

*TALKING TO TEENS
IN THE JUSTICE SYSTEM:*
Strategies for Interviewing
Adolescent Defendants,
Witnesses, and Victims

American Bar Association Juvenile Justice Center
Juvenile Law Center ! Youth Law Center

Lourdes M. Rosado, Editor

AMERICAN BAR ASSOCIATION JUVENILE JUSTICE CENTER

In 1999, responding to the crisis in juvenile indigent defense, the ABA, in partnership with Youth Law Center and Juvenile Law Center, created the National Juvenile Defender Center (NJDC). NJDC supports lawyers who represent children in delinquency and criminal proceedings throughout the country by improving access to counsel and the quality of representation. In order to develop the capacity of the juvenile defense bar, NJDC offers a variety of services including training, technical assistance, advocacy, networking, and resource and policy development. NJDC and its eight Regional Affiliates work together to provide quality representation for every child involved in the justice system. NJDC will ensure continuity in the development of each Regional Affiliate, coordinate efforts to provide a national voice on quality, access, and policy issues, and serve as a catalyst for change in the defense of children.

ABA JUVENILE JUSTICE CENTER/NATIONAL JUVENILE DEFENDER CENTER
740 15th Street, NW, Washington, DC 20005
202-662-1515 - Fax: 202-662-1501

E-mail: juvjus@abanet.org - Website: www.abanet.org/crimjust/juvjus

JUVENILE LAW CENTER

Juvenile Law Center is a non-profit public interest law firm that advances the rights and well being of children in jeopardy. Founded in 1975, JLC is one of the oldest legal services firms for children in the United States. JLC uses a range of strategies -- including individual advocacy, reform of state and national law and policy, and training of public defenders and lawyers for children -- to improve the juvenile justice and child welfare systems. The children we serve include abused or neglected children placed in foster homes, delinquent youth sent to residential treatment facilities or adult prisons, and children in placement with specialized health and education needs. JLC works to ensure that children and youth are not harmed by -- but instead receive appropriate care from -- the systems that are supposed to help them.

JUVENILE LAW CENTER
The Philadelphia Building
1315 Walnut Street, 4th Floor
Philadelphia, PA 19107
215-625-0551 - Fax: 215-625-2808

Website: www.jlc.org

YOUTH LAW CENTER

Youth Law Center is the leading national legal advocacy program working on juvenile justice issues. For the past 22 years, YLC staff have worked with defense attorneys, prosecutors, judges, and probation officials in virtually every state throughout the nation. In addition to authoring a major text, *Representing the Child Client*, and more than two dozen articles, book chapters, and other publications on the representation of minors, YLC staff have conducted literally hundreds of trainings and presentations throughout the country on delinquency-related matters, conditions of confinement, liability, alternatives to detention, and coordination of services.

Washington, DC Address:
1325 G Street, NW, Suite 770
Washington, DC 20005
202-637-0377 - Fax: 202-637-0377

YOUTH LAW CENTER
San Francisco, CA Address:
417 Montgomery Street, Suite 900
San Francisco, CA 94104
415-543-3379 - Fax: 415-956-9022

Website: www.youthlawcenter.com

*TALKING TO TEENS
IN THE JUSTICE SYSTEM:*
Strategies for Interviewing
Adolescent Defendants,
Witnesses, and Victims

American Bar Association Juvenile Justice Center
Juvenile Law Center ! Youth Law Center

Lourdes M. Rosado, Editor

Prepared with support from:

The John D. and Catherine T. MacArthur Foundation

Juvenile Court Training Curriculum

PROJECT TEAM

Patricia Puritz
ABA Juvenile Justice Center

Lourdes M. Rosado
Robert G. Schwartz
Juvenile Law Center

Michael J. Dale
Nova Southeastern University Law School

Maria F. Ramiu
Marc A. Schindler
Mark I. Soler
Shannan L. Wilber
Youth Law Center

This curriculum does not necessarily represent
the views of the John D. and Catherine T.
MacArthur Foundation.

This report has not been approved by the
House of Delegates or the Board of
Governors of the ABA.

© June 2000

ISBN *_*****_***_*

Acknowledgments

This multidisciplinary curriculum is the result of much thinking, effort and collaboration by a truly multidisciplinary group of people from around the country. We owe our gratitude to a number of mental health professionals, developmental specialists, social scientists, psychologist and psychiatrists, social workers, special education experts, adult education consultants, juvenile court judges, prosecutors, defenders, and probation officers, all of whom contributed their talent and vast experience to this project.

First, this curriculum would not have been possible without the vision and generous support of the John D. and Catherine T. MacArthur Foundation. We in particular want to thank our program officer Laurie Garduque for her patience and confidence as we strived to create a unique training curriculum. We also are grateful to the MacArthur Foundation for its dedication to promoting so many other projects that will better the lives of those children involved in the juvenile justice system.

We extend many thanks to the experts who conducted our pilot training programs in West Palm Beach, Florida and Oakland, California. They are: Patricia Aguiar, James Bell, Marty Beyer, David Bjorklund, Harriet Brown, Elizabeth Cauffman, Nancy Cowardin, Deborah A. Davies, Delbert S. Elliott, Sheila Foster, James Garbarino, Kirk Heilbrun, Judith Larsen, Melinda Mills, Randy K. Otto, Paul Sayrs, John Shields, Joseph Smith, S. Alex Stalcup, Lee A. Underwood, and Michael Zatopa. We are also indebted to a number of individuals who contributed their research and expertise to the curriculum, including Shelli Avenevoli, James Backstrom, Richard Barnum, Donald Bruce, Pamela Bulloch, Thomas Grisso, Steven Harper, Thomas Hecker, Paul Holland, Amy Holmes Hehn, Randy Hertz, Antoinette Kavanuagh, Richard D. Lavoie, James Loving, Jr., Lee Norton, William F. Russell, Robert E. Shepherd, Laurence Steinberg, and Joseph Tulman. These professionals brought a wealth of knowledge, scholarship and experience to the project that formed the foundation of the curriculum.

We are grateful for the support and participation of juvenile court personnel in West Palm Beach, Florida and Oakland, California, the pilot training sites for the curriculum. They provided us with logistical support and valuable feedback. In particular, we thank the following individuals in West Palm Beach, Florida: the Hon. Richard B. Burk, the Hon. Walter N. Colbath, and the Hon. Hubert R. Lindsay; Joanne Howard from the State Attorney's Office; Barbara Burch from the Legal Aid Society; Barbara White of the Office of the Public Defender; Larry Herndon and Darryl Olson with the Florida Department of Juvenile Justice; Arlene Goodman from the Palm Beach County Courthouse; and Robin Sheppet. And in Oakland, California, thanks go to: the Hon. Martin Jenkins and the Hon. Robert Kurtz; Jack Radisch from the Prosecutor's Office; Sheri Schoenberg and Mary Siegel of the Public Defender's Office; Sylvia Johnson, Chief Probation Officer; Mary Parks, Juvenile Court Administrator; Sandy Lauren and Laurel Prager, County Counsel; and Cliff Baker from the Court Appointed Attorneys Program.

We are also indebted to a number of people who assisted us with the development of a video for use in the module on interviewing young people. Our thanks go to: the staff of the Duke Ellington School for the Performing; the staff of Ritchfield Productions; Kristin Henning, from the Public Defender Service of D.C., who served as our technical consultant on the video; and to Marlon Russ and Bernard Grimm, who were our actors.

No project of this magnitude could ever be completed without the administrative and technical support of staff, paralegals, and many, many interns. We are grateful to the efforts of Kelsi Brown, Angie Crouse, Amy Drake, Debbie Hollimon, Jolon McNeil, Sadie Rosenthal, and especially Joann Viola, who did our graphics design. Our army of college and law school interns

included: Lara Bazelon, Rebecca Bauer, Jack Chu, Tiffany Cox, Cheryl DeMichele, Cheryl Gestado, Hope Hicks, Jennifer Katz, Sang Woo Lee, Eliza Patten, Jennifer Pringle, Eli Segal, Adrienne Toomey, Eric Wolpin, and David Zifkin. Thank you for bringing your energy to this endeavor.

This talented and diverse group of people created a curriculum that we hope will aid juvenile court practitioners in the many difficult decisions they have to make every day, and result in better outcomes for our children and our communities at large.

THE PROJECT TEAM

June 2000

PREFACE

Background

In 1996, the John D. and Catherine T. MacArthur Foundation funded the Youth Law Center, the Juvenile Law Center, and the American Bar Association Juvenile Justice Center to develop and provide training for juvenile justice professionals around the country. The goal of the project was to develop a training curriculum that applied the findings of adolescent development and related research to practice issues confronted by juvenile court practitioners at the various decision-making stages of the juvenile justice process.¹ The long range objective was to improve the quality of decisions made by juvenile court practitioners.

Two jurisdictions – West Palm Beach, Florida and Oakland, California – agreed to serve as pilot training sites. Project staff worked with juvenile court professionals at both sites and a national advisory committee of practitioners and trainers to identify the training topics. The topics chosen were relevant to adolescent development and related research, unique to juvenile court practice, and typically excluded from professional training curricula.

Over the course of two years, the project sponsored a series of trainings in the pilot sites. The trainings were developed and delivered by experts from all parts of the country. Project staff recruited trainers with specialized knowledge in the relevant subject matter whose expertise was broadly relevant to juvenile court practice. The trainings were cross-disciplinary -- delivering the information to judges, prosecutors, defenders and probation staff at the same time. In both sites, the presiding juvenile court judge set aside specific dates for the trainings, and either closed the courts or lengthened the lunch recess. Most of the trainings were three hours long.

Project staff then created training modules that corresponded to the training topics. The resulting modules incorporate the materials developed by the trainers; supplemental research, literature and training materials; and feedback from the pilot sites. The completed modules were reviewed by a group of professionals with broad expertise in each subject matter.

The Training Modules

The training curriculum consists of six separate modules:

Module One: *Kids Are Different: How Knowledge of Adolescent Development Theory Can Aid Decision-Making in Court*

Module Two: *Talking to Teens in the Justice System: Strategies for Interviewing Adolescent Defendants, Witnesses, and Victims*

¹The Foundation also launched the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice in 1997. The mission of the Network is to develop new knowledge regarding the assumptions on which the juvenile justice system functions, and to improve legal practice and policy-making with accurate information about adolescent development. For more information about the Network, please consult its website: <http://www.mac-adoldev-juvjustice.org>.

Module Three: *Mental Health Assessments in the Justice System: How To Get High Quality Evaluations and What To Do With Them in Court*

Module Four: *The Pathways to Juvenile Violence: How Child Maltreatment and Other Risk Factors Lead Children to Chronically Aggressive Behavior*

Module Five: *Special Ed Kids in the Justice System: How to Recognize and Treat Young People with Disabilities That Compromise Their Ability to Comprehend, Learn, and Behave*

Module Six: *Evaluating Youth Competence in the Justice System*

The modules were designed for maximum flexibility and broad application. The modules stand alone, so that jurisdictions can use any individual module or any combination of modules. Each module contains extensive information on the topic, which can form the core of the training, as well as a "tool kit" containing interactive exercises, hypothetical cases, video clips and other training tools. The information in the modules is sufficiently general to apply in any jurisdiction. However, the tools can be adapted to make the subject matter relevant to the daily practice of participants in any particular training site. The curriculum also contains an extensive literature review listing materials relevant to the training topics and related subjects. Selected articles can be assigned for reading prior to the trainings, or the literature review can be made available as a general resource.

Project staff also incorporated the advice of adult learning specialists and professional trainers who served as consultants to the project. These consultants recommended that trainers emphasize a limited number of basic concepts in each subject area and actively engage participants in the learning process. Thus, each module contains a list of the major themes to be discussed, and the subsequent information refers back to those main themes. Similarly, the modules contain several interactive exercises to involve the audience in the training process and to draw upon their experiences to illustrate significant points.

How to Use the Curriculum in Your Jurisdiction

Effective use of this curriculum in a local jurisdiction requires an individual or group of people to organize trainings that are tailored to the specific needs of practitioners. It is important to engage practitioners in the planning process from the beginning. Organizers can work with representatives from the relevant professional groups to determine what areas they are interested in covering. This feedback will help organizers decide whether to present the entire curriculum or select individual modules.

Organizers can also ask the participants to recommend potential trainers. Trainers should have expertise and experience in the relevant subject matter. Familiarity with local juvenile court practice is also helpful. However, it is even more important that the trainer be skilled in engaging the audience in the learning process, drawing from their experience and utilizing tools to make the subject matter relevant to daily juvenile court practice. Straight lecture format – even by a learned and interesting trainer -- is not usually an effective method for presenting the material. Potential sources for trainers are local colleges and universities; law schools; local chapters of national organizations, such as the American Psychological Association; and local or state professional organizations and societies. Organizers may also contact the American Bar Association Juvenile Justice Center for suggestions for experts to conduct the trainings.

Organizers can work with trainers to adapt the curriculum to make it relevant to local practice and current issues. Again, consultation with the relevant professional groups is important. For example, a fact pattern in the curriculum may require some changes to accurately reflect state law, local practice and current trends. Similarly, a video clip in the tool kit may present a scenario that is not representative of the issues important to the audience.

Organizers can also decide whether to conduct cross-disciplinary trainings, or to train professional groups separately. There are advantages and disadvantages to each approach. Cross-disciplinary trainings ensure that all of the juvenile court practitioners benefit from the same information. Issues raised and insights gained from the trainings may lead to changes in practice, which will be more successful if there is shared understanding and consensus among juvenile court professionals. Training the professions together also presents the opportunity for lively discussions among practitioners who have different roles and perceptions of the juvenile court process. On the other hand, candid discussion may be less likely with traditional adversaries in the same room. Attorneys or probation officers might also be reluctant to openly discuss local problems in the presence of juvenile court judges. There is also some advantage to tailoring the presentation of information to the specific professional groups because they are likely to use the information differently. Organizers should consult with the professional groups and determine what means of delivering the training best meets their needs and concerns.

EXECUTIVE SUMMARY

The goal of Module Two is for participants to develop techniques for successfully interviewing adolescents involved in the court system, whether they are defendants, witnesses or victims. Juvenile court personnel engage in one-on-one discussions with teenagers on a daily basis to obtain critical information for decision-making purposes. For example, defense attorneys interview their clients to develop an investigation plan and trial strategy. Prosecutors talk to victims and witnesses to determine whether and how to prosecute. Probation officers gather information for disposition planning, and then regularly meet with supervisees to monitor compliance with terms of probation.

This Module first reviews the unique aspects of adolescent development that have implications for interviewing adolescents. Several developmental considerations -- such as limitations in cognitive capacities, present-oriented thinking, egocentricity, and perceptions of authority figures -- impact the interview dynamic. This Module helps interviewers learn how to factor these considerations into, for example, their demeanor and approach during the interview and the language they use. Participants learn how to gauge a young person's level of language competence and how they process information so that they can structure their questions accordingly.

By critiquing videotaped interviews and engaging in role-plays, participants develop critical skills for successful interviewing, including techniques for:

- putting the child at ease and developing rapport
- conveying a non-judgmental demeanor
- obtaining the maximum amount of information in a limited time frame
- defusing an angry teenager

The Module also includes sections on interviewing special populations, such as adolescents who are depressed, younger adolescents (ages 11-13), and teenagers who are victims of sexual assault/abuse.

Table of Contents

I. Introduction	1
A. Goal of this module	1
B. Types of adult-juvenile interviews	1
C. Summary of major themes to be discussed	2
II. Learning about good and bad interview techniques from critiquing interviews	3
III. How the Unique Aspects of Adolescent Development Impact the Interview Dynamic	7
A. Implications of developmental considerations on interviewing	7
B. The challenge of differences in cognitive capacities.	7
C. Identity development and social development	8
D. Competency development (i.e., mastering skills).	9
IV. Strategies for Successful Interviewing	10
A. Strategies employed depend on a variety of factors	10
B. Interviewer must assess youth on three different levels.	10
C. Building rapport and putting the teenager at ease is key	10
D. Implications of adolescent cognitive development.	12
E. Implications of identity, social, and moral development	14
F. How to interview teenagers with an “attitude”	15
G. How to defuse an angry young person	16
H. How to interview a young person who is depressed	17
V. Interviewing Younger Adolescents	19
A. Facts about younger adolescents	19
B. Implications for interviewing young adolescents	19
VI. Interviewing Adolescent Victims of Sexual Assault/Abuse	20
A. Why teenagers may be unwilling to disclose sexual assault/abuse	20
B. What leads teenagers to disclose sexual abuse	20
C. Additional strategies for establishing rapport	21
D. Strategies for gathering information	22
E. Closing the interview	22
APPENDIX A - SCRIPTS FOR ROLE PLAYS	A1
APPENDIX B - SMALL GROUP EXERCISE WORKSHEET	B1
APPENDIX C - INSTRUCTION SHEETS FOR INTERVIEW ROLE PLAYS	C1

I. Introduction

- A. **Goal of this module.** To identify and learn techniques for successfully interviewing adolescents involved in the court system, including adolescent defendants, witnesses and victims.
- B. **What types of adult-juvenile interviews take place within the juvenile justice system?**

Sample list of adult-juvenile interviews:

- **Intake interview of juvenile defendant.**
ADULT INTERVIEWER: typically a probation officer.
PURPOSE OF INTERVIEW: When juvenile first taken into custody by police, taken to an intake point where a probation officer or other intake staff makes an initial decision on how to proceed (i.e., whether to detain the juvenile or release him/her pending the first court appearance).
- **Cellblock interview with juvenile defendant.**
ADULT INTERVIEWER: Public Defender, court-appointed attorney.
PURPOSE OF INTERVIEW: to gather information in preparation for preliminary hearing during which judge will make decision whether to detain or release the juvenile pre-trial.
- **Full interview of juvenile defendant**
ADULT INTERVIEWER: Public Defender, court-appointed attorney.
PURPOSE OF INTERVIEW: to gather all relevant information about the alleged offense and events leading up to arrest, so that attorney may commence investigation, file relevant motions and prepare for trial.
- **Disposition interview of juvenile defendant.**
ADULT INTERVIEWER: probation officer, court social services.
PURPOSE OF INTERVIEW: to gather information about the juvenile from which a treatment plan can be fashioned.
- **Probation check-ins with juvenile defendant.**
ADULT INTERVIEWER: probation officer.
PURPOSE OF INTERVIEW: to monitor juvenile's compliance with terms of court-ordered probation.
- **Interview with adolescent witness.**
ADULT INTERVIEWER: prosecutor; defense attorney.

Interactive Exercise

Elicit from participants a list of the adult-juvenile interviews that are conducted at different points in the juvenile court system. For each type of interview, ask the participants to briefly describe the following:

- job title/function of the adult(s) conducting the interview.
- purpose of interview (What will the information be used for?).
- typical physical environment in which the interview takes place.
- when (in the chronology of court proceedings) does the interview take place.
- types of questions asked.
- type of information conveyed to the adolescent interviewee.

PURPOSE OF INTERVIEW: for prosecutor: to gather information to make initial decision about whether/what to charge, and to anticipate testimony if case goes to trial. For defense attorney: to anticipate testimony if case goes to trial.

- **Interview with adolescent victim/complainant.**

ADULT INTERVIEWER: prosecutor; defense attorney.

PURPOSE OF INTERVIEW: for prosecutor: to gather information to make initial decision about whether/what to charge, and to anticipate testimony if case goes to trial. For defense attorney: to anticipate testimony if case goes to trial.

- C. **Summary of major themes to be discussed.**

1. Interviewers should employ "developmentally-sensitive questioning." This means that the interviewer must gauge the juvenile's level of language competence and how they process information, and structure the questions accordingly. In general, interviewers must avoid asking long questions with a lot of information and choices when interviewing young people.
2. Building rapport and putting the young person at ease is key to a successful interview.
3. Interviewer must be sensitive to structuring questions and using a tone of voice that is non-judgmental.
4. Interviewer must always ask him/herself to what extent a young person's behavior during an interview is caused by the way you interview him/her, and to what extent is his behavior an indicator of really who s/he is.

Interactive Exercise:

Ask participants to describe the following with regard to interviews they conduct with juveniles in the court system, to generate list of potential topics for discussion throughout the class.

- *What external factors impact the quality of the interview?*
- *What thwarts your ability to have a successful interview?*
- *What factors contribute to a successful interview?*
- *What aspects of the interview are you most comfortable with?*
- *What aspects of the interview process do you find most difficult?*
- *Describe techniques you have used (and with what degree of success) to:*
 - " *put an adolescent at ease, build a rapport with the adolescent.*
 - " *gauge if an adolescent is understanding you.*
 - " *clarify slang that the juvenile is using but you do not understand.*
 - " *get an adolescent to give you more than a shrug or a monosyllabic answer.*

Interactive Exercise:

Show photo of a child in a "closed off" position. Ask: What assumptions does the audience make about the child from his body language. Would it change the interviewer's technique if they knew (fill in the blank) about the child, i.e., that they were abused, parents are drug abusers, lives in a neighborhood where one out of four children carry guns, etc.

I. Learning about good and bad interview techniques from critiquing interviews

Interactive Exercise:

CRITIQUING ADULT-JUVENILE INTERVIEWS IN THE JUVENILE COURT SYSTEM

(Note to trainers: see box on page 5 entitled "Tips for Trainers" for teaching and discussion points to use in this exercise.)

The purpose of this exercise is for participants to identify poor and successful interview techniques by watching adult-juvenile interviews.

Step 1: Ask participants to view the interview simulation videotape included with this curriculum, or one or more of the video clips suggested below. Or role play one of the simulated interviews attached as Appendix A.

Step 2: Hand out the small group exercise worksheet included as Appendix B. Break the audience into small groups. (If at all possible, make sure that there is a representation from each of the professions -- judges, prosecutors, defense attorneys, and probation officers -- in each group.) Ask each group to select one individual to act as the group's recorder and reporter.

Step 3: Ask each group to discuss and answer the questions on the worksheet for each video and/or role play that was viewed. The individual appointed as the recorder should record the group's answers to the questions on the worksheet, and be prepared to report on the group's answers.

AUDIOVISUAL AID

Trainers can show the following clips from movies to illustrate key concepts and stimulate discussion. (Times given indicate the scene(s) placement in the movie.)

Kids (1995) d. Larry Clark

21:30-23:00, 25:00-27:00

Two teenage girls – Jenny and Ruby – go to a clinic to be tested for HIV and other STDs. The tests are preceded by information-gathering interviews with health professionals. In the second scene, the girls receive their test results.

45:00-48:00

In this scene, a cab driver notices that his teen passenger, Jenny, is upset and attempts to get Jenny to talk about what is bothering her. At first, Jenny is reluctant to talk. The cabdriver is persistent but not overbearing, and uses praise and warmth to get Jenny to open up.

My So-Called Life – Guns and Gossip Episode (1994) d. Marshall Herskovitz

At the beginning of this episode, two key events occur. A gun goes off in the school hallway while class is in session, and Brian Krakow has some knowledge about what occurred. In addition, a rumor begins circulating around school that Angela and Jordan have slept together.

12:45-14:40, 25:10-26:00, 35:00-36:10, 44:00-45:30

In this series of scenes, the school principal – sometimes in the presence of the police – interviews Brian to find out what he witnessed. The principal threatens Brian to pressure him into revealing what he knows.

22:15-23:50

In this scene, a teacher engages his class in a discussion about how they feel about guns in school. One student – Ricky – tells the teacher that teenagers are sometimes justified in carrying guns to protect themselves, and that adults just don't understand how threatened teenagers feel today. (In a later scene, 39:30-42:30, Ricky tells Angela that he wants people to think that he carries a gun because he gets harassed a lot.)

24:15-25:00, 27:00-28:10

A school guidance counselor talks with students about their feelings regarding the gun incident.

20:15-21:30, 28:10-31:00

Angela's mother confronts Angela about the rumor that Angela has slept with Jordan. Later Angela and her mother have a discussion about sex.

Stand and Deliver (1988) d. Ramon Menendez

46:00-47:40

Math teacher Mr. Kimo tries to talk Frank out of his plans to quit school to work a forklift.

48:45-50:45

Mr. Kimo teases Claudia when she daydreams in class; later Mr. Kimo comforts Claudia when she breaks down in tears over the stress of being a teenager.

Streetwise (documentary) (1984) d. Martin Bell

8:30-10:00, 11:20-14:00

Tiny, a 14 year-old girl who works as a prostitute, is interviewed by a health professional regarding her sexual history prior to a gynecological examination. The interviewer is not shown on tape, but pay attention to her tone of voice and the wording of her questions. (This scene contrasts well with the health clinic scene in *Kids* described on the page 3.)

Menace II Society (1993) d. Allen and Albert Hughes

22:00-24:15

K.D. is watching *It's a Wonderful Life* with his grandparents when his friend Kevin comes to the door. K.D.'s grandfather attempts to talk with the two teenagers about the "trouble" they've been getting into on the street, quoting the Bible. Kevin replies that he doesn't think God cares much about them, because where they live is messed up.

Straight Out of Brooklyn (1991) d. Matty Rich

1:00:00-1:01:45

Shirley's employer sees that the teenager is troubled, and engages her in a conversation. Shirley admits that she is worried that Dennis is going to do something stupid. (We know from earlier scenes that Dennis is planning to commit an armed robbery in order to raise money to leave Brooklyn.)

TIPS FOR TRAINERS

Interactive Exercise on Critiquing Adult-Juvenile Interviews

It is important for trainers to choose and modify role plays of interviews so that they accurately depict practice in your jurisdiction. Trainers are greatly encouraged to find additional video clips and/or develop role plays of adult-juvenile interviews that accurately portray the experiences of professionals in your jurisdiction if the ones supplied with this module are not appropriate. Where possible, we suggest recruiting teenagers from local acting troupes, high school drama clubs, etc., to play the role of the interviewee for exercises in this module. The trainer or other course facilitator should play the role of the interviewer.

The following interview techniques and adolescent behavior should be illustrated by the video clips and/or role plays that you choose to exhibit in order to stimulate discussion and create a foundation for teaching points.

An interviewer employing poor interview techniques:

- ! fails to develop rapport with young person and put him/her at ease.
- ! fails to respond to young person's questions and concerns.
- ! uses words and phrases that young person is not likely to understand.
- ! asks questions and makes statements that sound judgmental (because of wording and/or tone).
- ! asks close-ended questions which don't allow the young person to describe his/her experience.
- ! gets stuck in a standoff or stalemate with young person over a disputed fact (i.e., whether young person committed the charged offense, whether young person goes to school) and interviewer does not negotiate around the dispute to continue interview.

An interviewer employing good interview techniques:

- ! develops rapport with young person and puts him/her at ease.
- ! calms an anxious or hostile young person.
- ! responds to young person's questions and concerns without getting stuck on them for the entire interview.
- ! clearly communicates his/her role and the purpose of the interview.
- ! uses simple words and short sentences.
- ! asks open-ended questions and follow-up questions that are successful at getting the young person to tell his/her story.
- ! successfully gets an interview back on track when young person becomes fixated on one question or statement.

If you are creating your own role play, young person should do/exhibit one or more of the following during the interview:

- ! answers many questions with a yes, no, shrug, or okay.
- ! becomes fixated on correcting a statement made by the interviewer (i.e., the police say you committed this offense, it says here that you don't go to school, etc.).
- ! becomes increasingly hostile and frustrated by the interviewer's questions.
- ! exhibits trouble understanding what the interviewer is asking, and so responds to the questions but with the inappropriate information.
- ! constantly interrupts the interviewer.
- ! begins talking as soon as the interviewer gets into the room (i.e., I didn't do it, I didn't see anything, etc.).

II. How the Unique Aspects of Adolescent Development Impact the Interview Dynamic

A. **Developmental considerations that we discussed in Module One have implications for the demeanor and approach of the interviewer, for the language to be employed during an interview, as well as for the structure of the questions to be asked.**

B. **Differences in cognitive capacities between the adult-interviewer and adolescent-interviewee pose challenges to a successful interview.**

1. **Adolescents process questions differently from adults.**

a. Children's and adolescents' abilities to comprehend what others say to them and to express themselves through language progress as they mature. In general, adolescents begin to think and express themselves more like adults than children, as they are developing abilities to think that are more efficient and effective. However, these intellectual changes are gradual, and it is not until middle or late adolescence that these abilities become integrated into the individual's general approach to thinking and reasoning.

b. It is also important to keep in mind that many adolescents who have contact with the juvenile justice system have learning disabilities and attention deficits. (Module Four specifically focuses on special education issues.)

c. **Implications for interviewing:** Adult interviewers must gauge an adolescent's ability to process language, his/her level of vocabulary, ability to abstract, and other indicators of cognitive development in order to structure appropriate questions. We will be discussing specific techniques that you can use to pose developmentally-sensitive interview questions.

2. **Adolescents think more in the present and have trouble focusing on the future.**

a. Adolescents' attitudes about time differ from those of adults. Generally, adolescents seem to discount the future more and weigh more heavily the short-term (as opposed to long-term) consequences -- both the risk and benefits -- of decisions. Adolescents will be more concerned about what will happen that day, and have more difficulty talking about an event that won't occur until some time in the future. Thus, for example, in a cellblock interview, a teenager wants to know if he will be released that day, but you're asking him questions about whether he will go back to school, a seemingly irrelevant, future event.

b. **Implications for interviewing:** Interviewers have to make the connections -- between what information the interviewer is seeking and the teenager's interests -- for the teenager to see. The interviewer has to somehow address the teen's immediate concerns to put the interview back on track.

3. **Adolescents are fairness fanatics.**

- a. With their increased cognitive abilities, adolescents often embrace principles with a vengeance. They insist idealistically on what should be, and are intolerant of anything that seems unfair or arbitrary. Further, in line with their own development of personal autonomy and resistance to authority figures, they will challenge social conventions in the name of principle.
- b. A common mistake that interviewers make is assuming that if they apologize for having little time, the adolescent should be able to work efficiently on the interviewer's clock. However, teens will often feel resentful about the interviewer's time constraints, and feel cheated. Or adolescents will sometimes get stuck on correcting what they believe is an incorrect statement in the course of an interview, and have trouble moving on, thus stalling the interview.
- c. **Implications for interviewing:** An interviewer must learn how to navigate around sticking points like these to put the interview back on track. We'll discuss techniques interviewers can use.

C. Identity Development and Social Development

1. Egocentricity.

- a. As we learned in Module One, adolescents tend to be egocentric. Intense self-consciousness sometimes leads teenagers mistakenly believe that others are constantly watching and judging them. They doubt that others -- especially adults -- can really understand their unique experience.
- b. **Implications for interviewing:** Critical to a successful interview is the ability of the interviewer to build trust so that the teenager can feel that s/he can confide in the interviewer. This includes asking questions in a non-judgmental way. We will discuss, during this class, strategies interviewers can use for building rapport and trust with the youthful interviewee.

2. Identity development.

- a. As we discussed in Module One, adolescence is a time when young people attempt to establish a coherent, stable identity, and, in the process, "try on" different personalities, interests and ways of behaving. Young people often look to their peers to form their identity, and they have a need to belong. Even seemingly innocent questions about a young person's friends can be interpreted by the young person as a criticism of him/her and therefore the young person's view of himself or herself.
 - (1) For example, adolescents react strongly when someone implies that they should not dress in a certain way or do an activity that defines them as part of a group.
 - (2) Furthermore, they are likely to be loyal to family and friends and get much angrier than an adult would when something negative is implied about people

who are important to them (even those people who have abused or neglected them or are known substance abusers and criminals).

- b. **Implications for interviewing:** Interviewers must take special care to structure questions and use a tone of voice that conveys to the young person that the interviewer is not judging the young person but is instead truly interested in who s/he is.
3. **Relationships with authority figures.**
- a. It is not uncommon for young people to mistrust adults, and to be fearful of strangers. Adolescents, when questioned by persons in authority, assume that there is no common ground between them. They expect adults to be judgmental, even if they appear friendly, and therefore some teens are unresponsive to adult questions. Other young people react to authority figures by being susceptible to adult suggestion and overly eager to please.
 - b. **Implications for interviewing:** Rapport-building is the necessary foundation for a successful interview. Adults typically use eye contact to convey interest. A young person, however, will sometimes interpret a stranger making eye contact with him/her as a sign of aggression. Therefore, the adult must gauge the situation before deciding whether to use eye contact. Moreover, in general two adults should not interview an adolescent at the same time, because the adolescent will feel "ganged up on." With a child who the interviewer senses is overly eager to please, the interviewer should reassure the child that s/he will not be judgmental of the child's answers (i.e., "I'm going to continue to help you as your attorney no matter what you tell me about what happened that day") and simply wants to hear the child's viewpoint.
- D. **Competency Development (i.e., Mastering Skills).** Talking about what s/he (and his/her family) has done well is a way to build rapport and get the adolescent more involved in the interview.

III. Strategies for Successful Interviewing

- A. **The strategies to be employed during the interview depend on a variety of factors**, including the adolescent's developmental level, the purpose of the interview, the adolescent's relationship with the interviewer, the interpersonal styles of the interviewer/interviewee, the interview setting itself, and the effect of the current situation on the adolescent.
- B. **Interviewer must assess the juvenile on three different levels for a successful interview, and tailor his/her interview techniques accordingly.**
1. **What is this young person's level of development?**
 - a. What level of cognitive thinking has s/he achieved?
 - b. Where is s/he in his/her identity formation and in his/her social relations with peers, adults?
 - c. What is his/her moral value system? Where does s/he derive it from?
 - d. Has s/he achieved success in any area of his/her life?
 - e. What impact does his/her level of physical development have on how s/he acts? How s/he feels about himself or herself?
 2. **Are there any disturbances in the adolescent's normal development?** Past trauma? Depression? Aggression? Extreme risk taking?
 3. **What is the impact of the current situation on the adolescent and his/her ability to communicate in an interview?** Witnesses and victims have experienced something upsetting prior to the interview. Juvenile defendants are worried about what will happen if they talk. Juveniles are often hesitant to talk with adults, especially about sensitive or weighty matters.
- C. **Building rapport and putting the teenager at ease is the key to a successful interview.**
1. It is important for the interviewer to motivate the interviewee to answer the questions to the best of his or her abilities. This is known as rapport building. The interviewer must deliberately create a comfortable environment in which the adolescent trusts the interviewer enough to disclose potentially embarrassing and disconcerting information. Creating such an environment is accomplished through both verbal and non-verbal means. The first few minutes of the interview are crucial for reducing the adolescent's anxiety and building trust. The success of the interview relies upon the interviewer investing the effort to put the adolescent at ease during the first few minutes.
 2. **General tips for rapport building:**

- a. **Don't confuse good intentions with rapport building.** It is unwise to assume that an interviewer's good intentions alone or genuine interest in the young person will get things off to a positive start. Being a friendly person with an interest in what they young person has to say does not guarantee a successful interview. This is not necessarily because the young person is "being difficult," although unresponsiveness to a friendly interviewer is frequently misinterpreted as a lack of cooperation.
- b. **Start conversation with non-threatening, less serious topics.** This technique will decrease the youth's anxiety.
- c. **Follow the adolescent's lead.** Encourage the adolescent to tell his or her own story without interruption. If the interviewer is patient, many of the questions will be answered without putting the adolescent on the spot. Be an attentive listener: nod in agreement and make encouraging comments. Again, body language that is calm and conveys openness increases relaxation, which helps the adolescent tell his/her story.
- d. **Potential problems:**
 - (1) The interviewer may feel pressed and want/need to skip directly to the information gathering stage.
 - (2) The interviewer may not have confidence that the juvenile will answer his/her questions in the allotted time.
- e. **Recognize the juvenile's strengths.** Talking about what s/he (and his/her family) has done well usually gets the adolescent more involved in the interview (this is called adopting a "one down approach"). This is in contrast to an authoritative, all-knowing stance, which can frighten and/or alienate adolescent interviewees, who do not come to the interviews of their own volition. The interviewer can ask questions of the child/adolescent in an area in which s/he has interest or knowledge. By expressing curiosity and asking the child/adolescent's opinion, the interviewer is creating a sense of "empowerment" that will facilitate the interview process.
- f. **Find common interests and let the juvenile talk about them.** Adolescents who are defendants, witnesses, and victims may be of a different race, culture, class and/or gender than the interviewer. If the interviewer reaches out, usually there is something both are interested in: sports, hobbies, fashion, music, local events, or a family similarity. The interviewer should encourage the teen to "teach" a topic about which the teen is knowledgeable. The interviewer should not talk a lot about himself/herself. The purpose of this technique is to reduce the adolescent's anxiety and increase his/her self-confidence.
- g. **Do not take the adolescent's behavior personally.** Do not assume that the adolescent is being uncooperative on purpose and/or specifically in response to you. S/he may not easily communicate with adults. S/he may be responding

with fear to an unfamiliar and threatening situation. His/her initial lack of trust may be a result of past victimization.

- h. **Use a technique known as "pacing."** Specifically, rapport is promoted through matching the behavior of the interviewee, including body posture and movements (unless the juvenile is tense/rigid, then interviewer wants to model calm body posture) respiratory rhythm, speed of conversation and voice tone and volume. To do this well, one needs practice, otherwise this becomes intrusive, distracting the juvenile, and producing unwanted effects.
- i. **Match predicates with those being used by the interviewee.** Predicates are verbs and the words used to explain actions or conditions, either adjectives or adverbs. Some adolescents use visual predicates (e.g., "I see what you mean," or "things are looking brighter") while others use auditory (e.g., "I hear what you're saying," or "That sounds terrible") or feeling predicates (e.g., "I've got a lot of heavy problems"). Most individuals have a preferred method of processing information, and "matching" their preferred style can be a powerful rapport-building technique.
- j. **Invite the adolescent to ask questions any time during the interview** about what will happen next in court and about the role of the interviewer in that process.
- k. **Work on building and maintaining rapport throughout the interview process.** Rapport building is a continuous process between the interviewer and the interviewee. It can always be improved; unfortunately, the reverse is also true. While good rapport can withstand much stress during the interview process, insufficient effort to maintain rapport throughout can have deleterious effects.
- l. **Don't confuse rapport-building with saying anything just to be liked.** Working "too hard" to establish rapport can also have unwanted effects. If the child/adolescent perceives the interviewer as being disingenuous, the child/adolescent will be less open to questioning. The key is balance. An effective interviewer learns when and when not to address rapport building during the interview process.

D. Implications of adolescent cognitive development for interviewing.

- 1. **Gauge the adolescent's language competence and ability to process information.**
 - a. It is crucial that an interviewer examine an adolescent's use of language before attempting to acquire the desired information. This is of particular importance when interviewing adolescents from different cultural backgrounds, and adolescents for whom English may be a second language. If possible, this can be done prior to the interview (e.g., by listening to conversations that the juvenile has with adults in his/her life). If this can not be accomplished prior to the interview, the first few minutes of the interview can be used for this purpose,

while simultaneously establishing rapport. Talk about basic, inconsequential issues first. Listen to the way they talk, the words they use, and the level of complexity of their sentences. Then shape your subsequent questions accordingly.

- b. Verbal communication abilities can also be tied to cognitive processing. Therefore, knowing if a juvenile has auditory processing problems, attention deficits, or low intelligence prior to the start of the interview can help prepare the interviewer to ask questions specifically designed to factor in these disabilities.
 - c. One way to determine how the juvenile best processes information is to listen to the types of predicates s/he uses. Some adolescents use visual predicates (e.g., "I see what you mean," or "things are looking brighter.") while others use auditory (e.g., "I hear what you're saying," or "That sounds terrible.") predicates. Most individuals have a preferred method of processing information, and facilitating their use of this preferred method can help put the adolescent at ease and allow for better information gathering.
2. **Avoid long questions with a lot of information loaded in them.** The adolescent will have to spend a lot of time digesting all the information before answering. Along the same lines, plan your first two sentences of introduction carefully so that you can clearly communicate the purpose of your interview and put the adolescent at ease. An overly long introduction will cause the adolescent to tune out.

Interactive Exercise:
Present the audience with some yes-no-okay-shrug type questions and ask the audience to rephrase them in a way such that the adolescent could not respond with a yes, no, okay, or shrug.

EXAMPLES:

How's school going?

vs.

What subject are you best in at school, followed by, That's a really hard subject, what do you like about it?

When was the last time that you saw your father?

vs.

What's the most fun you can remember having with your father, followed by a comment about the positives in their relationship.
 3. **Avoid giving more than one option in a question.** Doing so may confuse teenagers, especially those with auditory processing problems, attention deficits, or low intelligence. Direct simple questions are more easily processed. The interview can clarify an adolescent's answer to a question by presenting two choices if the two choices are clearly distinguished. **Example:** "Earlier you said that you were scared when that happened. Now it sounds like you are saying you were angry."

4. **Use visual props to facilitate conversation.** Some adolescents understand better if the interviewer uses simple visual props. Similarly, some teenagers can demonstrate what happened more effectively by using visual props — such as drawing diagrams — than they can with words alone.
5. **Avoid asking for abstract thinking.** Don't ask questions that start with the phrase "What if...?" This can frustrate interviewer's attempt to gather factual information.
6. **Avoid analogies.** For example, let's say that the interviewee shares the interviewer's interest in basketball. Chances are that the adolescent plays by such different rules that s/he will not be able to understand the interviewer's basketball analogy.
7. **Ask open-ended questions** that require the young person to describe the subject areas in which the interviewer is interested.
8. **Avoid questions that can be answered with a yes, no, okay, or shrug.** It is difficult to invent interesting follow-up questions to draw out answers after a teenager gives you a yes, no, okay or shrug, so it's better not to phrase questions that can be answered in such a way.
9. **Ask questions when you do not understand.** It is not offensive to clarify. Many adolescents use terms or phrases the interviewer will not understand. If an adolescent uses a word in a way that seems out of context, it may be slang to the interviewer. One way to clarify is through the use of reflection (e.g., Tell me if I got this right . . .).

Interactive Exercise:

Present some "why/how could you" questions and ask the audience to rephrase them in a way that does not sound judgmental.

EXAMPLES:

Why were you out after curfew?

vs.

It must be hard to get in by curfew.

Why is your school attendance so bad?

vs.

There must be something bad about school that makes you not want to go.

Why were you carrying a knife?

vs.

Tell me what you were thinking when you put the knife in your waistband.

E. Implications of identity development, social development and moral development on interviewing.

1. **Don't start questions with "why" or "how could you."** Questions that start like this convey judgment even if the interviewer does not mean to be accusatory, and thus provoke defensiveness. The adolescent does not hear them as "wondering" questions.
 2. **Do not move too quickly into inquiring about offense-related matters.** Sometimes requesting permission to start talking about a difficult subject helps. Inviting him/her to tell the story will make him/her less anxious than questioning.
 3. **Generally avoid having two adult interviewers with one adolescent.** Even two friendly interviewers can be overwhelming for an adolescent who has concentration difficulties or threatening for an adolescent who has been abused and does not want someone else to be in control.
- F. **How to interview teenagers with an "attitude"?** Strategies for interviewing teenagers for whom it is difficult to have empathy:
1. Find a way to relate to the teenager without agreeing with or condoning his or her bad behavior. View the teenager as someone interesting to interview. You are not condoning the bad behavior by conveying that you think there is someone worth getting to know behind the facade.
 2. Don't get caught up in defending your own values or voicing your disapproval of the teenager's behavior. Again, don't take it personally. Let the teenager "strut their stuff" but don't let it fluster you. If

AUDIOVISUAL AID

Trainers should show the following video clips. (Times given indicate the scenes placement in the movie.)

Just Another Girl on the I.R.T. (1993) d. Leslie Harris

15:30-20:30, 57:30-59:00

In the first scene, the movie's main character, Chantel, challenges her history teacher to discuss contemporary problems affecting her and her classmates. The teacher responds poorly and the two engage in an argument that ends with the teacher sending Chantel to the principal's office. In the scene that immediately follows, the principal tells Chantel that she has to act more like a "lady" and discourages Chantel in her goal of graduating from high school one year early. In the third scene, Chantel's history teacher reacts negatively to her class presentation, in which she discusses the inaccurate portrayal of the size of Africa and other countries on Eurocentric maps.

Discussion question:

Chantel is obviously bright and articulate. Her demeanor and use of obscene language, however, are off-putting and offensive to the adults in her life. What specific suggestions do you have for Chantel's teacher and principal as to how they could have communicated more productively with Chantel?

the teenager sees that s/he can't get a rise out of you, s/he then has to figure out a new way of dealing with you.

G. How do you defuse an angry young person during an interview?

1. Be interested in the young person. Don't respond to the young person's anger, and don't be pressured by your own agenda as the interviewer. Pretend that you are meeting this young person over someone's kitchen table. It is pretty irresistible for even an angry adolescent to have someone take a genuine interest in him/her.
2. The interviewer should counter aggressive/defiant posture of the interviewee with calm, sincere smiles and straight eye contact. The interviewer should regard the aggressive/defiant body language as an opportunity for showing positive human contact rather than allowing fear or repulsion to sabotage interviewer's task.
3. Empathy is the enemy of aggression. An empathic interviewer helps foster a climate of calm and safety, the survival *prerequisites* for genuine and productive communication during the interview.
4. Many violent youth were victims of child maltreatment and/or have witnessed violence at home or in their community.
 - a. The experience of early trauma leads to hypersensitivity to arousal in the face of threat, with responses taking the form of aggression. Interviewer should be aware of his/her own body language and speech. Be relaxed before entering interviewing area, walk calmly, and sit in a relaxed posture. Breathe in, smile, give reassuring eye contact. Present a secure, inviting atmosphere. Ask questions slowly in a gentle manner. Sit interviewee facing (rather than with back) to the room's door.
 - b. Youth exposed to violence at home and in the community are likely to not trust adult capacity and motivation to ensure their safety; these youth, therefore, believe they must take matters into their own hands. Avoid statements such as "You can trust me." They usually only increase interviewee's hyper-vigilance. Instead use statements such as, "You're probably thinking 'Who is this person and why should I tell him (her) anything?' I respect that. So we'll take this interview slowly, and you'll have the space to check me out as we go along, alright?" This usually has a calming effect, and often elicits a smile. In the process, the possibility for trust has been planted.
 - c. Traumatized youth require calming and soothing environments to increase the level at which they are functioning. Pay particular attention to noise level during interview. Limit or avoid outside interruptions. Allow for brief moments of silence when answers are slow to come. Interpret gaps of information and difficulty with answering as likely to be anxiety-related. Take one or two short breaks if it's a lengthy interview.
 - d. Traumatized youth are likely to evidence terminal thinking (i.e., an absence of future orientation). Defiance and non-compliance from an interviewee may often hide learned apathy from past abuse and trauma. "What's the point of answering

these stupid questions?..." is the *spoken* part of the defiant response, and "...if I'm doomed anyway?" is the *unspoken* part of the response. As a strategy, address the terminal thinking, not the defiance. For example, the interviewer could say: "I know this whole interview might seem like it's not going to make a difference in the long run. But right now, what you have to say is important to me. I respect what you have to say."

- e. Issues of shame are paramount among violent youth because of their personal and collective experiences (e.g. victimization, poverty, and racism). Statements such as "He beat me up because I'm Black" or "Nobody gave a d— because I'm just a kid from the projects" are best left alone or validated with "Things must have been tough for you." Allowing such statements opens up the interviewee to reveal more information. Replies such as "Quit the victim mode, will you?" have the opposite effect of shutting the youth down.

H. **How to interview a young person who is depressed.**

1. **Some facts about teenage depression.**

- a. Prominent feature of depression in adolescence is constant irritability (as opposed to adults, who express more sadness).
- b. Depression in adolescence is frequently associated with problem, acting out behaviors.
- c. Once depressed, an adolescent tends to get stuck in depression because s/he withdraws and alienates others. It is often difficult for parents and teachers to get depressed adolescents involved in activities and with others.
- d. Depression is an under-examined phenomena in adolescence, because most adults expect that adolescents will be depressed. It is important however to distinguish periodic depressed moods from depression.
- e. The prevalence of major depressive disorder among adolescents has been reported to be between 1.8 % and 17%. This variability is a result of different assessment methods being employed.
- f. Once hospitalized for depression, there is a high likelihood that the adolescent will be hospitalized again.

2. **Signs of depression in teenagers:**

- ! depressed or irritable mood most of day
- ! diminished pleasure in almost all activities most of the day
- ! significant weight gain/loss
- ! insomnia or hypersomnia
- ! slow, lethargic movement
- ! fatigue, loss of energy
- ! feelings of guilt/worthlessness

- ! diminished ability to think and concentrate
- ! recurring thoughts of death, or suicidal ideation

3. **Additional tips for interviewing a depressed adolescent.**

- ! Tune out the irritability. Don't take the young person's irritability -- a common sign of depression in that age group -- personally.
- ! Get the young person talking by letting him/her talk about what's on his/her mind. This reduces the impact of his/her depression on the interview and builds rapport. Again, it's crucial not to rush the young person onto another topic because you're anxious about covering everything on your agenda.

IV. Interviewing Younger Adolescents (roughly ages 11-13)

A. Facts about younger adolescents which can affect success of interview

1. Young adolescents are much shyer than older adolescents.
2. Young adolescents are more aware of adult power.
3. Young adolescents are not as advanced in their cognitive development.
 - a. Their memories aren't as reliable.
 - b. They embellish stories more often.
 - c. They provide less detail than older adolescents.
4. Young adolescents are much more suggestible. They are more reliant on the interviewer's statements, very interested in pleasing adults and very influenced by parents' and peers' thoughts on the matter.
5. Post event influences can have a big impact on younger adolescents' willingness to talk. For example, in sex abuse cases, younger children will often hesitate to talk after an initial report because the perpetrator, who could be someone they love, was removed from the household.

B. Implications for interviewing young adolescents

1. **Don't give subtle clues to young teens about your impressions about what happened, because of potential suggestibility.**
2. **Do facilitate recall by asking them who, where, what actions occurred, what feelings they had at the time. Use pictures you provide or that they draw to help the process.**
3. **Don't reward certain answers, either by body language or through words.** Acknowledge all answers in the same way so that the younger adolescent will not get the idea that certain answers are the right answer.
4. **Don't ask leading questions** for the same reasons outlined above.

v. Interviewing Adolescent Victims of Sexual Assault/Abuse

A. Why teenagers may be unwilling to disclose sexual assault/abuse.

1. Adolescents often have a fear of not being believed. For example, in date rape situations, perpetrators will often tell their victims, "It's just your word against mine."
2. Adolescents will feel extremely humiliated. Teens will view themselves as "damaged goods," and feel that others will stigmatize them if they disclose. This is especially true in situations where the teenager has experienced long-term, in-home abuse.
3. Teenagers are made to feel that they are responsible for the abuse.
4. Adolescents will feel pressure to not disclose the abuse to protect the abuser and keep the family together. The pressure can be internal, when the adolescent still loves the abuser, or from other members of the family.
5. Adolescents often believe that they can cope with the situation alone. They see getting help as a sign of weakness.
6. Adolescents may fear reprisal against them, and their family.

B. What leads teenagers to disclose sexual abuse.

1. Anger is the primary motivating factor for disclosure in the adolescent population. Disclosure in cases of in-home sexual abuse will usually be triggered by another family event, such as an argument about another issue. This has the unfortunate consequence of making these teenagers appear less credible, because they don't appear to be a victim but instead a rebellious, defiant teenager.
2. Teenagers will often be more difficult in interviews than children; they won't appear "cuddly" like younger victims and, therefore, pose a special challenge to the interviewer.
3. Medical concerns, including pregnancy, STDs.
4. Victim realizes implications of abuse. Some adolescents grew up with the abuse so they don't realize that there is some other way to be in a family until they come into contact with others who share their experiences.
5. Victim is asked about the possibility of abuse by someone outside the family.
6. Siblings are at risk.
7. Abuse becomes intolerable. There is an escalation in the frequency of abuse, or the abuse is taken to a more intrusive and hurtful level.
8. Abuser leaves the household.

9. Victim finds safe relationship with someone in whom they confide. But teens will be more likely to tell a peer than an adult.

C. **Additional strategies for establishing rapport when interviewing victims.**

1. **Communicate that you understand what the victim has gone through.** With younger children, a good way to start off an interview is to ask general questions, such as "What games do you like?", "What's your favorite subject in school?" However, if you start this way with a teenager, it will be an immediate turn-off. Instead, you must communicate to the teenager that you are concerned with his/her well-being. A good method is to focus on what the teenager has immediately been through: "I understand that the police brought you in yesterday. How are you feeling? Where did you spend last night? Did anyone explain to you why you were coming to see me today?"
2. **Don't judge the adolescent before the interview starts.** For all the reasons discussed above, teenagers may come into interviews hostile or completely closed off. Don't assume negative emotions are directed at you.
3. **Be empathic.** The victim needs to feel as though s/he has someone on his/her side.
4. **Reassure them that they have some control over the interview situation.** Give the interviewee some options (i.e., where they sit in the room, the order in which they discuss things, that they can take a break when they get to a hard part, that you can talk about something else for awhile when a topic gets too tough and come back later to it, etc.). Ask the interviewee if s/he would rather tell you what happened in his/her own words, or if it would be easier for him/her if you asked questions. Teens will usually say that it would be easier if you asked them questions, and in that way they give you permission to proceed with the interview.
5. **Remember the impact of individual development and trauma on the young person's understanding and processing of language.** Be simple and concrete if necessary. Have communication aids available. Ask the teenager to draw pictures to stimulate recall, and make it easier to tell the story.
6. **Consider gender issues.**
 - a. Gender issues can impact the dynamic of an interview. For example, teens may be hesitant to talk about sexual abuse/assault with an interviewer of the opposite sex.
 - b. Gender issues must be addressed by the interviewer, or else they will hang over the interview like a cloud. For example, in an interview by a woman of a male teen, the interviewer could say the following: "I know that some boys and young men aren't comfortable talking to ladies about stuff that happens to them. I just want to let you know that I talk about all sorts of things, and I'm used to hearing all sorts of words. Nothing is going to make me upset or make me think badly of you."

- c. It is also important to take into account how your reaction to victims of sexual abuse/assault may be shaped in part by differences in gender.

D. Strategies for gathering information

1. **Be direct in introducing reason for interview.** Don't start off an interview with a teenager asking "Do you know why you are here?" The teenager will simply respond, "Don't you know? If you don't know, why am I here?"; your credibility will be called into question. Teenagers will also question why they have to repeat a story that they have already told to others. The best way to start off an interview is to simply say: "I know that something happened and that the police were involved. I need to hear from you about what happened because you were the one there. I need to know because . . ." But remember to keep your introduction short and simple or you'll lose the teen's attention.
2. **Allow use of slang terminology for body parts and sexual acts.** Ask for clarification as rapport is established. It is best to allow the young person to talk for awhile and not interrupt, because of his/her hesitance to talk in the first place. You can always go back and clarify as the teenager becomes more comfortable.
3. **Do not correct grammar or vocabulary.**
4. **Take time out to address feelings.** Understanding and empathy are more effective than confrontation in getting teenagers to talk.
5. **Remember the impact of trauma and developmental level in the teenager's ability to understand and process language.** Be simple and concrete, and use communication aids.

E. Closing the interview

1. Be prepared to provide support and crisis intervention during and after interview.
2. Assess suicidal ideation. Determine the young person's support systems in the community.
3. Inform the young person about the next steps in the legal process. Don't assume that the young person understands legal terminology or the court system.
4. Ask the young person about his/her concerns about his/her health and body.
5. Make appropriate referrals for counseling and medical assistance.

Interactive Exercise**ROLE PLAY OF ADULT-JUVENILE INTERVIEWS
IN THE JUVENILE COURT SYSTEM**

(Note to trainers: see "Tips for Trainers" below for guidance on how to prepare for this exercise prior to the training.)

The purpose of this exercise is for participants to utilize the techniques discussed in this training to conduct simulated interviews with teenagers that are typical of the types of interviews the participants routinely conduct in their professional capacities.

- Step 1:** Break into small groups to conduct simulated interviews. Each group picks a member to play the part of the teenager (unless trainers can recruit local teenagers to play these parts, which is recommended) and a member to conduct the interview. Attached at Appendix C are the instruction sheets for the individuals doing the role plays. Provide the teenager with the instruction sheet for the interviewee, which contains some information about his/her role (i.e., respondent, victim, witness), the pertinent events that s/he witnessed and/or was involved in, and some family/social background; the teenager should be instructed to make up additional facts as needed as the interview progresses. Provide the interviewer and the rest of the small group with the interviewer's instruction sheet, which contains some basic information from the police report, a statement of where the case is in the chronology of court proceedings, and the purpose of the interview. Give the interviewers a time limit for the interview if not provided on the instruction sheet.
- Step 2:** Volunteers conduct interview in front of small group.
- Step 3:** Group provides feedback on the interview. Group should be instructed to use the worksheet attached at Appendix B as a guide for structuring their feedback.

TIPS FOR TRAINERS**Interactive Exercise on Role-Playing Adult-Juvenile Interviews**

Instruction sheets for participants to role play interviews of teenage witnesses and victims are attached at Appendix C. Trainers are greatly encouraged, however, to create their own role plays for use in this exercise. This requires some preparation prior to the training.

As a first step, gather some actual police reports from juvenile cases in your jurisdiction (with names struck out to protect confidentiality). You will provide the police report to the interviewer prior to the role play, along with a one-page statement of where the case is in the

chronology of court proceedings and the purpose of the interview the participant is to conduct (i.e., you are a prosecutor and you are interviewing a witness to an aggravated assault prior to his/her grand jury testimony).

The instruction sheet for the teenager should include an explanation of the events s/he witnessed and/or participated in, and some brief social/family/school information. The teenagers should be instructed to play the role however they like (i.e., they can be reluctant to talk, hostile, depressed, keep interrupting, etc.), and make up whatever information they need to as the role play progresses. The main point is that the teenager doesn't make the interview easy for the interviewer.

In creating these instruction sheets, trainers should consult the materials attached at Appendix C. The trainer-developed instruction sheets should contain the same level of detail as in the instructions in Appendix C.

If possible, trainers should arrange for facilitators to participate in the small group exercises, to facilitate the critique process and reinforce major themes discussed during the training.

Suggestions for the types of interviews that can be role played (depending on the interests of the participants):

- ! teen witness to an offense being interviewed by a prosecutor.
- ! teen victim of an offense being interviewed by a prosecutor.
- ! teen defendant being interviewed in cell block by appointed defense attorney prior to initial hearing.
- ! teen defendant being interviewed in detention by defense attorney prior to trial.
- ! teen defendant being interviewed by probation officer for disposition report.

Bibliography

(Note to trainer: *trainer should consult the literature review included under separate cover for additional reference materials and suggestions for assigned readings for training participants.*)

Shelli Avenevoli, Ph.D, *Adolescents' Perception of Fairness*. Unpublished paper (1997). On file at the ABA Juvenile Justice Center, Washington, DC.

Shelli Avenevoli, Ph.D, *Understanding Adolescents Acting-Out Behavior Within the Context of Court Proceedings*. Unpublished paper (1997). On file at the ABA Juvenile Justice Center, Washington, DC.

Marty Beyer, Ph.D, Presentation to the West Palm Beach County, Fla. Juvenile Court, December 11, 1997.

Marty Beyer, Ph.D, *Suggestions for Interviewing Adolescents*. Unpublished paper (1997). On file at the ABA Juvenile Justice Center, Washington, DC.

Michael Dale, *Techniques for Interviewing the Child Witness and Preparing the Child to Testify* in M. Dale et al., eds., REPRESENTING THE CHILD CLIENT. Matthew Bender & Co., Inc. (1987).

Deborah C. Davies, LCSW, presentation to the Alameda County, Calif. Juvenile Court, November 4, 1998.

Lita Furby and Ruth Beyth-Marom, *Risk Taking in Adolescence: A Decision-Making Perspective*, 12 DEVELOPMENTAL REVIEW 1 (1992).

James Garbarino, Ph.D, Presentation to the West Palm Beach County, Fla. Juvenile Court, June 11, 1998.

James Garbarino, Ph.D., *General Guidelines for Interviewing Children* in J. Garbino, ed., WHAT CHILDREN CAN TELL US. San Francisco: Jossey Bass (1989).

Thomas Hecker, Ph.D, *Interviewing Children and Adolescents*. Unpublished paper (1997). On file at the ABA Juvenile Justice Center, Washington, DC.

Claire Sandt, *Conducting Developmentally-Appropriate Child Interviews -- A Conversation with Dr. Karen Saywitz (Interdisciplinary Exchange Part I)*, 15 CHILD LAW PRACTICE 1 (July 1996).

Claire Sandt, *Conducting Developmentally-Appropriate Child Interviews -- A Conversation with Dr. Karen Saywitz (Interdisciplinary Exchange Part II)*, 15 CHILD LAW PRACTICE 1 (August 1996).

Lee Underwood, Ph.D, Presentation to the Alameda County, Calif. Juvenile Court, November 4, 1998.

Appendix A
SCRIPTS FOR ROLE PLAYS

Interview of Adolescent by Probation Officer/Court Social Services Worker in Preparation for Disposition Hearing

(Note to trainers: the actors enacting this role play should use this script as a guide. It is not intended that they strictly follow the script.)

Interviewer: (fumbling through briefcase): Okay Marcus. I don't have very much time so we're just going to have to talk about as much as we possibly can today. You've got a hearing coming up and the judge is going to want to know some explanation of what's going on here with you.

Juvenile: What do ya want to talk about?

Interviewer: These papers say that. . .

Juvenile: (interrupting) Can I see those?

Interviewer: Oh no, you wouldn't . . . no, no.

Juvenile: (pointing to paper on desk) That one has my name on it. Can I see that?

Interviewer: These papers . . . this is just the police report. You were at 3:00 o'clock in the morning . . . (in judgmental tone) 3:00 in the morning on 11/1 you were arrested for driving a stolen vehicle. (in judgmental tone) First thing I'd like to know more about is what were you doing out at 3:00 in the morning?

Juvenile: I wasn't driving a car.

Interviewer: That's what the police report says. You were driving a car that was stolen at 3:00 in the morning. (in judgmental tone) Did your mother know you were out at 3:00 in the morning? Are you usually out at 3:00 in the morning?

Juvenile: I wasn't driving no car. I don't know. Can I see that? What does that say?

Interviewer: It says that the police officer arrested you for driving a stolen car.

Juvenile: When was that?

Interviewer: November 1st.

Juvenile: This year?

Interviewer: (with a little chuckle) November 1st this year.

Juvenile: I wasn't arrested in November.

Interviewer: Well you are in detention now. What were you arrested for?

- Juvenile: I was arrested before Thanksgiving.
- Interviewer: Right that was in November. And you were arrested for driving a stolen car.
- Juvenile: I wasn't driving no car. And that case was dismissed. You've got the wrong case. That case was dismissed. I wasn't driving no car, but the cop said that if I told him who was driving the car, the case would be dismissed. So if that's the case you're talking about that case was dismissed. Who are you???
- Interviewer: Well, are there other cases?
- Juvenile: Are you my public defender? My mom said she was going to send me a lawyer.
- Interviewer: No, I'm not your lawyer. I'm work with court social services and I'm here to talk to you about your next court hearing because I have to write a report. . .
- Juvenile: (interrupting) Am I going home at that hearing?
- Interviewer: I can't tell you what's going to happen at that hearing, but I think this is a really serious offense, driving a stolen car.
- Juvenile: I already told you I wasn't driving the car.
- Interviewer: Well the police report said that you were driving the car and that's what I've got in front of me. The question that we are going to be asked about in court are: why were you driving a stolen car? What were you doing out at 3:00 in the morning? How can you answer those questions?
- Juvenile: Who did you say you are?
- Interviewer: I work for the court, and I'm trying to get ready for this hearing. I have to write a report about you and about this offense.
- Juvenile: So you are going to tell them I can go home, right?
- (pause)
- Interviewer: Well, . . .
- Juvenile: Cause I don't like it here.
- Interviewer: I don't know
- Juvenile: You should tell them I can go home.
- Interviewer: Should I tell them you can go home when you are going to be out at 3:00 in the morning?
- Juvenile: I wasn't out at 3:00 in the morning.

- Interviewer: Well, this report says you were out at 3:00 in the morning.
- Juvenile: I won't be out at 3:00 in the morning. I'd be going to school
- Interviewer: Well that's another thing I wanted to ask you about. The police report says that you aren't going to school and you are 14 years old.
- Juvenile: (slightly hostile) Where are they getting that?
- Interviewer: That you're 14 years old?
- Juvenile: How does the cop know whether I'm going to school or not?
- Interviewer: Maybe the police interviewed someone at your school. Is it true you don't go to school. (While interviewer asks this, kid turns away from interviewer)
- Juvenile: I go to school.
- Interviewer: So why would they . . . ?
- Juvenile: (interrupting) I was going to school until they locked me up.
- Interviewer: Why would the police officer say that you weren't?
- Juvenile: I don't know. Must be the same reason that he said I was driving the car, I wasn't doing that either.
- Interviewer: Well, this isn't the court hearing about . . .
- Juvenile: (interrupting) What's court social services, anyway? I already told this story . . . I already talked to someone about this. Don't you have that there?
- Interviewer: No, what I've got is the police report, and you've got to get ready for a disposition . . . You've got to get ready so that the judge can make a decision about whether you're going to go to a group home.
- Juvenile: A group home?
- Interviewer: Yes . . .
- Juvenile: (interrupting): For what?
- Interviewer: For driving a stolen car.
- Juvenile: My mom wants me home, she says I can come home. She said she only didn't take me last time to scare me. But she wants me home so I'm going home next time. I'm not going to no group home. That doesn't make any sense.

- Interviewer: Well, it might make sense to the judge, who wants to stop young people from driving stolen cars, which can be very dangerous. Being out after curfew, driving a car that isn't yours, someone can get hurt. Did you think about that?
- Juvenile: No, no one got hurt. Besides the car wasn't stolen, it was my friend's car, we had the keys.
- Interviewer: What the people in your neighborhood are worried about . . .
- Juvenile: (interrupting): What people?
- Interviewer: Any person who might have been hurt because you were driving a stolen car, and the person who owned the car . . .
- Juvenile: (interrupting): Why do you keep saying I was driving? Who you going to believe? Can I see that? What's it say I was driving? What kind of car does it say?
- Interviewer: Well, let me see . . .(as she looks over police report). Well, I can't really . . .
- Juvenile: (interrupting) Because if it says a Toyota, that wasn't me.
- Interviewer: Well I can't really make it out. I can read the day of arrest, and the offense, which is driving a stolen car.
- Juvenile: All I know is that I should be going home. I don't know what you're talking about, I already talked to someone about this.
- Interviewer: And going back to school?
- Juvenile: What do you mean, going back?
- Interviewer: The police officer says you weren't attending school when you got arrested at 3:00 in the morning.
- Juvenile: (slightly hostile tone) He's not my teacher, he doesn't know. You should talk to my teacher. Talk to Mrs. Smith, she'll tell you I was there.
- Interviewer: The day before the stolen car . . .
- Juvenile: (interrupting) I was there that day too. What day was that?
- Interviewer: November 1st.
- Juvenile: Yeah, I was there that day too.

**Cellblock Interview of Adolescent-Respondent
by Defense Attorney in Preparation for Initial Hearing
Version #1**

(Note to trainers: the actors enacting this role play should use this script as a guide. It is not intended that they strictly follow the script.)

(Juvenile sits at a table and rests his head on the table. He looks tired and scared. Lawyer rushes in, sits next to the juvenile, and starts asking him questions.)

Lawyer: (fumbling through briefcase) Lock-up number 10?

Juvenile: Yeah.

Lawyer: You're number ten, right?

Juvenile: Right.

Lawyer: Okay. This is my card. (Drops card on the table) Blair Brown's my name, and I'm going to be your lawyer, okay? Now, we don't have much time to talk, alright? So you're going to have to answer all the questions I have, okay? I really want to get you out, but we don't have much time, okay? Alright. What's your name?

Juvenile: William, William Jackson.

Lawyer: William Jackson. What's your date of birth?

Juvenile: 1-19-84

Lawyer: How old's that make you?

Juvenile: 15

Lawyer: Now don't worry about what's going to be happening in court today, okay? That's what I'm going to be worrying about.

Juvenile: I've got to worry.

Lawyer: Well, what I mean is, don't open your mouth. Let me do all of the talking. And don't worry about what's going on because I'm the one who's going to be dealing with all of that. Okay?

Juvenile: Yeah, okay.

Lawyer: Alright, alright, umm, now what's your parents' names?

Juvenile: Do I have to tell you? I don't want to get my family in this.

Lawyer: (appearing annoyed) Well, look, if we're going to get you out of here today you're going to have to cooperate. And I really do want to get you out of here. But I need to know the names of your parents because its important to get your parents down here.

Juvenile: My father's deceased.

Lawyer: Your father's dead. Alright. What about your mother?

Juvenile: Melvern Jackson.

Lawyer: What's her name?

Juvenile: Melvern Jackson . . .

Lawyer: How do you spell Melvern?

Juvenile: M-e-l-v-e-r-n

Lawyer: Okay. What's her phone number?

Juvenile: 882-1904

Lawyer: Is she going to be home if I call her right now?

Juvenile: She could. She might.

Lawyer: (appearing annoyed and serious) Where else would she be if I called her right now? I need to get in touch with her.

Juvenile: At work.

Lawyer: What's her work phone number?

Juvenile: You want it?

Lawyer: Yeah, I need it, I need it. We're going to get you out of here, okay? I need this information.

Juvenile: Okay. 312-0160.

Lawyer: Where's she work at?

Juvenile: UVC

Lawyer: She know you're here?

Juvenile: I don't know.

Lawyer: Well, I'm going to tell her you're here. Okay?

Juvenile: (in a concerned tone of voice) You don't have to tell her.

Lawyer: Well, I have to tell her. Because we have to get you out of here and the only way to get you out of here is to get your mother here.

Juvenile: Alright. As long as you don't tell my stepfather.

Lawyer: (appears surprised) Oh, you also live with a stepfather?

Juvenile: Yeah.

Lawyer: What's his name?

Juvenile: I don't like to discuss it.

Lawyer: Well, I got to have this information to get you out of here. What's your stepfather's name.

Juvenile: His name's Bill Martin.

Juvenile: Bill Martin? He lives at the same phone number?

Juvenile: Yeah.

Lawyer: Well, if I can't reach your mother, I'm going to get him down here. Okay?

Juvenile: If you got to do that.

Lawyer: You got any brothers and sisters?

Juvenile: Yeah.

Lawyer: (still rushing through the questions) What are their names and how old are . . . Well I don't have time to go into that . . . Umm, now you don't have any prior convictions, right?

Juvenile: No, I don't.

Lawyer: (in a suspicious tone) Alright, well, I know that's what your saying, but the computer says that you do have prior convictions. (In an annoyed tone of voice) Now look, if I'm going to get you out of here, you're going to have to tell me the truth about everything. Alright?

Juvenile: Yeah.

Lawyer: And if you tell me that you don't have prior convictions when you have prior convictions, it's not going to help at all because I'm going to get up there and not

- think you have any prior convictions. The computer says that you have priors, and I just want to confirm that. Now you do have prior convictions, right?
- Juvenile: No, I don't. The computer made a mistake.
- Lawyer: (in a sarcastic and annoyed tone) Oh, the computer made a mistake? Well, I've been dealing with that computer a lot and I've never heard of it making a mistake.
- Juvenile: It did.
- Lawyer: Okay, the computer made a mistake. Well, anyway, we'll deal with that at the hearing. Umm, the other thing that's important in getting you out of here, besides your parents being here, is you going to school. If you're going to school, you have a better chance of getting out. So you are going to school, right?
- Juvenile: Yeah.
- Lawyer: What school you go to?
- Juvenile: Draper High School.
- Lawyer: Draper?
- Juvenile: Yeah. What you going to call my principal or something?
- Lawyer: Well, no because you tell me that you been going to school everyday. And I don't want to tell that principal anything. Umm, but you're not involved in any sort of activities at school, right?
- Juvenile: No, it don't interest me.
- Lawyer: Okay. And you're not working anywhere, right?
- Juvenile: No.
- Lawyer: Okay. Now, I want to talk about what went down when this robbery occurred. You're charged with a robbery and, you know, if I'm going to help you get out of here, I'm going to need to know what I'm dealing with. I'm going to need to know the sorts of things the cop is going to say, so you tell me, when you were taking that purse from the lady, exactly what happened?
- Juvenile: Well, while the police were taking me over to the car, the lady was complaining to him. She said I grabbed her and took her purse and started running. That's what she said...
- Lawyer: (interrupts) Right. When you took the purse, what direction were you coming from?
- Juvenile: I don't know. I didn't even pay attention to that.

Lawyer: Okay.

Juvenile: (in a concerned tone) Hey, my jacket. You know, they got my jacket. You know, my jacket cost a lot of money.

Lawyer: Right.

Juvenile: I'd like to see my jacket back.

Lawyer: We really don't have time to be dealing with your jacket. What we really need to deal with is what went down when this robbery occurred.

Juvenile: That's a Polo Jacket- Ralph Lauren, okay?

Lawyer: (in a sarcastic tone) Well it may be the world's most expensive jacket but what's important is not your jacket, alright? What's important is getting you out of here.

Juvenile: Yeah, okay.

Lawyer: Alright, so lets get back to what happened when you committed this robbery. Do you think the lady got a good view of you?

Juvenile: No, she didn't because she said she saw my arms.

Lawyer: (in an annoyed tone) Well, I don't want to know what she said. I want to know what you think was going on.

Juvenile: No . . .

Lawyer: You don't think she got a good view of you when you were ripping off her purse?

Juvenile: (interrupting) Not at all. Not at all.

Lawyer: Now, you didn't make any statements to the police about what happened, right?

Juvenile: No.

Lawyer: Good. We're starting from a good position if you didn't make any statements to the police. Now, you don't have any problems with drugs, right?

Juvenile: You supposed to ask this?

Lawyer: Well, if you don't have any problems with drugs, it's going to help you get out.

Juvenile: (Interrupting) Well, I smoke here and there.

Lawyer: Well, what do you mean "here and there"? Do you use drugs a lot?

Juvenile: It's not no habit or anything. I use it to have a good time.

Lawyer: Like everyday?

Juvenile: No, every other day.

Lawyer: (appearing annoyed) Well, it sounds like a problem to me. I think that to help you out, I'll raise this at the hearing . . .

Juvenile: (interrupting) I'm doing fine right now.

Lawyer: (interrupting) No. No. I want to help you out so at the hearing, I'll raise this drug problem with the judge and try to get him, as a condition of you getting out of here, to get some treatment in a drug program, to make it part of the order. And that'll help you out.

Juvenile: Alright

Lawyer: Good.

Juvenile: Where will it be? Do I have to catch the bus or anything?

Lawyer: (appearing annoyed) Don't worry about these details. We don't have time to talk about these details. I want to get you out of here.

Juvenile: Okay.

Lawyer: Alright. Look, we don't have anymore time, and I've covered all the important points, so I'm just going to go. I'll see you in court. Okay.? Bye-bye.

(Lawyer rushes out of the door.)

Juvenile: Hold on for a minute. Excuse me?

**Cellblock Interview of Adolescent-Respondent
by Defense Attorney in Preparation for Initial Hearing
Version #2**

(Note to trainers: the actors enacting this role play should use this script as a guide. It is not intended that they strictly follow the script.)

(Juvenile sits at the table appearing tired and scared. Lawyer walks in calmly and sits next to the juvenile).

Lawyer: William Jackson?

Juvenile: Yeah.

Lawyer: (in a friendly tone) Hi, William. How are you doing? My name's Blair Brown. I'm going to be your lawyer. This is my card for you to hold onto. (Hands card to juvenile) Do you go by William or do you go by another name?

Juvenile: My nickname's Potts.

Lawyer: Potts? Do you want me to call you that or do you want me to call you William?

Juvenile: Doesn't matter.

Lawyer: Okay, well, I'll call you Potts. Look, I'm going to be your lawyer, and it's important for you to know that anything that you tell me is just between me and you.

Juvenile: You saying I can trust you.

Lawyer: Well yeah, that's right (smiling). What I'm saying too is that anything you tell me is a secret between me and you. And I can't tell anyone else unless you give me your permission. Okay? Now, I'm going to write down some of the things we talk about today, to help me remember some of the things you told me because they're very important.

Juvenile: Okay.

Lawyer: How are you feeling?

Juvenile: Fine. Worried.

Lawyer: Worried? Well, unfortunately, we don't have much time to talk right now. So there's some information about you I'm going to have to get. But we'll have plenty of time after today to sit down and talk a lot more.

Juvenile: Okay.

Lawyer: What's your date of birth, Potts?

Juvenile: 1-19-84.

Lawyer: Okay, I'm going to tell you what is going to happen today so you will know what to expect. Alright? After we talk, at some point this morning, they're going to bring you upstairs, and you'll be put in the courtroom. There's a good chance that they're not going to let me beyond that courtroom to talk to you again. Okay?

Juvenile: Yeah.

Lawyer: And so the first time you'll see me again is when they bring you out in front of the judge. Now, the only thing that the judge is going to decide today is whether or not you're going to get out of here, today.

Juvenile: Am I going to get out of here today?

Lawyer: I don't know. A lot depends on whether I can confirm some of the information that you give me, and a lot depends on what the recommendation to the judge is. I'm going to try as hard as I can to get you out. All I care about is getting you out. And that's what I'm going to be working on today. So when they bring you upstairs and bring you out, it's going to be important what you look like and the sorts of things that you say and do.

Juvenile: Alright.

Lawyer: So I don't want to tell you how to act, but it's real important. When you go in there, take your hat off and keep your hands out of your pocket, and you look at the judge.

Juvenile: (interrupts) I can't chew bubble gum?

Lawyer: No, don't chew any gum. Okay? The judges are very old-fashioned, and they don't like stuff like that. Look at the judge, and its going to be a woman.

Juvenile: One of them . . .

Lawyer: (interrupts) Well, this one isn't so bad. And you say 'yes ma'm,' you know, things like that.

Juvenile: (interrupts) yes ma'm?!

Lawyer: These judges like that. They're going to help you get out. Okay?

Juvenile: Well, I'm not going to say that anyway.

Lawyer: Well, give it a try because it's going to help you out. Once we get up there, there's going to be a report by the social worker. She's going to make a recommendation as to whether or not you're going to get out. And the prosecutor, those are the people who sometimes are trying to lock you up. They'll also ask the judge...

Juvenile: (interrupts) I don't like them. I don't like them.

Lawyer: Yeah, well, that's who we're fighting in this case, but I'm on your side, so we'll be fighting them. Don't say anything to them. And then I'm going to get a chance to say some good things about you. And I'm going to be asking the judge to let you out and let you out today.

Juvenile: Oh, you going to do your best.

Lawyer: Right.

Juvenile: Okay.

Lawyer: And the judge, based on what he hears and also on the stuff about your prior record, is going to make a decision on whether you get out. Now, just in case you don't get out today, they're going to send you over to the Children's Center. And we don't know if that's going to happen yet, so don't get worried and assume that's going to happen because it may not, and I'm going to try to keep that from happening. So if you go to the Children's Center, I'm going to be out there tomorrow to see you and talk about the case.

Juvenile: We're going to go over this again?

Lawyer: Well, some of the information we don't have to go over, but we don't have a whole lot of time to talk about what you're accused of today. That's going to have to wait until later. What's important today is finding out information about you because that's the sort of stuff that's going to help you get out. Okay?

Juvenile: Okay.

Lawyer: Now, what I usually do, even before I meet you, is go upstairs and check to see on what your prior record is because that's real important as far as getting you out, and the computer says you have two prior convictions: one for unlawful entry and one for disorderly conduct. Is that right? Have you been to court here before?

Juvenile: Yes, I have.

Lawyer: It also says you're not on probation anymore. Is that right?

Juvenile: Right.

Lawyer: So do you see a probation officer anymore?

Juvenile: No.

Lawyer: What was your probation officer's name? Do you remember?

Juvenile: Robert Taylor.

Lawyer: When was the last time you saw him?

Juvenile: About a week or so.

Lawyer: Because your probation ended a week ago. Is he going to say good things about you if I ask him a question, you think?

Juvenile: Could.

Lawyer: He might? Okay. The other thing that's really important as far as helping you get out is to make sure that your parents are here. Who are you living with?

Juvenile: I'm living with my mother and my stepfather.

Lawyer: Okay, what's your mother's name?

Juvenile: Lavern Jackson.

Lawyer: Lavern Jackson?

Juvenile: uh-huh.

Lawyer: How can I reach her?

Juvenile: She might be at home or at work.

Lawyer: Why don't you give me both numbers, and I'll try to get a hold of her.

Juvenile: My home number is 592-1905

Lawyer: And work?

Juvenile: 882-3160.

Lawyer: Where does she work?

Juvenile: UVC. If you reach her, its an emergency. O.K.? Because she won't be able to get out of work if it's not an emergency.

Lawyer: Okay. I'll explain what the situation is. Does she know that you're locked up?

Juvenile: Yeah she knows.

Lawyer: Did you talk to her last night?

Juvenile: Yeah.

Lawyer: Did she say whether she was coming down to court or not?

Juvenile: No, she didn't say. She might be there, though.

- Lawyer: In case she can't come, is there any other family member who might be able to come down?
- Juvenile: Probably my sister. (In a concerned tone) Don't call my stepfather.
- Lawyer: Okay. What's your sister's name?
- Juvenile: Shirley Jackson.
- Lawyer: How old is she?
- Juvenile: She's 21.
- Lawyer: How can I reach her?
- Juvenile: She's at work.
- Lawyer: What's her number at work?
- Juvenile: 681-1200
- Lawyer: Okay, and you mentioned your step-father.
- Juvenile: Yeah.
- Lawyer: What's his name?
- Juvenile: Bill Martin.
- Lawyer: Why don't you want to me to call him?
- Juvenile: He... Me and him don't get along. I had a problem with him.
- Lawyer: Okay. That's something that, if you want, you and I can talk about and I want to be able to resolve that. Unfortunately, we don't have time to go into that now. But you and I can talk about that and maybe we can try to get help for both of you. Are you going to school right now?
- Juvenile: Yes.
- Lawyer: What's the name of your school?
- Juvenile: Draper High School.
- Lawyer: Now, the social workers are going to check on whether you're going to school or not so if I call the school, what do you think they're going to tell me? Do you think they'll say you're there everyday?
- Juvenile: Not everyday but I come.

Lawyer: What do you think they'll say about how often you go?

Juvenile: Yeah, I go about three times a week.

Lawyer: You have any teachers who, if I call, will say good things about you?

Juvenile: No, none of them like me.

Lawyer: Any counselors?

Juvenile: Ms. Davidson.

Lawyer: Would she say good things about you if I called her?

Juvenile: Yeah, me and her get along okay.

Lawyer: Are you involved in any sort of activities at school?

Juvenile: No.

Lawyer: Sports or anything?

Juvenile: No.

Lawyer: Do you work anywhere right now?

Juvenile: No, nowhere.

Lawyer: Alright, we don't have a whole lot of time today to go into what you've been charged with and exactly what happened, but you are accused of robbery of taking a lady's purse. And what I want to talk to you about in the few minutes that we have is what happened when you were arrested. Okay. Just tell me what you were doing when the cops came to pick you up.

Juvenile: Like I said, while I was coming over to the car, the lady was complaining to the cops. She said that I put my hands inside her car and reached for her pocketbook.

Lawyer: Okay. Let me just stop you for a second. When did you hear her saying this?

Juvenile: While the cop was taking me over to the car. I was handcuffed.

Lawyer: Okay, so you heard the lady say that somebody's hand or arm came through the window.

Juvenile: Yeah.

Lawyer: Of the car?

Juvenile: Uh-huh.

- Lawyer: Let's step back just a couple of minutes, and tell me what you were doing when you were arrested.
- Juvenile: I was out on the streets just having fun.
- Lawyer: Okay, where was this?
- Juvenile: Umm. 8th Street and South East
- Lawyer: And what happened?
- Juvenile: Well, I was over there playing ball with my friends. Police just came over and picked me up.
- Lawyer: Was anybody else arrested with you?
- Juvenile: No. Nobody.
- Lawyer: Did you tell the police anything?
- Juvenile: No, I was waiting for a lawyer.
- Lawyer: Okay. Do you remember filling out that little card?
- Juvenile: Yeah, I remember.
- Lawyer: Do you remember how you answered it?
- Juvenile: (sounding annoyed) No, I don't care.
- Lawyer: (appearing surprised) You don't care how you answered it?
- Juvenile: Yeah, that's what I said. I don't care because I think that was wrong what they did.
- Lawyer: Okay. We're going to have to go into what exactly went down when you were arrested a lot more when I learn more about the case next time we talk. Now, there's good chance that the police officer who arrested you will take the stand at the detention hearing and say some things. And some of them might not be true . . .
- Juvenile: (interrupts) A lot of them won't be true.
- Lawyer: Okay, and you're going to have to be tough in there, and even though that cop is lying, you're just going to have to let him talk and not get angry. It's going to be hard to do, but we're going to be real cool. And I know you're going to want to also tell your side of what happened, but today's not the day for that. It'll only come back to hurt us if you got up there and start talking about your story about just walking around.

Juvenile: Right.

Lawyer: So we're going to use this and try to find out as much as we can about their case. OK? Now, one thing that's going to be important is exactly what you look like today.

Juvenile: You're in front of me. You can tell.

Lawyer: Well, I can't see everything. I can see you have on a white cap. Did you have all this on when you were arrested?

Juvenile: Yeah.

Lawyer: Okay, did you have anything else on that you don't have now.

Juvenile: (sounding concerned) Umm, they took my jacket.

Lawyer: A jacket?

Juvenile: A Ralph Lauren jacket.

Lawyer: A Ralph Lauren jacket? What color was it?

Juvenile: Blue. It was very expensive.

Lawyer: Okay, did they give you a receipt for that?

Juvenile: No.

Lawyer: Well look, there may be some things I can do to try to get that jacket back. It's possible they're holding it for evidence, and we might not be able to get it until the end of this case. But if they're not, I can semi-investigate it down to the precinct or make some calls to help you get it back.

Juvenile: I'd appreciate that.

Lawyer: Let's get back to what you were wearing. You got a blue shirt on and what color are your pants?

Juvenile: Blue.

Lawyer: You got blue jeans on?

Juvenile: Uh-huh.

Lawyer: Okay, and what about your shoes?

Juvenile: They're sandals.

Lawyer: Sandals?

Juvenile: Yeah.

Lawyer: Okay.

Juvenile: Tell me something.

Lawyer: Yeah?

Juvenile: At court, can you get my parents in?

Lawyer: I'm going to try real hard to get your mother there. If I can't get your mother...

Juvenile: (interrupts) That's all you have to get. Try to get my mother. That's all. Don't worry about anyone else.

Lawyer: If I have a lot of trouble reaching her, it's ok if I get you sister there? It's really important.

Juvenile: Yeah, my sister but not my stepfather.

Lawyer: Okay, not your stepfather. We don't have much time, so are there any other questions that you have before I go?

Juvenile: No, I don't.

Lawyer: Okay, keep your spirits up. (pats juvenile on the arm) Alright? Because we have a real good shot at getting you out of here.

Juvenile: I hope so.

Lawyer: Okay. Keep my card. Take care. See you later.

(Juvenile and lawyer shake hands)

Juvenile: Alright.

Lawyer: OK. Bye-bye.

Juvenile: Nice talking to you.

APPENDIX B

SMALL GROUP EXERCISE WORKSHEET

Critiquing Adult-Juvenile Interviews in the Juvenile Court System

Answer the following questions about the interview/discussion that you just witnessed:

1. How did the interviewer start the interview/discussion? How, if at all, did interviewer convey the purpose of the interview/discussion to the young person?

2. How would you describe the young person's demeanor during the interview/discussion (i.e., uncooperative, cooperative, hostile, friendly)? To what extent, if at all, do you attribute the young person's overall demeanor during the interview to the following factors: the interviewer's technique; the current situation s/he is in; the young person's own disposition/personality.

3. (If the young person appeared hostile in the interview/discussion): How, if at all, did the interviewer attempt to defuse the young person's hostility?

4. (If the young person appeared not to be paying attention to the interviewer): How, if at all, did the interviewer attempt to capture the young person's attention?

5. What questions/concerns did the young person express during the interview/discussion? How, if at all, did the interviewer address these questions and concerns?

6. Did the young person become emotional during the interview/discussion? How, if at all, did the interviewer respond to the expressed emotions?

7. Analyze the composition of the interviewer's questions. Did the interviewer ask any:

- leading questions?

- questions that required only a yes-or-no answer? If so, did the interviewer ask any follow-up questions to elicit more information?

- questions that sounded judgmental (either in language or tone).

8. How would you reword these questions to get the necessary information?

9. Describe the young person's body language during the course of the interview/discussion. What, if anything, did the young person's body language indicate to you about his/her feelings about the interviewer? About the subject of the interview/discussion?

10. Describe the interviewer's body language. What, if anything, did the interviewer's body language indicate to you about his/her feelings about the young person? Did the interviewer make eye contact with the young person?

11. What conclusions, if any, did you draw about the young person from the interview/discussion? (If juvenile was defendant in juvenile court proceeding): Did you make any assessment about the young person's amenability to treatment based on the interview?

12. How, if at all, did the interviewer react to any unexpected information that came out during the interview?

13. Describe any other poor interview techniques you observed. What would you have done differently and why?

14. Describe any other good interview techniques you observed.

APPENDIX C

INSTRUCTION SHEETS FOR INTERVIEW ROLE PLAYS

The following instruction sheets are included in this appendix:

1. Instruction Sheet for State's Attorney/Interviewer for James Branch interview.
2. Instruction Sheet for Public Defender/Interviewer for James Branch interview.
3. Instruction Sheet for James Branch.
4. Instruction Sheet for State's Attorney/Interviewer for Tamykia Stevens interview.
5. Instruction Sheet for Tamykia Stevens.
6. Instruction Sheet for State's Attorney/Interviewer for Maria Flores interview.
7. Instruction Sheet for Maria Flores.
8. Instruction Sheet for State's Attorney/Interviewer for Angela Sutton interview.
9. Instruction Sheet for Angela Sutton.

Role Play of Interview of James Branch

Instruction Sheet for State's Attorney/Interviewer

You are the prosecutor assigned to the case of People v. Michael Porter. Mr. Porter, age 22, is charged in the stabbing death of a 19-year-old male named Pernell Jones. According to police reports, James Branch, a 14-year-old male, was a witness to the stabbing. James is coming into your office today for an interview. You are preparing to bring the case to the grand jury for an indictment. Your purpose in this interview is to determine what James Branch witnessed and whether you will have him testify before the grand jury.

You know the following information from the arrest report and a brief phone conversation with one of the investigating detectives: On XYZ date, a Monday, the police were called to the Riverside Hospital about a possible homicide. Uniformed officers responded to the call. When they arrived at the emergency room at approximately 6:00 PM, hospital personnel informed them that Pernell Jones had been brought to the ER by two teenage boys; the boys were being held by the hospital security guard in the ER waiting room. One of the boys was James Branch. James told the officers that they had been at a party at someone's house that afternoon when Michael Porter took a knife from his jacket and stabbed Pernell Jones. James did not know Michael's address but said that he lived in an apartment somewhere on 17th Street off of Castor Avenue near a 7-11 convenience store. James also told the police that the party was at the house of a girl named Chantel. James said he didn't know Chantel's last name; he just went to her house with Freddy when they heard there was a party. James gave police general directions to Chantel's house. Except for Pernell, Michael, and Freddy, James did not know anyone else at the party. James and Freddy had driven the wounded Pernell to the ER in Freddy's car. Pernell died shortly after they arrived at the ER. Freddy (full name Federico Alvarez) gave the officers basically the same story.

The police located Michael Porter later that evening, and arrested him. He refused to give a statement. Police obtained a search warrant for Michael Porter's apartment, but did not find the knife. The police also located Chantel Davis's house; when they were admitted they saw a blood stain on the carpet. Ms. Davis thus far has refused to talk to the police. They have not yet found the murder weapon.

You know from the detective that both Pernell Jones and Michael Porter are drug dealers in the same neighborhood. Pernell Jones has some juvenile adjudications for possession with intent to distribute (PWID) marijuana and cocaine, but no adult arrest record. Michael Porter similarly has a juvenile record of adjudications for drug distribution offenses; at age 18 he was convicted on a PWID cocaine charge and was recently released after serving a three-year prison term. You have no further information regarding the relationship between the different parties involved in this event.

James had one prior arrest for possession marijuana which was not papered, and an adjudication for unauthorized use of a vehicle – passenger. James successfully finished a six-month probation for the UUV charge earlier last year.

ROLE PLAY OF INTERVIEW OF JAMES BRANCH

Instruction Sheet for Public Defender/Interviewer

You are the public defender assigned to represent Michael Porter in the case of People v. Michael Porter. Mr. Porter, age 22, is charged in the stabbing death of a 19-year-old male named Pernell Jones. According to police reports, James Branch, was one of the witnesses to the stabbing. Your client told you that James Branch is a teenager who lives in his neighborhood, and gave you information as to how you could find him. Today you've tracked James Branch down (you found him hanging out in front of a neighborhood grocery store just like your client said he would be), and James has agreed to talk to you. The two of you go to a bench in a park across the street to talk. Your purpose in this interview is to determine what James witnessed in order to assess the strength of the government's case and to figure out a theory of defense.

You know the following information from the arrest report: On XYZ date, a Monday, the police were called to the Riverside Hospital about a possible homicide. Uniformed officers responded to the call. When they arrived at the emergency room at approximately 6:00 PM, hospital personnel informed them that Pernell Jones had been brought to the ER with stab wounds in the chest; Mr. Jones died shortly after arrival. The two teenage boys who brought Mr. Jones to the hospital – James Branch and Federico Alvarez, both age 14 – told police that they had been at a party that afternoon when Michael Porter took a knife from his jacket and stabbed Mr. Jones. Later that evening, police located Michael Porter at his home at 134 17th Street, Apt. 3E, where they arrested him. Mr. Porter did not give a statement. Later the police obtained a search warrant and searched Mr. Porter's house, but they did not find any evidence to the stabbing. Police also later determined that the stabbing took place in the home of Chantel Davis at 341 Castor Avenue; when the police went to that address they saw a blood stain on the carpet. The police have not found the murder weapon.

You checked the court records, and Pernell Jones has no adult record. Because James Branch and Federico Alvarez are both juveniles, you were not able to access their court records; you have no idea whether either of them has a juvenile record. Your client Michael Porter has a juvenile record of adjudications for drug distribution offenses; at age 18 he was convicted on a PWID cocaine charge and was recently released after serving a three-year prison term.

You know the following from your client: When your client was recently released from prison, he returned home with hopes of getting back together with his old girlfriend, Chantel Davis. Unfortunately, he found out that Ms. Davis was seeing Pernell Jones. Your client describes Pernell Jones as a neighborhood guy who deals marijuana and sometimes cocaine; both James and Freddy work for him. Mr. Porter still decided that he wanted to approach Chantel Davis to see if they had any chance. About a week before the stabbing, Mr. Porter saw Ms. Davis on street near her home; he approached her and they began talking. While they were talking, Mr. Jones came up, pushed your client, and told him to stay away from Ms. Davis. The two "exchanged words" and at one point Mr. Jones patted his coat pocket and indicated verbally that he carried a gun. Your client left the area, but a few days later (the day of the stabbing) he saw Ms. Davis again on the street. Ms. Davis invited your client (continued on next page) to her house later that day. But when he arrived there, he was surprised to find a house full of people including Mr. Jones. Mr. Jones shouted at your client, and made a move towards his pocket. Your client, believing that Mr. Jones was reaching for his gun, took out his pocket knife

and lunged at Mr. Jones' chest. When Mr. Jones fell to the floor, your client ran out of the house in a panic. The police later found him in his family's apartment and arrested him.

ROLE PLAY OF INTERVIEW OF JAMES BRANCH

Instruction Sheet for James Branch

You are playing the role of James Branch. Today you are going to be interviewed by a state's attorney about the stabbing of Pernell Jones by Michael Porter. You received a subpoena to testify before a grand jury, but the police officer who gave you the subpoena told you that the state's attorney only wants to talk to you today about what you saw. (Alternatively, a man introducing himself as Michael Porter's attorney has approached you on the street. He says that he wants to ask you a few questions about what happened that day, and you've agreed. You go to the bench in a nearby park to talk.)

You are 14 years-old. Feel free to make up any information you want about your family, where (and if) you go to school, what you like to do, etc., if asked by the interviewer. At age 13 you were arrested for possession marijuana, but the charges were dropped. Two months later you were arrested for riding in a stolen car; you were placed on six months probation which you finished last year.

On XYZ date, the following occurred: You and your friend Freddy were hanging out (and cutting school) when Pernell Jones came by and invited you to Chantel's house for a party. Chantel is Pernell's girlfriend and you know her only through Pernell. When the three of you arrived at Chantel's house about six other people were already there, most of whom you know by sight and name but little else. Pernell, Chantel, and the others are a few years older than you and Freddy. Pernell sells cocaine, and on occasion you and your good friend Freddy have helped him with sales. People were drinking beer and passing around some joints, and you joined in. About an hour later, Michael Porter showed up at Chantel's door. You know Michael Porter from your neighborhood; he is around the same age as one of your older siblings. Michael used to date Chantel before he went to prison, and he got out recently. You know from Freddy that Michael threatened Pernell a week earlier if he didn't stop seeing Chantel. When the doorbell rang that afternoon, someone went to open the door. Michael pushed his way through the partially-opened door, went up to Pernell, and stabbed him in the stomach. Everyone ran except for you, Freddy, Chantel and Pernell, who was on the floor bleeding. Pernell carries a gun. You and Freddy removed the gun from Pernell's pocket and gave it to Chantel before you drove Pernell to the hospital. You assume that Chantel hid the gun, but you have not spoken with her since the day of the stabbing. You do not know what Chantel has told the police.

Once you got to the hospital the police came and questioned you about the stabbing. You told the police only minimal information. You told them that you went to Chantel's house with Freddy when you heard there was a party, and that you saw Michael Porter come in and stab Pernell. The only people you knew at the party were your friend Freddy, and Pernell, who's an acquaintance from the neighborhood. You told them where they could find Michael's and Chantel's houses. You didn't say anything to them about how you know Pernell.

(continued on next page)

You're scared of Michael Porter. You saw what he did to Pernell, and that was just because Pernell was dating his old girlfriend. You didn't tell your family that you saw the stabbing or that the police had questioned you about it. Your family would be furious that you were hanging out with Pernell after being repeatedly warned not to do so. You're worried that they won't let you visit your cousins in Atlanta this summer if they find out.

At some point well into the interview, admit to taking the gun off of Pernell and giving it to Chantel (don't admit it right away; let the interviewer work for it). Otherwise feel free to make up any additional information as needed during the interview. Also, you can choose to play the role in the interview however you want. For example, you can be cooperative but confusing in your account of what happened. Or you can completely backtrack on the story you originally told the police and say that you ran into the house when you heard people screaming, you found Pernell already on the floor bleeding, and it was Chantel who told you that Michael Porter had come into the house and stabbed Pernell.

ROLE PLAY OF INTERVIEW OF TAMYKIA STEVENS

Instruction Sheet for State's Attorney/Interviewer

You are the state's attorney prosecuting the case of In the Matter of Marquis Stevens. Marquis, age 16, is charged with simple assault for punching his mother, Angela Stevens. Today is the trial. Mrs. Stevens is in court but she is now refusing to testify. Ms. Stevens says that Marquis has learned his lesson from being in the detention center for the last two weeks, and now he wants him home with her. Mrs. Stevens has brought her daughter, Tamykia Stevens, age 15, to court today. You know that Marquis has been arrested two prior times for beating on his mother, but his mother in the past has refused to pursue the case. This is the closest you've gotten to getting Mrs. Stevens to testify. You know from the arrest reports that Tamykia was a witness to the assault, which took place in the Stevens home. Tamykia is sitting in the hallway outside the courtroom where you are assigned; you escort her to a witness room to talk. You have about 10 minutes to figure out if Tamykia would be a good witness and, if she would be, to encourage her to testify against her brother.

You know the following information from the case file and from a conversation with a counselor from the local Victim Services Agency (VSA) who accompanied Ms. Stevens to court today: On XYZ date, at approximately 9:30 PM, police received a 911 call from a neighbor stating that there was a domestic disturbance at 384 Eagleton Road, Apt. 1E. When police arrived on the scene, Mrs. Stevens answered the door. Mrs. Stevens was bleeding from her nose, which was swollen. Mrs. Stevens told the officers that her son Marquis had punched her repeatedly in the face before fleeing the apartment, and that she wanted to press charges. Listed as a witness in the arrest report was Tamykia Stevens. The police took Mrs. Stevens to the hospital, where she was diagnosed with a broken nose. Photographs were taken of Mrs. Stevens at the hospital. The police later that night arrested Marquis, who they found at the home of a friend. The police indicated that there was no sign that Marquis was intoxicated at the time.

At the detention hearing, Ms. Stevens said that she didn't want Marquis at home with her; the judge ordered that Marquis be placed in the county juvenile center pending trial. Marquis has no juvenile record except for the two arrests in the last year for assaulting his mother; as noted above, his mother later refused to pursue the charges.

You know from the VSA counselor that Mrs. Stevens has sought their help in the past when Marquis has beaten her. At one point, the agency referred the family to a counselor, but she does not know if they ever followed up on it. The counselor is worried because the abuse is apparently escalating – this is the worst that Mrs. Stevens has been injured since VSA began working with her about a year ago. As far as the counselor knows, Marquis has never hurt or threatened Tamykia.

ROLE PLAY OF INTERVIEW OF TAMYKIA STEVENS

Instruction Sheet for Tamykia Stevens

You are playing the role of Tamykia Stevens. You are going to be interviewed today by a state's attorney about your brother Marquis Stevens, 16, beating your mother, Angela Stevens, on XYZ date. Your mother decided to press charges and Marquis was arrested and detained at the county juvenile center. Today is Marquis' trial and you and your mother have arrived at court. Your mother, however, is now saying that she doesn't want to go ahead with the trial. She says that Marquis has learned her lesson after being in the detention center for the last couple of weeks and she now wants him home.

You are 15 years-old. You live with your mother and your brother in an apartment in a working-class neighborhood. Feel free to make up any information you want about where you go to school, what you like to do, etc., if asked by the interviewer.

On XYZ date, you were home with your mother at around 9:30 PM when your brother arrived home from work. Marquis has a job at a local hardware store, and he helps support your family. He gives money to your mother for food; once in a while he gives you money to buy clothes. When Marquis arrived home he went straight to the kitchen to look for his dinner, which he always does. He came out of the kitchen and starting screaming at your mother, something about not liking the fish cakes she had left for him for dinner. Your mother started yelling back that she wasn't his servant and the next thing you knew, Marquis was punching her in the face. You ran and jumped on Marquis' back and yelled for him to stop, which Marquis did. He then slammed out of the house. You went to get some ice for your mother's face who was hysterical and in pain. You were comforting your mother when the police came to the door, saying that they had gotten a call about a domestic disturbance. Your mother told the police that she wanted to press charges, and you all went to the hospital where you learned that Marquis had broken your mother's nose.

You are really torn up about the situation. Your brother can be really sweet to both you and your mom, and he has never laid a hand on you. He is very generous with his money. You also understand how your brother could be really angry at your mother – before your father left four years ago he used to regularly beat up on Marquis. You suspect that deep in his heart Marquis is angry at your mom for not doing something to stop it. But you are sick and tired of all the fights and the pain. Your brother has hit your mother before, but never this bad. Your mother is backing out of testifying, partly because she needs Marquis' income to support you and herself and partly because she loves Marquis. Marquis called your mother last night from the detention center and you got on the extension to listen without them knowing; Marquis was crying, begging your mother to let him come home and promising never to hit her again. Part of you wants your mother to testify so that Marquis will get sent away. But another part of you misses Marquis and wants him to come home.

ROLE PLAY INTERVIEW OF MARIA FLORES

Instruction Sheet for State's Attorney/Interviewer

You are the prosecutor assigned to the case of People v. Manuel Mendez. Mr. Mendez, age 20, is charged with statutory rape of Maria Flores, age 14. According to police reports, Ms. Flores does not want to cooperate in the prosecution. She is coming to your office today for an interview. Your purpose in this interview is to convince Ms. Flores to testify.

You know the following information from the report filed by Child Protective Services (CPS), the police report, and a conversation with the detective who interviewed Ms. Flores and her parents. On XYZ date during the school day, 14-year-old Maria Flores visited the school-based clinic; she was complaining of nausea and fatigue. After a brief examination, the nurse, Sancha Dorton, discovered that Maria was approximately 15-20 weeks pregnant. Maria did not know that she was pregnant. Upon questioning, she identified her 20-year-old boyfriend, Manuel Mendez, as the father. She begged the nurse not to tell her parents. She reported that her father was very strict, and had forbidden her from seeing Manuel. Maria said she was afraid her father would try to make her have an abortion when he found out.

The same afternoon, Ms. Dorton reported the pregnancy to CPS. An emergency response worker from CPS contacted Maria's parents to arrange for an interview later that evening. During the interview, the worker disclosed the pregnancy to Mr. and Mrs. Flores in their daughter's presence. Mr. Flores became enraged and began cursing at his daughter, calling her a "whore" and threatening to kill her and Manuel. Mrs. Flores remained silent during the entire interview, and simply turned to her husband when the worker asked a question. Maria was unable to respond to the worker's questions. She cried throughout the interview, and was visibly afraid of her father. Concerned about Mr. Flores' threats and Maria's safety, the worker removed Maria from her home and arranged for her to remain temporarily in the local children's shelter.

The worker contacted the police who arrested Manuel after a brief interview. Manuel admitted that he had an intimate relationship with Maria, and claimed that he wanted to marry her. When he learned of Maria's pregnancy, he seemed happy and said he wanted to raise the child with Maria. He was cooperative and polite, and very concerned about Maria's welfare.

A fingerprint check revealed that Manuel was arrested at age 14 for vandalism (graffiti), and completed a community service project. He dropped out of school at age 16, and is currently unemployed. He lives with his mother, who is an invalid. They live off her social security income. Although Manuel has tattoos associated with a local gang, he denies gang involvement and is not known by police as a gang member. The police arrested Manuel and he is in custody awaiting a preliminary hearing on the statutory rape charge.

ROLE PLAY INTERVIEW OF MARIA FLORES

Instruction Sheet for Maria Flores

You are 14 years-old and live with your parents and younger brother. You attend high school and have average grades, although your grades have been slipping this year. Your father is an alcoholic, and is physically and emotionally abusive toward you, your brother, and your mother. Your mother is afraid of your father and is unable to protect you and your brother. You would have run away a long time ago, but you feel that you need to protect your mother and your brother.

You met Manuel Mendez (age 20) over a year ago at a party. You are deeply in love with him, and you want to spend your life with him. He is the first person who has ever really cared for you. Your father has forbidden you from seeing Manuel. Your father says that Manuel is too old for you and accuses Manuel of gang activity. You believe that your father just doesn't want you to be happy. He doesn't know Manuel and has only met him once.

Manuel is unemployed, but he assures you that he is not a gang member. You believe him. He lives with his mother and can't find work. You have been skipping school and sneaking out at night to see Manuel. You have had sexual relations with him several times over the last several months. He has asked you to marry him and promises to wait for you. You were surprised to learn that you were pregnant because Manuel had assured you that he had timed your sexual encounters to avoid pregnancy. Because he is older and more experienced, you trusted his judgment. You want to have the baby and raise it with Manuel.

You are relieved to be away from your father, and you spend your time fantasizing about marrying Manuel and raising your child together. You would do anything to protect Manuel, and you refuse to cooperate with his prosecution.

Feel free to make up any additional facts about your life or the events in question as needed during the course of the interview.

ROLE PLAY OF INTERVIEW OF ANGELA SUTTON

Instruction Sheet for State's Attorney/Interviewer

You are the prosecutor in the case of People v. James Nelson. Mr. Nelson, age 38, has been charged with sexual abuse of his 13-year-old niece, Angela Sutton. Angela, who has already been interviewed by the school principal, a Child Protective Services worker, and a forensic interviewer is coming with her mother to your office for an interview. Your purpose in this interview is to determine whether you have enough evidence to prove the charges and to determine whether Angela is able to testify effectively.

You know the following information from a report written by the forensic interviewer and a brief telephone conversation with Angela's mother. On XYZ date, Angela disclosed to a friend that her uncle Jim had been sexually molesting her since she was 9 years-old. The friend told her mother, who reported it to Angela's teacher. The teacher notified the principal, Mr. Thomas, who questioned Angela. At first, Angela denied that anything had happened, and then dissolved into tears, saying she was too embarrassed to talk about it.

Mr. Thomas called Child Protective Services, and a social worker interviewed Angela and her parents that evening at their home. Again, Angela initially denied that anything happened and accused her friend of making the whole thing up. With prodding from the worker, however, she eventually confirmed that Uncle Jim had "touched her privates with his privates," although she had trouble providing details. Angela's parents seemed suspicious of her, and asked her repeatedly if she was just trying to get attention. Mrs. Sutton, in particular, seemed protective of her brother and unable to believe that he was capable of sexual abuse. She kept saying that the whole thing was a misunderstanding.

CPS arranged for a forensic expert to interview Angela on tape. The interview was observed by a police detective and a developmental psychologist who were seated on the other side of a one-way mirror. Angela again confirmed that her uncle had "touched her privates." She said that it happened more than 10 times and convincingly described where the incidents took place. However, she was too upset and embarrassed to describe exactly what the uncle had done to her. She also seemed to have some difficulty understanding the interviewer's questions. The psychologist observed that Angela did not seem to have any vocabulary for describing the relevant body parts. The forensic team concluded that Mr. Nelson had molested Angela repeatedly over a four year period. However, they were doubtful about the chances for a successful conviction given Angela's inability to talk about the molest or to provide details.

Angela's pediatrician also conducted a physical examination. The results were consistent with repeated vaginal penetration.

ROLE PLAY OF INTERVIEW OF ANGELA SUTTON

Instruction Sheet for Angela Sutton

You are 13 years old, and live with your younger sister (5 years old) and your parents. You are a reserved child, and you have trouble academically. In particular, you have trouble following verbal directions. You read at a level two years below your grade.

When you were 9 years old, your Uncle Jim started pressuring you to orally copulate him. He told you that you were his favorite child, and that your activities had to be a secret because the other cousins would be jealous if they found out. Although you were resistant at first, you eventually agreed to his demands. You wanted his attention, and you were afraid he'd tell your parents and you would get in trouble. After about a year, he began penetrating you vaginally – first with his finger and then with his penis. You were very resistant, but he told you that he would kill you with his gun if you didn't "cooperate" or if you told anyone. You believed him.

You have tried very hard to act like everything was "normal" because you think the whole thing is your fault, and you know your parents would be very angry at you if they found out. You told your friend, Jackie, when your uncle threatened to "do the same thing" to your little sister if you stopped cooperating.

You regret having told anyone, and you are terrified to help the police put your uncle in jail. You feel guilty and ashamed, and you're afraid the social worker is going to take you away from your family. You're also afraid that your Uncle Jim may come and kill you. Your mother has been crying every day, your father is furious, and your sister is having nightmares. Your parents think you are lying or that you seduced your uncle. You are also extremely embarrassed, and refuse to go to school. You are convinced that everyone knows what you've been doing. You are fairly unsophisticated, even for a 13-year-old, and do not know the terminology for body parts or sexual activities (i.e., you do not know or use words such as copulate, penetration, penis or vagina). You do not want to be interviewed again. The lady from the team told you that, if you told them everything, no one else would have to ask you any more questions. You just want the whole thing to be over with.