

# *Research on Inquiry Methods for Child Witnesses*

**Wang Xingyuan, Liu Ruiping**

*Beijing Police College, Beijing, 102202, China*

**Keywords:** Child Witness, Inquiry Methods, Investigators

**Abstract:** Home abuse is a serious problem in today's society, and children are usually the victims and important witnesses in this kind of crime. Although children are important witnesses to home abuse, it is often a challenge to question child witnesses effectively due to the limitations of children's cognitive abilities, memory levels and expressive skills. This paper focuses on the research of child witness inquiry methods based on psychology and explores the inquiry methods or models that can effectively improve the credibility and accuracy of child witness testimony in these cases, so as to promote the smooth detection of cases. At the same time, more diversified and flexible child witness protection measures are also explored in the study, and the child witness questioning model is integrated to help children better eliminate the negative impact of home abuse

## **1. Introduction**

Home abuse typically occurs within families, where various clues and evidence are often concealed. Child witnesses who have witnessed acts of home abuse can become crucial breakthroughs in investigations. However, due to children's limited cognitive abilities, susceptibility to memory biases, and inadequate expressive skills, effectively questioning child witnesses presents a significant challenge for investigators seeking evidence. Therefore, establishing an efficient and feasible model for interviewing child witnesses is an effective approach to addressing this kind of crimes.

## **2. Theoretical Analysis of Child Witness Inquiry**

### **2.1. Concept of Child Inquiry**

Child inquiry refers to the process where investigators legally ask children a series of questions related to the case, in order to uncover and confirm criminal facts through evidence collection. According to the United Nations Convention on the Rights of the Child, a child is defined as a person under the age of 18. Since children's physical and mental development is not yet mature, questioning them typically requires specially trained personnel using specific methods in appropriate environments, allowing investigators to better obtain children's testimonies and increase the accuracy of information to understand the truth and details of the event.<sup>[1]</sup>

### **2.2. Principles of Child Inquiry**

To better protect children's physical and mental health and their rights, investigators must adhere

to certain principles when questioning child witnesses.

Firstly, the child should be at the center of the interview. Investigators should respect the child's curiosity and questions, attentively listen to their needs, and consider their interests. It is crucial for investigators to adopt child-friendly language and appropriate methods that are easy for children to understand. Additionally, during the interview, attention should be paid to capturing the child's emotional characteristics to avoid causing secondary harm to their well-being.

Secondly, the privacy and rights of the child should be protected during the interview. Despite their young age, children have personal privacy and dignity. Investigators should ensure comprehensive confidentiality measures to safeguard the security of interview information and prevent its disclosure, thereby avoiding any potential harm to the child's physical and mental well-being.<sup>[2]</sup>

Lastly, the interview should maintain fairness and objectivity. Investigators should respect the child's account of the case, carefully consider their viewpoint, and minimize the display of subjective biases to avoid misleading the child witness. The interview process should strictly adhere to legal regulations, prohibiting the use of illegal means to obtain information. This ensures the protection of the child witness's interests and guarantees a fair and objective interview process.

### 2.3. Necessity of Exploring Child Inquiry Methods

Child witnesses in cases of home abuse are typically either direct or indirect victims of violent acts within the family. In the context of home abuse, children can be witnesses, direct victims, or individuals growing up in abusive family environments. The questioning of child witnesses is a crucial task that holds significant value and meaning for the investigation, protection of children, and social stability.

Firstly, from the perspective of investigation and case resolution, questioning child witnesses can reveal the truth of the case. The interview records of child witnesses often serve as key evidence in investigating cases related to home abuse. They help investigators gain a better understanding of the events, which not only aids in establishing the facts of the crime but also in identifying the perpetrators. However, due to the young age of child witnesses and their lower levels of cognitive abilities, perception, memory, understanding, and expressive skills, they are susceptible to external influences, leading to memory errors. Therefore, investigators require high levels of professionalism to improve the reliability of child witness testimony through research on interviewing methods, thereby facilitating the progress and success of investigations.<sup>[3]</sup>

Furthermore, from the perspective of child protection, children who have experienced home abuse are prone to developing violent tendencies, aggressive behaviors, and other maladaptive psychological states. This necessitates the development of interview methods for child witnesses to promptly identify and address instances of harm suffered by children, thereby preventing them from becoming victims again. Protecting the physical and mental well-being of children and upholding their legitimate rights are essential. Moreover, interviewing child witnesses allows for a better assessment of their needs. Understanding their personalities, requirements, and available resources through child interviews helps in developing personalized assistance plans to ensure they receive the most appropriate support. This may include mental health services, medical treatment, and legal assistance.

Lastly, from the perspective of social development, the process of conducting interviews with children is also a form of psychological consolation, aiming to prevent children from developing negative psychological states or engaging in inappropriate and even criminal behaviors during their growth. Therefore, it is crucial to strengthen research and improvement of interview methods for child witnesses, which can drive systemic and sociocultural changes to better protect children.<sup>[4]</sup>

### 3. Current State of Child Witness Inquiry

#### 3.1. Characteristics of Child Witnesses during Inquiry

Children, as witnesses, have many unique characteristics in terms of their cognitive abilities, memory, and expressive capacity. These characteristics can influence their performance and reliability when testifying. Interviewers need to employ specific methods and measures to ensure that children can provide information in the most accurate and least influenced way possible. Investigators should use language appropriate for the age of child witnesses, ask open-ended, objective, and non-leading questions, and closely consider the psychological state of the child witness.

Firstly, in terms of cognitive abilities, children exhibit the following characteristics: Firstly, children have strong perceptual abilities. They perceive the characteristics of objects, such as shape, color, and size, through direct sensory contact. However, their attention is often focused on details, and they have a keen interest in observing and distinguishing differences, showing a curiosity for even subtle changes. Secondly, children's cognitive abilities are relatively one-sided, often making judgments based on their immediate perceptions and lacking comprehensive thinking. They rely primarily on sensory cognition, their own feelings, and intuition, with a limited capacity for rational and abstract thinking. Additionally, children's cognitive development occurs in stages. From birth to the age of two, during the sensorimotor stage, they primarily understand the world through their senses and movements. From ages two to seven, during the preoperational stage, they begin to establish some basic concepts and modes of thinking. From ages seven to twelve, during the concrete operational stage, their cognitive abilities further develop. Finally, from ages twelve to adulthood, during the formal operational stage, their cognitive development reaches a new height. Furthermore, various factors can influence children's cognitive abilities, including genetics, environment, education, and nutrition.<sup>[5]</sup>

Secondly, in terms of memory abilities, child witnesses have significant differences compared to adult witnesses. Firstly, children may acquire information in ways different from adults. They rely more on observation and perception rather than written or verbal communication. Therefore, children may observe fewer details and have limited understanding of events. Secondly, children have relatively smaller memory capacities, and they may struggle to remember complex details and sequences. Their memories may also be less enduring than those of adults, easily becoming blurred or fading over time. Additionally, children have vivid imaginations, and they may confuse fictional content with real memories. They may have difficulty distinguishing between real events and imagined events, leading to inaccuracies in their memories. Moreover, child witnesses may be more susceptible to the influence of others' opinions and suggestions, which can result in memory changes or distortions.

Thirdly, in terms of expressive abilities of child witnesses, their vocabulary and grasp of grammar may be relatively limited. They may struggle to express their viewpoints, feelings, and experiences clearly. Children may tend to use short sentences and fragmented speech rather than organizing complete and coherent narratives. Furthermore, the ability of children to provide precise and detailed descriptions may be weaker. They may overlook or omit certain details and struggle to provide information about time sequences or relevant relationships.

#### 3.2. Common Challenges in Questioning Child Witnesses

Investigators may face specific challenges when questioning child witnesses, which are closely related to children's cognitive, emotional, and communication abilities.

Firstly, there are difficulties in protecting children. Due to their limited cognitive abilities, child witnesses in cases of home abuse often experience varying degrees of trauma and obstacles. Repeated

questioning can potentially cause secondary harm to their mental and emotional well-being. Therefore, when questioning child witnesses in cases of home abuse, it is important to be mindful of the language used and implement additional protective measures to ensure their overall well-being.

Secondly, there are challenges in language communication. Child witnesses do not possess the same level of linguistic competence and expressive abilities as adults. If interviewers fail to actively employ appropriate techniques and strategies, it can lead to child witnesses being unable to express themselves effectively or expressing something other than their true intentions. Additionally, children are more susceptible to the influence of leading questions, and they may provide inaccurate statements when influenced by suggestive or expectation-driven questioning.

Thirdly, there is a lack of expertise in questioning techniques and methods. Given the unique nature of cases involving child witnesses in incidents of home abuse, investigators need to have a solid foundation in disciplines such as law, psychology, and education. They also need to accumulate practical experience. Research by Professor Lamb, a psychology professor at the University of Cambridge, suggests that while cognitive abilities and post-traumatic psychological disorders are distinct concerns, the susceptibility of children to suggestion can be mitigated by improving questioning techniques. Therefore, enhancing questioning techniques can contribute to better interviews with children. However, investigators often lack the necessary specialized knowledge and skills, as well as appropriate training in this area.

## **4. Exploring a Comprehensive Model for Child Witness Inquiry**

### **4.1. Cognitive Inquiry Method as the Foundation**

American psychologists E. Geiselman and R. Fisher proposed the Cognitive Interview (CI) technique in the 1980s for questioning witnesses. However, researchers have different understandings of what Cognitive Interview entails. R. Bull believes it is primarily an interview format used for cooperative witness interviews. A. Memon sees it as a process to help witnesses recall information. Lian points out that it is a combination of psychology and investigative practices. Zhang Zhensheng suggests that Cognitive Interview is specifically designed for police use, employing principles of cognitive psychology to facilitate witness recall. Wang Wei states that the core idea of Cognitive Interview, widely accepted, is to enhance memory retrieval by assisting witnesses in memory recovery and improving interpersonal communication during questioning.

In summary, Cognitive Interview is a specialized police interviewing technique based on cognitive psychology principles, aimed at assisting witnesses in memory retrieval and improving communication. Given the limited memory capacity, cognitive abilities, and expressive skills of child witnesses mentioned in this article, the Cognitive Interview method can be helpful to some extent in conducting better interviews with children. According to available literature, the enhanced Cognitive Interview technique used in current foreign experimental research can be divided into six stages:

(1) Initial Phase: In the pre-questioning stage, the interviewer can dress casually and adopt a relaxed posture to create a closer connection with the child and alleviate their psychological pressure. The child should be instructed to focus on recalling details during the questioning and avoid fabricating or guessing information.

(2) Free Narrative: After establishing rapport with the child witness, the interviewer should give the child control and allow them to freely provide a detailed account of the witnessed home abuse. If the child continues to narrate without interruption, the interviewer should avoid interrupting and respect the child's responses. They should attentively listen to the child's account and only conclude when the child indicates they have finished. If the child does not indicate completion, the interviewer can gently inquire, leaving room for additional details, by asking if they have anything further to add.

(3) Specific Questioning: If the child has not provided additional information or completed their

narrative during the previous stage, the interviewer can proceed to closed-ended questioning using cue cards. Each card presents a specific prompt to guide the child in recalling key details of the case, enabling the retrieval of more accurate information.

(4) Reverse Recall: The child is asked to recall and report all memories in the reverse order, starting from the most recent events and going backward in time.

(5) Change of Perspective Recall: The child is encouraged to recall and report any new information by changing their perspective or considering different viewpoints.

(6) Closing Phase: After completing the questioning of the child, the interviewer should summarize the conversation and document it as evidence. Additionally, appropriate psychological support and therapy should be provided to the child witness to alleviate their psychological burden and prevent any secondary harm, ensuring the child's mental and physical well-being.

## **4.2. Establishing a Dedicated Child Inquiry Venue**

### **(1) Integration of Nonverbal Assisted Interviewing Methods**

Nonverbal assisted methods were initially proposed in the field of forensic psychology in the West and are commonly used for questioning child witnesses to gather information about the details of a case. Two specific methods within this approach are the doll-assisted interviewing method and the drawing-assisted interviewing method. The doll-assisted method is often used to help child witnesses describe the events they have experienced or witnessed. On the other hand, the drawing-assisted method involves providing paper and drawing tools to the child, allowing them to visually depict the events they have witnessed or experienced, including details such as the time, location, people involved, and their emotions. During the drawing process, the interviewer can ask the child questions to assist them in expressing their experiences more clearly.

Anatomically detailed dolls were invented in the 1970s and were widely used as an important assessment tool in cases of child sexual abuse. In such cases, child witnesses who have experienced or witnessed a crime may suffer varying degrees of trauma, often displaying speech difficulties and intense emotional reactions. The use of dolls as an assistive tool in questioning helps alleviate the internal pressure and suppressed emotions of the child by promoting their imagination. This method effectively aids traumatized children in providing detailed descriptions of the details of the abusive acts, thus greatly assisting in obtaining accurate and comprehensive testimony.

### **(2) Combining Doll-Assisted and Drawing-Assisted Interviewing Methods to Establish a Specialized Venue**

Children who have experienced home abuse cases often suffer physical and psychological trauma to varying degrees. To conduct effective interviews with child witnesses while avoiding any secondary harm to their well-being, it is crucial to create a suitable questioning environment. This environment aims to alleviate the child's feelings of anxiety and repression, allowing investigators to obtain valuable and comprehensive case-related information. Therefore, the choice of a dedicated venue for questioning children is of utmost importance. Constructing a specialized questioning environment can provide children with a sense of warmth and safety, making it easier to build trust with the interviewees. This environment should foster a friendly and secure atmosphere, facilitating a stronger rapport between the interviewer and the child.

## **4.3. Equipping High-Level Inquiry Personnel**

### **(1) Establish Professional Training:**

Develop specialized training programs that focus on the language, tone, and techniques used when questioning child witnesses. This training should also incorporate fundamental knowledge of child psychology to effectively integrate psychological support and intervention into the process of

interviewing child witnesses. By equipping interviewers with these skills, the accuracy of testimonies can be improved while safeguarding the rights of children and preventing any potential secondary harm. Establish mechanisms for cultivating and training professionals in the field of interviewing child witnesses, including the development of training programs and courses, and emphasizing the importance of building a competent workforce.

#### (2) Implement Clear Policies and Procedures:

Given the unique nature of child witnesses in cases of home abuse, it is essential to establish clear systems and protocols. This includes implementing a thorough screening process to determine the eligibility of child witnesses, establishing a clear system for reviewing child testimonies, implementing simultaneous audio and video recording during the questioning process, establishing mechanisms for child protection, and developing complementary educational measures. These measures will ensure the enhancement of the professional capabilities of interviewers and provide a comprehensive framework for effectively handling cases involving child witnesses.

## 5. Conclusion

To address the characteristics of home abuse cases and child witnesses, the following areas can be emphasized in the future. Firstly, improve the questioning environment and process: Design an environment and process that are more suitable for questioning child witnesses. This may include providing comfortable rooms, using friendly and easily understandable language, and adopting non-threatening communication methods. Secondly, professional support and training: Provide greater support and training for professionals, including police officers, legal practitioners, and social workers, to better meet the needs of child witnesses. This includes learning about child psychology and communication skills specific to interacting with children. Thirdly, utilize technological tools: Utilize technological tools such as specialized questioning equipment or recording devices to document testimonies. This can reduce potential disruptions to child witnesses and ensure the accuracy of their statements. Lastly, psychological support: Offer increased psychological support and services to help children cope with the trauma and emotional distress resulting from home abuse. Ensure that they receive support and protection throughout the entire testimony process. By focusing on these aspects, the aim is to create a more child-friendly and supportive environment for questioning child witnesses in home abuse cases. This approach promotes the well-being of children while facilitating the gathering of accurate and reliable testimonies.

## Acknowledgements

This paper is the sataged research achievements of the project "Research on the Inquiry Method of Child Witnesses"(Beijing University students' innovation project 202301)

## References

- [1] Farrar, Catherine Coolburn. *The value of anatomical dolls in the psychological assessment of child sexual abuse: An evaluation of available empirical evidence [J]. Child Abuse Research in South Africa*, 2017. 52-54.
- [2] Ceci S J; Bruck M. *Suggestibility of the child witness: a historical review and synthesis. [J]. Psychological bulletin*, 1993(3) 15-19
- [3] Sun Hui. *Research on the Evidence Collection and Acceptance of Children's Testimony in Criminal Procedure in China [D]. Qingdao University*. 2022.
- [4] Douglas Walton; *Evaluating Corroborative Evidence [J].Chris Reed. Argumentation*, 2008(4)
- [5] Long Zongzhi. *Proof of Confirmation from the Perspective of Comparative Law [J]. Journal of Comparative Law*. 2020(06):14-39.