed description go to question 10a.]

[If the child does not make an allegation, continue with question 2.]

**2. ‘As I told you, my job is to talk to kids about things that might have happened to them. It is very important that you tell me why [you are here/ you came here/ I am here]. Tell me why you think [your mum, your dad, your grandmother] brought you here today [or ‘why you think I came to talk to you today’].’**

[Wait for an answer.]

[If the child makes an allegation, go to question 10.]

[If the child gives a detailed description, go to question 10a.]

[If the child does not make an allegation and you do not know that there was previous contact with the authorities, go to question 4 or 5.]

[If the child does not make an allegation and you know that there was previous contact with the authorities, go to question 3.]

3. **'I've heard that you talked to [a doctor/a teacher/a social worker/any other professional] at [time/location]. Tell me what you talked about.'**

[Wait for an answer.]

[If the child makes an allegation, go to question 10.]

[If the child gives a detailed description, go to question 10a.]

[If the child does not make an allegation and there are no visible marks, proceed to question 5.]

[When marks are visible, the investigator has been shown pictures of or told of marks, or the interview takes place in the hospital or right after the medical examination say:]

4. **'I see [I heard] that you have [marks/ injuries/ bruises] on your \_\_\_\_\_. Tell me everything about that.'**

[Wait for an answer.]

[If the child makes an allegation, go to question 10.]

[If the child gives a detailed description, go to question 10a.]

[If the child does not make an allegation, proceed with question 5.]

5. **'Has anybody been bothering you?'**

[Wait for an answer.]

[If the child confirms or makes an allegation, go to question 10.]

[If the child gives a detailed description, go to question 10a.]

[If the child does not confirm, and does not make an allegation, proceed with question 6.]

6. **'Has anything happened to you at [location/time of alleged incident]?'**

[Note: Do not mention the name of the suspect or any details of the allegation.]

[Wait for an answer.]

[If the child gives a detailed description, go to question 10a.]

[If the child confirms or makes an allegation, go to question 10.]

[If the child does not confirm or does not make an allegation, continue with question 7.]

**7. 'Did someone do something to you that you don't think was right.'**

[Wait for an answer.]

[If the child confirms, or makes an allegation, go to question 10.]

[If the child gives a detailed description, go to question 10a.]

[If the child does not confirm or does not make an allegation, proceed to question 8.]

**PAUSE. ARE YOU READY TO GO ON? WOULD IT BE BETTER TO TAKE A BREAK BEFORE GOING FURTHER?**

IN CASE YOU DECIDE TO GO AHEAD, YOU SHOULD HAVE FORMULATED SPECIFIC VERSIONS OF QUESTIONS 8 AND 9, USING THE FACTS AVAILABLE TO YOU, BEFORE THE INTERVIEW. BE SURE THAT THEY SUGGEST AS FEW DETAILS AS POSSIBLE TO THE CHILD. IF YOU HAVE NOT FORMULATED THESE QUESTIONS, TAKE A BREAK NOW TO FORMULATE THEM CAREFULLY BEFORE YOU PROCEED.

**8a. 'Did somebody** [briefly summarize allegations or suspicions *without* specifying names of alleged perpetrator or providing too many details].' (For example, 'Did somebody hit you?' or 'Did somebody touch your wee-pee [private parts of your body]?')

[Wait for an answer.]

[If the child confirms or makes an allegation, go to question 10.]

[If the child gives a detailed description, go to question 10a.]

[If the child does not confirm or does not make an allegation, proceed to question 9.]

- 9a. **Your teacher** [the doctor/psychologist/neighbour] **told me /showed me** [“that you touched other children’s wee-pee”/“a picture that you drew”], **and I want to find out if something may have happened to you. Did anybody** [briefly summarize allegations or suspicions *without* specifying the name of the alleged perpetrator or providing too many details].’ [For example: ‘Did somebody in your family hit you?’ or ‘Did somebody touch your wee-pee or other private parts of your body?’]

[Wait for an answer]

[If the child confirms or makes an allegation, go to question 10.]

[If the child gives a detailed description, go to question 10a.]

[If the child does not confirm or does not make an allegation, go to section XI.]

## V. INVESTIGATING THE INCIDENTS

### Open-Ended Questions

10. [If the child is *under the age of 6*, REPEAT THE ALLEGATION IN THE CHILD’S OWN WORDS without providing details or names that the child has not mentioned.]

[then say:]

**‘Tell me everything about that.’**

[Wait for an answer.]

[If the child is *over the age of 6* simply say:]

**‘Tell me everything about that.’**

[Wait for an answer.]

- 10a. **‘Then what happened?’** or **‘Tell me more about that.’**

[Wait for an answer.]

[Use this question as often as needed until you have a complete description of the alleged incident.]

[NOTE: IF THE CHILD’S DESCRIPTION IS GENERIC, GO TO QUESTION 12 (SEPARATION OF INCIDENTS). IF THE CHILD DESCRIBES A SPECIFIC INCIDENT, CONTINUE WITH QUESTION 10b.]

- 10b. **'Think back to that [day/night] and tell me everything that happened from [some preceding event mentioned by the child] until [alleged abusive incident as described by the child].'**

[Wait for an answer.]

[Note: Use this question as often as needed to ensure that all parts of the incident are elaborated.]

- 10c. **'Tell me more about [person/object/ activity mentioned by the child].'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

- 10d. **'You mentioned [person/ object/ activity mentioned by the child], tell me everything about that.'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

[If you are confused about certain details (for example, about the sequence of events), it may help to say:]

**'You've told me a lot, and that's really helpful, but I'm a little confused. To be sure I understand, please start at the beginning and tell me [how it all started/exactly what happened/how it all ended/etc].'**

#### **Focused Questions Relating to Information Mentioned by the Child**

[If some central details of the allegation are still missing or unclear after exhausting the open-ended questions, use direct questions. It is important to pair open 'invitations' with direct questions whenever appropriate.]

[Note: First focus the child's attention on the detail mentioned, and then ask the direct question.]

#### **Following is the General Format of Direct Questions:**

11. **'You mentioned [person/object/activity], [Completion of the direct question.]'**



*Examples*

1. **'You mentioned you were at the shops. Where exactly were you?'** [Pause for a response] **'Tell me about that shop.'**
2. **'Earlier you mentioned that your mother "hit you with this long thing". Tell me about that thing.'**
3. **'You mentioned a neighbour. Do you know his/her name?'** [Pause for a response] **'Tell me about that neighbour.'** [Do not ask for a description.]
4. **'You said that one of your classmates saw that. What was his/her name?'** [Pause for a response] **'Tell me what he/she was doing there.'**

**Separation of Incidents**

12. **'Did that happen one time or more than one time?'**

[If the incident happened one time, go to the *Break*].

[If the incident happened more than one time, continue to question 13. REMEMBER TO EXPLORE INDIVIDUAL REPORTED INCIDENTS IN DETAIL AS SHOWN HERE.]

**Exploring Specific Incidents When There Were Several****Open-Ended Questioning**

13. **'Tell me everything about the last time [the first time / the time in [some location]] / the time [some specified activity / another time you remember well] something happened.'**

[Wait for an answer.]

- 13a. **'And then what happened?'** Or **'Tell me more about that.'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

- 13b. **'Think back to that [day/night] and tell me everything that happened, from [preceding events mentioned by the child] until [alleged abusive incident as described by the child].'**

[Wait for an answer.]

[Note: Use variants of this question as often as needed until all parts of the incident are elaborated.]

13c. **'Tell me more about [person/object/activity mentioned by the child].'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

13d. **'You mentioned [person/object/activity mentioned by the child]. Tell me everything about that.'**

[Wait for an answer.]

[Note: Use this question as often as needed throughout this section.]

### Focused Questions Relating to Information Mentioned by the Child

[If some central details of the allegation are still missing or unclear after exhausting the open-ended questions, use direct questions. It is important to pair open 'invitations' with direct questions, whenever appropriate.]

[Note: First focus the child's attention on the detail mentioned, and then ask the direct question.]

**Following is the general format of direct questions:**

14. **'You mentioned [person/object/activity], [how/when/where/who/which/what] [completion of the direct question].'**

### *Examples*

1. **'You mentioned you were watching TV. Where exactly were you?'**

[Wait for a response]

**'Tell me everything about that.'**

2. **'Earlier you mentioned that your father 'whacked you'. Tell me exactly what he did.'**

3. **'You mentioned a friend was there. What is her/his name?'**

[Wait for a response]

**'Tell me what he/she was doing.'**

4. **‘Earlier you said that your uncle “fingered you” [“French kissed”/“had sex with you”/etc.]. Tell me exactly what he did.’**

**REPEAT THE ENTIRE SECTION FOR AS MANY OF THE INCIDENTS MENTIONED BY THE CHILD AS YOU WANT DESCRIBED. UNLESS THE CHILD HAS SPECIFIED ONLY TWO INCIDENTS, ASK ABOUT ‘THE LAST’, THEN ‘THE FIRST’, THEN ‘ANOTHER TIME YOU REMEMBER WELL’.**

## VI. BREAK

[Tell the child:]

**‘Now I want to make sure I understood everything and see if there’s anything else I need to ask. I will just [think about what you told me/go over my notes/go and check with?]**

[During the break time, review the information you received, fill out the Forensic Checklist, see if there is any missing information, and plan the rest of the interview. **BE SURE TO FORMULATE FOCUSED QUESTIONS IN WRITING.**]

### After the Break

[To elicit additional important information that has not been mentioned by the child, ask additional direct and open-ended questions, as described above. Go back to open-ended questions (“Tell me more about that”) after asking each direct question. After finishing these questions, proceed to section VII.]

## VII. ELICITING INFORMATION THAT HAS NOT BEEN MENTIONED BY THE CHILD

[You should ask these focused questions only if you have already tried other approaches and you still feel that some forensically important information is missing. It is very important to *pair* open invitations (“Tell me all about that”) whenever possible.]

[Note: In case of multiple incidents, you should direct the child to the relevant incidents in the child’s own words, asking focused questions only after giving the child an opportunity to elaborate on central details.]

[BEFORE YOU MOVE TO THE NEXT INCIDENT, MAKE SURE YOU HAVE OBTAINED ALL THE MISSING DETAILS ABOUT EACH SPECIFIC INCIDENT.]

**The General Format of Questions Focused on Information that has *not* been Mentioned by the Child**

**'When you told me about [specific incident identified by time or location] you mentioned [person/object/activity]. Did/was [focused questions]?'**

[Wait for an answer.]

[Whenever appropriate, follow with an invitation; say:]

**'Tell me all about that.'**

*Examples*

1. **'When you told me about the time in the basement, you mentioned that he took off his trousers. Did something happen to your clothes?'**

[Wait for an answer.]

[After the child responds, say:]

**'Tell me all about that.'**

[Wait for an answer.]

2. **'When you told me about the last time, you mentioned that he touched you. Did he touch you over your clothes?'**

[Wait for an answer.]

[After the child responds, say:]

**'Tell me all about that.'**

[Wait for an answer.]

3. **'Did he touch you under your clothes?'**

[Wait for an answer.]

[After the child responds, say:]

**'Tell me all about that.'**

4. **'You told me about something that happened on the playground. Did somebody see what happened?'**

[Wait for an answer.]

[When appropriate, say:]

**‘Tell me all about that.’**

5. **‘Do you know whether something like that happened to other children?’**

[Wait for an answer.]

[When appropriate, say:]

**‘Tell me all about that.’**

6. **‘You told me about something that happened in the barn. Do you know when that happened?’**

### VIII. IF CHILD FAILS TO MENTION INFORMATION YOU EXPECTED

Use only the prompts that are relevant.

If you know of conversations in which the information was mentioned say:

1. **‘I heard that you talked to [] at [time/place]. Tell me what you talked about.’**

[If child does not provide more information, ask question 2; If child does give some more information, say:]

**‘Tell me everything about that.’**

[Follow up with other open-ended prompts, such as **‘Tell me about that.’** If necessary.]

If you know details about prior disclosures and the information has not been disclosed to you, say:

2. **‘I heard [s/he told me] you said [summarize allegation, specifically but without mentioning incriminating details if possible]. Tell me everything about that.’**

[Follow up with other open-ended prompts, such as **‘Tell me about that.’** If necessary.]

3. If something was observed, say:

**a. ‘I heard that someone saw []. Tell me everything about that.’**

[Follow up with other open-ended prompts, such as **'Tell me about that.'** If necessary.]

If child denies, go to 3b.

**b. 'Has anything happened to you at [place/time]? Tell me everything about that.'**

[Follow up with other open-ended prompts, such as **'Tell me about that.'** If necessary.]

If child has/had injuries or marks say:

4. **'I see [I heard] that you have [marks/bruises] on your []. Tell me everything about that.'**

[Follow up with other open-ended prompts, such as **'Tell me about that.'** If necessary.]

5. **'Did somebody [summarize without naming the perpetrator (unless child already named her/him) or providing most incriminating details]?'**

**If child denies, go to next section.**

**If child acknowledges something say:**

**'Tell me everything about that.'**

[Follow up with other open-ended prompts, such as **'Tell me about that'** if necessary.]

## IX. INFORMATION ABOUT THE DISCLOSURE

**'You've told me why you came to talk to me today. You've given me lots of information and that really helps me to understand what happened.'**

[If child has mentioned telling someone about the incident(s), go to question 6. If child has not mentioned telling anyone, probe about possible immediate disclosure by saying:]

1. **'Tell me what happened after [the last incident].'**

[Wait for an answer.]

2. **'And then what happened?'**

[Note: Use this question as often as needed throughout this section.]

[If the child mentions a disclosure, go to question 6. If not, ask the following questions.]

3. **‘Does anybody else know what happened?’**

[Wait for an answer. If the child identifies someone, go to Question 6.]

[If the child confirms but does not mention the name, ask:]

**‘Who?’**

[Wait for an answer. If the child identifies someone, go to Question 6.]

4. **‘Now I want to understand how other people found out about [the last incident].’**

[Wait for an answer. If the child identifies someone, go to Question 6.]

[If there is missing information, ask the following questions.]

5. **‘Who was the first person besides you and [the perpetrator] to find out about [alleged abuse as described by the child]?’**

[Wait for an answer.]

6. **‘Tell me everything you can about how [“the first person mentioned by the child”] found out.’**

[Wait for an answer.]

[Then say:]

**‘Tell me more about that.’**

[Wait for an answer.]

[If the child describes a conversation, say:]

**‘Tell me everything you talked about.’**

[Wait for an answer.]

7. **‘Does anyone else know about [alleged abuse as described by the child]?’**

[Wait for an answer.]

[Then say:]

**‘Tell me more about that.’**

[If the child described a conversation, say:]

**‘Tell me everything you talked about.’**

[Wait for an answer.]

[If the child does not mention that he/she told somebody ask:]

**REPEAT ENTIRE SECTION AS NECESSARY FOR EACH OF THE INCIDENTS DESCRIBED BY THE CHILD.**

## X. CLOSING

[Say:]

**'You have told me lots of things today, and I want to thank you for helping me.'**

1. **'Is there anything else you think I should know?'**

[Wait for an answer.]

2. **'Is there anything you want to tell me?'**

[Wait for an answer.]

3. **'Are there any questions you want to ask me?'**

[Wait for an answer.]

4. **'If you want to talk to me again, you can call me at this phone number.'** [Hand the child a card with your name and phone number.]

## XI. NEUTRAL TOPIC

**'What are you going to do today after you leave here?'**

[Talk to the child for a couple of minutes about a neutral topic.]

**'It's [specify time] and this interview is now complete.'**

需受過專業訓練後，方可使用