

# CONFERENCE ON HANDLING CHILDS EVIDENCE WITHIN THE FRAMEWORK OF A CHILD-FRIENDLY JUSTICE SYSTEM 19. – 20. FEBRUARY 2015 IN TALLINN

## The Timing and Number of Interviews

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Chairman and dear participants,

It would be too easy just to answer: The time from reporting to first interview should not exceed 14 workdays, as stated in the Norwegian law, there should be not more than one interview.

However, already then new questions will rise, for instance rights of the defendant to choose lawyer, which can take some time; who is going to be the judge? In Norwegian judicial system the forensic interviews of children have two main functions or goals:

- Forensic interview is one important step in the investigation of a crime case, conducted in accordance with the rules,
- To be used in court if a person is charged.

However, the main goal, using the children's house, is "the best interest of the child" in accordance with the UN Convention. In that respect, what is the best interest of the child in these matters? That is the basic question.

In recent years the way child interviews are conducted has been changed and improved. The earlier practices can be divided in three phases:

Phase I: In the 1980'ies some judges went home to the child and interviewed the child together with a psychologist, and in the 1990'ies the judge held the interviews at The Children's and Young people's Psychiatric Out-patient Clinic (BUP), conducted by a psychologist.

Phase II: In Norway we got interview rooms located at the police stations or the courts, more or less like the interview rooms we now have in the children's houses: One-way-screen and toys for children to play with. However, the children were sent to different places: to the police, to the hospital and to the children's welfare care service, and so on. We made progress, but at the same time it was not to the best interest for the children!

Phase III: The present status where we have children's houses, with interview rooms adapted to child friendly criteria. The interviews are now carried out in special established children's houses. Specially trained police officers do the interview while a judge and a defence lawyer follow by watching a television in a separate room. The interview is taped and can later be presented in the court.

The timing and the numbers of interview of the same child depend on the question of the best interests of the child. Is it to the best interests of the child to have as short time as possible from the moment the child has told someone about the violence or the abuse until the time when the interview takes place at the children's house? We suppose so.

In Norway we have set a very ambitious 14-day time limit in the law. But why 14 days? It might not be a sensible option in a number of cases, when we know that the police need time to handle the case and the children's house to arrange for the interview. Some police districts have in some cases used more than 2 or 3 months before the interview can take place. In 2013 nearly 2600 interviews were conducted in Norway, and last year approx. 3250 interviews were conducted. Owing to police capacity, for Norway as a whole the average time used in 2013 was 51 days. Similarly, the average time for cases in November - December 2014 was 31 - 32 days.

A strong increase in the number of cases concerning violence directed at family members has taken place in Norway. The need for examinations of children has increased. As a result of that, the routines at Oslo Police Department has changed in order to conduct interviews faster. From an average of 90 days in January – March 2013, the average dropped to 20 days in June and July the same year. Coordinators are appointed at the police stations, and the cooperation with the courts is more efficient.

Question: If the period between the crime and the forensic interview is too long, will people around the child, for instance the parents, the child welfare care, teachers, friends etc., influence the child's answer or information? And would repeated interviews in that respect be lesser useful in the court?

For the time being, we do more of the sequential interviews with the children. And we use interview methods with open questions to get more quality into the interview. This leads to more information in the case. However, it is very important to plan the interviews, conducted by police officers with high level of expertise. This, together with the defendant's rights to cross-examination, represented by the defence lawyer, points in the direction of more than one interview of each child.

Altogether, this will count for using more time on each forensic interview and more resources, - hopefully in the best interests of the children!

Thank you for the attention!