

ORIGINAL ARTICLE

The Polish adaptation of the Revised NICHD Investigative Interview Protocol

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In this paper, we introduce the Polish adaptation of the Revised NICHD (National Institute of Child Health and Human Development) Investigative Interview Protocol (2014). The protocol is an evidence-based method for interviewing child witnesses and crime victims. Compared with the Standard NICHD Investigative Interview Protocol (2008), the revised version includes strategies and techniques for providing emotional support to the interviewed child. This paper describes both the standard and the revised versions of the protocol, presents scientific evidence for its efficacy, and introduces the Polish language adaptation of the tool.

The recipients of this methodological instrument could include judges and forensic psychology expert witnesses, who are to actively participate in interviewing child witnesses and victims under Article 185 of the Polish Code of Criminal Procedure, as well as students of law, psychology and criminology preparing to perform these roles in the future.

KEY WORDS

children; Polish adaptation; protocol; interviewing; NICHD

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BACKGROUND

Improving the quality of interviewing child witnesses has been of interest to specialists in the disciplines of law and psychology for many years. In light of the research reviewed by Lamb et al. (2008), two factors appear to be of key importance to the quality of information provided by the child: the interviewer's ability to elicit accurate information and the child's willingness to provide such information. The NICHD (National Institute of Child Health and Human Development) Investigative Interview Protocol presented in this paper is used for conducting structured interviews with child witnesses and alleged child victims of physical and/or sexual abuse. This protocol, which equips the justice system with a methodology for eliciting accurate information from children, has been subject to multiple studies testing its use as an evidence-based tool (Cyr et al., 2006; Lamb et al., 2006; Orbach et al., 2000; Sternberg et al., 2001). The NICHD Protocol was developed by a team of researchers at the National Institute of Child Health and Human Development in the late 1990s and subsequently revised in 2014. The first proper reference to the protocol is the paper of Orbach et al. (2000). Two versions of the protocol are known worldwide – Standard (SP; Orbach et al., 2000) and Revised (RP; Hershkowitz et al., 2014). While the standard version of the protocol puts an emphasis on the techniques helping motivated children to provide information about experienced events, such as physical and sexual abuse, the Revised NICHD helps to motivate children who are unwilling to disclose abuse to make an allegation. Research by Hershkowitz et al. (2014) contributed to revising the NICHD Protocol and adjusting it to forensic investigation with children reluctant to make allegations.

Both versions of the protocol rely on several types of questions, whose efficacy in eliciting accurate information has been reported in multiple laboratory and field studies among preschool and school children. These types include: 1) Invitations or Open prompts – open invitations to freely recall past events; 2) Cued invitations – open invitations to provide additional information based on the information the child has already provided; 3) Open-ended and Directive ('Wh-') Questions – directed open questions about further details of the information already provided, in the form of 'Wh-' questions (who, what, where, when); 4) Option-Posing and Yes-No Questions – used in requests to confirm, deny, or choose between already provided information; such questions tap into the child's recognition memory processes. A detailed typology of the questions, along with their definitions, can be found in the paper of Lyon (2017).

THE STANDARD NICHD INVESTIGATIVE INTERVIEW PROTOCOL

The standard version of the NICHD Protocol includes the pre-substantive and substantive parts of the child interview, linked by the *Transition to Substantive Issues* (TSI). The pre-substantive part comprises the following phases: *Introduction*, *Rapport Building* (RB), and *Training in Episodic Memory* (TEM). In turn, the following phases constitute the substantive part of the interview: *Investigating the incidents*, *Eliciting information that has not been mentioned by the child*, *if the child fails to mention information you expected*, and *Information about the disclosure*.

In the *Introduction* phase, the interviewer introduces themselves to the child, explains what the interview is going to be about, lays down the interview rules (e.g., that it is important the child tells the truth), and clarifies what is expected of the child (i.e., that they can and should say "I don't remember", "I don't know", or "I don't understand", and that they can correct the interviewer by saying "you're wrong" or "you made a mistake"). In the RB phase, the interviewer encourages the child to provide information of personal importance. In the next phase (TEM), the child is asked to provide a detailed description of the last neutral event they have experienced, which is considered an exercise in episodic memory recollection. In addition, the RB and TEM phases are conducive to creating a supportive environment for the child, developing the child-interviewer relationship, as well as demonstrating the open-prompt strategies and research techniques that will be used in the substantive part of the interview. Moreover, they express the interviewer's expectations as to how detailed the child's answers should be, and simulate the model of interaction between the interviewer and the child. All of these aim to build the child's narration about the event under forensic investigation.

Next comes the transitional TSI phase, which precedes the substantive part of the interview. Here, the interviewer uses open prompts to elicit a description of the event(s) under investigation. If the child makes an abuse allegation in this phase, the interviewer proceeds to the substantive part of the interview. First, the interviewer formulates an invitation – "Tell me everything about that...", followed by questions about whether the incident happened once or multiple times. Then, they use a cued invitation – "You mentioned [person/object/activity], tell me everything about that". It is only after the child freely recalls information that the interviewer proceeds to directive questions, such as those about the time of events or other details, for example: "When

did it happen?” or “What color was that [object mentioned by the child]?”. If key information is still missing, the interviewer asks multiple-choice questions, including mainly Yes/No questions and option posing. If the child does not make an allegation in the transitional phase, the interviewer narrows down the scope of the questions, referring to available data about earlier evidence (disclosures, both physical and emotional marks). In both cases, interviewers are advised against asking suggestive questions as this could lead the child to react in a certain, suggested way. The interview concludes with the *Closing* phase, in which the interviewer thanks the child for their help by answering the questions. The final part of the interview is a short chat about a neutral topic.

THE REVISED NICHD INVESTIGATIVE INTERVIEW PROTOCOL

This version includes all of the previously described phases of the standard version, but additions have been made to increase the child’s trust and cooperation during the interview. Firstly, in contrast to the standard version, the BR phase is preceded by explaining to the child the basic rules and expectations of the interview. Secondly, the interviewer encourages the child, both verbally and non-verbally, to describe events in each part of the interview.

In the BR phase, the interviewer addresses the child by name (“I am glad to meet you today [child’s name]”); expresses concern for the child (“How are you doing?”); expresses interest in the child’s experiences (“I really want to know about things that have happened to you”); recalls feelings the child has previously mentioned (“You say you were [sad/angry/the feeling mentioned]”); confirms the child’s feelings (“I see/I understand what you’re saying”); enquires about the child’s feelings (“Tell me more about [the feeling]”); and asks for more information about topics personally significant to the child using free recall invitations.

In all phases of the interview, the interviewer supports the child verbally, using various prompts: 1) expressing thanks and appreciation (“Thank you for sharing that with me”); 2) appreciating the child’s efforts, but without referring to the specific content of the statement (“Thank you for sharing that with me, it helps me get to know you”); 3) expressing empathy for the child’s feelings or difficulties (“I can see that [you are tired/ it is difficult for you to talk]”); 4) allowing the child to express their feelings, including negative ones (“Here you can talk about everything that happened to you”); 5) asserting the interviewer’s readiness to listen and expressing understanding of the child’s situation (“Many children have secrets that they do not talk about. If you have a secret, I am

a person who you can trust and share it with”); 6) offer the child help (“[Child’s name], if it is difficult for you to talk about it, how can I make it easier for you?”); 7) reassuring the child (“Don’t worry, I won’t tell the other children”); and 8) expressing the belief that the child can provide more information about a previously mentioned element of the event under investigation (“[Child’s name], please try to explain it, I’m sure you can”).

When the child reports an allegation of abuse but expresses reluctance to talk about the disclosed event, the interviewer is advised to use two types of prompts: the first is containment (“You can trust me and tell me things that have happened to you”), and the second is encouragement (“It is really important that you tell me”), and relieving the child of responsibility (“When somebody hurts a child, it is not the child’s fault”).

In addition to the verbal prompts, non-verbal signals of support are also recommended, including leaning toward the child, smiling at the child, maintaining frequent eye contact with the child. They may be preceded by the interviewer’s verbal references to the child’s observed behaviors that suggest the type of emotions they are experiencing, such as reluctance or resistance, for example: “[Child’s name], I see you [crying, silent]. Tell me what is happening so I can help you”.

The above examples of verbal prompts and non-verbal behaviors are in line with the Revised NICHD Protocol by Hershkowitz et al. (2014). All of these practices are intended to develop the child’s willingness and motivation to express information about the alleged crime.

THE NICHD PROTOCOL AS EVIDENCE-BASED PRACTICE

Results from independent field studies conducted in four different countries, that is, the USA (Sternberg et al., 2001), Israel (Orbach et al., 2000), Canada (Cyr et al., 2006), and the UK (Lamb et al., 2006), provide evidence of improved quality of information obtained from alleged victims aged 3 to 14 when interviewers follow the recommended interview procedures according to the structured NICHD Protocol. Summarizing the results of the above studies after Lamb et al. (2008), interviewers following the Standard NICHD Protocol utilize at least three times as many invitations, open prompts and open-ended questions, and about half as much option-posing and suggestive prompts, while the rates of allegations made by children of the same age are higher, compared to interviews conducted without using the NICHD Protocol. Of particular interest are the results regarding the decreasing percentage of suggestive questions by protocol-interviewers (P-I). Thus, in a study by

Orbach et al. (2000) P-I in 10% of cases used suggestive questions compared to non-protocol interviewers (N-PI), who used them in 15% of cases. In a study by Sternberg et al. (2001) the percentage of suggestive questions used by P-I was 7%, and by N-PI 14%. Similar results were obtained by Lamb et al. (2006) and Cyr et al. (2006). The protocol has been shown to have a positive effect on interrogators' avoidance of suggestive questions detrimental to the reliability of testimony.

Insight into the dynamics of interviews with children has been provided by studies by Hershkowitz et al. (2006, 2007), and Orbach et al. (2007). These studies found that the standard protocol primarily helps motivated children to testify, offering only a few techniques and strategies to support and encourage children who are reluctant to disclose abuse and make allegations. The literature mentioned above suggested that the tendency to make allegations during a standard interview is influenced by the emotional support provided to the child by the interviewer as well as the child's age and gender, the child's relationship with the suspect, the type of abuse suspected, and whether the abuse has been previously disclosed. Research suggests that preschool children and boys are less likely to report abuse (Ghetti & Goodman, 2001; Pipe et al., 2007), which is attributed to young children's cognitive, communication, and emotional deficits as well as increased suspicion of adults toward disclosures made by young children. A study by Hershkowitz et al. (2005) found that children are less likely to make accusations about their parents compared to other suspected perpetrators. Moreover, more than half of children deny suspected abuse by their parents, a trend that is even more pronounced when the alleged victims are boys or sexual abuse is involved. According to the filial dependency model (Malloy et al., 2007), denial of abuse may reflect child victims' vulnerability to influence or pressure from adult family members.

Reviewing the literature, Hershkowitz et al. (2014) conclude that rates of child allegations go hand in hand with prior disclosure of abuse and corroborative evidence. Hershkowitz et al. (2006) additionally found that reluctant children avoided making contact with interviewers and signaled their reluctance verbally and nonverbally during the pre-substantive part of the interview, with manifested reluctance increasing as the interview continued. Additionally, interviewers tended to respond to reluctance by putting pressure on reluctant children rather than offering them support.

The value of building emotional support when interviewing reluctant children has additionally been confirmed by several studies (e.g., Ruddock, 2006; cf. Hershkowitz et al., 2014). Their results confirmed observations that forming positive relationships between children and interviewers facilitates commu-

nication and appears to encourage children to confirm and describe their traumatic experiences. Those findings contributed to the revision of the Standard NICHD Protocol and further research relying on it. For example, a study by Hershkowitz et al. (2017) evaluated the support provided to alleged victims, ages 3 to 14, by 53 experienced interviewers who were trained to use the Revised Protocol. The authors of the study found that not only interviewers' use of support increased, but inadequate support and interviewers' insensitivity to children's reluctance to disclose information occurred less frequently. It should be added that interviewers appeared to be more sensitive with younger children and were more likely to show support to them in general and inadequate support with older children.

Comparing children's testimonies using the Standard and Revised NICHD Protocols revealed that, under the revised conditions, children were more likely to disclose abuse without requiring as many prompts as with the standard version (Ahern et al., 2019). In interview studies conducted using the Revised NICHD Protocol (Karni-Visel et al., 2018, 2019; Hershkowitz & Lamb, 2020), interviewers' supportive comments facilitated children's ability to express emotion, which in turn led to more informative testimonies. Hershkowitz et al. (2014) further found that the Revised Protocol was more effective than the Standard Protocol when used to motivate children who were reluctant to report intra-familial abuse and more susceptible to family pressure, including boys and those children who had not reported abuse prior to the investigation. In addition, in Hershkowitz and Lamb's (2020) study, the Revised Protocol significantly predicted the number of allegations and the perceived "credibility" of the interview (taking into account the influence of other factors, e.g., the child's age and gender, the child's relationship with the alleged perpetrator, the type of abuse). There was a 14.3% increase in the likelihood that children would report allegations and a 10.2% increase in the likelihood that interviewers would find the allegations "credible". Similarly, in a recent study Blasbalg et al. (2021) found an increased likelihood of children reporting allegations when questioned using the RP. Again, it was found that a supportive interview based on better relationships between children and interviewers clearly increased children's willingness to make credible allegations. Thus, the efficacy of the Revised NICHD Protocol has been proved in such subgroups of children who are typically the least likely to report allegations. The results obtained by Hershkowitz et al. (2014, 2015) and Hershkowitz and Lamb (2020) are revealing in that the behavior of the interviewers in the two types of interviews differed only in terms of the emotional support they provided to the children. In summary, the results of the research presented here suggest that the Revised NICHD Pro-

tol facilitates the expression of emotions by alleged victims of abuse in ways that increase the informational value of children's testimony.

THE POLISH ADAPTATION OF THE REVISED NICHD PROTOCOL

A description of the full protocol in the Standard English language version can be found in Lamb et al. (2008), and of the Revised English version in Lamb et al. (2018). A Polish proposal for a structured interview, which is based on Lamb et al.'s (2008) standard version of the NICHD Protocol and Lyon's (2005) abbreviated version (*Ten step investigative interview*), is available in a work by the Polish Empowering Children Foundation titled *Jak prowadzić przesłuchanie dziecka. Metodyka przesłuchania małoletniego świadka* [How to interview children: The methodology of interviewing juvenile witnesses] (<https://www.edukacja.fdds.pl/course/view.php?id=164#section-3>).

In this paper, we introduce the Polish adaptation of the 2014 Revised NICHD Protocol. Linguistic and cultural adaptation of the instrument began in 2019, following Professor Lamb's approval. The protocol was translated from English to Polish and then back-translated to English by bilingual translators. We then compared both English language versions (i.e., the original protocol and its back translation from Polish) and, where discrepancies emerged, chose the most culturally appropriate Polish words that best represented the original text. We identified several discrepancies in the back-translation with the wording of the original protocol. Firstly, we noted a few situations of clearly different wording in the back-translation, for example, the original sentence from the Introduction section of the Protocol, "Sometimes I forget things and the recorder allows me to listen to you without having to write everything down", was translated from Polish as follows: "Sometimes memory lets me down, so if we record our meeting, I will be able to concentrate on listening to you without having to note down what you say". Another example is from Explaining and Practicing Ground Rules, part C.2: "And if I say things that are wrong, you should tell me. Okay [child's name]?", which in the back-translation reads: "If I'm wrong or make a mistake, tell me about it. All right?". The difference derives from the fact that the Polish translation was not literal, but reflected the linguistic and cultural context of the translated expressions; hence the back-translation differed from the original expressions. Secondly, we had to think about what expressions to use when translating expressions denoting emotional states, e.g. "I'm glad" in the sentence: "I'm glad to meet you today", which was back-translated to "I'm happy to meet you today", whereas the term "I'm happy" does not fully capture the Polish meaning of being

happy/glad to meet a child during an interview. Similarly, in the Substantive Phase section, part i-2 the question: "[Child's name], is there anything you are concerned about?" has been translated to: "[Child's name], is something worrying you?". However, the meaning of the word "worry" is at a deeper level than "concern about", with the translator using the word in the back-translation thinking it more appropriate. Third, we discussed the cultural equivalents of some expressions in the protocol before making a final decision about the Polish words that were used in the Polish translation, e.g., in the section Explaining and Practicing Ground Rules, part C.1, we discussed the sentence: "[Child's name], I'm interested in you and I will be asking you all kinds of questions today" and we looked for a cultural equivalent for "I'm interested in". The expression "I'm interested in" in the Polish translation can mean interest in a person in itself, without an emotional attitude to it, while in the protocol it suggests "I want to know/learn everything about you, because I care about you"; hence in the back-translation the quoted sentence reads: "[Child's name], I want to learn as much as possible about you, so I'm going to ask you different questions today", which in our opinion rendered the Polish content rather than fully the content of the original.

We also noticed differences in the grammar of the original and the back-translated sentences, e.g. in the back-translation in the sentences dealing with the past, the translator more often used the present perfect tense instead of the simple past tense, and thus the sentence from the section Report Building and Narrative Training, part B.2 with the simple past tense "I heard you like [activity, hobby]", was translated using the present perfect tense: "I have heard that you like [an activity, hobby]". There were also situations of the opposite kind, where a back-translated sentence was translated using the simple past tense as opposed to the original present perfect tense (Substantive Phase, part E.1), e.g. the sentence "I have heard that you talked to [a doctor, teacher, social worker, other specialist] in [a specific time or place]" in the back-translation reads: "I heard that you talked to...". The differences in the use of sentences with verbs in the past tense in English, however, do not affect either the Polish translation of the above protocol sentences or their understanding, because in Polish we simply use the past tense to describe past actions.

Fortunately, we also noted many parallels in the back-translation. One of the most important is the preserved wording of the invitations and prompts, e.g., in the Further Report Building and Episodic Memory Training section, part D.1: "Tell me everything that happened [during the event], from the beginning to the end, as best as you can", in back-translation sounds almost identical: "Tell me about everything that happened [during the event], from

the beginning to the end, the best that you can". As it turned out, all protocol-appropriate invitations and prompts could be retained in the back-translation in their original English.

The bilingual translator tried to maintain the "spirit" of the protocol, avoiding complicated expressions and phrases, keeping the Polish language simple, knowing that the addressees of the protocol are children.

The final version of both the protocol and its appendices translated to Polish are presented at the following open access repository: https://osf.io/8np54/?view_only=3d3be7bda07c48248cc1ec11e6a32903

We are hopeful that, similarly to many other countries in Europe and across the world, this translation of the protocol will become good practice of the Polish justice system. There are no procedural or legal limitations in the Polish criminal-legal-procedural system that would fundamentally differ from the Anglo-American regulations concerning the introduction of psychological tools to enhance the quality of interrogation activities, which seems obvious and dependent on the age and stage of development of the child being interrogated as a participant in a criminal trial. Interrogation of a child in the Polish procedure and forensic science, as well as the achievements of forensic psychology (in terms of the psychology of testimony and explanations) is *sui generis* a so-called special form of interrogation, requiring specific experience, knowledge, cognitive intuition and knowledge of developmental psychology. Therefore, there are and should be no restrictions expressly formulated in the Code of Criminal Procedure concerning such instruments supporting the work of a psychologist, investigator or expert as regards the discussed protocol. Analyses of training practices for implementing the interview protocol have highlighted the problem of transferring scientific knowledge to interview practice (Lamb, 2016). Indeed, it should not be forgotten that the training provided over the past three decades has had a limited impact on the actual quality of interrogation in the field. Improvements in interrogation practice towards credibility only occurred when training courses consisted of multiple modules, spread over time, with opportunities to consolidate learning and receive feedback on the quality of interrogations conducted by trainees. Nonetheless, using the Revised Protocol can support eliciting accurate information primarily from child witnesses reluctant to reveal abuse and violence.

The protocol is a postulate *de lege lata* as a utilitarian tool supporting the activity of questioning children. It has not yet been used in the Polish judicial practice on a population scale. Therefore it is impossible to assess at this stage the interest in its usefulness and effectiveness, which will certainly take place after its implementation. Additionally, the scope of the problem of multiple questioning of children is a very important cognitive and methodologi-

cal element of the work of psychologists, experts and investigators. The introduction of the proposed protocol should contribute positively to the elimination of unnecessary repetitive activities/interrogations with the participation of children. In Poland, the recipients of this methodological instrument could include judges, prosecutors and police officers – the hosts of interviews with child witnesses and victims, as well as forensic psychology expert witnesses, who are to actively participate in child interviews under Revised Article 185 of the Polish Code of Criminal Procedure. This group could additionally include students of law, psychology, and criminology preparing to perform the above-mentioned roles in the future.

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